

2 **SB 5307** - H COMM AMD **ADOPTED 04/07/99**
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 78.44.031 and 1997 c 142 s 1 are each amended to read
8 as follows:

9 Unless the context clearly indicates otherwise, the definitions in
10 this section apply throughout this chapter.

11 (1) "Approved subsequent use" means the post surface-mining land
12 use contained in an approved reclamation plan and approved by the local
13 land use authority.

14 (2) "Completion of surface mining" means the cessation of mining
15 and directly related activities in any segment of a surface mine that
16 occurs when essentially all minerals that can be taken under the terms
17 of the reclamation permit have been depleted except minerals required
18 to accomplish reclamation according to the approved reclamation plan.

19 (3) "Department" means the department of natural resources.

20 (4) "Determination" means any action by the department including
21 permit issuance, reporting, reclamation plan approval or modification,
22 permit transfers, orders, fines, or refusal to issue permits.

23 (5) "Disturbed area" means any place where activities clearly in
24 preparation for, or during, surface mining have physically disrupted,
25 covered, compacted, moved, or otherwise altered the characteristics of
26 soil, bedrock, vegetation, or topography that existed prior to such
27 activity. Disturbed areas may include but are not limited to: Working
28 faces, water bodies created by mine-related excavation, pit floors, the
29 land beneath processing plant and stock pile sites, spoil pile sites,
30 and equipment staging areas. Disturbed areas shall also include
31 aboveground waste rock sites and tailing facilities, and other surface
32 manifestations of underground mines.

33 Disturbed areas do not include:

34 (a) Surface mine access roads unless these have characteristics of
35 topography, drainage, slope stability, or ownership that, in the
36 opinion of the department, make reclamation necessary; ((and))

1 (b) Lands that have been reclaimed to all standards outlined in
2 this chapter, rules of the department, any applicable SEPA document,
3 and the approved reclamation plan; and

4 (c) Subsurface aspects of underground mines, such as portals,
5 tunnels, shafts, pillars, and stopes.

6 (6) "Miner" means any person or persons, any partnership, limited
7 partnership, or corporation, or any association of persons, including
8 every public or governmental agency engaged in surface mining (~~from~~
9 ~~the surface~~)).

10 (7) "Minerals" means clay, coal, gravel, industrial minerals,
11 metallic substances, peat, sand, stone, topsoil, and any other similar
12 solid material or substance to be excavated from natural deposits on or
13 in the earth for commercial, industrial, or construction use.

14 (8) "Operations" means all mine-related activities, exclusive of
15 reclamation, that include, but are not limited to activities that
16 affect noise generation, air quality, surface and ground water quality,
17 quantity, and flow, glare, pollution, traffic safety, ground
18 vibrations, and/or significant or substantial impacts commonly
19 regulated under provisions of land use or other permits of local
20 government and local ordinances, or other state laws.

21 Operations specifically include:

22 (a) The mining or extraction of rock, stone, gravel, sand, earth,
23 and other minerals;

24 (b) Blasting, equipment maintenance, sorting, crushing, and
25 loading;

26 (c) On-site mineral processing including asphalt or concrete
27 batching, concrete recycling, and other aggregate recycling;

28 (d) Transporting minerals to and from the mine, on site road
29 maintenance, road maintenance for roads used extensively for surface
30 mining activities, traffic safety, and traffic control.

31 (9) "Overburden" means the earth, rock, soil, and topsoil that lie
32 above mineral deposits.

33 (10) "Permit holder" means any person or persons, any partnership,
34 limited partnership, or corporation, or any association of persons,
35 either natural or artificial, including every public or governmental
36 agency engaged in surface mining and/or the operation of surface mines,
37 whether individually, jointly, or through subsidiaries, agents,
38 employees, operators, or contractors who holds a state reclamation
39 permit.

1 (11) "Reclamation" means rehabilitation for the appropriate future
2 use of disturbed areas resulting from surface mining including areas
3 under associated mineral processing equipment (~~and~~), areas under
4 stockpiled materials, and aboveground waste rock and tailing
5 facilities, and all other surface disturbances associated with
6 underground mines. Although both the need for and the practicability
7 of reclamation will control the type and degree of reclamation in any
8 specific surface mine, the basic objective shall be to reestablish on
9 a perpetual basis the vegetative cover, soil stability, and water
10 conditions appropriate to the approved subsequent use of the surface
11 mine and to prevent or mitigate future environmental degradation.

12 (12) "Reclamation setbacks" include those lands along the margins
13 of surface mines wherein minerals and overburden shall be preserved in
14 sufficient volumes to accomplish reclamation according to the approved
15 plan and the minimum reclamation standards. Maintenance of reclamation
16 setbacks may not preclude other mine-related activities within the
17 reclamation setback.

18 (13) "Recycling" means the reuse of minerals or rock products.

19 (14) "Screening" consists of vegetation, berms or other topography,
20 fencing, and/or other screens that may be required to mitigate impacts
21 of surface mining on adjacent properties and/or the environment.

22 (15) "Segment" means any portion of the surface mine that, in the
23 opinion of the department:

24 (a) Has characteristics of topography, drainage, slope stability,
25 ownership, mining development, or mineral distribution, that make
26 reclamation necessary;

27 (b) Is not in use as part of surface mining and/or related
28 activities; and

29 (c) Is larger than seven acres and has more than five hundred
30 linear feet of working face except as provided in a segmental
31 reclamation agreement approved by the department.

32 (16) "SEPA" means the state environmental policy act, chapter
33 43.21C RCW and rules adopted thereunder.

34 (17)(a) "Surface mine" means any area or areas in close proximity
35 to each other, as determined by the department, where extraction of
36 minerals (~~from the surface~~) results in:

37 (i) More than three acres of disturbed area;

38 (ii) Surface mined slopes greater than thirty feet high and steeper
39 than 1.0 foot horizontal to 1.0 foot vertical; or

1 (iii) More than one acre of disturbed area within an eight acre
2 area, when the disturbed area results from mineral prospecting or
3 exploration activities.

4 (b) Surface mines include areas where mineral extraction from the
5 surface or subsurface occurs by the auger method or by reworking mine
6 refuse or tailings, when ~~((these activities))~~ the disturbed area
7 exceeds the size or height thresholds listed in (a) of this subsection.

8 (c) Surface mining occurs when operations have created or are
9 intended to create a surface mine as defined by this subsection.

10 (d) Surface mining shall exclude excavations or grading used:

11 (i) Primarily for on-site construction, on-site road maintenance,
12 or on-site landfill construction;

13 (ii) For the purpose of public safety or restoring the land
14 following a natural disaster;

15 (iii) For the purpose of removing stockpiles;

16 (iv) For forest or farm road construction or maintenance on site or
17 on contiguous lands;

18 (v) Primarily for public works projects if the mines are owned or
19 primarily operated by counties with 1993 populations of less than
20 twenty thousand persons, and if each mine has less than seven acres of
21 disturbed area; and

22 (vi) For sand authorized by RCW 43.51.685(~~(+and~~

23 ~~(vii) For underground mines~~)).

24 (18) "Topsoil" means the naturally occurring upper part of a soil
25 profile, including the soil horizon that is rich in humus and capable
26 of supporting vegetation together with other sediments within four
27 vertical feet of the ground surface.

28 NEW SECTION. Sec. 2. A new section is added to chapter 78.44 RCW
29 to read as follows:

30 Surface disturbances caused by an underground metals mining and
31 milling operation are subject to the requirements of this chapter if
32 the operation is proposed after June 30, 1999. An operation is
33 proposed when an agency is presented with an application for an
34 operation or expansion of an existing operation having a probable
35 significant adverse environmental impact under chapter 43.21C RCW. The
36 department of ecology shall retain authority for reclamation of surface
37 disturbances caused by an underground operation operating at any time
38 prior to June 30, 1999, unless the operator requests that authority for

1 reclamation of surface disturbances caused by such operation be
2 transferred to the department under the requirements of this chapter.

3 NEW SECTION. **Sec. 3.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected."

7 Correct the title.

--- END ---