

**40-10-6 Powers, functions, and duties of board and division.**

In addition to those provided in Title 40, Chapter 8, Utah Mined Land Reclamation Act, the board and division have the following powers, functions, and duties:

- (1) to make and promulgate in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the rules as are specifically necessary for the regulation of coal mining operations and reclamation operations;
- (2) to authorize its employees, agents, or contractors to enter upon any property for the purpose of carrying out the provisions of this chapter and Title 40, Chapter 8, Utah Mined Land Reclamation Act;
- (3) to establish specific reclamation and performance standards for new and existing coal mining operations and to effectuate these standards retroactively;
- (4) to prohibit mining and exploration operations without a permit and to establish procedures and requirements for the preparation, submission, approval, denial, termination, and modification of applications for coal mining and reclamation permits and for coal exploration permits;
- (5) to set and assess an application fee based on no more than the actual cost of review and processing of the application, this fee to accompany each application for a surface coal mining and reclamation permit and each application for an exploration permit;
- (6) to establish procedures and detailed requirements for all reclamation plans submitted as part of a permit application;
- (7) to condition the issuance of a permit to commence or continue surface mining operations upon the posting of performance bonds, deposits, or sureties and to make provision for the release of same in compliance with the requirements of this chapter;
- (8) to appoint or employ technical support, legal services, or independent consultants in furtherance of the objectives of this chapter and shall be responsible for coordination with other agencies in matters relating to mined land reclamation and the application of related law; and
- (9) to do all other things and take such other actions retroactively or otherwise within the purposes of this chapter as may be necessary to enforce its provisions.

Amended by Chapter 382, 2008 General Session