

**PROPOSED AMENDMENTS TO
SENATE BILL 361**

1 On page 1 of the printed bill, delete line 3 and insert “amending ORS
2 517.830.”.

3 Delete lines 5 through 30 and delete pages 2 and 3 and insert:

4 **“SECTION 1.** ORS 517.830 is amended to read:

5 “517.830. (1) Upon receipt of an application for an operating permit, the
6 State Department of Geology and Mineral Industries shall:

7 **“(a)** Inspect the operating site described in the application[.]; **and**

8 **“(b) Provide notice to the local jurisdiction and an opportunity for**
9 **the local jurisdiction to, within 30 days after the date of the notice,**
10 **request that the department delay a decision on an operating permit**
11 **and reclamation plan as provided in subsection (4) of this section.**

12 **“(2)** Within 90 days after the date that the application and the required
13 permit fee are received, the department shall issue the operating permit ap-
14 plied for or, if it considers the application incomplete, return the application
15 to the applicant for correction of the deficiencies indicated by the depart-
16 ment.

17 **“[(2)] (3)** Failure by the department to act upon the reclamation plan
18 submitted with an application for an operating permit within the 90-day pe-
19 riod referred to in subsection [(1)] **(2)** of this section is not a denial by the
20 department of the operating permit applied for. The department, pending
21 final approval of a reclamation plan, may issue a provisional permit subject
22 to reasonable limitations that may be prescribed by the department and

1 conditioned upon the applicant's compliance with the bond and security re-
2 quirements established by ORS 517.810.

3 “[~~(3)(a)~~] **(4)(a)** Notwithstanding subsections [~~(1) and (2)~~] **(2) and (3)** of
4 this section, if an application involves an aggregate site that requires a
5 permit issued pursuant to ORS 215.427 or 227.178, and if the local jurisdiction
6 requests that the application not be decided until the local jurisdiction has
7 taken final action, the department shall make a final decision on the oper-
8 ating permit and reclamation plan no later than 165 days after the date a
9 complete land use application is submitted to the local jurisdiction, unless
10 the applicant agrees to allow additional time under ORS 215.427, 215.429,
11 227.178 or 227.179. If a plan amendment is required as part of issuance of a
12 permit, the provisions of paragraph (b) of this subsection apply. The depart-
13 ment may not approve an operating permit and reclamation plan if the land
14 use application is denied.

15 “(b) Notwithstanding subsections [~~(1) and (2)~~] **(2) and (3)** of this section,
16 if an application involves an aggregate site that requires amendment to a
17 comprehensive plan, as defined in ORS 197.015, and if the local jurisdiction
18 requests that the application not be decided until the local jurisdiction has
19 taken final action on the plan amendment, the department may not make a
20 final decision on the operating permit and reclamation plan until the local
21 jurisdiction has taken final action on the plan amendment. The department
22 shall make its final decision within 45 days of the date that the local juris-
23 diction has taken final action on the plan amendment. The department may
24 not approve an operating permit and reclamation plan if the plan amendment
25 is denied.

26 “[~~(4)~~] **(5)** Conditions and requirements imposed on an operating permit
27 and reclamation plan, and modifications thereto, issued subsequent to issu-
28 ance of a local jurisdiction permit shall be compatible with the requirements
29 and conditions of the local government permit, unless more stringent re-
30 quirements are necessary to comply with the provisions of ORS 517.750 to

1 517.901.

2 “[5] *If a local jurisdiction does not request that the department delay a*
3 *decision on an operating permit and reclamation plan as provided in sub-*
4 *section (3) of this section, the department shall:]*

5 “[*(a) give the local jurisdiction the opportunity to review and comment on*
6 *the application; and]*

7 “[*(b) notify the local jurisdiction of the decision and requirements and*
8 *conditions imposed by the department.]*

9 “**(6)(a) If a local jurisdiction does not request that the department**
10 **delay a decision on an operating permit and reclamation plan as pro-**
11 **vided in subsections (1)(b) and (4) of this section, the department shall,**
12 **prior to issuing the operating permit, give the local jurisdiction notice**
13 **and an opportunity to provide comments and the following informa-**
14 **tion about the proposed operating permit and reclamation plan:**

15 “**(A) Information about any applicable local land use regulations;**

16 “**(B) Whether the site described in the proposed operating permit**
17 **and reclamation plan is included on a local government inventory re-**
18 **quired by any open spaces, scenic and historic areas and natural re-**
19 **sources land use planning goal;**

20 “**(C) A statement that an application has or has not been filed for**
21 **local approval; and**

22 “**(D) Any other information that the local jurisdiction considers**
23 **pertinent in its review of the application.**

24 “**(b) A local jurisdiction shall respond to a notice provided under**
25 **paragraph (a) of this subsection within 35 days after the date of the**
26 **notice.**

27 “[~~(6)~~ **(7)** *If the department refuses to approve a submitted reclamation*
28 *plan, it shall notify the applicant, in writing, of its reasons for the refusal*
29 *to approve the reclamation plan, including additional requirements as may*
30 *be prescribed by the department for inclusion in the reclamation plan.*

1 Within 60 days after the receipt of the notice, the applicant shall comply
2 with the additional requirements prescribed by the department for the rec-
3 lamation plan or file with the department a notice of appeal from the deci-
4 sion of the department with respect to the reclamation plan. If a notice of
5 appeal is filed with the department by the applicant, the department may
6 issue a provisional permit to the applicant.

7 “[7] (8) If an application is submitted as part of the consolidated appli-
8 cation process under ORS 517.952 to 517.989, review of the application and
9 approval or denial of the application shall be in accordance with ORS 517.952
10 to 517.989. However, the review and approval or denial shall take into con-
11 sideration all policy considerations for issuing a permit under ORS 517.702
12 to 517.989.

13 **“SECTION 2. The amendments to ORS 517.830 by section 1 of this**
14 **2015 Act apply to operating permits applied for under ORS 517.790 on**
15 **or after the effective date of this 2015 Act.”.**

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