

517.753 Exclusion certificate required for certain small-scale surface mining operations; application; fees. (1) Notwithstanding the yard and acre limitations of ORS 517.750 (16), a person must obtain an exclusion certificate from the State Department of Geology and Mineral Industries to engage in surface mining that results in the extraction of 5,000 cubic yards or less of minerals or affects less than one acre of land within a period of 12 consecutive calendar months. Except as provided in ORS 517.755, a mining operation subject to a valid exclusion certificate is not subject to the operating permit or reclamation requirements set forth in ORS 517.702 to 517.989.

(2) A person shall submit an exclusion certificate application on a form provided by the department, accompanied by a fee not to exceed \$400. If the department does not approve or disapprove the application within 90 days after the date the application is filed with the department, the application shall be deemed approved.

(3) Each holder of an exclusion certificate shall annually pay to the department a renewal fee of \$150, accompanied by a description of:

(a) The amount of minerals extracted pursuant to the certificate during the previous 12 months;

(b) The total acreage of surface disturbance by the mining operation as of the date that the renewal is submitted; and

(c) Any additional information required by the department to determine that the mining operation continues to qualify for an exclusion certificate. [2015 c.834 §2; 2017 c.736 §12]

Note: 517.753 was added to and made a part of 517.702 to 517.989 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.