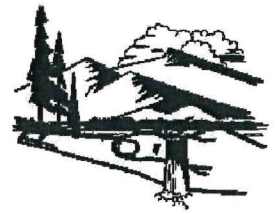


# Department of Environmental Quality

*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:** David DeWald, Wyoming Senior Assistant Attorney General

**FROM:** Suzanne Engels, Solid and Hazardous Waste Division Administrator *SE*

**DATE:** August 1, 2022

**PRIORITY:** HIGH – Deadline for response is August 15, 2022

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

The Department of Environmental Quality, Solid and Hazardous Waste Division (SHWD) is proposing revisions to Solid Waste Rule (SWR) Chapter 3: Industrial Landfill Regulations.

The proposed Chapter 3 revisions remove redundant and irrelevant language, corrects grammar, restructures passages for clarity, provides consistency with other chapters of the SWR, and formats the rule to meet the Secretary of State requirements. In addition, SHWD is proposing updates to the permit terms, as well as the standards for location, design and construction, operating, monitoring, recordkeeping, reporting, closure and post-closure, and corrective action.

SHWD presented the proposed revisions to the Water and Waste Advisory Board (Board) during their June 28, 2022, meeting. At that meeting, the Board advised the adoption of the revised Chapter 3 to the Environmental Quality Council. SHWD has reviewed the requirements of Wyoming Statute § 35-11-503(a) of the Wyoming Environmental Quality Act and has determined this rulemaking to be in procedural compliance with the statute. SHWD has reviewed and responded to the Takings Checklist provided by the Attorney General's Office. SHWD is now seeking a review of the proposed rule for statutory authority prior to submitting the rule to the Governor's Office for permission to proceed to formal rulemaking.

Per the Attorney General's Rules Handbook, attached is a copy of the draft memo to Governor Gordon, a copy of the draft Statement of Principal Reasons for Adoption, copies of Chapter 3 in strike and underline and clean formats, and a response to the Attorney General's Takings Checklist. If you have any questions or need additional information regarding the proposed rule please contact me or Jody Weikart of my staff.

### Attorney General's Response Options:

Proposed rule is within the Division's statutory authority, may seek permission to proceed from the Governor's Office

Proposed rule exceed statutory authority, delay proceeding with rulemaking

*[Signature]*  
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 Signature: David DeWald

*8/2/22*  
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 Date