



Mark Gordon, Governor

Department of Environmental Quality

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



Todd Parfitt, Director

MEMORANDUM

TO: James Kaste, Deputy Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *KW 4/7/22*

DATE: April 5, 2022

PRIORITY: HIGH – Deadline for response is April 19, 2022

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 Noncoal Chapter 7 – Noncoal Mine Permit or Research and Development Testing License Revisions. The proposed revisions are intended to comply with legislative changes regarding public involvement in permitting actions, and address WY Attorney General's statutory review comments. The LQD Advisory Board reviewed the rules during meetings held on December 9, 2021 and March 22, 2022. The proposed rules were brought before the Board a second time to respond to comments from the December meeting. No changes to the rules were proposed based on the comments. 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, Deputy Attorney General

4-7-2022

Date