

HOUSE BILL NO. HB0035

Limitation on environmental rulemaking.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; requiring the
2 environmental quality council to promulgate rules no more
3 stringent than federal law, rules or regulations; providing
4 exceptions; specifying applicability; requiring rulemaking;
5 requiring reporting; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 35-11-112(a)(i), (g) and by creating
10 a new subsection (h) is amended to read:

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12 **35-11-112. Powers and duties of the environmental**
13 **quality council.**

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1 (a) The council shall act as the hearing examiner for
2 the department and shall hear and determine all cases or
3 issues arising under the laws, rules, regulations,
4 standards or orders issued or administered by the
5 department or its air quality, land quality, solid and
6 hazardous waste management or water quality divisions. At
7 the council's request the office of administrative hearings
8 may provide a hearing officer for any rulemaking or
9 contested case hearing before the council, and the hearing
10 officer may provide recommendations on procedural matters
11 when requested by the council. Notwithstanding any other
12 provision of this act, including this section, the council
13 shall have no authority to promulgate rules or to hear or
14 determine any case or issue arising under the laws, rules,
15 regulations, standards or orders issued or administered by
16 the industrial siting or abandoned mine land divisions of
17 the department. The council shall:

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19 (i) Subject to subsection (h) of this section,
20 promulgate rules and regulations necessary for the
21 administration of this act, after recommendation from the
22 director of the department, the administrators of the
23 various divisions and their respective advisory boards;

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2 (g) Subject to subsection (h) of this section, the
3 council shall not promulgate any rules which impose
4 standards or requirements related to meat processing which
5 are more stringent than federal law, rules or regulations.

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7 (h) The council shall not promulgate any rules or
8 regulations that impose standards or requirements more
9 stringent than federal law, rules or regulations applicable
10 to any federal program that the state maintains primacy
11 over unless the department identifies the need for rules or
12 regulations that impose standards or requirements more
13 stringent than federal law, rules or regulations in its
14 statement of principal reasons.

15

16 **Section 2.**

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18 (a) Not later than July 2, 2024, the director of the
19 department of environmental quality shall:

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21 (i) Consult with regulated stakeholders to
22 identify a list of existing rules to be reviewed by the
23 director of the department of environmental quality to

1 conform existing rules to the requirements of this act,
2 including a timeline for conducting that review;

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4 (ii) Report to the joint minerals, business and
5 economic development interim committee on the rules
6 identified under this subsection for review.

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8 (b) The environmental quality council shall
9 promulgate or repeal any rules necessary to administer this
10 act in accordance with the changes identified by the
11 director of the department of environmental quality.

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13 (c) The director of the department of environmental
14 quality shall review new and amended rules to comply with
15 this act.

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17 **Section 3.** This act is effective July 1, 2024.

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(END)