



Notice of Intent to Adopt Rules

**FILED**

**Aug 22, 2012**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

<b>1. General Information</b>		
a. Agency/Board Name See attached list for references Department of Environmental Quality - Land Quality Division (LQD)		
b. Agency/Board Address 122 West 25th Street, Herschler Building - 3W	c. Agency/Board City Cheyenne	d. Agency/Board Zip Code 82002
e. Name of Contact Person Craig Hults	f. Contact Telephone Number (307) 777-7066	
g. Contact Email Address craig.hults@wyo.gov		
h. Date of Public Notice: August 20, 2012	i. Comment Period Ends: October 4, 2012	
j. Program(s) See attached list for references Land Quality - Coal		
<b>2. Rule Type and Information</b>		
a. Choose all that apply: <input type="checkbox"/> New Rules* <input checked="" type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules		
* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.		
If "New," provide the Enrolled Act number and year enacted:		
b. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed (if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)		
Chapter Number: <b>1</b>	Short Title: <b>Authorities and Definitions for Surface Coal Mining Operations</b>	
Chapter Number: <b>2</b>	Short Title: <b>Permit Application Requirements</b>	
Chapter Number: <b>4</b>	Short Title: <b>Environmental Protection Performance Standards for Surface Coal Mining Operations</b>	
Chapter Number: <b>11</b>	Short Title: <b>Self-bonding</b>	
Chapter Number: <b>12</b>	Short Title: <b>Procedures Applicable to Surface Coal Mining Operations</b>	
c. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
d. <input checked="" type="checkbox"/> N/A <input type="checkbox"/> In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).		
e. A copy of the proposed rules* may be obtained:		
<input checked="" type="checkbox"/> By contacting the Agency at the physical and/or email address listed in Section 1 above. <input checked="" type="checkbox"/> At the following URL: <u>http://deq.state.wy.us/lqd/</u>		
* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.		

### 3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled.  Yes  No

If "Yes:"	Date: October 5, 2012	Time: 1:30 p.m.	City: Cheyenne	Location: Room B63, Herschler Bldg., 122 West 25th Street
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b. What is the manner in which interested person may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.

Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption.

Requests for an agency response must be made prior to, or within thirty (30) days, after adoption of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

### 4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  Yes  No

If "Yes:"	Applicable Federal Law or Regulation Citation: 30 C.F.R. 701.5, 761.5, 761.14, 761.16(b)-(g), 761.17, 773.8, 773.11-14, 773.21-27, 774.11, 774.12, 774.17, 778.9, 778.11, 778.12, 778.14, 785.25, 800.23(d) and 816.22
	Indicate one (1): <input checked="" type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input checked="" type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

### 5. State Statutory Requirements

a. Indicate one (1):

The proposed rule change MEETS minimum substantive statutory requirements.

The proposed rule change EXCEEDS minimum substantive statutory requirements. Please provide a statement explaining the reason the rules exceeds the requirements:

### 6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Craig A. Hults
Title of Authorized Individual	Natural Resources Program Principle
Date of Authorization	August 20, 2012

#### Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; Clean copy of the rules; and Strike-through and underline version of rules (if applicable).
- Secretary of State: Electronic version of Notice of Intent sent to [rules@state.wy.us](mailto:rules@state.wy.us)