

Professional Services Advisory
Committee
Consideration of Amendments to
Mining Regulations in LDR
Chapters 934 and 971

October 23, 2008

- Moratorium on accepting or processing applications for new mines
 - Address nuisance problems and environmental concerns
- Began January 7, 2008
- Ends January 7, 2009
- Cannot be extended
 - Statewide “aggregate crisis”

- PZC and staff charged with researching issues, reviewing and work-shopping mining regulations
- PZC and staff conducted 1 background meeting, 1 mobile workshop, and 4 public workshops on environmental, traffic/nuisance, compatibility/notice, compliance/enforcement
- PZC made 38 recommendations for mining regulation changes

- PZC recommendations presented to BCC September 16th and October 6th
- BCC agreed in concept to most of PZC's recommendations, with adjustments
- Draft ordinance based on BCC's direction, PSAC to make recommendation to BCC

- LDR amendment timeline
 - October 23rd PSAC
 - November 19th PZC (special night hearing)
 - December BCC (special hearing after 5 pm)

WORKSHOP ITEMS

- Input from experts, residents, the general public, industry representatives
 - AAC
- IRC geology: recoverable materials, confining layer
- IRC mining: materials, scale, duration
- Primary nuisance related to haul truck traffic
- Compliance and enforcement need more teeth

WORKSHOP ITEMS (cont'd)

- Rely on agency expertise but assist with data and monitoring (accept agency format).
- Continue to allow in AG-1, AG-2, and AG-3 areas with special regulations. Factors:
 - what's worked,
 - logistics/costs/impacts,
 - takings challenges.
- Special exception vs. administrative permit with special notice and appeal option.

DRAFT REGULATION CHANGES

- “Non-workshop” changes
 - Incidental to construction (small, medium, and large)
 - Clarify timeframes and procedures
 - Retain basic requirements (specific to size)
 - Single family ponds
 - Retain as “accessory”, no fill off-site
 - Allow pond larger than ½ acre if needed for on-site fill

DRAFT REGULATION CHANGES (cont'd)

- “Workshop” changes
 - Pre-existing mining operations: continue; subject to annual permit, compliance/enforcement, site restoration regulations
 - If new security, follow security criteria
 - New mining operations must follow all regulations

- Procedural Sequence

- (a) Discussion or “pre-application” meeting with SJRWMD.

- (b) Traffic impact methodology meeting with Public Works/Traffic Engineering.

- (c) Site plan pre-application conference.

- (d) Formal site plan submittal.

- (e) Initial TRC review.

- (f) Final TRC review.

- Procedural Sequence (cont'd)
- (g) Planning & Zoning Commission hearing.
 1. Potential appeal to BCC
- (h) Initial annual mining permit.
 1. Annual dry season and wet season inspections
- (i) “Pre-construction”/site work meeting with staff.
- (j) Annual mining permit renewal.
- (k) Site restoration and final inspection/close-out.

- Mining site plan submittal requirements
 - ❖ Groundwater and environmental: centered on SJRWMD, NPDES, DOH
 - ❖ Baseline data
 - ❖ Hydrology report specifications
 - ❖ Ensure county site plans/permit drawings meet agency requirements
 - Alternative not proposed: jurisdictional permits obtained before site plan approval
 - ❖ Infrastructure impacts identified/evaluated up front
 - ❖ Tied to initial submittal or re-submittal

- Special standards
 - ❖ Excavation above confining layer
 - ❖ Deep wells: upgrade, plug, setback
 - ❖ Setbacks from preserved on-site/off-site wetlands, uplands; shallow aquifer public wells
 - ❖ No blasting or active chemical agents
 - ❖ Noise and dust control/bmps
 - ❖ Hours of operation next to ranchettes (existing) applied east of I-95

- Traffic

- ❖ Haul route defined (from site to paved major intersection)
- ❖ Unpaved routes 24' wide, 12" gradable base
- ❖ Paved routes 24' wide, county major road specifications
- ❖ Pave if averaging over 500 haul truck trip ends/day

- Traffic (cont'd)

- ❖ Evaluate LOS using PCEs for haul trucks

- ❖ Limit frequency of haul trucks on haul route:

- 100 trip ends/day (50 outbound/50 inbound)

- Allow exceptions for special/large deliveries with MOT plan

- Compliance & Enforcement
 - ❖ Pre-construction meeting
 - ❖ Updated site plan/sketch at time of annual permit renewal
 - ❖ Wet season and dry season inspections (fee from \$62 to \$360 per year)
 - ❖ Security: updated cost estimates for restoration vs. fixed rate per acre
 - Same form as subdivision maintenance security (cash, escrow deposit, loc, bond AM Best A-VI)

- Compliance & Enforcement (cont'd)
 - ❖ Road maintenance bond forfeited to cover county cost to fix road
 - Forfeited if road not fixed within 15 days of written notice from Public Works
 - ❖ Potential violation with immediate correction: no penalty
 - ❖ Not corrected immediately: “Formal Unresolved Violation”
 - ❖ 2 or more Formal Unresolved Violations: BCC penalty determination hearing

- Compliance & Enforcement (cont'd)
 - ❖ Hearing: notice to owner/operator, owners of adjacent properties
 - ❖ BCC hears evidence, authorized compliance security forfeiture up to \$25,000
 - ❖ If second BCC penalty hearing: forfeit entire compliance security
 - ❖ If third BCC penalty hearing: forfeit all securities (compliance, road, restoration) and terminate permit
 - ❖ After any forfeiture, mining stops until new security posted

- Compliance & Enforcement (cont'd)
 - ❖ Traffic violations for truck drivers constitutes a Formal Unresolved Violation
 - ❖ BCC can require “penalty” of operator to contract for special traffic law enforcement on his haul route

- 971 Changes

- ❖ Remains Administrative Permit Use
- ❖ Clarify mining site access (major road or local road/driveway with user approval)
- ❖ Sites in AG-1, AG-2, or AG-3 only
- ❖ Special and expanded notice for PZC meeting (public input allowed)
- ❖ Appeal fee waived for any appellant