

SEP 24 1993

BEFORE THE  
 ENVIRONMENTAL QUALITY COUNCIL  
 STATE OF WYOMING

Terri A. Lorenzon, Attorney  
 Environmental Quality Council

IN THE MATTER OF THE REVISIONS ) STATEMENT OF  
 TO SECTION 21 OF THE ) PRINCIPAL REASONS  
 WYOMING AIR QUALITY STANDARDS ) FOR ADOPTION  
 AND REGULATIONS )

1. Adoption of the revisions to Section 21 will help coordinate existing regulations with proposed Section 30, provide fees to the State to cover a portion of the costs for issuing Section 21 permits and help insure that EPA approves the State Implementation Plan (SIP) for the City of Sheridan. Thus, adoption of the revisions to Section 21 is in the best interest 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:

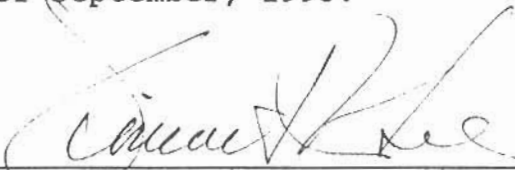
- (A) The character and degree of injury to, or interference with the health and physical well being of the people, animals, wildlife and plant life;
- (B) The social and economic value of the source of pollution;
- (C) The priority of location in the area involved;
- (D) The technical practicability and economic reasonableness of reducing or eliminating the pollution; and
- (E) The social welfare and aesthetic value.

3. The Section 21 revisions include provisions that interface with proposed Section 30 Operating Permit regulations. These changes are necessary to clarify the difference between Section 21 operating permits required after start-up of new or modified facilities subject to Section 21 and those required under Section 30.
4. The adoption of regulations at 21(o) establishing fees for the cost of reviewing and issuing permits under this Section is required under Section 211 of the Wyoming Environmental Quality Act, W.S. § 35-11-211, and meets the requirements of Section 110(a)(2)(L) of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(L).
5. The Environmental Protection Agency is requiring the addition of provisions at Section 21(c)(ii)(B) prohibiting the construction or modification of major sources of particulate matter within the City of Sheridan PM<sub>10</sub> nonattainment area until such time as the area is redesignated to attainment in order to satisfy Section 173 of the Clean Air Act, 42 U.S.C. § 7503, and 40 C.F.R. § 51.165, New Source Review requirements for nonattainment areas. Adoption of this revision is also a condition of EPA's approval of Wyoming's SIP for the City of Sheridan PM<sub>10</sub> plan. This mandated plan is designed to bring the area into compliance with state and federal PM<sub>10</sub> standards by December 1994.
6. Section 21(c)(ii)(b) will not have a significant impact on industrial development in the City of Sheridan since it is unlikely that a major source of particulate matter would

construct in the city limits. In any event, if a major source attempted to locate in the City of Sheridan, current Wyoming construction permit regulations would in almost all instances prohibit any such construction since a new or modified major source would impact the nonattainment area by more than a significant amount as defined under Section 21(c)(2)(A).

7. Adoption of the revisions to Section 21 will not cause economic hardship to the sources affected by the change. The revisions designed to coordinate Section 21 with Section 30 create no new requirements for the regulated community. The fee provisions are required by Wyoming law and simply assess the permit applicant for the costs of obtaining the permit. Sources that qualify for assistance under the Department's Small Business Plan and that have difficulty paying the fee may have their fees reduced. Failure to adopt the Section 21 provisions governing the City of Sheridan would prevent EPA approval of the Sheridan SIP and could eventually result in sanctions for the State of Wyoming.
8. Adoption of the revisions to Section 21 will help integrate Section 30 into existing air quality programs. The fee provisions will help defray the costs to the State of issuing construction and modification permits under Section 21. Finally, adoption of the Sheridan proposal will help guarantee that EPA approves the Sheridan SIP and allow Sheridan to move towards redesignation as an attainment area for PM<sub>10</sub>.

Dated this 17<sup>th</sup> day of September, 1993.

  
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John C. Darrington, Chairman  
Wyoming Environmental Quality Council  
