

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE REVISIONS TO CHAPTER) 1, SECTION 35, AND THE ADDITION OF SECTION) 37 TO 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 adopted revisions to Chapter 1, Section 35, and the addition of Section 37 to the Wyoming Air Quality Standards and Regulations. The revisions to Section 35, and the addition of 37 are the result of changes to Title 40 of the U.S. Code of Federal 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 35: Municipal solid waste landfills is being revised to incorporate Section 30 Operating permits applicability to existing municipal waste landfills. These revisions are not new requirements but clarifications of existing requirements. Clarifications mirror June 16, 1998 Federal Register revisions to State Plans for Landfills.

4. Section 35: Municipal solid waste landfills is further revised to clarify that all citations of the federal rule on landfills are references to the rule as incorporated by reference through Section 22(b) New source performance standards of the Wyoming Air Quality Standards and Regulations.

5. Section 37: Hospital/ medical /infectious waste incinerators is a new section required under sections 111 and 129 of the Clean Air Act Amendments of 1990, codified at 42 U.S.C. § 7412(g). EPA promulgated the emission guidelines September 15, 1997, and the State has 18 months to adopt hospital/ medical /infectious waste incinerator regulations to maintain state primacy. The regulation contains emission limits and compliance requirements for controlling certain designated pollutants from existing hospital/ medical /infectious waste incinerators.

6. Adoption of the revisions to Section 35: Municipal solid waste landfills, and the addition of Section 37: Hospital/ medical /infectious waste incinerators 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

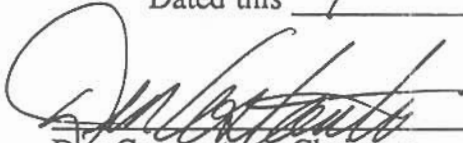
Statement of Principal Reasons

Page 2

the continued protection of Wyoming's air quality resources. Section 35 revisions are not more stringent than the federal requirements established as of June 16, 1998. The additional Section 37 is not more stringent than federal requirements established as of September 15, 1997. Changes to Section 35 are consistent with the requirements of 40 C.F.R. part 60; subpart Cc. Section 37 fulfills the requirements of 40 C.F.R. part 60, subpart Ce.

7. Adoption of the revisions to Section 35 and proposed Section 37 will cause additional economic hardship, however, sources must comply with the requirements of the federal Clean Air Act, regardless of whether Wyoming adopts this regulation.
8. In spite of potential adverse impact to other environmental media resulting from the adoption of Section 37, sources must comply with the requirements of the federal Clean Air Act, regardless of whether Wyoming adopts Section 37.
9. The Council finds that these regulations are 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 9th day of April, 1999.



Den Constantino, Chairman
Wyoming Environmental Quality Council