

Land Quality Division

EQC RULES HEARING

September 12, 2013



WYOMING

Noncoal Chapters 9 & 10

- The Land Quality Division is proposing to revise portions of Noncoal Chapters 9 (Small Mines) and 10 (Limited Mining Operations) in response to changes to the Environmental Quality Act made during the 2013 Wyoming legislative session.

2013 Legislative Changes cont...

- Enrolled Act No. 104 (Small Mines)
 - Increased limitation on amount of overburden which may be disturbed to 35,000 yards
 - Excluded topsoil from the overburden limitation
 - Excluded roads used to access the mining operation from the annual 10 acre affected land limitation
 - Roads must be included in the permit and are bonded for reclamation liability

2013 Legislative Changes

- Enrolled Act No. 19 (Limited Mining Operations)
 - Expanded affected land limitation to 15 acres
 - Excluded roads used to access LMO from size limitation
 - Added requirement to notify LQD of proposed operation at least 30 days prior to commencing operation
 - Added requirement to mail a copy of the notification to all surface owners w/in 1 mile of the proposed operation

2013 Legislative Changes cont...

- Enrolled Act No. 19 (Limited Mining Operations)
 - Now requires landowner consent if affected land is w/in 300 feet of any existing occupied dwelling, building or certain land uses
 - Increased bond amount to \$2000/acre or \$3000/acre (quarries) from \$1000/acre
 - Expanded Administrator's discretion to increase bond amount to insure reclamation
 - 35-11-417 was revised for clarity

Proposed Changes to Chapter 9

- Section 1

- Increase annual overburden limit to 35,000 yard excluding topsoil

- Remove roads from 10 acre annual disturbance limitation

- (a) Small mine operations are defined pursuant to W.S. § 35-11-401(j) as surface mining operations that remove no more than 10,000 thirty-five thousand (35,000) cubic yards of overburden, excluding topsoil and subsoil, and disturb no more than ten (10) acres of land in any one year, excluding roads used to access the mining operation.

- Remove redundant language

Proposed Changes to Chapter 9

- Section 2

- Add requirement that roads are included in the permit and must be bonded for reclamation liability

(c) The applicant shall post a reclamation bond in the amount and in a form acceptable to the Administrator prior to approval of the small mine permit application. Roads used to access a small mining operation shall be included in the permit and bonded for reclamation liability.

Proposed Changes to Chapter 9

- Section 7

- Add limitation and exclusion language to section regarding conversion of small mine to regular mine

(a) If an operator, holding a valid mining permit under W.S. § 35-11-401(j) for a small mining operation, intends to expand his operation within the approved permit area to remove more than 10,000 thirty-five thousand (35,000) cubic yards of overburden, excluding topsoil and subsoil, per year or affect more than ten (10) acres of land per year, excluding roads used to access the mining operation, the operator shall submit an application for a permit revision and obtain approval for the expansion prior to the time when he intends to exceed the established limits. The application shall include the following information:

Proposed Changes to Chapter 10

- Section 1

- Add requirement that notification to LQD must be provided 30 days prior to commencement of operations
- Increase affected land limitation to 15 acres
- Exclude access roads from size limitation

(a) At least thirty (30) days ~~P~~prior to the commencement of surface mining operations for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of ~~ten~~ fifteen (15) acres or less of affected land, excluding access roads, a notification shall be submitted by the operator to the Administrator. The notification must be on forms supplied by the Division and shall contain the following:

Proposed Changes to Chapter 10

- Section 1 continued
 - Remove start and end dates from notification requirements
 - Remove requirement to provide a description of mining methods on notification form
 - Update size limitation where appropriate within the Section
 - Update section headers as needed

Proposed Changes to Chapter 10

- Section 1 continued
 - Add requirement to provide surface owners w/in 1 mile of the proposed boundary of the LMO with a copy of the notification provided to LQD at least 30 days prior to commencing operations
 - Detail requirements of that notification
 - LMO Notification form
 - Copy of map
 - Name, postal address and phone # of the operator

Proposed Changes to Chapter 10

- Section 2

- Add revised bond amounts of \$2000/acre or \$3000/acre for quarries
- Include access roads in acreage for bond amount

The operator shall file a bond pursuant to W.S. § 35-11-401(e)(vi)(B) in the amount of two thousand dollars (\$2,000.00) per acre, except for quarries for which the bond amount shall not exceed three thousand dollars (\$3,000.00) per acre of affected land. Roads used to access the mining operation must be included in the acreage total when calculating bond amounts.

Proposed Changes to Chapter 10

- Section 4

- Add requirement that landowner consent must be obtained if operation will be w/in 300 feet of an existing occupied dwelling, building or certain land uses

(d) The affected lands shall not be within three hundred (300) feet of any existing occupied dwelling, home, public building, school, church, community or institutional building, park or cemetery unless the landowner's consent has been obtained.

Additional LQD changes related to rule package

- Revised form
 - Draft LMO Notification Form has been created to include the new requirements as discussed in the rule package
- Sample Notification to Surface Owner Letter

Proposed Changes to Chapter 10

- Section 6
 - Remove reference to outdated form name
- Section 8
 - Update size limitation to 15 acres

Next Steps

- Add any revisions and update Statement of Reasons as necessary
- Sign Statement of Reasons and forward on for approval by Governor.
- Update any supporting documents with the new requirements (forms, guidance docs, standards)