

(13) Transfer of special exception. Notwithstanding any other provision in this section to the contrary, a special exception approval for a major mining operation shall be issued only in the name of the applicant and may be transferred only when the interest of the applicant in the lands that are the subject of the special exception are transferred. Prior to such transfer, the applicant and the prospective transferee must apply to, and receive approval from, the board of county commissioners for an amendment to the special exception application submitted to the county development department. All financial liability and permit filing obligations shall be transferred at the time the interest in said lands is conducted.

These details will be determined in the Special Exception Orders after petitions are heard.

(14) Liability for major mining operations. The applicant or operator of any major mining operation that receives special exception approval pursuant to the provisions of this section shall have absolute liability and financial responsibility for any damages to public or private property, human, animal or plant life, or any mineral or water-bearing geologic formations incurred due to mining operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined lands. At or prior to the time of issuance or transfer of the excavation and fill permit for the applicable major mining operation, in order to protect the interests of the board of county commissioners and the public, the applicant shall post with the board the following bonds or other surety in a form approved by the board of county commissioners:

a. For each acre of land designated to be mined, the amount of \$2,000.00 as a reclamation performance bond; and

b. For each acre foot of storage to be contained in a slime, retention or thickening pond in and above grade, the amount of \$1,000.00. This bond shall remain in effect for as long as unconsolidated slime remains in the pond.

The required bond set forth in a. will be required as part of the Special Exception Order. The bond in b. is not required for this project as proposed in the application.

(15) Annual report and inspection. As a condition of approval of a special exception for a major mining operation, the applicant or operator of such major mining operation shall provide an annual report to the county development department for review by the county engineer documenting compliance with the special exception and excavation and fill permit requirements for the major mining operation. The county engineer shall make an onsite inspection to the major mining operation to assure compliance with the special exception, the excavation and fill permit and any report submitted by the applicant or operator.

These details will be determined in the Special Exception Orders after petitions are heard.

(16) Forfeiture. Upon a finding of noncompliance with this section, or any special exception condition for a major mining operation, or any approved site plan for the major mining operation or reclamation, the building official shall notify the applicant or operator of the major mining operation in writing of noncompliance and the pending forfeiture of the permit. The applicant or operator shall have 30 days to respond. If compliance is not accomplished within such 30-day period, the major mining operation shall cease and the special exception shall be revoked.