



Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Elizabeth Lyon, Wyoming Assistant Attorney General
FROM: Steven A. Dietrich, Administrator, Air Quality Division
DATE: May 22, 2015
PRIORITY: HIGH – Deadline for response is May 29, 2015
SUBJECT: Request for Review of Proposed Rules for Statutory Authority (R-25)

The Department of Environmental Quality, Air Quality Division (AQD) is proposing to revise Chapter 2, Ambient Standards, and Chapter 6, Permitting Requirements, of the Wyoming Air Quality Standards and Regulations (WAQSR). Chapter 2, Section 2, Ambient standards for particulate matter, is being updated to include the latest PM_{2.5} National Ambient Air Quality Standards (NAAQS). Chapter 2, Section 12, Incorporation by reference, is being updated to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2014. Chapter 6, Section 1, Introduction to permitting requirements, is being updated to include correct information pertaining to the updates in Section 13. Chapter 6, Section 13, Nonattainment new source review permit requirements, is being updated to include specific nonattainment new source review permitting requirements for new and modified major stationary sources in a nonattainment area. Chapter 6, Section 14, Incorporation by reference, is being updated to adopt by reference from the CFR for July 1, 2014.

This rulemaking was reviewed by the Air Quality Advisory Board (AQAB) on April 28, 2015, and the Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council.

The Division reviewed the one written comment received during the public process, and made the suggested revision within that comment (to a typographical error within Chapter 6, Section 13), which does not change the purpose or intent of the proposed regulation as it was proposed and presented to the public and AQAB. The proposed Chapter 6 regulation (draft 4/30/15) will include this minor revision as the final draft of the proposed rules continue through the statutory rulemaking process for adoption by the State of Wyoming.

The Division has reviewed the requirements of section 35-11-202(a) and (b) of the Wyoming Environmental Quality Act and determined this rulemaking to be in procedural compliance with the statute. Finally, the AQD has reviewed and responded to the Takings Guidelines and Checklist provided by the Attorney General's Office. The AQD is now seeking a review of the



proposed rules for statutory authority prior to submitting the rules to the Governor's Office for permission to proceed to formal rulemaking.

Attached, you will find a copy of the draft Notice of Agency Rulemaking, draft Statement of Principal Reasons for Adoption, copies of Chapter 2 and Chapter 6 in strike and underline format, and responses to the Attorney General's Takings Checklist. If you have any questions, or need additional information regarding the proposed rules, please do not hesitate to contact me at 307-777-7391 or Jeni Cederle at 307-777-7740.

Attorney General's Response Options:

- Proposed rules are within the Division's statutory authority, may seek permission to proceed from the Governor's Office.
- Proposed rules exceed statutory authority, delay proceeding with rulemaking

Signature: Wyoming Assistant Attorney General

Elizabeth Lyon May 28, 2015