SENATE FILE NO. SF0027

Limited mining operations.

Sponsored by: Senator(s) Bebout

A BILL

for

AN ACT relating to environmental quality; authorizing modification or suspension of certain requirements for limited mining operations as specified; providing a per acre maximum dollar amount for a reclamation performance bond for limited surface mining operations which do not require a permit under the Environmental Quality Act; amending bonding requirements for small mining operations requiring a permit under the Environmental Quality Act; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-11-401(e)(vi) and 35-11-417(c)(i) and (ii) are amended to read:

35-11-401. Compliance generally; exceptions.

(e) The provisions of this article shall not apply to any of the following activities:

(vi) ~~Surface~~ Limited mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of ~~ten (10)~~ fifteen (15) acres or less of affected land, excluding roads used to access the mining operation, if the operator has written permission for the operation from the owner and lessee, if any, of the surface. ~~; provided that~~ The operator shall notify the land quality division of the department of environmental quality and the inspector of mines within the department of workforce services of the location of the land to be mined and the postal address of the operator at least thirty (30) days before commencing operations. ~~;~~ A copy of the notice shall also be mailed to all surface owners located within one (1) mile of the proposed boundary of the limited mining operation at least thirty (30) days before commencing operations. Limited mining operations authorized under this paragraph are subject to the following:

(A) Before commencing any limited mining operations, the operator shall file a bond to insure

reclamation in accordance with the purposes of this act in the amount of two thousand dollars ($2,000.00) per acre, except for quarries for which the bond amount shall not exceed three thousand dollars ($3,000.00) per acre of affected land including roads used to access the mining operation. Within ninety (90) days after limited mining operations commence, the administrator may require the operator to post an additional bond per acre of affected land if he determines that such amount is necessary to insure reclamation. The operator shall post the additional bond not later than thirty (30) days after receipt of such notification;

(B) After the limited mining operations have ceased or within thirty (30) days after abandonment of the limited mining operation, the operator shall notify the administrator of such fact and commence reclamation and restoration in compliance with the rules and regulations of the land quality division of the department of environmental quality. The rules and regulations for reclamation shall at all times be reasonable; and

(C) Immediate reclamation will not be required if the landowner advises the department in writing

of his intent to further utilize the product of the mine, and if he assumes the obligation of reclamation.

35-11-417. Bonding provisions.

(c) The amount of any bond to be filed with the administrator prior to commencing any mining shall be:

(i) For an initial bond the amount equal to the estimated cost of reclaiming the affected land disturbed and restoring, as defined in W.S. 35-11-103(f)(iii), any groundwater disturbed by in situ mining during the first year of operation under each permit. The estimated cost shall be based on the operator's cost estimate submitted with the permit plus the administrator's estimate of the additional cost to the state of bringing in personnel and equipment should the operator fail or the site be abandoned. In no event shall the bond be less than ten thousand dollars ($10,000.00), except for ~~sand and gravel, pumice, scoria or jade~~ limited mining operations authorized and bonded under W.S. 35-11-401(e) or any noncoal mine~~, except surface coal mines,~~ the affected land of which, excluding roads, is ten (10) acres or less, in which case the bond amount shall be set by the administrator with

approval of the director to cover the cost of reclamation, and in no event less than two hundred dollars ($200.00) per acre, for affected land;

(ii) For renewal bonds the amount equal to the estimated cost of reclaiming the land to be disturbed during that renewal period, and the estimated cost of completing reclamation of unreleased lands and groundwater disturbed during prior periods of time. The estimated cost shall be based on the operator's cost estimate, which shall include any changes in the actual or estimated cost of reclamation of unreleased affected lands, plus the administrator's estimate of the additional cost to the state of bringing in personnel and equipment should the operator fail or the site be abandoned. In no event shall the bond be less than ten thousand dollars ($10,000.00), except for ~~sand and gravel, pumice, scoria or jade~~ limited mining operations authorized and bonded under W.S. 35-11-401(e) or any noncoal mine~~, except surface coal mines,~~ the affected land of which, excluding roads, is ten (10) acres or less, in which case the bond amount shall be set by the administrator with approval of the director to cover the cost of reclamation, and in no event less than two hundred dollars ($200.00) per acre, for affected land.

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2 **Section 2.** W.S. 35-11-401(e)(vii) through (ix) is

3 repealed.

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5 **Section 3**. This act is effective July 1, 2013.

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7 (END)