

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
GUIDELINE NO. 6A-R**

COAL PERMIT RENEWAL

Format and General Content Guideline for a Permit Renewal application for Coal Mining Operations.

Prior to development of an application to renew a coal permit, an applicant should review the following documents which can be obtained from the Land Quality Division upon request:

1. 1973 Wyoming Environmental Quality Act, as amended. (See W.S. ' 35-11-405(c), (e) - (g) and W.S. ' 35-11-406).
2. Land Quality Coal Rules and Regulations and revisions. (See Chapter XII, Section 2.(b)).
3. Land Quality Guidelines:
 - No. 1. - Soils and Overburden.
 - No. 2. - Vegetation.
 - No. 4. - In-Situ Mining.
 - No. 5. - Wildlife.
 - No. 6A. - Coal Format Guideline.
 - No. 8 - Hydrology.
 - No. 9 - Alluvial Valley Floors.
 - No. 10 - Fencing.
 - No. 11 - Cultural & Paleontological Resources.
 - No. 12 - Bonding Calculations - Coal.
4. Cooperative Agreement between the State of Wyoming and the Department of Interior (for coal operations on federal lands).

At the same time, it is strongly recommended that the applicant meet with the Administrator or designated staff to outline the nature of the renewal and discuss specific formatting problems.

The Division will require the following procedure and formatting be used in applying for a permit renewal:

1. If the renewal application contains relatively minor changes to the approved permit, then the unchanged material may be referenced from the previous term. Provide revised pages and maps formatted and paginated so they can be inserted into the approved permit document on file with Land Quality. This process may be utilized for 2 terms only. An entirely new application must be presented for the third term renewal.

2. If there were changes to the permit previously approved through the permit revision process (i.e., permit revisions, incidental boundary revisions, minor mine plan modifications, etc.) then provide revised pages and maps covering these changes, formatted, and paginated so they can be inserted directly into the approved document on file with Land Quality.
3. With the above material, a new Form 1 and a new Form 3 (if there are new operators) and a new table of contents for the permit must be submitted. The table of contents must clearly specify which pages are newly submitted, and which are from the presently approved permit document. A suggested way to do this is to attach to the table of contents a summary sheet outlining which pages, figures or maps have been replaced, deleted or added.
4. If the renewal application proposes major changes to the permit, then provide entire new sections designed to be inserted directly into the approved document (e.g. new Mine Plan, new Reclamation Plan). In the extreme case, the magnitude of changes may warrant an entirely new document. **If any Baseline changes are proposed, the reference process is not applicable, and an entirely new application must be submitted.**
5. During the review, the material discussed in 1, 2, 3 & 4 above will not be inserted. On approval, it will be inserted into the previously approved permit document by LQD records personnel and the LQD review manager with the assistance of the permittee.
6. If the reference process is utilized, each volume will need an index sheet to document where changes were made to the previous document. Any deletions must be noted.

If the applicant desires to deviate from the above procedure, this must be discussed and approved before submittal. The point to all of this is to keep the amount of paperwork and confusion to a minimum, and still end up with a new, up-to-date permit document.

Additional instructions follow:

Form 1 and 3, the surface owner consent, the Certificate of Public Liability and Appendix "C" (if applicable), should be submitted in loose form. All other application documents must be submitted in loose leaf three-ring binders properly labeled as to the contents. The reclamation bond documents may be submitted after the bond amount has been agreed to by the District. All information should be on 82x11 inch paper with standard margins and page numbers on all pages. The paper should be durable of about 20 pounds and good quality. All figures and tables larger than 82x11 inches should be folded to fit into the application and should be physically attached to the appropriate location in the application. All figures and tables should be numbered and referenced in the text.

Three complete copies of the application material must be submitted to the Division. For operations on federal lands three (five if on U.S. Forest Service Land) complete copies must also be submitted to the Office of Surface Mining.

The remainder of this guideline is laid out in a manner designed to parallel the organization

of Guideline 6A.

Part I of the guideline outlines the organization and basic items that should be included in the Adjudication section of the application. Part II outlines the information that should be included as supporting information in Appendices D-1 through D-11, the Mine Plan, and the Reclamation Plan. Part III outlines map and aerial photo requirements. Part IV provides recommendations for the certification of maps and plans. Part V provides general information regarding site specific conditions.

The permit renewal formatting discussed above, Part I and the first three paragraphs of Part II of this guideline are mandatory. The formatting is required through the authority given the Administrator in LQD Coal Rules and Regulations, Chapter II, Section 1. Part I content requirements are taken directly from the Environmental Quality Act, W.S. ' 35-11-406(a), and the Land Quality Coal Rules and Regulations, Chapter II, Section 2.a.(i-v).

I) Part I - Adjudication File

Form 1

Permit to Mine Application. Affix corporate seal. Applicant must be the same as the current permittee unless a permit transfer has been approved. A filing fee is required.

Form 3

License to Mine Application. Affix corporate seal. This is not needed for the permittee; however, any new contractor/operator who will operate under the new term of permit must be licensed. Filing fees must be submitted with all license applications.

Reclamation Bond

There must be a general purpose bond rider to the existing bond(s) or a replacement bond to transfer liability to the new permit term. Language example: "the purpose of this rider is:" to transfer liability from PTxxx-T1 to PTxxx-T2. The rider must also include new lands if applicable. Bonding instruments should be submitted no later than at the start of final public notice to assure timely processing. Original execution of bond instrument(s) and Power of Attorney are required. Cash, Federally Insured Renewable Certificates of Deposit, Government Securities, Letters of Credit and/or requirements of LQD Coal Rules and Regulations, Chapter XI, for self-bonding can be submitted in lieu of a surety bond. It is wise to investigate with bonding companies the time necessary to process a bond. The bond must be approved by the Attorney General's Office and LQD prior to approval of the renewed permit.

Surface Owner Consent and Right to Mine Documents

Associated legal documents. Update this section if new lands are to be added or if existing leases, agreements, etc. will expire or have changed.

Certificate of Public Liability

If the policy will not expire during the next term of permit, refer to the certificate in the current permit. If the policy is due to expire within this term, provide a new certificate as follows (see Attachment A):

1. An original certificate with a notarized signature is required.
2. A rider must be attached requiring the insurance company to notify LQD whenever changes occur or the policy is canceled or not renewed.

Appendix "A" (For lands within the permit area)

Completely update this section as necessary. See Guideline 6A for an outline of required information.

Appendix "B" (For lands adjacent to permit area)

Completely update this section as necessary. See Guideline 6A for an outline of required information.

Appendix "C"

If new lands are to be added to the permit area, prepare a new Appendix "C" and separately designate the new lands. All lands must be tabulated on LQD Forms C-1 and C-2 and signed by the applicant. If new lands are not being added, renew this section by reference to the previous term of permit document.

See Guideline 6A for a complete outline of required information.

Appendix "E"

Completely update the map(s) as necessary for new lands being added to the permit.

Refer to Guideline 6A for the information required.

Notes about the Applicant:

Note: Where "Statement of Compliance" and "Identification of Interest" information is required for the applicant, the following is a guide for determining who the applicant is:

Corporations:

close corporations, joint stock companies (rare): the named entity itself is the applicant

Partnership:

the partnership itself and each partner

Joint Venture:

same as partnership

Limited Partnership:

the limited partnership itself and each general partner (not the limited partners, they are mere investors)

Statement of Compliance

Update applicable sections, following the outline of required information provided in Guideline 6A.

Identification of Interests

Update applicable sections as necessary providing all information outlined in Guideline 6A.

Proof of Publication

Land Quality Division will provide publication notice format. Publication and notification is not to begin until written consent from the Land Quality Division has been received. Provide an original, signed affidavit of publication from each publishing newspaper.

Proof of Notice will now consist of the affidavit of publication executed by the newspaper.

Proof of Filing will continue to consist of an affidavit of filing from the County Clerk.

Proof of Notification

Applies to all owners of record of the surface and mineral rights within the permit area; owners of record of surface rights of adjacent lands; and all persons within one-half (1/2) mile having a valid legal estate of record. The notice must be sent within five (5) days after the publication to all above owners of record. Proof of mailing shall consist of one (1) of the following:

1. PS Form 3877
 - a. All three (3) blocks of the lower left-hand corners of the form must be completed by a U.S. Postal Service representative.
 - b. The receipts must be affixed to 8 1/2" x 11" sheets and placed in the identical order of the names listed in Appendices A, B, and the water rights owners listed in Appendix D6 and paginated for insertion into the application.
 - c. Two copies must be submitted, the original and a photo copy.
2. PS Form 3817

- a. Same as 1. b. and c.
3. PS form 3800

- a. Same as 1. b. and c.

The original, plus one copy, of the receipts must be submitted to LQD for validation. The receipts must be affixed to 8" x 10" sheets and placed in either alphabetic order or in the exact same order as the names listed in Appendix A, B, and the water rights owners listed in D6 who are within 1/2 mile of the permit area.

II) Part II - Supporting Information

All Appendix D, Mine Plan, and Reclamation Plan material must be updated as necessary.

Proposed new lands will require complete baseline information, as well as Mine Plan and Reclamation Plan material. In addition, updated material must be submitted for all changes to the previous term's approved permit document, including changes approved earlier as modifications, etc., and those proposed with the renewal application. Provide a table of contents to identify new or updated material.

Where operational monitoring has added to the baseline data base, updated material which presents and discusses this information must be provided.

Please refer to Part II of Guideline 6A for an outline of the types of supporting information needed and the desired overall format of this material.

III) Part III - Maps and Aerial Photos

Maps and cross-sections provided with the renewal application should provide the information and scales discussed in Part III of Guideline 6A.

NOTE: When new lands are being brought in, all permit maps should be revised to show the entire proposed permit area, i.e., supplementary maps showing just the new land should not be submitted.

IV) Part IV - Certification of maps and plans (reference Land Quality Division Coal Rules and Regulations Chapter II, Sections 2.a.(vi)(J) and b.(i)(D)).

All maps must be certified as outlined in Part IV of Guideline 6A.

V) Part V - General Information

Once approved, the application in conjunction with the Act and Regulations will constitute the enforcement or contractual document which the Department of Environmental Quality, Land Quality Division, will refer to during compliance inspections and reviews of the mining operation. The design of the Mine and Reclamation Plans must be based on site-specific conditions. Where success of specific prescribed techniques is questionable, alternative actions should be discussed under the appropriate sections of the application.

ATTACHMENT A

WYOMING DEQ-LQD INSURANCE CERTIFICATES

CERTIFICATE REQUIREMENTS

1. The certificate must be issued by an insurance company **authorized to do business in the United States**. [W.S. ' 35-11-406(a)(xiii)].
2. The **permittee** must be named as insured. [W.S. ' 35-11-406(a)(xiii)].
3. Required **liability limits**:

Bodily Injury \$300,000 minimum each occurrence
\$500,000 aggregate

Property Damage \$300,000 minimum each occurrence
\$500,000 aggregate

If multiple policies are in place, the primary policy must provide the minimum coverage required. [Regulations, Chapter XII, Section 2.(i)].
4. If **multiple mine sites** are covered, the insurance company must provide a statement of the total number of mines covered by the policy to ensure that the aggregate limits per mine are met. [Regulations, Chapter XII, Section 2.(i)].
5. **Self insurance retainer** (SIR) (in effect a deductible) is not allowed. First dollar coverage is required. [W.S. ' 35-11-406(a)(xiii), Regulations Chapter XII, Section 2.(i)].
6. Damage due to **explosives** must be included under the general liability. [W.S. ' 35-11-406(a)(xiii)].
7. The **permit number** of the mine site must be stated under description of operations. [W.S. ' 35-11-406(a)(xiii)]. Please add "and subsequent renewals" after the permit number.
8. The **certificate holder** must be:

Wyoming Department of Environmental Quality
Land Quality Division
122 W. 25th Street
Cheyenne, WY 82002

[W.S. ' 35-11-406(a)(xiii)].
9. The **capacity of authorized representative** (i.e., agent, manager, etc.) must be stated and the signature notarized. [Wyoming Insurance Code, W.S. ' 25-3-127(a)].

10. A statement is required whereby the insurance company must notify the DEQ/LQD **45** days prior to any **substantive changes** in the policy, including cancellation and/or failure to renew.

The cancellation policy may **not** include the wording "endeavor to" or "but failure to mail such notices shall impose no obligation or liability of any kind upon the company."

[Regulations, Chapter XII, Section 2.(j) and Wyoming Insurance Code, W.S. ' 26-25-101].

11. If you have a "Claims Made" policy, the insurance company must provide a statement verifying nose or tail coverage dates to substantiate **continuous coverage**. [W.S. ' 26-35-406(xiii), Regulations, Chapter XII, Section 2.(j)].