

**RCW 78.44.050 Exclusive authority to regulate reclamation—
Department may delegate enforcement authority to counties, cities,
towns—Other laws not affected.** The department shall have the
exclusive authority to regulate surface mine reclamation. No county,
city, or town may require for its review or approval a separate
reclamation plan or application. The department may, however, delegate
some or all of its enforcement authority by contractual agreement to a
county, city, or town that employs personnel who are, in the opinion
of the department, qualified to enforce plans approved by the
department. All counties, cities, or towns shall have the authority to
zone surface mines and adopt ordinances regulating operations as
provided in this chapter, except that county, city, or town operations
ordinances may be preempted by the department during the emergencies
outlined in RCW 78.44.200 and related rules.

This chapter shall not alter or preempt any provisions of the
state water allocation and use laws (chapters 90.03 and 90.44 RCW),
the state water pollution control laws (chapter 90.48 RCW), the state
fish and wildlife laws (Title 77 RCW), state noise laws or air quality
laws (Title 70 [70A] RCW), shoreline management (chapter 90.58 RCW),
the state environmental policy act (chapter 43.21C RCW), state growth
management (chapter 36.70A RCW), state drinking water laws (chapters
43.20 and 70A.125 RCW), or any other state statutes. [2021 c 65 § 83;
2003 c 39 § 39; 1997 c 185 § 1; 1993 c 518 § 7; 1970 ex.s. c 64 § 6.]

Explanatory statement—2021 c 65: See note following RCW
53.54.030.

Captions—Severability—Effective date—1993 c 518: See notes
following RCW 78.44.010.