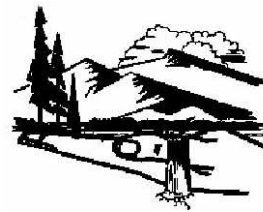




# Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

**TO:** Steve Lenz, Chairman, Environmental Quality Council

**FROM:** Todd Parfitt, Director, Department of Environmental Quality

**SUBJECT:** Hearing Request for Land Quality Division Coal Rules Chapter 11 and 14

The Department of Environmental Quality (Department), Land Quality Division (LQD) is proposing revisions to LQD Coal Rules Chapter 11 – Financial Assurance, and 14 – Exploration for Coal by Drilling and is requesting the Environmental Quality Council review the proposal and consider adoption of these rules at your February 22, 2023 hearing.

The LQD presented the proposed revisions to Coal Chapters 11 and 14 to the Land Quality Advisory Board (LQAB) during the following meeting dates as described below:

- Coal Chapter 11:
  - June 23, 2022 LQAB Meeting;
    - Scoping board meeting to present initial draft voluntary irrevocable assigned trust rules for the coal program.
    - Preliminary introduction to draft rules given by LQD Administrator, begins **page 7, line 12**, 6/23/2022 meeting transcript.
    - 2022 Assigned trust bill, HB0045 detailing minimum requirements of rulemaking to support bill, begins **page 12, line 2**, 6/23/2022 meeting transcript.
    - Details of draft assigned trust rules, begins **page 34, line 8**, 6/23/2022 meeting transcript with specifics regarding the coal rules beginning on **page 42, line 19**.
    - Comments received from State Treasurer's office on initial draft rules, begins **page 42, line 5**, 6/23/2022 meeting transcript.
    - Wyoming Mining Association (WMA) comments on the draft rules that requested clarification of the transfer of assigned trusts, begins **page 44, line 1**, 6/23/2022 meeting transcript.
  - September 22, 2022 LQAB Meeting;
    - Meeting overview, begins **page 4, line 24**, 9/22/2022 meeting transcript.
    - Introduction to final draft assigned trust rules presented by LQD Administrator, begins **page 15, line 20**, 9/22/2022 meeting transcript.
    - Coal specifics that differ from noncoal assigned trust rules, begins **page 17, line 18**, 9/22/2022 meeting transcript.
    - Discussion about revised assigned trust transfer rules based on previous WMA comment, begins **page 21, line 22**, 9/22/2022 meeting transcript.

200 West 17th Street, Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307) 635-1784

- LQAB voted unanimously (3-0) to advise Land Quality Division to proceed with rulemaking during 9/22/2022 meeting.
- Coal Chapter 14:
  - September 22, 2022 LQAB Meeting;
    - Draft rule presented to address Office of Surface Mining Reclamation and Enforcement review comment on LQD's June 4, 2021 formal amendment.
    - Meeting overview, begins **page 4, line 24**, 9/22/2022 meeting transcript.
    - Presentation of Chapter 14 draft rule, begins page 5, line 15, 9/22/2022 meeting transcript.
  - LQAB voted unanimously (3-0) to advise Land Quality Division to proceed with rulemaking during 9/22/2022 meeting.

The Department sought and has been granted approval by the Governor's Office to proceed with the proposed assigned trust rules Coal Chapters 11 and 14 on December 29, 2022.

The enclosed statement of principal reasons and public notice summarize the nature of the revisions. We have enclosed one hard copy of the rule package including:

- LQD Coal Chapters 11 and 14 clean copy
- LQD Coal Chapters 11 and 14 strike and underline copy
- Statement of Principal Reasons for Adoption
- Governor Gordon's permission to proceed memo signed December 29, 2022
- Notice of Intent to Adopt Rules
- Takings Checklist and accompanying analysis
- Attorney General's Statutory Authority Review
- June 23, and September 22, 2022 LQAB Meeting transcripts

Sincerely,



---

Todd Parfitt, Director, Department of Environmental Quality

---

01/04/2023

Date

cc: Kyle Wendtland, LQD Administrator

Enclosures