

From: [Matthew Kunze](#)
To: [BJ Kristiansen](#)
Subject: Re: CHIA questions
Date: Tuesday, July 05, 2016 12:55:59 PM

Exhibit 53

Bj,

(1) The legal requirements for CHIAs are supported by statute in the Wyoming Environmental Quality Act, as well as LQD Coal Rules and Regulations. It is a state mandate in order to be in compliance with SMCRA.

Wyoming Environmental Quality Act

W.S. 35-11-406(n): "...No surface coal mining permit shall be approved unless the applicant affirmatively demonstrates and the administrator finds in writing": (iii) "The proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area;"

Land Quality Division Coal Rules and Regulations

Chapter 19, Section 2(a): In addition to other information required by the Act and these regulations, all surface coal mining permit applications shall contain:

(i) A determination of the projected result of proposed surface coal mining and reclamation operations, both on and off the mine site, which may reasonably be expected to change the quantity or quality of the surface and groundwater; the surface and groundwater flow, timing and availability, the surface and groundwater quality under seasonal flow conditions, including dissolved and suspended solids; the effect of acid-forming and toxic material on surface and groundwaters; the stream channel conditions; and the aquatic habitat in the permit area and other affected areas. This information shall be in sufficient detail to enable the Administrator to determine the probable cumulative hydrologic impacts on surface and groundwater systems including the impacts resulting from the proposed operation and their interaction with the impacts of all anticipated mining upon all affected hydrologic systems. Anticipated mining shall be projected over the life of the operation, and shall include all other existing coal mining operations, any proposed coal mining operation for which a permit application has been filed and all proposed operations required to meet diligent development requirements for leased federal coal where mine development and geological information is available. The assessment of the probable cumulative hydrologic impacts shall be sufficient to make the determination of W.S. § 35-11-406(n)(iii).

(2) The LQD has never formally announced to the public that a final CHIA has been completed. As such there is also no formal stand-alone comment period for the CHIA. However, I don't believe this necessarily means someone could not comment on the CHIA if the coal application itself (amendment, new permit, etc) was still in comment period. As I mentioned before, this has never happened, but this is one reason why we've made an attempt to finalize the CHIA prior to the end of the comment period.

Matt

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On Tue, Jul 5, 2016 at 12:29 PM, BJ Kristiansen <bj.kristiansen@wyo.gov> wrote:
OK Matt, more questions...

- 1) What statutes, rules, or regulations dictate that the CHIA be performed? Is this a Federal or State mandate?
- 2) Is the CHIA supposed to be publically announced or, as you indicated, it has no public comment period?

That's it for now.

On Tue, Jul 5, 2016 at 9:36 AM, Matthew Kunze <matthew.kunze@wyo.gov> wrote:

Ok sounds good...if any thing else comes up please let me know.

Matt

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On Tue, Jul 5, 2016 at 9:34 AM, BJ Kristiansen <bj.kristiansen@wyo.gov> wrote:
Matt,