

# FINAL BILL REPORT

## E2SSB 6175

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Synopsis as Enacted

**Brief Description:** Concerning the regulation of surface mining.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senator Jacobsen; by request of Department of Natural Resources).

**Senate Committee on Natural Resources, Ocean & Recreation**

**Senate Committee on Ways & Means**

**House Committee on Appropriations**

**Background:** The Surface Mining Act was developed in 1970 in response to the Centralia coal facility as well as a growing concern about sand and gravel pits and their future impacts.

The Department of Natural Resources (DNR), Geology and Earth Resources Division regulates surface mining and the reclamation plans which must be prepared by the mine operator prior to mining. "Reclamation" means rehabilitation for future use of areas that have been disturbed by surface mining. The basic objective of reclamation is to reestablish the vegetative cover, soil, stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation. Before DNR can issue a permit, the applicant must provide an acceptable reclamation plan and must deposit performance security to guarantee that appropriate reclamation is completed

Surface mine reclamation permit holders pay \$1,000 for an application fee and \$1,000 for an annual permit fee. Current fees do not adequately cover the cost for the state operation of the surface mining program. In addition, performance security requirements are cumbersome and/or outdated.

**Summary:** Surface mining fees collected by DNR are restructured as follows:

- 1) The application fee for a permit expansion or a new reclamation permit is increased to \$2,500;
- 2) A non-refundable reclamation plan revision fee of \$1,000, excluding expansions is added; and
- 3) The flat annual fee is replaced by a graduated annual fee based on tonnage of material mined in the previous 12 months, as follows: up to 50,000 tons, \$1,250; over 50,000 and up to 350,000 tons, \$2,500; and over 350,000 tons, \$3,500.

If money is left over in the Surface Mining Reclamation Account, residual monies must be used at the end of each fiscal biennium to survey and map sand and gravel sites in the state.

DNR is authorized to refuse any performance security it deems inadequate to cover reclamation costs. Failure to perform required reclamation may result in a lien upon the permit holder's real and personal property. Acceptable forms of performance security are

expanded to include irrevocable bank letters of credit and allow operators of multiple pits to provide blanket performance security.

An advisory committee is created to recommend changes for the Legislature to consider for the surface mining program.

**Votes on Final Passage:**

Senate	47	0	
House	72	24	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** June 7, 2006

July 1, 2006 (Section 6)