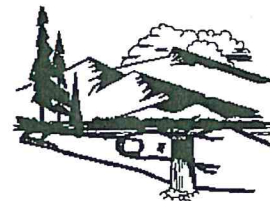




# Department of Environmental Quality

*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 *KF*

**DATE:** October 5, 2017

**PRIORITY:** HIGH – Deadline for response is October 19, 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 1. The proposed revisions establish a variance process for specific dischargers in cases where meeting a water quality based effluent limit would result in substantial and widespread economic and social impacts.

WQD presented the proposed revisions to the Water and Waste Advisory Board during their June 23, 2017 and September 22, 2017 meetings. At the September 22, 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, copies of Chapter 1 in strike and underline and clean formats, 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 Lindsay Patterson 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

*Kelly Shaw*  
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 Signature: Kelly Shaw

KF/gjt/17-0642