

SENATE BILL REPORT

SHB 1600

As Reported By Senate Committee On:
Natural Resources & Parks, March 28, 1997

Title: An act relating to surface mining.

Brief Description: Revising provisions relating to surface mining permits.

Sponsors: House Committee on Natural Resources (originally sponsored by Representatives Sheldon and Buck).

Brief History:

Committee Activity: Natural Resources & Parks: 3/27/97, 3/28/97 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Snyder, Spanel, Stevens and Swecker.

Staff: Vic Moon (786-7469)

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 ten 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 Bill: 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 is removed. 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 ten years or that the permit holder has violated or is not substantially following the previously approved reclamation plan.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The rewriting and improving of surface mine reclamation plans is more complete than originally thought. More time and a more flexible cooperative approach is needed.

Testimony Against: None.

Testified: Mark Triplett, WA Aggregates and Concrete Association.