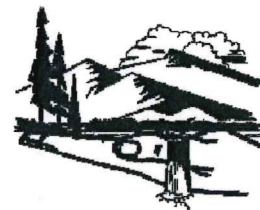


Department of Environmental Quality

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: Nicole Budine, Wyoming Assistant Attorney General

FROM: Jennifer Zygmunt, Water Quality Division Administrator

DATE: March 18, 2022

PRIORITY: **HIGH** – Deadline for response is **March 31, 2022**

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

The Department of Environmental Quality, Water Quality Division (WQD) is seeking a statutory authority review of a proposed new rule: Water Quality Rules Chapter 29, Geologic Sequestration Special Revenue Account Requirements. Chapter 29 is a new rule that identifies fee and timing requirements for Underground Injection Control Class VI well owners, operators, and permittees who are required to contribute to the Special Revenue Account created by Wyoming Statute § 35-11-318.

WQD provided a public comment period on the proposed rule between February 2, 2022, and March 4, 2022, and did not receive any comments on the proposed rule. On March 15, 2022, the Water and Waste Advisory Board advised WQD to proceed with the rule to the Environmental Quality Council.

Additionally, on February 2, 2022, WQD requested a review of the proposed rulemaking from the Wyoming Oil and Gas Conservation Commission and the Wyoming Geological Survey per W.S. § 35-11-313(f).

WQD has reviewed the requirements of W.S. § 35-11-302(a)(iii) and (vi) of the Wyoming Environmental Quality 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 requests a response as noted below regarding the review of the proposed rules for statutory authority. Once WQD receives your response, we will proceed as appropriate.

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 29 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 contact me or Lily Barkau of my staff.

Attorney General's Response Options:

X 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

Nicole Budine

Signature: Nicole Budine

3/21/2022

Date

JZ/gjt