

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

OCT 05 2012

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF REVISIONS TO SECTIONS )  
THREE, FOUR, SIX AND TWELVE OF CHAPTER )  
TWO; REVISIONS TO SECTIONS FOUR AND NINE )  
OF CHAPTER THREE; REVISIONS TO SECTION )  
THREE OF CHAPTER FIVE; AND REVISIONS TO )  
SECTIONS ONE, THREE AND FIVE OF CHAPTER )  
EIGHT 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 or removed the following chapters and sections to the Wyoming Air Quality Standards and Regulations. The following sections have been revised: Chapter 2, Ambient Standards, Section 3, Ambient standards for nitrogen oxides, Section 4, Ambient standards for sulfur oxides, Section 6, Ambient standards for ozone, and Section 12, Incorporation by reference; Chapter 3, General Emission Standards, Section 9, Incorporation by reference; Chapter 5, National Emission Standards, Section 3, National emission standards for hazardous air pollutants; and Chapter 8, Nonattainment Area Regulations, Section 1, Introduction to nonattainment area regulations, and Section 3, Conformity of general federal actions to state implementation plans. Chapter 3, General Emission Standards, Section 4, Emission standards for sulfur oxides, has been removed. Chapter 8, Nonattainment Area Regulations, Section 5, Incorporation by reference, has been added.

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 2, Ambient Standards, Section 3, Ambient standards for nitrogen oxides, and Section 4, Ambient standards for sulfur oxides, have been revised to bring the 1-hour annual ambient standards up to date with the National Ambient Air Quality Standards (NAAQS). Section 4, Ambient standards for sulfur oxides, has also been revised to remove the annual and 24-hour standards, and designate the 3-hour standard as a secondary standard in order to maintain consistency with the NAAQS. Section 6, Ambient standards for ozone, has been revised to bring the 8-hour primary and secondary standards up to date with the NAAQS. Section 12, Incorporation by reference, was updated to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2011. The revisions to Section 3, Ambient standards for nitrogen oxides, Section 4, Ambient standards for sulfur oxides, Section 6, Ambient standards for ozone, and Section 12, Incorporation by reference, involve changes to the State Implementation Plan (SIP).

4. Chapter 3, General Emission Standards, Section 4, Emission standards for sulfur oxides, has been removed. These regulations have been superseded by more updated regulations. Section 9, Incorporation by reference, was updated to adopt by reference from the CFR for July 1, 2011. The revisions to Section 4, Emission standards for sulfur oxides, and Section 9, Incorporation by reference, involve changes to the SIP.
5. Chapter 5, National Emission Standards, Section 3, National emission standards for hazardous air pollutants, has been revised to remove vacated 40 CFR part 63, Subpart DDDDD (Boiler MACT). The version of Subpart DDDDD that was adopted by reference from the 2004 Federal Register has been superseded by a more recent rule. However, the more recent rule is currently under reconsideration, so it will not be adopted by reference in this rulemaking.
6. Chapter 8, Nonattainment Area Regulations, Section 1, Introduction to nonattainment area regulations, has been revised to reflect the addition of Section 5, Incorporation by reference. Section 3, Conformity of general federal actions to state implementation plans, has been revised to maintain consistency with the federal regulations. Section 5, Incorporation by reference, has been added to reference all CFR citations in Chapter 8. The revisions to Section 3, Conformity of general federal actions to state implementation plans, and Section 5, Incorporation by reference, involve changes to the SIP.

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 5<sup>th</sup> day of Oct., 2012.

David Bailey  
 Hearing Examiner - **Printed Name**  
 Wyoming Environmental Quality Council

David Bailey  
 Hearing Examiner - **Signed Name**  
 Wyoming Environmental Quality Council