



47 conference, unless waived by all parties. The record shall be maintained and shall be accessible  
 48 to the parties until final release of the performance bond.

49  
 50 (f) If all parties requesting the informal conference withdraw their request before the  
 51 conference is held, the informal conference may be cancelled.

52

53 **Section 3. Requests for Informal Disposition Conferences and Conferences to**  
 54 **Review Notices for Abatement and Cessation Orders Involving Surface Coal Mining**  
 55 **Operations.**

56

57 (a) Unless otherwise specified in the Wyoming Environmental Quality Act, and in  
 58 accordance with W.S. 35-11-437, a request for the Director or his authorized representative to  
 59 review and affirm, modify, vacate, or terminate a notice for abatement or cessation order shall be  
 60 in writing and, at a minimum, contain:

61

62 (i) The name(s) and contact information of the person requesting the  
 63 affirmation, modification, vacation, or termination of the notice for abatement or cessation order;

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65 (ii) If applicable, the permit number;

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67 (iii) A copy of the notice for abatement or cessation order; and

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69 (iv) A brief statement identifying whether the person is requesting affirmation,  
 70 modification, vacation, or termination of the notice or order, the facts on which that request is  
 71 based, the reasoning for the request, and reference to any applicable statutes, rules, or orders  
 72 supporting the request.

73

74 (b) Unless otherwise specified in the Wyoming Environmental Quality Act, and in  
 75 accordance with W.S. 35-11-902, a request for an informal disposition conference shall be in  
 76 writing and, at a minimum, contain:

77

78 (i) The name(s) and contact information of the person requesting the informal  
 79 disposition conference;

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81 (ii) If applicable, the permit number;

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83 (iii) A copy of the notice for abatement or cessation order;

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85 (iv) A copy of the notice of assessment of the penalty;

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87 (v) A brief statement identifying whether the dispute is over the amount of the  
 88 penalty or the occurrence of the violation; and

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90 (vi) A brief statement describing why the violation or the amount of the  
 91 penalty is unwarranted.

92

93 (c) A request for a conference to review a notice for abatement or cessation order  
 94 shall be filed within thirty (30) days. A request for an informal disposition conference shall be  
 95 filed within the time period provided under W.S. 35-11-902(d).

96  
 97 (d) If the Director grants a request under subsections (a) or (b) of this section, the  
 98 Director shall inform the requesting person. If the Director denies a request under subsections (a)  
 99 or (b) of this section, the denial shall be in writing.

100  
 101 (e) If an informal disposition conference or a conference to review a notice for  
 102 abatement or cessation order is held, any person has the right to attend and participate in the  
 103 conference. The procedure for the conference shall be informal with no pre-hearing conference,  
 104 discovery, or cross-examination. The Director may record the conference by audio recording or  
 105 court reporter and shall make any such recording available to all participants.

106  
 107 (f) The Director shall provide the participants:

108  
 109 (i) A written statement of any action taken or decisions rendered as a result of  
 110 the conference; and

111  
 112 (ii) A notice of any available appeal to the Council.

113  
 114 (g) The terms of subsections (d), (e), and (f) of this section shall also apply to  
 115 decisions made, or proceedings held, by the Director's authorized representative.

116  
 117 (h) At formal review proceedings before the Council that may follow an informal  
 118 disposition conference or conference to review a notice for abatement or cessation order, no  
 119 evidence as to statements made or evidence produced by one participant at the conference or  
 120 review shall be introduced as evidence by another participant.

121  
 122 **Section 4. Requests for Hearings Before the Department.**

123  
 124 (a) Requests for hearings in accordance with Section 1 of this chapter before the  
 125 Department, the Director, an Administrator, or any combination thereof provided for under the  
 126 Wyoming Environmental Quality Act shall be in writing and contain:

127  
 128 (i) The name(s) and contact information of the person(s) requesting the  
 129 hearing;

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 131 (ii) A brief statement identifying the purpose of the request; and

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 133 (iii) A brief statement of the issues to be discussed.

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 135 (b) Within thirty (30) days of the request, the Department shall grant or deny the  
 136 request. If the Department grants the request, it shall schedule the hearing and notify the  
 137 requesting party in writing. If the Department denies the request, it shall provide the requesting  
 138 party a brief statement in writing of the reasons for denial.

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## **Section 5. General Procedures for Hearings Before the Department.**

(a) The Department shall designate a presiding officer for the hearing. The presiding officer shall adopt whatever procedures are reasonable and necessary for the conduct of the hearing.

(b) Unless otherwise stated in statute, such hearings are non-adversarial in nature and require no pleadings. Any interested persons shall be given the opportunity to appear and make their views known to the Department. Oral and written statements may be presented without regard to the rules of evidence.

(c) No cross-examination is permitted, but persons appearing to make statements or present information may answer questions from or through the presiding officer. Questions for the person appearing to make statements or present information may be submitted to the presiding officer orally or in writing, and the presiding officer may direct appropriate questions to the person presenting. The presiding officer may limit the questioning and length of oral statements in the interest of conducting the hearing in an efficient and orderly manner.

(d) The Department may record the meeting by audio recording or court reporter and shall make any such recording available to all participants.

(e) The Department shall designate a location for any hearing before the Department and may provide an opportunity for interested persons to attend a hearing remotely.

(f) At the conclusion of the hearing, the Department shall issue:

(i) A written statement of any action taken or decisions rendered as a result of the hearing, if applicable; and

(ii) A notice of any available appeal to the Director or to the Council.

## **Section 6. Hearing Notice.**

(a) Unless otherwise specified in the Wyoming Environmental Quality Act, the Department shall provide written notice by email or regular mail to the person requesting the hearing and shall post a notice of the hearing on its website.

(b) The notice shall include:

(i) The name(s) of the person(s) requesting the hearing, if any;

(ii) A brief statement identifying the purpose of the hearing;

(iii) A brief statement of the issues to be discussed;

- 185 (iv) The date, time, and location of the hearing;
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- 187 (v) The method for remote attendance, if applicable; and
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- 189 (vi) A copy of the request for a hearing. The Department shall redact personal
- 190 contact information such as the requesting person's address and phone number.
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192 **Section 7. Variance Hearings Before the Department.**

- 193
- 194 (a) The Department shall hold variance hearings pursuant to W.S. 35-11-601.
- 195
- 196 (b) Following the hearing, the relevant Administrator(s) shall consider the views of
- 197 the persons who may be affected by the grant of the variance and approve or deny the variance
- 198 with the Director's approval.