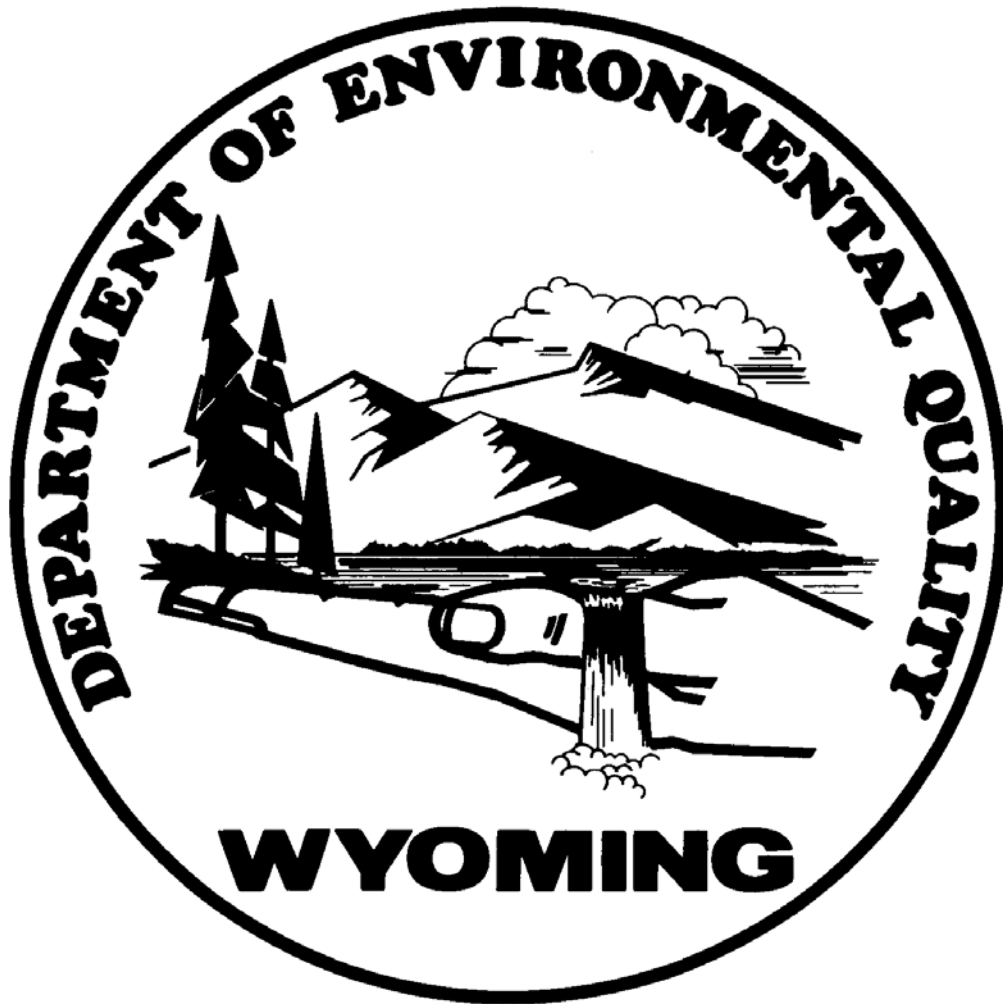


**DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION**



GUIDELINE No. 22

**VERIFICATIONS FOR PHASE 1 BOND RELEASE
FOR COAL MINES**

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I. INTRODUCTION

This document is a guideline only. Its contents should not be interpreted by applicants, permittees, interested members of the public or organizations or Department of Environmental Quality, Land Quality Division (LQD) staff, or other local, state or federal governmental agency staff as mandatory. Except for specifically referenced regulations, this document has not been subject to rulemaking procedures and the contents are not to be interpreted as regulatory requirements. This guideline is based upon applicable provisions of the Wyoming Environmental Quality Act (WEQA) and LQD Coal Rules and Regulations (LQD Coal R&R) and it contains statements of LQD policy and statements of LQD preferred procedures.

Permittees may propose alternative methods to achieve verifications within this guideline. If permittees propose alternative methods, the LQD District staff and Permittee should achieve basic agreement that the alternative methods are acceptable.

The LQD emphasizes that preliminary meetings and exchanges of information are crucial to achieving mutual agreement on the request components and to the timely coordination and execution of all steps in the release process.

Phase 1 Bond Release verifications apply to Categories 3 through 5 lands. Category 3 applies to lands supporting operations which were not completed or substantially completed prior to July 1, 1973 and any affected lands or structures taken out of use between July 1, 1973 and May 25, 1975. Category 4 applies to lands where coal was removed prior to May 3, 1978 but do not qualify for previous categories. Category 5 applies to lands where coal was not removed prior to May 3, 1978 or lands where structures were in mining related use on or after May 3, 1978. See Guideline No. 20 for more information on land Categories.

A. Applicable LQD Coal Rules & Regulations

Topic	Citation	Verification Requirements
Stream Channel Reconstruction Verification	Ch.4, Sec.2(e)(i)(B)&(C); (B) All diversions and associated structures shall be designed, constructed, maintained and used to ensure stability, prevent, to the extent possible using best technology currently available, additional contribution of suspended solids to stream flow outside the permit area, and comply with all applicable local, State and Federal rules; (C) Permanent diversions of intermittent and perennial streams shall be designed and constructed so as to be erosionally and geomorphically compatible with the natural drainage system.	Verified if permanent diversions and restored stream channels have been constructed per approved designs.
Stream Channel Reconstruction Verification	Ch.4,Sec.2(c)(xiii)(B); Acid-forming or toxic material, or any other waste material capable of polluting water, shall not be buried or stored in the proximity of a drainage channel or its flood plain so as to cause or pose a threat of water pollution.	Verified with a demonstration by the operator that materials beneath a drainage channel and flood plain have been sampled as per the permit and will not pose a threat of water pollution

Topic	Citation	Verification Requirements
Soil Depth Verification	Ch.4,Sec.2(c)(v)(A) ; Achieves an approximately uniform, stable thickness consistent with the approved permit and the approved postmining land uses, contours and surface water drainage systems. Soil thickness may also be varied to the extent such variations help meet the specific revegetation goals identified in the permit;	Verified if topsoil was redistributed in a manner that achieved thickness consistent with the approved permit.

B. Definitions

LQD Coal R&R, Chapter 1, Section 2 and W.S. §35-11-103 contain definitions and terms used in this guideline.

II. VERIFICATIONS FOR PHASE 1 BOND RELEASE

Rough Backfill Verification (RBV) for all lands for which Area Bond was held and all applicable Phase 1 Verifications listed in this guideline must be approved prior to a Chapter 15 Phase 1 Bond Release request. Details regarding the RBV process are discussed in Guideline No. 21.

A. Required Phase 1 Verifications

1. Stream Channel Reconstruction Verification (SCRV)

SCRV applies to Categories 3, 4, and 5.

Prior to a Phase 1 Bond Release request, there must be a demonstration that post mining designed drainages within the bond release unit are constructed as approved. Backfill quality under the stream channel and flood plains must meet standards set by permit commitments and LQD Coal R&R. SCRIV can occur via the Annual Report (AR) or as an independent submittal package.

a. Submittal Requirements

(1) The cover letter associated with the independent submittal or the AR cover letter should specifically request SCRIV.

(2) If seeking verification by way of permitted design, provide as-built profiles and cross-sections for all channels within the area being requested for SCRIV, or

(3) In cases where stream channels do not have permitted designs a visual inspection will be conducted to assess stream channel functionality.

(4) A map(s) that:

a) Presents the actual “as-built” constructed contours of the area backfilled at the same scale as the post mine topography (PMT) contour map in the approved permit; and

b) Identifies the location of all constructed designed drainages within requested land units.

c) Identifies all areas being requested for SCRVS as uniquely delineated polygons.

d) Map and data or reference to map and data that identify backfill quality sampling site(s) and the results of sample analysis for each site.

2. Soil Depth Verification (SDV)

SDV applies to Category 5 lands only.

Prior to a Phase 1 Bond Release request there must be a demonstration that the approved soil replacement commitments have been satisfied. The SDV application may be submitted via the AR or as an independent SDV package.

a. Submittal Requirements

(1) A request for SDV via an independent submittal or the AR should be clearly identified in the cover letter.

(2) A map(s) that:

i. Identifies all requested SDV units using a unique unit of identification nomenclature for delineated polygons.

ii. Identify all areas that have previously achieved SDV or bond release status as uniquely delineated polygons.

(3) Supporting information that:

i. States the acreage, depth and volume of topsoil replacement on each individual SDV unit, including a brief explanation of how topsoil volume and depth was calculated for each topsoil replacement unit, e.g., load counts, depth lathe and acreage, depth holes and acres, difference between two surfaces, etc.

ii. States whether approved topsoil substitutes were applied to any SDV unit.

iii. States whether the permit requires fertility testing of stockpiled topsoil, and if required, whether the testing was completed.

B. Tracking of Verification Approval

Specific approval of SCR/V and/or SDV should be stated in the LQD approval letter for the AR. In the case of an independent submittal an approval letter specific to that submittal will be written by the LQD. Past approval of verifications will be recognized.

Approvals for all Phase 1 Verifications described in this document will be tracked using:

1. Bond Release Verification Volume

The approval letter and appropriate elements of the application with an assigned verification number will be inserted into the Bond Release Verification Volume.

OR additionally

2. Geographic Information System (GIS)

Permit coordinators and permittees who wish to support SCR/V and/or SDV through the use of GIS may coordinate regarding layers and acceptable formats of submittal.

III. SUBMITTING A PHASE 1 BOND RELEASE REQUEST AFTER PHASE 1 VERIFICATION APPROVAL

A. The LQD Administrator declares that the Coal R&R Chapter 15 process is primarily administrative in nature. A Coal R&R Chapter 15 bond release request should contain no technical data. Verifications as listed in this guideline must be approved prior to submittal of the Bond Release Request.

B. See Guideline No. 20 for more information on requirements for submitting a Chapter 15 Bond Release Request.