

ORIGINAL SENATE
FILE NO. SF0044

ENGROSSED

ENROLLED ACT NO. 14, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to environmental quality; amending and repealing provisions regarding objections to applications for mining permits; making conforming amendments; requiring rulemaking; repealing obsolete provisions; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-11-406(p) and by creating a new subsection (q) and 35-11-431(a)(vi) are amended to read:

35-11-406. Application for permit; generally; denial; limitations.

(p) The following objection procedure shall apply to applications for mining permits for coal:

(i) Any interested person has the right to file written objections to the application with the director within thirty (30) days after the last publication of the notice required in subsection (j) of this section. The director shall within five (5) business days forward any objection to the applicant and shall make objections available to the public;

(ii) If an informal conference is requested by the applicant or objector, the director shall hold the informal conference in the locality of the proposed operation within thirty (30) days after the final date for filing objections under paragraph (i) of this subsection unless a different period is stipulated to by the parties. The director shall publish notice of the time, date and location of the informal conference in a newspaper of general circulation in the

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locality of the proposed operation at least two (2) weeks before the date of the informal conference;

(iii) The director shall render a decision on the application within thirty (30) days after ~~completion of the notice period the deadline to file objections provided in paragraph (i) of this subsection~~ if no informal conference ~~or hearing~~ is requested. If ~~an~~ the director holds an informal conference, ~~is held~~, all parties to the conference shall be furnished with a copy of the final written decision of the director issuing or denying the permit within sixty (60) days of the conference. The applicant or objector may appeal the director's written decision after an informal conference to the council. If a hearing is held, the hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act and the council shall issue findings of fact and a decision on the application within sixty (60) days after the final hearing; ~~The director shall issue or deny the permit no later than fifteen (15) days from receipt of any findings of fact and decision of the environmental quality council.~~

(iv) Notwithstanding W.S. 35-11-1001, only the applicant or an objector who participated in a hearing before the council may obtain judicial review of the council's decision.

(q) The following objection procedure shall apply for any other mining permit application:

(i) Any interested person has the right to file written objections to the administrator within thirty (30) days after the last publication of the notice required in subsection (j) of this section. The administrator shall

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within five (5) business days forward any objection to the applicant and shall make objections available to the public;

(ii) The administrator shall review all objections and shall forward a report and recommendations on the objections to the director. The director shall issue to the applicant and to any objector a final written decision issuing or denying the permit within thirty (30) days after the deadline to file objections provided in paragraph (i) of this subsection;

(iii) The applicant or objector may appeal the director's written decision to the council. If a hearing is held, the council shall issue findings of fact and a decision within sixty (60) days after the final hearing;

(iv) A person who does not object as provided under this subsection has no right of appeal.

35-11-431. Research and development license; renewal; application.

(a) A special license to conduct research and development testing may be issued by the administrator for a one (1) year period without a permit and may be renewed annually. An application for a research and development testing license shall be accompanied by a fee of twenty-five dollars (\$25.00) and shall include:

(vi) All requirements of W.S. 35-11-406(j) and ~~(k)~~ 35-11-406(p) or (q); and

Section 2. W.S. 35-11-406(k) and (m)(x) is repealed.

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Section 3. The department of environmental quality and environmental quality council shall promulgate any rules necessary to implement the provisions of this act.

Section 4. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk