
**Agriculture & Natural Resources
Committee**

HB 2981

Brief Description: Concerning the regulation of surface mines.

Sponsors: Representatives Williams, Blake and Simpson.

Brief Summary of Bill

- Removes from the definition of surface mines the exemption for public works projects owned and operate by certain smaller counties so that the county owned mines must obtain a surface mine reclamation permit from the Department of Natural Resources and have a reclamation plan.
- Prohibits a county from purchasing gravel, sand, or rock from a resource excavation operation that is exempt from the statutory regulation of surface mines.

Hearing Date: February 5, 2008

Staff: Colleen Kerr (786-7168).

Background:

The Surface Mine Reclamation Act

The Surface Mine Reclamation Act is a reclamation law that requires a permit for each mine that: (1) results in more than 3 acres of mine-related disturbance, or (2) has a high-wall that is both higher than 30 feet and steeper than 45 degrees.

The Department of Natural Resources (DNR) is responsible for ensuring that reclamation follows completion of surface and underground mining. The DNR has exclusive authority to regulate mine reclamation and approve reclamation plans. Mine operations, which consist of all mine-related activities except reclamation, are specifically regulated by local governments or state and federal agencies exclusive of DNR.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Local governments must formally approve mine sites and/or the subsequent use of the mine site prior to receiving a reclamation permit. This approval process generally makes local jurisdictions the lead agency according to State Environmental Policy Act (SEPA) rules.

A reclamation plan is required for each mine, for which periodic reviews and revisions are necessary. These plans specify the permit holder's methods for achieving the specified reclamation goals.

The state surface mine reclamation permit issued by DNR to the permit holder applies to most of the surface mines in Washington. Some sites meeting the surface mining threshold are exempt. The list of exempt mines include those primarily for public works projects if the mines are owned or primarily operated by counties with 1993 populations of less than 20,000 people, and if each mine has less than seven acres of disturbed area.

Summary of Bill:

The exemption for public works projects owned and operate by counties with 1993 populations of less than 20,000 and with less than seven acres of disturbed area, is removed from the definition of surface mine. Such county owned mines must obtain a surface mine reclamation permit from the DNR and have a reclamation plan on file with the DNR.

Counties are prohibited from purchasing gravel, sand, or rock from a resource excavation operation that is exempt from the statutory regulation of surface mines.

Appropriation: None.

Fiscal Note: Requested on February 3, 2008.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.