

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 In-depth Reviews of Coal Permits. Staff shall make no significant deviations from this policy without the prior approval of the District Supervisor and the Administrator.

Signed this _____ day of _____, 199__

Richard A. Chancellor
Administrator
Land Quality Division

COAL STANDARD OPERATING PROCEDURE NO. 1.11

Land Quality Division

SUBJECT: In-Depth Reviews of Coal Permits

I. Introduction

Section 774.11 of the Federal Surface Mining Control and Reclamation Act (SMCRA) requires that “the regulatory authority (LQD) shall review each (coal) permit issued and outstanding under an approved regulatory program during the term of the permit. This review shall occur not later than the middle of each permit term”.

LQD has taken the position with the Federal Office of Surface Mining (OSM) that LQD’s reviews of the annual reports required under section 35-11-411 of the Wyoming Environmental Quality Act (EQA) satisfy the permit review requirements of SMCRA described above. To date, OSM has accepted that approach.

However, due to time and resource constraints, it has become apparent that the LQD is often unable to conduct complete and thorough reviews of the annual reports. For this reason it may, for selected permits, be beneficial for the LQD to perform such in-depth permit reviews (IDPR) using the combined resources of the LQD Support Group and District Office.

The purpose of this SOP is to describe the expected product of LQD's in-depth permit review and the process for arriving at that product. Individuals working on the IDPR need to be aware that an IDPR is not the same as a permit application review. During an application review, many items are agreed upon after much discussion and several rounds of comments and responses. For whatever reason, current staff may not concur with the agreements or commitments made years earlier. It is not the purpose of the IDPR to reopen these issues unless they contradict current LQD rules, regulations, or policy.

II. Selection of Permits for In-Depth Review

As need, time, and resources allow, the LQD Administrator, District Supervisors, and Support Group Supervisor may select any coal permit for an in-depth review. In most cases, permits selected for review should not be more than half way through their term. This will allow deficiencies identified in the IDPR to be corrected prior to the next permit renewal.

III. Products of the In-Depth Permit Review

At minimum, each IDPR shall clearly answer the following questions:

- A. Does the permit contain all the procedures and commitments necessary to comply with current LQD (coal) rules and regulations, statutes, and performance standards (see Section 4 of the "Coal Permitting Handbook for Format and Completeness")?
- B. Are existing permit commitments and procedures being met?
- C. Are all requisite monitoring programs clearly stated in the mine and/or reclamation plans?
- D. Are all the requisite monitoring programs in the permit being consistently and properly executed?
- E. Do the projections, such as probable hydrologic consequences (PHCs), mass balances, and backfill swell factors, agree with the actual data?
- F. Do topsoil salvage volumes and mass balances meet projections, and can they meet the commitments on redistribution of topsoil?

- G. Are contemporaneous reclamation commitments clear and consistently met (See December, 1997 white paper on contemporaneous reclamation)?
- H. Are all topics in the “Coal Permitting Handbook for Format & Completeness” adequately addressed in the permit?
- I. Are all permit conditions being met?
- J. Other questions identified by the IDPR team or the LQD administrator.

IV. Process for Performing the In-Depth Permit Review

A. IDPR Team

Once a permit is selected for review, the appropriate District Supervisor and the Support Group Supervisor will select a team for review of the permit. Typically the team will consist of the following:

1. The District’s Permit Coordinator for the permit being reviewed;
2. A Support Group staff person who will be designated as the In-Depth Permit Review (IDPR) Coordinator;
3. Several Support Group staff with expertise in various disciplines; and
4. The appropriate District Supervisor.

B. Roles of the IDPR Team Members

The roles and responsibilities of the various IDPR team members shall typically be as follows:

1. District Permit Coordinator - Identifies problem areas and commitments in the permit for consideration by IDPR team members. Answers questions about the content of the permit that arise as the review proceeds;
2. IDPR Coordinator - Using the information provided by the District Permit Coordinator, and with the assistance of the Support Group Supervisor, assigns Support Group staff to review various sections of the permit. Reviews those sections of the permit that are in his or her area of expertise. Responsible for assuring that Support Group staff complete

their reviews in a timely manner. Insures that all questions in part III of this document are answered. Assembles reviews into a final draft;

3. Selected Support Group Staff - Conduct in-depth reviews of the portions of the permit appropriate to their areas of expertise and provide their reviews to the IDPR Coordinator;
4. District Supervisor - Does the final review of the draft and makes final changes to the draft IDPR provided by the IDPR Coordinator. Responsible for correction of deficiencies (see item V below).

C. Time Frames

The IDPR Coordinator shall deliver the draft IDPR to the District Supervisor within 60 days of the start of the review.

Within 30 days of receipt of the draft IDPR, the District Supervisor shall prioritize the necessary permit revisions and make final corrections to the draft IDPR.

Within 30 days of finalization of the IDPR, the District Supervisor shall initiate action with the operator to incorporate the necessary revisions into the permit (see item V below).

V. Correction of Deficiencies Identified in the In-Depth Review

Section 5 of Chapter 13 of the Land Quality Division Coal Rules and Regulations authorizes the Administrator of the Division, with the concurrence of the Director, to require an operator to incorporate necessary revisions into the permit.

Upon completion of the final IDPR, the District Supervisor shall prioritize the necessary revisions. Then, with the concurrence of the Division Administrator and the Director, the District Supervisor shall determine which necessary revisions to pursue with the operator and how best to incorporate the necessary revisions into the permit.