

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO CHAPTER ONE,)
CHAPTER TWO, CHAPTER FIVE, SECTIONS TWO) STATEMENT OF
AND THREE, AND CHAPTER ELEVEN, SECTION) PRINCIPAL REASONS
TWO OF THE WYOMING AIR QUALITY) FOR ADOPTION
STANDARDS AND REGULATIONS)

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a) (i), has revised Chapter 1, Common Provisions; Chapter 2, Ambient Standards; Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants; and Chapter 11, National Acid Rain Program, Section 2, National acid rain program of the Wyoming Air Quality Standards and Regulations.

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 1, Section 3(a) is modified to provide more consistency in the definitions used within the body of environmental regulations.

4. Chapter 1, Section 5 is modified to codify state policy with regards to excess emissions resulting from unavoidable equipment malfunction and simultaneously address a November 1, 2002 Order from the EPA Administrator. The intent of the regulation has always been to provide owners and operators with the opportunity to provide information sufficient to demonstrate that an unavoidable equipment malfunction occurred. Revisions to Section 5 clarify that there are no automatic exemptions for excess emissions and that the appropriate mechanism for excusing excess emissions in these cases be through the exercise of the State Air Quality Division Administrator's enforcement discretion.

5. Chapter 2, Section 2(b)(v) and Section 6(c) are modified to make the ambient standards in Wyoming enforceable within the State and consistent with current federal ambient standards.

6. Chapter 5, Sections 2 and 3 and Chapter 11 are modified to update national air regulations pertaining to New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants and National Acid Rain Program which are

adopted by reference from the July 1, 2004 Code of Federal Regulations as well as subsequent issues of the Federal Register.

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 16th day of November, 2005.



Hearing Examiner
Wyoming Environmental Quality Council