

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING



IN THE MATTER OF THE ADOPTION OF)
AN AMBIENT AIR QUALITY STANDARD)
FOR LEAD, AND FOR REVISION OF RULES)
RELATING TO BEST AVAILABLE CONTROL)
TECHNOLOGY AND NEW SOURCE PERFOR-)
MANCE STANDARDS)

STATEMENT OF PRINCIPAL
REASONS FOR ADOPTION

This rulemaking was initiated for the following major purposes: (1) to adopt an Ambient Air Quality Standard for Lead; (2) to revise the existing regulations pertaining to New Source Performance Standards; and (3) to revise the existing provisions pertaining to Best Available Control Technology for large mining operations.

Lead is recognized as an air pollutant which can seriously affect the health and welfare of the public. Ambient standards for lead have been adopted at the Federal level by the Environmental Protection Agency after extensive research and public debate. While this standard is applicable in Wyoming, it is not enforceable by the Air Quality Division. Therefore, in order that the State of Wyoming might assure the protection of the health and welfare of its citizens and in order that Wyoming might retain control of its clean air resources, the Environmental Quality Council believes it appropriate and necessary to adopt this Ambient Air Quality Standard for Lead.

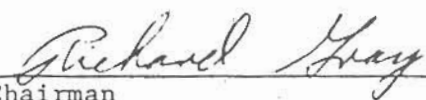
New Source Performance Standards (NSPS) adopted by the Environmental Protection Agency contain emission limits and testing and monitoring requirements for specified categories of new facilities constructed in the United States. As such, they represent the minimum level of control which is recognized as being feasible in all areas taking into consideration the costs of achieving such emission reductions, other environmental impacts, energy requirements, and technology. While the NSPS do not necessarily reflect the application of Best Available Control Technology (BACT) they are federally enforceable unless the state adopts an equally effective enforcement mechanism. Therefore, in order that the state of Wyoming might retain control of decisions which affect the management of its clean air resource, and to assure that sources subject to NSPS implement this minimum level of control technology, the Environmental Quality Council believes it appropriate and necessary to adopt these revisions to the State's NSPS regulations.

Existing Wyoming Air Quality Standards and Regulations require that new sources utilize Best Available Control Technology (BACT) considering the technical practicability and economic reasonableness of eliminating or reducing emissions. The Council has been advised in various rulemaking hearings over the years that this BACT language should be more explicit with respect to mining operations due to the nature of the majority of the emissions from such sources. Therefore, the Environmental Quality Council believes it appropriate and necessary to adopt these revisions to the regulations pertaining to BACT in order that the Wyoming Air Quality Standards and Regulations provide more definitive guidance on the application of control technology.

Conclusion

After full consideration of all testimony addressed at the public hearing and the written comments which were submitted, the Environmental Quality Council determines that the adoption of these regulations is necessary and appropriate to preserve and exercise the primary responsibilities and rights of the State of Wyoming; to retain for the State the control over its air, land and water resources; and secure cooperation between agencies of the State and Federal Government in carrying out the policy and purposes of the Environmental Quality Act and to protect the public health, safety and welfare and the environment of the State of Wyoming.

DATED this 23 day of May, 1984.


Chairman
Environmental Quality Council