

BEFORE THE  
 ENVIRONMENTAL QUALITY COUNCIL  
 STATE OF WYOMING

IN THE MATTER OF REVISIONS TO SECTIONS )  
 SIX AND TWELVE OF CHAPTER TWO; REVISIONS )  
 TO SECTIONS THREE AND NINE OF CHAPTER )  
 THREE; REVISIONS TO SECTION SIX OF CHAPTER )  
 FOUR; REVISIONS TO SECTIONS TWO AND FOUR ) STATEMENT OF  
 OF CHAPTER FIVE; REVISIONS TO SECTIONS ) PRINCIPAL REASONS  
 THREE, FOUR, SEVEN AND FOURTEEN OF ) FOR ADOPTION  
 CHAPTER SIX; REVISIONS TO SECTION THREE OF )  
 CHAPTER SEVEN; REVISIONS TO SECTION TEN OF )  
 CHAPTER EIGHT; REVISIONS TO SECTION TWO OF )  
 CHAPTER ELEVEN OF THE WYOMING AIR )  
 QUALITY 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, removed, or added the following chapters and sections to the Wyoming Air Quality Standards and Regulations: Chapter 2, Ambient Standards, Section 6, Ambient standards for ozone, and Section 12, Incorporation by reference; Chapter 3, General Emission Standards, Section 3, Emission standards for nitrogen oxides, and Section 9, Incorporation by reference; Chapter 4, State Performance Standards for Specific Existing Sources, Section 6, Incorporation by reference; Chapter 5, National Emission Standards, Section 2, New source performance standards, and Section 4, Incorporation by reference; Chapter 6, Permitting Requirements, Section 3, Operating permits, Section 4, Prevention of significant deterioration, Section 7, Clean air resource allocation expiration and Section 14, Incorporation by reference; Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM); Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by reference, and Chapter 11, National Acid Rain Program, Section 2, Acid rain program.

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 2, Ambient Standards, Section 6, Ambient standards for ozone, was revised to include the latest ozone National Ambient Air Quality Standards (NAAQS). The revisions to Section 12, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016. The revisions to Section 6, Ambient standards to ozone, and Section 12, Incorporation by reference, involve changes to the State Implementation Plan (SIP).

4. Chapter 3, General Emission Standards, Section 3, Emission standards for nitrogen oxides, was revised to correct an inconsistency regarding internal combustion engines. Section 9, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016. The revisions to Section 3, Emission standards for nitrogen oxides, and Section 9, Incorporation by reference, involve changes to the State Implementation Plan (SIP).
5. Chapter 4, State Performance Standards for Specific Existing Sources, Section 6, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016.
4. Chapter 5, National Emission Standards, Section 2, New source performance standards, was revised to incorporate from the Code of Federal Regulations (CFR) OOOOa and TTTT (40 CFR part 60) into the WAQSR, and to update subpart OOOO CFR citations in order to incorporate the most recent versions of federal rules. Section 4, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016.
5. Chapter 6, Permitting Requirements, Section 3, Operating permits, was updated to reflect the Supreme Court's decision in UARG v. EPA, 134 S. Ct. 2427 (2014) regarding greenhouse gas emissions. Additionally, Section 3 and Section 4, Prevention of significant deterioration, were updated to remove an outdated Federal Register citation under the definition of 'tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e),' which will now be incorporated by reference as of July 1, 2016. Section 7, Clean air resource allocation expiration, was updated to remove direct reference to Chapter III of the Rules of Practice and Procedure of the Department and now references the Rules of Practice and Procedure of the Department without a direct reference to a chapter. The change was made due to concurrent rulemaking changes in the Rules of Practice and Procedure, and to eliminate the need for a rule revision when changes are made to the Rules of Practice and Procedure. Section 14, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016. The revisions to Section 4, Prevention of significant deterioration, and Section 14, Incorporation by reference, involve changes to the State Implementation Plan (SIP).
6. Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM), was updated to reflect the Supreme Court's decision in UARG v. EPA, 134 S. Ct. 2427 (2014) regarding greenhouse gas emissions and remove an outdated Federal Register citation under the definition of 'tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e),' which will now be incorporated by reference as of July 1, 2016.
7. Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by reference, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016. The revisions to Section 10, Incorporation by reference, involve changes to the State Implementation Plan (SIP).
8. Chapter 11, Section 2, Acid rain program, has been updated as an annual effort to adopt by reference from the CFR as of July 1, 2016.
9. Chapter 3, Section 9, Chapter 4, Section 6, Chapter 5, Section 4, and Chapter 11, Section 2 have additionally all been revised to update contact information for the Division.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Hearing Examiner - *Printed Name*  
Wyoming Environmental Quality Council

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Hearing Examiner - *Signed Name*  
Wyoming Environmental Quality Council