

BEFORE THE
 ENVIRONMENTAL QUALITY COUNCIL
 STATE OF WYOMING

IN THE MATTER OF REVISIONS TO)
 CHAPTER ONE, SECTION THREE; CHAPTER 2)
 SECTIONS THREE, FOUR, FIVE AND SIX;)
 CHAPTER THREE, SECTIONS TWO AND SIX;) STATEMENT OF
 CHAPTER FIVE, SECTIONS TWO AND THREE,) PRINCIPAL REASONS
 AND CHAPTER ELEVEN, SECTION TWO OF THE) FOR ADOPTION
 WYOMING AIR QUALITY STANDARDS AND)
 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 1, Common Provisions, Section 3, Definitions; Chapter 2, Ambient Standards, Section 3, Ambient standards for nitrogen oxides, Section 4, Ambient standards for sulfur oxides, 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 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 1, Common Provisions, Section 3, Definitions is being revised to add a definition for the term opacity to insure a consistent use of the term throughout the regulations.

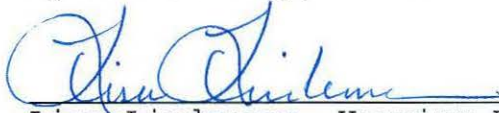
4. Chapter 3, General Emission Standards, Section 6, Emission standards for VOCs; Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants and Chapter 11, National Acid Rain Program, Section 2, Acid rain 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, 2000 publishing date. Chapter 3 is amended to comply specifically with July 1,

2000 revisions to 40 CFR § 51.100(s); Chapter 5 is amended herein to comply specifically with July 1, 2000 revisions to 40 CFR §60.40 through 60.759 and appendices to part 60; Chapter 5 is also amended herein to comply specifically with July 1, 2000 revisions to 40 CFR §63.100 through 63.1679 and appendices to part 63. Chapter 11 is amended to comply with July 1, 2000 revisions to 40 CFR parts 72-78.

5. Chapter 2, Ambient Standards, Section 3, Ambient standards for nitrogen oxides, Section 4, Ambient standards for sulfur oxides, Section 5, Ambient standards for carbon monoxide are being revised to clarify specific instances where the Environmental Protection Agency (EPA) Administrator retains regulatory authority. EPA has identified authorities, regarding approval of alternative and equivalent test methods, that cannot be delegated to the State. The revised language mirrors federal rules (40 CFR §50.11(c)(2), §50.4(c), §50.8(b)(2)) and is no more stringent.
6. Chapter 2, Ambient Standards, Section 6, Ambient standards for ozone, is revised to incorporate the Federal 1-hour ozone ambient standard, 40 CFR §50.9(a), into State rule. The revised rule mirrors federal rule and is no more stringent.
7. Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter, is being revised to remove outdated language related to the monitoring of stack emissions with steam plumes. This modification removes confusing language from the State regulations.

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 21ST day of February, 2002.



Lisa Lindemann, Hearing Examiner
Wyoming Environmental Quality Council