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BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE ADDITION OF)
PROPOSED CHAPTER VIII, SMALL BUSINESS) STATEMENT OF
VOLUNTARY DISCLOSURE INCENTIVE,) PRINCIPAL REASONS
TO THE DEPARTMENT OF ENVIRONMENTAL) FOR ADOPTION
QUALITY RULES OF PRACTICE AND PROCEDURE)

1. Adoption of the proposed Chapter VIII, Small Business Voluntary Disclosure Incentive, is in the best interest of the State of Wyoming since it will encourage small businesses to disclose environmental non-compliance to the Department of Environmental Quality (DEQ) and to seek compliance assistance from the DEQ, which should improve compliance with Wyoming's environmental laws.
2. Section 35-11-112(a)(i) of the Environmental Quality Act (the Act), W.S. § 35-11-112(a)(i), states that the Environmental Quality Council has the authority to promulgate rules necessary for the administration of the Act.
3. The proposed Chapter VIII provides for a waiver of penalties for environmental non-compliance under Article 9 of the Act for qualifying small businesses whose violations meet the criteria outlined in the proposed rule. The criteria in the rule provide sufficient incentive for small businesses to seek the penalty waiver, excluding, among others, only those small businesses who should be aware of the requirements of the Act and its regulations, gain significant economic advantage from non-compliance, threaten or harm public health and the environment, have a history of non-compliance or commit criminal violations of the Act. These requirements for the waiver will help prevent abuse of the incentive.
4. Adoption of Chapter VIII will not cause economic hardship to the regulated community, but will reduce the potential liability of environmental non-compliance for small businesses that meet the criteria in the proposed rule. The rule imposes no new burdens on the regulated community and can be easily implemented by the DEQ.
5. Adoption of Chapter VIII should not interfere with the ability of the DEQ to enforce the requirements of the Act and its regulations.

Dated this 30th day of April 1997.



John Morris, Chairman

Wyoming Environmental Quality Council