

**TAKINGS CHECKLIST**

	<b>CRITERIA</b>	<b>YES</b>	<b>NO</b>
1.	Does the action affect private property? (If no, no further inquiry is necessary.)		
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)		
3.	Does the proposed action advance a statutory purpose?		
4.	Does the action result in permanent occupation of private property?		
5.	Does the action require the property owner to dedicate property or grant an easement?		
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		
7.	Does the character of the government action balance the public interest and private burdens?		
8.	Does the action deprive the owner of all economically viable uses of the property?		
9.	Does the action have a significant impact on the landowner's economic interest?		
10.	Does the action deny the owner a fundamental attribute of ownership?		
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		

*If these questions are answered yes, legal counsel should be consulted, for it is possible the proposed action will be a taking.*

### **Water Quality Rules and Regulations Chapter 3 Takings Checklist Analysis for Proposed Revisions**

1. *Does the action affect private property?* No. The proposed changes do not regulate or limit the use of private property or establish conditions or requirements on the potential uses of private property. The proposed revisions add an administrative exclusion for coal combustion residual (CCR) surface impoundments that will be permitted by the Solid Waste Program once the new Solid Waste Rules CCR chapter is adopted and signed by the Governor, and correct cross-reference errors, minor grammar errors, and formatting errors.