



Mark Gordon, Governor

Department of Environmental Quality

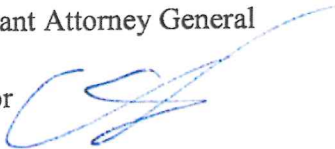
To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Todd Parfitt, Director

MEMORANDUM

TO: Matt VanWormer, Wyoming Assistant Attorney General

FROM: Colin McKee, Senior Policy Advisor 

DATE: January 5, 2021

PRIORITY: MEDIUM – Deadline for response is **January 19, 2021**

SUBJECT: Request for review of proposed rules for statutory authority

The Department of Environmental Quality (DEQ) is proposing to revise portions of its Rules of Practice and Procedure Chapter 3. The proposed revisions to Chapter 3 incorporate changes to the Wyoming Environmental Quality Act resulting from passage of House Enrolled Act 33 during the 2019 Legislative Session.

DEQ took public comment on the proposed revisions to Chapter 3 for thirty days in advance of the December 11, 2019 Water and Waste Advisory Board meeting, the December 12, 2019 Land Quality Advisory Board meeting, and the December 8, 2020 Air Quality Advisory Board meeting. Each board recommended the adoption of the proposed revisions to the Environmental Quality Council during their meetings noted above.

DEQ has reviewed the requirements of Wyoming Statutes § 35-11-202(a), 35-11-302(a), and 35-11-402(a) and has determined this rulemaking to be in procedural compliance with the statute. DEQ has reviewed and responded to the Takings Checklist provided by the Attorney General's Office. DEQ is now seeking a review of the proposed rules for statutory authority before 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 3 in strike and underline format
- A copy of Chapter 3 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.

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ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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Attorney General's Response Options:

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Proposed Rules are within the Agency's statutory authority, may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking

 Matt VanWormer

Signature: Matt VanWormer

 1-5-21

Date

CM/gjt