

The Wyoming Environmental Quality Council Notice of Intent to Adopt Rules

The Wyoming Environmental Quality Council (EQC) will consider proposed changes to the Wyoming Air Quality Standards and Regulations (WAQSR) brought forth by the Wyoming Department of Environmental Quality (WDEQ) Air Quality Division (AQD) at a public hearing to be held at 9:00 a.m. on March 27, 2024, at the Turntable Room of the Thyra Thomson State Office Building, 444 W. Collins Drive, Casper, WY 82601. Individuals interested in attending the video conference may contact Joe Girardin at (307) 777-7170 or joe.girardin@wyo.gov for assistance.

The proposed rulemaking Docket # 23-2101 (R-35) involves revising WAQSR Chapter 2, Ambient Standards, Chapter 3, General Emission 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.

The Incorporation by Reference sections of WAQSR Chapters 2, 3, 4, 5, 8, 11, and 14 are being revised to incorporate all Code of Federal Regulations (CFR) citations as of July 1, 2023 and to correct outdated website links. If the State does not adopt the most recent versions of these sections by reference, the rules still apply at the federal level. Additionally, Chapter 4, Section 4, Existing Municipal Solid Waste Landfills, is being revised to remove outdated State Plan requirements that have been superseded by a Federal Plan. There are additional proposed amendments to Chapter 5, Section 2, New Source Performance Standards, and Chapter 5, Section 3, National Emission Standards for Hazardous Air Pollutants, that incorporate four subparts from 40 CFR Part 60 and 40 CFR Part 63 that apply to specific subcategories of sources located in the State of Wyoming. Chapter 5, Section 2 is also being revised 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*. Additionally, Chapter 5, Section 3 is being revised to add “1-bromopropane (1-BP)” to the Clean Air Act list of Hazardous Air Pollutants. Finally, the AQD 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 AQD will submit these SIP revisions to the Environmental Protection Agency once the rules are State effective.

All proposed amendments meet minimum substantive state statutory requirements per W.S. § 16-3-103(a)(i)(G). The agency has complied with the requirements of W.S. § 9-5-304 and completed a takings checklist.

Comments on the proposed revisions contained in Docket # 23-2101 may be submitted beginning at 8:00 a.m. (MST) on January 25, 2024 and ending at 5:00 p.m. (MST) on March 11, 2024. Written comments should be submitted to: Administrator, Air Quality Division, 200 West 17th Street, Cheyenne, Wyoming, 82002; faxed to 307-635-1784; or submitted via the Division's electronic public comment form, found at <http://aq.wyomingdeq.commentinput.com/>. Copies of the public notice, Notice of Intent to Adopt Rules, takings checklist, and the proposed rules are available at the same web address. **If you have any questions regarding the proposed rules, please contact Amber Potts, Air Quality Division, at 307-777-2489.** The AQD will file an Analysis of Comments with the EQC prior to the March 27, 2024 public hearing. The proposed rule, comments submitted, and the response to comments will be posted on the Council's website under Docket # 23-2101 at: <https://eqc.wyo.gov/Public/Dockets.aspx>.

The EQC will consider the proposed rulemaking, written and electronically filed comments, and the AQD's Analysis of Comments, along with any modification proposed by the AQD to the draft rules. At the public hearing, oral statements that focus on the previously received comments, the AQD's Analysis of Comments, and issues raised by the analysis, will be accepted. The EQC will determine if the record will remain open beyond the close of the scheduled hearing. If the comment period is extended, the extensions will be posted on the AQD's website, as well as the EQC's website. The EQC, however, may close the record and make a final decision regarding the rulemaking prior to concluding the hearing.

Any person wishing to use a digital presentation during their testimony before the EQC must provide a digital copy to the EQC no less than three (3) days prior to the hearing unless they contact the EQC and request an extension for good cause. Failure to submit a digital copy in a timely manner will result in the person not being allowed to use the presentation during their testimony.

Para español, visite deq.wyoming.gov. *Americans with Disabilities Act: special assistance or alternative formats will be made available upon request for individuals with disabilities. Please provide at least fourteen (14) days before the close of public comment period for such requests.*