

NONCOAL RULE CHANGES APPROVED SINCE 1989

Rule	Effective Date
CHAPTER 1, AUTHORITIES AND DEFINITIONS	
Chapter 1, Section 1. These rules and regulations are adopted by the Environmental Quality Council and the Administrator of the Land Quality Division pursuant to the authority granted the Council and the Administrator by the Wyoming Environmental Quality Act, Sections 35-11-101 through 35-11-11046, Wyoming Statutes, 1977, as amended. These rules and regulations are effective upon filing with the Secretary of State.	5/22/00
Chapter 1, Section 2(p) "Critical habitat" means that habitat which is present in minimum amounts and is the determining factor in the potential for population maintenance or growth. The determination of "critical" is related to a specific population unit and is not related to the density of species relative to another population unit.	5/22/00
Chapter 1, Section 2(ae)(<u>ab</u>) "Highwall" means the face of exposed overburden or coal <u>minerals</u> in an open cut of a surface mine or entry to an underground mine.	5/22/00
Chapter 1, Section 2(af)(<u>ae</u>) "Important habitat" means <u>areas of especially high value for a diversity of wildlife or areas that provide certain elements essential to the existence of certain groups of wildlife. that habitat which, in limited availability, increases the species diversity of a localized area, or fulfills one or more living requirements of important wildlife species.</u> Examples of important habitat include, but are not limited to, wetlands, riparian <u>areas zones, rimrocks, areas offering special shelter or protection, reproduction and nursery areas and wintering areas.</u> big game winter range, parturition areas, grouse leks, and significant raptor nesting areas.	5/22/00
Chapter 1, Section 2(aj)(<u>ai</u>) "Mine facilities" means those structures and areas incidental to the operation of the mine, including mine offices, processing facilities, mineral stockpiles, storage facilities, shipping, loadout and repair facilities, and utility corridors, <u>mill facilities, tailings impoundments (excluding uranium mill tailings and mill facilities within the Nuclear Regulatory Commission license area), disposal areas, heap leach facilities, and spent ore disposal areas.</u>	5/22/00
Chapter 1, Section 2(ba)(<u>az</u>) "Small operator" means any mining operation, except a surface coal mining operation, for which not more than ten thousand tons <u>cubic yards</u> of overburden are removed <u>in any one year</u> and the affected land does not exceed ten acres in any one year.	5/22/00
Chapter 1, Section 3(d) If any provision of these regulations or the applicability thereof to any person or circumstances related to surface coal mining operations is held invalid, the provision or its applicability to other mining operations or circumstances shall not be affected thereby.	5/22/00
CHAPTER 2, PERMIT APPLICATIONS	
Chapter 2, Section 1(<u>e</u>) The applicant may consult with the local conservation district during preparation of the reclamation plan for conformance with technical standards and specifications <u>which may have been</u> adopted by the State Conservation Commission <u>local conservation district</u> for mined land reclamation.	5/22/00

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<p>Chapter 2, Section 1(f) <u>The applicant shall consult with both the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Service prior to submission of the permit application. The Administrator shall also consult with both wildlife agencies during permit application review. The Administrator shall review recommendations from the wildlife agencies and may reject recommendations that are outside the scope of the Act. Those recommendations accepted by the Administrator shall be presented to the applicant for their review and comment. Those recommended mitigation plans from the wildlife agencies resulting from review and comment and accepted by the Administrator shall be incorporated into the permit application.</u></p>	5/22/00
<p>Chapter 2, Section 2(a)(i) A description of the lands to be affected within the permit area, how these lands will be affected, for what purpose these areas will be used during the course of the mining operation, and a time schedule for affecting these lands. This description shall include a description of:</p>	5/22/00
<p>Chapter 2, Section 2(a)(i)(B)(I) Grasses, forbs, trees and shrubs - the description shall include the common and or scientific names of the predominating species and their estimated abundance within the proposed permit area. If trees are present within the proposed permit area, then the description shall include an estimate of the range of their heights and diameters.</p>	5/22/00
<p>Chapter 2, Section 2(a)(i)(E)(H) If critical or important habitat or migration route disruption is likely, the Wyoming Game and Fish Department shall be contacted in order to determine the types and numbers of wildlife likely to be disturbed or displaced.</p>	5/22/00
<p>Chapter 2, Section 2(b)(iii)(F) A plan to assure proper <u>design, construction, operation, monitoring, maintenance</u> and reclamation of any tailings impoundments, <u>tailings disposal areas, heap leaching facilities and spent ore disposal areas utilizing best technology currently available</u> in accordance with the Act and these regulations.</p>	5/22/00
<p>Chapter 2, Section 2(b)(iii)(I) A plan for the management and disposal within the proposed permit area of industrial solid wastes generated by the operation (such as, but not limited to, grease, lubricants, paints, flammable liquids, garbage, trash, discarded mining machinery, lumber and other combustible materials) in accordance with Chapter III, Section 2(c) and with those provisions of the Solid Waste Management Rules and Regulations deemed appropriate by the Administrator.</p>	6/17/91
CHAPTER 3, ENVIRONMENTAL PROTECTION AND PERFORMANCE STANDARDS	
<p>Chapter 3, Section 2(c)(v) <u>Management and final burial on the permit area of all industrial solid wastes generated by the operation (such as, but not limited to grease, lubricants, paints, flammable liquids, garbage, trash, discarded mining machinery, lumber and other combustible materials) shall be in accordance with this Section and with provisions of the Solid Waste Management Rules and Regulations deemed appropriate by the Administrator.</u></p>	6/17/91
<p>Chapter 3, Section 2(d)(ii) Land which did not support vegetation prior to becoming affected land because of natural soil conditions need not be revegetated unless subsoil <u>or overburden</u> from such affected land will support vegetation. The operator shall demonstrate to the Administrator's satisfaction that revegetation or reforestation is not possible if he seeks to proceed under the provisions of the <u>this</u> subsection.</p>	5/22/00

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<p>Chapter 3, Section 2(d)(vi) The Administrator shall not release the entire bond of any operator until such time as revegetation is completed, if revegetation is the method of reclamation as specified in the operator’s approved reclamation plan. Revegetation shall be deemed complete when: (1) the vegetation cover <u>species of the affected reclaimed land is shown to be capable of</u> are self-renewing itself under natural conditions prevailing at the site; and (2) the <u>total vegetation cover of perennial species, (excluding noxious weed species) and any species in the approved seed mix and total ground cover are</u> is at least equal to the <u>total vegetation cover of perennial species (excluding noxious weed species)</u> on the area before mining; (2) the productivity is at least equal to the productivity on the area before mining; (3) the species diversity and composition are suitable for the approved postmining land use; and and the revegetated area is capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to mining; unless Federal, State or local regulations prohibit grazing on such lands; (4) the requirements in (1), (2) and (3) are met for the last two consecutive years of the bonding period. are achieved during one growing season, no earlier than the fifth full growing season on the reclaimed lands. The Administrator shall specify quantitative methods and procedures for determining whether equal <u>total vegetation cover and productivity</u> has been established including, where applicable, and procedures for evaluating postmining species diversity and composition. The following options or an alternative success standard approved by the Administrator are available:</p>	4/25/06
<p>Chapter 3, Section 2(d)(vi)(A) The method of utilizing control areas may be selected. If selected, the control areas shall be sampled for <u>total vegetation cover, and productivity,</u> species diversity and composition in the same season that the area to be affected is sampled for baseline data. Quantitative premining and postmining vegetation data from control areas shall be used to mathematically adjust premining affected area data for climatic change. Premining affected area <u>total vegetation cover and productivity</u> data will be directly compared by statistical procedures to data from the reclaimed vegetation type when evaluating revegetation success for final bond release. Species diversity and composition data will be qualitatively or quantitatively evaluated as determined by the Administrator;</p>	4/25/06
<p>Chapter 3, Section 2(d)(vi)(B) The method utilizing reference areas may be selected. If selected, the representativeness of the reference area is verified by a statistical comparison to the plant community that it typifies. Postmining <u>total vegetation cover and productivity</u> data from the reference area are directly compared by standard statistical procedures to <u>total vegetation cover</u> data from the reclaimed area when evaluating revegetation success for final bond release. Species diversity and composition data will be qualitatively or quantitatively evaluated as determined by the Administrator;</p>	4/25/06
<p>Chapter 3, Section 2(d)(vi)(C) Where the premining <u>total vegetation cover, and productivity,</u> species diversity and composition data cannot be collected, or where the area to be affected is small and incidental to the operation, comparison areas may be selected. For purposes of this method, postmining qualitative and quantitative data from the comparison area are directly compared by procedures acceptable to the Administrator to data from the reclaimed lands when evaluating success of revegetation for final bond release;</p>	4/25/06
<p>Chapter 3, Section 2(d)(vi)(D) Without regard to the type of method selected, control, reference or comparison areas should be at least two acres in size, located in areas where they will not be affected by future mining, while serving their designated use, managed in a</p>	4/25/06

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<p>fashion which will not cause significant changes in the vegetation parameters of <u>total vegetation cover, productivity, and species diversity and composition</u> and be representative of the postmining land use;</p>	<p><i>(continued from previous page)</i></p>
<p>Chapter 3, Section 2(h) <u>Tailings impoundments, tailings disposal areas, heap leach facilities, and spent ore disposal areas, excluding uranium mill tailings impoundments facilities regulated by the United States Nuclear Regulatory Commission.</u></p> <p>(i) <u>Tailings impoundments to contain mill tailings or slurry tailings, tailings disposal areas, heap leach facilities and spent ore disposal areas shall be designed, constructed, and operated in accordance with established engineering principles using best technology currently available to ensure long term stability and to prevent contamination of surface or groundwater. Appropriate leak detection and groundwater monitoring systems shall be installed to detect any movement of contaminated fluids from the facility. Any leakage or movement of contaminated fluids shall be promptly controlled and remediated using the best technology currently available subject to the Administrator's approval. Impoundments and shall be approved permitted by the Wyoming State Engineer's Office. and A copies of the State Engineer's approval permits shall be attached to the application.</u></p> <p>(ii) <u>Reclamation of tailings impoundments, tailings disposal areas, heap leach facilities, and spent ore disposal areas shall be accomplished by removal and storage of all topsoil present within the tailings basin. affected lands. After termination of operations, the facility shall be reclaimed in accordance with the approved plan using best technology currently available to ensure long term stability, prevent contamination of surface or groundwater and facilitate the approved postmining land uses. Placement of tailings and spent ore within mine pits or underground mine areas is considered to be a preferred option which shall be thoroughly evaluated in the development of the mine and reclamation plan. The topsoil shall be replaced and revegetated in accordance with these rules and regulations. If other methods of reclamation and stabilization against wind and water erosion are found to be necessary because of natural conditions, this must be stated and described subject to the Administrator's approval.</u></p>	<p>5/22/00</p>
<p>CHAPTER 6, SELF-BONDING PROGRAM</p>	
<p>Chapter 6, Section 2(a)(vii)(A) <u>The operator has a rating for all bond issuance actions over the past five years of "A" or higher as issued by either Moody's Investor Service, or Standard and Poor's Corporation or any other nationally recognized rating organization that is acceptable to the regulatory authority. Any additional rating organization must be a "nationally recognized statistical rating organization" as approved by the Securities and Exchange Commission. If the additional rating organization uses a different rating system, only ratings that are equivalent to a rating of "A" or higher by either Moody's Investor Service or Standard and Poor's Corporation will qualify (the rating service organization should be identified together with any further breakdown of specific ratings).</u></p>	<p>1/31/06</p>
<p>Chapter 6, Section 2(a)(xi) <u>The Administrator may accept a written guarantee for an operator's self-bond from a parent corporation guarantor, a foreign parent corporation guarantor, a foreign non-parent corporation guarantor or from a Federal agency, if the guarantor or Federal agency satisfies the financial criteria of this Chapter as if it were the operator. The operator must only supply information addressing requirements not met by the parent corporation guarantor, the foreign parent corporation guarantor or the foreign non-parent corporation guarantor. The terms of the parent corporate, foreign parent</u></p>	<p>1/31/06</p>

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<p>corporate, <u>foreign non-parent corporate</u> or Federal agency guarantee shall provide for the following:</p>	<p><i>(continued from previous page)</i></p>
<p>Chapter 6, Section 2(a)(xi)(B) The parent corporate, <u>foreign parent corporate, foreign non-parent corporate</u> or Federal agency guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the operator and to the Administrator at least 90 days in advance of the cancellation date, and the Administrator accepts the cancellation. The cancellation shall be accepted by the Administrator if the operator obtains suitable replacement bond before the cancellation date, if the lands for which the self-bond, or portion thereof, was accepted have not been disturbed, or if the lands have been released under W.S. §§ 35-11-417(e) and 423.</p>	<p>1/31/06</p>
<p>Chapter 6, Section 2(a)(xii) <u>If the operator chooses to include assets outside the United States in their tangible net worth, the Administrator shall require the information required under subsection (xiii).</u></p>	<p>1/31/06</p>
<p>Chapter 6, Section 2(a)(xiii) If the Administrator accepts a foreign parent corporate guarantee or a foreign non-parent corporate guarantee, the Administrator shall require:</p> <p style="padding-left: 40px;">(A) <u>A legal opinion from a firm recognized to do business in the country of the firm’s international headquarters concerning the collectability of the self-bond in the foreign country. The opinion shall also provide an estimate of the cost of recovering the self-bond under the laws of that foreign country. The firm shall be selected by the Administrator from a list provided by the applicant. The applicant shall be responsible for the cost of the opinion;</u></p> <p style="padding-left: 40px;">(B) <u>A separate bonding instrument to cover the estimated cost of recovering the reclamation bond in the foreign country. This separate bond shall be highly liquid such as cash, letters of credit, certificates of deposit or government securities and be redeemable within 90 days of forfeiture. The Administrator may also require additional information that is deemed necessary to support the self-bond; and</u></p> <p style="padding-left: 40px;">(C) <u>All audited financial statements shall be in English and shall be prepared with generally accepted accounting principles, as adopted by the United States Financial Accounting Standards Board.</u></p>	<p>1/31/06</p>
<p>Chapter 6, Section 2(a)(xii)(xiv) For a noncoal operator, the obligation shall not exceed 50 percent of the operator’s tangible net worth in the United States. For the Administrator to accept a corporate guarantee, the total amount of the parent <u>or non-parent</u> corporation guarantor’s present and proposed self-bonds and guaranteed self-bonds shall not exceed 50 percent for noncoal, or the guarantor’s tangible net worth in the United States.</p>	<p>1/31/06</p>
<p>Chapter 6, Section 3(c) If the application is rejected based on the information required in Section 2, or based on the limitations set in Section 2(a)(xii) <u>through (xiv)</u>, then the operator may offer collateral and an indemnity agreement to support the self-bond application. The indemnity agreement shall be subject to the requirements of (b) above.</p>	<p>1/31/06</p>
<p>Chapter 6, Section 4(a)(ii) Financial information in sufficient detail to show that the guarantor still meets the information in Section 2(a)(viii), and the limitations in Section 2(a)(xii) <u>through (xiv)</u>. The Administrator may request financial statements for the most recently completed fiscal year together with an independent certified public accountant’s audit opinion or review opinion of the financial statements with no adverse opinion. Additional unaudited information may be requested by the Administrator;</p>	<p>1/31/06</p>

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<p>Chapter 6, Section 4(b) If the Administrator has authorized a parent corporate guarantee, the parent corporation shall supply all information required under subsection (a)(ii) of this Section.</p> <p>Section 4(e)<u>(b)</u> Any valid initial self-bond shall carry the right of successive renewal as long as the above-listed information is submitted which demonstrates that the guarantor remains qualified under W.S. § 35-11-417(d).</p>	1/31/06
<p>Chapter 6, Section 5(a) The Administrator may require the operator to substitute a good and sufficient corporate surety licensed to do business in the State if the Administrator determines in writing that the self-bond of the operator fails to provide the protection consistent with the objectives and purposes of this Act. The Administrator shall require this substitution if the financial information submitted or requested under Section 3 <u>4</u>(a)(ii) indicates that the operator no longer qualifies under the self-bonding program. Substitution of an alternate bond shall be made within 90 days. The operator may also request substitution. This request is contingent upon the operator meeting all the requirements of the bond provisions (W.S. §§ 35-11-417 to 424) of the Act. If these requirements are met, the Administrator shall accept substitution.</p>	11/16/95
CHAPTER 7, PERMIT REVISIONS	
<p>Chapter 7, Section 1. Submittal of Revisions.</p> <p>(a) A <u>mine permit or Research and Development Testing License</u> may be revised <u>in accordance with this Chapter and</u> upon approval by the Administrator, if the operator submits a request with the Division.</p>	5/3/05
<p>Chapter 7, Section 1(a cont.)(b) Significant revisions are those which constitute a change described in Section 2 of this Chapter, <u>except significant revisions to an in situ mine permit or Research and Development Testing License are those which constitute a change described in Chapter 11, Section 19(b).</u> Any permit may be revised by identifying alterations to the mining or reclamation plan in the annual report or addendum thereto, or by obtaining prior approval from the Department, at the noncoal operator's discretion.</p>	5/3/05
<p>Chapter 7, Section 1(b)(c) Non-significant revisions shall be submitted in a format approved by the Administrator. <u>Non-significant revisions to an in situ mine permit or Research and Development Testing License are those which constitute a change described in Chapter 11, Section 19(c).</u> If promptly filed <u>by the operator,</u> and unless notified by the Administrator to delay, the operator may initiate the proposed change. All non-significant revisions shall include:</p> <p>(i) A brief description of the change and why the change is being sought;</p> <p>(ii) An outline or index indicating what pages, maps, tables, or other parts of the approved permit <u>or Research and Development Testing License</u> are affected by the revision; and</p> <p>(iii) Additional information necessary to support or justify the change.</p>	5/3/05
<p>Chapter 7, Section 1(e)(d) Incidental changes which are not categorized under (a) <u>(b)</u> or (b) <u>(c)</u> or this <u>s</u>Section shall be noted in the annual report.</p>	5/3/05

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<p>Chapter 7, Section 1(d)<u>(e)</u> Each application shall contain:</p> <ul style="list-style-type: none"> (i) The name and address of the operator; (ii) The permit number and date approved. (iii) The following information, if different from that submitted in the original permit or <u>Research and Development Testing License</u> application: <ul style="list-style-type: none"> (A) The precise location of the permit or <u>Research and Development Testing License</u> 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 <u>Research and Development Testing License</u>; 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 <u>Research and Development Testing License</u> area. (iv) A detailed description of the proposed revised mining, reclamation, or <u>Research and Development Testing</u> operation which shall include: <ul style="list-style-type: none"> (A) A USGS topographic map or equivalent of the permit or <u>Research and Development Testing License</u> area showing distinctly outlining and identifying the land to be affected by the revised mining or reclamation operation; in detail, distinctly outlined and identified; (B) For any proposed newly affected lands, if not submitted and approved in the original application for the permit: <ul style="list-style-type: none"> (I) The information required in W.S. §35-11-406(a)(vii) and (ix) (2003) or, for in situ mining operations, the information required in W.S. § 35-11-428 (2003); and (II) The extent to which the revised mining or reclamation operation will disturb, change, or deface the lands proposed to be affected, the proposed future use or uses of the land and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses. (C) Any significant changes in the estimate of the total cost of reclaiming the affected and proposed affected lands, computed in accordance with established engineering principles. (v) Such other information as the Administrator deems necessary or as good faith compliance with the provisions of the Act require. 	5/3/05
<p>Chapter 7, Section 2. Criteria for Public Notice Requirements</p> <ul style="list-style-type: none"> (a) Within 90 days after submission of the application for a permit or <u>Research and Development Testing License</u> revision, the Administrator shall notify the operator of whether or not the application is complete and whether notice and opportunity for public hearing is required. 	5/3/05

Rule	Effective Date
<p>Chapter 7, Section 2(b) Notice and opportunity for public hearing is required:</p> <p>(i) <u>For revision of an in situ mining permit or Research and Development Testing License in accordance with requirements of Sections 19(b) and (c) of Chapter 11:</u></p> <p>(ii) <u>Whenever the application for a permit or Research and Development Testing License revision proposes the following changes, so long as they constitute significant deviations from that which was contemplated in the approved mining and reclamation plan. The following will normally be considered significant deviations unless otherwise determined by the Administrator:</u></p> <p>(A) More than a twenty <u>20</u> percent increase in affected land from that which was approved in the original permit, with the following exception:</p> <p>(B) A change in the approved future land use or uses which affects more than twenty <u>20</u> percent of the land within the permit <u>or Research and Development Testing License</u> area;</p> <p>(iii)(C) 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 <u>or Research and Development Testing License</u> process are promptly treated or disposed of during the mining, reclamation <u>or Research and Development Testing License</u> process in a manner designed to prevent pollution of surface or subsurface water or threats to human or animal health and safety;</p> <p>(iv)(D) The construction or relocation of mills, tailings disposal facilities, or heap leach facilities;</p> <p>(v)(E) A change in the approved method of mining which results in surface disturbance (e.g. underground, surface or in situ mining);</p> <p>(vi)(F) A change which would adversely affect the quality, quantity, or distribution of water in surface or groundwater systems; or</p> <p>(vii)(G) Any changes which propose significant alterations in the approved mining or reclamation operations as determined by the Administrator.</p>	5/3/05
<p>Chapter 7, Section 2(b)(iv) The construction or relocation of mills, and tailings disposal facilities, <u>or heap leach facilities;</u></p>	5/22/00
<p>Chapter 7, Section 3(a) When required under Section 2, 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 <u>by W. S. § 35-11-406(j) - in Section 1(b)(i), (ii), (iii), the permit number and date approved,</u> and a general description of the proposed revision. the location at which information and final date for filing objections to the application. The operator shall also <u>mail a copy of the application mine plan map to the Wyoming Oil and Gas Commission</u> notify owners of record in accordance with W. S. § 35-11-406(j).</p>	11/16/95
<p>Chapter 7, Section 3(a) When required under Section 2 <u>of this Chapter,</u> the operator shall cause notice of the application for permit, <u>non-Class III Well portions of an in situ permit and non-Class III Well portions of a Research and Development Testing License</u> revision to be published in a newspaper of general circulation in the locality of the mining</p>	5/3/05

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<p>or <u>Research and Development Testing License</u> 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).</p>	<p><i>(continued from previous page)</i></p>
<p>Chapter 7, Section 3(b) Objections may be filed in accordance with W.S. § 35-11-406(k), which objections shall list one or more reasons for denying a permit <u>or Research and Development Testing License revision application</u> as set out in W.S. § 35-11-406(m). If such written objections are filed, a public hearing shall be held in accordance with W.S. § 35-11-406(k). The Council shall issue finding of fact and make a decision on the application within 60 days after the final hearing.</p>	<p>5/3/05</p>
<p>Chapter 7, Section 4(a) The Administrator shall, with the concurrence of the Director, render a decision on the application for permit <u>or Research and Development Testing License</u> revision and approve or disapprove the proposed revision in accordance with the applicable criteria set out in W.S. § 35-11-406 and any regulations adopted pursuant thereto. The decision shall be made:</p>	<p>5/3/05</p>
<p>Chapter 7, Section 5. Review of Outstanding Permits <u>or Research and Development Testing Licenses.</u></p> <p>(a) The Administrator, with the concurrence of the Director, may require the operator to submit an application for a permit <u>or Research and Development Testing License</u> revision and comply with all requirements of this Chapter. Any such requirement shall be based on written findings that, upon review of the operator's annual report <u>for an in situ mine permit or annual request for renewal of a Research and Development Testing License</u> or <u>upon</u> inspection of the existing operation, there is or is intended to be conducted a revised mining, reclamation <u>or Research and Development Testing</u> operation. Such review or inspection shall be conducted at least each year upon receipt of the operator's annual report <u>for an in situ mine permit or annual request for renewal of a Research and Development Testing License</u>, or inspection of the existing operation, there is or is intended to be conducted a revised mining or reclamation operation. Right of review shall be afforded as provided in the Wyoming Administrative Procedure Act. Nothing contained herein shall be construed to require compliance with any provision of the Act or regulation from which the existing operation has been specifically excepted.</p>	<p>5/3/05</p>
CHAPTER 8, EXPLORATION BY DRILLING	
<p>Chapter 8, Section 2(a)(ii) To prevent adverse changes in water quality or quantity, drill holes shall be sealed in the manner described in W.S. § 35-11-404(c)(ii) which shall include but not be limited to:</p>	<p>5/22/00</p>
CHAPTER 9, SMALL MINING OPERATIONS	
<p>Chapter 9, Section 1. Mining Permit Requirements.</p> <p>(a) Prior to the commencement of a small surface mining operation involving not more than 10,000 <u>cubic</u> yards of overburden and ten acres of affected land in any one year, an application shall be submitted to the Administrator in duplicate on forms supplied by the Division. Each application shall contain:</p>	<p>5/22/00</p>

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<p>Chapter 9, Section 2. Conversion of Small Mine Permit to Standard Mine. If an operator, holding a valid mining permit under W.S. § 35-11-401(hj) for a small mining operation, intends to expand his operation to remove more than 10,000 cubic yards of overburden <u>per year</u> or affect more than ten acres of land per year, the operator shall submit revised mining and reclamation plans, revised maps and an appropriate reclamation bond to the Land Quality Division, and obtain approval for the expansion prior to the time when he intends to exceed the established limits. The provisions of W.S. § 35-11-406(d), (fj) and (gk) will be required. Any public hearing shall apply only to the request of the operator to expand his operation, and the valid mining permit already held by the operator will not be affected.</p>	5/22/00
CHAPTER 10 LIMITED MINING OPERATIONS	
<p>Chapter 10, Section 4. Operation. (a) <u>A sign shall be posted and maintained at the entrance of the operation that, at a minimum, clearly shows:</u> (i) <u>The name, address, and telephone number of the operator;</u> (ii) <u>The name of the operator's local authorized agent; and</u> (iii) <u>The LQD limited mining operation number.</u> (b) <u>All topsoil from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion. Such stockpiles shall be clearly identified by a sign.</u> (c) <u>In no case shall any materials be pushed or dumped over natural escarpments.</u></p>	5/22/00
<p>Chapter 10, Section 45. Reclamation (b)(ii) All topsoil material from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion. Such stockpiles shall be clearly identified by a sign. On commencement of reclamation the topsoil shall be redistributed evenly over the affected area. (b)(v) In no case shall any materials be pushed or dumped over escarpments. (b)(vi) Petroleum wastes and other toxic materials shall be disposed of by methods which ensure that topsoil, vegetation, surface water and groundwater are not contaminated. (b)(vii) <u>For soft rock operations, final slopes shall be gentle enough to allow for contour seeding and all final forms topography shall be approved by the Division, provided however, that the final slope shall not be greater than a ratio of 3 to 1 (3:1).</u> <u>(b)(vii) For hard rock operations, whenever possible, the highwall shall be reduced to no greater than a 3:1 slope. The operator must demonstrate the stability of any steeper slope or of any remaining highwall, so that the reclaimed area is left in a condition so as not to create a potential erosion problem or safety hazard to the public or wildlife. Slopes, including any remaining highwall, shall be modified to blend as much as possible to the native landscape.</u></p>	5/22/00

Rule	Effective Date
<p>Chapter 10, Section 6. <u>Transfers and Other Authorized Operators</u></p> <p>(a) <u>The right to operate under a limited mining exemption may be transferred to a new operator with written approval of the existing operator and written acceptance by the Administrator, provided the new operator submits a new Form 10 and bond required for the new operation and assumes the reclamation liability of the existing operator.</u></p> <p>(b) <u>The operator may allow contractors to operate within its limited mining area provided notice is given to the Division and the contractor meets the other requirements of the Division, including the filing of Form 10.</u></p>	5/22/00
<p>Chapter 10, Section 57. <u>Release of Bonds and Forfeiture of Bonds</u></p>	5/22/00
<p>Chapter 10, Section 68. <u>Limitation of Operations</u></p>	5/22/00
CHAPTER 11, IN SITU MINING	
<p>Chapter 11, Section 3(b)(vii) The name, description and map of all surface waters within the permit area and on adjacent lands. A list and mapping of all adjudicated and permitted water and groundwater rights within and adjacent to the permit area and to a distance of three (3) miles outside of the permit area shall be provided.</p>	6/17/91
<p>Chapter 11, Section 3(b)(x) Locations and present owners of all water wells in use within the permit area and on adjacent lands, including a description of well completion data producing interval(s), and variations in water level to the extent such information is available in the public records and from a reasonable inspection of the property. The Administrator shall require a mapping of all wells within and adjacent to a distance of three (3) miles outside the permit area.</p>	6/17/91
<p>Chapter 11, All sections.</p> <p>A revised Chapter 11 was filed with the Secretary of State on May 3, 2005. This revision was a major rewrite of the entire Chapter (superseded Ch. 11, was 8 pages in length...revised Chapter is over 44 pages in length). Due to the size of these substantial revisions, individual rule changes are not indicated in this document. For specific rule changes please consult the Rules Binders for Rule Package 1-L which are on file at the Cheyenne Land Quality Division office.</p>	5/3/05
CHAPTER 13, REQUIREMENTS FOR EXISTING BENTONITE MINING OPERATIONS	
<p>Chapter 13, Section 1. <u>Applicability.</u></p> <p>The provisions of this Chapter apply to all bentonite operations permitted as of the effective date of this Chapter August 31, 1981. If a conflict occurs between any particular requirements of this Chapter and any other Chapter of Land Quality Division Rules and Regulations, this Chapter shall be controlling.</p>	5/22/00
<p>Chapter 13, Section 2. <u>Information Submittal Requirements.</u></p> <p>(b) For lands for which permits have been were issued by as of the date of this rule August 31, 1981, but which have not been affected by the effective date of this rule August 31, 1981, the following general information shall be provided to the Administrator:</p> <p>(iv) Consultation with the Administrator if the presence of endangered species as listed by the Wyoming Game & Fish Department is possible or if significant habitat or migration route disruption is likely. The applicant shall consult with both the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Service prior</p>	5/22/00

Rule	Effective Date
<p><u>to submission of the mine and reclamation plan. The Administrator shall also consult with both wildlife agencies during review of the proposed mine and reclamation plan. The Administrator shall review recommendations from the wildlife agencies and may reject recommendations that are outside the scope of the Act. Those recommendations accepted by the Administrator shall be presented to the applicant for their review and comment. Those recommended mitigation plans from the wildlife agencies resulting from review and comment and accepted by the Administrator shall be incorporated into the mine and reclamation plan.</u></p> <p>(c) Within one year from the effective date of this rule <u>August 31, 1981</u>, the information required by (b) shall be furnished for lands to be affected between the effective date of this rule <u>August 31, 1981, and August 31, 1983</u> the date two years from the effective date of this rule. Thereafter, data for a one-year period shall be furnished one year in advance of the time that additional lands will be affected. In the event that the operator encounters an exceptional situation where mining is necessary on a site that had not been described in the above plan, he will notify the Administrator and provide the above information prior to affecting the land. Provided, however, this shall not affect the requirements applicable to permit revisions.</p>	<p><i>(continued from previous page)</i></p>
<p>Chapter 13 Section 4. Effective date. This Chapter is effective immediately upon filing with the Secretary of State.</p>	<p>5/22/00</p>