



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

April 4, 1985

Mr. Allen D. Emmel
Environmental Planning Coordinator
Tower Resources
P.O. Box 902
Price, Utah 84501

ACT/007/019 A

Dear Mr. Emmil:

Re: Final Rules on Amendment and Incidental Boundary Change
Definitions

Enclosed is a copy of the language which the Board adopted on January 31, 1985. This language has been finalized as a State regulation on March 21, 1985, but has not yet been approved by the Secretary of the Interior for inclusion in the approved State program.

I hope this information is helpful to you. If you have any additional comments or questions please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Suchoski".

Thomas J. Suchoski
Geologist

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FINAL RULE SMC/UMC 700.5 Definitions
"Amendment" and "Incidental Boundary Change"
FINAL RULE SMC/UMC 788.12 Permit Revisions
DOCKET NO. 85-008
CAUSE NO. ARM-7603

Public Hearing Held on January 24, 1985 at the
Division of Oil, Gas and Mining Board Room
355 West North Temple, 3 Triad Center, Suite 301
Salt Lake City, Utah 84180-1203
Final Adoption by the Board
January 31, 1985

SMC/UMC 700.5 Definitions

"Amendment" - Those insignificant revisions or changes to the approved permit not meeting the criteria as defined under SMC/UMC 788.12.

"Incidental Boundary Change" - Additions or deletions to the originally approved permit area boundary which are less than 1%, or 10 acres, whichever is smaller. All approved incidental boundary changes over the five-year permit term shall be considered cumulative.

SMC/UMC 788.12 Permit Revisions

(a) A revision to a permit shall be obtained --

(1) For changes in the underground coal mining activities described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. Significant departures from the method of conduct of mining or reclamation operations may include, but not be limited to:

(i) An increase in the size of the surface or subsurface area disturbed in an amount of 15%, or greater, than the originally approved area disturbed; or

(ii) Engaging in operations outside of the cumulative impact area as defined in the Cumulative Hydrologic Impact Assessment (CHIA); or

(iii) Engaging in operations in hydrologic basins other than those originally approved by the Division; or

(iv) Utilizing additional areas for refuse dumps, waste dumps, tailings ponds, culm banks.

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- (2) When required by an order issued under SMC/UMC 788.11;
- (3) In order to continue operation after the cancellation or material reduction of the liability insurance policy, capability or self-insurance, performance bond, or other equivalent guarantee upon which the original permit was issued.
- (b) The application for revision shall be filed in accordance with the following:
- (1) The permittee shall submit the application to the Division within the time provided for by SMC/UMC 771.21(b)(3);
- (2) An application for a revision will be submitted and shall be subject to the procedures of SMC/UMC 771, 786, 787, UMC 782, and SMC 778 (except as provided for under SMC/UMC 788.12(b)(3) below). Any application for a revision which proposes significant alterations in the operations described in the materials submitted in the application for the original permit under UMC 782, 783, 784, 785, or SMC 778, 779, 780, or 785 or in the conditions of the original permit, shall also be subject to the requirements of SMC/UMC 786 and 787;
- (3) If the Division determines that the application for a revision proposes a permit change not included within the scope of Subpart 788.12(a), it shall be classified as a permit amendment. Permit amendments will be filed with the Division, processed and approved in accordance with the requirements of SMC/UMC 771.23, 785, 787, UMC 782, 783, 784, and SMC 778, 779, and 780.
- (c) The Division shall approve or disapprove the complete application for a revision, in accordance with the requirements of SMC/UMC 786, within 60 days of receipt by the Division of a complete application for a revision. The Division Director may extend the 60-day time period if it is determined that due to weather conditions, or other considerations, it is physically impossible to perform the review of the complete application for a revision.
- (d) The Division shall approve or disapprove the complete application for an amendment, within 60 days of receipt by the Division of a complete application for an amendment. The Division Director may extend the 60-day time period if it is determined that due to weather conditions, or other considerations, it is physically impossible to perform the review of the complete application for an amendment.
- (e) Any extensions to the area covered by a permit, except for incidental boundary changes, shall be made by application for a new

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permit and shall not be approved under this Part. Incidental boundary changes may be considered under the category of a permit amendment and shall be subject to the same procedures for application, review and approval as defined above in SMC/UMC 788.12(b)(3),(d).

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