

**SURFACE-MINED LAND RECLAMATION ACT**

**TRAINING SESSION**

November 17-18, 1970

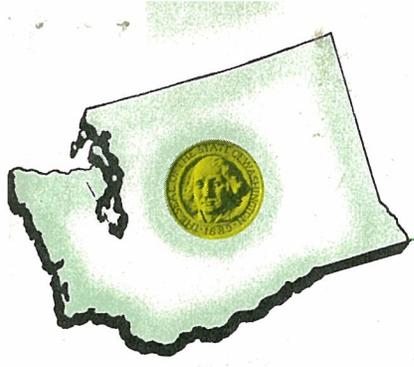
Tuesday, November 17

8:00	A.M.	Introduction and Distribution of Material	Marshall T. Huntting
8:10		Why You Are Here	Marshall T. Huntting
8:20		It's The Law	Marshall T. Huntting
10:00		Break	
10:20		Comparison of Law With Other States	Marshall T. Huntting
10:45		Rules and Regulations	D. M. Ford
11:15		The Reclamation Plan	D. M. Ford
12:00		Lunch	
1:00	P.M.	District Responsibilities	Huntting & Ford
		Staffing Provide Information Check Applications and Related Materials Inspections Reclamation Enforcement	John Griffiths

Wednesday, November 18

8:00	A.M.	Case Studies	Huntting & Ford
10:00		Break	
10:30		Discussion	
12:00		Lunch	

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DEPARTMENT OF NATURAL RESOURCES  
GEOLOGY AND EARTH RESOURCES DIVISION  
OLYMPIA, WASHINGTON 98504



STATE OF WASHINGTON

# Department of Natural Resources

COMMISSIONER  
BERT COLE

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OLYMPIA, WASHINGTON  
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October 23, 1970

DON LEE FRASER	
DISTRICT SUPERVISOR	
ASST. - P	
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ASST. - F	
NOV 2 1970	
C. NORTH	
CR. SOUTH	
CR. WEST	



## MEMORANDUM

TO: Division Supervisors, Field Supervisors, District Administrators,  
Camp Superintendents

FROM: Mines and Geology Division

SUBJECT: Surface-Mined Land Reclamation Act as It Applies to State-Owned Land.

The "Surface-Mined Land Reclamation Act" becomes effective January 1, 1971. After that date, surface mining on any site where more than 10,000 tons (approximately 7,000 cubic yards) of material, including sand, gravel, rock, silt, clay, and related materials, is removed or more than two (2) acres of ground is disturbed in any twelve-month consecutive period will require a permit. Permits will not be required by the Act if the site is for material for access road use and is in a "remote area," that is, "a rural area on which the operating area of a surface mining site is not visible from any state highway, county road, or any public street or highway, or, if visible, it is more than one (1) mile away from the point on such road from which it is visible."

The Act applies to all ownerships, including state-owned lands. This Act is not retroactive, meaning it does not apply to surface mining operations taking place prior to January 1, 1971. Applications for surface mining permits, together with detailed reclamation plans and plans for surface mining, are to be submitted to the Reclamation Section, Division of Mines and Geology. A permit fee of \$25 per site per year is required by the Act. In order for a permit application to be considered, the applicant must submit the application, the reclamation plan, a plan of surface mining, and a permit fee.

On state-owned sites, subject to the Reclamation Act, reclamation plans, mining plans, and permit applications will be prepared and submitted to the Reclamation Section, Mines and Geology Division by the operator or the district, at the district's option. On state-owned sites where more than one operator will be surface mining during the expected life of the site, it is recommended that the reclamation plan, mining plan, and permit application be prepared by the district in order to provide continuity of reclamation.

Prospecting and exploration activities are included within the definition of surface mining when they exceed the qualifying size, as specified in the Reclamation Act [operations from which more than 10,000 tons are produced or more than two (2) acres of land is newly disturbed within a period of 12 consecutive months] or when collectively they disturb more than one (1) acre per eight (8) acres of land area.

Prospecting and exploration activities on state lands may be encountered in the development of road material sites, sale of valuable materials, or in mineral leasing.

Effective immediately, all timber sales involving use of road materials from state lands shall include provisions that will assure compliance with a reclamation plan. Sites used for the extraction of road materials for timber sales may be reclaimed by the timber purchaser, or a payment into the ARRF may be required for such reclamation, or reclamation may be accomplished by the state or designated operator. Road cost appraisals which include the removal of materials from state pits or quarries and require operating permits in "remote areas," i.e., rural areas "on which the operating area of a surface mining site is not visible from any state highway, county road, or any public street or highway, or, if visible, it is more than one (1) mile away from the point on such road from which it is visible," must include a reclamation plan whether developed by the timber purchaser, road contractor, or department and/or must include a cost allowance for performance of specified reclamation work.

The Department of Natural Resources has established a reclamation policy in Resource Allocation and special use areas which is in addition to the requirements of the Reclamation Act. Special use areas, as defined in the Resource Allocation Plan, require reclamation plans for pit or quarry site development along Department of Natural Resource's standard roads in the following cases:

1. Ten-foot surface and better roads that have heavy public use, or
2. Roads that provide access to special use areas, i.e., parks and water, or
3. Roads that will provide access to a special use area within the next ten (10) years.

Permits are not required on pits or quarries requiring reclamation under the Resource Allocation Plan when the pits or quarries are outside the requirements of the Reclamation Act.

Any pit or quarry development, whether covered by the Reclamation Act or Resource Allocation Plan, should receive consideration to satisfy the objectives of the Reclamation Act and restore the area to its highest productive capacity at the earliest possible time.

The sale of valuable materials from state-owned land (see Manual 4100 02) requires a reclamation plan for each site. On sites subject to the Reclamation Act, the reclamation plans, mining plans, and permit applications will be prepared and submitted to the Reclamation Section, Mines and Geology Division by the operator or the district, at the district's option. All sales of valuable materials, whether by contract, bill of sale, or permit, shall include provisions requiring the purchaser to comply with the reclamation plan.

Lessees holding mineral prospecting leases or mining contracts and involved in surface mining will be required to have operating permits, mining plans, and approved reclamation plans whenever the operations are large enough to be subject to the Reclamation Act.

MAJOR FEATURES  
OF THE  
SURFACE-MINED LAND RECLAMATION ACT OF WASHINGTON

Chapter 64, Session Laws of 1970

PURPOSE OF THE LAW:

To provide the greatest practical degree of protection and restoration of the usefulness, productivity, and scenic values of all lands and waters in the State that are involved in surface mining. (Section 3)

SURFACE MINING INCLUDES:

1. Kinds.

Surface mining applies to: sand and gravel pits, rock and stone quarries, open pit metal mines, coal strip mines, borrow pits, and prospecting. (Section 4)

2. Amount or extent of surface mining operations.

A surface mining operation shall be subject to this law if more than two acres are newly disturbed or more than ten thousand tons of mineral are removed within a period of twelve consecutive months.

Prospecting and exploration activities are covered by the above or when collectively they disturb more than one acre per eight acres of land area. (Section 4)

3. Land Ownership and Operators.

This Act applies to all landowners and operators, including private and public. (Section 4)

SURFACE MINING EXCLUDES:

1. Excavation or grading conducted for farming. (Section 4)
2. On-site road construction, such as cut and fill operations. (Section 4)
3. Remote areas where excavation is for the construction and maintenance of access roads. (Section 4)

ADMINISTRATION:

The law will be administered by the Board of Natural Resources, using the services and personnel of the Department of Natural Resources. (Section 5)

REQUIREMENTS OF THE LAW:

No operator shall engage in surface mining operations after January 1, 1971, the effective date of the law, without a permit. (Section 9)

A combined permit may be issued to an operator conducting surface mining on more than one site. (Section 9)

An operator, in order to obtain a permit, is required to prepare and submit a reclamation plan. (Section 9)

A plan of surface mining is required that will provide for reclamation on portions of a site that will not be subject to further operations. (Section 9)

Reclamation standards are established pertaining to the impoundment of water, slopes, fill materials, revegetation, and water pollution. (Section 10)

Provisions for inspections by State personnel have been made. (Section 11)

A basic fee of \$25 per site per year has been established. An additional fee of \$5 per acre for all acreage exceeding ten acres disturbed during a previous permit year is required. (Section 12)

Bonds--a performance bond of not less than \$100 nor more than \$1,000 per acre is required. In lieu of a surety bond, the operator may post a cash deposit, negotiable securities, or an assignment of a savings account. (Section 13)

Annual reports are required, which indicate extent of preceding year's operations and estimates on the acreage to be disturbed during the next twelve month period. (Section 14)

RECLAMATION PLAN INCLUDES OR REQUIRES:

1. Proposed subsequent use of the land.
2. Subsequent use not illegal under local zoning regulations.
3. Protection of adjacent lands.
4. Restoration of surface gradients suitable to proposed subsequent use.
5. Revegetation appropriate to the future use of the land.
6. Prevention or elimination of nuisance or hazardous conditions.
7. Control of contaminants and disposal of mining refuse.
8. Diversion of surface waters.
9. Restoration of stream channels and banks to minimize erosion, siltation, and other pollution.
10. Maps.
11. Reclamation time schedules.

(Section 4)

PENALTIES:

The law provides for penalties.

- |  |              |
|--|--------------|
| Bond forfeiture.   | (Section 15) |
| Lien against the reclaimed property.   | (Section 15) |
| Cancellation of permit.  | (Section 15) |
| Refusal to issue another permit until deficiencies are corrected.                            | (Section 15) |
| Gross misdemeanor when operating without permit. Each day of operation - a separate offense. | (Section 16) |
| Suspension of operations.  | (Section 17) |

This law is not retroactive in that it does not require reclamation of land mined prior to January 1, 1971. (Section 22)

Operators of surface mines in operation on January 1, 1971, shall have ninety days after that date to submit an application for an operating permit. (Section 19)

ENGROSSED SUBSTITUTE SENATE BILL NO. 139  
AS AMENDED BY FREE CONFERENCE COMMITTEE

PASSED THE HOUSE FEBRUARY 12, 1970  
PASSED THE SENATE FEBRUARY 12, 1970

1 AN ACT Relating to mining; requiring reclamation of surface mining  
2 sites; requiring a permit; requiring site inspection; pre-  
3 scribing powers, duties and functions of the board of natural  
4 resources in relation thereto; adding a new chapter to Title  
5 76 RCW; prescribing penalties; and providing an effective date.

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

7 NEW SECTION. Section 1. Sections 2 through 25 of this act  
8 shall constitute a new chapter in Title <sup>78.44</sup>~~76~~ RCW.

9 78.44.010  
10 NEW SECTION. Sec. 2. The legislature recognizes that the ex-  
11 traction of minerals by surface mining is a basic and essential ac-  
12 tivity making an important contribution to the economic well-being  
13 of the state and nation. At the same time, proper reclamation of  
14 surface mined land is necessary to prevent undesirable land and water  
15 conditions that would be detrimental to the general welfare, health,  
16 safety, and property rights of the citizens of the state. Surface  
17 mining takes place in diverse areas where the geologic, topographic,  
18 climatic, biologic, and social conditions are significantly different,  
19 and reclamation specifications must vary accordingly. It is not prac-  
20 tical to extract minerals required by our society without disturbing  
21 the surface of the earth and producing waste materials, and the very  
22 character of many types of surface mining operations precludes com-  
23 plete restoration of the land to its original condition. However,  
24 the legislature finds that reclamation of surface mined lands as pro-  
25 vided in this act will allow the mining of valuable minerals and will  
26 provide for the protection and subsequent beneficial use of the mined  
27 and reclaimed land.

18.44.020

NEW SECTION.

1 Sec. 3. The purpose of this act is to provide  
2 that the usefulness, productivity, and scenic values of all lands and  
3 waters involved in surface mining within the state will receive the  
4 greatest practical degree of protection and restoration. It is a  
5 further purpose of this act to provide a means of cooperation between  
6 private and governmental entities in carrying this act into effect.

18.44.030

NEW SECTION.

7 Sec. 4. As used in this act, unless the context  
8 indicates otherwise:

9 (1) "Surface mining" shall mean all or any part of the proc-  
10 ess involved in mining of minerals by removing the overburden and  
11 mining directly from the mineral deposits thereby exposed, including  
12 open-pit mining of minerals naturally exposed at the surface of the  
13 earth, mining by the auger method, and including the production of  
14 surface mining refuse. For the purpose of this act surface mining  
15 shall mean those operations described in this paragraph from which  
16 more than ten thousand tons of minerals are produced or more than two  
17 acres of land is newly disturbed within a period of twelve consecu-  
18 tive calendar months. Surface mining shall not include excavation or  
19 removal of sand, gravel, clay, rock or other materials in remote  
20 areas by an owner or holder of a possessory interest in land for the  
21 primary purpose of construction or maintenance of access roads to or  
22 on such landowner's property. Surface mining shall not include ex-  
23 cavation or grading conducted for farming, on-site road construction  
24 or other on-site construction, but shall include adjacent or off-site  
25 borrow pits except those on landowner's property for use on access  
26 roads on such property. Prospecting and exploration activities shall  
27 be included within the definition of surface mining when they are of  
28 such nature and extent as to exceed the qualifying sized listed a-  
29 bove or when collectively they disturb more than one acre per eight  
30 acres of land area.

31 (2) "Unit of surface mined area" shall mean the area of land  
32 and water covered by each operating permit that is actually newly  
33 disturbed by surface mining during each twelve-month period of time,

1 beginning at the date of issuance of the permit, and shall comprise  
2 the area from which overburden and/or minerals have been removed, the  
3 area covered by spoil banks, and all additional areas used in surface  
4 mining operations which by virtue of such use are thereafter suscep-  
5 tible to excessive erosion.

6 (3) "Abandonment of surface mining" shall mean a cessation of  
7 surface mining, not set forth in an operator's plan of operation or  
8 by any other sufficient written notice, extending for more than six  
9 consecutive months or when, by reason of examination of the premises  
10 or by any other means, it becomes the opinion of the department of  
11 natural resources that the operation has in fact been abandoned by  
12 the operator: PROVIDED, That the operator does not, within thirty  
13 days of receipt of written notification from the department of his in-  
14 tent to declare the operation abandoned, submit evidence to the de-  
15 partment's satisfaction that the operation is in fact not abandoned.

16 (4) "Minerals" shall mean coal, clay, stone, sand, gravel,  
17 metallic ore, and any other similar solid material or substance to be  
18 excavated from natural deposits on or in the earth for commercial,  
19 industrial, or construction uses.

20 (5) "Overburden" shall mean the earth, rock, and other ma-  
21 terials that lie above a natural deposit of mineral.

22 (6) "Surface mining refuse" shall mean all waste soil, rock,  
23 mineral, liquid, vegetation, and other material directly resulting  
24 from or displaced by the mining, cleaning, or preparation of minerals  
25 during the surface mining operations on the operating permit area,  
26 and shall include all waste materials deposited on or in the permit  
27 area from other sources.

28 (7) "Spoil bank" shall mean a deposit of excavated overburden  
29 or mining refuse.

30 (8) "Operator" shall mean any person or persons, any partner-  
31 ship, limited partnership, or corporation, or any association of per-  
32 sons, either natural or artificial, including every public or govern-  
33 mental agency engaged in surface mining operations, whether individ-

1 ually, jointly, or through subsidiaries, agents, employees, or con-  
2 tractors.

3 (9) "Department" shall mean the board of natural resources.

4 (10) "Reclamation" shall mean the reasonable protection of  
5 all surface resources subject to disruption from surface mining and  
6 rehabilitation of the surface resources affected by surface mining.  
7 Although both the need for and the practicability of reclamation will  
8 control the type and degree of reclamation in any specific instance,  
9 the basic objective will be to reestablish on a continuing basis the  
10 vegetive cover, soil stability, water conditions, and safety condi-  
11 tions appropriate to the intended subsequent use of the area.

12 (11) "Reclamation plan" shall mean the operator's written  
13 proposal, as required and approved by the department, for reclamation  
14 of the affected resources which shall include, but not be limited to:

15 (a) A statement of the proposed subsequent use of the land  
16 after reclamation and satisfactory evidence that all owners of a pos-  
17 sessory interest in the land concur with this proposed use;

18 (b) Evidence that this subsequent use would not be illegal  
19 under local zoning regulations;

20 (c) Proposed practices to protect adjacent surface resources;

21 (d) Specifications for surface gradient restoration to a sur-  
22 face suitable for the proposed subsequent use of the land after rec-  
23 lamation is completed, and proposed method of accomplishment;

24 (e) Manner and type of revegetation or other surface treat-  
25 ment of disturbed areas;

26 (f) Method of prevention or elimination of conditions that  
27 will create a public nuisance, endanger public safety, damage prop-  
28 erty, or be hazardous to vegetative, animal, fish, or human life in  
29 or adjacent to the area;

30 (g) Method of control of contaminants and disposal of surface  
31 mining refuse;

32 (h) Method of diverting surface waters around the disturbed  
33

1 areas;

2 (i) Method of restoration of stream channels and stream banks  
3 to a condition minimizing erosion and siltation and other pollution;

4 (j) Such maps and other supporting documents as reasonably  
5 required by the department; and

6 (k) A time schedule for reclamation that meets the require-  
7 ments of section 10 of this act.

8 78.44.040  
9 NEW SECTION. Sec. 5. The board of natural resources is  
10 charged with the administration of this act by utilizing the services  
11 of the department of natural resources. In order to implement the  
12 act's terms and provisions, the department of natural resources VETOED  
13 under the provisions of the administrative procedure act (chapter 34-  
14 .04 RCW), as now or hereafter amended, may from time to time pro-  
15 mulgate those rules and regulations necessary to carry out the purposes  
16 of this act. Such rules and regulations, together with the adminis-

VETOED

17 trative provisions set forth in this act, shall be carried out and  
18 enforced by the department, which may establish a separate division  
19 within the department for that purpose. The assistant director in  
20 charge of this division shall be exempt from the provisions of the  
21 state civil service law in accordance with the terms of RCW 41.06  
22 .070. The staff of the department shall include mining engineers  
23 and/or geologists.

24 78.44.050  
25 NEW SECTION. Sec. 6. This act shall not affect any of the  
26 provisions of the state fisheries laws (Title 75 RCW), the state water  
27 pollution control laws (Title 90 RCW), the state game laws (Title 77  
28 RCW), or any other state laws, and shall be cumulative and nonexclusive

29 78.44.060  
30 NEW SECTION. Sec. 7. The department shall have the authority  
31 to conduct or authorize investigations, research, experiments and  
32 demonstrations, and to collect and disseminate information relating  
33 to surface mining and reclamation of surface mined lands.

34 78.44.070  
35 NEW SECTION. Sec. 8. The department may cooperate with other  
36 governmental and private agencies in this state and other states and  
37 agencies of the federal government, and may reasonably reimburse them

1 for any services the department requests that they provide. The de-  
2 partment may also receive any federal funds, state funds and any  
3 other funds and expend them for reclamation of land affected by sur-  
4 face mining and for purposes enumerated in section 7 of this act.

5 <sup>19.44.080</sup>  
NEW SECTION.

6 Sec. 9. After the effective date of this act,  
7 no operator shall engage in surface mining without having first ob-  
8 tained an operating permit from the department. Except as otherwise  
9 permitted in section 9 of this act a separate permit shall be re-  
10 quired for each separate surface mining operation. Prior to receiving  
11 an operating permit from the department an operator must submit an  
12 application on a form provided by the department, which shall contain  
13 the following information and any other pertinent data required by  
14 the department:

15 (1) Name and address of the legal landowner, any purchaser of  
16 the land under a real estate contract, and the operator and, if any of  
17 these are corporations or other business entities, the names and ad-  
18 dresses of their principal officers and resident agent for service  
19 of process;

20 (2) Materials to be surface mined;

21 (3) Type of surface mining to be performed;

22 (4) Expected starting date of surface mining;

23 (5) Anticipated termination date of the surface mining proj-  
24 ect;

25 (6) Expected amount of mineral to be surface mined;

26 (7) Maximum depth of surface mining;

27 (8) Size and legal description of the area that will be dis-  
28 turbed by surface mining. If more than ten acres will be disturbed  
29 by surface mining or, regardless of the amount of land to be dis-  
30 turbed, if the department finds that conditions warrant it and so re-  
31 quests, a map of the area to be surface mined shall be submitted. The  
32 map shall show the boundaries of the area of land which will be af-  
33 fected; topographic detail; the location and names of all streams,  
roads, railroads, and utility lines on or immediately adjacent to the

1 area; location of proposed access roads to be built in conjunction  
2 with the surface mining operation; and the names of the surface and  
3 mineral owners of all lands within the surface mining area;

4 (9) A plan of surface mining that will provide, within limits  
5 of normal operational procedure of the industry, for completion of  
6 surface mining and associated disturbances on each segment of the  
7 area for which a permit is requested so that reclamation can be ini-  
8 tiated at the earliest possible time on those portions of the surface  
9 mined area that will not be subject to further disturbance by the  
10 mining operation. Whenever feasible, visual screening, vegetative  
11 or otherwise, will be maintained or established on the property con-  
12 taining the surface mining to screen the view of the operation from  
13 public highways, public parks, and residential areas.

14 (10) A reclamation plan that must be acceptable to and approv-  
15 ed by the department, except as provided in section 11 of this act.  
16 An operator may not depart from an approved plan without having pre-  
17 viously obtained from the department written approval of his proposed  
18 change.

19 The department may adopt rules and regulations permitting an  
20 operator of more than one surface mining operation to submit a sin-  
21 gle application for a combined operating permit covering all of his  
22 surface mining operations. Such application may require detailing  
23 of information required by section 9 of this act for each separate  
24 location. An operator operating under such a combined permit may  
25 submit a consolidated reclamation program covering all his operations  
26 under rules and regulations prescribed by the department, but may be  
27 required to furnish specific information relative to reclamation of  
28 any single operating area if the department determines that such is  
29 necessary to carry out the purposes of this act.

30 <sup>78,44,090</sup>  
NEW SECTION. Sec. 10. The reclamation plan shall provide  
31 that reclamation activities, particularly those relating to control  
32 of erosion, shall, to the extent feasible, be conducted simultane-  
33 ously with surface mining and in any case shall be initiated at the

1 earliest possible time after completion or abandonment of mining on  
2 any segment of the permit area. The plan shall provide that recla-  
3 mation activities shall be completed not more than two years after  
4 completion or abandonment of surface mining on each segment of the  
5 area for which a permit is requested.

6 A reclamation plan will be approved by the department if it ade-  
7 quately provides for the accomplishment of the activities specified  
8 in the definition of "reclamation plan", section 4(11) of this act,  
9 and meets those of the following minimum standards that are appli-  
10 cable:

11 (1) Excavations made to a depth not less than two feet below  
12 the low groundwater mark, which will result in the establishment of  
13 a lake of sufficient area and depth of water to be useful for resi-  
14 dential, recreational, game, or wildlife purposes, shall be reclaimed  
15 in the following manner:

16 (a) All banks in soil, sand, gravel, and other unconsolidated  
17 materials shall be sloped to two feet below the low groundwater line  
18 at a slope no steeper than one and one-half feet horizontal to one  
19 foot vertical;

20 (b) Portions of solid rock banks shall be stepped or other  
21 measures be taken to permit a person to escape from the water.

22 (2) In all other excavations in soil, sand, gravel, and other  
23 unconsolidated materials, the side slopes and the slopes between suc-  
24 cessive benches shall be no steeper than one and one-half feet hori-  
25 zontal to one foot vertical for their entire length.

26 (3) The sides of all strip pits and open pits in rock and  
27 other consolidated materials shall be no steeper than one foot hori-  
28 zontal to one foot vertical, or other precautions must be taken to  
29 provide adequate safety.

30 (4) The slopes of quarry walls in rock or other consolidated  
31 materials shall have no prescribed angle of slope, but where a  
32 hazardous condition is created that is not indigenous to the immedi-  
33 ate area, the quarry shall be either graded or backfilled to a slope

1 of one foot horizontal to one foot vertical or other precautions must  
2 be taken to provide adequate safety.

3 (5) In strip mining operations the peaks and depressions of  
4 the spoil banks shall be reduced to a gently rolling topography which  
5 will minimize erosion and which will be in substantial conformity  
6 with the immediately surrounding land area.

7 (6) In no event shall any provision of this section be con-  
8 structed to allow stagnant water to collect or remain on the surface  
9 mined area. Suitable drainage systems shall be constructed or in-  
10 stalled to avoid such conditions if natural drainage is not possible.

11 (7) All grading and backfilling shall be made with nonnoxious,  
12 nonflammable, noncombustible solids unless approval has been granted  
13 by the director for a supervised sanitary fill.

14 (8) In all types of surface mining, in order to prevent water  
15 pollution, all acid-forming surface mining refuse shall be disposed  
16 of by covering all acid-forming materials with at least two feet of  
17 clean fill. The final surface covering shall be graded so that sur-  
18 face water will drain away from the disposal area.

19 (9) Vegetative cover will be required in the reclamation plan  
20 as appropriate to the future use of the land.

21 (10) All surface mining that will disturb streams must com-  
22 ply with the requirements of the state fisheries laws (Title 75 RCW),  
23 and every application for an operating permit for such operations  
24 must have a reclamation plan that shall have been approved by the de-  
25 partment of fisheries with regard to operations in streams as re-  
26 quired by Title 75 RCW.

27 **78.44.100**  
NEW SECTION. Sec. 11. Upon receipt of an application for a  
28 permit, the surface mining site must be inspected by a representative  
29 of the department. Within twenty-five days of receipt of the applica-  
30 tion and reclamation plan by the department and receipt of the permit  
31 fee, the department shall either issue an operating permit to the ap-  
32 plicant or return any incomplete or inadequate application to the ap-  
33 plicant along with a description of the deficiencies.

1 Failure to act within the twenty-five day period on the re-  
2 clamation plan shall not be cause for a denial of a permit. The  
3 department shall set the amount of the bond or other security requir-  
4 ed for a provisional permit governing the surface mining operation  
5 set forth in the application. A provisional permit shall be granted  
6 pursuant to conditions prescribed by the department until a plan is  
7 approved as long as the operator complies with the bond or security  
8 requirements established by the department: PROVIDED, HOWEVER, That  
9 a provisional permit shall not be granted if the department considers  
10 the site unsuitable for surface mining.

11 If the department refuses to approve a reclamation plan in  
12 the form submitted by the operator, it shall notify the operator,  
13 in writing, stating the reasons for its refusal and listing such ad-  
14 ditional requirements to the operator's reclamation plan as are nec-  
15 essary for the approval of the plan by the department. Within thirty  
16 days, the operator shall either accept such additional requirements  
17 as part of the reclamation plan or file notice of appeal. If notice  
18 of appeal is filed by the operator, a provisional permit shall be  
19 granted as herein specified.

20 → The operating permit shall be granted for the period required  
21 to mine the land covered by the plan and shall be valid until the  
22 surface mining authorized by the permit is completed or abandoned,  
23 unless the permit is suspended by the department as provided in this  
24 act. The operating permit shall provide that the reclamation plan  
25 may be modified, after timely notice and opportunity for hearing, at  
26 any time during the term of the permit for any of the following rea-  
27 sons:

28 (1) To modify the requirements so that they will not conflict  
29 with existing laws;

30 (2) The department determines that the previously adopted rec-  
31 lamation plan is clearly impossible or impracticable to implement and  
32 maintain;

33 (3) The department determines that the previously adopted rec-

1 lamation plan is obviously not accomplishing the intent of this act;

2 or

3 (4) The operator and the department mutually agree to change  
4 the reclamation plan.

5 When one operator succeeds to the interest of another in any  
6 uncompleted surface mining operation by sale, assignment, lease, or  
7 otherwise, the department may release the first operator from the  
8 duties imposed upon him by this act as to such operation: PROVIDED,  
9 That both operators have complied with the requirements of this act  
10 and the successor operator assumes the duty of the former operator to  
11 complete the reclamation of the land, in which case the department  
12 shall

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1 transfer the permit to the successor operator upon approval of the  
2 successor operator's bond as required under this act.

78.44.110

3 NEW SECTION. Sec. 12. The permit fees required under this  
4 act shall be as follows:

5 (1) The basic fee for the permit shall be twenty-five dollars  
6 per permit year for each separate location, payable with submission  
7 of the application and annually thereafter with submission of the re-  
8 port required in section 14 of this act.

9 (2) In addition, there shall be a five dollar per acre fee  
10 for all acreage exceeding ten acres which was newly disturbed by sur-  
11 face mining during the previous permit year, which acreage fee shall  
12 be paid at the time of submission of the report required in section  
13 14 of this act.

78.44.120

14 NEW SECTION. Sec. 13. Upon receipt of an operating permit an  
15 operator other than a public or governmental agency shall not com-  
16 mence surface mining until the operator has deposited with the de-  
17 partment an acceptable performance bond on forms prescribed and fur-  
18 nished by the department. This performance bond shall be a corporate  
19 surety bond executed in favor of the department by a corporation au-  
20 thorized to do business in the state of Washington under the provi-  
21 sions of chapter 48.28 RCW and approved by the department. The bond  
22 shall be filed and maintained in an amount equal to the estimated  
23 cost of completing the reclamation plan for the area to be surface  
24 mined during the next twelve-month period and any previously surface  
25 mined area for which a permit has been issued and on which the rec-  
26 lamation has not been satisfactorily completed and approved. The de-  
27 partment shall have the authority to determine the amount of the bond  
28 that shall be required, and for any reason may refuse any bond not  
29 deemed adequate. In no case shall the amount of the bond be less  
30 than one hundred dollars or more than one thousand dollars per acre  
31 or fraction thereof.

32 The bond shall be conditioned upon the faithful performance of  
33 the requirements set forth in this act and of the rules and regula-

1 tions adopted pursuant thereto.

2 In lieu of the surety bond required by this section the opera-  
3 tor may file with the department a cash deposit, negotiable securities  
4 acceptable to the department, or an assignment of a savings account in  
5 a Washington bank on an assignment form prescribed by the department.

6 Liability under the bond shall be maintained as long as rec-  
7 lamation is not completed in compliance with the approved reclamation  
8 plan unless released prior thereto as hereinafter provided. Liability  
9 under the bond may be released only upon written notification from  
10 the department. Notification shall be given upon completion of compli-  
11 ance or acceptance by the department of a substitute bond. In no  
12 event shall the liability of the surety exceed the amount of the  
13 surety bond required by this section.

14 A public or governmental agency shall not be required to post  
15 a bond under the terms of this act.

16 A blanket performance bond covering two or more surface mining  
17 operations may be submitted by an operator in lieu of separate bonds  
18 for each separate operation.

19 <sup>78.44.130</sup>  
NEW SECTION. Sec. 14. Within thirty days after completion  
20 or abandonment of mining on an area under permit or within thirty  
21 days after each annual anniversary date of the operating permit,  
22 whichever is earlier, or at such later date as may be provided by de-  
23 partment rules and regulations, and each year thereafter until rec-  
24 lamation is completed and approved, the operator shall file a report  
25 of activities completed during the preceding year on a form prescribed  
26 by the department, which report shall:

- 27 (1) Identify the operator and permit number;
- 28 (2) Locate the operation by subdivision, section, township,  
29 and range, and with relation to the nearest town or other well known  
30 geographic feature;
- 31 (3) Estimate acreage to be newly disturbed by surface mining  
32 in the next twelve-month period; and
- 33 (4) Update any maps previously submitted or provide such maps

1 as may be specifically requested by the department. Such maps shall  
2 show:

- 3 (a) The operating permit area;
- 4 (b) The unit of surface mined area;
- 5 (c) The area to be surface mined during the next twelve-month  
6 period;
- 7 (d) If completed, the date of completion of surface mining;
- 8 (e) If not completed, the area that will not be further dis-  
9 turbed by the mining operations; and
- 10 (f) The date of beginning, amount, and current status of rec-  
11 lamation performed during the previous twelve months. An operator  
12 operating under a combined operating permit may submit a single an-  
13 nual report, but such report shall include the data required in sec-  
14 tion 14 of this act for each separate operating area.

15 <sup>78.74.140</sup>  
NEW SECTION. Sec. 15. Upon receipt of the operator's report,  
16 and at any other reasonable time the department may elect, the de-  
17 partment shall cause the permit area to be inspected to determine if  
18 the operator has complied with the reclamation plan and the depart-  
19 ment's rules and regulations.

20 The operator shall proceed with reclamation as scheduled in  
21 his reclamation plan. Following any written notice by the department  
22 noting deficiencies, the operator shall commence action within thirty  
23 days to rectify these deficiencies and shall diligently proceed until  
24 the deficiencies are corrected: PROVIDED, That deficiencies that al-  
25 so violate other laws that require earlier rectification shall be cor-  
26 rected in accordance with the applicable time provisions of such laws.  
27 The department may extend performance periods referred to in this sec-  
28 tion and in section 10 of this act, for delays clearly beyond the op-  
29 erator's control, but only when the operator is, in the opinion of  
30 the department, making every reasonable effort to comply.

31 Within thirty days after notification by the operator and when  
32 in the judgment of the department reclamation of a unit of surface  
33 mined area is properly completed, the mining operator shall be noti-

1 fied in writing and his bond on said area shall be released or de-  
2 creased proportionately.

3       If reclamation of surface mined land is not proceeding in ac-  
4 cordance with the reclamation plan and the operator has not commenced  
5 action to rectify deficiencies within thirty days after notification  
6 by the department, or if reclamation is not properly completed in con-  
7 formance with the reclamation plan within two years after completion  
8 or abandonment of surface mining on any segment of the permit area,  
9 the department is authorized, with the staff, equipment and material  
10 under his control, or by contract with others, to take such actions  
11 as are necessary for the reclamation of the surface mined areas. The  
12 department shall keep a record of all necessary expenses incurred in  
13 carrying out any project or activity authorized under this section,  
14 including a reasonable charge for the services performed by the  
15 state's personnel and the state's equipment and materials utilized.

16       The department shall notify the operator and his surety by order.  
17 The order shall state the amount of necessary expenses incurred by  
18 the department in reclaiming the surface mined land and a notice that  
19 the amount is due and payable to the department by the operator and  
20 the surety.

21       If the amount specified in the order is not paid within thirty  
22 days after receipt of the notice, the attorney general, upon request of  
23 the department, shall bring an action on behalf of the state in the  
24 superior court for Thurston county or any county in which the persons  
25 to whom the order is directed do business to recover the amount spec-  
26 ified in the final order of the department. The surety shall be li-  
27 able to the state to the extent of the bond.

28       The amount owed the department by the operator for the recla-  
29 amation performed by the state may be recovered by a lien against the  
30 reclaimed property, which may be enforced in the same manner and with  
31 the same effect as a mechanic's lien.

32       In addition to the other liabilities imposed by this act,  
33 failure to commence action to rectify deficiencies in reclamation

1 within thirty days after notification by the department or failure  
2 satisfactorily to complete reclamation work on any segment of the per-  
3 mit area within two years after completion or abandonment of surface  
4 mining on any segment of the permit area shall constitute sufficient  
5 grounds for cancellation of a permit and refusal to issue another per-  
6 mit to the delinquent operator until such deficiencies are corrected  
7 by the operator.

8 78.44.150  
NEW SECTION. Sec. 16. Any operator conducting surface mining  
9 within the state of Washington without a valid operating permit shall  
10 be guilty of a gross misdemeanor. Each day of operation shall con-  
11 stitute a separate offense.

12 78.44.160  
NEW SECTION. Sec. 17. When the department finds that an op-  
13 erator is conducting surface mining on an area for which a valid op-  
14 erating permit is not in effect, or is conducting surface mining in  
15 any manner not authorized by his operating permit or by the rules and  
16 regulations adopted by the department, the department may forthwith  
17 order such operator to suspend all such operations until compliance  
18 is effected or assured to the satisfaction of the department. In the  
19 event the operator fails or declines to obey such order, the facts  
20 may be reported by the department to the attorney general. The attor-  
21 ney general shall forthwith take the necessary legal action to en-  
22 join, or otherwise cause to be stopped, such conduct of surface min-  
23 ing.

24 78.44.170  
NEW SECTION. Sec. 18. Appeals from determinations made un-  
25 der this act shall be made under the provisions of the administrative  
26 procedure act (chapter 34.04 RCW), as now or hereafter amended and  
27 shall be considered a contested case within the meaning of the ad-  
28 ministrative procedure act (chapter 34.04 RCW).

29 78.44.900  
NEW SECTION. Sec. 19. Operators of surface mines in opera-  
30 tion on the effective date of this act shall have ninety days there-  
31 after to submit an application for an operating permit. Any such  
32 operator who has timely filed an application for an operating permit  
33 but for reasons beyond his control has neither received an operating

1 permit nor had his application denied within twenty-five days after  
2 his application has been submitted as provided in section 9 of this  
3 act, shall have issued to him by the department a temporary operat-  
4 ing permit, which, if the applicant is diligently pursuing his appli-  
5 cation, shall be effective until a regular operating permit is either  
6 issued or denied.

7 <sup>78.44.180</sup>  
8 NEW SECTION. Sec. 20. All reclamation plans, operators' re-  
9 ports and other required information under this act shall be for the  
10 confidential use of the department which shall by rule or regu-  
11 lation provide for the release thereof to proper interested persons.

VETOED

11 ~~NEW SECTION. Sec. 21. The provisions of this act shall be~~  
12 ~~administered by the department of natural resources.~~

13 <sup>78.44.910</sup>  
14 NEW SECTION. Sec. 22. This act shall not direct itself to  
15 the reclamation of land mined prior to the effective date of this act.

16 <sup>78.44.920</sup>  
17 NEW SECTION. Sec. 23. This act shall become effective Jan-  
18 uary 1, 1971.

19 <sup>78.44.930</sup>  
20 NEW SECTION. Sec. 24. If any provision of this act or its  
21 application to any person or circumstance is held invalid, the re-  
22 mainder of the act or the application of the provision to other per-  
23 sons or circumstances shall not be affected.

24 Passed the Senate February 12, 1970.

25 *John A. Cherberg*  
26 President of the Senate.

27 Passed the House February 6, 1970.

28 *Don Edwards*  
29 Speaker of the House.

STATE OF WASHINGTON  
Board of Natural Resources  
P. O. Box 168  
Olympia, Washington 98501

APPLICATION FOR OPERATING PERMIT -- SURFACE MINING

1. Name of applicant \_\_\_\_\_  
Public Agency ( ) Corporation ( ) Partnership ( ) Individual ( )  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Permanent  
\_\_\_\_\_  
\_\_\_\_\_  
Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Temporary  
\_\_\_\_\_  
\_\_\_\_\_  
Zip \_\_\_\_\_

2. Size and legal description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Sec. \_\_\_\_\_, T. \_\_\_\_\_ N, R. \_\_\_\_\_ <sup>E</sup>/<sub>W</sub> W.M.  
County \_\_\_\_\_

3. a. Type of overburden \_\_\_\_\_  
Approximate maximum depth of overburden \_\_\_\_\_  
b. Material to be mined or removed \_\_\_\_\_  
Quantity of material to be mined or removed  
overburden \_\_\_\_\_ (tons or yards)  
mineral \_\_\_\_\_ (tons or yards)  
c. Estimated total acres to be surface mined \_\_\_\_\_  
Estimated number of acres to be surface mined first year \_\_\_\_\_

APPLICATION FOR OPERATING PERMIT -- SURFACE MINING

Page 2

- d. Method of mining to be used \_\_\_\_\_
- e. Maximum depth of surface mining \_\_\_\_\_ feet. (Give estimated depth, if exact depth is unknown).
4. Expected starting date of operations \_\_\_\_\_  
 Expected termination date of surface mining \_\_\_\_\_
5. Purpose for which this land is to be used following mining \_\_\_\_\_

Do you or any person, partnership, or corporation associated with you now hold or have ever held an operating permit? \_\_\_\_\_

Has any such permit been revoked or bond been forfeited? \_\_\_\_\_

If so, give name of the company, location of the mine, and permit number \_\_\_\_\_

If other permits, please list:

<u>Permit No.</u>	<u>Active Operation</u>	<u>Reclamation Current or Complete</u>	<u>Other (describe)</u>
_____	( )	( )	_____
_____	( )	( )	_____
_____	( )	( )	_____

6. Owner (or owners) of the surface of the land to be surface mined:

\_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

APPLICATION FOR OPERATING PERMIT -- SURFACE MINING

Page 3

7. Owner (or owners) of mineral rights:

\_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_ Address \_\_\_\_\_

8. Does this application cover more than one site? \_\_\_\_\_

Designate number of sites? \_\_\_\_\_

9. A basic fee of \$25.00 per site is herewith attached. Total \$ \_\_\_\_\_

Dated \_\_\_\_\_ 19\_\_ Signature \_\_\_\_\_  
 Title \_\_\_\_\_

INSTRUCTIONS

1. This application will not be accepted if not accompanied by the fee, a reclamation plan, and a plan of surface mining.
2. Attach a statement from the appropriate zoning agency showing that the proposed subsequent use of the property is a legal use under present zoning classification.
3. Maps must be submitted with each application. Maps shall be to the following scale:

<u>Area of Site</u>	<u>Scale</u>
0 - 5 acres	not less than 1" = 50'
<del>5</del> - 10 acres	not less than 1" = 100'
10 acres or more	not less than 1" = 200'

Contour intervals shall not be ~~less~~ <sup>more</sup> than 5 feet.  
 Variations in map scale and contour interval may be approved by the Board.

DISTRICT REPORT

Application for Operating Permit -- Surface Mining

1. Are the facts presented in the application and supplemental material accurate? \_\_\_\_\_
2. Can the reclamation plan be reasonably accomplished as specified? \_\_\_\_\_
3. Does the reclamation plan meet the requirements of the law (minimum standards, screening, and progressive reclamation)? \_\_\_\_\_
4. Recommendations and Comments: \_\_\_\_\_
  - a. Size of bond \_\_\_\_\_  
Note: None for governmental agencies.  
Not less than \$100 per acre.  
Not more than \$1,000 per acre.
  - b. Issue operating permit \_\_\_\_\_  
Issue provisional permit \_\_\_\_\_  
Deny \_\_\_\_\_

Date of Inspection \_\_\_\_\_ Signature \_\_\_\_\_

Date of Report \_\_\_\_\_

Note: If a provisional permit or denial is recommended, give complete details and justification.

TO:

Board of Natural Resources  
c/o Mines and Geology Division  
Department of Natural Resources  
P. O. Box 168  
Olympia, WA 98501

SUBJECT:

Recommendations on Surface Mining Permit Application

Description of Property: \_\_\_\_\_

\_\_\_\_\_ S \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_<sup>E</sup> W, W.M.

1. Has a Comprehensive Plan been established for the proposed site? \_\_\_\_\_
2. Has the proposed site area been zoned? \_\_\_\_\_
3. Does the subsequent use proposed by the applicant fit the Comprehensive Plan of Zoning? \_\_\_\_\_
4. Does the applicant have an appropriate permit to conduct surface mining? \_\_\_\_\_
5. Recommendations and comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Planning Director or Administrative /Official

\_\_\_\_\_  
County or Municipality

\_\_\_\_\_  
Address

NOTE:

- A. Chapter 64, Laws of 1970 requires evidence that the proposed subsequent use would not be illegal under local zoning regulations.
- B. If the Board of Natural Resources has not received the county or municipality recommendations within twenty days, it will be assumed that the county or municipality concurs with the proposed subsequent use.

SM-

Permit No. \_\_\_\_\_

## BONDS

I. RCW 78.44.120 provides for the filing of surety bonds, cash bonds, negotiable securities, or an assignment of a savings account. Bonds are not required from public agencies. Surface mining operations shall not commence until the prescribed bond has been received and approved. Bonds have definite limitations. The minimum prescribed by law shall not be less than \$100 per acre; maximum shall not exceed \$1,000 per acre. Liability of the surety shall not exceed the amount of the bond required.

A. All Surety Bonds must be submitted on Department Form No. SM- . This form is to be completed in quadruplicate (one copy to be retained by the surety, one copy by the applicant, one for the district, and one for the Olympia office). Such bonds when received will be forwarded to Olympia, Division of Mines and Geology. Prior to the acceptance of a bond by the Department, the bond must be approved by the State Insurance Commissioner. The Olympia office will be responsible for obtaining approval of the Insurance Commissioner.

NOTE: To facilitate obtaining a bond, the operator should be advised that in order to obtain a corporate surety bond as required by RCW 78.44.120 the operator must be prepared to provide a financial statement to the bonding company, execute a surety bond application, and execute an indemnity agreement with the bonding company.

B. Cash bonds will be submitted to the Olympia office, Finance Section, according to standard procedures. Use Department Form No. SM- . Complete the form in triplicate (one copy to be retained by the operator, one copy by the district office, and one copy for the Olympia office).

C. The submission of negotiable securities, although permitted by law, is not to be encouraged. The receipt of such securities creates undue security problems for the Department. If an operator requests or demands that the Department accept negotiable securities, refer the request or demand to the Olympia office, Division of Mines and Geology.

D. The law provides for the assignment of savings accounts or certificates. This provides a means for the operator to receive interest on his money while complying with bond requirement. An operator wishing to submit an Assignment of a Savings Account in lieu of a surety bond, may do so using Department Form No. SM- . The bond should be completed in quadruplicate (one copy for the bank, one for the applicant, one for the district, and one copy for the Olympia office). In the case of an Assignment of a Savings Certificate, complete Department Form No. SM- . Complete and distribute forms as indicated in a Savings Account Assignment.

STATE OF WASHINGTON  
Board of Natural Resources  
P. O. Box 168  
Olympia, Washington 98501

SURFACE MINING RECLAMATION BOND

Permit No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, That we, \_\_\_\_\_

\_\_\_\_\_  
as Principal, and \_\_\_\_\_  
a corporation organized and existing under the laws of the State of \_\_\_\_\_,  
and duly authorized to transact business in the State of Washington, as Surety, are held and  
firmly bound unto the State of Washington, acting through the Board of Natural Resources, in  
the sum of \_\_\_\_\_ (\$ \_\_\_\_\_) DOLLARS, for the  
payment of which sum, well and truly to be made, we bind ourselves, and each of our legal  
representatives, executors, administrators, successors and assigns, jointly and severally, firmly  
by these presents.

WHEREAS, the Principal has received from the Board of Natural Resources, State of  
Washington, a permit to conduct surface mining on the following described premises, to wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOW, THEREFORE, The conditions of this obligation are such that if the above  
bounden Principal shall, in conducting such surface mining operations faithfully perform the  
requirements of the permit and Chapter 64, 1st Ex. Session Laws of 1970, relating to mining  
and the Rules and Regulations adopted pursuant thereto, then this obligation shall be exon-  
erated and discharged and become null and void; otherwise to remain in full force and effect.

PROVIDED, However, the Surety shall not be liable under this bond for an amount  
greater in the aggregate than the sum designated in the first paragraph hereof, and shall  
not be liable as respects any obligations related to surface mining operations performed  
after the expiration of thirty (30) days from the date of the mailing by the Surety of a can-  
cellation notice directed to the Principal and the Board of Natural Resources, Olympia,  
Washington. The bond shall remain in full force and effect as respects obligations related  
to surface mining operations performed prior to the effective date of such cancellation unless

the Principal files a substitute bond, approved by the Board of Natural Resources, or unless the Board of Natural Resources shall otherwise release the Surety.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_.

Approved for general use:

Date \_\_\_\_\_

\_\_\_\_\_  
Assistant Attorney General

Insurance Commissioner's Approval:

(Surety's Seal)

\_\_\_\_\_  
Signature: Principal

Title \_\_\_\_\_

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Surety

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Signature: Attorney in fact

\_\_\_\_\_  
Signature: Resident Agent

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Mailing Address

SAVINGS CERTIFICATE ASSIGNMENT

- I. For value received, \_\_\_\_\_, Assignor, does hereby assign, transfer, and set over to the State of Washington, Board of Natural Resources, hereafter called the State, all rights and interests in a Savings Certificate, No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_, payable on or after \_\_\_\_\_ issued by \_\_\_\_\_, hereafter called Bank, and payable to \_\_\_\_\_, the assignor herein.
- II. The Assignor makes this assignment pursuant to Chapter 64, Laws of 1970, 1st Ex. Sess. and that certain Surface Mining Permit No. \_\_\_\_\_ entered into between the State and \_\_\_\_\_ on \_\_\_\_\_, 19\_\_.
- III. The Assignor may not withdraw or otherwise dispose of any earnings attributed to the Savings Certificate while the same is assigned to the State.
- IV. The Assignor may, with the consent of the State, replace or renew a Savings Certificate once it has expired, or is voided by the Bank and the Assignor shall be entitled to the rights as laid out in Clause III with respect to the new Savings Certificate.
- V. The State may at any time after giving written notice to the Assignor, surrender the Savings Certificate to the Bank in exchange for money.
- VI. Any penalty suffered by the State as a result of the surrender of the Savings Certificate prior to its due date shall be assessed against the Assignor.
- VII. The Assignor is not entitled to any earnings or interest upon the cash proceeds after the State has surrendered the Savings Certificate. Such earnings or interest shall be retained by the State.
- VIII. The Savings Certificate shall be held by \_\_\_\_\_ during the term of this assignment.
- IX. Signed and dated at \_\_\_\_\_, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Assignor's Signature)

ACCEPTANCE

X. The State of Washington, Board of Natural Resources hereby accepts the foregoing assignment of the Savings Certificate No. \_\_\_\_\_ drawn on \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Authorized Signature)

(SEAL)

\_\_\_\_\_

RELEASE

XI. The above assignment of Savings Certificate No. \_\_\_\_\_ drawn on \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is hereby released. The authorized signature and seal, below, shall witness the termination of the State's interest in the assignment.

\_\_\_\_\_  
(Authorized Signature)

(SEAL)

XII. I, \_\_\_\_\_, Assignor in the above agreement, recognize by my signature below the release of the assignment as carried out in Clause XI above.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Assignor's Signature)

SAVINGS ACCOUNT ASSIGNMENT

- I. For value received, \_\_\_\_\_, Assignor, does hereby assign, transfer, and set over to the State of Washington, Board of Natural Resources, hereafter called the State, all rights, title, and interest in the Assignor's Savings Account No. \_\_\_\_\_ deposited in \_\_\_\_\_ Branch of \_\_\_\_\_ Bank, hereafter called the Bank, in the amount of \$ \_\_\_\_\_.
- II. The Assignor makes this assignment pursuant to Chapter 64, Laws of 1970, 1st Ex. Sess. and that certain Surface Mining Permit No. \_\_\_\_\_ entered into between the State and \_\_\_\_\_ on \_\_\_\_\_, 19\_\_.
- III. The Assignor may not withdraw or otherwise dispose of any earnings attributed to the Savings Account while the same is assigned to the State.
- IV. The State may at any time after giving written notice to the Assignor, demand payment from the Bank holding the above Savings Account of an amount not to exceed \$ \_\_\_\_\_.
- V. Any penalty suffered by the State as a result of demanding payment from the Bank shall be assessed against the Assignor.
- VI. The Assignor is not entitled to any earnings or interest on the cash proceeds after the State has withdrawn such proceeds in the amount as above specified from the herein described Savings Account. Such earnings and interest shall be retained by the State.
- VII. The above-mentioned Savings Account shall be held by \_\_\_\_\_ during the term of the assignment.
- VIII. Signed and dated at \_\_\_\_\_, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
(Assignor's Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_

BANK ACCEPTANCE

IX. The \_\_\_\_\_ Bank, as witnessed below by the signature of a duly authorized officer, hereby accepts the above assignment of Savings Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_ Bank

(Authorized Signature)

\_\_\_\_\_ Branch

(Address)

\_\_\_\_\_

BOARD ACCEPTANCE

X. The State of Washington, Board of Natural Resources hereby accepts the foregoing assignment of Savings Account No. \_\_\_\_\_ held by \_\_\_\_\_ (Bank) in the amount of \$ \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_ Board of Natural Resources

=====

RELEASE

XI. The above assignment of Savings Account No. \_\_\_\_\_ drawn on \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is hereby released. The authorized signature and seal, below, shall witness the termination of the State's interest in this assignment.

\_\_\_\_\_ (Authorized Signature)

(SEAL)

XII. I, \_\_\_\_\_, Assignor in the above agreement recognize by my signature below the release of the assignment as carried out in Clause XI above.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_ (Assignor's Signature)

## MANUAL

### SURFACE-MINED LAND RECLAMATION ACT

#### Annual Validation of Permit

1. Within 30 days of the completion, abandonment, or annual anniversary date of the permit, the operator is required to submit to the Department on Form No. SM- a surface mining report of activities. This report is to indicate the current status of the permit, and the intentions for the next 12-month period.
2. Upon receipt of the report of activities, the property involved should be examined and an inspection report submitted on Form No. SM- . The examination by the district should determine:
  - a. Accuracy of report.
  - b. Observe any deficiencies in fulfilling requirements of the permit and the Act.
  - c. Make recommendations or comments.
  - d. Make recommendations relative to increasing or decreasing bond requirements as required.
3. Any deficiencies and recommendations are to be brought to the attention of the operator. In the case of deficiencies, the operator is to be advised in writing and given a deadline to rectify the deficiencies, as specified in the rules and regulations. The rules and regulations specify that the operator shall commence action within 30 days to rectify deficiencies and shall diligently proceed until the deficiencies are corrected. Copies of deficiency notices are to be sent to the Division of Mines and Geology, Olympia. If the operator rectifies the deficiencies within the time limit set, advise the operator in writing of compliance and send a copy to Division of Mines and Geology.

STATE OF WASHINGTON  
Board of Natural Resources  
P. O. Box 168  
Olympia, Washington 98501

OPERATOR'S ANNUAL OR COMPLETION REPORT OF  
RECLAMATION ACTIVITIES

Operator \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Description of area covered by permit \_\_\_\_\_

\_\_\_\_\_ Sec. \_\_\_\_\_, T. \_\_\_\_\_ N, R. \_\_\_\_\_ <sup>E</sup>/<sub>W</sub> W.M.  
County \_\_\_\_\_

Distance \_\_\_\_\_ Direction \_\_\_\_\_ to nearest community \_\_\_\_\_

Does this report apply to more than one operating site? \_\_\_\_\_

If so, this report shall include activities for each separate site.

DURING PAST 12-MONTH PERIOD

Status of Surface Mining

\_\_\_\_\_ Acres surface mined or otherwise disturbed (Include areas covered  
by spoils and treatment plant wastes).

Status of Reclamation

\_\_\_\_\_ Yes, reclamation started.

\_\_\_\_\_ No, reclamation not started.

If yes, date started \_\_\_\_\_ 19\_\_.

\_\_\_\_\_ Acres land regraded.

\_\_\_\_\_ Acres land revegetated.

\_\_\_\_\_ Yes, reclamation completed.

\_\_\_\_\_ No, reclamation not completed.

If yes, date completed \_\_\_\_\_ 19\_\_.

\_\_\_\_\_ Acres Land.

\_\_\_\_\_ Acres Water.

DURING NEXT 12-MONTH PERIOD

\_\_\_\_\_ Acres estimated to be surface mined or otherwise disturbed.

Date \_\_\_\_\_ 19\_\_.

Signature \_\_\_\_\_

DISTRICT REPORT  
ANNUAL OR COMPLETION REPORT OF RECLAMATION ACTIVITIES

1. Is the information correct as reported? \_\_\_\_\_
2. Have operations and reclamation proceeded in accordance with the permit, reclamation plan, and the plan of surface mining? \_\_\_\_\_

If the answer to either of the questions is NO, indicate inaccuracies, deficiencies, and recommendations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of inspection \_\_\_\_\_

Date of report \_\_\_\_\_

Signature \_\_\_\_\_

District \_\_\_\_\_

Comments:

STATE OF WASHINGTON  
Board of Natural Resources  
P. O. Box 168  
Olympia, Washington 98501

OPERATOR'S PLANTING OR SEEDING REPORT -- SURFACE MINING

(To be submitted within 10 days after planting or seeding is completed)

Operator \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Description of area \_\_\_\_\_

\_\_\_\_\_ Sec. \_\_\_\_\_, T. \_\_\_\_\_ N., R. \_\_\_\_\_ E  
W W.M.

County \_\_\_\_\_

Distance \_\_\_\_\_ Direction \_\_\_\_\_ to nearest community \_\_\_\_\_

Planting started date \_\_\_\_\_ 19 \_\_\_\_ Planting completed date \_\_\_\_\_ 19 \_\_\_\_

Acres \_\_\_\_\_

Type and quantity of vegetation planted or seeded (include species, type, and distribution per acre) \_\_\_\_\_  
\_\_\_\_\_

Describe planting or seeding method, fertilization, and special treatment (kind and amount per acre), lime (amount per acre) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ 19 \_\_\_\_

Signature \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

DISTRICT PLANTING AND/OR SEEDING REPORT -- SURFACE MINING

1. Has planting and/or seeding been accomplished as stated? \_\_\_\_\_
2. Does the planting and/or seeding appear to have a reasonable chance of survival? \_\_\_\_\_

If not, recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the planting and/or seeding conform to the specifications of the Reclamation Act? \_\_\_\_\_

If not, specify deficiencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the operator been notified of deficiencies? \_\_\_\_\_

4. Date of inspection \_\_\_\_\_ Signature \_\_\_\_\_  
Date of report \_\_\_\_\_ District \_\_\_\_\_

## DEFICIENCIES IN OPERATIONS AND ENFORCEMENT

### I. Deficiencies

A. Deficiencies occur when an operator is not conducting his operations and/or his reclamation.

1. In accordance with the plan of surface mining, or
2. In accordance with the reclamation plan, or
3. In accordance with the Reclamation Act and regulations, or other statutes and regulations.

### B. Action

1. Notify the operator of the deficiencies in writing. Specify:
  - a. The deficiencies, and
  - b. Time period for compliance.

The operator must commence corrective action within 30 days and diligently proceed until deficiencies are corrected.

2. Deficiencies requiring earlier correction must be identified. These involve:
  - a. Deficiencies where other laws require earlier action.
  - b. Deficiencies involving health, safety, and water pollution problems.
3. Deficiencies involving other laws should be brought to the attention of the responsible agency. Specific problem areas and agencies are as follows:

Pollutions of waters (surface and ground)---Department of Ecology

If fish and wildlife are involved---the Department of Game and the Department of Fisheries

Flood problems--- Department of Ecology

Solid waste and sanitary landfill operations---Department of Ecology and the local district health office

Pollution---Department of Ecology and the local district health office

Unsafe working conditions---Department of Labor and Industry

Other problem areas, possibly involving noise, dust, and traffic problems, may be directed to the attention of the local county or municipality office.

C. Failure to correct deficiencies

1. If the operator does not:

- a. Initiate corrective action within 30 days or earlier as required.
- b. Complete reclamation according to plans.

The Law specifies (RCW 78.44.140) failure to complete the reclamation according to plan, or to initiate corrective action within 30 days or earlier as required, shall constitute sufficient grounds for termination and cancellation and the refusal to issue another permit.

2. Action: The Department will:

- a. Notify the operator and his surety in writing of the termination and cancellation.
- b. Proceed to complete reclamation with Department equipment and personnel, or through contract with others. Records will be kept of all expenses, including reasonable charges for the services of the Department.
- c. Notify the operator and surety of the charges. If the charges are not paid for within 30 days, the Attorney General will bring action to collect. The surety is liable only for the amount of the bond.
- d. The amount owed the Department may be recovered by a lien against the reclaimed property. This would be enforced in the same manner and with the same effect as a mechanic's lien.

II. Penalties

An operator may be subjected to one or more of the following penalties:

- A. The bond may be cancelled if reclamation of surface-mined land is not proceeding in accordance with the reclamation plan, and the operator has not commenced action to rectify deficiencies within 30 days after notification by the Department, or if reclamation is not properly completed in conformance with the reclamation plan within 2 years after completion or abandonment of surface mining on any segment of the permit area. (RCW 78.44.140).

- B. A lien may be placed against the reclaimed property in order to recover the amount owed to the Department by the operator for the reclamation performed by the State, if the operator fails to reclaim the land in accordance with the reclamation plan. (RCW 78.44.140).
- C. The operating permit may be cancelled, and a new permit may be withheld from the delinquent operator, if he fails to commence action to rectify deficiencies in reclamation within 30 days after notification by the Department, or if he fails to satisfactorily complete reclamation work on any segment of the permit area within two years after completion or abandonment of surface mining on such segment of the area. (RCW 78.44.140).
- D. Any operator conducting surface mining without a valid operating permit shall be guilty of a gross misdemeanor. Each day of operation shall constitute a separate offense. (RCW 78.44.150).
- E. The Department may order an operator to suspend operations when the Department finds that an operator is conducting surface mining on an area for which a valid operating permit is not in effect, or is conducting surface mining in any manner not authorized by his operating permit or by the rules and regulations adopted by the Department. If the operator does not obey the Department's order to suspend operations, the Department may notify the Attorney General, who shall then take legal action to enjoin, or otherwise cause, the surface-mining operation to be stopped. (RCW 78.44.160).

### III. Specific Cases

- A. An operator without a valid permit with operations exceeding the limitations of 2 acres or 10,000 ton and not in operation prior to January 1, 1971:
  - 1. The Department will issue shutdown orders and insist upon initiation of application. If circumstances warrant, a citation may be issued. Gross misdemeanor charges are involved. Each day of operation without a valid permit constitutes a separate offense.
  - 2. The operator must post bond prior to resuming operations. The Department may authorize continued operations after receipt of the bond.

[Note: Do not authorize continued operations or issue a provisional permit if a potential exists for undue hazards, such as landslides, pollution, etc. (RCW 78.44.030)].

The Department will coordinate with other agencies as indicated:

Pollution or disturbance of waters (surface and ground)---contact Fisheries, Game, and Ecology.

Flood problems---contact Ecology.

- 3. When the reclamation plan, application, and plan of surface are approved by the Department, then an operating permit will be issued. The bond required under the provisional permit may have to be adjusted to meet the new requirements. If any part of the plans are not approved by the Department, the operator will be notified in writing of the necessity of any modifications.

If the operator:

1. Accepts the additional requirements, an operating permit will be issued.
  2. Rejects the new modifications and requirements and files an appeal within 30 days, the Department will issue an additional provisional permit and establish or continue an appropriately sized bond.
- B. An operator without a valid permit who has not exceeded the 2-acre or 10,000-ton limitation during the current 12-month period. Observations of his operation indicate that there is a good possibility that the operator will exceed the limitations during the current or the next 12-month period. The Department should:
1. Inform the operator of the law.
  2. Indicate that we are interested in his operation and will be observing it from time to time.
  3. Suggest to the operator that, if it appears that he is going to exceed the 2-acre or 10,000-ton limitation, that he should make sure he allows a minimum of 25 days in which to submit an application and receive an approved operating permit. If the operator applies for and receives a valid permit before he exceeds the 2-acre or 10,000-ton limitation, the operator and the Department have no problems at this point.
  4. If the operator does not have a valid, approved permit prior to the time he exceeds 2 acres or 10,000 tons, the Department will:
    - a. Issue a shutdown order to the operator. It is anticipated that there will be no problem if the operator voluntarily shuts down when instructed to do so and waits until he receives a valid permit. The operator will be issued an operating permit or informed in writing of any deficiencies in the plans within 25 days of the date of his application.

NOTE: Authorization to proceed with the operations will not be given or an operating permit will not be issued, if an immediate potential exists for undue hazards, such as landslides and pollution.

- b. If the operator persists in conducting operations after being given a shutdown order, the Department will then immediately issue a citation for gross misdemeanor charges. The Attorney General's office will be contacted for further action.

## LEGAL ACTIONS

- I. Operators without valid operating permits and subject to the Surface-Mined Land Reclamation Act:
  - A. Issue a shutdown order.
  - B. If the situation warrants, issue a citation. Gross misdemeanor charges; separate offense each day of operation.
- II. Operator has not accomplished reclamation according to the reclamation plan, the rules and regulations, or the Act.
  - A. Notification in writing must be made to the operator, stating deficiencies. The operator must commence action to rectify deficiencies within 30 days after notification.
  - B. The Department is authorized to take such actions as are necessary if the operator does not commence action to rectify the deficiencies within 30 days or has not completed reclamation in conformance with the reclamation plan within 2 years after completion or abandonment of the property.
    1. The Department will keep a record of all expenses, including a reasonable charge for services performed by the State in correcting the deficiencies or in completing the reclamation.
    2. Within 90 days after such action has been completed, the Department will file a lien in the County Auditor's Office against the property.
      - a. The filing of the lien is necessary before initiation of court action.
      - b. The lien prevents sale or disposal of the property prior to completion of court action.
    3. A lawsuit must be filed within 8 months of the filing of the lien. The lawsuit must be completed within 2 years of filing, unless delays are caused by court schedules. The lawsuit names the operator and the surety.
    4. If a judgment is made against the operator, it will be against the operator, the surety, and the property. A judgment against the surety can only be for the amount of the bond; judgment against the operator can exceed the bond and apply against the property. A lien against the property can then be recovered by:
      - a. The operator and/or owner paying the amount due, or
      - b. A forced sale can be obtained to achieve satisfaction for amounts due.

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MAJOR FEATURES  
OF THE  
SURFACE-MINED LAND RECLAMATION ACT OF WASHINGTON

Chapter 64, Session Laws of 1970

PURPOSE OF THE LAW:

To provide the greatest practical degree of protection and restoration of the usefulness, productivity, and scenic values of all lands and waters in the State that are involved in surface mining. (Section 3)

SURFACE MINING INCLUDES:

1. Kinds.

Surface mining applies to: sand and gravel pits, rock and stone quarries, open pit metal mines, coal strip mines, borrow pits, and prospecting. (Section 4)

2. Amount or extent of surface mining operations.

A surface mining operation shall be subject to this law if more than two acres are newly disturbed or more than ten thousand tons of mineral are removed within a period of twelve consecutive months.

Prospecting and exploration activities are covered by the above or when collectively they disturb more than one acre per eight acres of land area. (Section 4)

3. Land Ownership and Operators.

This Act applies to all landowners and operators, including private and public. (Section 4)

SURFACE MINING EXCLUDES:

1. Excavation or grading conducted for farming. (Section 4)

2. On-site road construction, such as cut and fill operations. (Section 4)

3. Remote areas where excavation is for the construction and maintenance of access roads. (Section 4)

ADMINISTRATION:

The law will be administered by the Board of Natural Resources, using the services and personnel of the Department of Natural Resources. (Section 5)

REQUIREMENTS OF THE LAW:

No operator shall engage in surface mining operations after January 1, 1971, the effective date of the law, without a permit. (Section 9)

A combined permit may be issued to an operator conducting surface mining on more than one site. (Section 9)

An operator, in order to obtain a permit, is required to prepare and submit a reclamation plan. (Section 9)

A plan of surface mining is required that will provide for reclamation on portions of a site that will not be subject to further operations. (Section 9)

Reclamation standards are established pertaining to the impoundment of water, slopes, fill materials, revegetation, and water pollution. (Section 10)

Provisions for inspections by State personnel have been made. (Section 11)

A basic fee of \$25 per site per year has been established. An additional fee of \$5 per acre for all acreage exceeding ten acres disturbed during a previous permit year is required. (Section 12)

Bonds--a performance bond of not less than \$100 nor more than \$1,000 per acre is required. In lieu of a surety bond, the operator may post a cash deposit, negotiable securities, or an assignment of a savings account. (Section 13)

Annual reports are required, which indicate extent of preceding year's operations and estimates on the acreage to be disturbed during the next twelve month period. (Section 14)

RECLAMATION PLAN INCLUDES OR REQUIRES:

1. Proposed subsequent use of the land.
2. Subsequent use not illegal under local zoning regulations.
3. Protection of adjacent lands.
4. Restoration of surface gradients suitable to proposed subsequent use.
5. Revegetation appropriate to the future use of the land.
6. Prevention or elimination of nuisance or hazardous conditions.
7. Control of contaminants and disposal of mining refuse.
8. Diversion of surface waters.
9. Restoration of stream channels and banks to minimize erosion, siltation, and other pollution.
10. Maps.
11. Reclamation time schedules.

(Section 4)

PENALTIES:

The law provides for penalties.

- |  |              |
|--|--------------|
| Bond forfeiture.   | (Section 15) |
| Lien against the reclaimed property.   | (Section 15) |
| Cancellation of permit.  | (Section 15) |
| Refusal to issue another permit until deficiencies are corrected.                            | (Section 15) |
| Gross misdemeanor when operating without permit. Each day of operation - a separate offense. | (Section 16) |
| Suspension of operations.  | (Section 17) |

This law is not retroactive in that it does not require reclamation of land mined prior to January 1, 1971. (Section 22)

Operators of surface mines in operation on January 1, 1971, shall have ninety days after that date to submit an application for an operating permit. (Section 19)

GENERAL INFORMATION AND INSTRUCTIONS  
FOR APPLICANTS FOR A SURFACE MINING PERMIT

I. GENERAL INFORMATION

The purpose of this application form is to provide the Board of Natural Resources with the information necessary to issue an operating permit for surface mining as required by Chapter 78.44 RCW (Chapter 64, Laws of 1970). This application form is to be used by all persons, partnerships, associations, corporations, and public agencies conducting surface mining operations subject to the above RCW.

II. GENERAL INSTRUCTIONS

A. Application

1. Please read the entire application form before attempting to complete any part of it.
2. Where an operator will be operating two or more sites concurrently during any twelve consecutive month period, a combined operating permit may be issued subject to approval by the Board. Details on each site must be submitted with the application.
3. Prepare the application in triplicate. The original and one copy will be returned to the Board of Natural Resources through the local district office or the Olympia office of the Department of Natural Resources. The third copy will be retained by the applicant.
4. Complete the entire application. Submit the reclamation plan and the plan of surface mining together with the application and the basic fee of \$25 per site to the Department. Any of the above items not submitted with the application, or if the application is incomplete, shall be sufficient cause for the Board to refuse consideration of the application until the application is completed and all required materials are submitted.
5. Maps must be submitted with the application. Maps shall have the following standards unless variants are approved by the Board:

<u>Site Size</u>	<u>Scale</u>
0 - 5 acres	<i>not less</i> 1 inch = 50 feet
5 - 10 acres	<i>- 4 -</i> 1 inch = 100 feet
10 or more acres	<i>- 11 -</i> 1 inch = 200 feet

Contour intervals shall not be ~~less~~ *more* than 5 feet.

The center line of all natural and/or manmade drainways shall be indicated. These shall include streams, ditches, creeks, canals, etc.

It is recommended that whenever feasible aerial photographs be submitted in support of the application.

Additional maps and details may be required by the Department as deemed necessary.

6. All documents, maps, and materials submitted shall have the name and address of the operator and date placed on the front of the material for identification.
7. If the applicant is not the owner of the surface rights where the proposed surface mining is to take place, then the applicant must submit with his application a statement signed by the owner of the surface rights indicating that the owner concurs with the proposed subsequent use of the land after reclamation, or the applicant must submit a copy of any signed lease or contract agreement indicating that the owner concurs with the proposed operation.
8. Every surface mining operation that will disturb a stream must have a reclamation plan that has been approved by the Department of Fisheries with regard to that stream, as required by RCW 78.44.090.
9. RCW 78.44.120 states that upon receipt of a permit the operator shall not commence surface mining until the operator has deposited with the department an acceptable performance bond. This RCW also provides that the operator in lieu of a surety bond may file with the department a cash deposit, negotiable securities acceptable to the department or an assignment of a savings account or savings certificate. Forms for the aforementioned are available from any of the department's offices.

#### B. Reclamation Plans

Reclamation plans are required for all surface mining operations which result in land being disturbed by the following kinds of activities:

1. Land clearing preparatory to surface mining.
2. Removal of overburden.
3. Surface mining of any minerals, rock, or unconsolidated earth materials.
4. Deposition of overburden or other surface mining refuse (including soil, rock, mineral, vegetation, and other material directly resulting from or displaced by mining, clearing, or preparation of minerals; also included would be mill tailings disposal areas of open-pit mineral mines or the washery waste area of a gravel or rock crushing and screening operation where such mill tailings areas or crushing and screening operations are on the same property as is the surface mining operations).
5. Removal of material from borrow pits for use on roads and in other construction, but not including the cuts and fills for road or other on-site construction. Borrow pits for access road construction on landowner's property in remote areas are not included.

NOTE: A. Remote areas for this purpose shall mean rural areas where the borrow pit is not visible from any road or, if visible, it is more than one mile from the road.

B. This exemption for remote operations applies only to borrow pits for landowner's access roads. It does not apply to any type of commercial surface mining operations.

Areas disturbed by any of the above-enumerated kinds of activities that will not be further so disturbed after January 1, 1971, will not require a surface mining permit or reclamation, but any areas so disturbed and on which such activities will be continued after that date will require an operating permit and must be reclaimed.

For information or assistance, contact the office of the Department of Natural Resources district in which the operation is located, or:

Department of Natural Resources  
P. O. Box 168  
Olympia, WA 98501

Telephone: (206) 753-6183

### III. REQUIREMENTS OF OTHER AGENCIES

In order to assist the applicant in complying with the various state, county, and municipality laws and regulations pertaining to surface mining and reclamation, a brief statement outlining the requirements of other agencies is presented here. This is in no way intended to be all inclusive, and it does not relieve the applicant of becoming familiar with and obtaining all necessary permits or approvals needed for his operations.

#### Department of Fisheries and Department of Game

RCW 75.00.100 requires that written approval be obtained from the Directors of the Department of Fisheries and Department of Game before the start of any construction or work within or affecting the waters of the state, including withdrawal or discharge. Also included in this code is gravel removal or use of bed materials from streams. It is required that complete plans and specifications be submitted with applications. Generally speaking, all areas within the flood plains of streams, including overflow channels, drainages into streams, and all salt water areas are included. Normally, 30 days are required for processing applications.

For further information, contact:

Department of Fisheries  
Room 115  
General Administration Building  
Olympia, WA 98501

Telephone: (206) 753-6650

Department of Game  
600 North Capitol Way  
Olympia, WA 98501

Telephone: (206) 753-5714

#### Department of Ecology

##### APPROPRIATION, DIVERSION, OR USE OF WATER

The State Water Code, with an effective date of June 7, 1917, requires that anyone desiring to legally appropriate and use surface water must make application and obtain a permit from the Department of Ecology. No diversion or appropriation of water may take place prior to issuance of the permit. All permits are issued subject to existing rights, which include those rights existing prior to June 7, 1917.

The totally or partially nonconsumptive use of waters for sand and gravel washing or related uses does fall into the permit requirement category.

## FLOOD CONTROL PERMITS

Flood control permits are required for works or structures proposed in state flood control zones. At present, 16 rivers are zoned, with 42 additional rivers to be zoned.

## WASTE DISCHARGE PERMITS

Any operation which involves the discharge of industrial wastes, commercial wastes, or any other form of wastes directly or indirectly into state waters requires a waste discharge permit. Applications for waste discharge permits, together with complete plans and specifications, must be submitted to the Department of Ecology.

For information and assistance on waste discharge permits, water appropriation or diversion permits, or flood control permits, contact:

Department of Ecology  
P. O. Box 829  
Olympia, WA 98501

Telephone: (206) 753-6874

## DETAILS REQUIRED BY LAW AND RULES & REGULATIONS

### APPLICATION

1. Name and address of legal landowner, purchaser of land under real estate contract, and operator, and if any of these are corporations or other business entities, the names and addresses of principal officers and resident agent for service of process.
2. Materials to be surface mined.
3. Type of surface mining to be performed.
4. Expected starting date of surface mining.
5. Anticipated termination date of surface mining.
6. Expected amount of mineral to be surface mined.

NOTE: Minerals in this instance include coal, clay, stone, sand, gravel, metallic ore, and any other similar solid material or substance.

7. Maximum depth of surface mining.
8. Size and legal description of the area that will be disturbed by surface mining.
9. A map. The map will show boundaries of the area which will be affected, topographic detail, location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, location of proposed access roads to be built in conjunction with the surface-mining operation, and the names of the surface and mineral owners of all lands within the surface-mining area.

NOTE: The law requires that any time the site exceeds 10 acres, that a map will be submitted to the Department. However, for sites smaller in size, the Department has an option of demanding a map. It is the decision of the Department to require a map in all instances. Maps will be required, having the following scales:

0 - 5 acres	not less than 1 inch = 50 feet
5 - 10 acres	not less than 1 inch = 100 feet
10 acres or more	1 inch = 200 feet

A contour interval of not less than 5 feet will be also required. Variations for the scale and contour interval may be made, subject to approval of the Department.

### PLAN OF SURFACE MINING

This plan will provide, within limits of normal operational procedure of the industry, for completion of surface mining and associated disturbances on each segment of the area for which a permit is requested, so that reclamation can be initiated at the earliest possible time on those portions of the surface-mined area that will not be subject to further disturbance by the mining operation. Whenever feasible, visible screening, vegetative or otherwise, will be maintained or established on the property containing the surface mining to screen the view of the operation from public highways, public parks, and residential areas. This plan should also contain a schedule providing for the initiation of reclamation at the earliest

possible time on segments of the site where surface mining has been completed.

## RECLAMATION PLAN

This plan shall provide that reclamation activities, particularly those relating to control of erosion, shall, to the extent feasible, be conducted simultaneously with surface mining and, in any case, shall be initiated at the earliest possible time after completion or abandonment of mining on any segment of the permit area. The plan shall provide that reclamation activities shall be completed not more than 2 years after completion or abandonment of surface mining on each segment of the area for which a permit is requested. The plan shall include, but not be limited to:

1. Statement of the proposed subsequent use of the land.
  - a. Satisfactory evidence that all owners of a possessory interest in the land concur with this proposed use.

NOTE: The applicant or operator must submit statements signed by the owners of a possessory interest, indicating their concurrence with the proposed use of the property.
2. Evidence that the subsequent use would not be illegal under local zoning regulations.

NOTE: It will be necessary for the operator to submit a statement on Form No. SM- , signed by the appropriate county or municipality planning or zoning office, indicating that the proposed use would not be illegal under present zoning regulations.
3. Proposed practices to protect adjacent surface resources. This would include preservation of landslides on adjacent lands.
4. Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and the proposed method of accomplishment.
5. Manner and type of revegetation or other surface treatment of the disturbed areas.
6. Method of prevention or elimination of conditions that will create a public nuisance and endanger public safety, damage property, or be hazardous to vegetative animal, fish, or human life in or adjacent to the area.
7. Method of control of contaminants and disposal of surface mining refuse.
8. Method of diverting surface waters around the disturbed areas.
9. Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution.
10. Such maps and other supporting documents as reasonably required by the Department.

11. A time schedule for reclamation that meets the requirements of Section 10 of the Act. (Reclamation shall be completed within 2 years after completion or abandonment of surface mining on each segment of the area).
12. The plan shall also provide for reclamation to be accomplished to meet the minimum standards set forth in Section 10 of the Act.

#### MODIFICATION OF RECLAMATION PLAN

A reclamation plan may be modified after timely notice and opportunity for hearing for any of the following reasons:

1. To modify the requirements so that they will not conflict with existing laws.
2. A determination is made that the adopted reclamation plan is impossible or impractical to implement.
3. The previously adopted reclamation plan is obviously not accomplishing the intent of the Act.
4. The operator and the Department mutually agree to change the reclamation plan.

#### REPORT OF ACTIVITIES

This report must be filed with the Department on Form SM- within 30 days after completion or abandonment of mining. The report must be submitted each year within 30 days after the anniversary date of the permit until the reclamation is complete and approved. The report requires the following:

1. Identity of the operator and the permit number.
2. Location of the operation by section, township, and range.
3. Estimate of acreage to be newly disturbed during the next 12-month period.
4. Status of reclamation.
5. Updating of any maps. Maps will show:
  - a. The operating permit area.
  - b. The area of land and water covered by each operation under permit that has been newly disturbed during the 12-month period on which the report is being made.
  - c. The area to be surface mined during the next 12-month period.
  - d. If completed, the date of completion of surface mining.
  - e. If not completed, the area that will not be further disturbed.
  - f. Date of beginning, amount, and current status of reclamation performed during the previous 12-month period.

SURFACE-MINE LAND RECLAMATION SEMINAR  
Seattle, Washington  
July 24, 1970

DEVELOPING THE RECLAMATION PLAN

Schellie Associates, Inc.  
A Division Of  
Clyde E. Williams & Associates, Inc.  
Indianapolis, Indiana

The preparation of a Reclamation Plan includes: (1) The Collection of information; (2) The preparation of a Master Plan; (3) The preparation of an operations program.

I. The first step is to collect and analyze information. The question should be asked: What information is required to integrate mining with land shaping operations; land forms with site conditions; and land areas with future land uses?

A. Review existing and future land use conditions surrounding the mine site.

1. This information provides an indication of:

- a. The general types of land uses that can be considered for the mine site.
- b. The rate and extent of development in the area surrounding the site.

2. Information that indicates land development trends include:

- a. Transportation Systems
- b. Existing Land Uses
- c. Zoning and Land Use Regulations
- d. Long Range Planning
- e. Utility Extension
- f. Physical Characteristics of Surrounding Landscape

B. Study surface site conditions.

1. Information about surface conditions is used to determine:

- a. Areas of potential visual and sound conflicts.
- b. Areas providing the best natural screening.
- c. Limitations on mining and land building activities.

2. Useful information includes:

- a. Boundary Survey
- b. Easements
- c. Land Use Regulations
- d. Drainage
- e. Topography
- f. Vegetation

C. Study sub-surface conditions.

1. Information about sub-surface conditions is used to determine:

- a. The extent of the deposit and the possibility of expanding operations into adjacent properties.
- b. Areas most suitable for land building.
- c. How much earth material is available for building and shaping land.

2. Useful information includes:

- a. Overburden Characteristics
- b. Groundwater Elevation
- c. Deposit Characteristics
- d. Extent of Deposit

D. Study mining operation characteristics.

1. Information about the operation is used to determine:

- a. The opportunities for using mine equipment to build usable land.
- b. The pattern and direction of excavation activity.
- c. The desirable processing plant location.

2. Useful information includes:

- a. Type of Earth Moving Equipment
- b. Rate of Excavation
- c. Processing Plant Characteristics
- d. Office Location

II. The second step in the development of a Reclamation Plan is the preparation of a Master Plan. The plan illustrates:

- A. The type(s) of land uses.
- B. The location of proposed land forms.
- C. The shape and size of proposed land forms.
- D. Road System.

III. The third step in the development of a Reclamation Plan is the preparation of the Operational Program. The program illustrates the following:

- A. Plant location--selected on the basis of:
  - 1. Efficient mining practices.
  - 2. Compatibility with adjacent land uses.
- B. Screening requirements.
  - 1. Location and type of screens.
  - 2. Schedule of screen construction.
- C. Overburden stripping and stockpiling program.
  - 1. Location of stockpiles.
  - 2. Stripping and stockpiling schedule.
- D. Excavation pattern with which the mining operation is an integral part of the land shaping operation.
- E. Progressive mining and land shaping plan which stages the operation according to deposit, equipment, market and development characteristics.
- F. Planting Program.
  - 1. Types and location of trees, shrubs and seeded areas.
  - 2. Planting schedule.

IV. Land Development considerations.

- A. Selecting Plant Materials. Plant materials are used to screen, improve site appearance and control dust and erosion. The operator should establish the following minimum guidelines in selecting plants that will best serve his needs.
  - 1. Plants must be hardy in the local area.
  - 2. Plants should be fast growing.
  - 3. Select plants that will do best in the local soil.
  - 4. Select plants on the basis of future size and form.
  - 5. Select plants that require minimum maintenance.

B. Site requirements for various uses. The development of land forms should be keyed to the anticipated use of the mine site. The following table indicates general site requirements for various uses.

SITE REQUIREMENTS

<u>Use</u>	<u>Minimum Size (Acres)</u>	<u>Desirable Lot Width</u>	<u>Road Width</u>	<u>Slope</u>
Recreational	¼-1000+	Variable	40'	Variable
Residential	¼-1	100'	60'	1-15%
Commercial	1-6	200'	80'	1-10%
Industrial	1-10	300'	100'	1-5%

## BIBLIOGRAPHY

- Anderson, Richard C., Sand and Gravel Resources of Champaign County, Illinois. Illinois State Geological Survey, Cir. 294, Urbana, Illinois, 1960.
- Bauer, Anthony M., Ed., Mining In An Urban Landscape, Conference Proceedings, University of Guelph, Guelph, Ontario, 1969.
- Bauer, Anthony M., Simultaneous Excavation and Rehabilitation of Sand and Gravel Sites. The National Sand and Gravel Association, Silver Spring, Maryland, 1965.
- Bauer, Anthony M., Site Development and Rehabilitation of Pits and Quarries, Industrial Mineral Report 33, Ontario Department of Mines, Toronto, 1970.
- Eblaw, George E., and Lamar, J.E., Sand and Gravel Resources of Northeastern Illinois. Illinois State Geological Survey, Cir. 359, Urbana, Illinois, 1964.
- Fairfax County Planning Division, A Natural Resource Development Plan, Fairfax, Virginia, 1961.
- Hartwright, T.V., Planting Trees and Shrubs in Gravel Workings. Sand and Gravel Association of Great Britain, 48 Park Street, London, 1960. 71 pages.
- Hewitt, Donald F., Some Aspects of Environmental Geology, Industrial Mineral Report No. 26, Ontario Department of Mines, Toronto, 1968.
- Hewitt, Donald F., Urban Expansion and the Mineral Industries in the Toronto-Hamilton Area, by D.F. Hewitt. Toronto, F. Fogg, printer to the Queen, 1962.
- Johnson, Craig, Practical Operating Procedures for Progressive Rehabilitation of Sand and Gravel Sites, The National Sand and Gravel Association, Silver Spring, Maryland, 1966.
- McGregor, Duncan J., Gravels of Indiana, Indiana Department of Conservation, Geological Survey Report of Progress 17, Bloomington, Ind., 1960.
- Schellie, Kenneth L., and Bauer, Anthony M., Shaping the Land - Planned Use of Industrial Sand Deposits, The National Industrial Sand Association, Silver Spring, Maryland, 1968.
- Schellie, Kenneth L., and Rogier, David A., Site Utilization and Rehabilitation of Sand and Gravel Sites, The National Sand and Gravel Association, Silver Spring, Maryland, 1964.

U.S. Army Corps of Engineers, Planting and Maintenance of Trees, Shrubs and Vines. Manual EM 1110-1-323. U.S. Govt. Printing Office. Washington, D.C. 1959. 12 pages. \$.20.

U.S. Dept. of Agriculture, Grass, The Yearbook of Agriculture. U.S. Govt. Printing Office, Washington, D.C. 1948. 892 pages. \$2.00.

U.S. Department of Agriculture, Soil, The Yearbook of Agriculture. Government Printing Office, Washington, D.C. 1947. 784 pages. \$2.25.

U.S. Dept. of the Interior. Surface Mining and our Environment; a special report to the Nation. Washington, for sale by the Supt. of Docs., U.S. Govt. Print. Off., 1967.

U.S. Department of Agriculture, Trees, The Yearbook of Agriculture. U.S. Govt. Printing Office, Washington, D.C. 1949, 944 pages. \$2.75.

## POTENTIAL FUTURE USES OF SURFACE MINING SITES

Generally, the potential utilization of a worked-out surface mining site can be segregated into one of six categories:

1. Residential sites
2. Commercial sites
3. Industrial sites
4. Public relations sites
5. Recreational areas
6. Special-use sites

The ultimate utilization of a surface-mined area will depend upon the size, location, accessibility, topography, presence or absence of water, and the demand or market for the projected use. In addition to public relations benefits, an important consideration is the economic feasibility, that is, whether the cost of reclaiming the area to the new use will be recovered by the sale or lease of the improved property.

The following is a list of potential uses under the general categories listed above for surface mining sites. This listing is not considered to be all inclusive.

- Single family residential developments
- High-rise residential areas
- Seasonal cabins or cottages
- Regional parks
- Country clubs, including golf courses and golf-driving ranges
- Boating clubs, both fresh and salt water
- Swimming beaches
- Camp sites
- Fishing and hunting areas
- Water reservoirs
- School sites
- Sanitary land-filled areas
- Sewage lagoons and disposal sites
- Commercial sites
- Industrial sites
- Outdoor storage, such as timber ordinance storage
- Research centers
- Test sites
- Game preserves
- Hatcheries
- Tree farms
- Agricultural areas
- Open space

## SURFACE-MINED LAND RECLAMATION ACT

### DISTRICT RESPONSIBILITIES

- I. Provide information, forms and assistance to prospective operators.
  - A. Advise prospective operator of necessity of checking with other agencies in order to comply with the respective requirements of those agencies. For example, Departments of Ecology, Fish, Game, County Planning and Zoning Commission and Municipality Planning and Zoning Commission.
  - B. Upon receipt of the application, basic fees, plan of surface mining and reclamation plan, check for completeness and accuracy. Do not accept application until completeness and accuracy are acceptable.
  - C. Inspection.

It is advisable whenever possible to make the inspection with the applicant on the ground to delineate any possible problems at the earliest possible time. Inspections must take into consideration the following items:

1. Screening

Has screening been provided for in the plan of surface mining? If not, are there any recommendations that can be made to the operator relative to natural or artificial screening?

2. Intermediate revegetation

Intermediate revegetation along with screening should be considered from the standpoint of:

- a. Slope and spoil pile stability.
- b. Prevention of siltation and erosion.
- c. Landslide control.
- d. Dust control.
- e. Noise control.
- f. Esthetics.

3. Reclamation plan

The following items should be considered:

- a. Is the proposed and subsequent use of the property a reasonable use? Have the owners indicated concurrence with the proposed subsequent use?

- b. Can the methods of the proposed reclamation be reasonably expected to accomplish the reclamation for the proposed subsequent use of the property?
  - c. Does the reclamation plan meet standards and requirements of the law and rules?
4. Transmittal of the inspection report and recommendations to Olympia.

Any recommendations for the denial of an application and issuance of a permit or major amendment to the plan of surface mining or the reclamation plan must be substantiated by evidence and statements.

NOTE: All of the above material to this point pertains primarily to the handling of an initial application.

II. Subsequent actions by the district after a permit has once been issued:

A. Annual inspection

The operator is required to submit an annual report indicating the extent of his operations and reclamation activities related to the operation. He also must submit an annual basic fee. The district must confirm:

1. That these fees have been paid.
2. Does the acreage that has been disturbed exceed 10; and if so, has the additional amount of money been submitted?
3. Has any reclamation been completed; and if so, how many acres?
4. Accuracy of the operator's reports.
5. Is the plan of surface mining and the reclamation plan being followed?
6. Recommendations.
  - a. Changes in plans. See RCW 78.44.100 (Sec. 11, Chapter 64, Laws of 1970).
  - b. Changes in bonds. See RCW 78.44.120 (Sec. 13, Chapter 64, Laws of 1970).

III. Completion or abandonment of the property

A. Completion of mining.

1. Date mining ceased.
2. Is reclamation under way or completed?

3. If reclamation is not under way or completed, has any assurance been made as to when; and if not, initiate action. This requires written notification to the operator with time limits set. If the operator refuses to initiate action after the written notification, then cancellation proceedings on the permit must be initiated.

B. Abandonment of the operation and no reclamation.

1. The district must determine when abandonment took place.
2. Advise operator by written notification.

If we receive no response from the operator or are unable to obtain reclamation, then the Department will have to accomplish the reclamation or contract the reclamation out. The Department then must initiate action to collect against the bond, provide for cancellation of the permit, and refuse to issue another permit to the operator until all problems on the prior permit have been satisfied.

IV. ADDITIONAL DISTRICT OPERATIONS

Watch for new operations currently not under permit and old ones which have been extended in size or amount of removals so as to come under the law. Sources of information:

- A. Local newspapers for construction contracts.
- B. Observe actual operations, such as the hauling of materials or the movement of excavation equipment.
- C. Maintain contact with appropriate agency offices, such as the Highway Department, Department of Ecology, Departments of Fisheries and Game, County and Municipality Zoning and Planning Offices and County Engineers' offices.

## MANUAL

### (PROCESSING)

#### (SURFACE-MINED LAND RECLAMATION ACT)

#### I. Application

Immediately upon receipt of an application for an operating permit, a check will be made to determine if the application and supporting material is complete and adequate.

- A. The Department will refuse to accept the application and will return it with a description of any deficiencies if any of the following items are not present, in order, or accurate:
1. Application is not complete (description, questions, proper number of copies).
  2. Fee not correct or attached (\$25 per site).
  3. The plan of surface mining does not provide for reasonable screening.
  4. The reclamation plan is not compatible with the area and cannot be reasonably expected to be accomplished as set forth.

(NOTE: The Department is limited to 25 days in which to issue an operating permit or return an incomplete or inadequate application with a description of the deficiencies. It would unnecessarily restrict our processing time, as well as create an additional work load if it is necessary, after accepting an application, to make further contact with the applicant for further details, except for final agreement on the reclamation plan).

- B. If the application is complete in all respects, the Department will:
1. Write or stamp the date of receipt on the application and supporting materials.
  2. Issue a receipt for and transmit moneys received in accordance with standard procedures.
  3. One copy of the application and the supporting material will be sent to the Reclamation Section, Division of Mines and Geology, in Olympia. One copy of the material will be retained for district files.
  4. Olympia will assign the Application/Permit No. to the material and advise the district office of this number.
  5. The Olympia office will send an acknowledgment letter to the applicant advising him of the application number and the date that the application was received.

#### II. Inspection

Schedule joint inspections with the applicant at earliest possible time. (Remember the 25-day processing time limit on the Department).

- A. Determine applicability of plan of surface mining and the reclamation plan.
- B. Prepare inspection report and recommendations.
- C. Designate the amount of bond if applicant is other than a public agency. (The bond cannot be less than \$100, nor more than \$1,000 per acre).

- D. Transmit a copy of the inspection report and recommendations to the Reclamation Section, Division of Mines and Geology.

### III. Issuance of Permit

- A. Within 25 days after receipt of an application, Olympia, based on district recommendations, will issue an operating permit or, in the case of operations existing prior to January 1, 1971, Olympia will issue a temporary permit or an operating permit.
  - 1. New surface-mining operations applied for after January 1, 1971, shall not commence operations until after the specified bond has been received and approved. This does not apply to public or governmental agencies.
  - 2. For operations existing prior to January 1, 1971:
    - a. The operator must submit the specified bond within 30 days after receipt of an operating permit or by April 1, 1971, whichever is later.
    - b. The operator must submit a bond within 30 days of receipt of a temporary permit.
- B. If the Department does not approve the reclamation plan, the Department will state in writing the reasons for refusal and state additional requirements. Within 30 days the operator must:
  - 1. Accept the additional requirements, or
  - 2. File a notice of appeal.
    - a. If a notice of appeal is filed, the Department will issue a provisional permit and set the amount of the bond and conditions.
    - b. In the case of an operator with a temporary permit, the temporary permit will be cancelled, and a provisional permit will be issued. The bond submitted with a temporary permit may be satisfactory for a provisional permit; however, the surety must be advised of the change from a temporary to a provisional permit.
- C. Change from a Provisional or Temporary Permit to an Operating Permit.

When the operator has met the requirements for an operating permit, in the case of a temporary permit; or a judgment has been rendered, in the case of an appeal, the Department will issue an operating permit and inform the operator of same.

## APPLICATIONS FOR NEW OPERATIONS COMMENCING AFTER JANUARY 1, 1971

The Department will within 25 days after receipt of an application (but not until the county or municipality has verified the legality of the proposed subsequent use):

1. Issue an operating permit, or
2. Return any incomplete or inadequate application to the operator with a description of the deficiencies.

NOTE: No operation may be commenced until the specified bond has been received and approved by the Department. Public or governmental agencies are exempt from the bond requirements.

If the Department refuses to approve a reclamation plan in the form submitted, the Department shall:

1. Notify the operator in writing, stating reasons and listing additional requirements.

Within 30 days:

1. If the operator complies, the Department will issue an operating permit. No operation may be commenced until the specified bond has been received and approved by the Department.
2. If the operator refuses to comply, the operator must file an appeal within 30 days. If an appeal is filed, the Department will issue a provisional permit setting bond and operating conditions.

OPERATIONS IN EXISTENCE PRIOR TO JANUARY 1, 1971  
AND SUBJECT TO THE LAW DUE TO SIZE OR THE AMOUNT OF REMOVALS

Operators shall have 90 days after the effective date of the Act in which to submit an application. The Department will, within 25 days after receipt of the application:

1. Issue an operating permit.
  - a. Require a bond within 30 days or by April 1, 1971, whichever is later; or
2. Issue a temporary permit which will be effective until an operating permit is issued or denied.
  - a. Require a bond within 30 days of issuance of a temporary permit.

If a reclamation plan is not approved by the Department, the operator will be notified in writing, stating the reasons for the refusal. The operator shall, within 30 days:

1. Accept the additional requirements, or
2. File notice of appeal.

If notice of appeal is filed, the Department will:

1. Cancel the temporary permit and
2. Issue a provisional permit.

If a temporary permit is cancelled, the operator and his surety shall be notified in writing.

NOTE: On a temporary permit, the maximum allowable bond should be set. If this is done, then no adjustment will be necessary in the bond in the event a provisional permit is then issued. The surety may require a change in the type of bond issued to the operator.



 Under 1961 Act (as of January 1, 1969)  
 Not under 1961 Act (as of Jan. 1, 1969)

### STATE OF WASHINGTON

