

# 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:** Dr. David Bagley, Chairman, Environmental Quality Council

**From:** Todd Parfitt, Director, Department of Environmental Quality *BKL for*

**Date:** September 27, 2016

**Subject:** Proposed Rulemaking Package (R-27)

The Air Quality Division (Division) of the Department of Environmental Quality is proposing revisions to Chapter 2, Ambient Standards; Chapter 3, General Emission Standards; Chapter 4, State Performance Standards for Specific Existing Sources; Chapter 5, National Emission Standards; Chapter 6, Permitting Requirements; Chapter 7, Monitoring Regulations; Chapter 8, Nonattainment Area Regulations; and Chapter 11, National Acid Rain Program of the Wyoming Air Quality Standard and Regulations (WAQSR). The Division is requesting the Environmental Quality Council to review the proposal and to consider adoption of these rules when you meet in Cheyenne, Wyoming on November 17, 2016.

In this proposed rulemaking, WAQSR chapters and sections being updated to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2016 include: Chapter 2, Section 12; Chapter 3, Section 9; Chapter 4, Section 6; Chapter 5, Section 4; Chapter 6, Section 14; Chapter 8, Section 10; and Chapter 11, Section 2. Chapter 2, Ambient Standards, Section 6, Ambient standards for ozone, will be updated to include the latest ozone National Ambient Air Quality Standards (NAAQS). Additional updates to Chapter 3, General Emission Standards, Section 3, Emission standards for nitrogen oxides, involve a minor revision correcting an inconsistency regarding internal combustion engines. Additional updates to Chapter 5, National Emission Standards, Section 2, New source performance standards, involve incorporating OOOO, OOOOa and TTTT (40 CFR part 60) into the WAQSR by reference from the CFR. Additional updates to Chapter 6, Permitting Requirements, Section 3, Operating permits, and Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM) involve proposed revisions reflecting the Supreme Court's decision in *UARG v. EPA*, 134 S. Ct. 2427 (2014). Chapter 6, Permitting Requirements, Section 3, Operating permits, and Section 4 Prevention of significant deterioration, Prevention of Significant Deterioration, and Chapter 7, Section 3, are also being updated to remove an outdated Federal Register reference in the definition of "tpy CO<sub>2</sub> equivalent emissions (CO<sub>2</sub>e)." Chapter 6, 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. Contact information for the Division is also being updated in Chapters 3, 4, 5, and 11. Chapter 2, Sections 2 and 12, Chapter 3, Section 9, Chapter 6, Sections 4 and 14, and Chapter 8, Section 10 involve revisions to the State Implementation Plan (SIP). The Division will submit these changes to the Environmental Protection Agency (EPA) once they are state effective.

The Division issued a notice for public comment on this set of revisions prior to the September 8, 2016 Air Quality Advisory Board meeting, with the public comment period running from August 8, 2016 to September 8, 2016. At the September 8, 2016 meeting, the AQAB recommended that the rules proceed

to a formal rulemaking before the Environmental Quality Council, under the condition that the incorporation by reference date be changed from July 1, 2015 to July 1, 2016 for all affected sections.

We have prepared rule packages for the council, including the public notice and the transcript from the September 8, 2016 AQAB Meeting, which summarize the nature of the changes.

This rule package contains the following attachments:

- 1) Public Notice for the September 8, 2016 AQAB Meeting (2 copies)
- 2) Statement of Principal Reasons (2 copies)
- 3) September 8, 2016 AQAB Meeting Minutes (2 copies)
- 4) Chapter 2, Ambient Standards, Strike and Underline Version (draft September 12, 2016) (2 copies)
- 5) Chapter 2, Ambient Standards, Clean Format (2 copies)
- 6) Chapter 3, General Emission Standards, Strike and Underline Version (draft September 12, 2016) (2 copies)
- 7) Chapter 3, General Emission Standards, Clean Format (2 copies)
- 8) Chapter 4, State Performance Standards for Specific Existing Sources, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 9) Chapter 4, State Performance Standards for Specific Existing Sources, Clean Format (2 copies)
- 10) Chapter 5, National Emission Standards, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 11) Chapter 5, National Emission Standards, Clean Format (2 copies)
- 12) Chapter 6, Permitting Requirements, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 13) Chapter 6, Permitting Requirements, Clean Format, (2 copies)
- 14) Chapter 7, Monitoring Regulations, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 15) Chapter 7, Monitoring Regulations, Clean Format, (2 copies)
- 16) Chapter 8, Nonattainment Area Regulations, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 17) Chapter 8, Nonattainment Area Regulations, Clean Format, (2 copies)
- 18) Chapter 11, National Acid Rain Program, Strike and Underline Version, (draft September 12, 2016) (2 copies)
- 19) Chapter 11, National Acid Rain Program, Clean Format, (2 copies)
- 20) Permission to Proceed Memo Signed September 20, 2016 (2 copies)
- 21) Notice of intent to Adopt Rules (2 copies)