

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO )  
CHAPTER ONE, SECTION 3; CHAPTER )  
TWO, SECTION 2; CHAPTER THREE, )  
SECTION TWO AND CHAPTER SIX, SECTION )  
TWO OF THE WYOMING AIR QUALITY )  
STANDARDS AND REGULATIONS )  
STATEMENT OF  
PRINCIPAL REASONS  
FOR ADOPTION

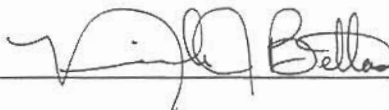
1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), has adopted revisions to Chapter One, Common Provisions, Section 3, Definitions; Chapter Two, Ambient Standards, Section 2, Ambient standards for particulate matter; Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter and Chapter 6, Permit Requirements, Section 2, Permit requirements for construction, modification and operation of the Wyoming Air Quality Standards and Regulations. Revisions to Chapters One, Two, Three and Six involve changes to particulate matter regulations. These changes correct deficiencies in existing regulations or bring state regulations up to date with federal regulations in a manner that best meets the needs of the State of Wyoming.
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 1, Common Provisions, Section 3, Definitions is being revised to add definitions for "fugitive dust" and "PM<sub>2.5</sub> (particulate matter with a diameter 2.5 microns and smaller)". These terms are used throughout federal regulations and the Wyoming Air Quality Standards and Regulations. The regulated community will benefit from standardized definitions as the intended meanings of the terms will be clarified.
4. Chapter 2, Ambient Standards, Section 2, Ambient standards for particulate matter is revised in part to include the ambient standards for PM<sub>2.5</sub>. Section 110(a)(1) and (2) of the Clean Air Act requires that states submit revisions to their regulations within 3 years of federal promulgation of a new ambient standard. Since the PM<sub>2.5</sub> standard was promulgated in 40 CFR part 50 in July of 1997, the State must adopt the PM<sub>2.5</sub> standard into state rule in order to meet the Clean Air Act deadline. Adoption of the PM<sub>2.5</sub> standard into State rule is done so with the provision that the State cannot enforce the standard until EPA has completed its National Ambient Air Quality Standard review and has determined to retain and enforce the standard as promulgated on July 1, 1997.
5. Chapter 2, Ambient Standards, Section 2, Ambient standards for particulate matter is revised in part to remove the TSP (total suspended particulate) standard. The TSP standard is no longer

a federal ambient particulate standard. Removal of the TSP standard will bring Wyoming particulate standards in line with federal particulate standards and will make Wyoming particulate standards no more stringent than federal standards.

6. Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter are revised to correct deficiencies in the existing State rules. Section 2(e) has been modified to explain that more stringent limits established elsewhere in the regulations may apply. Revisions to Section 2(f) expand the list of control measures considered appropriate for minimizing fugitive dust. Section 2(g)(i) is revised to constrain the process weight rate allowables to maximum levels. These revisions provide a more practical rendition of the existing regulations.
7. Chapter 6, Permit Requirements, Section 2, Permit requirements for construction, modification and operation has been revised to remove the significance level for TSP (total suspended particulate). This change is done in conjunction with the removal of the TSP standard from Chapter 2, Section 2. The TSP significance level is no longer meaningful without a referenced ambient standard. This change mirrors requirements in current federal regulation 40 CFR part 51.166 and is no more stringent.

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 18<sup>th</sup> day of February, 2000.



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Wyoming Environmental Quality Council  
Nick J. BETTAS