
EXHIBIT 7

COLUMBIA COUNTY

SURFACE MINING

ORDINANCE

Adopted by Ordinance No. 90-11 on June 20, 1990

Amended by Ordinance No. 92-8 on September 30, 1992

Amended by Ordinance 95-8 on November 1, 1995

Amended by Ordinance 96-1 on February 23, 1996

Amended by Ordinance No. 96-2 on September 4, 1996

Amended by Ordinance 2001-3 on March 14, 2001

Amended by Ordinance 2001-4 on March 14, 2001

[Integrated on April 23, 2001]

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ARTICLE V. OPERATING PERMITS.

Section 5.1. Permit Required.

Except as otherwise provided by Articles III and IV of this ordinance, surface mining is prohibited at all surface mining sites in Columbia County, unless the landowner or operator has a valid, current operating permit from the Board for such surface mining site. A separate permit is required for each separate surface mining site. Prior to receiving an operating permit the landowner or operator must submit an application on a form provided by the Administrator that contains information considered by the Administrator to be pertinent to the review of the application, including, but not limited to, the information required by Section 5.3 below. Except as otherwise provided herein, in order to maintain an operating permit, the landowner or operator must comply with Articles V, VI, VII, VIII and IX of this ordinance.

[Enacted by Ordinance No. 90-11]

Section 5.2. Permit, Certificate and Inspection.

(1) Each application for a new operating permit or Limited Exemption Certificate shall be accompanied by an application fee in an amount set by order or resolution of the Board of County Commissioners. Each application for renewal of an operating permit or Limited Exemption Certificate shall be accompanied by a renewal fee in an amount set by order or resolution of the Board of County Commissioners. The Administrator shall also charge an amount set by order or resolution of the Board of County Commissioners for inspections made at sites:

- (a) Where surface mining was conducted without the permit or certificate required by this ordinance;
- (b) Where surface mining has been abandoned; or
- (c) Where surface mining was conducted in an area not described in the permit or certificate.

(2) Permit, certificate and inspection fees are not refundable. The holder of an operating permit or Limited Exemption Certificate must pay all fees in arrears, including regulatory and depletion fees, and any accrued interest, before a new permit or certificate may be issued.

[Enacted by Ordinance No. 90-11; Amended by Ordinance No. 92-8; Amended by Ordinance No. 96-2; Amended by Ordinance No. 2001-4].

Section 5.3. Application.

Applications for operating permits for surface mining shall include, or be accompanied by, the following information or items and whatever additional information the Administrator requires or the applicant deems relevant:

(1) The names and addresses of the landowner, the operator, any persons designated by them as their agents for service of process, any parent corporations of the landowner and/or operator, and the owners of all surface and mineral interests of the surface mining site;

(2) The size and legal description of the proposed surface mining site and surface mine;

(3) Vertical aerial photographs of the proposed surface mining site, to a scale of at least 1 inch to 200 feet, accurately representing the condition of the site at the time the application is made, and accompanied by a signed statement that the photographs do represent that condition;

(4) A reproducible boundary map of the proposed surface mining site and surface mine drawn on an assessor's map or its equivalent or on an overlay for the photographs;

(5) Identification of all existing and proposed access roads to be constructed in conducting the surface mining and any other roads that lead from public thoroughfares to the proposed surface mining site;

(6) One or more transparent overlays showing:

(a) Areas for settling ponds and washing plants;

(b) Areas for processing and stockpiling;

(c) Areas for facilities for resource-related operations;

(d) Areas for excavations; and

(e) Locations of buildings and other structures;

(7) A statement from the landowner or operator or the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years.

(8) A general description of the modes of excavation, the types of equipment to be used, and the disposition of the overburden;

(9) The starting date for the surface mining;

(10) The expected date of completion at the surface mining site;

(11) The modes of controlling contaminants and disposing of surface mining refuse;

(12) An erosion control plan detailing ground cover plantings and other modes of controlling erosion of surfaces affected by the surface mining;

(13) A plan for visual screening by vegetation or otherwise that will be established and maintained on the surface mining site for the purpose of screening such site from the view of persons using adjacent public highways, public parks and residential areas;

(14) In case the applicant does not own the site on which, or minerals for which, the surface mining is to take place, the written consent of the landowner for the mining, the landowner's written acknowledgment of the landowner's obligation to reclaim the site after the mining ceases, and the landowner's written consent for the county to impose on the land, if necessary, as security, a lien for any expense the county incurs in reclaiming the site;

(15) A reclamation plan meeting the requirements of Article VI;

(16) Financial security meeting the requirements of Article VII; and

(17) Proof that local land use regulations have been complied with.

[Enacted by Ordinance No. 90-11]

Section 5.4. Review.

The Administrator shall review the operating permit application and the accompanying reclamation plan. The Administrator shall evaluate each application for an operating permit and proposed reclamation plan on the basis of his or her own information and information provided by private persons, by county, state and federal agencies, and by the Committee. The Administrator may require additional information and changes in the reclamation plan before deciding whether to recommend issuance of the permit. The Administrator shall determine initially, subject to review by the Board, the amount of financial security required. The Administrator shall also, after notice to the landowner or operator, make an inspection of the proposed surface mining site. A copy of the inspection report shall be given the landowner, operator, Committee and the Board. If the Administrator finds, after consultation with the Committee, that the surface mining and reclamation plan proposed will be in compliance with this ordinance, he or she shall recommend that the Board approve the application for an operating permit. If he or she finds, after consultation with the Committee, that the surface mining and reclamation plan proposed will not be in compliance with this ordinance, he or she shall recommend that the Board deny the application for an operating permit. The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner and/or operator related to surface mining in determining whether an operating permit should be issued. If an application for an operating permit is denied by the Board, the applicant may request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

[Enacted by Ordinance No. 90-11]

Section 5.5. Renewals.

Prior to the 2001-2002 fiscal year, each operating permit for surface mining shall expire on June 30 of each fiscal year. Except as expressly provided below no surface mining shall continue on the surface mining site until the permit has been renewed. The landowner or operator must renew the permit annually. As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule by June 1 of each year prior to the renewal date. The landowner or operator must pay the established annual renewal fee and file the renewal application on or before June 15 of the year the permit expires. The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or

removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. If there is a change in the surface mining activities and/or reclamation plan, the application shall describe the changes. Any changes are to be acknowledged in writing by the landowner and operator. The Administrator may request information to determine continued compliance with this ordinance. The renewal may be granted annually so long as the landowner or operator maintains the necessary financial security and complies with the conditions of the permit, the reclamation plan, and with this ordinance. The final decision on renewal will be made by the Board. The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner and/or operator related to surface mining in determining whether an operating permit should be renewed. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty (60) days after the denial. If the application or renewal of an operating permit is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

Renewals of operating permits for the fiscal year 2001-2002 and beyond shall be for five-year periods and shall expire on June 30 of the fifth fiscal year after renewal. Except as expressly provided below, no surface mining shall continue on the surface mining site until the permit has been renewed. As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule on or before by June 1 of the fifth year, prior to the renewal date. The landowner or operator must pay the established renewal fee and file the renewal application on or before June 15 of the year the permit expires. The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. If there is a change in the surface mining activities and/or reclamation plan, the application shall describe the changes. Any changes are to be acknowledged in writing by the landowner and operator. The Administrator may request information to determine continued compliance with this ordinance. The renewal may be granted so long as the landowner or operator maintains the necessary financial security and complies with the conditions of the permit, the reclamation plan, and with this ordinance. The final decision on renewal will be made by the Board. The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner

and/or operator related to surface mining in determining whether an operating permit should be renewed. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty (60) days after the denial. If the application or renewal of an operating permit is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

[Enacted by Ordinance No. 90-11; Amended by Ordinance No. 2001-4]

Section 5.6. Existing Mines.

Application for operating permits for existing surface mines with approved reclamation permits under the original ordinance, and review of such applications shall be subject to the transition procedures set forth in Section 2.7(4) above. The Administrator is granted authority, subject to review by the Board, to grant reasonable extensions of time for the preparation and application and review of such operating permit applications as he or she deems to be equitable under the circumstances considering the purposes of this amended ordinance.

[Enacted by Ordinance No. 90-11]