

ENVIRONMENTAL QUALITY COUNCIL

12-month period ending June 30, 2008

General Information

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Agency Contact

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Agency Employees

Three Full-Time Staff Members

Organization Structure

The Governor appoints the seven members of the Environmental Quality Council, and the Wyoming Senate confirms the appointments. The EQC members are not full-time employees but are reimbursed and paid in the same manner as members of the Legislature. The EQC members and the three-person staff form a separate operating agency. There are no divisions or sections in the organization. The Council meets on a regular basis throughout the state.

Served

The council serves the entire state, including private residents, organizations, and businesses.

Budget Information

General Funds \$ 742,748

Total \$ 742,748

ENVIRONMENTAL QUALITY COUNCIL

ANNUAL REPORT

FY2008

Results Statement: Wyoming state government is a responsible steward of State assets and effectively responds to the needs of residents and guests.

Wyoming natural resources are managed to maximize the economic, environmental and social prosperity of current and future generations.

Our Contribution to Wyoming Quality of Life: The purpose of the Environmental Quality Council (EQC) is to adjudicate environmental disputes and enact regulations to implement the Environmental Quality Act to protect the health of the people of the state and the environment of the state of Wyoming.

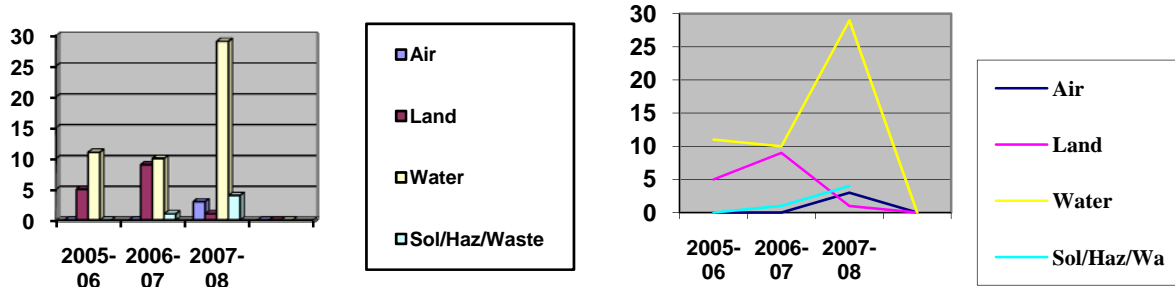
Basic Facts: The Council is a citizen Council with seven members who have varied schedules and workloads. There are three staff members to assist the Council. The Council is entirely funded by the state general fund for a total biennium budget of \$742,748. The functions of the Council include contested case hearings; rulemaking hearings to enact regulations for air, land, water and waste programs; and designating special areas of the state as very rare or uncommon. The Council receives training and informational materials on a continual basis, and, as time allows the members attend forums and seminars that present information on environmental issues and trends to keep abreast of scientific developments and policy discussions.

All contested cases and the majority of the proposed changes to regulations are a result of the Department of Environmental Quality's (DEQ) work. Therefore, the EQC does not have complete control of the content of the docket. The Council's schedule is a function of case complexity, member's schedules and statutory deadlines. There is a limit to the number of days and places the citizen Council can work. The following are ways the primary functions can be tracked:

- * Contested Case hearings include disputes over the implementation of DEQ regulations and policies and also include bond forfeitures, permit disputes and DEQ orders approved by the Council.
- * Rulemaking hearings to enact regulations for DEQ programs and designations of special areas.
- * The Council's number of days worked are those days spent in hearings or meetings. This number does not include travel days.
- * Places across the state worked. The Council works to hold hearings and meetings across the whole state to allow Wyoming citizens to interact with the Council. Wyoming Statute 35-11-112 (a)(v) requires the hearings to be held within a county in which the area or major portion thereof is located.

Performance Measure #1

CONTESTED CASES



Story behind the performance:

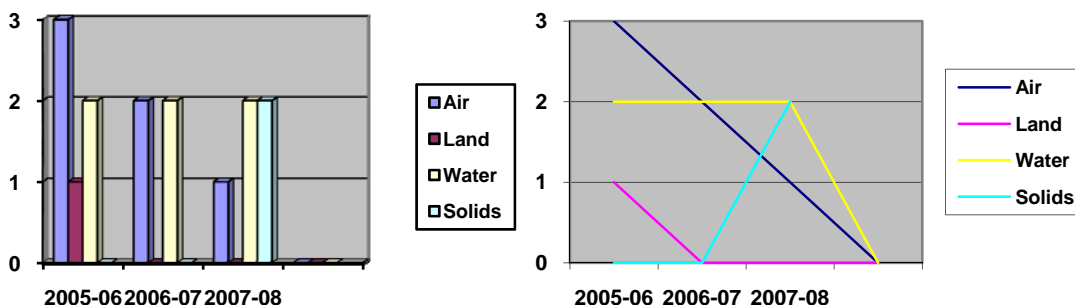
Contested case hearings arise from the implementation of the Environmental Quality Act (the Act) by the Department of Environmental Quality (DEQ), and the hearings are formal trial type proceedings. These cases include disputes such as enforcement actions; disagreements over permit issuance or denial, or forfeiture of performance bonds. At the conclusion of a contested case hearing, the EQC issues a formal decision document. EQC decisions can be appealed to a state district court. The EQC can award attorney's fees and levy penalties in enforcement cases involving surface coal mines. Contested hearings in FY2008 ranged from one to five days in length and these cases also required separate motion hearings, pre-hearings, conferences, and site visits. The Council members hold public meetings where they deliberate and vote on case decisions.

What was done to improve performance in the past year?

Contested cases are being handled in a consistent and timely fashion. The Rules of Practice and Procedure of the Council are currently undergoing revision to further streamline the timeliness in which contested cases proceed through the system.

Performance Measure #2

RULEMAKINGS



Story behind the performance:

The EQC holds rulemaking hearings when DEQ or a citizen comes to the EQC for promulgation of new or revised rules, regulations, or standards (referred to generically as regulations). The EQC is the body responsible for adoption of the content and format of the regulations for all DEQ programs with the exception of Abandoned Mine Lands and Industrial Siting. Thus all air, water, land, and solid waste regulations are promulgated by the EQC after formal hearings where public comment is received. Members of the public may also challenge decisions on regulations and the Council regularly has a citizen petition for rulemaking on its docket. During the 2007-08 fiscal year the Council considered Chapters 1 through 14 rule packages for the Solid and Hazardous Waste Division for the Department of Environmental Quality and Chapter 17 for the Water Quality Division of the Department of Environmental Quality.

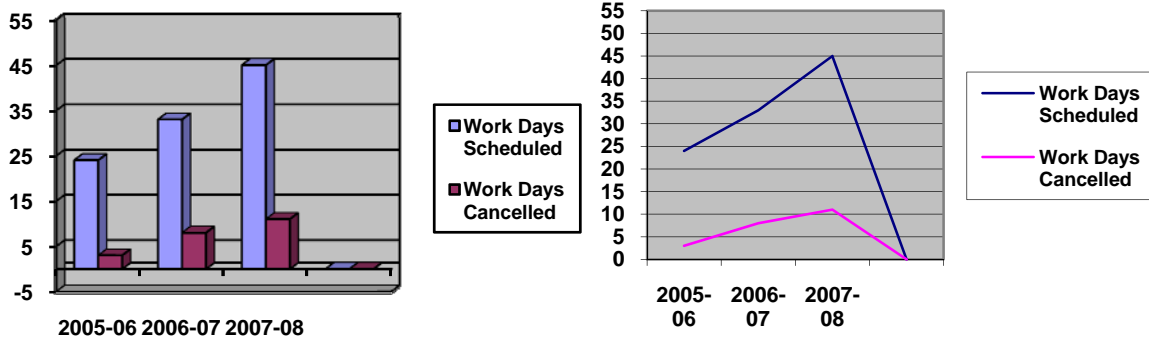
The Council also considered a citizen petition to designate a large area of southwestern Wyoming, commonly referred to as Adobe Town, for rare or uncommon status.

What was done to improve performance in the past year?

During the 2007-08 fiscal year, the Council amended its rules of practice regarding the public notice and comment provisions concerning the rule making procedure. In order to provide a better method of collection of public comments and to give the department a better opportunity to consider and respond to public comments, the Council changed the rules so that public comments was received earlier in the process and set time limits for submittal of no less than 45 days. This change allowed for publication of the departments responses to public comments, thus allowing the Council to limit oral public comment at the public hearing to the responses of the department to the public comments and to any suggested changes the department submits regarding the proposed rules package.

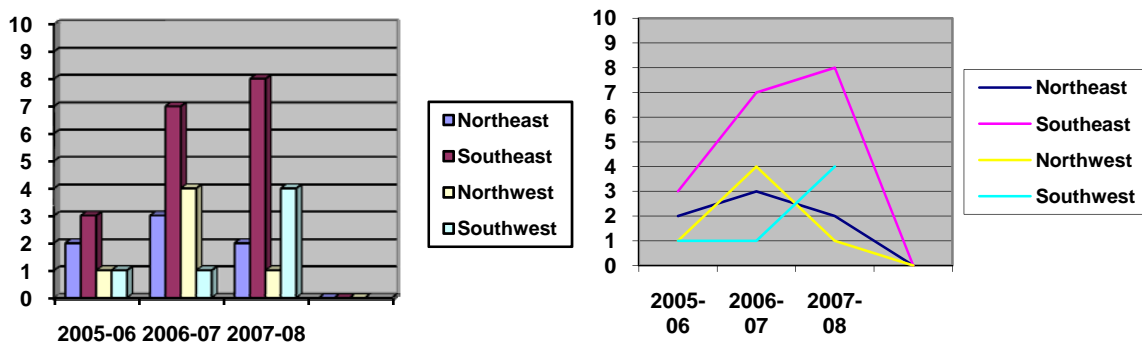
Performance Measure #3

EQC Work Days



Performance Measure #4

PLACES WORKED



Story behind the performance:

The Council tracks the number of days worked in hearings and meetings in an effort to have a better picture of the time spent on Council business and cases. The areas of the state where the Council held hearings and meetings were tracked to ensure all citizens of the state had access to the Council. The Council held contested case hearings throughout the state based on the area where the case was originated. Various meetings during the year were held in conjunction with hearings to make better use of the Council and citizen's time.

What has been done to improve performance in the past year?

To improve the trend as shown in Performance Measures 3 and 4, the EQC annually reviews the core values and performance indicators in an internal audit. Cases were reviewed and procedures or gaps in the system were adjusted based on these assessments.

Because the capital of Wyoming is located in the southeast portion of the State, it will consistently have more work days and places worked than the other quadrants of the state. The filings by individual and companies also have a direct and uncontrolled impact on the number of towns a meeting/hearing are held within a particular area. In 2007-2008, the Council had a long very rare or uncommon designation, Adobe Town, in the southwest part of the state. The statutes require those proceedings to be held in the county in which some or all of the land is located. Because of the large concentration of public Federal lands in northwestern Wyoming, the demand for Council time in that area will consistently be less than other areas of the state. The Council is committed to being accessible to all constituent bases throughout the state.

EQC ORGANIZATIONAL CHART

