ORDINANCE SUMMARY
MINING ORDINANCE

This ordinance proposes to amend the following Chapters of Appendix E of the Land Development Regulations (LDRs); Chapter II, entitled "Definitions" to add definitions for 'borrow activities', 'borrow pit', 'improperly closed mines', 'intermediate confining layer', to add borrow pit to the definition of mining activities, to change references from operating permit to operating plan and from mining site plan to mining conditional use permit and to add a definition for 'protected recharge areas'; to amend Chapter VI, entitled "Resource Protection Standards" Section 6.06.00, entitled "Mining" to update and clarify the section, to address when and what type of mining activity can take place in environmentally sensitive areas of the County, to address tree removal on a mining site, improperly closed mines and to add any requirements prescribed by the 2030 Comprehensive Plan; and Chapter VIII, entitled "Green Swamp", to ensure that all mines will meet the requirements of Chapter VI, Section 6.06.00 "Mining".

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation "* * * *" shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

FILED
2013 APR -5 PM 12:08
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Ordinance No. 2013-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING THE FOLLOWING SECTIONS OF THE LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS; AMENDING CHAPTER II, ENTITLED "DEFINITIONS", IN ORDER TO ADD DEFINITIONS OF "BORROW ACTIVITIES", "BORROW PIT", "IMPROPERLY CLOSED MINES" AND "INTERMEDIATE CONFINING UNIT", TO AMEND THE DEFINITION OF "MINING ACTIVITIES" TO INCLUDE BORROW PITS, TO CHANGE REFERENCES FROM 'MINING SITE PLAN' TO "MINING CONDITIONAL USE PERMIT", AND TO CHANGE REFERENCES FROM "OPERATING PERMIT" TO "OPERATING PLAN", TO CLARIFY THAT THE OPERATING PLAN IS THE SITE PLAN, AND TO ADD A DEFINITION FOR "PROTECTED RECHARGE AREAS"; AMENDING CHAPTER VI, ENTITLED "RESOURCE PROTECTION STANDARDS", SECTION 6.06.00, ENTITLED "MINING", IN ORDER TO ADD PROVISIONS RELATED TO MINING AND BASED ON THE REQUIREMENTS OF THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING CHAPTER VIII, ENTITLED "GREEN SWAMP", SECTION 8.00.05, ENTITLED "DEVELOPMENT REVIEW CRITERIA", IN ORDER TO PROVIDE THAT ALL MINES MUST MEET THE REQUIREMENTS OF CHAPTER VI, SECTION 6.06.00 ON MINING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 22, 2011, the Lake County 2030 Comprehensive Plan became effective, requiring the Land Development Regulations to be updated; and

WHEREAS, on November 8, 2011, the Board of County Commissioners approved the Land Development Regulation Work Program; and

WHEREAS, Chapter 6, Resource Protection Standards, which includes Mining, is scheduled on the first year Agenda for the Land Development Regulations Work Program; and

WHEREAS, the Planning & Zoning Board, in its capacity as the Local Planning Agency, considered this ordinance and recommended approval at a properly advertised public hearing on February 6, 2013; and

WHEREAS, the Board of County Commissioners (the "Board") desires to amend Chapter VI, Land Development Regulations, to amend regulations pertaining to mining;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Chapter 2, Lake County Code, Appendix E, Land Development Regulations, entitled "Definitions", shall be amended to read as follows:

CHAPTER II DEFINITIONS

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Borrow Activities. Mining activities with no onsite processing of excavated materials.

Borrow Pit. An area of land on which borrow activities have been conducted, are being conducted or are planned to be conducted.

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Improperly Closed Mine. A mine that has been closed and all reclamation requirements have not been met within the required timelines as specified in the reclamation plan.

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Intermediate Confining Layer. All rocks that lie between and collectively retard the exchange of water between the overlying surficial aquifer system and the underling Floridan aquifer system.

****

Mining Activities. The extraction of minerals, Ore or other naturally occurring materials from the earth by whatever method, including borrow pits and the Removal of Overburden for the purpose of extracting and removing from the Site such underlying deposits and all associated

Clearing, grading, Construction, processing, transportation and Reclamation on the Mine property, and includes the term pre-mining activities and Lake Creation but Shall not be deemed to include activities associated with Site surveying, environmental monitoring, mineral exploration or the sinking or operation of test wells and similar activities.

Mining Conditional Use Permit.~~Site Plan.~~ The general permit ~~plan~~ describing the overall scope of the Mining Activities for the life of the Mine, including but not limited to the general nature of the operations, geographic characteristics, impacts, monitoring and Reclamation.

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Operating Plan. ~~Permit.~~ A Site Plan, which includes, but is not limited to reclamation and grading plans, ~~Permit~~ to operate in accordance with general conditions established in the various chapters of these~~is~~ Land Development Regulations, and specific conditions established by the County Manager or designee and the Board of County Commissioners.

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Protected Recharge Areas. Areas with a natural potential for an average annual recharge rate to the Florida aquifer of 10 inches or greater.

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Section 3. Amendment. Section 6.06.00, Lake County Code, Appendix E, Land Development Regulations, entitled "Mining", shall be amended to read as follows:

CHAPTER VI RESOURCE PROTECTION STANDARDS

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6.06.00 - Mining.

6.06.01 General Provisions.

A. Legislative Findings. The Board of County Commissioners makes the following legislative findings of fact:

1. The natural environment of Lake County is a unique and valuable resource enjoyed by residents and visitors alike.

2. The unique economy of Lake County is dependent upon maintaining and ensuring a high degree of environmental quality.

3. Conservation of the natural environment is a goal set forth in the Lake County Comprehensive Plan.

4. Mining and Excavation, together with related activities, is a unique Land Use which requires specialized regulation.

5. Mining and Excavation properly conducted in accordance with a predetermined plan lends itself to Reclamation of the Lands and need not Significantly impact the natural environment and adjoining properties.

6. Mining and Excavation and its related industries contribute substantially to the economic stability of Lake County.

7. The regulations hereinafter set forth are reasonable and necessary to protect the natural environment and the public health, safety and general welfare of the citizens of Lake County.

B. Purpose and Intent. The purpose and intent of this Section is to:

1. ~~To e~~Ensure ~~that~~ the Development of mineral resources, as well as other naturally occurring organic materials, Shall be compatible with the overall economic objectives of Lake County;
2. ~~to p~~Protect and conserve natural resources and the environment for present and future generations;
3. ~~to m~~Minimize the adverse impacts of mining;
4. ~~to m~~Maximize the positive benefits of mining;
5. ~~to e~~Ensure that Mining Activities will not preclude future uses of mined-out Lands; and
6. ~~to i~~Implement the Lake County Comprehensive Plan.

C. Construction of Code Provisions. Nothing in these provisions Shall be:

1. Construed to limit, abridge or alter any duties, authority and responsibilities of any agency of the United States, the State of Florida or any other Governmental Agency having jurisdiction; or~~.~~

2. Deemed to preempt other Lake County ordinances or provisions of the Lake County Code that impose stricter Reclamation ~~and restoration~~ standards.

D. Scope of Application. The regulations set forth herein Shall apply to the extraction, mining, harvesting or Removal of muck, peat, sand, rock, clay, shell, soil, phosphate minerals or other extractable materials within all Unincorporated Areas of Lake County. No Person Shall operate or expand a Mine or conduct Mining Activities within the unincorporated area of Lake County, Florida, without a Mining Conditional Use Permit ~~Site Plan~~ approved by the Board of County Commissioners and an Operating Plan ~~Permit~~ unless otherwise exempted by the provisions of Subsection (F) herein.

E. Vested Rights for Existing Mines. The regulations herein set forth Shall apply to existing Mines in Lake County, with the following exceptions:

1. Vested rights. Any Mine which is a Lawful Mine as of May 8, 1990 and the Operator or Owner of the Mine complies with the registration provisions set forth in Subsection E(3)

below Shall be Permitted to continue to Mine pursuant to the Lake County authorization granted for that particular Mine subject to the conditions set out herein.

The Applicant Shall submit all information required under E(3), below. Upon receipt of such information, the County Shall review all data, including all existing governmental Permits that have been submitted as part of the registration process, and any existing Lake County conditional use Permit(s), zoning approvals or other applicable County ordinances, regulations or rules in place at the time the operation of the Mine was approved.

If, after reviewing all existing Permits for a Lawful Mine, the County staff determines there is no hazard or threat to the public health, safety and general welfare of the residents of Lake County due to the continued operation of the Mine under the existing applicable conditions, the Mine Shall be Permitted to continue to operate pursuant to the then existing Permits, authorizations and conditions applicable to that Mine.

However, if the professional staff of the County conducting the review determines that there is a hazard or threat to the health, safety and general welfare of the public by the operation of the Mine, the Reclamation operation or Reclamation plan based upon the existing authorizations, the staff Shall request the Owner or Operator of the Mine to make changes deemed necessary to eliminate any hazard or threat to the public health, safety or general welfare. The request requirements may include compliance with any applicable provisions of this Section or other applicable provisions of the Lake County Code.

In the event that the County staff and the Owner or Operator of the Mine are not able to agree on the method of alleviating the perceived hazard or threat to the public health, safety or general welfare, or the Owner or Operator is unable to comply with the new requirements, an Appeal may be brought to the Board of County Commissioners. The Board of County Commissioners Shall consider the matter in a duly advertised Public Hearing.

2. Term of vested rights. Authorization to operate a Mine, which is lawfully in existence as of May 8, 1990, Shall remain valid and in force, providing all conditions of the permit/plan are met. ~~Should~~ If Mining Activities cease for a period of three (3) years, mining permission Shall expire unless extended. Extension of mining authorization Shall be requested in writing by the Applicant or Operator and shall be subject to Board of County Commissioners' approval~~,~~. The mining activities may be extended for a period of up to three (3) years.

3. Registration. All existing Mines Shall have registered with the County within ninety (90) days of May 8, 1990. Registration Shall be accomplished by filing an application with the County which Shall consist of the following:

   a. Name, address, telephone number of current Owner and Operator.

   b. Survey or sketch with a legal description of the entire mining Site.

c. Aerial map of the entire mining Site delineating areas previously Mined and reclaimed, areas of active mining and areas of future mining.

d. Copies of all other Permits for the Mine, including Site Plans, operatingons plans and Reclamation plans associated with the Permits issued, if applicable, by the Florida Department of Environmental Protection, ~~Natural Resources,~~ St. Johns River Water Management District, Southwest Florida Water Management District, U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.

4. Failure to register. Any Mine for which an application for registration was ~~has~~ not ~~been~~ filed within the time period specified in Section F(3) Shall lose any vested rights for the operation of such Mine. In order to operate such Mine, the Mine Shall be required to comply with all provisions of the Lake County Code, including applying for an approved Mining Conditional Use Permit ~~Site Plan~~ and obtaining an Operating ~~Permit~~ Plan.

F. Exemptions. The following activities Shall not be subject to the Mining Conditional Use Permit ~~Site Plan~~ and ~~mining operation Permit~~ Operating Plan requirements set forth herein:

1. Installation of utilities provided a valid underground utility Permit or Right-of-Way utilization Permit has been issued.

2. Excavation in conjunction with bona fide commercial, industrial or Subdivision Construction provided a Construction approval or Building Permit has been obtained from the County and Excavation is completed and Construction initiated within a reasonable period of time from the date that Excavation is initiated. Said time period Shall be determined by the County based upon the type of Construction and Shall be indicated on the written exemption document. Excess Overburden generated as a result of the bona fide Construction may be Removed offsite only as follows:

a. Excess overburden generated as a result of the bona fide Construction may be removed offsite so long as the County Manager or designee is provided written notice during Construction approval or Building Permit application process and so long as the ~~following criteria is met: (1) The~~ total amount of material removed offsite is not greater than two hundred (200) percent of the minimum stormwater retention/detention volume required.

b. If the above criteria is exceeded or excavation is not storm water related, the County Manager or designee may give approval for removal of such excess Overburden if the applicant shows that removal of such excess Overburden is necessary for development of the Site due to physical factors of the Land or Permitting requirements from a governmental agency. In making this decision, the County Manager or designee shall consider the following factors:

(1) Unique physical characteristics and topography of the Land involved;

(2) Engineering and environmental factors requiring overburden removal;

(3) Whether excavation and removal of Overburden is necessary for access to the property;

(4) Permitting requirements of state, local and federal governmental agencies; or

(5) Such other matters that may be deemed appropriate by the County Manager or designee.

c. If the County Manager or designee gives written approval of such Overburden removal, the County Manager or designee may attach such conditions, limitations and requirements to such approval as are necessary to effectuate the purposes of this exemption; to carry out the spirit and purpose of the Mining Regulations and the Lake County Comprehensive Plan; and to prevent or minimize adverse effects upon Natural Resources and other nearby properties, including but not limited to requiring:

1) a ~~Mining Site Plan,~~ Mining Conditional Use Permit;
2) a Mining Operating~~onal~~ Plan~~,~~;
3) a Mining Reclamation Plan~~,~~;
4) a Grading Plan~~,~~;
5) ~~the~~ provision of bonds or other security necessary to enforce the conditions of the approval~~,~~; and/or
6) limitations on the development operation such as regulation of Ingress and Egress, operational hours, duration of the approval, and limitations in size and amount of removal.

3. Minor Landscaping projects provided they do not encroach in Flood-prone Areas as depicted on the FEMA maps or change the natural drainage pattern of the ground surface at the property line.

4. Swimming pool Construction provided a Building Permit has been issued by the County for Construction of the pool.

5. Excavation of agricultural use ponds, provided the following conditions are met:

a. Pond location shall be restricted to upland areas unless all required Water Management District permits or exemptions are obtained for potential wetland disturbance.

b. The extent of excavation is wholly within one (1) Owner's property.

c. Offsite drainage is not affected.

d. The excavated material from ponds larger than one (1) acre in size remains on-Site. Material excavated from ponds one (1) acre or less in size may be moved off-Site.

6. Activities where no extractable material is Removed from the Site.

7. Excavation for the Construction of approved Stormwater/water Retention Areas and Roads (within the proposed right-of-way only) as part of a Platted Subdivision.

8. Materials as a result of shoreline clearing or shoreline excavation as allowed under state and local law and where all appropriate state permits have been issued where applicable.

G. Administration of Section. Except as hereinafter provided, this Section Shall be administered, implemented and enforced by the County Manager or designee who Shall coordinate the activities of all appropriate County agencies concerning the processing review, monitoring and inspection of all activities covered by this Section within the unincorporated area of the County. This Section Shall not limit the authority of the Board of County Commissioners or any County agency to enforce or monitor compliance with other applicable Statutes, ordinances, resolutions, regulations, rules or Permit conditions.

H. Change of Ownership or Operation of the Mining Activity. If a change in the Ownership or Operator of a Mine takes place at any time, the new Owner or Operator Shall be required to notify the County, in writing, of the current name, address and telephone number of the Owner and Operator of the Mine. Notification Shall take place within sixty (60) days of the change of Ownership or Operator.

I. ~~Prohibitions on~~ Mining in Environmentally Sensitive Areas. Mining ~~Shall be prohibited~~ in Environmentally Sensitive areas of Lake County which ~~that~~ cannot be ~~restored~~ reclaimed shall be prohibited. ~~Areas that fall into this category include, but are not limited to:~~ In addition, mining activity in environmentally sensitive areas shall be restricted as shown below:

1. New mining of Limestone and peat deposits within the Green Swamp Wildlife Management Area and the Okahumpka Swamp are prohibited.

2. ~~The~~ New mining of phosphate deposits on the west side of Lake George are prohibited.; ~~and~~

3. New mining in the Wekiva River Protection Area, Wekiva Study Area and Wekiva-Ocala Rural Protection Area is prohibited, unless exempted as shown in 6.06.01.I (7), below. ~~All new mining is to be prohibited in the Wekiva River Protection Area.~~

4. New phosphate and peat mining shall be prohibited in most effective recharge areas and protected recharge areas.

5. All mining, except sand mining, shall be prohibited within the Green Swamp Area of Critical State Concern.

6. Expansion of existing mining activities within environmentally sensitive areas of the County shall be subject to the provisions of the Lake County Code and the approval of the Board of County Commissioners.

7. Any new borrow pit or any expansion of an existing borrow pit in an environmentally sensitive area (excluding Green Swamp Area of Critical State Concern) shall be limited to those necessary for the construction of or improvement to highways or other public works projects within or near those environmentally sensitive areas of the County.

J. Mining in ~~Prime~~ Aquifer Recharge Areas. ~~No mining Shall be allowed to be conducted in Prime Aquifer Recharge areas as identified by the SJRWMD/SWFWMD pursuant to S. 373.0395 (3) F.S. and provided for within the East Central Florida Regional Planning Council Policy 54.2. Small scale, public purpose Mines are allowed when limited in size and duration of operation.~~ Where mining is Permitted, mining activity Shall not Significantly alter the quality and quantity of ground and Surface Waters. Where required, the costs of water monitoring activity Shall be the responsibility of ~~born by~~ the extractor and all requirements of the Mining Conditional Use Permit and Operating Plan shall be met. ~~strict Reclamation procedures and bonding requirements Shall be required to ensure complete restoration of these areas.~~ Notwithstanding the foregoing:

1. Phosphate and peat mining shall be prohibited in most effective recharge areas.

2. Phosphate and peat mining shall be prohibited in protected recharge areas.

K. Protection of Property from Mining Impacts. New mining operations within established predominantly residential areas Shall be prohibited. It is recognized however, that Mining Activities may be compatible within PUD's in some situations.

~~L. Protection of Mining from Urban Encroachment. New residential Development Shall be restricted in the vicinity of operating Mines. It is recognized however, that mining activities may be compatible within PUD's in some situations.~~

6.06.02 Standards for Mining. All Mining Activities Shall at a minimum be conducted in accordance with the following standards. Additional standards deemed necessary by the County may be required in the approved ~~Mining Site Plan~~ Mining Conditional Use Permit or the Operating Plan~~Permit~~:

A. General Standards.

1. Comprehensive Plan. All Mining Activities Shall be consistent with the Lake County Comprehensive Plan.

2. Best Management Practices. All Mining Activities Shall employ the Best Management Practices.

3. Zoning. All Mining Activities Shall be consistent with ~~Chapter III and other provisions of~~ the Lake County Code. In the event the proposed mining activity is not consistent with the zoning district classification, an application for rezoning may be processed concurrently with the ~~Mining Site Plan~~ Mining Conditional Use Permit application. The rezoning application Shall be considered prior to the ~~Mining Site Plan~~ Mining Conditional Use Permit application.

4. Compliance with other law. All Mining Activities Shall be conducted in accordance with all applicable federal, state, regional and local laws, ordinances, rules and regulations.

B. Environmental Protection Standards.

1. Water Quality and quantity.

a. Point-source Discharges. Point-source Discharges of water or liquid waste into Waters of the County or state are prohibited unless a Variance has been granted by the Lake County Board of Adjustment. This Shall not prevent the undertaking of aquifer recharge programs and it shall not prevent the following:

Aapproved Discharges into:

- ~~r~~Recirculating plant water systems~~,~~;
- Retention ponds; and
- Surface Water storage ponds which are self-contained on the Mine property; or ~~the undertaking of Aquifer Recharge programs, or~~

Discharges of:

- ~~s~~Stormwater runoff from reclaimed Lands; provided, however, that in no event shall ~~may~~ any Discharges of water or liquid waste have an adverse effect on Water Quality, riverine, terrestrial or Aquatic biota or preexisting lawful uses of water bodies.

b. Nonpoint-source Discharges. Nonpoint-source Discharges of water or liquid waste into Waters of the County or state Shall not have an adverse effect on Water Quality, riverine, terrestrial or Aquatic biota or preexisting lawful uses of water bodies. All surface drainage from Site runoff Shall be directed away from sinkholes or open Excavations unless such Excavations are part of the approved stormwater Management system.

c. Groundwater.

1) Floridan Aquifer withdrawals. Groundwater withdrawals Shall not adversely impact, due to lowering of potentiometric levels, the Floridan Aquifer beyond the boundaries of the Mine.

2) Surficial Aquifer withdrawals. Mining Activities Shall not adversely impact the level of the Surficial Aquifer beyond the boundaries of the Mine.

3) Monitoring. In order to establish baseline conditions and to evaluate potential impacts, the monitoring of Groundwater systems, surficial and Floridan aquifers, will be evaluated on a case-by-case basis; and the need for on-site sampling or observation wells Shall be specified by the County. Wells established for a potable water supply or as part of the mining operation Shall be constructed to enable sampling of the Aquifer from which the water is drawn.

4) Where feasible, a horizontal impervious layer (possibly including a portion of the extracted resource) is to be left undisturbed and unpenetrated beneath all excavated areas in order to retard the movement of water from excavated areas to the Groundwater. The thickness and horizontal extent of Confining Units, if any, Shall be determined using soil borings taken prior to Excavation.

d. Surface Water.

1) Withdrawals. Water Shall not be drawn from Surface Water bodies not totally within the property unless specifically approved in the Operating Plan~~Permit~~. Such use Shall only be Permitted after a thorough analysis of Stream flow and Surface Water conditions and Shall be limited to quantities not detrimental to downstream property Owners or the environment.

2) Stream relocations. Natural existing Stream channels Shall not be relocated unless otherwise approved in the Operating Plan. ~~Permit.~~

3) Discharges. Increases in flow of Watercourses leaving the Mine property Shall not adversely affect downstream property Owners or the environment.

4) Monitoring. In order to establish baseline conditions and to evaluate potential impacts, the monitoring of Surface Water systems will be evaluated on a case-by-case basis; ~~and~~ the need for On-Site monitoring Shall be specified. Once it is determined by the County that the needs for monitoring has~~ve~~ been satisfied, the monitoring may be discontinued.

2. Wetlands. Wetlands Shall not be altered or disturbed by mining operations except in accordance with the applicable provisions of ~~Section 6.01.00 of~~ the Lake County Code and any other applicable Lake County rules, regulations and ordinances. Appropriate methods of reclaiming ~~restoring~~ the functions and values of Mined areas with special regard to vegetative and hydrologic reclamation ~~restoration~~ to ensure that viable Wetlands are established free of exotic and noxious plant species Shall be taken.

3. Archaeological and historical resources. Archaeological and historical Sites, cemeteries and burial grounds Shall be preserved in accordance with applicable federal, state, regional and local laws, ordinances, rules and regulations. The state division of archives, history and records Management Shall be consulted to determine what resources may be located on a mining Site.

4. Wildlife resources. Maximum practicable efforts Shall be made to protect habitats of Designated Species of wildlife and vegetation, consistent with requirements of the Florida Administrative Code.

5. Floodplain. No mining activity, with the exception of approved peat and muck mining, Shall be conducted within the 100-year Floodplain, floodway, waterway, Lake or Stream if such mining activity would have an adverse effect on the 100-year Floodplain or floodway. ~~Floodplain elevations Shall be based upon the information from the U.S.~~

~~Geological Survey, the St. Johns Water Management District, Southwest Florida Water Management District or the Federal Emergency Management Agency., whichever is more Site-specific, or in the absence of data from these agencies, the Florida Department of Environmental Regulation jurisdictional area as determined by its vegetation indices.~~

6. Solid Waste. No Operator Shall dump, pile or Permit the dumping, piling or otherwise placing of any earth, Overburden rocks, Ore, debris or other Solid Waste upon or into any Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the Operating Plan. ~~Permit.~~ No Operator Shall place such materials in such a way that normal Erosion or slides brought about by natural physical causes will Permit such materials to go upon or into Public Roadways or other public property or water bodies or upon any adjacent property except as specifically approved in the Operating Plan.~~Permit.~~

7. Hazardous Waste. All Hazardous Materials intended to be stored or used on-site, including petroleum-based products, Shall be reported to the division of environmental services and the fire division Hazardous Materials incident response division prior to storage. All Hazardous Wastes generated by activities at the Site be disposed of in accordance with local, regional, state and federal laws, ordinances, rules and regulations.

8. Noise. Increases to ambient noises resulting from mining operations Shall not cause a public nuisance as measured at the Permittee's property lines; nor Shall Mining Activities generate noise in excess of that allowed by any local, regional, state or federal laws, ordinances, rules or regulations.

9. Blasting and vibrations. No blasting or other use of explosives Shall be conducted without proper Permits from the governmental entities with jurisdiction, including the state fire marshal. Blasting Shall be conducted only from Monday through Saturday and during daylight hours. All Mining Activities Shall be performed in a manner that Shall prevent vibrations of the soil from reaching a magnitude sufficient to cause damage to Persons or property outside the Operator's property. Should the County receive measurement by a blast-monitoring device and a report of the findings to the County demonstrating that the blast has not and will not cause damage to Persons or property outside the Operator's property.

10. Air quality. The mining activity Shall be conducted so as to prevent the generation and Off-Site migration of fugitive dusts and particles. All areas in which such dusts or particles may be generated Shall be kept wet, treated with chemical dust deterrents or controlled in another manner to reduce the potential for their Off-Site migration. Atmospheric Discharges from processing and drying equipment Shall comply with all applicable state, federal, regional and local laws, ordinances, rules and regulations.

11. Erosion and Sedimentation. Soils exposed during Site Alteration Shall be stabilized and runoff and siltation directed to areas approved in the ~~Mining Site Plan~~ Mining Conditional Use Permit or Operating Plan ~~Permit~~ in such a manner as to prevent Off-Site impacts.

12. Dewatering. Dewatering operations Shall be planned and controlled so as to provide minimum drawdown of the Groundwater table outside the actual mining Site. Should the County receive complaints that the dewatering operation has resulted in detrimental Off-Site impacts, the County may require the Operator to demonstrate that such impacts have not occurred as a result of the dewatering operation. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent water bodies, wetland Areas or water supply wells Shall be terminated until such time as a satisfactory plan is Developed and implemented to maintain water levels in such areas.

13. Protection of Floridan Aquifer. The ~~minimum~~ distance between the bottom of the excavated and Mined area and the top of the ~~Floridan Aquifer~~ intermediate Confining Unit, if present, Shall be sufficient to protect the Floridan Aquifer system and Shall be subject to approval by the County.

14. Reclamation plans. No Mining Activities Shall be Permitted until the Operator demonstrates a workable (environmentally sound) Reclamation plan and proof of financial responsibility. Operators Shall be required to provide financial assurance for the future costs of Reclamation activities. Mine Reclamation Shall also adhere to all conditions imposed in Permits issued by State Agencies ~~the FDER, the WMD's~~ and Lake County, where conditions conflict, the more stringent shall apply. The County shall encourage owners of existing mines presently exempted from reclamation requirements to carry out environmentally sound reclamation practices.

C. Mining Operation Standards.

1. Setbacks. Setback areas Shall remain undisturbed except for approved Access points, vegetation Buffers or fencing. The following minimum Setbacks Shall be provided unless specifically modified by the Board of County Commissioners:

   a. All mining operations Shall maintain a Setback of two hundred (200) feet from Churches, schools, parks, Hospitals, residentially zoned property and property used for public purposes and one hundred (100) feet from all other property lines.

   b. Setbacks may be increased or decreased in special situations and Shall be addressed in the ~~Mining Site Plan~~ Mining Conditional Use Permit at the time of Board of County Commissioners consideration.

   c. Setbacks established by the approved ~~Mining Site Plan~~ Mining Conditional Use Permit Shall be marked in a manner acceptable to the County prior to the initiation of any active phase of mining. Such markers Shall remain in place until Mining Activities are terminated.

d. Where two (2) or more Mines are contiguous, Setback requirements between Mines may be waived provided that a reciprocal Excavation agreement in a recordable form between the affected property Owners is executed, and the waiver of the Setback requirements are not contrary to the public health, safety and welfare. The agreement Shall be reviewed and approved by the County Attorney and recorded in the official record books of Lake County at the cost of the Applicant.

2. External Vehicle Access. External Vehicle Accessways Shall be located so as to minimize danger to traffic and nuisance to surrounding properties. All external Vehicle Accessways Shall be clearly marked in accordance with all applicable County, state and federal requirements.

3. Materials piles. Spoil piles, stockpiles of processed Ore or any other excavated material Shall not be higher than seventy (70) feet and Shall be stockpiled at a stable slope. The height of the stockpile may be increased or decreased in special situations and Shall be addressed in the ~~Mining Site Plan~~ Mining Conditional Use Permit at the time the Board of County Commissioners considers the application. Such piles Shall be stabilized in a manner that prevents migration of either materials or particulate matter from such piles to areas beyond the perimeter of the Mine. No spoil or other excavated materials Shall be placed within the Setbacks specified pursuant to Subsection (3)a.1. above unless approved in the ~~Mining Site Plan~~ Mining Conditional Use Permit.

4. Security. Before any mining activity is initiated, the following requirements Shall be satisfied:

   a. The Mine Shall be enclosed with a security fence and gate as specified in the approved ~~Mining Site Plan~~ Mining Conditional Use Permit or the Operating Plan. ~~Permit.~~ Such fencing or gates Shall remain in place and in good repair until Site Reclamation has been completed and approved by the County.

   b. No trespassing ~~Warning~~ Signs ~~of at least six (6) square feet~~ Shall be permanently posted on the ~~ten (10) feet within the~~ perimeter fence ~~lines~~ of the Mine. Such Signs Shall be placed at each corner of the fence line and also not more than one hundred (100) yards apart along any fence line Accessible to the public. The Sign Shall be printed in letters of not less than two (2)~~five (5)~~ inches in height and Shall state: No Trespassing or another approved appropriate warning, the name of the Owner or Operator of said Land and a telephone number at which the Owner or Operator may be contacted. The Signs Shall be positioned so as to be clearly visible from outside the fence line.

   c. Barricades and ~~a~~ caution lights Shall be erected where necessary to protect pedestrians and Vehicles during periods of operation as set forth in the Operating Plan. ~~Permit.~~

5. Dams, spillways and related Structures. Dams, spillways and related Structures, including settling ponds, thickening ponds, tailings ponds, slime-Retention ponds,

including stormwater Management facilities and the like, Shall be designed and constructed in accordance with sound Engineering practices and all applicable state, federal, regional and local laws, ordinances, rules and regulations. All such Structures Shall be inspected weekly by an individual working under the supervision of a Professional Engineer or someone who has been instructed by a Professional Engineer specializing in the field of soils mechanics or earth dam design and Construction, and a complete file of weekly inspection reports Signed by the inspector Shall be maintained at all times on the Site of the mining operation.

6. Drainage Facilities. Drainage Facilities Shall release water in a manner approximating the natural local surface flow regime through a spreader pond or performance equivalent Structure or system, either on-site or to a natural Retention or natural filtration and flow area as specified by the approved ~~Mining Site Plan~~ Mining Conditional Use Permit or Operating Plan. ~~Permit.~~ Drainage Facilities Shall also maintain a Groundwater level sufficient to protect wetland vegetation through the use of weirs or performance equivalent Structures or systems. Said facilities Shall not Retain, divert or otherwise Block or channel the naturally occurring flows in a strand or slough.

7. Sloping. During Excavation, a slope with a maximum ratio of two (2) feet horizontally to one (1) foot vertically to the point of natural Ground Cover Shall be maintained at all times in order to enhance public safety unless other security measures are approved in the ~~Mining Site Plan~~ Mining Conditional Use Permit or Operating Plan~~Permit~~. In the case of peat~~k~~ and muck Mines, dewatering ditches constructed within the fenced area of the Mine Site are exempt from this provision.

8. Phasing. Mining Shall be conducted in phases so as to expose the least amount of Land surface practical at any time during the mining operation. The amount of acreage to be allotted for each phase Shall be determined by the Board of County Commissioners as part of the approved ~~Mining Site Plan~~ Mining Conditional Use Permit. The determination of the amount of acreage contained in each phase Shall be based upon consideration of a variety of factors which Shall include but not be limited to: Type of Mine; size of Mine; location of Mine; length of time the Mine will be in operation; deposition across the Mine Site of materials to be Mined; susceptibility of the Mine Site to Erosion and fugitive particulate matter emissions; and presence or availability of Site Buffers, which will enhance Site aesthetics and reduce potential environmental hazards.

9. Tree Removal. Upon application of the Operating Plan a tree removal permit shall be submitted for approval for the entire mining site. The reclamation plan shall include replanting requirements for each phase of the mine and shall address visual screening.

D. Reclamation Standards.

1. Timing. Reclamation Shall commence within ninety (90) days following the completion of each approved phase of the Mining Activities or within ninety (90) days after commencement of Mining Activities for the next phase, whichever is earlier. Reclamation of the area associated with any completed phase of the mining activity Shall be

completed no later than two (2) years after termination of mining in that phase. At no time Shall more than two (2) phases remain unreclaimed. In the event that substantial Mining Activities cease for a period of three (3) years, Reclamation of disturbed areas Shall commence and be completed within a five-year period from the date ~~of cessation of~~ the operation of the mine ceased.

2. Topography. All Land Areas either Mined or disturbed by Mining Activities Shall be regraded as closely as practical to those contours existing on the Site prior to mining unless the Reclamation plan has established an alternate set of contours that is not contrary to the public interest and leaves the Site beneficial for future use. Such alternate contours must be specified in the ~~Mining Site Plan~~ Mining Conditional Use Permit or Operating Plan ~~Permit~~ and approved by the County prior to commencement of regrading~~regarding~~. Sloping and grading Shall be conducted in such a manner as to minimize soil Erosion and Surface Water runoff and to make the Land surface suitable for revegetation. In order to enhance slope stabilization, enhance Site aesthetics and maximize potential for beneficial end use of the reclaimed Site, no slope beyond the uppermost perimeter of any excavated area of the Mine Shall be steeper than four (4) feet horizontal to one (1) foot vertical. No slope within an excavated area may be steeper than three (3) feet horizontal to one (1) foot vertical. All wetland Areas and/or surface water Mined or disturbed by Mining Activities Shall be reclaimed in accordance with a wetland Mitigation plan that has been approved by the County.

3. Revegetation.

   a. Revegetation of all disturbed areas Shall be conducted in a manner so as to achieve permanent revegetation, which will minimize soil Erosion and Surface Water runoff, conceal the effects of surface mining and recognize the requirements for appropriate habitat for fish and wildlife. Should washes, rills, gullies or the like develop after revegetation and before final County approval of the Reclamation area, such eroded areas Shall be repaired and the slopes stabilized.

   b. Vegetation types utilized for revegetation Shall consist of species of grasses, Shrubs, Trees and Aquatic and Wetlands vegetation native to the area and well-adapted to the soil conditions and terrain features prevalent on the Site being reclaimed. Nonnative species may be used upon approval by the County. However, in no instance Shall prohibited plant species listed in these Regulations ~~Section 9.01, or Hydrilla~~ be planted.

   c. Good quality Topsoils or other growing media suitable for the types of vegetation being utilized for revegetation Shall be applied as the final soil cover material for all reclaimed areas. Alternate growing media must be approved by the County prior to commencement of revegetation. When good-quality Topsoil is available on-site, it Shall be stockpiled, segregated and Retained on-site for revegetation during the Reclamation process.

d. Revegetation efforts Shall commence within thirty (30) days after completion of regrading and Shall be completed within one hundred twenty (120) days. At the end of one (1) year after completion of the initial Reclamation, all Land Areas Shall have established Ground Cover over at least eighty (80) percent of the Land Area, excluding Roads, groves or row crops, unless it can be demonstrated to the satisfaction of the County that, due to circumstances beyond the control of the mining Operator, such coverage could not be achieved. Bare areas Shall not exceed one-quarter (¼) acre. All Land Areas Shall, at the end of two (2) years after completion of the initial Reclamation, have established Ground Cover over at least ninety-five (95) percent of the reclaimed Land Area, excluding Roads, groves and row crops. Upland forested areas Shall be established to resemble pre-mining conditions where practical and where consistent with proposed Land Uses. At a minimum, ten (10) percent of the upland Area will be revegetated as upland forested area with a variety of indigenous hardwoods and conifers unless the mining Operator demonstrates to the County's satisfaction that reforestation is not consistent with proposed future Land Use of the mining Site. Upland forested areas Shall be managed in such a way as to allow vegetation establishment. An area will be considered to be reforested if a stand Density of two hundred (200) Trees per acre is achieved at the end of one (1) year after completion of the initial Reclamation.

e. All wetland Areas Shall be reclaimed and revegetated in accordance with the best available technology. Herbaceous Wetlands Shall achieve a Ground Cover of at least fifty (50) percent at the end of one (1) year unless it can be demonstrated to the County's satisfaction that, due to circumstances beyond the control of the mining Operator, such coverage could not be achieved. Revegetated areas Shall be managed in such a way as to allow vegetation establishment. Herbaceous Wetlands Shall achieve a Ground Cover of at least seventy (70) percent at the end of two (2) years. Forested Wetlands Shall achieve a stand Density of two hundred (200) Trees per acre at the end of one (1) year after completion of the initial Reclamation and Shall be managed in such a way as to allow vegetation establishment.

4. Wetlands and waterbodies.

a. Planned waterbodies and artificially created Wetlands may be incorporated into the final Reclamation plan. The design of such water bodies and Wetlands Shall be consistent with public health and safety, maximize beneficial contributions within local drainage patterns, provide Aquatic and wetland wildlife habitat values and maintain downstream Water Quality by preventing Erosion and providing nutrient uptake. Water bodies Shall, to the fullest extent practical, incorporate a variety of emergent habitats, a balance of deep and Shallow water, naturally fluctuating water levels, high ratios of shoreline length-to-surface area and a variety of shoreline slopes. Water bodies Shall be designed for a minimum depth of six (6) feet over at least seventy-five (75) percent of the Surface Water area. In the case of peat Mines, alternative Water Body depths may be proposed and Shall be subject to review and approval as part of the wetland Mitigation plan.

b. Slopes of any reclaimed area above the seasonal high water (wet season) elevation and within the excavated area of the planned Water Body Shall be no steeper than three (3) feet horizontal to one (1) foot vertical. In order to establish and maintain the littoral zone, all finished side slopes of excavated and Mined areas below the high water table and elevation Shall be no steeper than one (1) foot vertical drop for every six (6) feet of horizontal distance to a depth of six (6) feet below the seasonal low water elevation (dry-season water table elevation) unless an alternate slope is approved by the County. Although no minimum slope below the littoral zone is required, the slope below the littoral zone Shall be constructed so that natural soil movement will not reduce the littoral zone area. Such slopes Shall be subject to approval by the County. Wetlands are encouraged to be incorporated into planned and artificial water bodies as wetland shelves and/or expanded littoral zones. Wetlands created in this manner may be counted towards Mitigation requirements for the mining of Wetlands.

c. Vegetation consisting of a mix of grasses, Trees and Shrubs indigenous to Shallow southern Lakes and native to the area Shall be planted within the littoral and transition zones. Littoral and transition zone vegetation Shall each achieve a cover of at least fifty (50) percent at the end of one (1) growing season and will be protected from grazing, mowing or other adverse Land Uses for three (3) growing seasons to allow establishment. Littoral and transition zone vegetation Shall achieve a cover of seventy (70) percent at the end of two (2) growing seasons.

d. A berm, ~~or~~ Swale, or other approved method Shall be constructed around each Water Body which is of sufficient size to Retain at least the first one (1) inch of runoff from entering created or altered Wetlands or waterbodies. The berm, ~~or~~ Swale, or other approved method Shall be constructed above the seasonal high water elevation and be set back from the edge of the Water Body so that it does not interfere with the other requirements of this Section.

e. Access to the Site Shall be granted to the County in a written agreement. Such Access Shall be maintained by the Operator or Land Owner to allow County officials to inspect Mine Sites and reclaimed Sites for the purpose of determining the success of the Reclamation plan and impact on water bodies and Wetlands for a period of one (1) year from the release of the Reclamation bond or until a Development Permit is issued, whichever Shall occur first.

5. Maintenance. Regular Management and Maintenance of all reclaimed areas Shall be performed by the Operator or a designated agent in order to assure that the Reclamation standards are achieved and the approved Reclamation plan is accomplished. The Maintenance Shall include monitoring for a minimum of two (2) years after planting, replacement of any planted areas that fail to survive in accordance with the established standards, the Removal of nonnative plant species that have not been approved by the County and which exceed ten (10) percent of the vegetative community and the Maintenance of all required slopes and berms.

6. Improperly closed mines. The County shall inventory all improperly closed mines to determine how reclamation of the site can be accomplished:

   a. If the site has an active bond, the surety for the bonding company will be notified by the County Manager or designee that the property owner is in default of the bond. Lake County shall require the surety to either hire a contractor to complete the reclamation of the site or to provide Lake County with the funds to hire a contractor to restore the site.

   b. If the bond for the site in no longer valid, the County Manager or designee shall consider all remedies available to the County in achieving reclamation of the site, including but not limited to Code Enforcement.

E. Drainage. Site Reclamation Shall be conducted in such a manner as to eliminate the risk that there will be Flooding on adjacent properties. The original, pre-mining drainage pattern of the area Shall be restored to the greatest extent possible. Watershed boundaries Shall not be crossed in reclaiming ~~restoring~~ drainage patterns, but Shall be reclaimed ~~restored~~ within their original boundaries unless ~~such a restoration is~~ otherwise approved by the County.

F. Waste storage.

   1. Clay wastes. To the greatest extent practical, all waste clay Shall be disposed of below Grade in a manner that avoids the long-term existence of elevated clay Disposal Areas. Aboveground Retention areas Shall be reclaimed in a manner so that long-term stabilization of Retention dikes and dams is assured. Where appropriate to the Land Use in the general area and the reclamation ~~restoration~~ of surface drainage patterns, Reclamation of Retention areas as Wetlands is encouraged.

   2. Sand tailings. Sand tailings may be stored ~~permanently spoiled~~ above natural Grade when approved by the County in the Reclamation plan.

G. Site cleanup. All debris, Refuse, junk, poles, piling and cables Shall be Removed from all Disturbed Lands as part of the Reclamation process. All Structures Shall be dismantled and Removed except where their reuse is consistent with post reclamation Land Use goals and such reuse is approved by the County. If any large rocks or boulders exist as a result of mining, these should be left either at the surface where they are distinctly visible or placed in Mined-out areas and covered to a minimum depth of four (4) feet.

H. Water Quality. All waters on or leaving the reclaimed Site Shall meet all applicable state, federal, regional and local Water Quality standards, laws, ordinances, rules and regulations unless it can be demonstrated that pre-mining Water Quality failed to meet such standards. If pre-mining quality did not meet such standards, Reclamation-site Water Quality Shall at a minimum be consistent with pre-mining Water Quality conditions.

I. Reclamation Approval.

1. Approval of reclaimed areas may be requested at any time by submitting, along with the Reclamation area review fee established by the Board, such request to the County. The request Shall include a map specifying Reclamation areas for which approval is sought and a general description of how Reclamation has been accomplished. The County Manager or designee ~~director~~ Shall coordinate and schedule the review of the reclaimed areas with the appropriate divisions~~, divisions~~ or agencies. Reclamation of disturbed areas Shall be deemed completed upon demonstration that the areas have been reclaimed in accordance with the approved ~~Mining Site Plan~~ Mining Conditional Use Permit and Operating Plan ~~Permit~~.

2. If Reclamation is not completed in accordance with approved plans, reinspection may be requested by submitting, along with the Reclamation re-inspection fee, such a request to the County. A fee may be charged for each reinspection.

J. Reclamation plans Shall adhere to all other conditions imposed in Permits by the Florida Department of Environmental ~~Regulation~~ Protection, Water Management Districts, Lake County, and other agencies.

6.06.03 ~~Mining Site Plan~~ Mining Conditional Use Permits and Operating ~~Permit~~ Plans.

A. ~~Mining Site Plan~~ Mining Conditional Use Permit Approval and Operating ~~Permit~~ Plan Requirements. Prior to beginning a New Mine or expanding an existing Mine into new acreage not included within an existing Lake County authorization to operate, the Applicant Shall apply for and obtain:

1. Approval of a ~~Mining Site Plan~~ Mining Conditional Use Permit for the new mining activity or non-authorized expanded mining activity, whichever is applicable.

2. An Operating ~~Permit~~ Plan for the new mining operation or the non-authorized expanded mining activity, whichever is applicable.

B. ~~Mining Site Plan~~ Mining Conditional Use Permit Application. Application for approval or amendment of a ~~Mining Site Plan~~ Mining Conditional Use Permit Shall be by submission of a ~~Mining Site Plan~~ Mining Conditional Use Permit prepared in accordance with an application form provided by the County and sealed by a Professional Engineer or professional geologist, as applicable, registered in the State of Florida. Said application Shall contain at a minimum the following information:

1. The name, address and telephone number of the Owner of the Land on which Mining Activities are to be conducted. Evidence of Ownership Shall be provided as well as the written consent of all Landowners. Copies of said consent Shall be attached to the application.

2. The name, address and telephone number of the Mine Operator and the Applicant if the Applicant is not the Landowner, or Person that will physically alter the Land.

3. The proposed date that Mining Activities will commence and the projected date of completion.

4. The legal description and Street address, if any, of the specific parcel(s) on which Mining Activities are to be conducted.

5. Ownership of all property contiguous to and within five hundred (500) feet of the property on which Mining Activities are to be conducted, which information Shall be based upon the real property tax roll. Notice Shall be posted on the public Access Roads and County Road(s) closest to the Site.

6. Dimensions and location of all existing and proposed Buildings, Signs, Driveways, Off-Street Parking Areas, loading and unloading areas and exterior walls and fences. Specifications for the paving of Streets, Parking Areas and walks, provision for parallel service Roads and exterior walls and fences.

7. Plans or reports describing the method of handling any traffic condition created by the proposed use.

8. Plans or reports showing the proposed treatment and disposal of Sewage and waste; treatment of glare; and handling of hazardous gases, liquids and other materials.

9. Copies of approved Permits or Permit applications submitted to or required to be submitted to all state, federal, regional and local Permitting agencies.

10. Wetlands Alteration and Mitigation plans to include the location and type of Wetlands to be altered, location and type of wetland Mitigation areas, Mitigation ratios and methods to be utilized for Mitigation.

11. Uplands Alteration and Mitigation plans to include the location and type of Uplands to be altered, location and type of upland Mitigation areas, Mitigation ratios and methods to be utilized for Mitigation.

12. A map or series of maps prepared at a scale of one (1) inch equals two hundred (200) feet or one (1) inch equals four hundred (400) feet which depicts the following information (such maps Shall be at a scale that is consistent with the scale of the aerial photographs required in item d. below):

    a. Date, north arrow and scale.

    b. Size, shape and geographic location of the proposed mining operation and location of nearest major highways.

    c. Existing topography of the proposed mining Site and its relationship to the existing watershed; contour lines Shall be drawn at five-foot intervals of actual ground contours.

d. Aerial photograph(s) of the proposed mining Site and surrounding property at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available through the County Engineer's office, DOT, SCS or other agency will be accepted). Aerial photographs Shall be at same scale as all other maps submitted with the application.

e. Existing On-Site natural and manmade features, and on property within three hundred (300) feet of the proposed Mine if said information is available for the Off-Site property, including but not limited to:

1) Watercourses.
2) Soils.
3) Wetlands.
4) Designated vegetative and wildlife species.
5) Roads.
6) Railroads.
7) Utility lines (above and below ground on-site only and aboveground Off-Site).
8) Right-of-Way lines and Easement lines (on-site only).
9) Existing Buildings and Structures.
10) Wells.
11) Chemical and fuel storage tanks (surface and subsurface on-site and surface only Off-Site).
12) Hazardous Materials storage (on-site only).
13) Dikes, Canals, pumps and other water-handling devices and systems.
14) Flood-prone areas and Flood elevations (based on 100-year frequency Flood conditions).

f. Proposed features include but are not limited to: Permanent and semipermanent facilities and Structures (such as washers, scales, offices, Lakes, wells, dikes, Canals, ponds, pumps, waste storage areas and other water-handling and stormwater Management devices and systems (include conceptual design demonstrating stormwater Management systems capability to meet County stormwater regulations); mining pit(s)); permanent internal Access Roads; ingress/egress Roads; railroads; utility lines; Right-of-Way and Easement lines; septic tanks and drain fields; chemical and fuel storage tanks; Hazardous Materials storage; wetland Mitigation areas; Setbacks from Right-of-Way, Easement and property lines; fences, walls or vegetative Buffers (identify materials); air emission sources; Sewage treatment facilities; potable water facilities and other similar features.

g. A map depicting the proposed major Access routes in Lake County, including impacted intersections closest to the mining operation and the proposed daily volume of Vehicles hauling the excavated material during the first year of operation.

13. Estimates or computations of the total acreage within the proposed Mine, acreage required for waste storage, acreage of actual mining pits, acreage in existing and/or anticipated waterbodies.

14. A schedule showing the proposed sequence of mining activities is required and ~~that~~ Shall be reviewed and may be revised on a yearly basis.

15. A cross-sectional drawing referring to the NAVD 88 showing the proposed depth of the excavation area and the slope of the site and depth of the water, if any, in the mining area at the time of completion of the mining activity.

16. A hydrogeologic report on surface and Groundwater conditions and the hydrogeologic impact of the proposed activity. The report Shall be prepared by a Person licensed by the State of Florida as a professional geologist. The report Shall include at a minimum but not be limited to:

    a. Identification of the type of Ore and Overburden on-site and the proposed maximum depth of mining.

    b. Groundwater contours, including direction of flow for the surficial and Floridan Aquifers determined from Site specific data. Contours for the Floridan Aquifer may be determined by literary research in the case of clay and peat Mines.

    c. Site-specific geologic information presented on at least one (1) geologic cross-sectional drawing referenced to NAVD 88. This cross Section Shall show the subsurface from the existing Land surface to the top of the Floridian Aquifer and Shall identify the major lithologic and hydrologic groups and the bottom elevation(s) of the proposed Mine.

    d. Information on both the Surficial Aquifer and Confining Units necessary to identify the hydrological environment of the Site. This information Shall, unless specifically exempted by the County, include porosity, specific yield, hydraulic conductivity and other hydrologic characteristics derived from field tests (i.e., slug test, permeability testing or other County-approved Aquifer tests).

    e. Background Surficial Aquifer Water Quality measurements of pH, specific conductance, temperature, chlorides and total dissolved and suspended solids. Peat and muck Mines Shall be required to provide Surface Water Quality measurements of pH, specific conductance, temperature, chlorides, TDS, TSS, BOD, COD, nutrients, organic compounds and heavy metals.

    f. Proposed water withdrawal volumes, water Discharge volumes and water budget for the proposed mining operation.

    g. Hydrologic and hydrogeologic impacts of mining activities, water withdrawal and water Discharge on surrounding properties and resources. The impacts addressed Shall, unless specifically exempted by the County, include but not be limited to the following: Groundwater levels, Recharge to and Discharge from Aquifers, Lake levels, Flood storage, stormwater, Surface Water flow patterns, base flow of Streams, Erosion, Sediment load, Stream velocity and evapotranspiration.

h. Sufficient borings Shall be made to provide data necessary to meet the above requirements. Borings Shall be sufficiently deep to determine depth to the ~~first Florida Aquifer~~ intermediate Confining Unit. Consideration Shall be given to placing one (1) upgradient boring to the top of the weathered limestone of the Floridan Aquifer as needed to ascertain the lithology of the Site. Borings Shall be conducted according to either ASTM Standard D-1586 (Standard Penetration Test), augured or continuously cored. Boring Lots in the report Shall as a minimum include the following:

1) The reference point for all depth measurements both to existing Land surface and to NAVD 88.

2) The identification and description of the material of which each stratum is composed.

3) The depth and height of any cavities, intervals of falling rod and lost circulation of drilling fluids.

4) Depth at which the water in the Surficial Aquifer was encountered.

i. In the case of peat Mines, unless specific adverse conditions are identified, the following Shall generally be considered sufficient to supply Site specific data required to comply with Subsections c., d. and h. above. A muck probe survey with probes done on one hundred (100) foot centers to determine the depth of the peat deposit Shall be performed. Probing Shall be performed to the bottom of the deposit. In Addition, one (1) boring to a depth of twenty (20) feet below the proposed Mine depth to characterize the hydrogeologic setting of the Site Shall be required. The location of this boring Shall be adjacent to the area to be Mined and selected in consultation with County staff. (Under h., boring logs, requirements (1) through (4) would still apply). This data will be incorporated into the required report(s). Where the data indicate a possible and/or potential Connection to the Floridan Aquifer, Additional probes and/or borings Shall be performed.

j. Other information which may be beneficial to the review of the hydrogeological condition of the Site and vicinity, including but not limited to any other geologic, hydrogeologic and geotechnical reports prepared on the mining Site.

17. An environmental report that identifies the location and extent of Designated Species as identified in the ~~Chapter 39, Sections 39-27.003, 39-27.004 and 39-27.005,~~ Florida Administrative Code~~,~~ and ~~F.S~~ Florida Statutes. ~~Ch. 581, § 581.185(5)(a) and (b).~~ The environmental report Shall address at a minimum the impact of the proposed activity on such species and the methods to be utilized to mitigate adverse impacts.

18. Conceptual plans which Shall include provisions for the stabilization of soils disturbed during Construction to prevent soil losses by water or wind. When the Mine operation is in public view, conceptual plans Shall include provisions for Landscaping and Buffering.

19. A workable, environmentally sound Reclamation plan which demonstrates the requirements of this chapter, fully described by illustration and documentation, including plan view with cross Sections. The Reclamation plan Shall show all areas to be reclaimed by depicting and describing what manmade and natural features will exist when the Reclamation plan is completed and Shall depict at least two (2) typical cross Sections generally oriented at a ninety-degree angle to each other and a plan view with contours showing areas to be filled, backfilled, reconstructed and reshaped. The Reclamation plan Shall identify size, type, location and planting schedule for all vegetation to be planted or seeded in accordance with the Reclamation plan. Water elevation Shall be shown when a Lake Creation is proposed.

20. Site-specific information requirements may be modified, or Additional information may be requested by the County. Additional Aquifer testing and/or water-quality testing, including sampling of wells in the Floridan Aquifer, may be required in areas of known Groundwater contamination or in prime Recharge. The Applicant Shall bear all costs associated with testing.

21. In the event that the Department of Environmental Protection ~~Natural Resources~~ Shall issue a determination of confidentiality pursuant to F.S. Ch. 378, § 378.406, the County Shall honor said determination.

C. ~~Mining Site Plan~~ Mining Conditional Use Permit Review and Approval Process~~;~~, Reapplication~~;~~, Term~~;~~, Amendment. The procedure for obtaining approval of a ~~mining site plan~~ Mining Conditional Use Permit shall be as follows:

1. Pre-application Conference. Prior to submitting a formal ~~mining site plan~~ Mining Conditional Use Permit application, the applicant shall schedule a pre-application conference with the County staff. At least ten (10) working days prior to the scheduled conference date, the applicant shall submit four (4) ~~ten (10)~~ copies of a concept plan for the proposed mine. The concept plan shall consist of, at a minimum, a generalized sketch with supporting information addressing the proposed project. The purpose of the pre-application conference is to acquaint County staff with the proposed project, provide the applicant with preliminary review comments, identify major areas of concern, discuss the need for additional support data and familiarize the applicant with the project review process.

2. ~~Mining Site Plan~~ Mining Conditional Use Permit Application Submission. After the pre-application conference, should the applicant desire to proceed with the proposed project, the following procedures shall be followed:

   a. The applicant shall submit four (4) ~~ten (10)~~ copies of the completed ~~mining site plan~~ Mining Conditional Use Permit application to the County.

   b. The applicant shall submit with the ~~mining site plan~~ Mining Conditional Use Permit application the appropriate nonrefundable fees as established by the Board of County Commissioners.

3. County Staff Review. Upon submission of the ~~mining site plan~~ Mining Conditional Use Permit application and appropriate application fees, the project shall be reviewed by the County staff within thirty (30) days after submittal of a complete application. The review shall be conducted in terms of the following considerations:

   a. Consistency with Lake County's Comprehensive Plan, and these regulations. Consistency with the general purpose, goals, objectives and standards of the Lake County Comprehensive Plan and these regulations.

   b. Effects on adjacent properties. The potential impact upon adjacent property in general terms of neighborhood character, public nuisances and other matters affecting the public health, safety and welfare.

   c. Environmental impacts. The potential impact upon air quality, surface and groundwater quality and quantity, drainage, ambient sound levels, vegetation and wildlife resources.

   d. Transportation system plan. The potential impact on public roads.

   e. The adequacy of the reclamation plan in properly reclaiming the mining site relative to the environment.

   Upon review of the ~~mining site plan~~ Mining Conditional Use Permit application by the County staff, the County Manager or designee shall issue a written recommendation. A copy of the recommendation of the County Manager or designee shall be sent to the Lake County Planning and Zoning Board and the applicant within forty-five (45) days after submittal of a complete application.

4. Lake County Zoning Board and Board of County Commissioners Review.

   a. The ~~mining site plan~~ Mining Conditional Use Permit application shall be processed and reviewed by the Lake County Planning and Zoning Board in the same manner as ~~a~~ other conditional use permits as provided ~~in Section 14.05.00 of~~ in these regulations.

   b. A public hearing shall be held by the Board of County Commissioners in the same manner as for other ~~that for a~~ conditional use permits. The Board of County Commissioners shall consider the recommendation of the Lake County Planning and Zoning Board.

5. Reapplication. In the event of a denial of an application, a reapplication for ~~mining site plan~~ Mining Conditional Use Permit Approval for all or a portion of the property described in the original application shall not be allowed for a period of one (1) year from the date of the denial unless said time frame is waived by the Board of County Commissioners pursuant to the terms of this subsection. The Board may waive the one-year period if it finds that the basis for denial of the original application no longer exists because of

changed circumstances or the discovery of evidence not produced at the original public hearing.

If the applicant feels that the justification for a waiver is present, the applicant may submit a request to the Board. In the request, the applicant shall state the basis for the proposed waiver. If a waiver is granted, the application shall be processed in the same manner as the initial application.

6. ~~Mining Site Plan~~ Mining Conditional Use Permit Term.

   a. If the mining activities commence within three (3) years of the date that the Board grants ~~mining site plan~~ Mining Conditional Use Permit approval, the ~~mining site plan~~ Mining Conditional Use Permit shall remain valid and in force as long as the operator shall abide by the approved ~~mining site plan~~ Mining Conditional Use Permit, the operating ~~permit~~ Plan and the requirements of this chapter.

   b. Should mining activities not commence within the specified three-year period, the ~~mining site plan~~ Mining Conditional Use Permit approval shall expire unless extended. Extension of approval of the ~~mining site plan~~ Mining Conditional Use Permit shall be requested in writing by the applicant prior to the expiration of the ~~mining site plan~~ Mining Conditional Use Permit approval and may be extended for a period of up to three (3) years upon approval by the Board.

   c. After commencement of mining activities, should mining activities cease for a period of three (3) years, ~~mining site plan~~ Mining Conditional Use Permit approval shall expire unless extended. Extension shall be requested in writing by the applicant prior to the expiration of the ~~mining site plan~~ Mining Conditional Use Permit approval. Any request for extension shall be placed on a Board agenda and shall be heard by the Board no later than forty-five (45) days after the date the request for extension is submitted.

7. ~~Mining Site Plan~~ Mining Conditional Use Permit Amendment.

   a. The ~~mining site plan~~ Mining Conditional Use Permit may be amended as required for reasonable cause and as approved by the County. In order to amend the ~~mining site plan~~ Mining Conditional Use Permit, an application shall be submitted to the County for consideration.

   b. The County Manager or designee, based upon the recommendations of the members of County staff, shall determine whether the proposed amendment is substantial or non-substantial. The following general criteria will be used to identify a substantial amendment. These criteria are established for illustrative purposes and may be expanded upon where deemed necessary to protect the public health, safety or welfare:

      1) A change which would require an amendment of the conditions of approval for the ~~mining site plan~~ Mining Conditional Use Permit;

2) A change in phasing of the mining operation which would propose mining in advance of infrastructure improvements necessary to support such operation.

c. A non-substantial amendment is defined as any change to a previously approved ~~mining site plan~~ Mining Conditional Use Permit, which does not increase the intensity of the land use or its impact on activities, utilities, circulation, surrounding land uses, community facilities, environment or other factors directly or indirectly affected.

d. Amendments to the ~~mining site plan~~ Mining Conditional Use Permit, which are determined to be substantial shall be submitted with plans and support data in the same manner as required for the submittal of the original ~~mining site plan~~ Mining Conditional Use Permit application for review.

e. All non-substantial amendments documented by plans and support data shall be approved by the County Manager or designee. The review of the application for amendment shall be conducted in substantial conformity with those procedures used to review the original ~~mining site plan~~ Mining Conditional Use Permit.

D. Operating ~~Permit~~ Plan Review and Approval Process~~;~~, Resubmittal ~~application;~~ Term~~;~~ and Amendment. After the Mining Conditional Use Permit has been approved and before mining activity can begin an Operating plan shall be submitted and approved. The procedure for submitting ~~obtaining~~ an Operating ~~Permit~~ Plan Shall be as follows:

1. Submission of Application and Fees. The Applicant Shall submit to the County four (4)~~ten (10)~~ copies of the Operating ~~Permit~~ Plan application and the appropriate fees charged by each of the reviewing departments or divisions. The application Shall contain the Engineering and Construction plans for the project. Where required by state or County regulation, such plans Shall be Signed and sealed by a Professional Engineer, professional geologist or Architect, where applicable, registered in the State of Florida and Shall include, but not necessarily be limited to, Architectural and Engineering Construction details, plans and specifications for:

   a. All proposed Buildings, Signs, exterior walls and fences, Driveways, Roads, Off-Street Parking Areas, loading and unloading areas, walks.

   b. Conceptual Excavation areas.

   c. Solid Waste Management facilities.

   d. Water supply and wastewater treatment facilities.

   e. Stormwater Management facilities (including calculations).

   f. Other pollutant Management devices or facilities.

   g. Erosion and Sedimentation control.

   h. Hazardous Material storage and Management facilities.

i. Landscaping and beautification.

j. Fire-control devices, facilities.

k. Site Reclamation.

l. Wetlands Mitigation.

m. Other information which may be beneficial to the review and approval of the Operating ~~Permit~~ Plan application.

2. Operating ~~Permit~~ Plan Application Review. The Operating ~~Permit~~ Plan application review will be conducted by the Lake County staff within thirty (30) days of the receipt of a complete application. The application Shall be reviewed for compliance with all applicable state, federal, regional and local laws, ordinances, rules and regulations and the approved ~~Mining Site Plan~~ Mining Conditional Use Permit. The County Manager or designee, based upon the comments of County staff, Shall ~~either~~ approve, approve with conditions or deny the application. If the application is approved or approved with conditions, the conditions shall be ~~being so~~ stated in writing, the ~~Applicant Shall be issued an~~ Operating ~~Permit~~ Plan shall be approved and work can commence.~~.~~ If the application is denied, the reasons for denial Shall be stated in writing and forwarded to the Applicant.

3. Resubmittal ~~application~~. The Applicant may resubmit ~~apply for~~ an Operating ~~Permit~~ Plan after denial upon addressing the reasons for denial.

~~4. Appeal. If, after reapplication, the Permit is denied or the Applicant and County staff are unable to resolve the issues in dispute, the Applicant may Appeal the denial to the Board of Adjustment. Said Appeal Shall be considered at a Public Hearing after Written Notice of the date, time and place is mailed to the Applicant. The Board of Adjustment Shall consider all applicable provisions of the Lake County Code in reviewing the denial.~~

45. Operating ~~Permit~~ Plan Term. Unless stated otherwise, the Operating ~~Permit~~ Plan Shall remain valid and in force throughout the life of the approved ~~Mining Site Plan~~ Mining Conditional Use Permit as long as the Operator Shall comply with the ~~Mining Site Plan~~ Mining Conditional Use Permit, the requirements of the Land Development Regulations ~~Section 6.06.00~~ and the conditions of the Operating ~~Permit~~ Plan.

56. Operating ~~Permit~~ Plan Amendment. The process followed for Operating ~~Permit~~ Plan amendments Shall be the same as the procedure required for the approval of the original Operating ~~Permit~~ Plan.

E. Inspections of all new and existing Mining Activities Shall be conducted on a routine, periodic basis and as deemed appropriate by the County or as complaints arise concerning the mining activity. By seeking and obtaining a ~~mining Permit~~ Mining Conditional Use Permit under the Land Development Regulations, the Operator and Owner Shall be deemed to have consented to inspections by the County and other appropriate regulatory agencies or

departments upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspections.

F. Fees.

1. Payment of administrative, review, processing, Permitting and inspection fees associated with the cost of implementing the requirements of the mining regulations Shall be in accordance with a fee schedule established by resolution of the Board.

2. The Annual Inspection Fee shall be:~~.~~

   a. Submitted to the County within forty-five (45) days after the end of each fiscal year (September 30th)~~; along with the annual progress report required pursuant to Section 6.06.03;~~ and

   b. Pro-rated for the first year to cover the number of fiscal quarters remaining after approval of the Operating ~~Permit~~ Plan.

   The fee Shall be in Addition to the annual progress report review fee.

3. Annual Progress Report. The appropriate fee, as established by the Board, shall be paid for the review of the ~~Submission of the~~ annual progress report ~~Shall be accompanied by the appropriate fee~~.

6.06.04 Annual Progress Report.

A. Annual Progress Report. The Operator of every approved or registered Mine Shall file a written annual report with the County by February 1st of each year, ~~within forty-five (45) days after the end of each fiscal year (September 30th)~~ to include the following, if applicable:

1. Identification of Lands Mined during the preceding year and Lands expected to be Mined during the current year.

2. Discussion of the Reclamation progress for each area where Reclamation has been completed in the last year or where Reclamation is in progress and a discussion of Reclamation planned for the current year.

3. Aerial photographs at a scale of 1 inch = 200 feet or 1 inch = 400 feet (photos of flight most recently available through the County Engineer's office, DOT, SCS or other agency will be accepted) showing the extent of Land disturbance and Reclamation during the last year.

4. A summary of results of the previous year's environmental monitoring program if required in the Operating ~~Permit~~ Plan.

5. The Operator Shall also furnish copies of all related inspection reports not previously furnished which are required by state, federal, regional or local regulatory agencies.

6. An update on major Access routes, impacted intersections closest to the Site and daily volume of Vehicles hauling Mined materials.

B. Certification. A licensed Florida registered Professional Engineer, professional geologist, Mine Operator or an authorized representative familiar with the Operator's Mining Activities Shall certify in a notarized document which Shall be included with the annual progress report that the project is being Developed and operated in strict accordance with the conditions set forth in the approved ~~Mining Site Plan~~ Mining Conditional Use Permit, Operating ~~Permit~~ Plan and any applicable Development of regional impact Development Order.

C. Failure to File. Failure to file the required annual progress report Shall be grounds for suspension of the Operating ~~Permit~~ Plan. An extension of time for filing may be granted by the County upon request and for good cause shown.

D. Reclamation Approval. If necessary, approval of reclaimed areas Shall be requested in the annual progress report by identifying the specific Reclamation areas for which approval is sought. Reclamation of Disturbed Lands Shall be deemed completed after showing that the Reclamation areas have been reclaimed in accordance with the approved ~~Mining Site Plan~~ Mining Conditional Use Permit and Operating ~~Permit~~ Plan.

6.06.05 Financial Responsibility.

A. Before an Operating ~~Permit~~ Plan is issued, the Applicant or Operator Shall provide proof of financial responsibility and Shall file with the Board of County Commissioners a compliance and Reclamation guarantee to ensure that the Mine is Developed, operated and reclaimed in conformance with the Lake County Code, the approved ~~Mining Site Plan~~ Mining Conditional Use Permit and the Operating ~~Permit~~ Plan. Acceptable forms of the guarantee include cash, irrevocable letters of credit or surety bonds. In all cases, the form of the guarantee Shall be subject to approval by the County Attorney.

B. The amount of the guarantee Shall be set by the Board, upon recommendation of the County Manager or designee in an amount not less than one hundred (100) percent of the estimated cost of Reclamation based upon the phase that is being Permitted.

C. As the Reclamation progresses in accordance with the Reclamation plan, the amount required to complete the Reclamation may decrease. As time progresses, the amount required to complete the Reclamation may increase because of, among other things, changes in technology or inflation. If the Owner or Operator feels that, due to progress which has occurred in compliance with the Reclamation plan, the amount of the guarantee held by the County exceeds one hundred (100) percent of the amount necessary to complete the Reclamation plan, then the Owner or Operator may submit a request for a proportionate reduction. Such request Shall accompany the annual progress report and Shall provide justification for the request. If the County feels that, due to changes in technology, inflation or other events, the amount of the guarantee held by the County is less than one hundred (100) percent of the amount necessary to complete the Reclamation plan,

the County may request Additional amounts of guarantee. After review, the County Manager or designee Shall recommend to the Board of County Commissioners that the amount of the guarantee be reduced or that Additional guarantee amounts are necessary. The Board of County Commissioners Shall review the recommendation of the County Manager or designee and determine the amount by which the guarantee Shall be reduced or increased accordingly. Failure of the Operator to post such Additional guarantee amount Shall be grounds for suspension or revocation of the Operating ~~Permit~~ Plan or the ~~Mining Site Plan~~ Mining Conditional Use Permit Approval in Addition to the other remedies provided in the Lake County Code.

D. Where Water Quality monitoring is required by the Board of County Commissioners for Mining Activities occurring within prime Aquifer Recharge areas, the costs of monitoring activity Shall be borne by the extractor.

Section 4. Amendment. Section 8.00.05, Lake County Code, Appendix E, Land Development Regulations, entitled "Development Review Criteria", shall be amended to read as follows:

CHAPTER VIII GREEN SWAMP

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8.00.05 Development Review Criteria.

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B. Review Criteria.

1. All Development in Flood prone areas Shall meet the following standards:
   a. Structures that are built in a Flood prone area Shall have a minimum Basement or first Floor level of eighteen (18) inches above the Regulatory Flood Level.
   b. Development Shall not adversely affect the Natural Flow Regime or reduce the Recharge capabilities of the area.
   c. All Development Shall be consistent with sound Floodplain Management practices and comply with the Flood Disaster Act of 1973 (PL93-234) and Federal Insurance regulations applicable in Flood prone areas.
   d. Additional Standards of Chapter 6.05.00, Flood Damage Prevention, Shall apply.
2. Development in the Uplands Shall not significantly reduce the on-site percolation Rate of rain water back into the ground from that which existed when the Land was in its undisturbed state.
3. All Drainage Facilities Shall include Engineering design features to Remove suspended solids and other contaminants and pollutants in Stormwater runoff to meet Lake County Water Control Standards, and consistency with Chapter 9.06.00, Storm Water Management.
4. Sites Shall be Developed to maximize the amount of natural rainfall which is percolated into the soil and to minimize direct overland runoff into adjoining Roads and water courses to the extent feasible. Stormwater runoff from roofs and other nonpermeable

surfaces Shall be diverted into Swales or terraces on the Site. Whenever Land lying within two hundred (200) feet of a Lake and which slopes toward said Lake is Developed, the following methods Shall be provided to minimize Stormwater runoff into the Lake:

a. Construction of terraces which slope in the direction away from the Lake, and

b. Erection of a tree line or performance equivalent Structures to reduce or divert runoff.

5. Road drainage by grassed Swales Shall be utilized except where flow velocities in excess of two (2) feet per second are anticipated, in which case curbs and gutters or other Engineering techniques may be required. The overflow from these Swales and other Drainage Facilities Shall be diverted to natural percolation areas or artificial seepage basins of at least sufficient capacity to Retain the Stormwater runoff from each drainage area for a fifty (50) year storm. Natural Lakes Shall not be used as Retention areas for the increased runoff generated by Development. Drainage Facilities Shall be provided for all percolation, seepage basins and Detention areas to handle the runoff from storms which exceed the fifty (50) year storm in duration and severity.
6. Storm Drainage Facilities Shall be designed to convey the flow of Surface Waters without damage to Persons or property. Such systems Shall ensure drainage at all points along Roads and provide positive drainage away from Buildings and on-site waste disposal Sites. All stormwater Management and Drainage Facilities Shall be designed to conform to the standards contained in Chapter 9J-8, Florida Administrative Code.
7. Fill Areas and related Dredging. ~~Borrow Pits and Mines.~~
   a. Fill areas and related dredging ~~e and borrow pits~~ Shall be aligned substantially in the direction of local Surface Water flows and Shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge activities ~~or borrow pits~~ Shall provide for the release of Stormwaters as sheet flow from their downstream end into unaltered areas of vegetation. Access Roads to and between fill areas Shall provide for the passage of water in a manner approximating the Natural Flow Regime and designed to accommodate the fifty (50) year storm. Fill areas and related ponds Shall not substantially Retain or divert the total flow.
   b. Man-made Lakes, ponds or other containment Works Shall be constructed with maximum slope of thirty (30) degrees to a depth of six (6) feet of water.
   ~~c. Mining operations Shall be completely self-contained and Shall Retain any waste materials or water generated by the process of mining on the premises. The operation Shall not utilize any Surface Water from Lakes or ponds which are not entirely on the property.~~
   ~~d. Any unusable soil or other debris Shall be reasonably contoured as it is Removed from the Mine area, with the exception of the settling area and the dikes which Shall be contoured upon termination of their use.~~
   ce. All Mines, which includes borrow pits, ~~fill areas and related dredge operations~~ Shall meet all ~~the~~ requirements of the Mining Section within these Regulations. ~~this Chapter, except that the requirements of (7) (a) above of this Chapter do not apply to Mines.~~
8. Solid Waste. Solid Waste disposal Sites Shall meet all the requirements of this Chapter.
9. Ground water withdrawal Shall comply with the standards and regulations of the Southwest Florida Water Management District, St. Johns River Water Management District, or their successor agencies.

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Section 5. Severability. If any section, sentence, clause or phrase or the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portion of this Ordinance.

Section 6. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 7. Filing with the Department of State. The clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

Section 8. Effective. This Ordinance shall become effective upon filing with the Secretary of the State.

Enacted this 26th day of March, 2013.

Filed with the Secretary of State April 5, 2013.

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
of Lake County, Florida

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Leslie Campione, Chairman

Approved as to form and legality:

Sanford A. Minkoff
County Attorney