

**CHAPTER 13**  
**SURFACE COAL MINING PERMIT REVISIONS**

**Section 1. Permit Revision Applications.**

- (a) Applications for a permit revision 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 will be affected by the revision; and
  - (v) The following information, if different from that submitted in the original permit application:
    - (A) The precise location of the permit 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; 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 area;
  - (vi) A detailed description of the proposed revised mining or reclamation 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 area showing the land to be affected by the revised mining or reclamation operation, in detail, distinctly outlined and identified;
      - (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 change; and

(viii) Such other information as the Administrator deems necessary.

(b) The Administrator shall require a revised or updated probable hydrologic consequences assessment if significant changes in the results of the assessment are expected to occur as a result of a revised operation. The assessment shall be in sufficient detail to enable the Administrator to determine whether a new or updated cumulative hydrologic impact assessment (CHIA) is required. If a new or updated CHIA is required, the Administrator shall reassess the probable cumulative hydrologic impacts in accordance with Chapter 19, Section 2 of these rules.

## **Section 2. Criteria for Public Notice Requirements.**

(a) Within ninety days after receiving a permit revision application, the Administrator shall notify the operator whether or not the application is complete and whether the revision is determined to be significant, requiring notice and opportunity for interested parties to submit objections to the revision application.

(b) Notice and opportunity to submit objections is required whenever the application proposes significant deviations from the approved mining and reclamation plan. The following will be considered significant deviations, unless otherwise determined by the Administrator:

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

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

(iii) The construction or relocation of mills or tailings disposal facilities;

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

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

(vi) Any changes that propose significant alterations in the approved mining or reclamation operation, as determined by the Administrator.

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

(a) For all permit revision applications, the Director shall approve or deny the proposed revision in accordance with the applicable criteria set forth in W.S. § 35-11-406 and these rules.

(b) For non-significant revisions, that do not require public notice, the Director shall render a decision on the application within thirty days after the Administrator determines the application to be complete.

(c) For significant permit revisions:

(i) The operator shall cause notice of the application for permit revision to be published in a newspaper of general circulation in the locality of the mining 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);

(ii) Any interested person may file objections and request an informal conference in accordance with W.S. § 35-11-406(p).

(iii) The Director shall hold an informal conference upon request and render a decision on the application in accordance with W.S. § 35-11-406(p); and

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

### **Section 4. Review of Existing Permits.**

Upon review of the operator's annual report or inspection of the existing operation, the Administrator, with the concurrence of the Director, may require an operator to submit an application for permit revision when the Administrator finds in writing that a mine or reclamation plan revision is necessary to account for actual changes in the operator's mining or reclamation operations. An operator may appeal the Administrator's decision to the Environmental Quality Council in accordance with W.S. § 35-11-112(a)(iii).

**Section 5. Exception.**

This Chapter does not apply to extensions of the mine permit boundary. Any boundary revision other than an incidental boundary revision, must be made in accordance with the Act and by application for a permit amendment with public notice, and opportunity for filing objections. The operator shall notify the Administrator in advance where the extension is an incidental boundary revision, and possess a copy of the notification at the site of the operation. The operator will not be allowed to utilize this provision for incidental boundary revisions so as to circumvent the policy and purpose of this Chapter or the Wyoming Environmental Quality Act.