

40-10-13 Advertisement of ownership, location, and boundaries -- Notice to interested agencies or bodies -- Objections -- Conference.

- (1)
 - (a) At the time of submission of an application for a surface coal mining and reclamation permit, or revision of an existing permit pursuant to the provisions of this chapter, the applicant shall submit to the division a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected.
 - (b) At the time of submission the advertisement shall be placed by the applicant:
 - (i) in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks; and
 - (ii) as required in Section 45-1-101.
 - (c) The division shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities of water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected.
 - (d) These local bodies, agencies, authorities, or companies may submit written comments within a reasonable period established by the division on the mining applications with respect to the effects of the proposed operation on the environment which are within their area of responsibility.
 - (e) These comments shall immediately be transmitted to the applicant by the division and shall be made available to the public at the same locations as are the mining applications.
- (2)
 - (a) Any person having an interest which is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operations with the division within 30 days after the last publication of the notice. These objections shall immediately be transmitted to the applicant by the division and shall be made available to the public.
 - (b) If written objections are filed and a conference requested, the division shall then hold a conference within a reasonable time of the receipt of the objections or request. The conference shall be informal and shall be conducted in accordance with the procedures described in this Subsection (2)(b), irrespective of the requirements of Section 63G-4-203, Administrative Procedures Act. The conference shall be held in the locality of the coal mining and reclamation operation if requested within a reasonable time after written objections or the request for an informal conference are received by the division. The date, time, and location of the conference shall be advertised by the division in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The division may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding unless waived by all parties. This record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting the conference stipulate agreement prior to the requested conference and withdraw their request, the conference need not be held.

Amended by Chapter 388, 2009 General Session