

**Water Quality Rules and Regulations Chapter 1
Takings Checklist Analysis for Proposed Revisions**

1. *Does the action affect private property?* Yes. The proposed revisions to Chapter 1 may indirectly impact private property in that the revisions may impact the conditions placed on point source discharges from private property. However, the revisions would allow more flexibility by establishing a process whereby temporary modifications to the surface water quality standards and associated effluent limits may be granted.
2. *Is the action mandated by State or federal law?* No. The action is not mandated. The action is intended to allow temporary modifications to the surface water quality standards in specific circumstances, consistent with federal regulations.
3. *Does the proposed action advance a statutory purpose?* Yes, the proposed action will allow DEQ to better evaluate the social and economic value of sources of pollution, as provided in W.S. § 35-11-302(a)(vi)(B), as well as the technical and practicability and economic reasonableness of reducing or eliminating the source of pollution, as provided in W.S. § 35-11-302(a)(vi)(D)
4. *Does the action result in permanent occupation of private property?* No, the proposed revisions do not require any permanent occupation of private property since the revisions only impact surface water quality standards and any associated discharge permit limits.
5. *Does the action require the property owner to dedicate property or grant an easement?* No, the proposed revisions only impact surface water quality standards and any associated effluent limits.
6. *Does the regulatory action interfere with the owner's investment-backed expectations?* No, the proposed revisions allow greater flexibility with potential surface water discharges.
7. *Does the character of the government action balance the public interest and private burdens?* Yes, the variance process grants DEQ greater flexibility in balancing surface water quality criteria to protect designated uses with the social and economic impacts associated with public and private entities meeting the criteria.
8. *Does the action deprive the owner of all economically viable uses of the property?* No. The proposed revisions may result in expanded use of a property by allowing a temporary modification to the water quality standards.
9. *Does the action have a significant impact on the landowner's economic interest?* No. The proposed revisions may result in expanded use of a property by allowing temporary modifications to the water quality standards.
10. *Does the action deny the owner a fundamental attribute of ownership?* No. The proposed revisions do not deny property owners the right to possess, exclude others, or dispose of all or a portion of their property.

11. *Does the action serve the same purpose that would be served by directly prohibiting use of the land?* No. The proposed revisions do not prohibit the use of the land. To the contrary, the proposed revisions could expand how a property may be used.
12. *Could the problem which has necessitated the action be addressed in a less restrictive manner?* N/A. The process expands options available to point source dischargers, not restricts them.

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