

# FINAL BILL REPORT

## SHB 1600

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C 192 L 97

Synopsis as Enacted

**Brief Description:** Revising provisions relating to surface mining permits.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Sheldon and Buck).

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

**Background:** In 1993, the Legislature substantially rewrote the state's surface mining laws, establishing new standards for reclamation and new guidance on the information necessary to have a reclamation plan approved by the Department of Natural Resources. The new standards apply to reclamation permits issued after July 1, 1993. Mine operating permits issued prior to July 1, 1993 may be considered reclamation permits if, by July 1, 1998, the permits meet the protections, mitigations, and reclamation goals of the 1993 legislation. With this five-year interval coming to a close, more than 600 plans and operations permitted prior to 1993 have yet to be updated by the permit holders.

The department has the authority to require that a reclamation plan be updated at least every 10 years. The department and the permit holder may modify the reclamation plan during the term of the permit for any of the following three reasons: (1) to modify the requirements so that they do not conflict with existing or new laws; (2) the department determines that the current plan is impossible or impracticable to implement or maintain; or (3) the plan is not accomplishing the intent of the surface mining law as determined by the department.

**Summary:** The requirement is removed for mine operating permits issued before July 1, 1993, to be reviewed within five years of that date before being considered reclamation permits. A permit holder may modify a reclamation plan at any time during the term of the permit if the modified plan meets the protections, mitigations, and reclamation goals established in the 1993 legislation. The Department of Natural Resources may require a permit holder to modify a reclamation plan if the department determines that the previously approved plan has not been modified during the past 10 years or that the permit holder has violated or is not substantially following the previously approved reclamation plan.

**Votes on Final Passage:**

House 97 0  
Senate 46 2

**Effective:** July 27, 1997