



Wyoming Department of Environmental Quality

2021 Changes to the Mining Regulatory Framework

Presentation to the Wyoming Mining Association

JULY 23, 2021

Todd Parfitt, Director



Overview



- Agency Updates
- TerraPower/PacifiCorp Natrium Nuclear Reactor
- Water Quality
- Air Quality
- Abandoned Mine Lands
- Land Quality





Agency Updates



- Budget
- COVID/Telework
- Return to Office
- Staffing Changes
 - Staff Institutional Knowledge
- New Administration
 - EPA
 - OSMRE
 - BLM





Nuclear Reactor TerraPower/PacifiCorp



- Started Dialogue with Companies
- Article 21 of EQA
 - Permits for Small Modular Nuclear Reactors
 - Does Not Apply in this Instance
- Article 15 of EQA
 - Radioactive Waste Storage Facilities
 - Evaluating Applicability
 - ISA Would Not Apply





Water Quality



- **Section 401 Water Quality Certifications**

- On June 2, 2021 EPA published in the FR its intent to reconsider and revise the 2020 401 Rule.
- WQD is currently reviewing and developing comments.
- Comments Due August 2, 2021

- **WOTUS**

- On June 9, 2021 EPA announced its intent to repeal the Navigable Waters Protection Rule and develop a new definition of WOTUS
- WQD will review and develop comments.





Water Quality Standards Triennial Review



- Clean Water Act Requires
 - Review of surface water quality standards;
 - Update water quality criteria; and
 - Address any other new issues.
- Process
 - DEQ receives comments with Outreach
 - Water & Waste Water Advisory Board
 - Environmental Quality Council
 - Governor
 - EPA
- Recently completed UW-facilitated stakeholder outreach.
- After receiving UW's final report on the stakeholder outreach, WQD will draft proposed changes



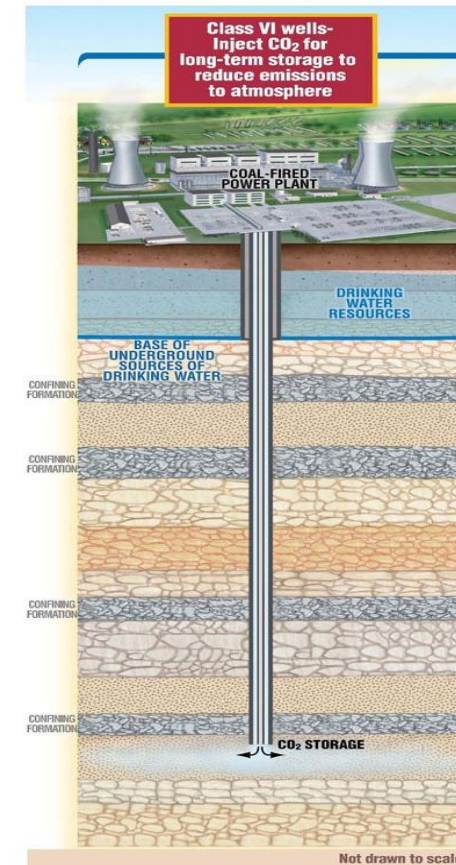


UIC Class VI Carbon Sequestration



- Program Primacy from EPA August 2020
- Currently Revising Chapter 24 Rules
 - Minor Rule Revisions Requested by EPA
 - Restructuring for Clarity by AG
 - Scheduled for EQC August 17 & 18 in Casper
- Growing Interest

• Picture from EPA website: <https://www.epa.gov/uic/class-vi-wells-used-geologic-sequestration-co2>





Air Quality EPA Implementation



- Executive Order Implementation
 - (E.O. 13990) Re-Look at ALL Trump EPA Actions
- EPA's Spring 2021 Regulatory Agenda
 - (70 pending rules)
 - CPP/ACE – New litigation/pending petition to SCOTUS
 - EGU MATS – on EPA list to look at by end of August
 - Air Toxics - Broad Range (e.g. PFAS)
 - Methane – Oil and Gas focus but could expand





AQD EPA Implementation



- Regional Haze
 - Round 1 – Litigation (Since 2014)
 - Round 2 – Guidance and Submittal Timeline
 - New guidance from EPA 3 weeks before submittal due date
 - No communication with States or Air Organizations
 - States working on Round 2 for 4 years
 - $\frac{3}{4}$ of Class 1 Areas (156) are in Western States
 - Creates Uncertainty
 - Sets up Sue and Settle Scenarios





AQD EPA Priorities



- GHG/Climate

- National Determined Contribution (EO 14008)
 - 50-52% below 2005 levels by 2030
- Sector-by-sector pathways
 - Electricity
 - Transportation
 - Buildings
 - Industry
 - Agriculture and Land
- Non-CO2 GHGs (Methane, HFCs, N2O, black carbon (i.e. PM2.5 “soot”))





AQD EPA Priorities



- Social Cost of Carbon
 - Estimate of Economic Impact of Additional Ton of GHG Emission
 - To Value the Climate Impacts of Rulemakings
 - WY Litigation with 8 other States
 - Methodology and Procedure
- Petitions to EPA
 - Designate Methane as a VOC
 - Implications for addressing Ozone?
 - Designate a NAAQS for CO2
- Environmental Justice





Abandoned Mine Lands



- Due to Sunset September 30, 2021
- Reauthorization Being Considered
 - Amount of Assessed Fee/Ton
 - Length of Reauthorization
- Testified March 18, 2021
 - House Natural Resources Committee, Subcommittee on Energy and Mineral Resources





Land Quality Division



- **LQD Activity Updates:**
- Wind Turbine Blade Disposal
 - Rules Final April 2021
 - Sent to OSMRE June, 2021
- Assigned Trust Bonding Instrument
 - Discussed with Joint Minerals Committee (June)
 - LSO Drafting a bill for August Meeting
 - On-going discussions on details
- Working with WMA on used shovel option to be incorporated into Guideline 12.





Land Quality Division



- **LQD Activity Updates:**

- Testified June 15, 2021 before House Natural Resource Subcommittee on Energy and Mineral Resources
 - “Environmental Justice for Coal Country: supporting Communities through the Energy Transition
- Continue to be engaged in the new OSMRE Biological Opinion “BiOp”
- Continue work with the Interstate Mining Compact Commission
 - Review and Comment on OSMRE actions
- DEQ continues to engage with industry on potential new development projects in:
 - Rare Earths
 - Gold and Copper
 - Trona





Todd Parfitt, Director
Wyoming Department of Environmental Quality
(307) 777-7937
deq.wyoming.gov



Thank You