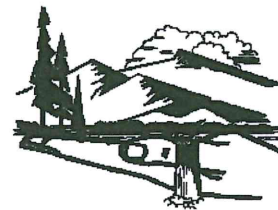




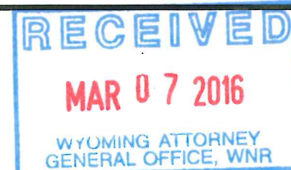
# Department of Environmental Quality

*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 4, 2016**

**PRIORITY:** **HIGH** – Deadline for response is **March 19, 2016**

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

The Department of Environmental Quality, Water Quality Division (WQD) is proposing to revise Chapters 15 and 25 of the Water Quality Rules and Regulations. The proposed revisions move the contents of Chapter 15, Appendix C into new Appendix B of Chapter 25, reserve the rest of Chapter 15, and substantially edit Chapter 25.

The Water and Waste Advisory Board (WWAB) reviewed the rules during the June 14, 2013, September 19, 2013, April 18, 2014, and July 25, 2014 meetings. The WWAB recommended adoption of the rules to the Environmental Quality Council (EQC) at the July 25, 2014 meeting. WQD presented the proposed changes to the EQC at their July 8, 2015 meeting, at which time the EQC voted to table the proposed changes due to comments received during the public notice period and at the hearing. On September 10, 2015, WQD withdrew the request to approve the proposed changes. WQD made additional revisions to Chapter 25 based on the comments received from the EQC and the public and then presented Chapters 15 and 25 to the WWAB on December 11, 2015. At that meeting, the WWAB again recommended adoption of the rules to the EQC.

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 copy of the draft Statement of Principal Reasons for Adoption, a copy of Chapter 25 in strike and underline format, a copy of Chapter 25 in clean format, a copy of Chapter 15 in strike and underline format, a copy of Chapter 15 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



Signature: David Ross

KF/gjt/16-0145