

# Wyoming Department of Environmental Quality

## Annual Report

### FY2017

#### **Agency Information**

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- Other Locations: Casper, Lander, Rock Springs, Sheridan and Pinedale

#### **Statutory References:**

- The Environmental Quality Act, and the Industrial Development Information and Siting Act.

#### **Basic Information:**

- Number of Employees: 266
- Clients Served: The people of Wyoming, Wyoming businesses, Federal, State, local government, non-government organizations and others

#### **Budget Information:**

- The FY2017/2018 operating budget for the Wyoming Department of Environmental Quality was \$199M

#### **Primary Functions:**

The Department of Environmental Quality (DEQ) was established by the Wyoming Environmental Quality Act and Industrial Development Information and Siting Act pursuant to W.S. §§ 35-11-101 through 2001 and W.S. § 35-12-101 through 119 respectively. As Wyoming's environmental regulatory agency, DEQ is responsible for the implementation and enforcement of delegated federal programs under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and Surface Mining Control and Reclamation Act, as well as other state environmental regulatory programs.

DEQ consists of seven divisions; Air Quality, Water Quality, Solid and Hazardous Waste, Land Quality, Industrial Siting, Abandoned Mine Lands, and Administration. DEQ has 266 employees located in Sheridan, Lander, Casper, Rock Springs, Pinedale, and headquartered in Cheyenne. Together we ensure that Wyoming's natural resources are managed to maximize the economic, environmental and social prosperity of current and future generations. DEQ does this through a combination of monitoring, permitting, enforcement, remediation, and restoration activities which protect conserve and enhance the environment while supporting responsible stewardship of Wyoming's resources. Other important DEQ functions include human resources, accounting, and emergency response. Together DEQ's programs serve over 5,000 businesses operating thousands of facilities across the state. Over the past decade, the workload of DEQ has grown. To effectively deal with that growth and the on-going environmental management requirements associated with expanding regulatory oversight from federal agencies, DEQ continually works to identify efficiency opportunities in programs. DEQ has implemented a paperless office initiative and worked with outside consultants to improve performance in targeted areas. DEQ continually looks for opportunities to re-structure programs in a manner to bring added focus to priority areas and make concerted efforts to collaborate with stakeholder groups to make the agency more efficient.

- DEQ's Mission: To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.
  
- DEQ's Values: The success of this mission requires our shared commitment to values that define and guide who we are, what we do and how we do it. These values are:
  - We are proactive by anticipating future impacts on Wyoming's environment and taking actions to minimize those impacts.
  - We are innovative by encouraging people from both inside and outside the agency to consider new approaches to protecting, preserving and enhancing a healthy environment.
  - We are consistent by fairly applying and implementing regulatory requirements.
  - We are responsive through timely and open communications with the public, the regulated community and other stakeholders who are affected by our work.
  - We are committed to a culture and work environment where everyone is treated respectfully, professionally developed and continuously challenged.
  - We are decisive and make decisions in a rigorous and timely manner supported by thorough analysis, quality data and sound rationale.
  
- DEQ's Vision Statement: The Wyoming Department of Environmental Quality envisions a future where vibrant economic development and prosperity is achieved while providing sound and sensible environmental protection for the benefit of Wyoming and its citizens.

**Performance Highlights:** DEQ developed goals that describe the broad environmental responsibilities with which the various Divisions are tasked. Below, these goals have been incorporated into the department performance highlights for FY2017.

**Goal 1 – To investigate, remediate and restore contaminated and disturbed sites.**

DEQ investigates, remediates and restores contaminated and disturbed sites in order to protect the health, welfare and safety of Wyoming's citizens and to preserve, reclaim and enhance air, land and water resources of the state.

**Abandoned Mine Lands:**

- Since the initiation of AML reclamation activities in Wyoming in 1983, reclamation activities have included restoration of approximately 24,980 acres of degraded and unproductive abandoned mine land to beneficial use as wildlife habitat and rangeland. Additionally 2,452 mine openings have been closed, and over 619,124 linear feet of dangerous highwalls have been remediated. Since its inception, AML has restored over 127 miles of impaired streams and 1,984 acres of impaired lands adjacent to streams. In FY2017 alone, AML reclaimed approximately 158 acres of unproductive abandoned mine lands, closed 57 mine openings, reduced 8,402 linear feet of dangerous highwalls, remediated 7.4 acres of underground coal mine fires, mitigated approximately 34 acres of underground mine subsidence, and removed 2 hazardous dilapidated buildings.
- AML has also mitigated the impacts of historic underground coal mining in communities across the state. The mitigation has been primarily through grouting of the shallow voids that existed under the communities. Grouting involves the injection, under low pressure, of a cement grout into the shallow voids to reduce the potential for future mine subsidence that could impact structures or infrastructure. Historically, grouting activities have been conducted in Communities such as Buffalo, Glenrock, Rock Springs, Superior and Kemmerer. With the new proactive approach, AML is using to preempt subsidence damage under developed areas, essential infrastructure, and utilities, subsidence mitigation grouting has been increased in scope and number of areas addressed. In FY2017, the AML Program drilled 642 holes for subsidence evaluation and grout injection, and injected approximately 43,811 cubic yards of grout into underground voids in Glenrock, Rock Springs area, Reliance, and Superior. To date, it is estimated that about 18,327 holes have been drilled to inject approximately 479,040 cubic yards of grout for underground mine mitigation.
- In recent years, AML has implemented a geomorphic design into the reclamation of areas with surface disturbance. This process seeks to match the surrounding undisturbed landform and create areas that will capture snow, control erosion and result in more successful re-vegetation of those sites. This process has been further refined and modified to achieve significant success on the ground including the establishment of new and enhanced revegetation techniques.

### Industrial Siting:

- 319 spills and 86 complaints were reported during FY2017.
- The Industrial Siting Division continues to implement the centralized bonding program. This has been a significant undertaking requiring the transfer of existing files from the other divisions, review for adequacy, and development of standardized bonding documents. The bonding staff reviews all bonding documents to assure the protection of the state's interest. The division has completed the transfer of bonding accountability from LQD and SHWD. The division is coordinating the transfer of WQD at this time.

ISD completed 370 bonding actions during FY2017.

The bonding program currently manages 1,169 bond instruments with a value of \$3B, the break out of those instruments is listed below:

- 1,024 bonding instruments with a value with \$2.7B for Land Quality
- 104 bonding instruments with a value with \$21.9M for Solid Waste
- 39 bonding Instruments with a value with \$223.7M for Hazardous Waste
- 2 bonding instruments with a value with \$30.4M for Industrial Siting.

### Land Quality Division:

- The reclamation of disturbed lands is a focal point for the LQD. The cumulative Phase III bond release application average for evaluation years 1999 – 2007 was 419 acres, and from evaluation years 2008 – 2017 was 1,300 acres. LQD data also indicates that the reclamation acreage completed through Area and Phase I reclamation has increased during recent years attributed to market contraction in coal.

### Solid and Hazardous Waste:

- The Orphan Sites Program (ORSP) made significant accomplishments at the Casper and Laramie PCE Groundwater Plume sites. Through high resolution investigation and testing methods, innovative technologies to remediate the source of contamination were identified. Although remediation will extend into future years, these methods and technologies significantly reduce the cost and time to reach protective levels in groundwater as well as reduce the potential indoor air impacts to businesses and residences. The Brownfields Assistance Program (BFAP) made significant contributions in supporting communities, economic develop organizations and conservation districts to help them be successful in grant applications for EPA brownfields funding as well as helping them conduct public outreach, develop and host workshops and conduct site assessment and cleanup activities. At a Laramie brownfield site, EPA cleanup grant funds were used to complete an excavation remedy and the site is

now ready for re-use. Additionally, 3 new sites were added to the Voluntary Remediation Program.

- The Hazardous Waste Permitting/Corrective Action Program (HWPCA) made significant accomplishments in permitting by collaborating with 3 facilities to develop permit applications that during the reporting period resulted in issuance of one permit renewal and one draft permit renewal and issuance of a permit modification. Collaboration with the facilities minimizes the number of application submittals and reviews that expedites permitting process significantly. HWPCA and facilities also conducted a significant amount of remediation work that resulted in selecting and/or completing remedies at 19 contaminated areas at 5 permitted facilities.
- The Storage Tank Program (STP) continued its work cleaning up contamination from petroleum storage tank leaks around the state. There have been 1628 known contaminated sites in Wyoming and 1,263 have been remediated to date. The remaining sites are either in the process of being cleaned up or scheduled for remediation.
- In FY2017, the SHWD Landfill Remediation Program has made significant progress. Three entities, (the City of Casper, City of Sheridan, and Campbell County) have signed written agreements to enter five landfills into the program. The Department worked with one high priority facility to install an active gas collection system and flare in September of 2016. Investigative work at the other facilities continued in order to delineate unknown waste burial areas, and groundwater monitoring wells were installed to determine the extent of off-site migration of contamination. The Department continues to evaluate the remaining landfills on the Remediation priority list for entry into the program.

#### Water Quality:

- WQD contracted with outside consultants to assist with the review and workplans associated with the investigation and cleanup of Formerly Used Defense Sites (FUDS), namely former Atlas Missile Sites 3 and 4 in Laramie County. Outside consultants assisted and confirmed many of the issues identified by WQD regarding the need for additional source area investigation and plume delineation at Missile Site 4 (MS4) west of Cheyenne, and technical deficiencies regarding site characterization and remediation at Missile Site 3 near Carpenter, WY.

Contractors assisted WQD in reviewing these issues and concerns at meetings with the US Army Corps of Engineers (USACE) and the US Environmental Protection Agency (EPA). Their assistance and recommendations were useful, helped support WQD's positions, and led to modified work plans to better address WQD issues and concerns. WQD also worked closely with the MS4 Restoration Advisory Board (RAB), Laramie County Commissioners, Laramie County Legislators, and Wyoming's Congressional

delegation to update them on current and planned activities, communicate WQD concerns regarding those activities, and to better understand the issues and concerns identified by those parties. Collectively, the parties helped WQD achieve better resolution to USACE planned activities than would have likely resulted without their involvement. Of note, those concerted efforts helped lead to the identification of significant contaminant mass within the source area at MS4, and agreement with USACE on a Decision Document for further site characterization and remedy implementation at MS3.

- WQD, with assistance from its contractor, Acton Mickelson Environmental (AME) completed its draft report regarding the sampling and investigation of potential palatability issues associated with thirteen water wells supplying water to private landowners within the Pavillion, WY natural gas field east of the Town of Pavillion. WQD's draft report on its findings regarding sample results from those wells was made available to the public on December 18, 2015 for review and comment. Formal written comments were received from numerous separate commenters, including private citizens, corporations, and environmental organizations. WQD developed responses to those comments, modified the draft report accordingly, and released its final report in November, 2016.

**Goal 2 - To collect, manage and monitor the environmental data needed to accomplish agency responsibilities.**

DEQ continues to strive for excellence in developing and maintaining scientifically based and quality controlled data to support the DEQ's diverse programs, activities and regulatory responsibilities.

**Air Quality:**

- Throughout FY2017, the Air Quality Division (AQD) Monitoring Section focused on operating and maintaining an effective and efficient network of ambient air quality monitors. To do so, the Monitoring Section continually employed efficient use of available staff and fiscal resources in conjunction with identifying monitoring priorities. Network changes during FY2017 include movement of mobile monitoring trailers (Newcastle to Casper, Torrington to Laramie, and planning for relocation of Cheyenne to Sheridan), movement of the mobile Beta Attenuation Monitor trailer (Worland to Wheatland), Jackson site changes, and planning for the decommission of the Campbell County site and establishment of a site in Johnson County. Ambient monitoring data for 124 AQD ambient monitors was quality assured and submitted to the United States Environmental Protection Agency (EPA) in a timely fashion in accordance with the Code of Federal Regulations and the DEQ-EPA Performance Partnership Agreement (PPA). In addition, the 2016 AQD Data Certification and the 2017 AQD Network Plan were completed. The ambient monitoring reflects compliance with all ambient air quality standards. Ozone monitoring within the Upper

Green River Basin Ozone Nonattainment area shows attainment with the 2008 and 2015 national ambient air quality ozone standards for the 2014-2016 calendar year period.

- For FY2017, the AQD Emissions Inventory Section completed quality assurance and emissions inventory entry for all inventory formats (major, sulfur dioxide (SO<sub>2</sub>), minor, oil and gas (Upper Green River Basin annual and winter, and Southern Powder River Basin), smoke management, and greenhouse gases) into the respective databases to meet EPA and State reporting requirements and the DEQ-EPA Performance Partnership Agreement. Staff also represented Wyoming's interests through participation in a leadership role in the national Combined Air Emissions Reporting project to streamline emissions reporting processes. That project is expected to reduce the cost to industry and government for providing and maintaining environmental data and improve decision-making capacity through more timely data availability.

#### Industrial Siting:

- The extension of the federal production tax credit for renewable energy resources has created increased interest in the industrial siting process from both permit holders and potential new development. PacifiCorp issued a Renewable Resource Request for Proposal (2016R RFP) seeking cost-competitive bids for renewable energy resources that can be used to meet state renewable portfolio standard (RPS) requirements under the applicable laws and regulations of California, Oregon, and Washington. This action has generated a number of meetings with industry to explain statutes and rules.
- ISD coordinated three meetings of the Renewable Energy Coordination Committee (RECC). RECC meetings help identify emerging issues and developments and coordinate activities with other state and federal agency's.
- ISD maintained communication with the Commissioners and County Clerks in Albany and Carbon counties and municipalities within the area primarily affected by current and proposed projects.
- ISD met all statutory deadlines for permit actions conducted.

#### Land Quality:

- The LQD IT initiative has advanced successfully with the testing of electronic permit applications in FY2016. The elements of epermitting system include a functional Mining Information Database system (MIDAS), electronic records center, inspection application, electronic permitting, and correspondence libraries. These five system elements support the Governors Energy Strategy. All five elements of electronic permitting are operational. The epermitting system is currently being applied to smaller mining permits. LQD is actively working with several mine operators to convert

their permits into the MIDAS format. The records center, electronic inspection application, and correspondence applications are operational and being used by LQD staff for coal and non-coal inspection reports and correspondence tracking.

- The LQD will be moving forward with outreach and operator training over the next year.

#### Water Quality:

- WQD continued to develop a groundwater data management system (RBDMS – Risk Based Data Management System) to provide easier, inter-agency access to groundwater quality data collected by the various divisions within DEQ.

The first phase of development focused on mapping existing DEQ electronic databases to a newly constructed groundwater data interface accessible to all DEQ users, and was completed in 2015. The second phase of development, focusing on development of an electronic data deliverable (EDD) to facilitate electronic reporting of groundwater data to DEQ, was completed in 2016. Plans are underway to expose other State agencies to the capabilities of the data management system, to begin to encourage those reporting such data to DEQ to do so using the new system, rather than reporting hard copy data, and to make the data system available to the general public. DEQ has investigated options to utilize the RBDMS system to allow in-situ uranium mine operators to report data to DEQ electronically and has contracted for services to develop this capability.

- WQD has developed a document describing current data collection and analysis efforts, and the criteria used for data evaluation; conducted an internal review of Quality Assurance and Quality Control (QAQC) guidance documents and policies and recommended changes to ensure compliance with current regulations, and; developed a list of entities from which data have been used for decision-making purposes by WQD. All data and QAQC materials from non-WQD entities are evaluated against QAQC procedures established in regulations, policies, and guidance for regulatory decision-making purposes. WQD evaluated current regulations, policies, and guidance documents for specialized training requirements and researched training requirements of similar data collection programs.

### **Goal 3 - To develop a clear, concise and consistent regulatory framework.**

The development of a regulatory framework that regulated entities as well as the public can understand is key to efficient regulation.

#### **Air Quality:**

- The Air Quality Division (AQD) State Implementation Plan (SIP) and Rule Development Section continues to review air quality regulations for reduction and/or streamlining opportunities. The Division initiated two rule packages, including one that also resulted in a state plan submittal to EPA. That rule and SIP package addressed incorporation of New Source Performance Standards (NSPS) and Incorporation by Reference of updated Federal Regulations. The second rule package included changes needed in order for Basin Electric to report sulfur dioxide emissions in accordance with an EPA Regional Haze Settlement Agreement.
- The Division also prepared technical support for the Governor's recommendation to EPA that: 1) all areas of Wyoming be designated as attaining the 2015 Ozone National Ambient Air Quality Standard of 70 ppm; 2) all areas in Wyoming covered under EPA's "Round 3" 2010 one-hour Sulfur Dioxide Ambient Air Quality Standard be designated as attainment; and 3) the City of Sheridan Non-Attainment Area for Particulate Matter be redesignated to attainment and approval of a limited maintenance plan. Upon EPA's approval, the construction ban that has been in place for over twenty years applicable to industrial development for large sources of particulate matter emissions will be lifted.

#### **Industrial Siting:**

- The Industrial Siting Division completed rulemaking to incorporate changes that occurred in Wyoming Department of Revenue rules under enrolled act 71 that went into effect in July 1, 2016. The rules package was approved by the Industrial Siting Council and the DEQ Director on January 26, 2017 and was signed by the Governor on April 4, 2017.

#### **Land Quality Division:**

- Additional statutory changes were approved in 2017 to the Uranium Recovery Program. The LQD also completed rulemaking activities for the Uranium Recovery Program during the report period.
- The LQD completed guidance document and public notice format changes. These included updates to Guideline 12A Financial Assurance, and non-coal Public Notice Format #6, In situ permit/amendment technical notice.

#### Solid and Hazardous Waste:

- As part of Governor Matt Mead's Streamlining Rules Initiative, the Solid Waste Permitting and Corrective Action Program completed revisions to Chapters 1 (General Provisions) and 2 (Municipal Solid Waste Landfill Regulations) and eliminated Chapters 9 (Suspension of New Commercial Solid Waste Management Facilities) and 15 (Solid Waste Management) of the Solid Waste Rules and Regulations. The Program has started similar revisions to Chapters 4 (Construction/Demolition Landfill Regulations) and 6 (Transfer, Treatment, and Storage Facility Regulations) and anticipates presenting a final rule package to the Environmental Quality Council (EQC) in FY2018.
- Additionally, several statute changes were made in 2017 ahead of necessary rulemaking in the Storage Tank Program (STP). The changes were required in order to maintain local enforcement authority of the STP. The STP held two outreach meetings with the Wyoming Petroleum Marketers Association to gather input on the proposed rules. The program held three operator outreach sessions and four tester/installer outreach sessions. The program will conduct formal outreach, receive public comments, and move forward with the rulemaking process during FY2018.

#### Water Quality:

- WQD continues working toward completing its objective of updating and streamlining regulatory agreements with state and federal agencies. This past year WQD continued discussions with United States Environmental Protection Agency (EPA) regarding revision of our joint Memorandum of Agreement with respect to implementation of Wyoming's Underground Injection Control (UIC) program. WQD also continues to work with DEQ's Land Quality Division to update the joint Working Agreement clarifying roles and responsibilities of both Divisions where regulatory authorities may overlap. WQD also worked with the United States Forest Service to finalize the Memorandum of Understanding regarding coordination of activities between our two agencies.

#### **Goal 4 - To apply environmental standards and requirements that protect the environment while allowing for responsible economic development.**

DEQ strives to make the application of environmental standards easier for stakeholders to understand and for the regulated community to comply.

#### Abandoned Mine Lands:

- AML has worked closely with other state agencies such as the Wyoming Game & Fish Department (WGFD) and the State Historic Preservation Office (SHPO) and with federal agencies such as the BLM and the Forest Service to preserve important resources, and establish appropriate seed mixes for sensitive wildlife species, such as sage grouse.

#### Air Quality:

- The *Upper Green River Basin (UGRB) Ozone Strategy* initiated in 2013 outlines the strategy to bring the UGRB back into attainment for the 2008 Ozone National Ambient Air Quality Standard of 75 parts per billion (ppb). During FY2017, the *Strategy* from April 2016 continued through September 2016. In FY 2016, the EPA determined that the UGRB had attained the 2008 ozone standard. Ozone precursor emissions of Nitrogen Oxide (NOx) and Volatile Organic Compounds (VOC) have been significantly reduced. During the 2017 Winter Ozone Season (January through March), the UGRB experienced record snow levels. While ozone levels were down when compared to previous elevated winter ozone seasons, they did not stay consistently below Division's target level. The Division continues to diligently work with the public, industry, and other governmental entities to address this complex issue. In FY2017, the Division determined that all Wyoming ozone monitors are compliant with the level of the 2015 Ozone National Ambient Air Quality Standard of 70 ppb.
- The Air Quality Division's (AQD) electronic IMPACT development continued on schedule and within budget during FY2017. Development tasks in the fiscal year included the following new features: Bulk Reporting, Project Tracking, Custom Reports, Emissions Inventory Administrator Role, Minor Source (non-production site) Emissions Inventories, Emissions Inventory Wizard tool, and Title V Timesheet Tracking. During FY2017, portal accounts increased by 26 percent and the total number of portal submissions increased by 30 percent. Electronic submissions allowed the Division to receive higher quality data, which reduced processing and review time frames. The most notable efficiency gain occurred in the category of compliance reports, where portal submissions increased by 47 percent. Electronic submission of minor source permit applications increased by 26 percent, resulting in final issuance of minor source permits 13 days sooner than in FY2016.
- 1,233 AQD permit actions were completed in FY2017, including 1205 NSR and 28 Title V. Also in FY2017, the Title V operating permit program initiated a new "basis date" approach as an efficiency measure to reduce permit re-work and promote timely issuance of permits.

### Industrial Siting:

- In FY2017, the Pollution Prevention (P2) program contracted with Wyoming engineering firms to perform pollution prevention and source reduction assistance audits for the slaughterhouse and meat processing sector.
- The P2 Program continued the Environmental Stewardship Award program in 2017. The program recognizes voluntary efforts that businesses take towards reducing environmental impacts. Businesses are nominated for the award by WYDEQ staff and selected by the Compliance Advisory Panel (CAP). Three businesses were recognized with this award in FY2017.
- The Diesel Emissions Reduction Act Program is working with the Town of Jackson to replace two commuter buses with clean diesel technology models.
- The Small Business/Environmental Assistance Program works to assist small businesses through the complex processes and procedures associated with permitting and regulatory compliance. The program provided 300 businesses with compliance, energy efficiency, or source reduction assistance and assisted numerous potential business developers that had permitting questions and concerns.
- The Outreach program provided regulatory assistance to oil & gas, meat processing, slaughter facilities, laboratory chemical, and manufacturing businesses in FY2017.

### Land Quality Division:

- The Land Quality Division met its statutory obligations for both coal and non-coal operation inspections throughout the state during the report period. The advancement and use of the MIDAS system is a key part of meeting this goal. The MIDAS system provides an efficient inspection review and reporting process. The MIDAS system provides a digital platform for inspection reports, records review, and correspondence templates that facilitate faster and more efficient reviews of mining operations within the state.
- The LQD continues to move forward on schedule and within budget for the standup of the Uranium Recovery Program (URP). The statutory language requirements, the development of the rules and regulations, and the development of the guidance documents were all completed in FY2017. A final Commission paper is expected to be submitted to the Nuclear Regulatory Commission by October of 2017. The completion of the URP stand-up is forecast for Q4 of 2018.

- The stand-up of the URP program will provide the State with direct oversight of the uranium mining and milling operations. This will result in more efficient and accurate permitting and reclamation bond oversight.

#### Solid and Hazardous Waste:

- During FY2017, SHWD's Cease and Transfer Program, in conjunction with Office of State Lands and Investment, evaluated and recommended funding for 1 Transfer Station project and 3 Landfill Closures. The estimated construction cost for these 4 projects exceeds \$5.4 million dollars. DEQ will continue to work with local communities to assist them in evaluating options for waste disposal.
- The Solid Waste Permitting Program reviewed, evaluated and completed 44 significant permit actions.

#### Water Quality:

- WQD developed new, revised permit applications for Underground Injection Control (UIC) wells regulated by DEQ that are currently under final review for approval. The intent of the revision is to provide clarity to permit applicants in developing applications that are complete and technically adequate. By doing so, WQD believes that its review of applications will become more efficient and provide permits within a shorter timeframe than currently. Final drafts are currently under review by management. Once approved, staff will develop an education/outreach plan to inform potential applicants of the new application form, and tips for completing a timely permit submittal to WQD.

#### **Goal 5 - To ensure adherence with environmental standards and other requirements.**

In administering compliance programs, DEQ will promote a culture that engages both the regulated community and public to achieve attainment of environmental standards and laws.

#### Air Quality:

- Throughout FY2017, the Air Quality Division (AQD) Planning Section participated monthly in State agency pre-meetings and cooperator National Environmental Policy Act (NEPA) meetings. In addition, the Planning Section participated in individual NEPA project and resource management plan meetings and teleconferences and prepared timely comments on NEPA documents where air quality was a specific topic.

- During FY2017, the AQD compliance program performed 586 site inspections, including 56 asbestos inspections, 229 existing source inspections, and 269 well-site inspections. The purpose of the inspections is to observe facility operation and maintenance, air pollution control devices, emissions records, and pertinent environmental documentation for the facility, to ensure compliance with permit and regulatory requirements. Compliance staff also provided assistance to facilities to improve adherence with environmental standards and other requirements. Inspections regularly include meeting with facility staff on site, a written report to the facility ownership, and post-inspection discussions to help the facility attain or retain compliance.
- The AQD compliance program utilizes informal and formal enforcement to ensure adherence with environmental standards and other requirements. Informal enforcement (e.g. Letters of Violation) alert companies to potential areas of noncompliance. The Letters of Violation encourage dialogue between AQD Compliance staff and the regulated community to expedite a return to compliance. Formal enforcement (ie., Notices of Violation) includes settlement meetings, civil penalties, actions to return to compliance, and supplemental environmental projects. Formal enforcement encourages companies to return to compliance quickly and encourages companies to take proactive action to remain in compliance. AQD Compliance issued 35 and settled 29 NOVs during FY2017.
- The AQD addressed nine environmental audits during FY2017. Five of those audits remain active. During FY2017, the Division presented a training to the Wyoming State Bar, including a discussion of environmental audits. Most audits are being conducted by companies that have recently acquired facilities or are focused on ensuring compliance with specific regulatory requirements.

#### Industrial Siting:

- ISD reviewed the quarterly and annual reports for five construction permits one of which was already active, two which became active, one, which is scheduled to start construction within the next year and one that the permit was surrendered by the permittee. Thus, staff reviewed twelve quarterly reports and two annual reports, communicated with each Permittee, and took necessary compliance measures. The Division also ensures that adequate bonding is in place for the Wind facilities that require a reclamation bond. Currently, Industrial Siting holds \$30.4M in surety performance bonds. The Division documented its compliance actions for these permits in the Division's Quarterly Construction Status Report and presented its report to the Industrial Siting Council (ISC).
- The ISD monitored and maintained other compliance commitments, such as compliance officer training, permit amendments, impact assistance payments, compliance and termination. The Division received and processed twelve permit conditions and one permit change. The one permit change will be considered at the

next ISC Meeting. The Division also presented a proposed rule revisions to Chapter 1 of the ISC Rules and Regulations. The proposed rules were approved by the ISC at its Q1 2017 meeting.

- The Division ensures that the distribution and termination of impact assistance is communicated to the Department of Revenue. Impact assistance was initiated for one additional project (Choke Cherry Sierra Madre) and continued impact assistance for Pioneer Wind Parks, and Simplot Phosphates. In addition, the Division communicates monthly with the Department of Revenue to track the payment distribution and amounts for its Quarterly Construction Status Reports submitted to the ISC.

#### Land Quality Division:

- The LQD inspects both coal and non-coal mines with in the state. LQD inspects all coal operations monthly. Active coal operations are inspected twelve times per year, with eight monthly/partial inspections and four quarterly/complete inspections. Inactive coal mines are inspected quarterly. LQD conducted 330 coal mine inspections for FY2017, and met OSMRE requirements for mine and records inspection primacy.
- Non-coal operations are inspected and reviewed for reclamation liability annually. The number of non-coal operations is variable and averages about 700 permits per calendar year.

#### Solid and Hazardous Waste:

- During FY2017, SHWD Inspection & Compliance (I&C) group, performed 142 inspections. These inspections evaluated compliance with the hazardous waste generator, hazardous waste treatment, storage and disposal facility, and used oil management standards and the state solid waste landfill and transfer, treatment and storage requirements. The following business sectors were inspected during this time period: vehicle service, oilfield service, petroleum refineries, contractors, mines, dry cleaners, power plants, oil & gas pipelines, type 1 and 2 landfills and various other oil & gas and business facility sectors. The program responded and followed up on 61 complaints related to open waste dumping, illegal hazardous waste disposal, abandoned tire dumps, etc. In FY2017, I&C issued four Notice of Violations (NOV). The NOVs were issued to one oilfield service company and three unauthorized solid waste management facilities.
- The Storage Tank Program (STP) ensures that tank owners and operators properly operate regulated tanks throughout the State. There are 711 active facilities within Wyoming. STP issued 9 enforcement actions during the fiscal year. The STP compliance rate was 96%.

### Water Quality:

- To better develop consistency within WQD programs regarding the performance of inspections and development of enforcement documents (e.g. Letters of Violation, Notices of Violation, etc.) the WQD Administrator established two internal committees (Inspection/Compliance and Enforcement) comprised of WQD Section Managers and their staff, the Attorney General's Office, and the WQD Administrator.

The Inspection/Compliance committee meets monthly to ensure the development and implementation of appropriate and defensible inspection procedures that are consistently applied, and the education and training of staff to ensure procedures are understood and carried out as appropriate.

The Enforcement committee meets monthly to discuss appropriate responses to violations of WQD rules and regulations. WQD's working group evaluated existing compliance and enforcement action processes and procedures and is currently developing standardized inspection guidelines and forms to be used by the Groundwater and Water/Wastewater Sections, as well as uniform templates for Notices of Violations that will lead to consistency amongst all programs. Committee efforts have resulted in development of inspection reports that better provide evidence to enforce violations, and more effective and efficient development of enforcement documents related to those violations.

### **Goal 6 – To develop and maintain an outcome oriented workforce and culture.**

DEQ is committed to developing and maintaining an outcome oriented workforce and culture.

### Administration:

- DEQ maintains a 99% average for Defensive Driving completion. DEQ continues to strive for a 100% completion rate.
- DEQ completed 100% of Performance Management Initiative by the established deadlines.
- DEQ completed 100% of Substance Abuse Awareness training.
- The agency provided leadership development opportunities and offered professional development in various facets of program implementation.

### Air Quality:

- In FY2017, the Division provided new employee training and orientation classes on a monthly basis.
- AQD Safety committee has completed one SOP delineating the proper use and care of state issued vehicles to ensure that they last longer. The committee is currently working on improving Proper Protective

Equipment lists are available and that all inspectors will be properly outfitted for compliance inspections. The AQD Safety committee is also looking at day-to-day office safety and establishing better emergency egress procedures in case of fire or other events. Particular attention is being placed upon support of disabled personnel who need help down stairs in the event the elevators are not operational.

#### Land Quality Division:

- In FY2017, the Division provided new employee training and orientation classes through OSMRE TIPS training.
- LQD has instituted a vehicle pre-operation inspection checklist that is required to be completed prior to using any state vehicle.
- LQD annually evaluates the presence and condition of each vehicles basic safety equipment. This is done in order to insure employees have the necessary equipment to be safe when operating in remote areas in consideration of weather and unexpected environmental variables.

#### Solid and Hazardous Waste:

- Over the course of the year, SHWD staff attended relevant and applicable trainings when funds where available. SHWD programs also met throughout the year to discuss work load distributions, emerging issues, and unique program needs. Staff members took advantage of SHWD membership in national organizations and participated in workgroups and attended trainings when possible. SHWD staff also participated and completed performance evaluations to identify areas of improvement for staff and acknowledge high achievement.

#### Water Quality:

- WQD continues to support and assist staff interested in working within programs, other than those to which they are assigned, realize those goals. WQD recognizes that some staff view such opportunities as one way to gain experience that can be valuable to them as they seek to broaden and improve their professional and personal skills, as well as working within a technical field that is of interest to them. Doing so, enhances WQD's abilities to improve employee satisfaction with their job and retain well qualified employees who may feel under-utilized and begin to look for other job opportunities outside of DEQ. WQD encourages all staff members to seek professional training that aligns not only with their job duties, but those that also provide opportunity for professional advancement and expands their skills sets along lines of interest to them, while also benefitting the division.

**Goal 7 - To administer and manage the resources of the agency in a responsible manner.**

DEQ is committed to managing its resources in the most efficient and effective manner.

Abandoned Mine Lands:

- AML contracts with consultants to perform field work, design and construction management for reclamation projects. Reclamation construction is competitively bid. All construction contracts include the 5% in-state bidder's preference resulting in a strong contracting opportunity for Wyoming contractors. These reclamation activities have resulted in work for Wyoming contractors, jobs for Wyoming residents and economic impact to Wyoming communities. To date, it is estimated that Wyoming AML has awarded 268 consulting contracts and 793 reclamation construction contracts, along with 35 Public Facilities projects that helped small communities with critical needs through special grant funding. In 2017, 60 consulting and construction contracts were awarded.

Administration:

- Administration has reviewed the Statewide Single Audit and other financial reviews conducted since publication of the last annual report. The Single Audit identified one finding which has been elevated to senior management for review.
- DEQ continues the development and upgrade for its public web page to provide the public with current and accurate information. This includes informative videos, permits, public notices and other data.
- DEQ created a Standardization and Efficiency Management Committee (SEMC). The SEMC consists of representatives from each division. The goal of the SEMC is to identify agency processes for standardization and areas for improving efficiency. The SEMC evaluates issues and develops courses of action. The SEMC presents recommendations to DEQ's leadership for consideration and implementation.
- DEQ continues to improve its online public records request process. DEQ is evaluating ways to efficiently manage public records requests, while remaining compliant with the Wyoming Public Records Act. DEQ received 509 records requests in FY2017.

Land Quality Division:

- The LQD has reorganized its District operations, and has maintained the required workflow with the reduction of four FTE. The LQD MIDAS application will play a critical role in maintaining the workflow and required activities of the Division.

#### Solid and Hazardous Waste:

- In FY2017, the Solid and Hazard Waste Division completed Phase I of its WyWaste project which created a system to better manage permit workflows and timelines for the Solid and Hazardous Waste Programs. In FY2018, DEQ anticipates completing Phase II of this project for the Inspection and Compliance program to allow for better tracking and management of inspections and compliance activities.

#### Water Quality:

- Due to staff turnover at the lab and the high cost for an external contractor to conduct an audit of the lab, an internal review of the lab was conducted by the Watershed Protection Program Manager. A review was made of the following lab areas: supplies and instrument purchasing; receiving, analyzing, and distributing analytical data to customers and associated databases; quality assurance and quality control; instrument proficiency and safety training, and staff performance and effectiveness.

Results indicated a number of needed changes that have led to reducing analytical turn-around times of lab samples to being equivalent with commercial laboratories, updating a number of lab analytical methods and standard operating procedures, instituting a new laboratory information management system, new purchasing processes and fewer instrument maintenance contracts.

