

DEQ'S SELF AUDIT LAW AND SMALL BUSINESS RULE

There are two statutes and a chapter of regulation that are especially important to Wyoming businesses:

W.S. 35-11-1105 Environmental Audit Privilege

<<http://legisweb.state.wy.us/statutes/titles/Title35/T35CH11.htm>> para 1105

W.S. 35-11-1106 Limitation on civil penalties; voluntary reports of violations

<<http://legisweb.state.wy.us/statutes/titles/Title35/T35CH11.htm>> para 1106

DEQ Rules of Practice & Procedure, Chapter 8 Small Business Voluntary Disclosure Incentive
<<http://soswy.state.wy.us/rules/RULES/2777.pdf>>

The audit and limitation on civil penalties laws were established to protect businesses from fines and penalties if they **discover, disclose, and correct** non-compliance issues found by conducting a self-audit. The small business rule offers additional penalty protection to qualifying businesses that voluntarily disclose violations or discover violations through participation in outreach classes or compliance assistance activities. Both the audit law and the small business rule offer an incentive (no fines) to businesses which make themselves aware of their requirements and disclose and correct any deficiencies they find before an inspector arrives.

If you are a Wyoming business.....

The self-audit law means that if, during a self audit, you become aware of a DEQ requirement that you were not following, you can report that fact, and you will not incur a fine or penalty for that violation as long as the violation is reported within 60 days of completion of the audit and meets other requirements of the statute. **The small business rule** requires disclosure within 60 days of discovery of the violation. The violation must also have been corrected when the report to DEQ is made, or the violation must be in the process of being corrected according to a compliance schedule submitted to the department.

If you are a Wyoming citizen.....

You may be concerned that these provisions protect violators. You may be concerned that significant environmental problems will occur without punishment for the company that caused the problem. Rest easy! The laws were drafted to help companies that are good operators and still allow the department to enforce our laws and regulations against those which are not. The law stipulates that:

- Companies cannot hide behind the self-audit law and must continue to report the same information to DEQ and the public as required prior to the law;
- Repeated violators cannot use this law;
- It does not apply if the violation is shown to be willful, fraudulent, or the intent is criminal;
- It does not apply if there is significant economic advantage to the business;
- It does not apply if there is a significant threat or imminent or substantial danger to public health or the environment; and/or
- It does not apply if a federal program requires a penalty.

These laws and regulations protect ***PROACTIVE*** companies. But if a company waits until the inspector is at the door to find out about their requirements, these protections do not apply.

If you are an eligible business, how do you find out what your requirements are:

For one stop shopping for all business types, you can call the department's non-regulatory Office of Outreach & Environmental Assistance at 307 777-7937.