

SENATE FILE NO. SF0027

Limited mining operations.

Sponsored by: Senator(s) Bebout

A BILL

for

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

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

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

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16 **35-11-401. Compliance generally; exceptions.**

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

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4 (vi) ~~Surface~~Limited mining operations, whether
5 commercial or noncommercial, for the removal of sand,
6 gravel, scoria, limestone, dolomite, shale, ballast or
7 feldspar from an area of ~~ten (10)~~fifteen (15) acres or
8 less of affected land, excluding roads used to access the
9 mining operation, if the operator has written permission
10 for the operation from the owner and lessee, if any, of the
11 surface; provided that the operator shall notify the land
12 quality division of the department of environmental quality
13 and the inspector of mines within the department of
14 workforce services of the location of the land to be mined
15 and the postal address of the operator before commencing
16 operations.7 Limited mining operations authorized under
17 this paragraph are subject to the following:

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19 (A) Before commencing any limited mining
20 operations, the operator shall file a bond to insure
21 reclamation in accordance with the purposes of this act in
22 the amount of two thousand dollars (\$2,000.00) per acre,
23 except for quarries for which the bond amount shall not
24 exceed three thousand dollars (\$3,000.00) per acre of

1 affected land including roads used to access the mining
2 operation. Within ninety (90) days after limited mining
3 operations commence, the administrator may require the
4 operator to post an additional bond of one hundred dollars
5 (\$100.00) per acre of affected land if he determines that
6 such amount is necessary to insure reclamation. The
7 operator shall post the additional bond not later than
8 thirty (30) days after receipt of such notification;

9
10 (B) After the limited mining operations
11 have ceased or within thirty (30) days after abandonment of
12 the limited mining operation, the operator shall notify the
13 administrator of such fact and commence reclamation and
14 restoration in compliance with the rules and regulations of
15 the land quality division of the department of
16 environmental quality. The rules and regulations for
17 reclamation shall at all times be reasonable; and

18
19 (C) Immediate reclamation will not be
20 required if the landowner advises the department in writing
21 of his intent to further utilize the product of the mine,
22 and if he assumes the obligation of reclamation.

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24 **35-11-417. Bonding provisions.**

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

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5 (i) For an initial bond the amount equal to the
6 estimated cost of reclaiming the affected land disturbed
7 and restoring, as defined in W.S. 35-11-103(f)(iii), any
8 groundwater disturbed by in situ mining during the first
9 year of operation under each permit. The estimated cost
10 shall be based on the operator's cost estimate submitted
11 with the permit plus the administrator's estimate of the
12 additional cost to the state of bringing in personnel and
13 equipment should the operator fail or the site be
14 abandoned. In no event shall the bond be less than ten
15 thousand dollars (\$10,000.00), except for ~~sand and gravel,~~
16 ~~pumice, scoria or jade~~ limited mining operations authorized
17 and bonded under W.S. 35-11-401(e) or any noncoal mine,
18 ~~except surface coal mines,~~ the affected land of which,
19 excluding roads, is ten (10) acres or less, in which case
20 the bond amount shall be set by the administrator with
21 approval of the director to cover the cost of reclamation,
22 and in no event less than two hundred dollars (\$200.00) per
23 acre, for affected land;

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1 (ii) For renewal bonds the amount equal to the
2 estimated cost of reclaiming the land to be disturbed
3 during that renewal period, and the estimated cost of
4 completing reclamation of unreleased lands and groundwater
5 disturbed during prior periods of time. The estimated cost
6 shall be based on the operator's cost estimate, which shall
7 include any changes in the actual or estimated cost of
8 reclamation of unreleased affected lands, plus the
9 administrator's estimate of the additional cost to the
10 state of bringing in personnel and equipment should the
11 operator fail or the site be abandoned. In no event shall
12 the bond be less than ten thousand dollars (\$10,000.00),
13 except for ~~sand and gravel, pumice, scoria or jade~~ limited
14 mining operations authorized and bonded under W.S.
15 35-11-401(e) or any noncoal mine, ~~except surface coal~~
16 ~~mines~~, the affected land of which, excluding roads, is ten
17 (10) acres or less, in which case the bond amount shall be
18 set by the administrator with approval of the director to
19 cover the cost of reclamation, and in no event less than
20 two hundred dollars (\$200.00) per acre, for affected land.

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

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