1 2 3	CHAPTER 9 DIRECTOR REVIEW OF ACTIONS INVOLVING SURFACE COAL MINING OPERATIONS AND ALL HEARINGS BEFORE THE DEPARTMENT						
4	Caption 1 Coope						
5 6	Section 1. Scope.						
7	This Chapter shall apply to any hearings, informal conferences, or review before the						
8	Department, the Director, an Administrator, or any combination thereof. This Chapter does not						
9 10	apply to rulemaking hearings, contested case hearings, or other hearings before the Council.						
11	Section 2. Requests for Informal Conferences Involving Surface Coal Mining						
12	Operations.						
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14 15	(a) Unless otherwise specified in the Wyoming Environmental Quality Act, and in accordance with W.S. 35-11-406, a request for an informal conference shall be in writing and, at						
16	a minimum, contain:						
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18 19	(i) The name(s) and contact information of the person requesting the informal conference;						
20	conference,						
21	(ii) A brief statement identifying the purpose of the request;						
	(ii) It offer statement identifying the purpose of the request,						
22 23	(iii) A brief statement of the issues to be discussed or details supporting the						
24 25	written objection to the application for the surface coal mining operation;						
26	(iv) A brief statement on whether the person desires the informal conference to						
27 28	be held in the locality of the proposed mining operation; and						
29	(v) A brief statement on whether the person desires access to the proposed						
30 31	permit area.						
32	(b) The Director shall inform the applicant, the person requesting the informal						
33	conference, and all persons who submitted timely public comments on the underlying						
34 35	application, whether the request is granted or denied.						
36	(c) If requested, the Director may arrange with the applicant to grant parties to the						
37	informal conference access to the permit area for the purpose of gathering information relevant						
38	to the informal conference.						
39							
10	(d) The informal conference shall be held in accordance with W.S. 35-11-406(k) in						
41 12	the locality of the proposed mining operation or in Cheyenne, at the option of the requesting						
12 12	person.						
13 14	(e) The procedure for the informal conference shall be informal. The Director may						
14 15	accept oral or written statements and any other relevant information from any party to the						
+5 16	informal conference. An electronic or stenographic record shall be made of the informal						
. •	commercial in the control of stemostraphic record shall be interested in the internal						

conference, unless waived by all parties. The record shall be maintained and shall be accessible to the parties until final release of the performance bond.							
(f) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference may be cancelled.							
Section 3. Requests for Informal Disposition Conferences and Conferences to Review Notices for Abatement and Cessation Orders Involving Surface Coal Mining Operations.							
(a) Unless otherwise specified in the Wyoming Environmental Quality Act, and in accordance with W.S. 35-11-437, a request for the Director or his authorized representative to review and affirm, modify, vacate, or terminate a notice for abatement or cessation order shall be in writing and, at a minimum, contain:							
(i) The name(s) and contact information of the person requesting the affirmation, modification, vacation, or termination of the notice for abatement or cessation order;							
(ii) If applicable, the permit number;							
(iii) A copy of the notice for abatement or cessation order; and							
(iv) A brief statement identifying whether the person is requesting affirmation, modification, vacation, or termination of the notice or order, the facts on which that request is based, the reasoning for the request, and reference to any applicable statutes, rules, or orders supporting the request.							
(b) Unless otherwise specified in the Wyoming Environmental Quality Act, and in accordance with W.S. 35-11-902, a request for an informal disposition conference shall be in writing and, at a minimum, contain:							
(i) The name(s) and contact information of the person requesting the informal disposition conference;							
(ii) If applicable, the permit number;							
(iii) A copy of the notice for abatement or cessation order;							
(iv) A copy of the notice of assessment of the penalty;							
(v) A brief statement identifying whether the dispute is over the amount of the penalty or the occurrence of the violation; and							
(vi) A brief statement describing why the violation or the amount of the penalty is unwarranted.							

93	(c)	A req	uest for a conference to review a notice for abatement or cessation order				
94	shall be filed within thirty (30) days. A request for an informal disposition conference shall be						
95	filed within the time period provided under W.S. 35-11-902(d).						
96							
97	(d)	If the	Director grants a request under subsections (a) or (b) of this section, the				
98	Director shall inform the requesting person. If the Director denies a request under subsections (a)						
99	or (b) of this	section	, the denial shall be in writing.				
100							
101	(e)	If an	informal disposition conference or a conference to review a notice for				
102	abatement or	cessati	on order is held, any person has the right to attend and participate in the				
103		e. The procedure for the conference shall be informal with no pre-hearing conference,					
104	discovery, or	very, or cross-examination. The Director may record the conference by audio recording or					
105	court reporte	r and sh	all make any such recording available to all participants.				
106							
107	(f)	The I	Director shall provide the participants:				
108							
109		(i)	A written statement of any action taken or decisions rendered as a result of				
110	the conference; and						
111							
112		(ii)	A notice of any available appeal to the Council.				
113							
114	(g)	The t	erms of subsections (d), (e), and (f) of this section shall also apply to				
115	decisions ma	ide, or p	roceedings held, by the Director's authorized representative.				
116							
117	(h)		rmal review proceedings before the Council that may follow an informal				
118		conference or conference to review a notice for abatement or cessation order, no					
119			nents made or evidence produced by one participant at the conference or				
120	review shall	be intro	duced as evidence by another participant.				
121							
122	Secti	on 4. R	equests for Hearings Before the Department.				
123							
124	(a)		ests for hearings in accordance with Section 1 of this chapter before the				
125	1		ector, an Administrator, or any combination thereof provided for under the				
126	Wyoming Er	nvironm	ental Quality Act shall be in writing and contain:				
127							
128		(i)	The name(s) and contact information of the person(s) requesting the				
129	hearing;						
130							
131		(ii)	A brief statement identifying the purpose of the request; and				
132							
133		(iii)	A brief statement of the issues to be discussed.				
134							
135	(b)		in thirty (30) days of the request, the Department shall grant or deny the				
136	request. If the Department grants the request, it shall schedule the hearing and notify the						
137	requesting party in writing. If the Department denies the request, it shall provide the requesting						
138	party a brief statement in writing of the reasons for denial.						

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139 140	Socti	on 5 G	eneral Procedures for Hearings Before the Department.			
141	Secti	on S. G	eneral rocedures for frearings before the Department.			
142	(a)	The I	Department shall designate a presiding officer for the hearing. The presiding			
143	` '		whatever procedures are reasonable and necessary for the conduct of the			
144	hearing.	adopt w	nate ver procedures are reasonable and necessary for the conduct of the			
145	nearing.					
146	(b)	Unles	ss otherwise stated in statute, such hearings are non-adversarial in nature and			
147	require no pl	eadings	. Any interested persons shall be given the opportunity to appear and make			
148			own to the Department. Oral and written statements may be presented without			
149	regard to the	rules of	f evidence.			
150						
151	(c)		ross-examination is permitted, but persons appearing to make statements or			
152			may answer questions from or through the presiding officer. Questions for			
153			g to make statements or present information may be submitted to the			
154			lly or in writing, and the presiding officer may direct appropriate questions			
155			ting. The presiding officer may limit the questioning and length of oral			
156	statements in	the into	erest of conducting the hearing in an efficient and orderly manner.			
157	(1)	T1 T	Non-standard standard			
158	(d)		Department may record the meeting by audio recording or court reporter and			
159	snall make a	ny sucn	recording available to all participants.			
160	(a)	That	Descriptions of all designates allocation for any bearing before the Description			
161	(e)		Department shall designate a location for any hearing before the Department			
162 163	and may pro	viue aii	opportunity for interested persons to attend a hearing remotely.			
164	(f)	A t th	e conclusion of the hearing, the Department shall issue:			
165	(1)	Atun	e conclusion of the hearing, the Department shall issue.			
166		(i)	A written statement of any action taken or decisions rendered as a result of			
167	the hearing,	` /	· · · · · · · · · · · · · · · · · · ·			
168	the hearing,	п аррпс	acic, and			
169		(ii)	A notice of any available appeal to the Director or to the Council.			
170		(11)	Trionee of any available appear to the Breetor of to the Council.			
171	Secti	on 6. H	earing Notice.			
172	5001	011 01 11				
173	(a)	Unles	ss otherwise specified in the Wyoming Environmental Quality Act, the			
174	` '	epartment shall provide written notice by email or regular mail to the person requesting the				
175	hearing and shall post a notice of the hearing on its website.					
176	8		~ · · · · · · · · · · · · · · · · · · ·			
177	(b)	The n	notice shall include:			
178	( )					
179		(i)	The name(s) of the person(s) requesting the hearing, if any;			
180		` /				
181		(ii)	A brief statement identifying the purpose of the hearing;			
182		` /	, b 1 1 · · · · · · · · · · · · · · · · ·			
183		(iii)	A brief statement of the issues to be discussed;			
184		` /	, and the second se			

185	(iv)	The date, time, and location of the hearing;		
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187	(v)	The method for remote attendance, if applicable; and		
188				
189	(vi)	A copy of the request for a hearing. The Department shall redact personal		
190	contact information such as the requesting person's address and phone number.			
191				
192	Section 7.	Variance Hearings Before the Department.		
193				
194	(a) The	Department shall hold variance hearings pursuant to W.S. 35-11-601.		
195				
196	(b) Foll	owing the hearing, the relevant Administrator(s) shall consider the views of		
197	the persons who may be affected by the grant of the variance and approve or deny the variance			
198	with the Director's approval.			