

1 **AMENDMENTS TO COAL MINING AND**
2 **RECLAMATION**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Dmitrich**

6 House Sponsor: Brad King

8 **LONG TITLE**

9 **General Description:**

10 This bill amends a coal mining and reclamation requirement.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ authorizes a person proposing to extend the area of a coal mining permit to file an
- 14 application for a significant revision of the permit; and
- 15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **40-10-12**, as last amended by Chapter 219, Laws of Utah 1994

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **40-10-12** is amended to read:

26 **40-10-12. Revised permit and reclamation plan -- Application -- Transfer,**
27 **assignment, or sale of rights -- Revision or modification of permit provisions.**

28 (1) (a) During the term of the permit, the permittee may submit an application for a
29 revision of the permit, together with a revised reclamation plan, to the division.

30 (b) An application for a revision of a permit shall not be approved unless the division
31 finds that reclamation as required by this chapter can be accomplished under the revised
32 reclamation plan.

33 (c) The revision shall be approved or disapproved within a period of time established
34 by the division.

35 (d) (i) The division shall establish guidelines [~~for a determination of~~] determining the
36 scale or extent of a revision request for which all permit application information, requirements,
37 and procedures, including notice and hearings, shall apply[~~;~~ ~~but any~~].

38 (ii) Any revisions [~~which~~] that propose significant alterations in the reclamation plan
39 shall, at a minimum, be subject to notice and hearing requirements.

40 [~~(c)~~] (e) Any extensions to the area covered by the permit, except incidental boundary
41 revisions, must be made by:

42 (i) an application for a significant revision of the permit; or

43 (ii) an application for another permit.

44 (2) No transfer, assignment, or sale of the rights granted under any permit issued
45 [~~pursuant~~] according to this chapter shall be made without the written approval of the division.

46 (3) (a) The division shall, within a time limit prescribed in rules [~~promulgated~~] adopted
47 by the board, review outstanding permits and may require reasonable revision or modification
48 of the permit provisions during the term of the permit[~~;~~ ~~but the~~].

49 (b) The revision or modification shall be:

50 (i) based upon a written finding; and

51 (ii) subject to notice and hearing requirements established by this chapter.