



Mark Gordon, Governor

Department of Environmental Quality

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



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, 6, 8, 11, and 14 (R-37)

Date: August 5, 2024

Priority: **HIGH** – Deadline for response is **August 19, 2024**

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 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
- Chapter 11 National Acid Rain Program
- Chapter 14 Emission Trading Program Regulations

In this proposed rulemaking, the Division is:

- 1.) Updating the date of incorporation of the Code of Federal Regulations in the Incorporation by Reference sections of all of the listed chapters to July 1, 2024. 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.
- 2.) Proposing revisions to Chapter 2, Section 2, Ambient Standards for Particulate Matter, to update the PM_{2.5} primary annual standard so it reflects the newly promulgated 2024 PM_{2.5} National Ambient Air Quality Standards (NAAQS).
- 3.) Proposing revisions to Chapter 5, Section 2, New Source Performance Standards, to incorporate 40 CFR Part 60, subpart UU, which pertains to standards of performance for asphalt processing and asphalt roofing manufacture and storage, and 40 CFR Part 60, subpart OOOOb, which pertains to standards of performance for crude oil and natural gas facilities that commenced construction, modification, or reconstruction after December 6, 2022. The revisions incorporating these subparts apply to sources located in the State of Wyoming.
- 4.) Proposing revisions to Chapter 6, Section 3, Operating permits, that remove the Title V Affirmative Defense provisions from subsection (l), per a U.S. Court of Appeals for the D.C. Circuit ruling.

- 5.) Proposing revisions to Chapter 6, Section 4, Prevention of significant deterioration, that remove the PM_{2.5} Significant Impact Levels from subsection (b)(i)(A)(I)(1.).
- 6.) Proposing revisions to Chapter 6, Section 14, Incorporation by reference, to match the language of other IBR sections in the WAQSR that were updated previously in the R-35 rulemaking package that became State-effective on April 30, 2024.
- 7.) Proposing two minor, non-substantive typographical revisions in Chapter 3 and Chapter 14.

The proposed revisions to Chapter 2, Section 12, Chapter 3, Section 9, Chapter 6, Sections 4 and 14, 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 23, 2024 Air Quality Advisory Board (AQAB) meeting, with the public comment period running from June 21, 2024 to July 23, 2024. There were three comments received on the proposed rules. The Division developed responses to those respective comments that were signed by Division Administrator Nancy Vehr on July 29, 2024. At the July 23, 2024 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.