



Wyoming Outdoor Council

wyomingoutdoorcouncil.org

444 East 800 North

Logan, UT 84321

t & f: 435.752.2111

e: bruce@wyomingoutdoorcouncil.org

Administrator Nancy Vehr
Wyoming Air Quality Division
200 West 17th Street
Cheyenne, Wyoming, 82002



January 25, 2016

Dear Administrator Vehr:

Please accept these comments from the Wyoming Outdoor Council and Environmental Defense Fund regarding the proposal for the Environmental Quality Council (EQC) to adopt rules that would amend Chapter 1, General Rules of Practice and Procedure, by adding a new section 16, Air Quality Division, State Implementation Plan. The Wyoming Outdoor Council is the state's oldest independent conservation organization. We've worked for more than four decades to protect Wyoming's environment and quality of life for future generations. The Environmental Defense Fund's mission is to preserve the natural systems on which all life depends. Guided by science and economics, we find practical and lasting solutions to the most serious environmental problems.

The intent of this proposed rule is to ensure the EQC remains in compliance with section 128 of the Clean Air Act. We strongly support this proposal and urge its prompt adoption. Under the proposed language that would be adopted as the new section 16, the state would adopt language that would mirror the provisions in section 128 of the Clean Air Act. Under section (a)(i) of the proposed regulations there would be a requirement that the EQC "shall have at least a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to Air Quality permits or enforcement orders, as required by the Clean Air Act, Section 128(a)(1)." And under section (a)(ii) of the proposed regulations, members of the EQC "shall disclose any potential conflicts of interest in a public meeting of the Council, as required by the Clean Air Act, Section 128(a)(2)." Section 128 of the Clean Air Act requires state implementation plans to contain these provisions, or even stronger provisions.

These are important provisions that will ensure the integrity of the EQC when it considers matters involving the Air Division that are brought before it. They will help ensure transparency and openness, which are important public goals. Members of the EQC should represent the public interest in all cases, and it is appropriate to make provisions that ensure this. Members of the EQC also should not derive financial benefit from those subject to EQC jurisdiction in its proceedings. And certainly it is appropriate that any potential conflicts of interest be disclosed to the public in an open manner. Adoption of the proposed new regulatory language will help ensure Wyoming maintains its leadership role in air quality issues and matters, so adoption of the proposed regulations is clearly warranted and will be beneficial to the state.

Thank you for considering these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bruce Pendery', with a stylized flourish extending to the right.

Bruce Pendery