



# Department of Environmental Quality



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

Matthew H. Mead, Governor

Todd Parfitt, Director

## MEMORANDUM

**TO:** David Ross, Wyoming Assistant Attorney General

**FROM:** Kevin Frederick, Water Quality Division Administrator *KF*

**DATE:** March 24, 2015

**PRIORITY:** HIGH – Deadline for response is April 7, 2015

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

The Department of Environmental Quality, Water Quality Division (WQD) is proposing to revise Chapters 8, 13, 16 and 27 of the Water Quality Rules and Regulations. The proposed revisions correct an error in Chapter 8, Section 6; create new Chapter 27; move and merge the contents of Chapter 13 and Chapter 16 into new Chapter 27, and repeal Chapters 13 and 16.

The Water and Waste Advisory Board reviewed the rules during the October 24, 2014 meeting. The Board recommended adoption of the rules to the Environmental Quality Council. WQD has reviewed the requirements of 35-11-302(a)(iii) and (iv) 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 is now seeking a review of the proposed rules for statutory authority prior to 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 attached a copy of the draft memo to Governor Mead, a draft copy of the streamlining summary for Special Counsel Richard Barrett, a copy of the draft Statement of Principal Reasons for Adoption, a copy of Chapter 8 in strike and underline format, a copy of Chapter 8 in clean format, a copy of Chapter 13 in strike and underline format, a copy of Chapter 13 in clean format, a copy of Chapter 16 in strike and underline format, a copy of Chapter 16 in clean format, a copy of new Chapter 27 in strike and underline format, a copy of new Chapter 27 in clean format, and 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 or William Tillman of my staff.



**Attorney General's Response Options:**

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

 4/14/15

Signature: David Ross

Enclosures

KF/gjt/15-0263