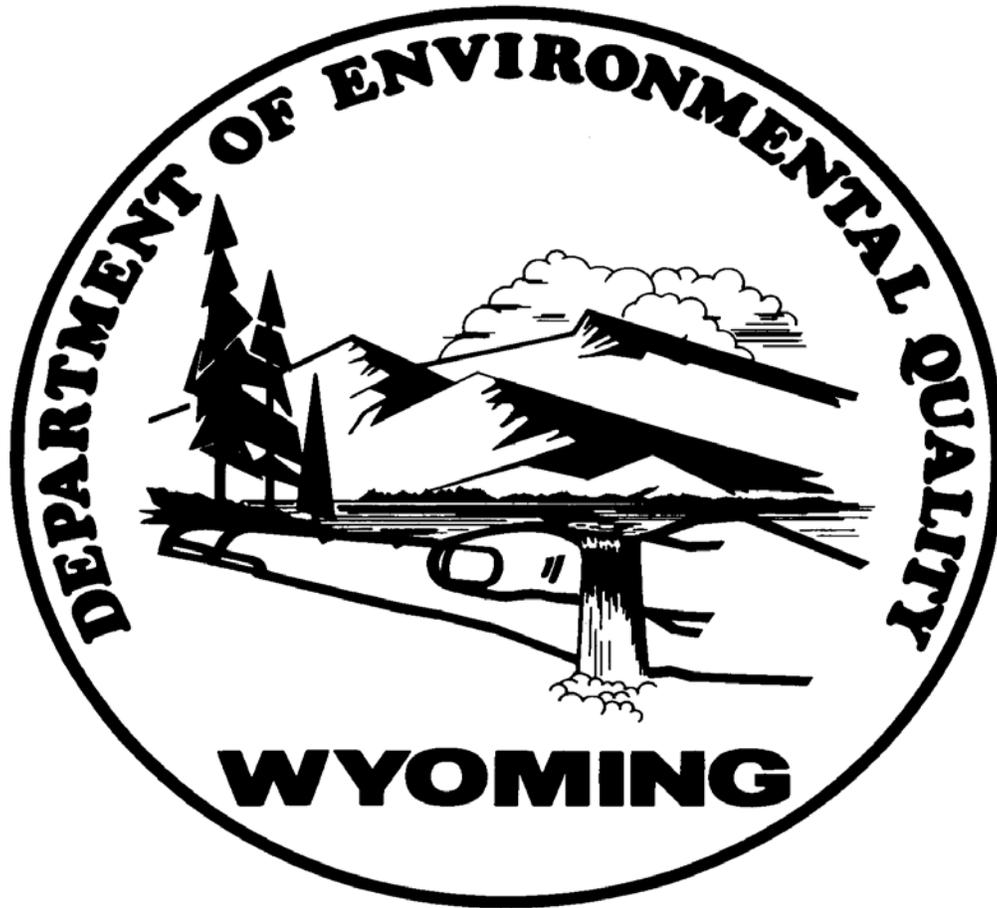


**DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION**



GUIDELINE No. 23

**VERIFICATIONS FOR PHASE 2 BOND RELEASE
PROCEDURES FOR COAL MINES**

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I. INTRODUCTION

This document is a guideline only. Its contents should not be interpreted by applicants, permittees, interested members of the public or organizations or the Department of Environmental Quality, Land Quality (LQD) staff, or other local, state or federal governmental agency staff as mandatory. Except for specifically referenced regulations, this document has not been subject to rulemaking procedures and the contents are not to be interpreted as regulatory requirements. This guideline is based upon applicable provisions of the Wyoming Environmental Quality Act (WEQA) and LQD Coal Rules and Regulations (LQD Coal R&R), and it contains statements of LQD policy and statements of LQD preferred procedures.

Permittees may propose alternative methods to achieve verifications within this guideline. If Permittees propose alternative methods, the LQD District staff and Permittee should achieve basic agreement that the alternative methods are acceptable.

The LQD emphasizes that preliminary meetings and exchanges of information are crucial to achieving mutual agreement on the request components and to the timely coordination and execution of all steps in the Bond Release process.

Vegetation Establishment Verification applies to Category 5 lands. Surficial Stability Verification in general applies to Category 3, 4, and 5 lands. Permanent Impoundment Construction/Renovation and Wyoming State Engineers Office (SEO) Approval Verification applies to Category 3, 4, and 5 lands. Category 3 applies to lands supporting operations which were not completed or substantially completed prior to July 1, 1973 and any affected lands or structures taken out of use between July 1, 1973 and May 25, 1975. Category 4 applies to lands where coal was removed prior to May 3, 1978 but do not qualify for previous categories. Category 5 applies to lands where coal was not removed prior to May 3, 1978 or lands where structures were in mining related use on or after May 3, 1978. See Guideline No. 20 for more information on land Categories.

A. Applicable Rules & Regulations:

Topic	Citation	Verification Requirement
Permanent Impoundment Construction/ Renovation and Function	Ch. 4, Sec. 2(a)(iii); Water impoundments used for recreational purposes shall be constructed in accordance with the statutes and (g) of this Section.	Verified with a demonstration that the impoundment was constructed according to the approved plan and is functioning as predicted.

Topic	Citation	Verification Requirement
Demonstration of Adequate Surficial Stability	<p>Ch. 4, Sec.2(c)(vi); All rills and gullies which either preclude achievement of the approved post mining land use or the reestablishment of the vegetative cover, or cause or contribute to a violation of water quality standards for the receiving stream, shall be regraded or otherwise stabilized. Topsoil shall be regraded or otherwise stabilized. Topsoil shall be replaced and the areas shall be reseeded or replanted.</p> <p>Ch. 4, Sec.2 (f)(vi); Sediment ponds shall be maintained until removal is authorized by the Division and the affected lands have been stabilized and initial vegetation established in accordance with the approved reclamation plan and the requirements of this Chapter. In no case shall sediment ponds treating reclaimed lands be removed sooner than two years after the last augmented seeding.</p>	Verified if there are no rills or gullies which preclude achievement of the approved post mining land uses or the establishment of vegetative cover, or cause or contribute to a violation of water quality standards.
Vegetation Establishment	Ch. 4, Sec.2 (d)(i)(A); The operator shall establish on all affected lands a diverse, permanent vegetative cover of the same seasonal variety native to the area or a mixture of species that will support the approved post mining land use in a manner consistent with the approved reclamation plan. This cover shall be self-renewing, and capable of stabilizing the soil.	Verified if the established permanent vegetation supports the post mining land use, is self-renewing, and stabilizes the soil.

Topic	Citation	Verification Requirement
Permanent Impoundment Construction/ Renovation/SEO Approval	<p>Ch. 4, Sec.2 (g)(i)(C); The surface landowner, if different from the mineral owner, has consented to the impoundment.</p> <p>Ch. 15, Sec.5(a)(ii)(B)(III); Where a permanent impoundment is involved, this portion (B) of the bond may be released only after any renovation which may be required to meet the regulations and the permit has been completed and the State Engineer has approved the impoundment for its intended use.</p>	Verified if the surface landowner has consented and State Engineer’s Office (SEO) has approved the impoundment for its intended use.

B. Definitions

LQD Coal R&R, Chapter 1, Section 2 and W.S. §35-11-103 contain definitions for terms used in this guideline.

II. VERIFICATIONS FOR PHASE 2 BOND RELEASE

There are three Phase 2 verifications: Vegetation Establishment (VEV), Surficial Stability (SSV), and Permanent Impoundment Construction/Renovation/SEO Approval (PIV). In addition to these verifications, Rough Backfill verification (RBV) and Phase 1 verifications must be approved before a request for Phase 2 Bond Release may be approved through the LQD Coal R&R Chapter 15 process.

Permitees are not statutorily required to submit a Phase 2 bond release package. If Phase 2 bond release is not requested the Permittee must secure SSV and PIV prior to submitting a Phase 3 bond release request. VEV is not necessary as the Phase 3 bond release Revegetation Success Verification (RSV) will substitute.

Since LQD Coal R&R Chapter 15 is administrative, no verifications will be approved as part of a Bond Release Request. The verifications covered in this guideline must be submitted as a standalone document, not as part of an Annual Report (AR).

Details regarding the RBV process are discussed in LQD Guideline No. 21. Details regarding the verifications associated with Phase 1 are discussed in LQD Guideline No. 22.

A. Vegetation Establishment Verification (VEV)

The applicant must submit a demonstration that the revegetated species composition is commensurate with that of the approved reclamation plan seed mix(es) and that species diversity and composition are suitable for the designated post mining land use.

1. Submittal Requirements

a. A request for VEV is an independent submittal. The submittal should be a complete package, including a cover letter that clearly requests VEV, identifies required information, and summarizes the content of the submittal.

b. Documentation that the area(s) being requested for VEV has experienced at least two complete growing seasons. The date of permanent seeding and the actual seed mix for each VEV unit must also be included and/or a specific AR reference where this information may be found.

An ocular assessment will be used to determine success of vegetation establishment. If interim vegetation monitoring data is available, this may be submitted to support the ocular assessment. Or, precise references to applicable documents previously on file with the LQD may be given. Quantitative statistical analysis of any submitted data is not required.

A discussion of how the permanent vegetation supports the post mining land use is self-renewing, and stabilizes the soil should be provided.

c. A map(s) showing current, constructed topography in the same scale as the approved Post Mining Topography (PMT) map that:

1. Identifies each requested VEV unit as a uniquely identified polygon.
2. Identifies all areas that have previously achieved VEV or bond release status as uniquely delineated polygons.

B. Surficial Stability Verification (SSV)

Stability of the reclaimed land unit will be assessed during an inspection of the area requested for verification. In general this would occur along with the ocular assessment for VEV. If VEV is not requested, a separate inspection for SSV must be conducted.

1. Submittal Requirements

a. A request for SSV is an independent submittal. The submittal should be a complete package, including a cover letter that clearly requests SSV, identifies required information, and summarizes the content of the submittal.

b. A map(s) showing current, constructed topography in the same scale as the approved PMT map that:

1. Identifies each requested SSV unit as a uniquely identified polygon.
2. Identifies all areas that have previously achieved SSV as uniquely delineated polygons.

C. Permanent Impoundment Construction/Renovation/SEO Approval Verification (PIV)

The impoundment must be in its approved, permanent configuration with all construction/renovations complete. A permit approved by the SEO for the impoundments intended permanent use must be in-place.

1. Submittal Requirements:

a. A request for PIV is an independent submittal. The submittal should be a complete package, including a cover letter that clearly requests PIV, identifies required information, and summarizes the content of the submittal.

b. Documentation including a location map showing current topography, which demonstrates the permanent structure, has been constructed/renovated to comply with the approved permit.

c. Provide a copy of the SEO permit for each constructed permanent impoundment.

d. Provide documentation showing that the landowner accepts ownership of the post mining impoundment.

III. TRACKING OF VERIFICATION APPROVAL

Specific approval of all Phase 2 verifications must be stated by LQD in the approval letter. Past approval of verifications will be recognized.

Phase 2 verifications described in this document will be tracked using:

1. Bond Release Verification Volume

The approval letter and appropriate elements of the application with an assigned verification number will be inserted into the Bond Release Verification Volume.

OR additionally

2. Geographic Information System (GIS)

Permit coordinators and Permittees who wish to support VEV, SSV, and/or PIV through the use of GIS may coordinate regarding layers and acceptable formats of submittal.

IV. SUBMITTING A PHASE 2 BOND RELEASE REQUEST AFTER PHASE 2 VERIFICATION APPROVAL

1. The LQD Administrator declares that the Coal R&R Chapter 15 process is primarily administrative in nature. A Coal R&R Chapter 15 Bond Release Request should contain no technical data. Phase 2 Verifications as listed in Section II above must be approved prior to submittal of the Phase 2 Bond Release Request.

2. See Guideline No. 20 for more information on requirements for submitting a Phase 2 Bond Release Request.