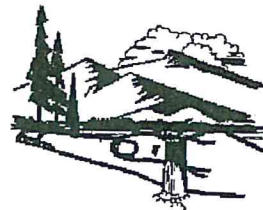




Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

MEMORANDUM

TO: James Kaste, Wyoming Assistant Attorney General

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

DATE: February 24, 2020

PRIORITY: **HIGH** – Deadline for response is **March 9, 2020**

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 12 of the Water Quality Rules and Regulations. The proposed revisions include adding requirements for public water systems that intend to acidize new wells during well completions to provide information to WQD in advance of those activities to ensure that public water supply well acidization activities are properly conducted and do not negatively impact underground sources of drinking water that are in the vicinity of the proposed activities. WDEQ/WQD is also proposing to correct cross-references, numbering errors, and formatting errors, and is proposing to clarify or remove statements that conflict with the recommendations of the Attorney General's Rule Handbook (2013).

WQD took public comment on the proposed rules beginning September 6, 2019 and ending October 7, 2019. On October 17, 2019, the Water and Waste Advisory Board recommended the adoption of the rules to the Environmental Quality Council.

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 12 in strike and underline format
- A copy of Chapter 12 in clean format
- 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 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: James Kaste

3-2-2020

Date

KF/gjt