



Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Andrew Kuhlmann, Wyoming Assistant Attorney General Filed: 5/23/2014 12:19:39 PM WEQC

FROM: Craig Hults, Natural Resources Program Principal, Land Quality Division CAH

DATE: April 23, 2014

PRIORITY: HIGH – Deadline for response is May 7, 2014

SUBJECT: Request for review of proposed rules for statutory authority

Mr. Kuhlmann:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to revise Chapters 1, 2, 6, 12 and 16 of the LQD Coal Rules and Regulations. The LQD Advisory Board reviewed the rules during the February 24, 2014 meeting. 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 Statement of Principal Reasons for Adoption, a copy of Chapters 1, 2, 6, 12 and 16 in strike and underline format and the takings analysis. 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: Andrew Kuhlmann

