



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Caitlin Kurnath, Wyoming Assistant Attorney General

FROM: Nancy E. Vehr, Administrator, Air Quality Division 

DATE: June 26, 2019

PRIORITY: HIGH – Deadline for response is July 8, 2019

SUBJECT: Request for Review of Proposed Rules for Statutory Authority (R-31)

The Department of Environmental Quality, Air Quality Division (Division) – on behalf of the Department – is proposing to revise 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 8, Nonattainment Area Regulations, and Chapter 11, National Acid Rain Program, of the Wyoming Air Quality Standards and Regulations (WAQSR). Chapter 2, Section 12, Chapter 3, Section 9, Chapter 4, Section 6, Chapter 5, Section 4, Chapter 6, Section 14, Chapter 8, Section 10 – all titled ‘Incorporation by reference’ – and Chapter 11, Section 2, Acid rain program, are being updated to adopt by reference from the CFR for July 1, 2018.

This rulemaking was reviewed by the Air Quality Advisory Board (AQAB) on December 11, 2018, and the Board recommended that the rules proceed to formal rulemaking before the Environmental Quality Council (EQC).

The Division did not receive written comments during the public process.

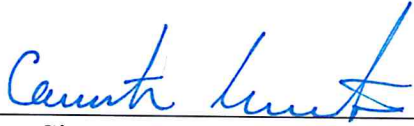
The Division has reviewed the requirements of section 35-11-202(a) and (b) of the Wyoming Environmental Quality Act and determined this rulemaking to be in procedural compliance with the statute. Finally, the Division has reviewed and responded to the Takings Guidelines and Checklist provided by the Attorney General’s Office. The Division is now seeking a review of the proposed rules for statutory authority prior to submitting the rules to the Governor’s Office for permission to proceed to formal rulemaking.

Attached, you will find a copy of the draft Notice of Agency Rulemaking, draft Statement of Principal Reasons for Adoption, copies of Chapters 2, 3, 4, 5, 6, 8 and 11 in strike and underline format, and responses to the Attorney General’s Takings Checklist. If you have any questions, or need additional information regarding the proposed rules, please do not hesitate to contact me at 307-777-7391 or Amber Potts at 307-777-2489.

Attorney General's Response Options:

Proposed rules are within the Division's statutory authority, may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking



Signature: Wyoming Assistant Attorney General