

FINAL BILL REPORT

SHB 1467

C 186 L 97

Synopsis as Enacted

Brief Description: Specifying where reclamation performance security must be posted.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Sump, Sheldon, Chandler, Grant, Alexander, Hatfield, Delvin and Pennington).

House Committee on Natural Resources
Senate Committee on Natural Resources & Parks

Background: Before engaging in surface mining, a miner must obtain a reclamation permit from the Department of Natural Resources. Before the department may issue the permit, the applicant must provide an acceptable reclamation plan and must deposit performance security to guarantee that appropriate reclamation is completed. No other state agency or local government may require deposit of a performance security for surface mine reclamation.

Other government entities may or must obtain a performance bond or security for surface mining activities other than surface mine reclamation. For example, the Department of Ecology requires a remediation bond for metals mining operations, and some state agencies may require a private company to post performance security if that private company is extracting materials from state lands.

Summary: A clarification is made that only the Department of Natural Resources holds the performance security for surface mine reclamation. When acting in its capacity as a regulator, a state agency or local government may not require a surface mining operation to post performance security unless the state agency or local government has express statutory authority to do so. A state agency's or local government's general authority to protect public health, safety, and welfare does not constitute express statutory authority to require a performance security. However, when a state agency or local government is acting in its capacity as a landowner, the act does not prohibit the state agency or local government from requiring a performance security when contracting for extraction-related activities on state or local government property.

Votes on Final Passage:

House 97 0

Senate 48 0

Effective: July 27, 1997