



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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July 17, 1992

TO: AD-HOC Committee

FROM: Randy Harden, Reclamation Engineer 

RE: Status of AD-HOC Committee work on Permit Changes

SUMMARY

Initial emphasis on permit changes by the committee as a result of the committee's last meeting was to derive a process for submitting and processing permit changes. The attached forms present a draft summary of permit changes, with a focus on Permit Amendments. Below is a draft of the information which is intended to be incorporated into the guidelines for form and format. After review and discussion, finalized forms and procedures for all permit changes should follow rather rapidly.

ANALYSIS

The regulatory requirements for permit changes are found in part R645-303-200 of the Coal Mining Rules. In accordance with the requirements of that section, changes to an existing permit are categorized as either Significant Permit Revisions or Permit Amendments.

In accordance with R645-301-123, applications for permits; permit changes; permit renewals; or transfers, sales or assignments of permit rights will contain the notarized signature of a responsible official of the applicant, that the information contained in the application is true and correct to the best of the official's information and belief.

At any time during the term of a permit, the Permittee may submit to the Division, an Application for Permit Change. The Division will review and respond to an initial Application for a Permit Change within 15 days of receipt of the application. The Application for Permit Change will identify the proposed change, or changes, and include the information required to the extent applicable to the proposed change or changes.

The Permittee will obtain approval of a permit change by making application for changes in the method of conduct of mining or reclamation operations or in the conditions authorized or required under the approved permit; provided, however, that any extensions to the approved permit area, except for Incidental Boundary Changes, must be processed and approved through application for a new permit.

An Application for Permit Change must be categorized and processed as a Significant Permit Revision for any of the following changes or circumstances:

1. An increase in the size of the surface or subsurface disturbed area in an amount of 15 percent, or greater, than the disturbed area under the approved permit;
2. Engaging in operations outside of the cumulative impact area as defined in the Cumulative Hydrologic Impact Assessment (CHIA);
3. Engaging in operations in hydrologic basins other than those authorized in the approved permit;
4. When required by a Division Order;
5. In order to continue operation after the cancellation or material reduction of the liability insurance policy, capability of self-insurance, performance bond, or other equivalent guarantee upon which the original permit was issued; or
6. As otherwise required under applicable law or regulation.

The Application for Permit Change will be categorized as a Significant Permit Revision if it involves any of the changes or circumstances stated above. All other Applications for Permit Change, including Incidental Boundary Changes, will be categorized as Permit Amendments.

Applications for Significant Permit Revisions and Permit Amendments will be submitted to the Division at least 120 days and 60 days, respectively, before the change in operations is expected to be implemented.

Significant Permit Revisions will be reviewed and processed by the Division, including requirements for notice, public participation, and notice of decision. Permit Amendments will not be subject to requirements for notice, public participation, or notice of decision.

The Division will approve or disapprove the Application for Significant Permit Revisions and Permit Amendments, within 120 days and 60 days, respectively, of receipt by the Division of the Administratively Complete Application for Permit Change. The Director may extend the designated time period if it is determined that due to weather conditions, or other considerations, it is physically impossible to perform the review of the Application for Permit Change within that time period.

In accordance with the requirements of the regulations, application review will not exceed the following time periods for Permit change applications:

Significant Permit Revisions	- 120 days.
Permit Amendments	- 60 days.
Permit Renewal	- 120 days.
New Underground Mine Applications	- One year.
New Surface Mine Applications	- One year.

However, time will be counted as cumulative days of Division review and will not include operator response time or time delays attributed to informal or formal conferences or Board hearings.

The applicant for a permit or permit change will have the burden of establishing that their application is in compliance with all the requirements of the State Program.

Form and Format for Permit Changes.

The Application for Permit Change form initiates the permit change process by the permittee. For the Applicant, information of the form is intended to meet the minimum requirements for the submittal of an application for permit change, including the notarized signature of a responsible official of the applicant, a title and brief description of the proposed changes, and a checklist indicating what effects the proposed change has on the permit and the mining and reclamation plan. For the Division, the form allows initiation of the initial review of the change, categorization of the permit action required, determination as to which other agencies will be involved in the review, and a final check to ensure that the process was completed. This form, Application for Permit Change, is shown in draft and is attached for review and comments.

After initial review of the application, the Division will utilize a Permit Tracking form to organize and document the review process and status of the proposal. The primary function of the Permit Tracking form is to assign reviewers to the proposal and to detail the chronology of the permit change. This form has not been included as part of this initial consideration.

Finally a Permit Amendment Application Approval form has been developed to meet the minimum regulatory requirements for the processing permit amendments. This form also serves to clearly and formally adopt and incorporate the amendment into the Existing Permit and to identify any special conditions or stipulations which may have resulted from approval of the proposed changes.

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RECOMMENDATIONS

The establishment of distinct and specific procedures for processing permit changes is essential to developing clear and concise mining and reclamation plans and to streamlining the permit review process. Development of these procedures for amendments, significant permit revisions, permit transfers, and new permit actions will also serve to outline the development of the form and format for the mining and reclamation plan itself.

A critical review of the organization and information to be provided on the forms is essential to finalization and implementation of their objectives.

cc: L. Braxton, DOGM
R. Daniels, DOGM
M. Glasson, Andalex
B. Grimes, Plateau
P. Grubaugh Littig, DOGM
D. Haddock, DOGM
R. Harden, DOGM
K. May, Utah Fuel
V. Payne, PacifiCorp
K. Zobel, Utah Fuel

APPLICATION FOR PERMIT CHANGE

Title of Change:		Permit Number: / /		
Description, include reason for change and timing required to implement:		Mine:		
		Permittee:		
		DOGM USE ONLY		
		Permit Change #:		
		Date Received:		
		Review of Initial Application (15 days)	DUE	DONE
		Initial Application has been:		
		<input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED		
		Reviewer: _____		
		PERMIT ACTION		
		REQUIRED	DUE	DONE
		<input type="checkbox"/> Application Denial		
		<input type="checkbox"/> New Permit Action		
		<input type="checkbox"/> Significant Revision		
		<input type="checkbox"/> I.B.C.		
		<input type="checkbox"/> Permit Amendment		
		<input type="checkbox"/> None Required		
		OTHER AGENCY REVIEWS		
		AGENCY COPIES ()	DUE	RECV'D
		<input type="checkbox"/> OSMRE ()		
		<input type="checkbox"/> USFS ()		
		<input type="checkbox"/> BLM ()		
		<input type="checkbox"/> USFWS ()		
		<input type="checkbox"/> NPS ()		
		<input type="checkbox"/> DEQ ()		
		<input type="checkbox"/> UDWR _(Water) ()		
		<input type="checkbox"/> H ₂ O RTS ()		
		<input type="checkbox"/> HISTORY ()		
		<input type="checkbox"/> UDWR _(Wildlife) ()		
		<input type="checkbox"/> OTHER ()		
		# of Copies Req'd.	# of Copies Rec'd.	
		Final Proposal <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
		Date of Finding:		
		Date of Notice to Permittee:		
		<input type="checkbox"/> Insert Changes into Plan and File		

<input type="checkbox"/> YES	<input type="checkbox"/> NO	1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> YES	<input type="checkbox"/> NO	2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> YES	<input type="checkbox"/> NO	3. Will change include operations outside the Cumulative Hydrologic Impact Area?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	4. Will change include operations in hydrologic basins other than currently approved?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	5. Does change result from cancellation or reduction of insurance or reclamation bond?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	6. Permit change as a result of a Violation? Violation # _____
<input type="checkbox"/> YES	<input type="checkbox"/> NO	7. Permit change as a result of a Division Order? D.O.# _____
<input type="checkbox"/> YES	<input type="checkbox"/> NO	8. Permit change as a result of other laws or regulations? Explain: _____
<input type="checkbox"/> YES	<input type="checkbox"/> NO	9. Does change include or require ownership, control or compliance information?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	10. Does the change affect or change the post mining land use?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	11. Does change include collection and reporting of any baseline information?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	12. Could the change have any effect on wildlife or vegetation?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	13. Does change include soil removal, storage or placement?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	14. Does change include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	15. Does change include construction, modification, or removal of surface facilities?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	16. Does change include water monitoring, sediment or drainage control measures?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	17. Does change require certified designs, maps, or calculations?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	18. Will change affect underground design or mine sequence and timing?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	19. Will change affect subsidence control or monitoring?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	20. Have reclamation costs been provided for any change in the reclamation plan?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	21. Is change within 100 feet of a public road or 500 feet of an occupied dwelling?
<input type="checkbox"/> YES	<input type="checkbox"/> NO	22. Is this change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area?

Attach a complete copy of the proposed permit change as it would be incorporated into the MRP.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Signed - Name - Position - Date _____

Subscribed and sworn to before me this _____ day of _____, 19 _____.

Notary Public

My Commission Expires: _____, 19 _____ }
Attest: STATE OF _____ } ss:
COUNTY OF _____ }

PERMIT AMENDMENT APPLICATION APPROVAL

PERMIT CHANGE #:	EFFECTIVE DATE:	PERMIT NUMBER: / /
Title:		MINE:
		PERMITTEE:

WRITTEN FINDINGS FOR PERMIT APPLICATION APPROVAL	YES	NO or N/A
1. The application is complete and accurate and the applicant has complied with all the requirements of the State Program.		
2. The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations, unless: A. The applicant has demonstrated that before January 4, 1977, substantial legal and financial commitments were made in relation to the operation covered by the permit application, or B. The applicant has demonstrated that the proposed permit area is not within an area designated as unsuitable for mining pursuant to R645-103-300 and R645-103-400 or 30 CFR 769 or subject to the prohibitions or limitations of R645-103-230.		
3. For coal mining and reclamation operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Division the documentation required under R645-301-114.200.		
4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.		
5. The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.).		
6. The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Division has determined that no additional protection measures are necessary.		
7. The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.		
8. The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302.		
9. The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870.		
10. The Applicant has satisfied the applicable requirements of R645-302.		
11. The Applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use, in accordance with the requirements of R645-301-353.400.		

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL	YES	NO or N/A
1. Are there any variances associated with the permit approval? If yes, attach.		
2. Are there any special conditions associated with the permit approval? If yes, attach.		
3. Are there any stipulations associated with the permit approval? If yes, attach.		

The Division hereby grants approval for amendment of the permit by incorporation of the proposed changed described herein. All other terms and conditions of the Existing Permit shall be maintained and in effect except as superseded by this Permit Amendment.

Signed _____
 Dianne R. Nielson, Ph.D., Director, Division of Oil, Gas and Mining

Date _____