

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 February 22, 2023 at the Gillette College, Flex Space, 3251 S 4-J, Gillette, WY 82718, commencing at 9:00 a.m. (MST). The hearing will also be broadcast via zoom, individuals interested in viewing or attending the Zoom videoconference shall contact Joe Girardin at joe.girardin@wyo.gov or (307) 777-7170 before February 17th, 2023 at 3:00 p.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 and Noncoal Programs in three separate rule packages. The LQD proposes to revise Coal Chapters 11 – Financial Assurance, and 14 – Exploration for Coal by Drilling. The proposed revisions to Chapter 11 is intended to address legislative changes to W.S. § 35-11-417 regarding new rules for the establishment of voluntary assigned trusts as another form of acceptable reclamation bond. Coal Chapter 14 was revised to address an Office of Surface Mining review comment on a formal amendment submitted in June of 2021. The LQD also proposes to revise Noncoal Chapter 6 – Financial Assurance in a similar manner as Coal Chapter 11 in response to the legislative changes to W.S. § 35-11-417. Finally, the LQD proposed revisions to Noncoal Chapters 2 – Regular Noncoal Mine Permit Applications and 9 – Permit Application Requirements for Small Mining Operations that are intended to comply legislative changes to W.S. § 35-11-103 and 402 that authorized WDEQ and EQC to promulgate rules for the use of inert materials as backfill at noncoal mining operations.

The revised rules meet minimum substantive state statutory requirements in accordance with W.S. § 16-3-103(a)(i)(G). 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 January 7, 2023 and ending at 5:00 p.m. (MST) on February 20, 2023. 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 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 #23-4101, #23-4102, and #23-4103.

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 joe.girardin@wyo.gov or (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/>.