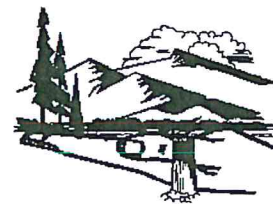




Department of Environmental Quality

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: Kelly Shaw, Wyoming Assistant Attorney General

FROM: Kevin Frederick, Water Quality Division Administrator 

DATE: August 1, 2017

PRIORITY: HIGH – Deadline for response is August 14, 2017

SUBJECT: Request for review of proposed rules for statutory authority

The Department of Environmental Quality, Water Quality Division (WQD) is proposing to revise Water Quality Rules and Regulations Chapter 14. The proposed revisions remove the exemption for facilities that existed prior to February 24, 1989, update cross-references, correct formatting inconsistencies, correct capitalization errors, correct grammar errors, correct paragraph numbering errors, and remove sections that are already stated in the Act.

WQD presented the proposed revisions to the Water and Waste Advisory Board during their June 23, 2017 meeting. The Board recommended adoption of the rules to the Environmental Quality Council. WQD has reviewed the requirements of 35-11-302(a)(iii) and(iv) of the Wyoming Environmental Quality Act and has determined this rulemaking to be in procedural compliance with the statute. WQD has reviewed and responded to the Takings Checklist provided by the Attorney General's Office. WQD 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.

Per the Attorney General's Rules Handbook, you will find attached a copy of the draft memo to Governor Mead, a copy of the draft Statement of Principal Reasons for Adoption, a copy of Chapter 14 in strike and underline format, a copy of Chapter 14 in clean format, and a response 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 or Rich Cripe of my staff.

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: Kelly Shaw

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