

HOUSE BILL NO. HB0033

Mining operations-blasting requirements.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; specifying
2 requirements for the use of explosives in noncoal surface
3 mining operations; requiring a blasting plan for specified
4 mining operations; requiring rulemaking; making conforming
5 amendments; authorizing positions; providing an
6 appropriation; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 35-11-401(e)(vi) by creating a new
11 subparagraph (G), (j) and (k) by creating a new paragraph
12 (vii), 35-11-402 by creating a new subsection (d),
13 35-11-406(b) by creating a new paragraph (xxi) and
14 35-11-415(b) by creating a new paragraph (xiii) are amended
15 to read:

1

2 **35-11-401. Compliance generally; exceptions.**

3

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

6

7 (vi) Limited mining operations, whether
8 commercial or noncommercial, for the removal of sand,
9 gravel, scoria, limestone, dolomite, shale, ballast or
10 feldspar from an area of fifteen (15) acres or less of
11 affected land, excluding roads used to access the mining
12 operation, if the operator has written permission for the
13 operation from the owner and lessee, if any, of the
14 surface. The operator shall notify the land quality
15 division of the department of environmental quality and the
16 inspector of mines within the department of workforce
17 services of the location of the land to be mined and the
18 postal address of the operator at least thirty (30) days
19 before commencing operations. A copy of the notice shall
20 also be mailed to all surface owners located within one (1)
21 mile of the proposed boundary of the limited mining
22 operation at least thirty (30) days before commencing
23 operations. The operator shall notify the land quality

1 division of the department of environmental quality of the
2 date of commencement of limited mining operations within
3 thirty (30) days of commencing operations. Limited mining
4 operations authorized under this paragraph are subject to
5 the following:

6

7 (G) Limited mining operations shall be
8 subject to rules governing the use of explosives pursuant
9 to W.S. 35-11-402(d).

10

11 (j) The council, upon recommendation from the
12 advisory board through the administrator and director, may
13 modify or suspend certain requirements of W.S.
14 35-11-406(a), ~~(b)~~(b)(i) through (xx), (d), (f) and (g) by
15 rules and regulations, for surface mining operations
16 involving not more than thirty-five thousand (35,000) yards
17 of overburden, excluding topsoil, and ten (10) acres of
18 affected land in any one (1) year, if the application
19 requirements ~~insure~~ensure reclamation in accordance with
20 the purposes of this act. Roads used to access a mining
21 operation permitted under this section shall be excluded
22 from the annual ten (10) acres of affected land limit, but

1 shall be included in the permit and bonded for reclamation
2 liability.

3

4 (k) An operator conducting operations pursuant to
5 W.S. 35-11-401(e)(vi) shall file an annual report with the
6 administrator on or within thirty (30) days prior to the
7 anniversary date of the commencement date of initial
8 operation. The report shall contain:

9

10 (vii) If the operations include the use of
11 explosives, information that the operator must maintain
12 under W.S. 35-11-402(d)(iii) and any other information on
13 the use of explosives required by rule.

14

15 **35-11-402. Establishment of standards.**

16

17 (d) The council shall, upon recommendation by the
18 administrator and the director, establish rules governing
19 the use of explosives at new and existing non-coal surface
20 mining operations. Rules promulgated under this subsection
21 shall, at a minimum:

22

1 (i) Include standards and procedures to ensure
2 that explosives are used only in accordance with state and
3 federal law and regulations;

4
5 (ii) Incorporate applicable standards provided
6 in the International Fire Code, Chapter 56, Section 5607,
7 Blasting and in the National Fire Protection Association
8 Explosives Material Code 495, Chapter 10, Use of Explosive
9 Materials for Blasting;

10
11 (iii) Include requirements for the operator to
12 maintain for not less than three (3) years and to make
13 available for public inspection a log detailing the
14 location of any blasts, the pattern and depth of drill
15 holes, the amount of explosives used for each hole and the
16 order and length of delay in the blast;

17
18 (iv) Establish the types of explosives and
19 detonation equipment to be used and the size, timing and
20 frequency of blasts based on the site's physical conditions
21 so as to prevent:

22
23 (A) Injury to persons;

1

2

(B) Damage to public and private property
outside of the permit area;

4

5

(C) Adverse impacts on any underground
mine;

7

8

(D) Adverse impacts on any water source or
water resource.

10

11

(v) Require that all blasting operations be
conducted by trained and competent persons, as certified by
the administrator.

14

15

**35-11-406. Application for permit; generally; denial;
limitations.**

17

18

(b) The application shall include a mining plan and
reclamation plan dealing with the extent to which the
mining operation will disturb or change the lands to be
affected, the proposed future use or uses and the plan
whereby the operator will reclaim the affected lands to the
proposed future use or uses. The mining plan and

23

1 reclamation plan shall be consistent with the objectives
2 and purposes of this act and of the rules and regulations
3 promulgated. The mining plan and reclamation plan shall
4 include the following:

5

6 (xxi) A blasting plan that shall outline the
7 procedures and standards by which the operator of a noncoal
8 surface mine will comply with the standards specified and
9 the rules promulgated under W.S. 35-11-402(d).

10

11 **35-11-415. Duties of operator.**

12

13 (b) The operator, pursuant to an approved surface
14 mining permit and mining plan and reclamation plan, or any
15 approved revisions thereto, shall:

16

17 (xiii) Comply with the blasting plan required
18 and submitted under W.S. 35-11-406(b)(xxi) for the use of
19 explosives at noncoal surface mining operations.

20

21 **Section 2.**

22

1 (a) The department of environmental quality is
2 authorized up to one (1) full-time position for the period
3 beginning with the effective date of this section and
4 ending June 30, 2026 for purposes of implementing this act.
5 It is the intent of the legislature that the department of
6 environmental quality include this full-time position in
7 its standard budget request for the immediately succeeding
8 fiscal biennium.

9

10 (b) There is appropriated five hundred two thousand
11 eight hundred forty-six dollars (\$502,846.00) from the
12 general fund to the department of environmental quality for
13 the period beginning with the effective date of this
14 section and ending June 30, 2026 to be expended only for
15 purposes of funding the position authorized in subsection
16 (a) of this section. This appropriation shall not be
17 transferred or expended for any other purpose and any
18 unexpended, unobligated funds remaining from this
19 appropriation shall revert as provided by law on June 30,
20 2026. It is the intent of the legislature that four hundred
21 two thousand eight hundred forty-six dollars (\$402,846.00)
22 of this appropriation be included in the standard budget

