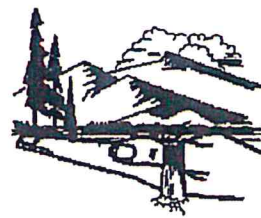




Mark Gordon, Governor

# Department of Environmental Quality


*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Todd Parfitt, Director

## MEMORANDUM

**TO:** Kelly Shaw, Wyoming Assistant Attorney General

**FROM:** Kevin Frederick, Water Quality Division Administrator 

**DATE:** July 11, 2019

**PRIORITY:** **HIGH** – Deadline for response is **July 25, 2019**

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

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) is proposing to revise Chapter 24 of the Water Quality Rules and Regulations. The proposed revisions include adding or editing passages for consistency with the Code of Federal Regulations (CFR), removing passages that are redundant to the Wyoming Environmental Quality Act (Act), and correcting formatting inconsistencies, grammatical, and capitalization errors.

WQD took public comment on the proposed rules beginning May 17, 2019 and ending June 25, 2019. On June 25, 2019, the Water and Waste Advisory Board recommended adoption of the rules to the Environmental Quality Council. In accordance with Wyoming Statutes (W.S.) 35-11-313 (f), WQD requested a review of the proposed rule by the state geologist and the Oil and Gas Conservation Commission and received responses prior to the recommendation of adoption by the Water and Waste Advisory Board.

WQD has reviewed the requirements of W.S. 35-11-302(a)(iii) and (vi), and 35-11-313(f) of the 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 enclosed:

- A copy of the draft memo to Governor Gordon
- A copy of the draft Statement of Principal Reasons for Adoption
- A copy of Chapter 24 in strike and underline format
- A copy of Chapter 24 in clean format
- A response to the Attorney General's Takings Checklist.

- A copy of the request for review that was sent to the OGCC Supervisor and State Geologist.

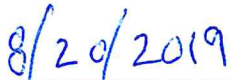
If you have any questions or need additional information regarding the proposed rules please do not hesitate to contact me or Lily Barkau of my staff.

**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

  
\_\_\_\_\_  
Date

KF/gjt