



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

To: Honorable Mark Gordon, Governor
From: Todd Parfitt, Director, Department of Environmental Quality
Subject: Proposed Rules for Wyoming Air Quality Standards and Regulations Chapters 2, 3, 4, 5, 8, 11, and 14 (R-35)
Date: September 21, 2023
Priority: **HIGH** – Deadline for response is **October 2, 2023**
Summary: Notice of Agency Rulemaking

The Air Quality Division (Division) of the Wyoming Department of Environmental Quality is proposing revisions to the following chapters of the Wyoming Air Quality Standards and Regulations (WAQSR):

- Chapter 2 Ambient Standards
- Chapter 3 General Emissions Standards
- Chapter 4 State Performance Standards for Specific Existing Sources
- Chapter 5 National Emission Standards
- Chapter 8 Nonattainment Area Regulations
- Chapter 11 National Acid Rain Program
- Chapter 14 Emission Trading Program Regulations

In this proposed rulemaking, the Division is updating the date of incorporation of the Federal Code of Regulations to July 1, 2023. If the State does not adopt the most recent versions of these sections by reference, the rules still apply at the federal level. Adopting these national standards into the State rules allows for State implementation of the rules. Additionally, the Division is proposing revisions to Chapter 4 that remove language pertaining to an outdated State plan for Municipal Solid Waste Landfills that has been superseded by a Federal plan. The Division is also proposing revisions to Chapter 5, Section 2, New Source Performance Standards, and Chapter 5, Section 3, National Emission Standards for Hazardous Air Pollutants, from 40 CFR Part 60 and 40 CFR Part 63, that apply to specific subcategories of sources located in the State of Wyoming. Additionally, the Division is proposing revisions to Chapter 5, Section 2 to remove 40 CFR Part 60, subpart TTTT, which pertained to the Clean Power Plan that was overruled by a 2022 U.S. Supreme Court decision, *West Virginia v. EPA*. Finally, the Division is also proposing various non-substantive typographical and formatting edits throughout the chapters.

The proposed revisions to Chapter 2, Section 12, Chapter 3, Section 9, and Chapter 8, Section 10 involve changes to the Wyoming State Implementation Plan (SIP). The Division will submit these SIP revisions to the Environmental Protection Agency after the rules are State effective.

The Division issued a notice for public comment on the proposed rulemaking prior to the July 11, 2023 Air Quality Advisory Board (AQAB) meeting, with the public comment period running from June 9, 2023 to July 11, 2023. There were no comments received on the proposed rules. At the July 11, 2023 meeting, the AQAB recommended that the rules proceed to a formal rulemaking before the Environmental Quality Council.

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Governor's Response Options (to be completed by Governor's Office):

Agency may proceed.

Delay Public Comment and Set Up Meeting with



Signature: Governor's Counsel

If no response has been received by the 10th working day, the agency will proceed with these rules.