



WYOMING MINING ASSOCIATION

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December 8, 2021

Land Quality Advisory Board
Wyoming Department of Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

RE: Proposed Chapter 7 Noncoal Mine Permit or Research and Development Testing License Revisions

Chairman Gampetro and Board Members:

The Wyoming Mining Association (WMA) is a statewide trade organization that represents and advocates for 30 mining company members producing bentonite, coal, trona and uranium, as well as companies developing gold and earth element deposits. WMA also represents over 100 associate member companies, one railroad, two electricity co-ops, and one advanced nuclear power company.

WMA appreciated the opportunity to offer comments on the proposed Chapter 7 Noncoal Mine Permit or Research and Development Testing License revisions.

WMA membership recommends adding definitions and/or clarifying distinctions for the various types of permit revisions (as seen in Guideline 24): i.e. major, minor, nonsignificant revision (NSR), and incidental boundary revision (IBR).

WMA membership recommend leaving Section 1. (c) and (d) and including a reasonable completeness review period (i.e., 30-days) versus including this in the Section 2 (a) timeframe. Operators need to be able to continue to implement non-significant revisions (NSR) unless notified by the Administrator to delay. This language in Section 1(b) has been removed.

WMA membership recommends that a threshold or de minimis change for the bond be identified versus removing "significant" from the original Section 1 (e) (iv) (C). If the rules do not include any type of threshold for a bond change, operators will loss the flexibility to make needed permit changes quickly which may require a minimal bond adjustment. Currently bonds are calculated with adequate contingencies to cover this type of minimal bond adjustments.

WMA membership recommends that Section 2 (a) include timeframes for the type of revision versus all revisions requiring a 90-day review, and incorporate a timeframe for subsequent reviews and/ or submittals by agency and operator. By moving all types of revisions to a 90-day review the overall permitting time frame is lengthened, even for simple changes (NSR).

WMA membership believes the use of non-significant revision in Sec 2(a) and Section 3 (a) seems confusing and contradictory. We question how an NSR is defined and a completeness review done in 30 days or 90 days since Sec 2(a) provides for 90-days to determine that an application is complete while adding another 30 days for a decision. Clearer language is needed so that an operator can make a reasonable estimate of the time required to complete a permit revision, further lengthening the permitting time frame for nonsignificant revisions is not reasonable.

Regarding the new Section 4, WMA membership recommends that there should also be reasonable time frames established in the rules for an operator to submit the required application for a permit or license revision once they have received electronic or verbal notification and written documentation outlining the basis for changes.

Thank you for your time and consideration of these comments. WMA is committed to continue working with the Board and the Land Quality Division to find opportunities to clarify and improve the permitting process for both agency and industry alike in order for all parties to more efficiently plan, and have rules that are more consistent with guidelines and statutes. Please feel free to contact me if you have questions or concerns.

Best regards,

A handwritten signature in blue ink, appearing to read "Travis Deti".

Travis Deti
Executive Director