

ORIGINAL HOUSE
BILL NO. HB0033

ENROLLED ACT NO. 18, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to environmental quality; specifying requirements for the use of explosives in noncoal surface mining operations; requiring a blasting plan for specified mining operations; requiring rulemaking; making conforming amendments; authorizing positions; providing an appropriation; and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-11-401(e)(vi) by creating a new subparagraph (G), (j) and (k) by creating a new paragraph (vii), 35-11-402 by creating a new subsection (d), 35-11-406(b) by creating a new paragraph (xxi) and 35-11-415(b) by creating a new paragraph (xiii) are amended to read:

35-11-401. Compliance generally; exceptions.

(e) The provisions of this article shall not apply to any of the following activities:

(vi) Limited mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of fifteen (15) acres or less of affected land, excluding roads used to access the mining operation, if the operator has written permission for the operation from the owner and lessee, if any, of the surface. The operator shall notify the land quality division of the department of environmental quality and the inspector of mines within the department of workforce services of the location of the land to be mined and the postal address of the operator at least thirty (30) days before commencing operations. A copy of the notice shall also be mailed to all surface owners located within one (1)

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mile of the proposed boundary of the limited mining operation at least thirty (30) days before commencing operations. The operator shall notify the land quality division of the department of environmental quality of the date of commencement of limited mining operations within thirty (30) days of commencing operations. Limited mining operations authorized under this paragraph are subject to the following:

(G) Limited mining operations shall be subject to rules governing the use of explosives pursuant to W.S. 35-11-402(d).

(j) The council, upon recommendation from the advisory board through the administrator and director, may modify or suspend certain requirements of W.S. 35-11-406(a), ~~(b)~~(b)(i) through (xx), (d), (f) and (g) by rules and regulations, for surface mining operations involving not more than thirty-five thousand (35,000) yards of overburden, excluding topsoil, and ten (10) acres of affected land in any one (1) year, if the application requirements ~~insure~~ensure reclamation in accordance with the purposes of this act. Roads used to access a mining operation permitted under this section shall be excluded from the annual ten (10) acres of affected land limit, but shall be included in the permit and bonded for reclamation liability.

(k) An operator conducting operations pursuant to W.S. 35-11-401(e)(vi) shall file an annual report with the administrator on or within thirty (30) days prior to the anniversary date of the commencement date of initial operation. The report shall contain:

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(vii) If the operations include the use of explosives, information that the operator must maintain under W.S. 35-11-402(d)(iii) and any other information on the use of explosives required by rule.

35-11-402. Establishment of standards.

(d) The council shall, upon recommendation by the administrator and the director, establish rules governing the use of explosives at new and existing non-coal surface mining operations. Rules promulgated under this subsection shall, at a minimum:

(i) Include standards and procedures to ensure that explosives are used only in accordance with state and federal law and regulations;

(ii) Incorporate applicable standards provided in the International Fire Code, Chapter 56, Section 5607, Blasting and in the National Fire Protection Association Explosives Material Code 495, Chapter 10, Use of Explosive Materials for Blasting;

(iii) Include requirements for the operator to maintain for not less than three (3) years and to make available for public inspection a log detailing the location of any blasts, the pattern and depth of drill holes, the amount of explosives used for each hole and the order and length of delay in the blast;

(iv) Establish the types of explosives and detonation equipment to be used and the size, timing and frequency of blasts based on the site's physical conditions so as to prevent:

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(A) Injury to persons;

(B) Damage to public and private property
outside of the permit area;

(C) Adverse impacts on any underground
mine;

(D) Adverse impacts on any water source or
water resource.

(v) Require that all blasting operations be
conducted by trained and competent persons, as certified by
the administrator.

**35-11-406. Application for permit; generally; denial;
limitations.**

(b) The application shall include a mining plan and reclamation plan dealing with the extent to which the mining operation will disturb or change the lands to be affected, the proposed future use or uses and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses. The mining plan and reclamation plan shall be consistent with the objectives and purposes of this act and of the rules and regulations promulgated. The mining plan and reclamation plan shall include the following:

(xxi) A blasting plan that shall outline the
procedures and standards by which the operator of a noncoal
surface mine will comply with the standards specified and
the rules promulgated under W.S. 35-11-402(d).

35-11-415. Duties of operator.

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(b) The operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revisions thereto, shall:

(xiii) Comply with the blasting plan required and submitted under W.S. 35-11-406(b)(xxi) for the use of explosives at noncoal surface mining operations.

Section 2.

(a) The department of environmental quality is authorized up to one (1) full-time position for the period beginning with the effective date of this section and ending June 30, 2026 for purposes of implementing this act. It is the intent of the legislature that the department of environmental quality include this full-time position in its standard budget request for the immediately succeeding fiscal biennium.

(b) There is appropriated five hundred two thousand eight hundred forty-six dollars (\$502,846.00) from the general fund to the department of environmental quality for the period beginning with the effective date of this section and ending June 30, 2026 to be expended only for purposes of funding the position authorized in subsection (a) of this section. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2026. It is the intent of the legislature that four hundred two thousand eight hundred forty-six dollars (\$402,846.00) of this appropriation be included in the standard budget request of the department of environmental quality for the immediately succeeding fiscal biennium.

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Section 3. The environmental quality council, upon recommendation by the department of environmental quality, shall promulgate all rules necessary to implement this act.

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Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2024.

(b) Sections 3 and 4 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk