

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE REVISIONS TO)
SECTIONS 2,4,5,8,9,10,14,16,21,22,)
29,33,34, AND THE ADDITION OF SECTION) STATEMENT OF
36 TO THE WYOMING AIR QUALITY STANDARDS) PRINCIPAL REASONS
AND REGULATIONS) FOR ADOPTION

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), has adopted revisions to Sections 2, 4, 5, 8, 9, 10, 14, 16, 21, 22, 29, 34, and the addition of Section 36 to the Wyoming Air Quality Standards and Regulations. The revisions to Sections 8, 21, 22, 33, 34, and the addition of 36 are the result of changes to Title 40 of the U.S. Code of Federal Regulations; revisions to Section 29 are corrections of errors; revisions to Sections 2, 4, 5, and 14 are updates of cross-references, and revisions to Sections 9, 10, and 16 are clarifications of existing 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. Section 2: Definitions; Section 4: Sulfur Oxides; Section 5: Sulfuric Acid Mist and Section 14: Control of Particulate Emissions are being revised to correct regulation cross-references. Section 29: Emission Standards of Asbestos for Demolition, Renovation, Manufacturing, Spraying and Fabricating is amended to correct the numbering system used to identify the subsections and to make spacing adjustments.
4. Section 8: Photochemical Oxidants is amended to be consistent with the revised federal ambient ozone standard. The Environmental Protection Agency (EPA) revised the standard on July 18, 1997. This revision does not affect the level of the Wyoming ambient ozone standard of 0.08 ppm, but changes the averaging time from a one hour to an eight hour averaging time period to be consistent with federal regulation (40 CFR Part 50.10).
5. Section 9: Hydrocarbons is revised to remove references to controls which have been superseded by New Source Performance Standards (NSPS) adopted under Section 22 and Maximum Achievable Control Technology (MACT) standards adopted under Section 33. The section has also been revised to clarify requirements for flaring of volatile organic compound (VOC) waste gas.

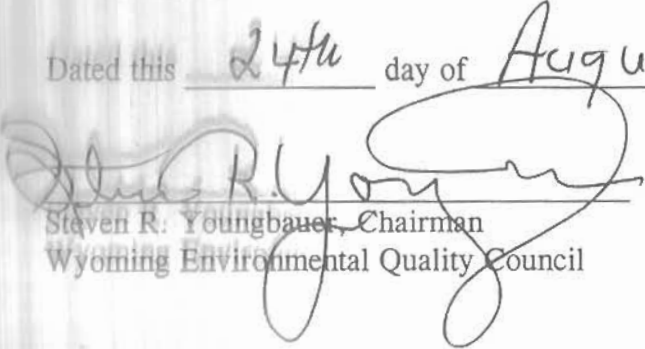
Statement of Principal Reasons

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6. Section 10: Nitrogen Oxides is revised to clarify applicability of the rule to combustion equipment for solid fossil fuels. Section 16: Odors is being revised to clarify the meaning of an odor violation. This revision is consistent with the Air Quality Division's historical enforcement of the regulation.
7. Section 21: Permit Requirements for Construction, Modification and Operation is revised to reflect changes resulting from additional permitting requirements contained in Sections 33 and 36.
8. Changes to the general subsections of Section 22: New Source Performance Standards and Section 33: National Emission Standards for Hazardous Air Pollutants will allow adoption of federal rule by reference pursuant to W.S. 16-3-103(h). Changes have also been made to subsection 22(g) - Notification and Recordkeeping- and subsection 22(k) - Modification Requirements- to make these sections consistent with federal regulation.
9. Section 34: Acid Rain Program is withdrawn and replaced with the entire Federal Acid Rain Program (40 C.F.R. Parts 72 -78) adopted by reference pursuant to W.S. 16-3-103(h). The revised Section 34 includes two newly required parts, Part 74, "Sulfur Dioxide Opt-ins" and Part 76, "Acid rain nitrogen oxides emission reduction program".
10. Section 36: Permit Requirements for Case-by-Case Maximum Available Control Technology (MACT) Determination is a new section required under 112(g) of the Clean Air Act Amendments of 1990, codified at 42 U.S.C. § 7412(g). EPA promulgated the rule December 17, 1997 and the State has 18 months to adopt the regulation to maintain state primacy. The regulation covers permit requirements for specified hazardous air pollutant sources not covered under Section 33.
11. Adoption of the revisions to Section 8: Photochemical Oxidants, Section 21: Permit Requirements for Construction, Modification and Operation, Section 22: New Source Performance Standards, Section 33: National Emission Standards for Hazardous Air Pollutants, Section 34: Acid Rain, and the addition of Section 36: Permit Requirements for Case-by-Case (Maximum Achievable Control Technology) MACT Determinations is in the best interests of the State of Wyoming since the promulgation of these rules is necessary to comply with the minimum federal standards required for Wyoming to retain primacy and will help insure the continued protection of Wyoming's air quality resources. These section revisions and the addition of Section 36 are not more stringent than the federal requirements established as of July 1, 1997. Section 8 is consistent with the requirements of 40 C.F.R. Part 50; changes to Sections 21, 33 and 36 are consistent with the requirements of 40 C.F.R. Parts 63; Section 22 revisions are consistent with 40 C.F.R. Part 60; Section 34 fulfills the requirements of the existing federal acid rain regulations in 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78.
12. Adoption of the revisions to Sections 8, 21, 22, 33, 34 and proposed Section 36 will not cause additional economic hardship since sources must comply with the requirements of the federal Clean Air Act, regardless of whether Wyoming adopts this regulation.

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 24th day of August, 1998.


Steven R. Youngbauer, Chairman
Wyoming Environmental Quality Council