



**Rulemaking Index  
Wyoming Air Quality Standards and Regulations (WAQSR)  
Incorporation by Reference Updates  
And Miscellaneous Other Revisions  
Chapters 2, 3, 4, 5, 6, 8, 11, and 14 (R-37)**

EQC Docket 24-2101

**Index of Materials**

The following is an index of materials that the Wyoming Department of Environmental Quality, Air Quality Division, relied upon to develop the proposed rule, in accordance with Department of Environmental Quality, Rules of Practice and Procedure, Chapter 3, Section 5(b):

- 1) Code of Federal Regulations (CFR), July 1, 2024 edition.
- 2) eCFR (electronic Code of Federal Regulations) website and timeline feature (for tracking changes to CFR subparts introduced between July 1, 2023 and July 1, 2024 for Chapters 2, 3, 4, 5, 8, 11 and 14, and changes between July 1, 2017 and July 1, 2024 for Chapter 6).
- 3) May 16, 2000 letter, “Re: Delegation Procedures for Section 112 Requirements,” from Richard R. Long, Director, Air and Radiation Program, EPA Region 8, to Dan Olson, Administrator, Air Quality Division, Wyoming Department of Environmental Quality; letter approves Wyoming’s section 112(l) mechanism and allows for auto-delegation of section 112 requirements.
- 4) February 27, 2014 letter, “RE: Automatic Delegation of Clean Air Act (CAA) Section 111 Requirements,” from Carl Daly, Director, Air Program, EPA Region 8, to Steven A. Dietrich, Administrator, Air Quality Division, Wyoming Department of Environmental Quality; letter automatically delegates the CAA section 111 Standards of Performance for New Stationary Sources, 40 CFR part 60 standards (New Source Performance Standards) to Wyoming.
- 5) 88 FR 47054 “Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program” (published 7/21/2023, effective date 8/21/23)
- 6) April 30, 2024 U.S. Environmental Protection Agency Memorandum “Supplement to the Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program” From Richard Wayland, Director, Air Quality Assessment Division and Scott Mathias, Director, Air Quality Policy Division, to Regional Air Division Directors, Regions 1-10; memorandum outlines EPA reassessment of PM<sub>2.5</sub> Significant Impact Levels 2018 guidance.

- 7) April 17, 2018 U.S. Environmental Protection Agency Memorandum “Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program” From Peter Tsirigotis, Director, to Regional Air Division Directors, Regions 1-10; memorandum provides guidance on compliance demonstration tools for use with PM<sub>2.5</sub> SILs.
- 8) January 22, 2013 U.S. Court of Appeals for the D.C. Circuit decision on *Sierra Club v. EPA*; court found that the EPA lacked authority to establish the PM<sub>2.5</sub> SILs and remanded the rule back to the EPA.
- 9) 75 FR 64864 “Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)-Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC) (published October 20, 2010, effective date December 20, 2010)
- 10) 79 FR 55412 “Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)-Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)-Notice of Action Denying Petition for Reconsideration and Amended Rulemaking.” (published 9/16/2014)
- 11) Preliminary AG Review of draft WAQSR Chapters 2, 3, 4, 5, 6, 8, 11 and 14 undertaken by David DeWald, Deputy Attorney General, Wyoming Attorney General’s Office, on June 3, 2024. Wyoming Secretary of State’s Office, Rules on Rules for State Agencies; Chapter 2: Formatting (August 9, 2021 effective date).
- 12) List of Affected CFR Subparts and Appendices by Updating IBR date to July 1, 2024, compiled by Air Quality Division State Implementation Program & Rule Development section staff, May 2024, 13 pages.
- 13) Wyoming Governor Mark Gordon’s Permission to Proceed memo, Kit Wendtland, August 21, 2024, 2 pages.
- 14) WAQSR Chapter 2, Ambient Standards, strike and underline copy, May 30, 2024 draft, 11 pages.
- 15) WAQSR Chapter 3, General Emission Standards, strike and underline copy, May 30, 2024 draft, 47 pages.
- 16) WAQSR Chapter 4, State Performance Standards for Specific Existing Sources, strike and underline copy, May 30, 2024 draft, 18 pages.
- 17) WAQSR Chapter 5, National Emission Standards, strike and underline copy, May 30, 2024 draft, 44 pages.
- 18) WAQSR Chapter 6, Permitting Requirements, strike and underline copy, May 30, 2024 draft, 145 pages.
- 19) WAQSR Chapter 8, Nonattainment Area Regulations, strike and underline copy, May 30, 2024 draft, 95 pages.
- 20) WAQSR Chapter 11, National Acid Rain Program, strike and underline copy, May 30, 2024 draft, 1 page.
- 21) WAQSR Chapter 14, Emission Trading Program Regulations, strike and underline copy, May 30, 2024 draft, 46 pages.
- 22) Statement of Principal Reasons for Adoption, August 5, 2024 draft, 2 pages.
- 23) Public Notice for Wyoming Air Quality Advisory Board meeting, July 23, 2024, 2 pages.
- 24) Transcript for July 23, 2024 Wyoming Air Quality Advisory Board meeting, July 23, 2024, 33 pages.

- 25) Takings Analysis, completed by David DeWald, Deputy Attorney General, Wyoming Attorney General's Office, on August 1, 2024, 1 page.
- 26) Attorney General Statutory Authority Review Memo; signed by David DeWald, Deputy Attorney General, Wyoming Attorney General's Office, on August 1, 2024, 2 pages.
- 27) Director's Memo to EQC, Hearing for Proposed Revisions to WAQSR Chapters 2, 3, 4, 5, 6, 8, 11, and 14, signed by WDEQ Director Todd Parfitt on August 22, 2024, 3 pages.
- 28) Notice of Intent to Adopt Rules form, August 28, 2024, 4 pages.
- 29) Public Notice for EQC Hearing, August 30, 2024, 2 pages.