

## 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, 2<sup>nd</sup> Floor, Cheyenne, WY, 82002  
*Agency Contact Person for These Rules:* Christine Anderson  
*Work Telephone:* 307-673-9337

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

Chapter 3, General Emission Standards, Section 6, Emission standards for volatile organic compounds, Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants, and Chapter 11, Acid Rain Program, are being updated as an annual effort to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2006. Some minor corrections are also being made to Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter and Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating, as well as Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants, and Chapter 11, Acid Rain Program, Section 1, Introduction to national acid rain program. Corrections to Section 2, Emission standards for particulate matter and Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating of Chapter 3, General Emission Standards, involve changes to the State Implementation Plan (SIP).

The introductory sections (Section 1) to Chapter 3, General Emission Standards, Chapter 5, National Emission Standards, Chapter 11, Acid Rain Program and Chapter 14, Emission Trading Program Regulations, are being revised to add a sentence describing the new sections which incorporate by reference all citations to the CFR and/or American Society for Testing and Materials (ASTM).

Chapter 3, General Emission Standards, Section 9, Incorporation by reference, Chapter 5, National Emission Standards, Section 4, Incorporation by reference, and Chapter 14, Emission Trading Program Regulations, Section 5, Incorporation by reference, are all new sections which are being added to incorporate by reference all citations to the CFR and/or ASTM.

Chapter 14, Emission Trading Program Regulations, Section 2, Western backstop sulfur dioxide trading program and Section 3, Sulfur dioxide milestone inventory, are being revised to be compliant with federal requirements for emission trading rules, as well as to address specific comments from the Environmental Protection Agency. Section 2, Western backstop sulfur dioxide trading program, Section 3, Sulfur dioxide milestone inventory, and Section 5, Incorporation by reference of Chapter 14, Emission Trading Program Regulations, involve changes to the SIP.

Chapter 14, Emission Trading Program Regulations, Section 4, Mercury budget trading program, is being modified as part of a commitment made to the Legislative Service Office to make the adoption by reference process compliant with State statutes.

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

Wyoming Air Quality Standards and Regulations:

**Chapter 3, General Emission Standards**

Section 1, Introduction to general emission standards

Section 2, Emission standards for particulate matter

Section 6, Emission standards for volatile organic compounds

Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating

Section 9, Incorporation by reference

**Chapter 5, National Emission Standards**

Section 1, Introduction to national emission standards

Section 2, New source performance standards

Section 3, National emission standards for hazardous air pollutants

Section 4, Incorporation by reference

**Chapter 11, Acid Rain Program**

Section 1, Introduction to national acid rain program

Section 2, Acid rain program

**Chapter 14, Emission Trading Program Regulations**

Section 1, Introduction to emission trading programs

Section 2, Western backstop sulfur dioxide trading program

Section 3, Sulfur dioxide milestone inventory

Section 4, Mercury budget trading program

Section 5, Incorporation by reference

*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:*

The Department of Environmental Quality, Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 2<sup>nd</sup> Floor, Cheyenne, Wyoming or accessed after November 1, 2007 at the Air Quality Web page at <http://deq.state.wy.us/aqd/index.asp?pageid=8> or by contacting Christine Anderson at 307-673-9337.

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

Persons wishing to submit public comment should do so on or before December 20, 2007, to the following address: David A. Finley, Administrator, DEQ/Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 2<sup>nd</sup> Floor, Cheyenne, WY, 82002.

*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:*

David A. Finley, Administrator, DEQ/Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 2<sup>nd</sup> Floor, Cheyenne, WY, 82002.

*A public hearing on the proposed rules has not been scheduled. If yes, date, time and place of scheduled hearing.*

*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, 2<sup>nd</sup> 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 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.*

The rules cited below are adopted to comply with federal law.

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

Chapter 5, National Emission Standards, Section 2, New source performance standards, is amended, in part, to comply with 40 CFR 60.40 through 60.1465, 60.2000 through 60.2265, 60.2880 through 60.2977 and appendices to part 60, July 1, 2006;  
Chapter 5, National Emission Standards, Section 3, National emission standards for hazardous air pollutants, is amended, in part, to comply with 40 CFR part 63.100 through 63.9942 and appendices to part 63, July 1, 2006;

Chapter 11, Acid Rain Program, is amended to comply with 40 CFR parts 72-78, July 1, 2006;

Chapter 14, Emission Trading Program Regulations, Section 2, Western backstop sulfur dioxide trading program, Section 3, Sulfur dioxide milestone inventory, and Section 5, Incorporation by reference, are amended to comply with 40 CFR parts 51.308 and 51.309, July 1, 2007.

*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:*

David A. Finley, Administrator, DEQ/Air Quality Division, 122 West 25<sup>th</sup> Street, Herschler Building, 2<sup>nd</sup> 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(s))  
Attorney General (with proposed rule(s))  
Legislative Service Office (with proposed rule(s))  
Secretary of State (send electronic copy of NOI)  
Christine Anderson, AQD