

Environmental Quality Council

Mission and philosophy

The Environmental Quality Council holds hearings and renders decisions on cases or disputes arising under the laws, rules, regulations, standards or orders issued by the Department of Environmental Quality.

Results of outcomes

Appeals received during this period totaled 27 cases. Nine appeals concerning coalbed methane wells in one drainage in Campbell County were consolidated into one case. There were also three requests for rulemaking hearings from the DEQ.

The council has held 11 public meetings to deliberate and decide on cases that had been heard.

The council has held seven contested cases hearings along with additional prehearings and motion hearings. The length of these contested hearings ranged from one to six days. The council conducted eight prehearings either through the video conferencing system or telephone conferencing. The council also conducted three rulemaking hearings that were requested by the different divisions of the DEQ. It also scheduled three meetings, six hearings and prehearings that were later cancelled. Meetings and hearings are held throughout the state.

The council issued 12 contested case decisions, issued statements of reasons for three packages of changes to the DEQ regulations. It approved 25 orders that were submitted by DEQ; three initial requests for bond forfeiture; and one final order for bond forfeiture.

The council attended two site tours in the Wildcat Creek area of Campbell County, and the hog farm facility in Wheatland.

Cases of Note:

The council held a rulemaking hearing in response to a citizen petition for rulemaking. The residents of Platte County and several environmental organizations petitioned the council to change the standards for regulating odors emanating from confined swine feeding operations (hog farms). They argued the current standard does not adequately address the problems they are experiencing with the Wheatland hog farm. The council hearing in Wheatland was well attended with full participation from the public, exchanging comments and recommendations. The council held discussions on the odor issue on several occasions during public meetings and eventually requested DEQ review the Wyoming odor standard in its entirety.

At a meeting on June 30th, DEQ reported to the council and it proposed an improved enforcement strategy and expanded public hearings on the odor standard. This rule-making proceeding will address odor standards for all

General information

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Other locations

None

Year established and reorganized

Established 1973, reorganized into separate operating agency in 1993

Statutory references

Environmental Quality Act 35-11-101 through 35-11-1803, W.S. 2000, as amended

Number of authorized personnel

Three full-time

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 due to the size of the agency.

Clients served

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

Budget information

General Funds \$ 232, 342

Total \$ 232,342

Agency to which group reports

Does not apply, decisions are appealed to

facilities, including the methods by which odors are measured. The council then moved to deny the residents petition for a rule change and to proceed with the DEQ proposal. The odor standard will be back before the council in the coming year.

Another case before the council dealt with an air quality issue in Campbell County. The Powder River Basin Resource Council (PRBRC) objected to the proposed permit conditions for the RAG Eagle Butte Mine, a surface coal mine, claiming inadequate protection of public health and safety from nitrogen oxide emissions produced by blasting at the mine. NO₂ is a toxic gas that can be harmful to humans and it can be emitted when blasting takes place at the surface coal mines. A study, referred to as the Black Thunder Study, of NO₂ emissions was conducted by the mining industry in the Powder River Basin at the request of the director of DEQ. Evaluating the monitoring and modeling data with the toxicology information gathered in the study, the Black Thunder final report concluded that harmful exposures to NO₂ emissions from blasting would be prevented if specific protocols are followed e.g. blasting a certain distance from potential receptors. The council held several hearings in this case and after extensive discussions, the council ordered the DEQ to approve RAG's application to amend their permit with conditions that set forth restrictions on blasting.

The council also held four rulemaking hearings that were requested by the different divisions of the DEQ, namely, Air Quality Chapters 5, 6, 7, and 11; Water Quality Chapter 12 and Chapter 23; and Land Quality Coal rules Chapters 1, 2, 4, 12, 18 and Appendix A.

The council has started working on the consolidated coalbed methane case and scheduled three weeks for the hearing in addition to days for pre-hearings, motions hearings and the site visit.

Strategic plan changes

The council is working on revising its strategic plan.

Wyoming State District Court.

Number of meetings

Averages nine meetings a year, additional meetings are scheduled as needed. Number does not include number of hearings.

Environmental Quality Council organization chart

