



# 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

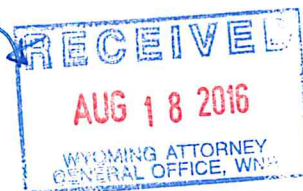
**TO:** Elizabeth Morrisseau, Wyoming Assistant Attorney General

**FROM:** Todd Parfitt, Director, Department of Environmental Quality

**DATE:** August 16, 2016

**PRIORITY:** HIGH – Deadline for response is August 22, 2016

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



The Department of Environmental Quality (DEQ) is proposing revisions to Chapters 1, 2, 3, 4, 5, 6, and 7 of the Rules of Practice and Procedure. The Department is also proposing to repeal Chapter 4 in its entirety and to repeal Chapter 6 and replace it with a new Chapter 9. The proposed revisions adopt as much as practicable of the uniform contested case rules developed by Wyoming Office of Administrative Hearings in accordance with W.S. 16-3-102. The proposed revisions also update and clarify requirements applicable to rulemaking, petitions for award of costs and expenses under W.S. 35-11-437(f), director review involving surface coal mining operations, hearings before the department, and very rare or uncommon areas.

The Air Quality Advisory Board, Land Quality Advisory Board, and Water and Waste Advisory Board reviewed the rules during a joint advisory board meeting held on June 29, 2016. The Air Quality Advisory Board, Land Quality Advisory Board, and Water and Waste Advisory Board recommended adoption of the rules to the Environmental Quality Council (EQC).

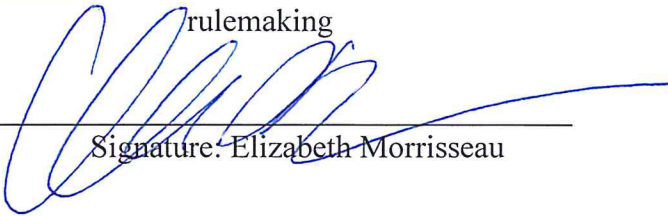
DEQ has reviewed the requirements of 35-11-109(a) of the Wyoming Environmental Quality Act and has determined this rulemaking to be in procedural compliance with the statute. DEQ has reviewed and responded to the Takings Checklist provided by the Attorney General's Office. DEQ is now seeking a review 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, 3, 4, 5, 6, and 7 in strike and underline format, a copy of Chapters 1, 2, 3, 4, 5, 6, and 7 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 Alan Edwards 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: Elizabeth Morrisseau

AE/gjt