

# Land Quality Division

## EQC Rules Hearing

July 10, 2014



# Coal Chapters 1, 2, 6, 12 and 16

- The Land Quality Division is proposing to revise portions of Coal Chapters 1, 2, 6, 12 & 16. The proposed revisions are in response to the OSM's review of prior rule submittals and to address concerns identified during their oversight review of the blasting program in 2013.

# Chapter 1

- “Control or controller” – revised to include “surface” when referring to coal mining operations.
- “Notice of violation” was revised to correct a grammatical error.

# Chapter 2

- Title of chapter was revised to reinsert “for Surface Coal Mining Operations”
- Clarifying language was added to section regarding identification of interests to be consistent with Federal regulations.
- Additional grammatical revisions also made within Chapter 2.

# Chapter 6

- Title was revised to be consistent with recent revisions.
- Removed Administrator's discretion to require periodic monitoring of blasting.

# Chapter 12

- Corrected grammatical errors as identified by OSM.
- Added minimum requirements for record retention related to O&C.
- Clarified section regarding exhausting administrative remedies before seeking judicial review.
- Added requirement that LQD must update AVS following findings of O&C.
- Added specific rule language regarding requirements for transfer, assignment or sale of permit rights.

# Chapter 16

- Revised to correct grammatical errors.
- Added the term “coal” to a section that referred to a “surface mining operation”.

# Previous Submittals

- Valid Existing Rights, Ownership and Control and Transfer, Assignment or Sale of Permit Rights.
  - 2011: 2 Formal Submittals to OSM to address deficiencies, 1 (O&C), was formally withdrawn at the Federal level until further revisions could be made.
  - 2012: 1 Rule Package that was split into 2 Formal Submittals to OSM.
  - 2013: OSM Review, Concern Letters, Draft Package
  - 2014: Informal Submittal, Review Comments by OSM



# 2013 OSM Oversight

- OSM Identified Issue with Blasting Regulations
  - Issue related to the periodic monitoring of blasting and Administrator's discretion to require monitoring at Chapter 6, Section 4(b)(i)(A).
  - Federal regulations at 30 CFR 816.67(b)(2)(i) and 30 CFR 817.67(b)(2)(i) require monitoring.
  - Requires revision to Chapter 6 to remove the Administrator's discretion to require monitoring.

# Advisory Board 2/24/2014

- Revisions were drafted in response to OSM comments on the draft rules. Rule Package was informally submitted to OSM prior to AB meeting.
- Revisions were also made in response to conversations with AVS Office and OSM prior to AB meeting.
- One revision made in response to Advisory Board discussion. AB was concerned about the lack of a definition for what “reasonable” meant in regards to availability of records related to O&C. Revision included citation to OSM’s definition. LQD believes its internal procedures are more stringent than the citation but we needed a minimum standard that could be pointed to in regulation.
- AB voted to let the proposed rules proceed to EQC with above revision.
- No further revisions have been done since EQC draft SOPR was created.

# Comments Received

- The LQD received a comment from the Wyoming Game & Fish that stated they did not have any concerns with the rules as drafted.
- No other comments were received.

Questions or Comments?