

Wyoming Environmental Quality Council

The Wyoming Environmental Quality Council (EQC) will consider proposed revisions to the Wyoming Department of Environmental (WDEQ) Land Quality Rules at a public hearing on September 13, 2022, at the Thyra Thomson State Office Building, Turntable Conference Room, 444 W. Collins Drive, Casper, WY 82601, commencing at 9:00 a.m. (MST).

The Land Quality Division (LQD), pursuant to the authority vested in it by Wyoming Statute (W.S.) §§ 35-11-402 and 35-11-2002, proposes to revise rules for the Coal, Noncoal, and Uranium Recovery Programs. The LQD proposes to revise Coal Chapters 10 – Coal Exploration, and 13 – Surface Coal Mining Permit Revisions. The proposed revisions to Chapters 10 and 13 are intended to address legislative changes to W.S. § 35-11-406 regarding public participation in permitting actions and incorporate Wyoming Attorney General (AG) informal statutory review comments. The LQD proposes to revise Noncoal Chapters 7 – Noncoal Mine Permit or Research and Development Testing License Revisions, 9 – Permit Application Requirements for Small Mining Operations, and 11 – In Situ Mining. The proposed revisions to Noncoal Chapters 7 and 9 are intended to address legislative changes to W.S. § 35-11-406 regarding public participation in permitting actions and address AG informal statutory review comments. Chapter 9 is also revised to update the fee amounts for permit applications due to legislative changes. Chapter 11 was revised to correct an editing error made during the last rulemaking, incorporate comments on statutory references from the Legislative Service Office, and incorporate the AG informal statutory review comments. The LQD also proposes to revise Uranium Recovery Program (URP) Chapters 3 – Radiation Protection Standards, 4 – Licensing Requirements for Source and Byproduct Material, 5 – Notices, Instructions, and Reports to Workers, and 9 – Transportation of Radioactive Material. The proposed revisions to the URP rules include updates to the incorporation by reference date, correct citations to the federal regulations and correct a previous drafting error.

The revised rules meet minimum substantive state statutory requirements in accordance with W.S. § 16-3-103(a)(i)(G). The WDEQ has evaluated the revised rules in accordance with W.S. § 9-5-304, and interested parties may inspect a copy of that evaluation and the proposed rule package at the following address: Department of Environmental Quality, Land Quality Division, 200 W. 17th St., Suite 10, Cheyenne, Wyoming. Electronic copies are available at the EQC website identified below. Questions and requests for copies of the proposed rules may be directed to Craig Hults, Land Quality Division, at (307) 777-7066 or craig.hults@wyo.gov.

The EQC will consider the proposed rules, written and electronically filed comments, and WDEQ's Analysis of Comments, along with any modifications proposed by the WDEQ to the draft rules. At the public hearing, statements that focus on previously received comments, the WDEQ's Analysis of Comments, and issues raised by the analysis will be accepted. At the conclusion of the hearing, the EQC may close the record and make a final decision regarding the rules or keep the record open for further proceedings. If the comment period is extended, the extension will be posted on the EQC's website.

Comments on the proposed rules may be submitted beginning July 23, 2022 and ending at 5:00

p.m. (MST) on September 6, 2022. Written comments should be sent to the Wyoming Department of Environmental Quality, Land Quality Division, 200 W. 17th St., Suite 10, Cheyenne, Wyoming 82002. Electronic comments may only be submitted through and accepted by the WDEQ comment portal provided at <http://lq.wyomingdeq.commentinput.com/>. The WDEQ will file an analysis of comments with the EQC prior to the September 13, 2022 public hearing. The proposed rules, comments submitted, and the analysis of comments will be posted on the EQC's website at <https://eqc.wyo.gov/Public/Dockets.aspx> under Dockets #22-4101, #22-4102, and #22-4103.

Any person wishing to use a digital presentation during their testimony before the EQC must provide a digital copy to the EQC no less than three (3) days prior to the hearing unless they contact the EQC and request an extension for good cause. Failure to submit a timely digital copy may result in the person not being allowed to use the presentation during their testimony. Individuals may contact Joe Girardin at (307) 777-7170.

In accordance with the Americans with Disabilities Act, special assistance or alternative formats will be made available upon request for individuals with disabilities. Para español, visite <http://deq.wyoming.gov/>.