

JUL 18 2006

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

Terri A. Lorenzon, Director Environmental Quality Council

IN THE MATTER OF REVISIONS TO CHAPTER SIX, SECTION FOUR OF THE WYOMING AIR QUALITY STANDARDS AND REGULATIONS ) STATEMENT OF PRINCIPAL REASONS FOR ADOPTION

- 1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a) (i), has revised Chapter 6, Permitting Requirements, Section 4, Prevention of significant deterioration (PSD) of the Wyoming Air Quality Standards and Regulations.
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 6, Section 4 is modified to incorporate changes to the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Rule promulgated on December 31, 2002, except for those portions of the rule which were vacated by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005 in order for the State of Wyoming to retain primacy in the NSR permitting program.
4. Chapter 6, Section 4 is modified to address inconsistencies within Federal new source review rules which existed prior to the December 31, 2002 NSR rule changes, in order for the State of Wyoming to retain primacy in the NSR permitting program.
5. Chapter 6, Section 4 is modified to provide more clarity or make corrections in the rule.
6. Chapter 6, Section 4 is modified to make the regulation more user-friendly, including alphabetization of terms.

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 18th day of July, 2006.

[Signature]
Hearing Examiner
Wyoming Environmental Quality Council