

HOUSE BILL REPORT

ESSB 5662

As Reported By House Committee On:
Natural Resources

Title: An act relating to clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

Brief Description: Clarifying the existing authority of the department of ecology and the department of natural resources to require performance security for metals mining and milling operations.

Sponsors: Senators Owen, Swecker and Morton.

Brief History:

Committee Activity:

Natural Resources: 3/21/95, 3/22/95 [DPA].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: In 1994, the Legislature enacted legislation regulating metals mining and milling operations. As part of this legislation, the Legislature created the Metals Mining Advisory Group and assigned a number of tasks to this group. The Metals Mining Advisory Group is comprised of members representing the metals mining industry, county commissioners of affected counties, the environmental community, and the departments of Ecology, Fish and Wildlife, and Natural Resources.

The advisory group has worked through its assigned tasks, including the task of identifying fee-eligible costs and costs which are required by the metals mining legislation but not funded. The major unfunded cost identified by the advisory group is the performance security rule-making requirement imposed on the Department of Ecology. To address this unfunded cost, the advisory group recommends separating

the performance security provisions of the Department of Ecology and the Department of Natural Resources and making Ecology's performance security rule-making discretionary instead of mandatory.

Summary of Amended Bill: The joint performance security provisions of the current metals mining law are divided into separate performance security provisions for the Department of Ecology and the Department of Natural Resources. The Department of Ecology may, but is no longer required to, adopt rules regarding that department's performance security requirements. A single performance security may still be used by both the Department of Ecology and the Department of Natural Resources when that performance security is acceptable to both agencies.

Amended Bill Compared to Engrossed Substitute Bill: The striking amendment moves provisions from the surface mining statutes to the metals mining statutes.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill represents the work of the Metals Mining Advisory Group, which includes representation from the metals mining industry, counties, environmentalists, and state agencies. There has been one dissenting view from a party outside the group. The striking amendment resolves that difference. The surface mining statutes are left largely unchanged by the striking amendment, which addresses our concern.

Testimony Against: None.

Testified: Brant Hinze, Battle Mountain Gold Company and Metals Mining Advisory Group; and Mark Triplett, Washington Aggregate and Concrete Association (both in favor of striking amendment).