

SENATE BILL REPORT

SB 6066

AS OF JANUARY 20, 1992

Brief Description: Changing provisions relating to surface mining.

SPONSORS: Senator McCaslin

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Vic Moon (786-7469)

Hearing Dates: January 23, 1992

BACKGROUND:

There are about 1,750 surface mines in Washington. Of the 1,293 permits issued by the Department of Natural Resources, 893 mines are privately owned and about 400 mines are owned by the Department of Transportation or by local governments. The remainder of the mines not permitted are those that are exempt since they are smaller than three acres and are not required to have state surface mining reclamation permits.

Commodities produced at surface mines in Washington include round rock (624 mines), quarried rock (213 mines), clay (10 mines), dolomite (8 mines), silica (7 mines), diatomaceous earth (3 mines), coal (3 mines), base metals (2 mines), and other miscellaneous substances (23 mines). The federal Mining Act regulates the large Centralia and Black Diamond coal mines.

Sand and gravel surface mines, the most numerous in the state, are used for round rock aggregate in concrete, as drain rock, or as crushed rock. Crushed rock is used to produce roadbase or asphalt aggregate. Both types of aggregate function mainly to reduce the amount of cement and tar used in concrete and asphalt. Each Washington citizen uses an average of 10 cubic yards of sand and gravel and about one-half of a cubic yard of quarried rock per year. Revenues from Washington sand and gravel business are about \$150 million per year.

Western Washington has been aggregate rich because of the production of sand and gravel from 30 ice-age deltas composed of high quality sand and gravel materials. This sand and gravel was deposited along the Cascade and Olympic foothills at the margins of lakes during the last ice age when ice covered Puget Sound lowland about 15,000 years ago. The abundance of aggregate has resulted in low-cost public works projects and housing since cement is extensively used in both. However, these deposits are nearing depletion and other sources are of either poorer quality or further from the market. In Eastern Washington, the prime reliance for sand

and gravel is on river deposits and where river deposits are not present, quarried rock is used to produce aggregate at a much higher cost.

Since the surface mining law was passed in 1971, 753 mines have been reclaimed to the standards set forth in the statute and by rule (RCW 78.44 and WAC 332-18). Most of this reclamation would not meet present standards because the reclaimed slopes have rectilinear appearances and revegetation efforts have been inadequate. The Department of Natural Resources has improved techniques and has developed methods of mine restoration and operation impact control. The present program of the department will need several more years to be thorough and effective. The department's program presently costs a total of \$480,000 per year with annual fees set at \$250 per site.

During 1989 and 1990 the courts determined that direct regulation of mines by counties and municipalities is illegal (Fjetland v. Pierce County, Musa v. Clark County and Ron Baker v. Snohomish County). Local jurisdictions may regulate mines through the State Environmental Policy Act because they typically condition their SEPA declarations with site specific requirements. This is not a direct method to control operations, and with the court's interpretation of state law, present law needs to be changed if local government is to regulate surface mine operations such as noise, smoke and traffic.

SUMMARY:

The power for local government to regulate surface mining operations and surface mining siting is clarified in order to provide for appropriate local regulation to prevent environmental and social impacts and to ensure that reclamation plans be consistent with local land uses. Surface mining is defined to mean "activities including noise generation, air quality, surface and ground water quality and quantity, glare, pollution, traffic safety, ground vibrations, and public safety impacts." Surface mining operations specifically include blasting, equipment maintenance, sorting, crushing and loading, onsite mineral processing, and transportation of minerals to and from the surface mine. Road maintenance, traffic safety and control are also included.

Counties, cities and towns may consider historic surface mining uses but update the operations of the mines to be in compliance with this chapter. The counties may impose fines pursuant to regulatory ordinances. The ordinances must be performance-based and generally applicable to other land use activities having similar impacts in similar situations.

A Surface Mining Model Ordinance Advisory Committee is created and will develop model ordinances for local governments. The committee will also consider various mechanisms to fund the closure of surface mines in addition to those already in law. The committee will expire July 1, 1993.

Appropriation: none

Revenue: none

Fiscal Note: requested January 15, 1992