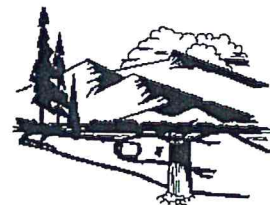




# Department of Environmental Quality

*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:** James Kaste, Wyoming Assistant Attorney General

**FROM:** Luke Esch, Solid and Hazardous Waste Division Administrator *LE*

**DATE:** August 21, 2018

**PRIORITY:** HIGH – Deadline for response is September 5, 2018

**SUBJECT:** Request for review of proposed rules for statutory authority

The Department of Environmental Quality, Solid and Hazardous Waste Division (SHWD) is proposing to revise Hazardous Waste Rules and Regulations Chapter 1, IBR. The proposed rule updates several mandatory EPA Rule revisions under the Resource Conservation and Recovery Act (RCRA).

SHWD presented the proposed revisions to the Water and Waste Advisory Board (WWAB) during their June 21, 2018 meeting. At the WWAB meeting the Board recommended adoption of the rules to the Environmental Quality Council. SHWD has reviewed the requirements of 35-11-503 of the Wyoming Environmental Quality Act and has determined this rulemaking to be in procedural compliance with the statute. SHWD has completed the Takings Checklist provided by the Attorney General's Office and 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 Hazardous Waste Rules, Chapter 1 in clean and strike and underline formats, and a completed 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 307-777-7192 or Jerry Breed, VRP and HW Program Manager at 307-777-5617.

### 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

*James Kaste*  
Signature: James Kaste

*8-29-18*  
Date

LE/cjs