

MEMORANDUM

TO: Kelly Shaw, Wyoming Assistant Attorney General
FROM: Luke Esch, Solid and Hazardous Waste Division Administrator
DATE: August 1, 2016
PRIORITY: HIGH – Deadline for response is August 16, 2016
SUBJECT: Request for review of proposed rules for statutory authority

The Department of Environmental Quality, Solid and Hazardous Waste (SHWD) is proposing to revise Chapters 1 and 2 and eliminate Chapters 9 and 15 of the Solid Waste Rules and Regulations.

The Water and Waste Advisory Board (WWAB) reviewed the rules during its January 22, 2016 and July 20, 2016 meetings. The WWAB recommended adoption of the rules to the Environmental Quality Council (EQC) at the July 20, 2016 meeting.

SHWD has reviewed the requirements of 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 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 Chapters 1, 2, 9 and 15 in strike and underline format and 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 Bob Doctor 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: Kelly Shaw