

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO)	
SECTION TWELVE OF CHAPTER TWO,)	
SECTION NINE OF CHAPTER THREE,)	STATEMENT OF
SECTIONS FOUR AND SIX OF)	PRINCIPAL REASONS
CHAPTER FOUR, SECTIONS TWO,)	FOR ADOPTION
THREE, AND FOUR OF CHAPTER FIVE,)	
SECTION TEN OF CHAPTER EIGHT,)	
SECTION TWO OF CHAPTER ELEVEN,)	
AND SECTION FIVE OF CHAPTER)	
FOURTEEN OF THE WYOMING AIR)	
QUALITY STANDARDS AND)	
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:
 - (A) Chapter 2, Ambient Standards, Section 12, Incorporation by Reference
 - (B) Chapter 3, General Emissions Standards, Section 9, Incorporation by Reference
 - (C) Chapter 4, State Performance Standards for Specific Existing Sources, Section 4, Existing municipal solid waste landfills, and Section 6, Incorporation by Reference
 - (D) Chapter 5, National Emission Standards, Section 2, New Source Performance Standards, Section 3, National Emission Standards for Hazardous Air Pollutants, and Section 4, Incorporation by Reference
 - (E) Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by Reference
 - (F) Chapter 11, National Acid Rain Program, Section 2, Incorporation by Reference
 - (G) Chapter 14, Emission Trading Program Regulations, 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 2, Ambient Standards, Section 12, Incorporation by Reference, has been updated to adopt by reference from the Code of Federal Regulations (CFR) as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 2 pertaining to formatting, typographical revisions, etc. The revisions to Section 12 involve changes to the State Implementation Plan (SIP).

4. Chapter 3 General Emissions Standards, Section 9, Incorporation by Reference, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 3

pertaining to formatting, typographical revisions, etc. The revisions to Section 9 involve changes to the SIP.

5. Chapter 4, State Performance Standards for Specific Existing Sources, Section 4, Existing municipal solid waste landfills, has been updated to remove obsolete State Plan requirements that have been superseded by a Federal Plan, and Section 4 has been retitled, [Reserved.]. Section 6, Incorporation by Reference, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 4 pertaining to formatting, typographical revisions, etc.
6. Chapter 5, National Emission Standards, Section 2, New Source Performance Standards, has been updated to incorporate 40 CFR Part 60, subpart XXX, which pertains to municipal solid waste landfills that commenced construction, reconstruction, or modification after July 14, 2014, and 40 CFR Part 60, subpart QQQQ, which pertains to standards of performance for new residential hydronic heaters and forced-air furnaces, as well as 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*. Section 3, National Emission Standards for Hazardous Air Pollutants, has been updated to incorporate 40 CFR Part 63 subpart CCCCC, which pertains to source category for gasoline dispensing facilities, and 40 CFR Part 63 subpart XXXXXX, which pertains to area source standards for nine metal fabrication and finishing source categories. Section 4, Incorporation by Reference, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 4 pertaining to formatting, typographical revisions, etc.
7. Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by Reference, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 8 pertaining to formatting, typographical revisions, etc. The revisions to Section 10 involve changes to the SIP.
8. Chapter 11, National Acid Rain Program, Section 2, Acid Rain Program, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 11 pertaining to formatting, typographical revisions, etc.
9. Chapter 14, Emission Trading Program Regulations, Section 5, Incorporation by Reference, has been updated to adopt by reference from the CFR as of July 1, 2023, as well as revisions that update website links. There are other periodic, non-substantive updates throughout Chapter 14 pertaining to formatting, typographical revisions, etc.

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 _____, 2023.

Hearing Examiner - *Printed Name*
Wyoming Environmental Quality Council

Hearing Examiner - *Signed Name*
Wyoming Environmental Quality Council