

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



RECEIVED



Todd Parfitt, Director

SEP 19 2016

GOVERNOR'S OFFICE

To: Honorable Matthew H. Mead, Governor

From: Todd Parfitt, Director, Department of Environmental Quality

Subject: Proposed Rules for Wyoming Air Quality Standards and Regulations Chapter 2, Sections 2 and 12; Chapter 3, Sections 3 and 9; Chapter 4, Section 6; Chapter 5, Sections 2 and 4; Chapter 6, Sections 3, 4, 7 and 14; Chapter 7, Section 3; Chapter 8, Section 10; and Chapter 11, Section 2 (R-27)
Department of Environmental Quality, Air Quality Division

Date: September 19, 2016

Priority: **HIGH** – Deadline for response is **September 29, 2016**

Summary: Notice of Agency Rulemaking

The Air Quality Division (Division) is proposing revisions to the Wyoming Air Quality Standards and Regulations (WAQSR) listed above. The following is a brief summary of the proposed rule change:

- Annual updates to the Incorporation by Reference sections within the WAQSR that will adopt by reference from the July 1, 2016 Code of Federal Regulations (CFR). If the State does not adopt the most recent versions of these sections by reference, the rules will still apply at the federal level. Adopting these national standards into the State of Wyoming's rules allows for State implementation of the rules.
- Updates to incorporate the most recent versions of federal new source performance standards (NSPS) that impact oil and gas sources (NSPS OOOO and OOOOa) and power plants (NSPS TTTT) into the WAQSR. If the State does not adopt these standards into its rules, they will still apply at the federal level. Adopting these national standards into the State of Wyoming's rules allows for State implementation of the rules.
- An update to incorporate the latest (2015) ozone National Ambient Air Quality Standards (NAAQS) into the WAQSR.
- Updates to the definition of "major source" in Chapter 6, Section 3, and Chapter 7, Section 3, reflecting the Supreme Court's decision in UARG v. EPA, 134 S. Ct. 2427 (2014), which determined that the EPA did not have the authority to evaluate greenhouse gas pollutant levels as a trigger for whether or not a facility is regulated.
- An update to Chapter 6, Section 7 removing a direct reference to Chapter III of the Rules of Practice and Procedure of the Department, and now references the Rules of Practice and Procedure of the Department without a direct reference to a chapter. The change was made due to concurrent rulemaking changes in the Rules of Practice and Procedure, and to eliminate the need for a rule revision when changes are made to the Rules of Practice and Procedure.
- A minor update to remove an inconsistency regarding internal combustion engines; the existing provision, by definition, would not apply to internal combustion engines, and therefore is being removed altogether.
- A minor update to remove an outdated Federal Register citation from multiple chapters; the affected provision is now incorporated by reference from the CFR.

The Wyoming Air Quality Advisory Board met in Douglas, Wyoming on September 8, 2016, and recommended that these rules proceed to formal rulemaking before Environmental Quality Council (EQC) with the guidance that the Division would revise all of the IBR dates from July 1, 2015 to July 1, 2016 prior to the EQC hearing. The Division has incorporated the suggested revisions into the rulemaking package as enclosed.

Agency Contact Name: Amber Potts
Agency Contact Phone: 307-777-2489
Agency Contact Email: amber.potts@wyo.gov

Governor's Response Options (to be completed by Governor's Office):

- Agency may proceed.
 Delay public comment and set up meeting with

p. l. Bennett 9-20-16
Signature: Governor's Counsel

If no response has been received by the 10th working day, the agency will proceed with these rules.