

2010/2011 Coal Program Rulemaking Process and Timeline

	Action	Completion Date
Preliminary Informal Process	Rulemaking becomes necessary due to OSM mandate, or request from staff, public, or operators. Once the Division determines that rulemaking should proceed, we compile the proposed revisions.	2009-2010
	Rulemaking proposal is submitted to OSM for informal review. OSM reviews the proposed revisions informally to determine whether they are consistent with and as effective as the federal rules. They normally provide comments within 30 days.	March 30, 2009 and March 12, 2010
	The Division reviews OSMs comments and makes any corrections required by OSM.	October 2010
	The Division notifies stakeholders that we will be submitting a formal amendment to OSM and will be petitioning the Board to initiate rulemaking. This notification might also occur prior to the informal amendment being submitted to OSM, especially when the revisions were requested by stakeholders. Upcoming rulemaking is discussed during the Board Meeting.	November 17/18, 2010
	Division holds an informal meeting with stakeholders to discuss proposed revisions.	November 30, 2010 9:00 am Room 518 Centennial Building
Formal Program Amendment – Federal Process	The Division submits a Formal Program Amendment to OSM, begins process outlined in 30 CFR 732.17.	December 17, 2010
	Within 30 days after receipt of a program amendment, OSM will publish a notice of receipt of the amendment in the Federal Register; this starts a public comment period of 30 days (minimum).	<i>Mid-February</i>
	Public hearings may be provided at the discretion of OSM and are held no sooner than five days before the close of the public comment period. If there is a hearing, the public comment period ends on the date following the public hearing or the end of the thirty days, whichever is later.	Undetermined
	OSM approves or disapproves the amendment request within 30 days after the close of the public comment period.	<i>Mid-March</i>
	If OSM does not approve the amendment request, we have 60 days after publication of the Director's decision to submit a revised amendment for consideration. OSM can grant more time if the state requests it and OSM finds it necessary, but final action on all amendment requests must be completed within seven months after receipt of the proposed amendments from the State.	<i>Mid-September, if necessary.</i>
	All decisions approving or not approving program amendments must be published in the Federal Register and are effective upon publication unless the notice specifies a different effective date. The decision approving or not approving program amendments will be published in the Federal Register within 30 days after the date of the OSM's decision.	<i>Mid-April</i>

State Process	After the formal amendment is approved, the Division petitions the Board to initiate rulemaking. If the Board approves the petition, rulemaking begins under the provisions of the Administrative Procedure Act (APA).	<i>June 8/9, 2011 Board Meeting</i>
	The Division submits a notice of proposed rulemaking to the Secretary of State and to the Department of Regulatory Agencies; notifies all stakeholders; publishes a notice of the proposed rulemaking in the Denver Post; and posts the notice in our office and on our web site.	<i>July 1, 2011</i>
	The Secretary of State publishes our Notice of Rulemaking in the Colorado Register (publications occur on the 10 th and 25 th of each month).	<i>July 10, 2011</i>
	No sooner than 20 days after publication in the Colorado Register, the Division holds its formal public hearing on the proposed rules. This is usually held in conjunction with the monthly Board meeting.	<i>August 10/11, 2011 Board Meeting</i>
	If the Board adopts the revisions during the public hearing, the adopted rules are submitted to the Secretary of State, along with the Attorney General's opinion, within 20 days of adoption.	<i>August 31, 2011</i>
	The adopted rules are published in the Colorado Register, either the 10 th or the 25 th of the month; they become effective 20 days after publication.	<i>September 10, 2011 (Rules would become effective September 30, 2011)</i>

Italicized dates are estimated/projected dates.