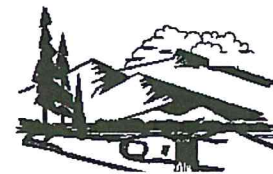


Department of Environmental Quality

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: James Kaste, Wyoming Deputy Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *[Signature]*

DATE: December 4, 2018

PRIORITY: HIGH – Deadline for response is **December 18, 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 financial assurance regulations contained in Coal Chapters 11 (Self-bonding) and 20 (Letters of Credit) and Noncoal Chapters 6 (Self-bonding) and 12 (Letters of Credit). The LQD Advisory Board reviewed the rules during meetings held on March 28, 2018 and September 19, 2018. 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]

Signature: James Kaste, Wyoming Deputy Attorney General