

SENATE BILL REPORT

SB 5868

AS OF FEBRUARY 26, 1991

Brief Description: Allowing local governments to regulate surface mining.

SPONSORS: Senator L. Smith.

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Vic Moon (786-7469)

Hearing Dates: March 4, 1991

BACKGROUND:

The Washington State Surface Mining Act has been interpreted to provide that the primary control over surface mining belongs to the Department of Natural Resources and that local governments have very limited authority. The superior court opinions in both Pierce and Clark Counties are based on a 1970 Attorney General's Opinion which interpreted legislative intent. It was presumed by the Attorney General that the Legislature intended that state rules and regulations would supersede those of local government.

SUMMARY:

The Washington State Surface Mining Act is amended to provide that authority over surface mining will be shared jointly by the Department of Natural Resources and the county legislative authority.

The county legislative authority will regulate ongoing affairs of surface mining operations including the level of noise, traffic, hours of operation, dust created by the operation, public safety.

The county legislative authority will work with cities affected by surface mining operations to ensure that the cities' interests are protected. If a surface mining activity is conducted completely within a city, the city will have the power vested in the county legislative authority.

An emergency clause is included.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.