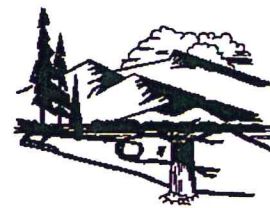




# Department of Environmental Quality

*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 Deputy Attorney General

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

**DATE:** **October 31, 2018**

**PRIORITY:** **HIGH** – Deadline for response is **November 15, 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 Solid Waste Rules and Regulations Chapter 4 Construction Demolition Landfill Regulations and Chapter 6 Transfer, Treatment, and Storage Facility Regulations. The proposed revisions consolidate and streamline permitting for construction/demolition waste landfills and solid waste transfer, treatment and storage facilities. Additionally, the revisions update the rules to be consistent with current statutes and previously revised chapters of the Solid Waste Rules and Regulations.

SHWD presented the proposed revisions to the Water and Waste Advisory Board during their March 29, 2018 and October 18, 2018 meetings. At the October 18, 2018 meeting, the Board recommended adoption of the rules to the Environmental Quality Council. SHWD has reviewed the requirements of 35-11-503(a) of the Wyoming Environmental Quality Act and has determined this rulemaking to be in procedural compliance with the statute. SHWD has reviewed and responded to the Takings Checklist provided by the Attorney General's Office. SHWD 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 4 and Chapter 6 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 Suzanne Engels 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

  
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 Signature: James Kaste

*10-31-18*  
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 Date