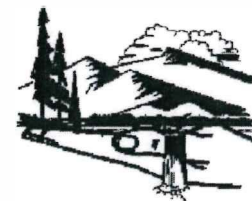




Department of Environmental Quality

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: Nicole Budine, Wyoming Assistant Attorney General

FROM: Jennifer Zygmunt, Water Quality Division Administrator

DATE: July 25, 2022

PRIORITY: **HIGH** – Deadline for response is **August 8, 2022**

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

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) is seeking a statutory authority review of proposed revisions to Water Quality Rules Chapter 12, Design and Construction Standards for Public Water Supplies. WQD is proposing to incorporate specific sections of the Recommended Standards for Water Works, 2018 Edition by reference; add new paragraphs that require public water supplies that propose acidization to submit plans that describe existing wells in the proposed area, mitigation plans, local geology, and placement and integrity of the annular seal and casing of the well so that the Department of Environmental Quality, Water Quality Division may ensure the acidization activities do not negatively impact underground sources of drinking water that are in the vicinity of the proposed activities; add requirements for treatment technologies, including ultraviolet and membrane technologies; correct outdated references, formatting, numbering, and grammar errors; remove requirements that are not within the statutory authority of the Water Quality Division; reorganize passages to clarify requirements; and add a new section that identifies the information incorporated by reference, in accordance with W.S. § 16-3-103(h).

WQD took public comment on the proposed rules between November 5, 2021 and February 14, 2022. WQD presented the proposed revisions to Chapter 12 to the Water and Waste Advisory Board (WWAB) at meetings held on December 21, 2021, March 15, 2022, and May 3, 2022. On May 3, 2022 the WWAB voted 2-2 on a motion to move the proposed rule forward to the Environmental Quality Council (EQC). DEQ Director Parfitt has advised WQD to proceed with plans to present the revisions to the EQC at their November 15, 2022 hearing.

WQD has reviewed the requirements of W.S. 35-11-302(a)(iii) and (vi) of the 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 requests a response as noted below regarding the review of the proposed rules for statutory authority. Once WQD receives your response, we will proceed as appropriate.

Per the Attorney General's Rules Handbook, you will find enclosed:

- A copy of the draft memo to Governor Gordon
- A copy of the draft Statement of Principal Reasons for Adoption
- A copy of Chapter 12 in strike and underline format
- A copy of Chapter 12 in clean format
- A response to the Attorney General's Takings Checklist.

If you have any questions or need additional information regarding the proposed rules please contact me or Keenan Hendon of my staff.

Attorney General's Response Options:

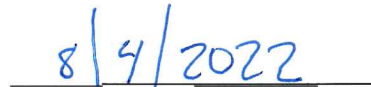
X

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: Nicole Budine



Date

JZ/gjt