

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112(a)(i), has adopted additions and revisions to: Chapter One, Common Provisions, Section 6, Credible evidence; Chapter 3, General Emission Standards, Section 6, Emission standards for VOCs; Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants; Chapter 6, Permit Requirements, Section 3, Operating permits; Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring and Chapter 11, National Acid Rain Program, Section 2, Acid rain program of the Wyoming Air Quality Standards and 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:

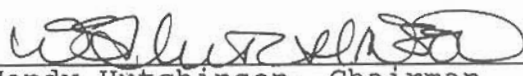
- (A) The character and degree of injury to, or interference with the health and physical well being of the people, animals, wildlife and plant life;
 - (B) The social and economic value of the source of pollution;
 - (C) The priority of location in the area involved;
 - (D) The technical practicability and economic reasonableness of reducing or eliminating the pollution; and
 - (E) The social welfare and aesthetic value.
3. Chapter 1, Common Provisions, Section 6, Credible evidence and Chapter 5, National Emission Standards, Section 2, New source performance standards (subsection 2(i)(vii)) are being added to respond to a State Implementation Plan (SIP) Call issued by the Environmental Protection Agency (EPA) on October 20, 1999. The SIP call notified the State of Wyoming, pursuant to section 110(k)(5) of the Clean Air Act, that the Wyoming SIP was substantially inadequate to comply with section 110(a)(2)(A) and (C) of the Act. Chapter 1 is amended to comply specifically with February 24, 1997 revisions to Title 40 parts 51 and 52 of the Code of Federal Regulations (CFR). Chapter 5 is amended herein to comply specifically with February 24, 1997 revisions to Title 40 § 60.11(g) of the CFR. These changes mirror requirements in current federal regulations and are no more stringent.
 4. Chapter 3, General Emission Standards, Section 6, Emission standards for VOCs; Chapter 5, National Emission Standards, Section 2, New source performance standards in part and Section 3, National emission standards for hazardous air pollutants and Chapter 11, National Acid Rain Program, Section

2, Acid rain program are being revised to complete an annual update of all regulations included in the Wyoming Air Quality Standards and Regulations which are incorporated by reference from the Code of Federal Regulations to reflect the July 1, 1999 publishing date. Chapter 3 is amended to comply specifically with July 1, 1999 revisions to 40 CFR § 51.100(s); Chapter 5 is amended herein to comply specifically with July 1, 1999 revisions to 40 CFR §60.40 through 60.759 and appendices to part 60; Chapter 5 is also amended herein to comply specifically with July 1, 1999 revisions to 40 CFR §63.100 through 63.1679 and appendices to part 63. Chapter 11 is amended to comply with July 1, 1999 revisions to 40 CFR parts 72-78.

5. Chapter 5, National Emission Standards, Section 2, New source performance standards is also revised in part to clarify specific instances where the Environmental Protection Agency (EPA) Administrator retains regulatory authority. EPA has identified authorities, regarding approval of alternative and equivalent test methods, in subpart A of 40 CFR part 60 that cannot be delegated to the State. Revisions to Section 2, (h)(ii) and Section 2(i)(ii) make the general provisions of the State's new source performance standard section consistent with 40 CFR 60.8(b)(2) and (b)(3) as well as 60.11(b) and (e).
6. Chapter 6, Permit Requirements, Section 3, Operating permits, and Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM) are being revised to comply with the Federal Compliance Assurance Monitoring Rule. The CAM rule was developed to provide reasonable assurance that major sources relying on air pollution control devices comply with established emission standards. Chapter 6, Section 3 is amended to comply specifically with October 22, 1997 revisions to 40 CFR part 70. Chapter 7, Section 3 is amended to comply specifically with the October 22, 1997 addition of part 64 to Title 40 of the Code of Federal Regulations. These changes mirror requirements in current federal regulations and are 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 23rd day of October, 2000.



Wendy Hutchinson, Chairman
Wyoming Environmental Quality Council