

CHAPTER 7

NONCOAL MINE PERMIT OR RESEARCH AND DEVELOPMENT TESTING LICENSE REVISIONS

Section 1. ~~Submittal of Revisions.~~ Permit and License Revision Applications.

(a) ~~A mine permit or Research and Development Testing License may be revised in accordance with this Chapter and upon approval by the Administrator, if the operator submits a request to the Division. Any permit or research and development testing license may be revised by identifying alterations to the mining or reclamation plan in the annual report or addendum thereto, or by submitting an application in accordance with this Section, at the noncoal operator's discretion. However, an operator must submit an application for any significant permit revision that would require public notice under Section 2.~~

(b) ~~Significant revisions are those which constitute a change described in Section 2 of this Chapter, except significant revisions to an in situ mine permit or Research and Development Testing License are those which constitute a change described in Chapter 11, Section 19(b). Any permit may be revised by identifying alterations to the mining or reclamation plan in the annual report or addendum thereto, or by obtaining prior approval from the Department, at the noncoal operator's discretion.~~

(c) ~~Non-significant revisions shall be submitted in a format approved by the Administrator. Non-significant revisions to an in situ mine permit or Research and Development Testing License are those which constitute a change described in Chapter 11, Section 19(e). If promptly filed by the operator, and unless notified by the Administrator to delay, the operator may initiate the proposed change. All non-significant revisions shall include:~~

(i) ~~A brief description of the change and why the change is being sought;~~

(ii) ~~An outline or index indicating what pages, maps, tables, or other parts of the approved permit or Research and Development Testing License are affected by the revision; and~~

(iii) ~~Additional information necessary to support or justify the change.~~

(d) ~~Incidental changes which are not categorized under (b) or (c) of this Section shall be noted in the annual report.~~

(~~b~~ e) ~~Each application to revise a permit or research and development testing license shall contain:~~

(i) The name and address of the operator;

(ii) The permit number and date approved;

(iii) A description of the change and why the change is being sought;

(iv) An outline or index indicating what pages, maps, tables, or other parts of the approved permit or license will be affected by the revision;

(v ~~iii~~) The following information, if different from that submitted in the original permit or ~~Research and Development Testing License~~ license application:

(A) The precise location of the permit or license ~~Research and Development Testing License~~ area by legal subdivision, section, township, range, county, and municipal corporation, if any;

(B) The names and last known addresses of the owners of record of the surface and mineral rights of the land covered by the permit or license ~~Research and Development Testing License~~; and

(C) The names and last known addresses of the owners of record of the surface rights of the lands immediately adjacent to the permit or license ~~Research and Development Testing License~~ area.

(vi ~~iv~~) A detailed description of the proposed revised mining, reclamation, or research and development testing ~~Research and Development Testing~~ operation, which shall also include:

(~~A~~ B) For any proposed newly affected lands, if not submitted and approved in the original application for the permit:

(~~I~~ A) A USGS topographic map or equivalent of the permit or license ~~Research and Development Testing License~~ area distinctly outlining and identifying the land to be affected by the revised mining or reclamation operation;

(II) The information required in Wyoming Statute (W.S.) § 35-11-406(a)(vii) and (ix) (2003) or, for in situ mining operations, the information required in W.S. § 35-11-428 (2003); ~~and~~

(III) The extent to which the revised mining or reclamation operation will disturb, change, or deface the lands proposed to be affected, ~~the proposed future use or uses of the land and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses;~~ and

(IV) The proposed future use or uses of the affected lands and the plan whereby the operator will reclaim the affected lands to the proposed use or uses.

(~~B~~ C) Any ~~significant~~ changes in the estimate of the total cost of reclaiming the affected and proposed affected lands, computed in accordance with established

engineering principles.

(vii) Any additional information necessary to support or justify the changes;
and

(viii) Such other information as the Administrator deems necessary or as good faith compliance with the provisions of the Act require.

Section 2. Criteria for Public Notice Requirements.

(a) Within 90 ninety days after receiving a permit or license revision submission of the application for a permit or Research and Development Testing License revision, the Administrator shall notify the operator of whether or not the application is complete and whether the revision is determined to be significant, requiring notice and opportunity for interested person(s) to submit written objections public hearing is required. Unless otherwise instructed, an operator may begin implementing a non-significant permit or license revision upon receiving this determination from the Administrator.

(b) Notice and opportunity for submitting written objections is required for revisions to the Class III well portion of an in situ mining permit or research and development testing license when the proposed revision meets one or more of the criteria in Chapter 11, Section 14(d) of these rules. public hearing is required:

(i) For revision of an in situ mining permit or Research and Development Testing License in accordance with requirements of Sections 19(b) and (c) of Chapter 11:

(c ii) Whenever Notice and opportunity for submitting written objections is required for other revisions to a permit or license whenever the application for a permit or Research and Development Testing License revision proposes the following changes, so long as they constitute significant deviations from that which was contemplated in the approved mining plan, and reclamation plan, or research and development testing operation. The following will normally be considered significant deviations unless otherwise determined by the Administrator:

(i A) More than a 20 twenty percent increase in affected land from that which was approved in the original permit or license, with the following exception:

(ii B) A change in the approved future land use or uses which affects more than 20 twenty percent of the land within the permit or Research and Development Testing License license area;

(iii C) A change in the approved method for insuring that all acid-forming or toxic materials, radioactive materials, or materials constituting a fire, health or safety hazard uncovered during or created by the mining or Research and Development Testing License license process are promptly treated or disposed of during the mining, reclamation, or Research and Development Testing License license process in a manner designed to prevent pollution of surface or subsurface water or threats to human or animal health and safety;

(iv ~~D~~) The construction or relocation of mills, tailings disposal facilities, or heap leach facilities;

(v ~~E~~) A change in the approved method of mining ~~which~~ that results in surface disturbance (e.g. underground, surface or in situ mining);

(vi ~~F~~) A change ~~which~~ that would adversely affect the quality, quantity, or distribution of water in surface or groundwater systems; or

(vii ~~G~~) Any changes ~~which~~ that propose significant alterations in the approved mining, ~~or~~ reclamation, ~~operation~~ or research and development testing operation as determined by the Administrator.

Section 3. Permit Decisions, Public Notice, and Opportunity for Filing Objections Public Hearing.

~~(a) When required under Section 2 of this Chapter, the operator shall cause notice of the application for permit, non-Class III Well portions of an in-situ permit and non-Class III Well portions of a Research and Development Testing License revision to be published in a newspaper of general circulation in the locality of the mining or Research and Development Testing License site once a week for four consecutive weeks commencing within 15 days after notification that publication is required. The notice shall contain that information required by W.S. § 35-11-406(j), the permit number and date approved, and a general description of the proposed revision. The operator shall also mail a copy of the application mine plan map to the Wyoming Oil and Gas Commission in accordance with W.S. § 35-11-406(j).~~

~~(b) Objections may be filed in accordance with W.S. § 35-11-406(k), which objections shall list one or more reasons for denying a permit or Research and Development Testing License revision application as set out in W.S. § 35-11-406(m). If such written objections are filed, a public hearing shall be held in accordance with W.S. § 35-11-406(k). The Council shall issue findings of fact and make a decision on the application within 60 days after the final hearing.~~

(a) For non-significant revisions, which do not require public notice, the Director shall render a decision of the application within thirty days after the Administrator determines the application is complete.

(b) For significant revisions:

(i) The operator shall publish notice of its permit or license revision application in a newspaper of general circulation in the locality of the operation once a week for four consecutive weeks commencing within fifteen days after receiving notification that publication is required. The notice shall contain the information required by W.S. § 35-11-406(j), the permit number and date approved, and a general description of the proposed revision. The operator shall also mail a copy of the application mine plan map to the Wyoming Oil and Gas

Commission in accordance with W. S. § 35-11-406(j);

(ii) Any interested person may file objections in accordance with W.S. § 35-11-406(q);

(iii) The Director shall render a decision on the application in accordance with W. S. § 33-11-406(q); and

(iv) An applicant or objector may appeal the Director's decision to the Environmental Quality Council in accordance with W.S. § 35-11-406(q).

Section 4. Decision.

~~(a) The Administrator shall, with the concurrence of the Director, render a decision on the application for permit or Research and Development Testing License revision and approve or disapprove the proposed revision in accordance with the applicable criteria set out in W.S. § 35-11-406 and any regulations adopted pursuant thereto. The decision shall be made:~~

~~(i) Within 30 days after notification of a complete application, if notice is not required; or~~

~~(ii) If notice is required:~~

~~(A) Within 30 days after completion of the notice period, if the application for permit revision is not protested; or~~

~~(B) If the revision is protested and a hearing held, within 15 days from the receipt of any findings of fact and decision from the Environmental Quality Council.~~

~~(b) The applicant shall be promptly informed of the decision on the application.~~

Section 5 4. Review of Permits or Research and Development Testing Licenses.

~~(a) The Administrator, with the concurrence of the Director, may require the operator to submit an application for a permit or license ~~Research and Development Testing License~~ revision when and comply with all requirements of this Chapter. Any such requirement shall be based on written findings that, upon review of the operator's annual report, for an in-situ mine permit or annual renewal request, for renewal of a Research and Development Testing License or upon inspection of the existing operation, the Administrator finds in writing that the mining plan, reclamation plan, or license revision is necessary to account for actual changes in the operator's mining, reclamation, or research and development testing operations. An operator may appeal the Administrator's decision to the Environmental Quality Council in accordance with W.S. § 35-11-112(a)(iii). there is or is intended to be conducted a revised mining, reclamation or Research and Development Testing operation. Such review or inspection shall be conducted at least each year upon receipt of the operator's annual report for an in-situ mine permit or annual request for renewal of a Research and Development Testing License, or inspection of the~~

~~existing operation, there is or is intended to be conducted a revised mining or reclamation operation. Right of review shall be afforded as provided in the Wyoming Administrative Procedure Act. Nothing contained herein shall be construed to require compliance with any provision of the Act or regulation from which the existing operation has been specifically excepted.~~