

SB 1036 A -A5 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

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Meeting Dates: 5/16, 5/30, 6/1

WHAT THE MEASURE DOES:

Exempts certain activities at landfills from definition of surface mining in ORS 517.750. Excludes excavation or movement of materials at landfill if covered by permit issued by Department of Environmental Quality under solid waste management disposal site statutes or excavation or grading operations necessary for construction and maintenance of utilities, drainage facilities and irrigation facilities if excavated materials are used on site and not sold commercially as aggregate material.

ISSUES DISCUSSED:

- Definition of surface mining
- 2014 McMinnville court decision
- Workgroup held in Senate committee to make adjustments to the bill

EFFECT OF AMENDMENT:

-A5 Removes excavation and movement of materials at irrigation facilities from list of activities exempted from definition of surface mining for purposes of DOGAMI permitting requirements.

BACKGROUND:

Reclamation refers to the process of rehabilitating surface resources in order to minimize the adverse effects of surface mining operations or exploration on land, air and water resources. The reclamation of mined lands is regulated under ORS Chapter 517. Most mines in Oregon are aggregate mines. Aggregate is the main ingredient in concrete and asphalt pavement and is used as a for roads and buildings. The Department of Geology and Mineral Industries (DOGAMI) administers the state's surface mining reclamation program and issues operating permits for material extraction activity that exceeds one acre of disturbance in any 12-month period or 5,000 cubic yards of excavation in any 12-month period.

Senate Bill 1036A would revise the statutory definition of surface mining to exempt from DOGAMI permitting requirements the excavation or movement of materials at landfills covered by a state landfill permit or excavation and movement of materials related to the construction or maintenance of utilities, drainage or irrigation facilities.