

FILED

OCT 31 2001

Terri A. Lorenzon, Director  
Environmental Quality Council

# 01-2101

**NOTICE OF INTENT TO ADOPT RULES AND REGULATIONS**

Agency: Department of Environmental Quality/Air Quality Division  
Address: 122 West 25<sup>th</sup> Street, Herschler Building, 4th Floor, Cheyenne  
Agency Contact Person for These Rules: Christine Jenkins  
Work Telephone: 307-672-6457

*Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved.*

The Division is proposing to update all regulations which are incorporated by reference from the Code of Federal Regulations to reflect the July 1, 2000 publishing date. The Division updates these sections on an annual basis. Incorporation by reference affects: Chapters 3, 5 and 11.

Changes are also proposed for Chapter 1 to add definitions and a new list of acronyms. Chapter 2 is being revised to incorporate a reinstated Federal 1-hour ozone ambient standard into State rule as well as modifying ambient standards for nitrogen oxides, sulfur oxides and carbon monoxide to clarify that equivalent test methods must be designated in accordance with Title 40 of the Code of Federal Regulations, part 53.

Finally, the Division is proposing changes to Chapter 3, Section 2 to remove outdated language relating to opacity readings of steam plumes.

*Citation to each agency rule being amended or repealed.*

Wyoming Air Quality Standards and Regulations:

Chapter 1, Common Provisions, Section 3, Definitions.

Chapter 2, Ambient Standards, Section 3, Ambient standards for nitrogen oxides, Section 4, Ambient standards for sulfur oxides, and Section 5, Ambient standards for carbon monoxide and Section 6, Ambient standards for ozone.

Chapter 3, General Emission Standards, Section 2, Emission standards for particulate and Section 6, Emission standards for VOCs.

Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants.

Chapter 11, National Acid Rain Program, Section 2, Acid rain program.

*If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at:*

Department of Environmental Quality, Air Quality Division, 122 west 25th St., Herschler Building, 4th Floor, Cheyenne, Wyoming; the Casper District Office, 3030 Energy Lane, Casper, Wyoming; the Lander District Office, 250 Lincoln St., Lander, Wyoming; the Sheridan District Office, 1043 Coffeen Avenue, Suite D, Sheridan, Wyoming; electronic copies of the rules will be available after October 23, 2001 at <http://deq.state.wy.us/aqd.htm>.

*Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action.*

Written comments may be submitted prior to the public hearing. Persons wishing to submit public comment should do so by 5:00 PM on Tuesday December 4, 2001 to the following address: Dan Olson, Administrator, Department of Environmental Quality, Air Quality Division, 122 West 25th St., Herschler Building, 4th Floor, Cheyenne, Wyoming. Those planning to present oral statements at the hearing are encouraged to bring a written copy of their comments to the hearing and arrive early so that the Council may determine the order of persons wishing to comment.

*If not already scheduled as shown above, a public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to:*

A hearing has been scheduled.

*A public hearing on the proposed rules has been scheduled. If yes, date, time and place of scheduled hearing.*

A public hearing on proposed revisions to the Wyoming Air Quality Standards and Regulations will be held by the Environmental Quality Council. The hearing will begin at 1:00 PM on Friday December 7, 2001 and will be held in the Medicine Bow Room of the UW Outreach School Building/Beta House, 1731 Fraternity Row, Laramie, Wyoming. If a quorum is present, the Council may make a decision on these rules at the end of the hearing. In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

*Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response considering the overruling must be made prior to, or within 30 days after adoption of the rule, addressed to:*

Administrator, Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 4th Floor, Cheyenne, WY, 82002.

*These are new rules (first set of rules to be promulgated by the agency after the legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules and the repeal or amendment of an existing rule).*

These rule changes are not new rules.

*If yes, citation to the specific legislation resulting in promulgation of these rules.*

N/A

*These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.*

Chapters 2, 3, 5 and 11 are amended to comply with federal law.

*If yes, citation to applicable federal law or regulation.*

Chapter 2, Section 3 is amended to reference 40 CFR § 50.11(c)(2), July 1, 2000.

Chapter 2, Section 4 is amended to reference 40 CFR § 50.4(c), July 1, 2000.

Chapter 2, Section 5 is amended to reference 40 CFR § 50.8(b)(2), July 1, 2000.

Chapter 2, Section 6 is amended to reference 40 CFR § 50.9(a), July 1, 2000.

Chapter 3, Section 6 is amended to reference 40 CFR § 51.100(s), July 1, 2000.

Chapter 5 is amended, in part, to reference 40 CFR part 60.40 through 60.759 and appendices, July 1, 2000 and 40 CFR part 63.100 through 63.1679 and appendices, July 1, 2000.

Chapter 11 is amended to reference 40 CFR parts 72-78 (Acid Rain Program), July 1, 2000.

*Indicate whether the proposed rules **meet but not exceed** OR **exceed** minimum federal requirements.*

The proposed rules meet, but do not exceed minimum federal requirements.

*Indicate whether the proposed rules meet or exceed minimum substantive State statutory requirements.*

*If the rule change exceeds minimum substantive State statutory requirements, the agency shall include a statement explaining the reason the rule exceeds minimum substantive statutory requirements.*

The proposed rules meet minimum substantive state statutory requirements.

*Any person wishing to object to the accuracy of any information provided by the agency regarding the federal requirements should submit their objections prior to final adoption to:*

Dan Olson, Administrator, DEQ/Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 4th Floor, Cheyenne, WY, 82002.

*If timely objections are submitted, the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.*

cc: Governor's Office (with proposed rule)  
Attorney General (with proposed rule)  
Legislative Service Office (with proposed rule)  
Secretary of State (send electronic copy of NOI)