

HOUSE BILL REPORT

HB 1600

As Reported By House Committee On:
Natural Resources

Title: An act relating to surface mining.

Brief Description: Revising provisions relating to surface mining permits.

Sponsors: Representatives Sheldon and Buck.

Brief History:

Committee Activity:

Natural Resources: 2/12/97, 2/28/97 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

Staff: Linda Byers (786-7129).

Background: In 1993 the Legislature substantially rewrote the state's surface mining laws, establishing new standards for reclamation and new guidance on the information necessary to have a reclamation plan approved by the Department of Natural Resources. The new standards apply to reclamation permits issued after July 1, 1993. The Legislature provided that mine operating permits issued prior to the effective date of the 1993 legislation can be considered reclamation permits if, by July 1, 1998, the permits meet the protections, mitigations, and reclamation goals of the 1993 legislation. With this five-year interval coming to a close, more than 600 plans and operations permitted prior to 1993 have yet to be updated by the permit holders.

The department currently has the authority to require that a reclamation plan be updated at least every 10 years. The department and the permit holder may modify the reclamation plan during the term of the permit for any of the following three reasons: (1) to modify the requirements so that they do not conflict with existing or new laws; (2) if the department determines that the current plan is impossible or impracticable to implement or maintain, or (3) if the plan is not accomplishing the intent of the surface mining chapter as determined by the department.

Summary of Substitute Bill: The bill removes the requirement for mine operating permits issued before July 1, 1993, to be reviewed within five years of that date before being considered reclamation permits. A permit holder may modify a reclamation plan at any time during the term of the permit if the modified plan meets the protections, mitigations, and reclamation goals established in the 1993 legislation. The Department of Natural Resources may require a permit holder to modify a reclamation plan if the department determines that the previously approved plan has not been modified during the past 10 years or that the permit holder has violated or is not substantially following the previously approved reclamation plan.

Substitute Bill Compared to Original Bill: The substitute bill changes requirements in the original bill dealing with the department's ability to request modifications of reclamation plans.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The five-year window for review of pre-1993 permits is closing. Meeting that deadline with current staffing levels would bury the department. If the department is overwhelmed, industry is worried about getting a good work product. If there are violations, the department should be able to go in and make corrections to the reclamation plan. Five years seemed like a long time in 1993, but that time period wasn't long enough.

Testimony Against: There is a problem in the original bill regarding the department's ability to require updates of plans, which industry and the department will work together to fix.

Testified: Mark Triplett, Washington Aggregate & Concrete Association (in favor); and Art Stearns, Department of Natural Resources (in favor, with concerns).