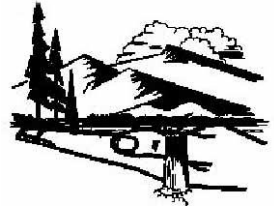




Department of Environmental Quality

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 Noncoal Rules Chapters 2, and 9

The Department of Environmental Quality (Department), Land Quality Division (LQD) is proposing revisions to LQD Noncoal Rules Chapter 2 – Regular Noncoal Mine Permit Application, and Chapter 9 – Permit Application Requirements for Small Mining Operations 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 Noncoal Chapters 2, and 9 to the Land Quality Advisory Board (LQAB) during the following meeting dates as described below:

- Noncoal Chapter 2:
 - June 23, 2022 LQAB Meeting;
 - Scoping board meeting to present initial draft inert materials rules for the noncoal program.
 - Preliminary introduction to draft rules given by LQD Administrator, begins **page 7, line 12**, 6/23/2022 meeting transcript.
 - 2022 Inert Materials bill, HB0123 detailing minimum requirements of rulemaking to support bill, begins **page 11, line 2**, 6/23/2022 meeting transcript.
 - Presentation of draft inert materials rules, begins **page 15, line 19**, 6/23/2022 meeting transcript.
 - Comments received from Solid and Hazardous Waste Division on initial draft rules, begins **page 19, line 16**, 6/23/2022 meeting transcript.
 - Comments and questions from LQAB on draft inert materials rules, begins **page 25, line 8**, 6/23/2022 meeting transcript.
 - September 22, 2022 LQAB Meeting;
 - Meeting overview, begins **page 4, line 24**, 9/22/2022 meeting transcript.
 - Presentation of final draft inert materials rules, **page 7, line 20**, 9/22/2022 meeting transcript.
 - Board discussion on proposed inert materials rules, begins **page 11, line 24**, 9/22/2022 meeting transcript.
 - LQAB voted unanimously (3-0) to advise Land Quality Division to proceed with rulemaking during 9/22/2022 LQAB meeting. No public comments were received on the proposed rules.

- Noncoal Chapter 9:
 - June 23, 2022 LQAB Meeting;
 - Initial discussion regarding a required revision to Noncoal Chapter 9 to make the Noncoal Chapter 2 revision applicable to small mining operations, begins **page 24, line 10**, 6/23/2022 meeting transcript.
 - September 22, 2022 LQAB Meeting;
 - Meeting overview, begins **page 4, line 24**, 9/22/2022 meeting transcript.
 - Presentation of Chapter 9 draft rules, which included a revision to make Chapter 2, Inert Materials rules applicable to small mines, begins **page 29, line 14**, 9/22/2022 meeting transcript.
 - LQAB voted unanimously (3-0) to advise Land Quality Division to proceed with rulemaking during 9/22/2022 LQAB meeting. No comments were received on the proposed rules.

The Department sought and has been granted approval by the Governor's Office to proceed with the proposed rules Noncoal Chapter 2 and 9 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 Noncoal Chapters 2 and 9 clean copy
- LQD Noncoal Chapters 2 and 9 strike and underline copy
- Statement of Principal Reasons for Adoption
- Governor Gordon's permission to proceed memo signed 12/29/2022
- 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