

Foreword

The attached Standard Operating Procedure is the internal policy of the Land Quality Division of the Wyoming Department of Environmental Quality covering the topic of Temporary Cessation of Operations for Coal mines. Staff shall make no significant deviations from this policy without the prior approval of the District Supervisor and the Administrator.

Signed this _____ day of _____, 1999.

Richard A. Chancellor
Administrator
Land Quality Division

COAL STANDARD OPERATING PROCEDURE 2.3

Land Quality Division

SUBJECT: Temporary Cessation of Operations (Reclamation Delays) for Coal Mines

I. Introduction

This Standard Operating Procedure gives procedural guidance to the Land Quality Division staff. The actual requirements come from the statutes and regulations. Any violation for non-compliance cannot be based on this operating procedure, but must be based on the statutes and regulations. Operators cannot be required to comply with this operating procedure.

II. General Information

A. Land Quality Division (LQD) Coal Rules Chapter 4, Section 2(k) requires all permittees to include a detailed schedule for mining and final reclamation progression. This provision also addresses "contemporaneous reclamation" but holds only that final reclamation must begin as soon as possible and continue concurrently until all affected land is reclaimed "...with the orderly and economic development of the property."

- B. This section also implies that final reclamation is synonymous with initiation (and completion) of backfill. Thus, if reclamation is not completed in a concurrent sequence, the permittee must specify the schedule and the reasons for the delay. Removal of the mineral starts the time clock for final reclamation.
- C. LQD Coal Rules Chapter 4, Section 2(u) states that permittees must specifically address cessation of operations (reclamation delays) which exceed thirty days.

III. Definitions

- A. LQD Coal Rules Chapter 4, Sections 2(k) and 2(u) use different terms to describe alterations to reclamation schedules. However, the provisions always imply that the permittee must specify the mining and reclamation schedules. Temporary Cessation of Operations is categorized as a reclamation delay.

1. Temporary Cessation of Operations (TCO)

- a. Chapter 4, Section 2(u) of the Coal Rules requires a permittee to detail all delays in the initiation and/or completion of reclamation which extend thirty days beyond the date of removal of the mineral. The permittee must specify this schedule in the approved mine and reclamation plans or seek a formal change to those plans.
- b. In general, reclamation delays expressed as Temporary Cessation of Mining Operations apply to periods of time exceeding thirty days. Some examples of Temporary Cessation include:
 - (1) Trenches left open along one side of a mining progression because the pit will eventually turn back on itself and mine along that trench; and
 - (2) A pit (or pits) left partially open due to special needs for certain grades or quality of coal.

III. Processing Procedures

- A. Format and Components

1. LQD Coal Rules Chapter 4, Section 2(k)(i)(A) through (E) details the components of a reclamation schedule. If the LQD becomes aware of, or is notified that the approved reclamation schedule is outdated or unachievable, the LQD staff will consult with the permittee to determine the nature of and reasons for the altered reclamation schedule.
2. LQD Coal Rules Chapter 4, Section 2(u) requires the permittee to explain the reasons for a Temporary Cessation of Operations in the Annual Report. Upon receipt of a Temporary Cessation of Operations notification, the District Office should decide whether a formal revision under LQD Coal Rules Chapter 13 is necessary. Generally, new areas of TCO will be processed as a major revision. Modifications to existing TCO areas will be evaluated on a case by case basis. If a formal revision is appropriate, the District Office should advise the permittee to use the format specified by Chapter 13. The District Office staff should also utilize LQD Coal Standard Operating Procedure 1.3 (Permit Revisions - currently under development).
3. Since the main, enforceable components of the approved Temporary Cessation of Operations revision will be inserted directly into the coal permit, the Temporary Cessation of Operations must be formatted, paginated, etc. to meld with the existing permit document.
4. The LQD Coal Rules contain few details on the content of a TCO request. Therefore, the Interim Mine Stabilization section of the Noncoal Rules (Chapter 3, Section 2(k)(ii)) should be used as guidance for the type of information needed.

B. Submittal

Permittees should submit the Temporary Cessation of Operations Revision Application (Form 11) in duplicate to the LQD District Office..

C. LQD District Office Processing of a Temporary Cessation of Operations Application

1. Initial Coordination

- a. The District Office will forward one complete copy to the Cheyenne LQD with specific processing directions/requests and will request a Temporary Filing Number.

2. Review Schedule

The LQD will utilize the schedules specified in LQD Coal Rules Chapter 13. Within ninety days of receipt of the Temporary Cessation of Operations Application, the LQD must declare the application complete or incomplete. The District Office will seek to consolidate all comments under a single review memorandum.

3. Public Notice

- a. The LQD Administrator has determined that all applications for new TCO areas require public notice. Once the application is complete the LQD will specifically notify the applicant to proceed with public notice (refer to Coal Standard Operating Procedure 1.9, Format No. 4 for draft public notice). A statement to the fact that a Temporary Cessation of Operations is being requested and how long it will last must be included in the Public Notice (Note: the duration of the approval cannot last beyond the current term of permit).
- b. The Public Notice will run once a week over four consecutive weeks, commencing within 15 days of the LQD notification (LQD Coal Rules, Chapter 13, Section 3(a)).
- c. As soon as possible after completion of the publication, the permittee shall submit "Proof of Publication" (Coal Standard Operating Procedure 1.9, Format No. 4).

4. Final Decision Recommendation

- a. Upon completion of the public comment period, the District Office will determine the status of any objections and devise appropriate action in consultation with the LQD Cheyenne Office. If no objections are received, the District Office will prepare a draft approval letter for the Administrator and forward this draft with other necessary supporting information to the LQD Cheyenne office. Attachment A is a draft approval letter for the LQD Administrator. The District office will also complete the tracking sheet (Attachment B) and forward a copy to Cheyenne with the Final Decision Recommendation.

5. Warehousing Procedures

- a. The approved Temporary Cessation of Operations will be inserted directly into the permit document. The supporting information, review and response documents, approval letter, etc. will be placed in the Coal Permit Revision Volume.
- b. The District Office will consult with the Cheyenne LQD Records Specialist to ensure agreement of filing procedures.

ATTACHMENT A
TEMPORARY CESSATION OF OPERATIONS APPROVAL LETTER

OPERATOR

RE: Temporary Cessation of Operations for Permit No. _____

Dear _____:

Upon recommendation of the LQD District ____ Office, I approve the Temporary Cessation of Operations application originally received under your letter of _____.

This approval is for a period of ____ years starting from the date of this letter and ending _____, and applies only to those lands identified in the request. You must continue to document all activity through the Annual Report process. You must maintain an adequate Reclamation Performance Bond and accomplish all approved monitoring activities during this period.

This request has been approved as a (major/minor) revision and has been approved as change no. _____ to permit ____ T____. Please forward 3-4 copies to :

Division Chief
U.S. Office of Surface Mining
1999 Broadway, Suite 3320
Denver , CO 80202-5733

If you plan to restart mining operations on any lands covered by this Temporary Cessation of Operations, you must notify the District Office within ninety (90) days.

If you have any questions, please contact the District Office at _____

Sincerely,

Administrator
Land Quality Division

xc: (Company)
District ____
Records Specialist

CSOP 2.3
HC/RAC/7-99

ATTACHMENT B

TEMPORARY CESSATION OF OPERATIONS TRACKING SHEET

Date of initial receipt: _____

Dates of review comments sent to applicant: _____

Date of completeness declaration: _____

Date applicant sent to public notice
(and public mailing if applicable): _____

Dates of public notice publication in
_____ newspaper: _____

Final date for receipt of any objections: _____

Objections/comments were/were not
received from: _____ on _____
_____ on _____
_____ on _____
_____ on _____

Date Final Decision Recommendation with
Draft letter sent to Cheyenne: _____

TFN _____
Permit No. _____

District _____