

CHAPTER 400. PERMIT TYPES AND APPLICATIONS

SECTION 404. OPERATING PERMITS

404.3. Mining Operating Permits

A. Intent and Purpose

The intent and purpose of this section is to protect the public health, safety, and general welfare by ensuring that the extraction of mineral and natural resources is conducted in a manner compatible with the overall development of the County and to ensure that mining is carried out in such a manner so as to provide for the development of the said lands for productive uses upon the conclusion of the mining activities.

A Mining Operating Permit is used to:

1. Evaluate in detail the proposed operating plans for a mining operation; and
2. Ensure that, if approved, a mining operation is conducted in a manner consistent with the requirements of this Code; the Comprehensive Plan; and in the best interest of the health, safety, and welfare of the County and its citizens.

B. Applicability

This section shall apply to all mining within the unincorporated areas of the County where excavation will breach the aquitard.

C. Related Activities

Those excavations that do not breach the aquitard:

1. Exceeding 30,000 cubic yards require a Land Excavation Permit (see Section 404.2).
2. Peat Mining which requires a preliminary site plan.

D. Application Requirements

An application for a Mining Operating Permit shall include the following information and plans drawn at a readable scale, signed, and sealed by a Florida registered engineer. The application package shall include:

1. Applicant Information
 - a. Proof of ownership.

No Operating Permit shall be issued except upon the submission, review, and approval of a fully completed application submitted by the owner of the mineral rights. The application shall be signed by the fee simple owner(s) of the property subject to the application and the owner(s) of the mineral rights if different from the fee simple owner of the said property. The application shall specifically include an acknowledgement that the owner(s) of the mineral rights and the fee simple, property owner(s) are jointly and severally liable for damages resulting from failure to complete reclamation of the land.

- b. Agent of Record letter, if applicable.
 - c. Application fee.
2. General Information to be shown on site plan:
- a. A legend, title, and number of revision; date of plan and revision(s); scale of plan; north arrow; acreage in the project; and the names, mailing addresses, e-mail addresses, and telephone numbers of the operator, owner, surveyor, and engineer.
 - b. Phasing plan, if applicable, designating each phase by number or letter in the order by which the phases will be mined and a heavy line border at a scale appropriate with the size of the project site.
 - c. The legal description and the nature of the applicant's legal interest in any and all lands upon which any operations are proposed and a metes and bounds boundary survey, certified by a land surveyor registered in the State of Florida, of all or any part of the boundary of the applicant's property.
3. Map information to be shown on site plan:
- a. Location map showing the relationship between the area proposed for mining and surrounding properties, including a current aerial photograph with boundaries of the site delineated. The location map shall show all major County roads within one (1) mile of the development boundary.
 - b. Show all existing and planned arterials and collectors (transportation corridor[s]) within the proposed development and within one (1) mile of the subject property.
 - c. Show all Wellhead Protection Areas and Special Protection Areas for all Community Water System supply wells within the

proposed development and within 1,000 feet of the subject property.

- d. A 1:4800 scale topographic map of the mining site showing the boundaries of the site property and the surrounding adjacent lands to a distance of one (1) mile surrounding the boundaries and outlining all areas within the site which will be involved in the mining operation.

4. Existing Site Information

- a. Existing Streets. The name, location, right-of-way width, and pavement status; i.e., dirt, limerock, concrete, asphalt, etc., of all existing streets, other rights-of-way, and platted streets within 100 feet of the subject property.
- b. Existing storm sewers, potable water facilities, and sewerage facilities on or abutting the tract within 100 feet.
- c. Existing platted or recorded easements or rights-of-way for drainage, pedestrian ways, bridle paths, or bicycle paths, etc., including location, width, and purpose within 100 feet of the subject property.
- d. Other existing structures or uses on the project site with a statement as to their intended use.
- e. Configuration of that portion of abutting developments within 100 feet with preliminary plan approval, or if platted, with Plat Book and page number shown.
- f. Existing contours at a maximum of two (2) foot intervals, based on the National Geodetic Vertical Datum of 1929, identifying the site to be developed and extending a minimum 100 feet beyond the site boundary.
- g. Present land use classification and zoning of subject property and abutting land. Plans may not be processed for review without appropriate land use classification and/or zoning.
- h. Dates and reference numbers of rezonings, special exceptions, variances, conditional uses, or vested rights that have been granted, if applicable.
- i. The approximate location and acreage of natural features, including lakes, marshes or swamps, watercourses, and other jurisdictional areas.
- j. Identify registered historic resources.

k. Wetland Delineation/Identification

The applicant shall provide documentation in the form of a survey, sketch, or aerial with the application that delineates the location of the Category I, II, or III wetland areas, as defined in the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and provide the acreage for each wetland classification type.

l. Calculations

In addition to the wetland type and acreage information, the applicant shall provide the following:

- (1) Cumulative acreage total for Category I, II, and III wetlands.
- (2) Acreage total for natural occurring lakes.
- (3) Developable acreage.

5. Proposed Mining Operation

- a. Proposed layout with all setbacks to property lines and between any on-site buildings.
- b. Indicate type of paving surface proposed for use on site.
- c. All land within the proposed site which is located in a transportation corridor.
- d. Tree data meeting the requirements of this Code, Section 802:
 - (1) Tree location survey identifying tree(s) ten (10) inch diameter at breast height (dbh) and larger.
 - (2) Provide, in tabular form:
 - (a) Total inches of existing trees over ten (10) inch dbh, by live oak and all other trees.
 - (b) Inches of existing trees proposed to be removed, by live oak and all other trees.
 - (c) Replacement inches of trees required.
 - (d) Minimum inches of tree planting requirements and other planted trees.

- (3) Tree plan prepared or approved by a registered landscape architect as authorized by Chapter 481, Florida Statutes, as amended, or other type of professional as approved by the County Administrator or designee.
- e. Landscape plan.
- f. Easements (show all existing or proposed; note if none).
- g. A detailed description of the proposed haul route, including the condition relative to the pavement of all roads in the said route.
- h. The mining and reclamation plan describing the proposed mining and land reclamation operations and procedures in detail, including scaled maps, supporting documents, and calculations as follows:
 - (1) The locations of the proposed units to be mined, the sequence of mining, and the estimated periods of time involved.
 - (2) The locations and dimensions of proposed settling and thickening ponds, if any, together with the heights of their dams.
 - (3) The location and use description of any physical plant, structure, permanent pipelines, or any other nonmovable object or device to be constructed as a part of the proposed processing operation.
- i. The drainage and flood control features to be provided during and following the conclusion of mining operations, including sufficient topographic maps to ensure adequate definition of all drainage characteristics of the applicant's lands and their effects upon neighboring lands; the design calculations; the criteria used for such design; a description of all points of discharge from the applicant's property; an estimate of the rate of such discharge during normal operations as well as annual, twenty-five (25) year, and 100-year floods; and an assessment of the effect that the proposed mining and reclamation operations and drainage and flood control features will have on the natural drainage regime as it existed before the proposed operations begin.
- j. Estimates of the amount of wastes and tailings to be created, plans for their disposal, and the proposed time schedule for such disposal, together with scaled working drawings of any treatment facilities.

- k. Erosion control measures specifying the extent, density, and type of trees, grasses, or other plantings.
 - l. An abstract and interpretation of the results of exploratory drilling showing the elevation of the top and base of the mineral zone, geologic nature of both underlying and overlying materials, and preoperational water levels encountered in the drill or auger holes.
 - m. A detailed reclamation plan for all disturbed areas and a time schedule for reclamation that meets all applicable provisions of this Code.
6. Other Required Submittals
- a. Copies of a title search identifying all interested parties to both the fee simple and mineral rights of the parcel.
 - b. Copies of an Ownership and Encumbrance Report prepared by a title insurance company or attorney at law.
 - c. Listed Species Site Survey: If the site is shown on Map 3-1 in the Comprehensive Plan as a potential location for known listed species habitat.
 - d. A narrative meeting the requirements of Section 809, Cultural Resources.
 - e. Traffic Impact Study pursuant to Section 901.5.
 - f. Substandard Road Analysis pursuant to Section 901.4.
 - g. Access Management Application pursuant to Section 901.3.
 - h. A complete copy of any application to the appropriate water management authority for any use of water and/or for the construction of wells for water supply; permit issued by the said authority; data relating to the availability of the quantity required; and if not included in those documents, a statement of the specific quantities of water to be extracted and locations thereof, together with the detailed proposals of well construction, if any.
 - i. Copies of all applications to and approvals from all applicable Federal, State, and local agencies.
 - j. Financial security document; evidence of financial responsibility as described in this Code.

E. Public Hearing Required

Prior to commencing operations as a mine, a Mining Operating Permit application must be reviewed and approved by the Board of County Commissioners (BCC) after a public hearing held in conjunction with a Conditional Use Permit.

F. Notice

Notice shall be as required pursuant to this Code, Section 303.2.B, and the provisions of Chapter 125.66, Florida Statutes.

G. Standards for Approval

The County Administrator or designee, the Development Review Committee (DRC), and the BCC shall review and consider the following criteria and standards in regard to the advisability of issuing an Operating Permit for a mine:

1. Requirements of the land use and zoning classification applicable to the subject property.
2. Compliance with the technical requirements of this Code.
3. Provision of design features which assure the protection of the public health, safety, and welfare.
4. Consistency with the Goals, Objectives, and Policies set forth in the Comprehensive Plan.
5. Provision of necessary public improvements or facilities.
6. Concurrency requirements established by this Code.

H. Operating Permit Review

1. Staff Review

The County Administrator or designee, after consideration of the above standards, shall present a recommendation to both the DRC and BCC. The said recommendation shall specify provisions, standards, conditions, or design specifications which must be met in order to ensure compliance with this Code and the Comprehensive Plan.

2. DRC Review

After receipt of the written recommendation of the County Administrator or designee, the DRC shall consider the application and make a recommendation to the BCC.

3. BCC Hearing and Action

- a. Upon receipt of the recommendation, the BCC shall hold a separate public hearing on the proposed Mining Operating Permit.
- b. At the conclusion of the public hearing, the BCC may:
 - (1) Refer the application back for further study if further information is required in order to make a final decision;
 - (2) Deny the application;
 - (3) Approve the permit application as presented; or
 - (4) Approve the permit application with such conditions as necessary to ensure compliance with this Code; the Comprehensive Plan; and to protect the health, safety, and welfare of the citizens of Pasco County.

All or any portion of the operations for which a permit is sought may be approved subject to whatever additional conditions the BCC may deem necessary and appropriate for the fulfillment of the purposes of this Code. Such additional conditions of approval shall be stated on the face of the Operating Permit or may be incorporated therein by stated reference to any document which shall be made a part thereof.

The BCC may impose reasonable, additional conditions where necessary to protect the public health, safety, and welfare including, but not limited to, installation of stormwater management facilities; sound and/or visual buffering; hours of operation; surface water and groundwater monitoring; and that the owner or operator will take out and maintain insurance covering damage, destruction, unsafe, dangerous, or unhealthful conditions which may result from the use of the property as a mine.

I. Approval Form, Permit Time Limits, and Activities Required Prior to Commencement

- 1. The BCC approval shall be in written form and shall constitute a permit for operation of a mine subject to the requirements of this Code and the specific requirements, limitations, conditions, and prohibitions contained in the Operating Permit.
- 2. Permits for operation of a mine are not limited in duration and shall correspond to the permittee's approved disposal volume with an annual review for compliance.

3. The effective date of any Mining Operating Permit shall be the date of issuance by the BCC.
4. A permit shall be valid for the volume capacity specified in the Mining Operating Permit.
5. A permit may be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land.
6. The Scope of Operations to be permitted under any permit shall only be as specified in the permit (which may incorporate by reference the whole or any part of any plan of operations submitted as a portion of the application for the permit), or any recommendation thereon submitted to and accepted by the BCC by any County department, public or private agency, or individual. A copy of any incorporated recommendation or pertinent part thereof shall be attached to and considered a part thereof.
7. A permittee may seek an amendment of any permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for the original application. An amendment deemed necessary in the public interest may be proposed by any member of the BCC; DRC; County Administrator or designee; or any applicable Federal, State, or local regulatory body.
8. Prior to the issuance of a permit, the applicant shall furnish financial security as required by this section.
9. Following approval of an application by the BCC, the County Administrator or designee shall, upon request, issue a permit to the applicant or his authorized agent, provided that of the required financial security has been submitted to the County.
10. Prior to the initiation of storage or disposal activities authorized by the permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County or Florida Department of Transportation standards.
11. The applicant shall obtain all necessary permits from the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (FDEP), and other regulatory agencies, as appropriate, prior to commencing operations. These agencies' permits shall be provided to the County. All applicable statutes, regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Where an applicable statute or regulation of another agency is more stringent, that regulation shall apply.

12. A minimum of one (1) up-gradient and one (1) down-gradient monitoring well shall be installed prior to commencement of operations. Installation and sampling of this well will be in accordance with Chapter 62-701, F.A.C.
13. Background water quality for a disposal facility shall be determined by analysis, prior to any disposal of debris, of at least one (1) sample taken from each monitoring well that was installed and each surface water location. All surface water bodies which may be affected by a contaminant release from the disposal facility shall be monitored.
14. All laboratory analyses done in connection with the facility's Water Quality Monitoring Plan shall be conducted by laboratories holding certification from the Department of Health Environmental Laboratory Program under Chapter 64E-1, F.A.C., as referenced in Rule 62-160.300(1), F.A.C. Such certification shall be for the matrix, test method, and analyte(s) being measured to comply with this permit. The Standard Operating Procedures utilized and the laboratory's list of certified test methods and analytes must specifically address the types of sampling and analytical work that are being performed related to this facility.

J. Terms of Permit and Effect of Approval

1. The effective date of any Operating Permit shall be the date of issuance or other date specified by the BCC.
2. An Operating Permit shall be valid for the life of the mine, specifically the period specified for the completion of the mining operations, including all reclamation set out in the approved mining and reclamation plan.
3. An Operating Permit shall be issued only in the name of the applicant. Transfer of the permit requires notification to the County prior to the transfer. All terms, conditions, and financial responsibilities shall run with the permit as well as with the land. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all documents pertaining to such requests for transfer. The prospective transferee shall also furnish with the application for transfer financial security as required by this Code. A Transfer Permit shall be issued by the County Administrator or designee upon request of the transferee or his authorized agent. Upon acceptance of the Transfer Permit, the transferee becomes the permittee under this Code and assumes the responsibility of compliance with all of the terms of this Code, applicable rules and regulations, the master mining plan submitted, and of the Operating Permit.
4. The scope of operations to be permitted under any Operating Permit shall only be as specified in the Operating Permit approved by the BCC.
5. A permittee may seek an amendment of any Operating Permit in order to vary or expand the scope or method of its operations at any time by filing an application that follows the procedures outlined for an original application. An amendment deemed necessary in the public interest may be proposed by the BCC or other entity as provided by regulation.

6. All permits must be kept at the mining site and be readily available for inspection by local enforcement personnel upon request.

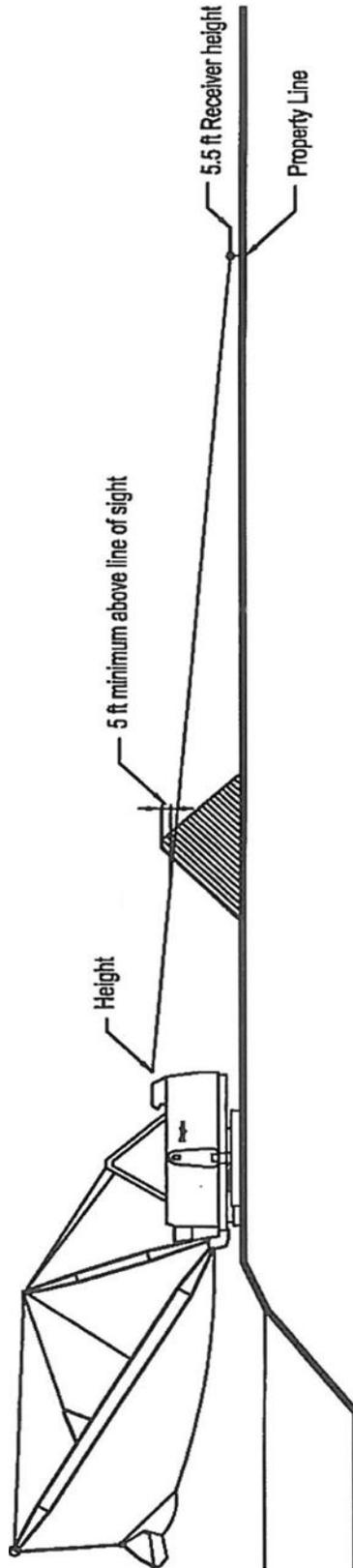
K. Prior to Mining Activity

1. Prior to initiation of mining activities authorized by the Operating Permit, the applicant shall erect signs alerting motorists to the haul traffic entering the roadway. Such signs shall be erected to County standards.
2. Prior to issuance of a permit, the applicant shall furnish financial security as required by this section.
3. The applicant shall obtain all necessary permits from the SWFWMD, the FDEP, and other regulatory agencies, as appropriate, prior to commencing operations under the Operating Permit. These agencies' permits shall be provided to the County. All regulations, rules, and orders of Federal, State, and local agencies shall be made a part of the conditions of operations. Should an applicable regulation of another agency be more stringent than those herein, the more stringent shall apply.

L. Site Standards

1. Construction and Operations
 - a. In order to ensure compliance with industrial-to-residential noise limits, no mine utilizing on-site crushing, excavation, or loading of rock material shall be located within 3,000 feet of developable lands zoned for residential use or residentially used property within that distance. The foregoing distance shall be measured from the portion of the mining site with active rock mining operations and shall not include any buffer or setback areas where active rock mining operations are not permitted. The foregoing distance may be reduced to 500 feet if the mining operation provides a vegetated berm that is at least five (5) feet higher than the direct line of sight between the noise source(s) and the residential receivers(s), (see Figure 404.3A), or if the applicant demonstrates through a site-specific noise study that other noise mitigation techniques, equipment, or site conditions will ensure that the industrial-to-residential sound level limit of 66 dBA will not be exceeded. The foregoing distances shall be increased to 4,000 feet (or 1,200 feet with a berm) if the mining operation will occur during hours when the industrial-to-residential sound level limit is 55 dBA (presently 6:00 p.m. to 7:00 a.m., Monday through Saturday and all day Sunday).

FIGURE 404.3A



- b. Unless otherwise approved by the BCC, mining shall not be permitted within the following setback areas:
 - (1) 500 feet of a park, library, or school boundary.
 - (2) 500 feet of an adjacent residential use or developable lands zoned for residential use.
 - (3) 200 feet of an existing right-of-way or public or private easement for drainage, utility, or road purposes.
 - (4) 200 feet of permittee's property line.
 - c. Prior to excavation, the perimeter of the excavation shall be adequately staked to delineate the excavation. These stakes shall be maintained throughout the duration of excavation and reclamation. The County may require a legal description of the excavation area when necessary for determining staking and location of the excavation.
 - d. The mining site shall comply with the applicable landscape requirements of this Code.
 - e. The construction of permanent or temporary access roads or of pipelines within the 100-year flood plain of permanent stream channels shall be subject to the advance approval of the County Administrator or designee.
2. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.

M. Operational Standards

- 1. The permittee shall allow designated representatives of the County Administrator or designee access to the premises of any operations conducted during the hours of operation for the purpose of monitoring compliance with the terms and conditions of the permit, this Code, and applicable rules and regulations.
- 2. The mining operation shall be fenced and gated or otherwise secured to prevent unauthorized or uncontrolled access.
- 3. Unless otherwise allowed by the BCC, the hours of operation shall be limited to daylight hours between 7:00 a.m. and 7:00 p.m., only. No mining activities shall be conducted on Sundays and County designated holidays.
- 4. The operator or employee must be present at the site during all hours of operation.

5. Environmental

- a. The mining operations shall be in accordance with applicable FDEP and SWFWMD permits. However, upon a showing of public necessity, the BCC may establish such regulations as it deems necessary and proper pertaining to noise, dust, and other forms of pollution; source and rate of consumption of water supplies, drainage, quality, and method of discharge of waste waters not to be retained on the permittee's lands; treatment and disposal of solid wastes; methods and practices in the extraction and processing of ores, mineral, and consolidated or unconsolidated solid mineral matter; and construction and utilization of both temporary and permanent on-site and off-site transportation facilities.
- b. Ambient noises or other noises resulting from the mining operation shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by regulation of any local, State, or Federal agency.

- c. All mining operations shall be performed in a manner to minimize vibrations of the soil which would cause damage of any kind to persons or property outside of permittee's property.
 - d. If authorized by the BCC, blasting or other use of explosives shall be conducted in accordance with the applicable State Fire Marshal regulations.
 - e. Groundwater extractions shall be in accordance with SWFWMD rules and/or an applicable Water Use Permit.
 - f. No water will be diverted from natural stream channels or lakes, nor shall stream channels be translocated, except as allowed by the applicable SWFWMD and/or FDEP permit(s). Withdrawals shall not be detrimental to downstream property owners.
 - g. The applicant shall be responsible for the control of fugitive dust particulate arising from the facilities. Such control shall prevent the creation of nuisance conditions on the adjoining properties. However, if mining and/or processing activities are governed by an Air Pollution Permit issued by the FDEP, then the FDEP permit conditions and limitations shall control.
 - h. No open burning is allowed without a permit.
 - i. The permittee shall allow designated representatives of the County Administrator access to the premises of any operations conducted thereunder during the hours of operation for the purposes of monitoring compliance with terms, conditions of the permit, this Code, and rules and regulations adopted hereunder.
 - j. The permittee shall place and maintain survey markers to identify the property covered by the permit in order to provide visual aid for inspection by the County.
 - k. Copies of all reports or notices required of the permittee by any agency or Department of the State, specifically including, but not restricted to, the FDEP and SWFWMD, shall be provided to the County Administrator or designee within ten (10) days of filing with the other entity. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such reports or notices.
6. The applicants shall engage, at their sole expense, the services of an independent testing lab to monitor groundwater quality on a quarterly

basis, in compliance with the standards and procedures of Rules 62-520 and 62-550, F.A.C., as amended.

7. Additional sampling at more frequent intervals, analysis for extended parameters, and additional monitoring wells may be required by the County Administrator or designee if the analysis indicates that a contaminant exceeds the regulatory limit. The sample analysis reports required by this Code shall be forwarded to the County Administrator or designee within ten (10) days of receipt of the analysis report by the permittee.
8. After background water quality is established, the excavation area shall be sampled every six (6) months.
9. Owners and Operators Responsibilities

The fee-simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee-simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.
- e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

10. Reclamation Standards

Reclamation shall be in accordance with the applicable SWFWMD and FDEP permits, Chapter 62, F.A.C., as applicable, and pursuant to the reclamation plan approved by the County.

11. Annual Report

- a. Each year, within thirty (30) days following the anniversary date of a permit, the permittee shall provide an Annual Report of Operations to the County Administrator or designee. The annual report shall review mining operations and reclamation progress during the preceding reporting year and identify lands expected to be excavated or planned for reclamation during the current year. The report shall also contain an Annual Cost Adjustment Statement along with any required updated financial security document(s) as required by this section. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of such report.
- b. The report shall be made available for public inspection.
- c. The annual report shall be reviewed and any comments or recommendations shall be presented to the BCC by the County Administrator or designee. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the permittee a copy of all such statements and documents.
- d. Failure to file the annual report in a timely manner shall be grounds for suspension of the Operating Permit. An extension of time may be granted by the BCC upon request and reasonable cause is demonstrated.

N. Financial Responsibility

1. Types of Financial Security Required

Every applicant shall furnish to the BCC financial security to guarantee:

- a. Reclamation of any lands proposed for disturbance under the mining plan.
- b. Completion of any off-site performance requirements.
- c. Maintenance and/or monitoring requirements associated with the Operating Permit and/or plan.

2. Acceptable Forms of Financial Security

- a. Acceptable forms of this financial security shall include, but are not limited to, a Letter of Credit, Surety Bond, or Cash Bond.
- b. The financial security shall be in the name of the applicant, not the contractor, or another third party, and shall extend a minimum of one (1) year beyond permit expiration. The applicant shall post the entire financial security prior to any activity on the land, authorized by the permit. Any bond premium shall be paid in full and shall not be revocable for nonpayment of premium.
- c. In the event a Surety Bond is furnished, the following shall apply:
 - (1) The surety company shall have a currently valid Certificate of Authority, issued by the State Department of Insurance, authorizing it to write Surety Bonds in the State.
 - (2) The surety company shall have a currently valid Certificate of Authority issued by the U.S. Department of Treasury under Sections 9304-9308 of Title 31, of the United States Code. The surety company shall be in full compliance with the provisions of the State Insurance Code. The surety company shall have at least twice the minimum surplus and capital required by the State Insurance Code at the time the Surety Bond is issued. If the bond amount exceeds Five Thousand and 00/100 Dollars (\$5,000.00), the surety company shall have at least the following rating in the latest issue of Best's Key Rating Guide:

Bond Amount	Policyholder's Rating	Required Financial Rating
\$ 500,000.00-1,000,000.00	A	Class IV
1,000,000.00-2,500,000.00	A	Class V
2,500,000.00-5,000,000.00	A	Class VI
5,000,000.00-10,000,000.00	A	Class VII
10,000,000.00-25,000,000.00	A	Class VIII
25,000,000.00-50,000,000.00	A	Class IX
\$50,000,000.00-75,000,000.00	A	Class X

3. Amount of Financial Security Required

- a. Reclamation of Disturbed Lands: Financial security shall be provided for all areas approved for disturbance in the mining plan and for those areas which have previously been disturbed and have not yet been reclaimed.

Cost itemization for reclamation shall consist of the required cost for reclamation and equipment mobilization, sod or seed, and mulch of the disturbed surface area, and surveying of the excavation area. This cost shall be multiplied by 125 percent to total the reclamation cost.

The amount shall be calculated as follows:

Proposed excavation area = _____ acres.

(1) Slope Area

(a) With 4:1 side slopes:

(a) ft. (perimeter) X (b) ft. (depth) X
(c) slope = (d) square feet (SF)

(a) = perimeter of excavation area(s)

(b) = depth (natural ground elevation to the bottom of the excavation)

(c) = 4 (4:1 side slope)

(d) = SF of slope surface area

(b) With 4:1 and 2:1 combination side slopes:

(i) (e) ft. (perimeter) X (f) ft. (depth) X
(g) slope = (h) SF

(e) = perimeter of excavation area(s)

(f) = depth (natural ground elevation to a depth of six (6) ft. below normal low water level)

(g) = 4 (4:1 side slope)

(h) = SF of 4:1 slope surface area

(ii) $\frac{(j) \text{ ft. (perimeter)} \times (k) \text{ ft. (depth)}}{(m) \text{ slope}} = (n) \text{ SF}$

$(j) = (e) = [(f) \times 4]$

(k) = total depth of the excavation
less (f)

$(m) = 2$ (2:1 side slope)

(n) = SF of 2:1 slope surface area

(iii) Total SF of slope surface area = (p) SF

$(p) = (h) + (n)$

(2) Reclamation and Equipment Mobilization

(a) With 4:1 side slopes:

$(d)/43,560 \text{ SF} = (q) \text{ acre} \times \$5,000.00$
(cost/acre) = \$ (r)

(b) With 4:1 and 2:1 combination side slopes:

$(p)/43,560 \text{ SF} = (s) \text{ acre} \times \$5,000.00$
(cost/acre) = \$ (t)

(c) Seeding and mulching:

$(h)/9 \text{ SF} = (u) \text{ SY} \times \0.70 (cost/SY) = \$ (v)

(3) Surveying

(a) With 4:1 side slopes:

$(q) \text{ acre} \times \$1,300.00$ (cost/acre) = \$ (w)

(b) With 4:1 and 2:1 combination side slopes:

$(s) \text{ acre} \times \$1,300.00$ (cost/acre) = \$ (y)

(4) Total Amount of Proposed Reclamation Security

(a) With 4:1 side slopes:

$[(r) + (v) + (w)] \times 125\% = \$ \underline{\hspace{2cm}}$

(b) With 4:1 and 2:1 combination side slopes:

$$[(t) + (v) + (y)] \times 125\% = \$ \underline{\hspace{2cm}}$$

The BCC reserves the right to amend and revise the cost-itemization formula from time to time as needed by adoption of a resolution. Costs given are based on the current County and/or State Department of Transportation cost estimates for the items, such as grassing, surveying, and mobilization. The said costs are a minimum of what will be accepted by the County.

- b. Completion of Off-Site Performance Requirements: The amount of the financial security shall be an amount equal to 125 percent of the estimated cost of providing and installing any off-site improvements required.
- c. Maintenance and/or Monitoring Requirements: For the purposes of determining the amount that is required for any maintenance and/or monitoring requirement, the applicant shall estimate the total cost for the period of the permit. The applicant shall submit the estimates, together with all necessary justification, to the County Administrator or designee for review and approval, accompanied by the financial security. The cost shall be estimated by a professional engineer for a third party performing the work in conformance with the guidelines approved by the County. Maintenance and/or monitoring cost shall include surface water and groundwater monitoring, collection and analysis, road maintenance, dust control, and any other costs of compliance with this Code.
- d. Annual Cost Adjustments: Each year, with the annual report, the applicant shall furnish the County with an Annual Cost Adjustment Statement along with any required updated financial security document(s).

4. Additional Financial Security Requirements

The applicant shall acknowledge the following:

- a. That should the County collect funds under a financial security document, the applicant shall authorize the County or its designee access to the property subject to the Mining Permit to complete the required work. In the event the owner of the site is different from the applicant, then the owner of the site shall also authorize the required access.
- b. That should the County be required to institute legal proceedings in order to collect any funds under a financial security, the applicant shall be responsible for attorney's fees

and court costs incurred by the County in such action if the County prevails.

- c. The fee simple owner(s), if different than the owner(s) of the mineral rights, and the mortgagee, if any, shall contemporaneously receive from the applicant a copy of all documents pertaining to financial security.

5. Release of Financial Security

To release the financial security, the applicant shall notify the County Administrator or designee in writing to request the release of the financial security. Prior to the BCC authorizing the release, the following shall occur:

- a. The applicant shall submit a signed, sealed, and dated topographic survey with topography at one (1) foot intervals to indicate side slopes and total cubic yards of material excavated. In addition, a copy of this survey shall be superimposed over the approved plans to demonstrate substantial compliance with the said plans.
- b. The County Administrator or designee shall complete a final inspection, review the survey submitted, and approve reclamation of the site.

6. Owners and Operators Responsibilities

The fee simple owner of the land and the operator of a mine shall be responsible for compliance with these rules and all other applicable Federal, State, and local laws, rules, and regulations. Any person violating the provisions of such laws, rules, or regulations and causing damage, destruction, or unsafe, dangerous, or unhealthful conditions shall be responsible for:

- a. Correcting such conditions.
- b. In the event the owner and operator fail to correct such condition within a reasonable period of time after notice thereof, permitting the County to correct such conditions and reimbursing the County for the costs of correcting such conditions.
- c. Indemnifying the County for any liability for damages caused by such violation.
- d. The permittee and the fee simple owner(s) shall be subject to absolute liability for failure of the permittee to complete any reclamation of lands or to conduct the operation as required by this Code; Chapter 62-701, F.A.C., as amended; and any permit issued. The liability of this section shall be in addition

to those imposed as civil or criminal penalties by this Code, Section 108.

- e. The permittee(s) and the fee simple owner(s) shall be subject to absolute liability to the County to complete any reclamation of lands and to conduct the mining operations as required by the Operating Permit, this Code, and any other applicable rules or regulations. The liability of this section shall be in addition to those imposed as civil or criminal penalties by this Code, Section 108.

O. Prohibitions

- 1. The disposal or discharge of any material other than that approved as a part of the reclamation plan into the excavated pit is prohibited.
- 2. No mining shall be conducted within the County, except within the scope of a valid Operating Permit issued by the BCC.

P. Suspension or Revocation of Permit

A suspension of operations for a period of two (2) years or more by a permittee shall be cause for revocation of the permit. Any subsequent application for permission to commence excavation shall be treated as an initial application.

Failure to comply with the County, State, or Federal statutes, rules, or regulations governing mining may constitute grounds for suspension or revocation of the Mining Operating Permit. Upon a determination of noncompliance, the County Administrator or designee shall notify the owner and operator/permittee of the nature of the noncompliance and may order corrective action. If the owner and operator fail to comply or take the ordered corrective action, the County Administrator or designee may notify the BCC, who may schedule a public hearing to consider suspension or revocation of the Operating Permit. After due public notice of the said hearing, the BCC shall conduct the said hearing giving all interested persons the opportunity to be heard, present testimony and evidence, and cross-examine witnesses. If, after consideration of the testimony and evidence, the BCC determines that grounds for suspension exist, the BCC may take one (1) or more of the following steps:

- 1. Order appropriate corrective action.
- 2. Modify the existing conditions or impose additional, more stringent conditions on the permit.
- 3. Suspend the permit until appropriate, corrective action is taken or additional or modified conditions are complied with. Any Mining Operating Permit shall be subject to suspension or revocation in whole or in part upon a finding of noncompliance with the terms of the said permit, this Code, or applicable statutes, rules, and regulations.

A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected. While a permit or any part of a permit is suspended, no operations authorized by the suspended portion of the Operating Permit shall be carried out. A suspension may be terminated in whole or in part upon a finding that the noncompliance has been corrected.

4. Revoke the permit. Copies of all notices and orders sent to the permittee by the County Administrator or designee as well as reports of compliance or appeals to the BCC from the permittee shall be sent by the County Administrator or designee to any agency involved in the permit process.
- Q. Failure of a permittee to have completed reclamation of any lands as required at the conclusion of any reporting year may subject the permittee(s) to a civil penalty to be paid to the County in an amount equal to the evidence of financial responsibility required to be maintained on account of the lands involved in addition to any other fines and penalties that may apply.
- R. Enforcement/Violations

In addition to suspension, modification, or revocation of the Operating Permit, violation of this section may be addressed through any of the enforcement methods in this Code, Section 108.

It shall not be a defense to or grounds for dismissal of any action for damages and civil penalties that the County has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing prior to the institution of a civil action, or that criminal proceedings or other enforcement proceedings are pending. The failure of the County to enforce any requirements of this Code shall not constitute a waiver of the County's right to enforce this Code with respect to that violation or subsequent violations of the same type or to pursue other remedies.