



Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

MEMORANDUM

TO: Elizabeth Lyon, Wyoming Assistant Attorney General

FROM: Steven A. Dietrich, Administrator, Air Quality Division *SAD*

DATE: February 2, 2015

PRIORITY: HIGH – Deadline for response is February 9, 2015

SUBJECT: Request for Review of Proposed Rules for Statutory Authority (R-24)

The Department of Environmental Quality, Air Quality Division (AQD) is proposing to revise Chapter 8, Nonattainment Area Regulations, of the Wyoming Air Quality Standards and Regulations (WAQSR), which establishes requirements for existing oil and gas production facilities, and compressor stations, located in the Upper Green River Basin (UGRB) ozone nonattainment area.

This rulemaking was reviewed by the Air Quality Advisory Board (AQAB) on December 10, 2014, and the Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council.

Specific information regarding changes made to the proposed regulation after the December 10, 2014, AQAB meeting is included in the enclosed WAQSR Chapter 8, Section 6, Explanation of Changes (draft 1/26/15). The Division reviewed the written and verbal comments received during the public process, and identified for consideration those that were minor in nature and do not change the purpose or intent of the proposed regulation. The Division's further consideration of the proposed regulation yielded additional minor revisions that do not change the purpose or intent of the proposed regulation as it was proposed and presented to the public and AQAB. The proposed Chapter 8 regulation (draft 2/2/15) will include these minor revisions as the final iteration of the Upper Green River Basin permit by rule for existing sources that will continue through the statutory rulemaking process for adoption by the State of Wyoming.

The Division has reviewed the requirements of section 35-11-202(a) and (b) of the Wyoming Environmental Quality Act and determined this rulemaking to be in procedural compliance with the statute. Finally, the AQD has reviewed and responded to the Takings Guidelines and Checklist provided by the Attorney General's Office. The AQD is now seeking a review of the proposed rules for statutory authority prior to submitting the rules to the Governor's Office for permission to proceed to formal rulemaking.



Attached, you will find a copy of the draft Notice of Agency Rulemaking, draft Statement of Principal Reasons for Adoption, copies of Chapter 8 in strike and underline format, responses to the Attorney General's Takings Checklist, and WAQSR Chapter 8, Section 6, Explanation of Changes (draft 1/26/15). If you have any questions, or need additional information regarding the proposed rules, please do not hesitate to contact me or Jeni Cederle.

Attorney General's Response Options:

Proposed rules are within the Division's statutory authority, may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking



Signature: Wyoming Assistant Attorney General