

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 15 1985

Terri A. L. C.
Environmental Quality Council

IN THE MATTER OF THE ADOPTION
OF AN IMPLEMENTATION PLAN AND
REGULATIONS FOR VISIBILITY PROTECTION

STATEMENT OF PRINCIPAL REASONS FOR ADOPTION

This rulemaking was initiated for the purpose of adopting an Implementation Plan providing a strategy for the evaluation of visibility in any mandatory Class I federal area and the adoption of revisions to the regulations relating to Prevention of Significant Deterioration to provide for notification to federal land managers of permit applications which might potentially affect such mandatory Class I areas.

EPA regulations require that the state must have as part of its Implementation Plan a strategy for evaluating visibility in any Class I federal area by visual observation or other appropriate monitoring techniques. In order for the State Implementation Plan to be fully approved, provisions meeting this EPA requirement must be included in the state plan. The Environmental Quality Council believes it appropriate and necessary to adopt Implementation Plan revisions providing a strategy for evaluating visibility in mandatory Class I federal areas.

In addition, federal regulations adopted by the Environmental Protection Agency require that the state incorporate into its permit review process for the Prevention of Significant Deterioration provisions relating to notification of affected federal land managers of proposed facilities which might impact such federal Class I areas. The same EPA regulations provide that the state must consider the recommendations of the federal land manager in making its final decision on the issuance of PSD permits. The EPA regulations also require that the state regulations include a provision under which an applicant for a permit may be required to conduct an approved visibility monitoring program in a Class I area which may be impacted by emissions from the proposed facility. The Environmental Quality Council believes it appropriate and necessary to adopt revisions to the state regulations providing for notification of the federal land manager of sources which may potentially impact visibility in such Class I area and providing for consideration of such federal land manager's recommendations regarding visibility impacts and requiring an applicant to conduct approved visibility monitoring programs in such federal Class I areas.

Conclusion

After full consideration of all testimony received 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 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 of the environment of the State of Wyoming.

Dated this _____ day of _____, 1985.

Signed _____
Chairman
Environmental Quality Council