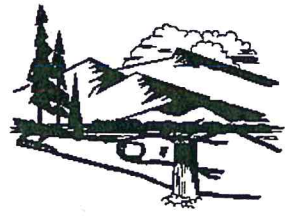




# Department of Environmental Quality

*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:** Elizabeth Morrisseau, Wyoming Assistant Attorney General

**FROM:** Nancy E. Vehr, Administrator, Air Quality Division *Nancy V.*

**DATE:** January 7, 2016

**PRIORITY:** HIGH – Deadline for response is **January 8, 2016**

**SUBJECT:** Request for Review of Proposed Rules for Statutory Authority (R-26)

The Department of Environmental Quality, Air Quality Division (AQD) - on behalf of the Department - is proposing to revise the Wyoming Department of Environmental Quality Rules of Practice and Procedure; Chapter 1, General Rules of Practice and Procedure by adding Section 16, titled Air Quality Division, State Implementation Plan.

This rulemaking was reviewed by the Air Quality Advisory Board (AQAB) on October 28, 2015, and the Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council.

The Division did not receive written comments during the public process.

The Division has reviewed the requirements of section 35-11-202(a) and (b) of the Wyoming Environmental Quality Act and determined this rulemaking to be in procedural compliance with the statute. Finally, the AQD has reviewed and responded to the Takings Guidelines and Checklist provided by the Attorney General's Office. The AQD is now 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 Notice of Agency Rulemaking, draft Statement of Principal Reasons for Adoption, copies of Chapter 1 in strike and underline format, and responses to the Attorney General's Takings Checklist. If you have any questions, or need additional information regarding the proposed rules, please do not hesitate to contact me at 307-777-7391 or Amber Potts at 307-777-2489.

**Attorney General's Response Options:**

Proposed rules are within the Division's statutory authority, may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking



Signature: Wyoming Assistant Attorney General