

BEFORE THE
 ENVIRONMENTAL QUALITY COUNCIL
 STATE OF WYOMING

IN THE MATTER OF REVISIONS TO:)
 CHAPTER FIVE, SECTIONS TWO AND THREE;)
 CHAPTER SIX, SECTION THREE;)
 CHAPTER SEVEN, SECTION THREE;) STATEMENT OF
 AND CHAPTER ELEVEN, SECTION TWO OF THE) PRINCIPAL REASONS
 WYOMING AIR QUALITY STANDARDS AND) FOR ADOPTION
 REGULATIONS)

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), has adopted additions and revisions to: Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants; Chapter 6, Permitting Requirements, Section 3, Operating permits, Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring; Chapter 11, National Acid Rain Program, Section 2, Acid rain program of the Wyoming Air Quality Standards and Regulations. These changes correct deficiencies in existing regulations or bring state regulations up to date with federal regulations in a manner that best meets the needs of the State of Wyoming.

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 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants and Chapter 11, National Acid Rain Program, Section 2, Acid rain program are being revised to complete an annual update of all regulations included in the Wyoming Air Quality Standards and Regulations which are incorporated by reference from the Code of Federal Regulations to reflect the July 1, 2001 publishing date. Chapter 5 is amended herein to comply specifically with July 1, 2001 revisions to 40 CFR §60.40 through 60.1465 and appendices to part 60; Chapter 5 is also amended herein to comply specifically with July 1, 2001 revisions to 40 CFR §63.100 through 63.2872 and appendices to part 63. Chapter 11 is amended to comply with July 1, 2001 revisions to 40 CFR parts 72-78.


4. Chapter 5, National Emission Standards, Section 2, New source performance standards, general provisions are being revised in several places to demonstrate consistency with federal rule.

The definition of "administrator" is revised to clearly^{WS/} indicate where the rules mean the administrator of the Air Quality Division for the State of Wyoming, and where the rules mean that administrator duties are shared between the administrator of the Environmental Protection Agency (EPA) and the administrator of the Air Quality Division for the State of Wyoming. General provisions are also revised to demonstrate consistency with federal rule as it relates to the criteria for what constitutes a modification under 40 CFR § 60.14(e)(2). The revised rule mirrors federal rule and is no more stringent.

5. Chapter 6, Permitting Requirements, Section 3, Operating permits, and Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring, are revised in response to a November 27, 2001 Federal Register notice promulgating the change in the definition of "major source" under Title V of the Clean Air Act. The revised language mirrors federal rules (40 CFR §70.2 major source (2)(xxvii)) and is no more stringent.

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 12th day of December, 2002.



Hearing Officer
Wyoming Environmental Quality Council

(Wendy Hutchinsai)