

Chapter 517

(Partial)

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Nonaggregate Mineral Surface Mines

517.905 Applicability of ORS 517.910 to 517.989

517.910 Definitions for ORS 517.910 to 517.989

517.915 Additional operating permit requirements for nonaggregate mineral mines; denial of permit if reclamation not possible

NONAGGREGATE MINERAL SURFACE MINES

517.905 Applicability of ORS 517.910 to 517.989. (1) ORS 517.910 to 517.989 only apply to surface mines for nonaggregate minerals that do not have a valid operating permit, a certificate of limited exemption or a certificate of total exemption based on the inactivity of a limited exempt site on August 16, 1981.

(2) ORS 517.910 to 517.989 do not apply to placer mining for gold or silver in which less than 5,000 cubic yards of material per year are extracted. [1981 c.622 §15]

517.910 Definitions for ORS 517.910 to 517.989. For the purposes of ORS 517.910 to 517.989:

(1) Notwithstanding ORS 517.750 (11), “reclamation” means the employment in a surface mining operation of procedures reasonably designed to minimize as much as practicable the disruption from the surface mining operation or surface mining processing operation, including cyanide leaching or any other chemical leaching processing at a processing site removed from the mining site and to provide for the rehabilitation of any such surface resources through the use of plant cover, soil stability techniques, and through the use of measures to protect the surface and subsurface water resources, including but not limited to domestic water use and agricultural water use, and other measures appropriate to the subsequent beneficial use of any land or water resource affected by a surface mining or processing operation.

(2) “Nonaggregate minerals” means coal and metal-bearing ores, including but not limited to ores that contain nickel, cobalt, lead, zinc, gold, molybdenum, uranium, silver, aluminum, chrome, copper or mercury. [1981 c.622 §3; 1987 c.158 §113; 1987 c.693 §5; 1989 c.347 §14; 1999 c.353 §8]

517.915 Additional operating permit requirements for nonaggregate mineral mines; denial of permit if reclamation not possible. (1) In addition to any other provision of law, the State Department of Geology and Mineral Industries shall not issue an operating permit until:

(a) The department has received a reclamation plan that contains but is not limited to:

(A) A description of the proposed mining operation;

(B) A description of what is to be mined;

(C) The present use of the land, the planned subsequent beneficial use of the land and a list of plant species to be established;

(D) The measures that will adequately conserve the quantity and quality of the affected aquifers;

(E) A description of any toxic or radioactive materials known to be present in the ore, spoil, tailings, overburden or any other material involved in the mining operation and their approximate concentrations;

(F) A description of how the materials described in subparagraph (E) of this paragraph will be handled during mining and reclamation;

(G) Environmental baseline information as may be required by the department; and

(H) The name and address of the landowner, the owner of the surface estate, the operator and any parent corporations of the operator.

(b) The department has received a performance bond as it may require.

(c) The department finds that reclamation is possible and that the reclamation plan as approved will achieve the reclamation of affected lands.

(2) The reclamation plan, minus proprietary information, is a public document.

(3) If the department finds that reclamation cannot be accomplished, it shall not issue an operating permit.

(4) The department shall obtain, whenever possible, a list of plant species suitable for reseeding in the area pursuant to a reclamation plan and comments on the feasibility of permanent revegetation from the soil and water conservation district in which the mined land is situated.

(5) The department shall consult with the soil and water conservation district in which the mined land is situated regarding the feasibility of reclamation, with particular attention to possible impacts on ground water aquifers. [1981 c.622 §§4,5,9; 1985 c.292 §18; 1987 c.361 §3]

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