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**SUBSTITUTE SENATE BILL 5662**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Natural Resources (originally sponsored by Senators Owen, Erwin, Spanel, Franklin, Haugen, Fraser, Sutherland and Williams)

Read first time 03/03/93.

1 AN ACT Relating to metals mining; creating new sections; and  
2 providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) State and federal laws governing surface mining may not provide  
6 the necessary regulatory safeguards for modern metals mining processes  
7 such as the open-pit chemical leach process.

8 (2) Recent experience in several other western states has shown  
9 that underregulated chemical leach mining operations can result in  
10 large-scale environmental problems including the permanent scarring of  
11 large areas of land and the permanent poisoning of ground and surface  
12 water. Federal, state, and local governments, as well as the mining  
13 industry, face enormous costs in attempting to reclaim land and clean  
14 up hazardous wastes associated with the process.

15 (3) The mining industry has shown an increasing interest to begin  
16 opening large-scale chemical leach mines in Washington to exploit low-  
17 grade deposits of gold and other valuable minerals in the state.

18 The legislature declares that a specific state policy to regulate  
19 the open-pit chemical leach mining process should be established to

1 protect the environment, health, and economic well-being of the people  
2 of the state.

3 NEW SECTION. **Sec. 2.** A task force on chemical leach mining is  
4 established to develop recommended legislation to better regulate the  
5 development, operation, and reclamation of open-pit chemical leach  
6 mines in Washington. In developing the recommended legislation, the  
7 task force shall address, at a minimum, the following issues:

8 (1) Establishing a specific state policy on regulating open-pit  
9 chemical leach mines, including the identification of a lead state  
10 regulatory agency;

11 (2) Identifying funding sources to support regulation, monitoring,  
12 and enforcement, including potential processing fees and royalty  
13 payments;

14 (3) Establishing procedures for the concurrent reclamation of mine  
15 sites;

16 (4) Establishing bond requirements sufficient to cover the  
17 potential costs of large-scale clean-ups;

18 (5) Establishing minimum standards for the containment and  
19 detoxification of mine and mill wastes;

20 (6) Establishing civil and criminal penalties sufficient to provide  
21 a strong deterrent to potential violators and to encourage the timely  
22 correction of instances of noncompliance;

23 (7) Establishing permitting requirements that prevent mine  
24 operators who are currently in violation of or out of compliance with  
25 other state or federal mining laws from operating in Washington.

26 The task force shall consist of fourteen members. The speaker of  
27 the house of representatives shall appoint the chairs of the house of  
28 representatives natural resources and parks committee and house of  
29 representatives environmental affairs committee, or their designees.  
30 The president of the senate shall appoint the chairs of the senate  
31 natural resources committee and senate environment and parks committee,  
32 or their designees. In consultation with these legislative appointees,  
33 the governor shall appoint the remaining ten members as follows: The  
34 commissioner of public lands and the director of the department of  
35 ecology, or their designees; two representatives of the mining industry  
36 and two representatives of environmental organizations; four  
37 representatives of the general public, two residing west of the Cascade  
38 mountains and two residing east of the mountains.

1       The task force shall submit recommended legislation to the governor  
2 and to the appropriate committees of the legislature no later than  
3 January 1, 1994.

4       NEW SECTION.   **Sec. 3.**   This act expires January 1, 1994.

5       NEW SECTION.   **Sec. 4.**   The task force created in section 2 of this  
6 act shall utilize existing staff of the standing committees of the  
7 legislature, and shall hold its meetings in legislative facilities.

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