

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO SECTIONS) STATEMENT OF
THREE AND FIVE OF CHAPTER FOURTEEN OF) PRINCIPAL REASONS
THE WYOMING AIR QUALITY STANDARDS AND) FOR ADOPTION
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 14, Emission Trading Program Regulations, Section 3, Sulfur dioxide milestone inventory, and Section 5, Incorporation by reference.
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 14, Emission Trading Program Regulations, Section 3, Sulfur dioxide milestone inventory, was updated to include Basin Electric Power Cooperative’s new sulfur dioxide emissions reporting. Basin Electric requests to amend requirements to report its sulfur dioxide emissions for Units 1 and 2 under the 309 Program (40 CFR §51.309) using the emission rates applicable to those Units during the 2001-2003 BART baseline period. This change ensures that the sulfur dioxide emissions reductions obtained under the Settlement Agreement with Basin Electric Power Cooperative, Environmental Protection Agency (EPA), and the State of Wyoming are no longer counted as reductions under the 309 Program. Specifically, Basin Electric must use the annual average SO2 emission rates of 0.159 lb/MMBtu for Laramie River Unit 1 and 0.162 lb/MMBtu for Laramie River Unit 2, reflecting actual emissions in 2001 to 2003, and multiply those rates by the actual annual heat input for each unit to calculate and report emissions under the 309 Program. Section 5, Incorporation by Reference, has been updated as an annual effort to adopt by reference from the Code of Federal Regulations (CFR) as of July 1, 2017. The revisions to Section 3, Sulfur dioxide milestone inventory, and Section 5, Incorporation by reference, involves changes to the State Implementation Plan (SIP).

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 _____, 2017.

Hearing Examiner - *Printed Name*
Wyoming Environmental Quality Council

Hearing Examiner - *Signed Name*
Wyoming Environmental Quality Council