

# SENATE BILL REPORT

## E2SHB 2627

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As of February 13, 1996

**Title:** An act relating to surface mining.

**Brief Description:** Regulating surface mining.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Elliot and Sheldon).

**Brief History:**

**Committee Activity:** Natural Resources: 2/23/96.

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Staff:** Vic Moon (786-7469)

**Background:** Surface Mining in Washington. There are more than 1,500 surface mines in Washington, the majority of which are sand and gravel operations. The state's surface mining reclamation program is administered by the Department of Natural Resources (DNR). Statute provides a definition of what constitutes a "surface mine."

Delegation of Authority to Local Governments. Under current law, DNR may delegate some or all of its enforcement authority for regulating surface mine reclamation to a county, city, or town.

State Surface Mining Fees. An applicant for a state surface mining reclamation permit pays a \$650 application fee to the department. Since June 30, 1993, each permit holder has also been required to pay an annual permit fee of \$650. These fees are deposited in the Surface Mining Reclamation Account and are used to administer the state reclamation program. The Legislature also provided DNR with the authority to modify the annual permit fees by rule.

State Consulting Service. DNR may provide no-cost consulting to assist miners, permit holders, local governments, and the public in technical matters related to mine regulation, mine operations, and reclamation.

Metals Mining. Current law provides that the basic objective of reclamation is to reestablish on a continuing basis the vegetative cover, slope stability, water conditions, and safety conditions suitable to the proposed subsequent use of the site, consistent with local land use plans for that site. A somewhat different reclamation objective applies to metals mining and milling operations. The objective for reclamation for metals mining and milling operations does not include the express reference to the proposed subsequent use of the site.

Current law provides for special inspection requirements for metals mining operations to ensure that a metals mining operation is in compliance with state reclamation requirements. Those provisions appear in the surface mining chapter.

**Summary of Bill:** Definition of a Surface Mine. The definition of a surface mine is amended to exclude expressly excavations or grading used as part of an approved development plan where (1) the local government finds that the excavation is an essential part of the development; (2) the local government finds that the final site and grading plans constitute complete reclamation of the site; and (3) the local government and the applicant for a proposed subsequent land use agree in writing.

Delegation of Authority to Local Governments. DNR's ability to delegate its enforcement authority for regulating surface mine reclamation to a local government is eliminated.

State Surface Mining Fees. DNR's authority to modify annual permit fees by rule is eliminated.

State Consulting Service. DNR must provide a no-cost consulting service to assist miners, permit holders, local government, and the public in technical matters related to mine regulation, mine operations, and reclamation.

Metals Mining. The basic objective of reclamation for metals mining and milling operations is changed to incorporate consideration of the proposed subsequent use of the site, consistent with local land use plans.

The special inspection requirements for metals mining operations are moved from the surface mining chapter to the metals mining chapter.

**Appropriation:** None.

**Fiscal Note:** Requested on substitute bill on February 2, 1996.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the budget.