

**Wyoming Solid Waste Rules Chapter 3  
 Takings Checklist Analysis for Proposed Revisions**

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

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

\*The attorney general's office was consulted for legal counsel. The rule being adopted protects human health and safety, and therefore are not a taking.

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1. Does the action affect private property? – Yes

The proposed rule may affect private property because the rule applies to solid waste facilities that may be operated on private property. However, a waste management permit, with associated regulatory restrictions, cannot be issued without first obtaining landowner consent. State acquisition of private property is not required in order to implement the rule.

3. Does the proposed action advance a statutory purpose? – Yes

The proposed rule is intended to meet the requirements of W.S. § 35-11-502 through 508, and 514 through 514.

7. Does the character of the government action balance the public interest and private burdens? – Yes

The proposed rule deals with waste management and corrective action requirements for disposal of industrial waste generated from industrial solid waste producers to ensure protection of human health and the environment.