
HOUSE BILL 1466

State of Washington

55th Legislature

1997 Regular Session

By Representatives Sump, Sheldon, Grant, Hatfield, Delvin and Pennington

Read first time 01/28/97. Referred to Committee on Natural Resources.

1 AN ACT Relating to surface mining; and amending RCW 78.44.131 and
2 78.44.085.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 78.44.131 and 1994 c 232 s 24 are each amended to read
5 as follows:

6 The need for, and the practicability of, reclamation shall control
7 the type and degree of reclamation in any specific instance. However,
8 the basic objective of reclamation is to reestablish on a continuing
9 basis the vegetative cover, slope stability, water conditions, and
10 safety conditions suitable to the proposed subsequent use consistent
11 with local land use plans for the surface mine site.

12 Each permit holder shall comply with the minimum reclamation
13 standards in effect on the date the permit was issued and any
14 additional reclamation standards set forth in the approved reclamation
15 plan. The department may modify, on a site specific basis, the minimum
16 reclamation standards for metals mining and milling operations
17 regulated under chapter 232, Laws of 1994 in order to achieve the
18 reclamation and closure objectives of that chapter. The basic
19 objective of reclamation for these operations is the reestablishment on

1 a continuing basis of vegetative cover, slope stability, water
2 conditions, and safety conditions.

3 Reclamation activities, particularly those relating to control of
4 erosion and mitigation of impacts of mining to adjacent areas, shall,
5 to the extent feasible, be conducted simultaneously with surface
6 mining, and in any case shall be initiated at the earliest possible
7 time after completion of surface mining on any segment of the permit
8 area.

9 All reclamation activities shall be completed not more than two
10 years after completion or abandonment of surface mining on each segment
11 of the area for which a reclamation permit is in force.

12 ~~((The department may by contract delegate enforcement of provisions
13 of reclamation plans to counties, cities, and towns. A county, city,
14 or town performing enforcement functions may not impose any additional
15 fees on permit holders.))~~

16 **Sec. 2.** RCW 78.44.085 and 1996 c 70 s 1 are each amended to read
17 as follows:

18 (1) An applicant for a public or private reclamation permit shall
19 pay an application fee to the department before being granted a surface
20 mining permit. The amount of the application fee shall be six hundred
21 fifty dollars.

22 (2) After June 30, 1993, each public or private permit holder shall
23 pay an annual permit fee of six hundred fifty dollars. The annual
24 permit fee shall be payable to the department on the first anniversary
25 of the permit date and each year thereafter. Annual fees paid by a
26 county for mines used exclusively for public works projects and having
27 less than seven acres of disturbed area per mine shall not exceed one
28 thousand dollars. Annual fees are waived for all mines used primarily
29 for public works projects if the mines are owned and primarily operated
30 by counties with 1993 populations of less than twenty thousand persons.

31 (3) After July 1, 1995, the department may modify annual permit
32 fees by rule if:

33 (a) The total annual permit fees are reasonably related to the
34 approximate costs of administering the department's surface mining
35 regulatory program;

36 (b) The annual fee does not exceed five thousand dollars; and

1 (c) The mines are small mines in remote areas that are used
2 primarily for public service, then lower annual permit fees may be
3 established.

4 (4) Appeals from any determination of the department shall not stay
5 the requirement to pay any annual permit fee. Failure to pay the
6 annual fee may constitute grounds for an order to suspend surface
7 mining or cancellation of the reclamation permit as provided in this
8 chapter.

9 (5) All fees collected by the department shall be deposited into
10 the surface mining reclamation account.

11 ~~((6) If the department delegates enforcement responsibilities to
12 a county, city, or town, the department may allocate funds collected
13 under this section to the county, city, or town.))~~

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