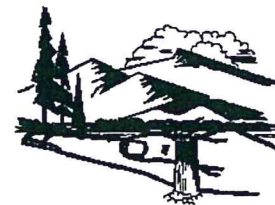




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Honorable Matt Mead, Governor

FROM: Todd Parfitt, Director, Wyoming Department of Environmental Quality
[Agency Contact: Craig Hults, phone 777-7066, email craig.hults@wyo.gov]

SUBJECT: Proposed Revisions to Coal Chapter 18 – In Situ Mining, Land Quality Division

DATE: July 24, 2018

PRIORITY: HIGH – Deadline for response is August 7, 2018

SUMMARY: Notice of Agency Rulemaking



RECEIVED

JUL 24 2018

GOVERNOR'S OFFICE

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to amend Coal Chapter 18 – In Situ Mining. The proposed rules are intended to make the rules more clear and increase their effectiveness. The proposed revisions were drafted in consultation with the LQD Uranium and Coal Workgroups which have been meeting regularly to work through issues with Chapter 18 that have been identified since it was last revised in 2002. Chapter 18 was also reorganized to provide consistency with proposed revisions to the LQD's Noncoal In Situ Mining Chapter which is also undergoing revision. Specific information on the proposed revisions can be found in the Statement of Reasons.

The proposed rules were heard by the LQD Advisory Board on September 12, 2017 and again on December 6, 2017. The Advisory Board recommended the rules proceed to the Environmental Quality Council with minor revisions as discussed during the meetings. The proposed rules are not expected to be controversial as very few comments were received during the Advisory Board meetings. The Attorney General's Office has reviewed the rules for statutory authority and agreed they could proceed. The LQD is requesting to proceed with formal rulemaking with this rule package.

GOVERNORS RESPONSE OPTIONS:

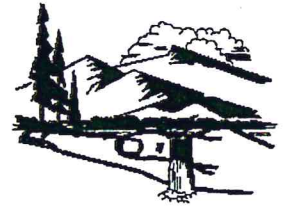
- Agency may proceed.
- Delay Public Comment and Set Up Meeting w/ _____

7-26-18
Signature: Governor's Counsel



Department of Environmental Quality

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Matthew H. Mead, Governor



Todd Parfitt, Director

MEMORANDUM

TO: James Kaste, Wyoming Deputy Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *RSS for*

DATE: June 21, 2018

PRIORITY: HIGH – Deadline for response is July 6, 2018

SUBJECT: Request for review of proposed rules for statutory authority

Mr. Kaste:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to promulgate revisions to the LQD's Coal Chapter 18, In Situ Mining. The LQD Advisory Board reviewed the rules during the September 12, 2017 meeting on the rule package. The Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council. The LQD is seeking a review of the proposed rules for statutory authority prior to submitting the rules to the Governor's Office for permission to proceed to formal rulemaking.

Attached you will find a copy of the draft rules, the takings analysis and a draft memo to the Governor seeking permission to proceed to formal rulemaking. If you have any questions or need additional information regarding the proposed rules please do not hesitate to contact me.

Attorney General's Response Options:

- Proposed Rules are within the Division's statutory authority, Division may seek permission to proceed from the Governor's Office.
- Proposed rules exceed statutory authority, delay proceeding with rulemaking

Signature: James Kaste, Wyoming Deputy Attorney General