

Region Administrator Doug Benevento Statement
Wyoming Environmental Self-Audit MOA Signing
October 26, 2018

- The purpose of the MOA is to encourage the use of Wyoming's environmental self-audit law and to define the role of the State and the Environmental Protection Agency. This MOA accomplishes that goal by providing certainty and clarity to the State and the regulated community on EPA's position regarding Wyoming's self-audit law.
- The vast majority of environmental protection is being done by state and local governments. It's at that level of government where most of the permits are written, most of the standards are set and most of the compliance activity occurs. They have the experience and know best how to protect their local resources.
- EPA's mission in working with the states is to ensure they are meeting the minimum requirements of federal law when implementing federal law. So long as they are meeting those requirements we shouldn't stand in the way of state innovation. Wyoming is in the best position to make decisions about how to achieve compliance, we want to support them in their efforts to maximize that goal. I believe this MOA will do just that.
- We're also sending a clear signal that both the State of Wyoming and EPA want to eliminate any uncertainty that could discourage use of their self-audit law. We believe the Wyoming law provides a significant opportunity to maximize compliance and improve Wyoming's environment. We know that neither EPA nor Wyoming can possibly inspect every facility in Wyoming that has a permit or has compliance obligations under federal law.
- Wyoming's self-audit law provides the correct incentive to the regulated community to go beyond what is required by law. Under the Wyoming law, facilities are required to perform an audit, identify any non-compliance, and fix it. By reporting it to the state, they can avoid penalties for the non-compliance. It's very simple to conduct an audit, if you find a problem, fix and report it to Wyoming DEQ. EPA will not be peering over the shoulder of the state.
- Both EPA and Wyoming DEQ share a joint mission of compliance. We believe that if the regulated community has assurances that if they use the State self-audit law they will be dealing with the State of Wyoming and therefore perhaps more inclined to participate in the program. That will lead to better environmental results for Wyoming and certainty for the regulated community.
- The mechanics of the MOA are simple. First, EPA recognizes that Wyoming's self-audit law meets the minimum requirements for maintaining their federal delegation of programs. That means there is nothing in Wyoming's law that conflicts with federal law. Second, we are deferring to the judgment of Wyoming with respect to penalties. We will not be second guessing the State's decision making on that point; penalty assessments are at the discretion of the State. Third, the State has no obligation to report to EPA who specifically is participating in the program or generally how many participants they have. Fourth, if EPA is planning to perform an inspection in Wyoming, we will notify Wyoming of that fact and if that facility has participated in Wyoming's self-audit program, we will determine if an inspection of that facility is necessary. Finally, this MOA constitutes EPA's and Wyoming's complete agreement on the implementation of the State's self-audit law. Finally, Wyoming will be keeping track of the environmental results of the implementation of their law.