

**FILED**

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FEB 17 2005

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF REVISIONS TO CHAPTER ) STATEMENT  
TEN, SECTION 4 OF THE WYOMING AIR QUALITY ) PRINCIPAL REASONS  
STANDARDS AND REGULATIONS ) FOR ADOPTION

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a) (i), has revised Chapter Ten, Smoke Management, Section 4, Smoke management requirements of the Wyoming Air Quality Standards and Regulations. The revisions are being made in response to a Petition to Amend Wyoming Air Quality Standards & Regulations, Chapter 10, Smoke Management. Applicants are Wheatland Irrigation District, Pathfinder Irrigation District, Midvale Irrigation District, Farm Bureau Federation of Wyoming, Goshen Irrigation District, Shoshone Irrigation District, and Heart Mountain Irrigation District.

2. Section 35-11-202 (a) of the Environmental Quality Act states that the Administrator, after consultation with the Advisory Board, shall recommend to the Director such ambient air standards and regulations that may be necessary to prevent, abate, or control pollution.

Section 35-11-202 (b) of the Act states that in recommending such standards the Administrator shall consider all facts and circumstances bearing upon the reasonableness of the emissions involved including:

- (A) The character and degree of injury to, or interference with the health and physical well being of the people, animals, wildlife and plant life;
- (B) The social and economic value of the source of pollution;
- (C) The priority of location in the area involved;
- (D) The technical practicability and economic reasonableness of reducing or eliminating the pollution; and
- (E) The social welfare and aesthetic value.

3 Chapter 10, Smoke Management, Section 4, Smoke management requirements is being amended to exempt certain agricultural burning from some of the inspection, notification and reporting requirements of Section 4, and instead provides that those burners will provide vegetative burn data in response to periodic surveys by the Administrator.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the ACT, as stated in W.S. 35-11-102, and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 17<sup>th</sup> day of February, 2005.

  
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Hearing Examiner  
Wyoming Environmental Quality Council