

CHAPTER 7

NONCOAL MINE PERMIT OR RESEARCH AND DEVELOPMENT TESTING LICENSE REVISIONS

Section 1. Permit and License Revision Applications.

(a) 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) 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) The following information, if different from that submitted in the original permit or license application:

(A) The precise location of the permit or 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; 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 area.

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

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

(I) A USGS topographic map or equivalent of the permit or 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) or, for in situ mining operations, the information required in W.S. § 35-11-428;

(III) The extent to which the revised mining or reclamation operation will disturb, change, or deface the lands proposed to be affected; 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) Any 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.

Section 2. Criteria for Public Notice Requirements.

(a) Within ninety days after receiving a permit or license revision application 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. 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.

(c) Notice and opportunity for submitting written objections is required for other revisions to a permit or license whenever the application proposes significant deviations from the approved mining plan, and reclamation plan, or research and development testing operation. The following will be considered significant deviations unless otherwise determined by the Administrator:

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

(ii) A change in the approved future land use or uses which affects more than twenty percent of the land within the permit or license area;

(iii) 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 license process are promptly treated or disposed of during the mining, reclamation, or license process in a manner designed to prevent pollution of surface or subsurface water or threats to human or animal health and safety;

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

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

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

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

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

(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. Review of Permits or Research and Development Testing Licenses.

The Administrator, with the concurrence of the Director, may require the operator to submit an application for a permit or license revision when, upon review of the operator's annual report, annual renewal request, 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).