
SENATE BILL 6066

State of Washington

52nd Legislature

1992 Regular Session

By Senator McCaslin

Read first time 01/14/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to surface mining; adding new sections to chapter
2 78.44 RCW; and creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The purposes of sections 2 and 3 of this
5 act are to:

6 (1) Provide for local regulation of surface mining operations in
7 order to prevent or mitigate environmental and social impacts of
8 surface mining operations;

9 (2) Ensure the right of counties, cities, and towns to regulate
10 surface mining operations so that they are compatible with local land
11 use regulations; and

12 (3) Ensure that reclamation plans be consistent with local land
13 uses.

1 NEW SECTION. **Sec. 2.** Counties, cities, or towns shall
2 regulate surface mining operations and surface mine siting pursuant to
3 the authority granted local government.

4 For the purposes of this chapter, "surface mining operations" means
5 surface mine-related activities, exclusive of reclamation, that
6 include, but are not limited to activities that affect noise
7 generation, air quality, surface and ground water quality and quantity,
8 glare, pollution, traffic safety, ground vibrations, and/or public
9 safety impacts commonly regulated under provisions of land use or
10 operating permits, or other state laws. Surface mining operations
11 specifically include:

12 (1) Blasting, equipment maintenance, sorting, crushing, and
13 loading;

14 (2) On-site mineral processing including heap leaching, asphalt or
15 concrete batching, concrete recycling, and other aggregate recycling;
16 and

17 (3) Transporting minerals to and from the surface mine, road
18 maintenance, traffic safety, and traffic control.

19 NEW SECTION. **Sec. 3.** (1) Counties, cities, and towns
20 enforcing the provisions of this chapter may:

21 (a) Consider historical surface mining uses but update the
22 operations to be in compliance with this chapter and new operating
23 standards; and

24 (b) Impose fines pursuant to regulatory ordinances.

25 (2) Local ordinances shall:

26 (a) Be performance-based and generally applicable to other land use
27 activities having similar impacts in similar situations in similar land
28 use designated areas; and

1 (b) Limit exactions and other standards to those that are both
2 authorized by state law and proportional to the direct operational
3 impacts sought to be mitigated.

4 NEW SECTION. **Sec. 4.** A surface mining model ordinance
5 advisory committee is hereby created. The committee shall be composed
6 of representatives of local government, state agencies, surface mining
7 interests, and the environmental community. The department of natural
8 resources shall appoint the members of the committee and the department
9 shall staff the committee. This temporary advisory committee shall
10 draft model ordinances for different surface-mining settings and shall
11 assist counties, cities, and towns in developing ordinances. The
12 committee shall also consider various mechanisms for funding the
13 closure of surface mines. The committee shall complete its work and
14 shall expire by July 1, 1993.

15 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each
16 added to chapter 78.44 RCW.