



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised September 2016

<b>1. General Information</b>		
a. Agency/Board Name Department of Environmental Quality		
b. Agency/Board Address 200 West 17th Street	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Amber Potts	f. Agency Liaison Telephone Number 307-777-2489	
g. Agency Liaison Email Address amber.potts@wyo.gov		
h. Date of Public Notice October 3, 2016	i. Comment Period End Date November 16, 2016	
j. Public Comment URL or Email Address: <a href="http://aq.wyomingdeq.commentinput.com/">http://aq.wyomingdeq.commentinput.com/</a>		
k. Program Air Quality		
<b>2. Legislative Enactment</b>		
For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.		
a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?		
<input type="checkbox"/> No. <input type="checkbox"/> Yes. Please provide the Enrolled Act Numbers and Years Enacted:		
<b>3. Rule Type and Information</b>		
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter. <i>Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.</i>		
Chapter Number: <b>2</b>	Chapter Name: <b>Ambient Standards</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>3</b>	Chapter Name: <b>General Emission Standards</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>4</b>	Chapter Name: <b>State Performance Standards for Specific Existing Sources</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>5</b>	Chapter Name: <b>National Emission Standards</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>6</b>	Chapter Name: <b>Permitting Requirements</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>7</b>	Chapter Name: <b>Monitoring Regulations</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>8</b>	Chapter Name: <b>Nonattainment Area Regulations</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: <b>11</b>	Chapter Name: <b>National Acid Rain Program</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

#### 4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date: 11/17/2016	Time: 9:00 a.m.	City: Cheyenne, WY	Location: Herschler Building, Room 1699 112 West 25th St. Cheyenne, WY 82002
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: <http://aq.wyomingdeq.commentinput.com/>

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### 5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation: **See Attachment**

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### 6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

Not Applicable.

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_  
(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_  
(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Amber Potts
<i>Title of Authorized Individual</i>	SIP and Rule Development Supervisor
<i>Date of Authorization</i>	9/30/2016

## Federal Regulation Citations for Regulation Changes to Wyoming Air Quality Standards and Regulations

Chapter 2, Ambient Standards, Section 6, Ambient standards for ozone, is amended, in part, to comply with portions of 40 CFR parts 50 and 53, and appendices to 40 CFR part 50, July 1, 2016.

Chapter 2, Ambient Standards, Section 12, Incorporation by reference, adopts by reference portions of 40 CFR parts 50, 53 and 58, and appendices to 40 CFR part 50, July 1, 2016.

Chapter 3, General Emission Standards, Section 9, Incorporation by reference, adopts by reference portions of 29 CFR part 1910 and 40 CFR parts 51 and 61, and appendices to 29 CFR part 1910 and 40 CFR parts 60 and 61, July 1, 2016.

Chapter 4, State Performance Standards for Specific Existing Sources, Section 6, Incorporation by reference, adopts by reference portions of 40 CFR part 60 and its appendices, July 1, 2016.

Chapter 5, National Emission Standards, Section 2, New source performance standards, is amended, in part, to comply with portions of 40 CFR part 60, and appendices to 40 CFR part 60, July 1, 2016.

Chapter 5, National Emission Standards, Section 4, Incorporation by reference, adopts by reference portions of 40 CFR parts 60, 61, 63, and 70, and appendices to 40 CFR parts 60 and 63, July 1, 2016.

Chapter 6, Permitting Requirements, Section 3, Operating permits, is amended, in part, to comply with portions of 40 CFR part 98, July 1, 2016.

Chapter 6, Permitting Requirements, Section 4, Prevention of significant deterioration, is amended, in part, to comply with portions of 40 CFR part 98, July 1, 2016.

Chapter 6, Permitting Requirements, Section 14, Incorporation by reference, adopts by reference portions of 40 CFR parts 51, 52, 60, 61, 63, 70, 75 and 98, and appendices to 40 CFR parts 51, 58 and 60, July 1, 2016.

Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM), is amended, in part, to comply with portions of 40 CFR part 98, July 1, 2016.

Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by reference, adopts by reference portions of 23 CFR parts 450, 712 and 771, 40 CFR parts 50, 51, 60, 80, 81 and 93, 49 CFR part 613, and appendices to 40 CFR parts 51 and 60, July 1, 2016.

Chapter 11, National Acid Rain Program, Section 2, Acid rain program, adopts by reference portions of 40 CFR parts 72, 73, 74, 75, 76, 77 and 78, July 1, 2016.