

PUBLIC SERVICE COMMISSION
Reclamation Division

Memorandum

TO: Commissioners Clark, Wefald and Cramer
Illona A. Jeffcoat-Sacco
Bill Binek

FROM: Jim Deutsch

DATE: January 3, 2007

SUBJECT: Reclamation Rulemaking, Case No. RC-05-591

In November 2005, the Commission proposed a number of reclamation rules that were based on suggestions from the Lignite Energy Council and staff proposals. After receipt of the Attorney General's opinion in May 2006, the changes were submitted to the Office of Surface Mining as State Program Amendment XXXVI. OSM approved the changes on December 20, 2006 and the Commission can now adopt the changes and submit them to Legislative Council for review by the Legislative Rules Committee and publication in the Administrative Code. Attached is a motion for the January 10 Commission meeting and draft letter to the Legislative Council.

The most significant changes in this rulemaking case pertain to data requirements for proving reclamation success and adding new language to revegetation success standards on the counting of volunteer trees and shrubs. These changes are very similar to those adopted by OSM this past August. The other changes relate to lease documents in mining permits; newspaper notices for permit applications; copies of advertisements and other information needed for bond release applications; clarifying inspection requirements for sedimentation ponds and other impoundments; and correcting a cross reference error in a rule on roads.

Attachments

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