



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: Kelly Shaw, Wyoming Assistant Attorney General

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

DATE: October 2, 2017

PRIORITY: HIGH – Deadline for response is **October 16, 2017**

SUBJECT: Request for review of proposed rules for statutory authority

The Department of Environmental Quality, Water Quality Division (WQD) is proposing to revise Water Quality Rules and Regulations Chapter 5. The proposed revisions clarify requirements concerning operator availability; add certification levels for simple water and wastewater treatment facilities; specify designation of substitute responsible charge operators; remove designation grace periods for systems that terminate responsible charge operators; and correct redundancies, grammar, and formatting errors.

WQD presented the proposed revisions to the Water and Waste Advisory Board during their September 22, 2017 meeting. At the September 22, 2017 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 copy of the draft Statement of Principal Reasons for Adoption, copies of Chapter 5 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 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

Kelly Shaw

 Signature: Kelly Shaw

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