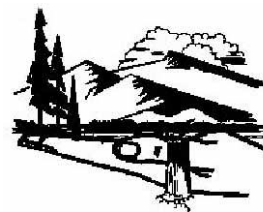




# Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

## MEMORANDUM

**TO:** Kelly Shaw, Wyoming Assistant Attorney General

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

**DATE:** January 19, 2021

**PRIORITY:** **HIGH** – Deadline for response is **January 29, 2021**

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

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) is proposing to revise Chapter 24 of the Water Quality Rules and Regulations. The proposed rules include revisions to definitions and passages for consistency with federal regulations and Wyoming Oil and Gas Conservation Commission regulations; clarification of public liability insurance requirements for consistency with Wyoming Statutes (W.S.) § 35-11-313(f)(ii)(O); the addition of an affidavit filing requirement for consistency with W.S. § 35-11-313(f)(vi)(G); removal or clarification of financial assurance requirements for consistency with other WDEQ rules and Uniform Commercial Code statutes; removal of passages that are restatements of the Wyoming Statutes; the addition of Section 21 for compliance with the Wyoming Administrative Procedures Act; and the correction of formatting and style inconsistencies and errors.

WQD took public comment on the proposed rules beginning November 6, 2020 and ending December 16, 2020. On December 16, 2020, the Water and Waste Advisory Board recommended adoption of the rules to the Environmental Quality Council. In accordance with W.S. § 35-11-313 (f), WQD requested a review of the proposed rule by the state geologist and the Oil and Gas Conservation Commission and received responses prior to the recommendation of adoption by the Water and Waste Advisory Board.

WQD has reviewed the requirements of W.S. § 35-11-302(a)(iii) and (vi), and § 35-11-313(f) 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 enclosed:

- A copy of the draft memo to Governor Gordon

