

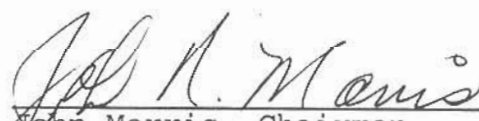
BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE REVISIONS TO	)	
SECTION 30, <u>OPERATING PERMITS AND</u>	)	
THE ADDITION OF SECTION 33, <u>NATIONAL</u>	)	STATEMENT OF
<u>EMISSION STANDARDS FOR HAZARDOUS AIR</u>	)	PRINCIPAL REASONS
<u>POLLUTANTS (NESHAPS), AND SECTION 34,</u>	)	FOR ADOPTION
<u>ACID RAIN PROGRAM, TO THE WYOMING</u>	)	
AIR QUALITY STANDARDS AND REGULATIONS	)	
REGULATIONS	)	

1. Adoption of the revisions to the Section 30, Operating Permits, the proposed Section 33, National Emissions Standards for Hazardous Air Pollutants, and the proposed Section 34, Acid Rain Program, is in the best interests of the State of Wyoming since the promulgation of these rules is not only necessary to comply with federal requirements, but will help insure the continued protection of Wyoming's air quality resources.
  
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. Title V of the Clean Air Act, 42 U.S.C. § 7661a-h, required states to submit an operating permit program meeting federal requirements to EPA by November 15, 1993. The Environmental Protection Agency, pursuant to Title V of the Clean Air Act, promulgated the federal requirements for the operating permit program at 40 C.F.R. Part 70. Sections 203-212 of the Wyoming Environmental Quality Act, §§ 35-11-203-212, enacted by the Wyoming Legislature in 1992, authorized the Department, through the Environmental Quality Council, to promulgate regulations for the operating permit program in Wyoming.
  
4. Wyoming submitted Section 30 to EPA on November 22, 1993. EPA granted interim program approval of Wyoming's operating permit program, effective February 21, 1995. The interim approval expires on December 19, 1997 unless Wyoming makes the changes necessary to receive final program approval from EPA. The proposed revisions to Section 30 are intended to fulfill federal program approval requirements. In addition, as part of the original submission of the operating permit program, the Governor committed to adopting the hazardous air pollutant regulations, proposed in Section 33, and the acid rain regulations, proposed in Section 34. Thus, adoption of these rules is also a component of maintaining federal program approval of the Title V operating permit program.

5. The revised Section 30 and proposed Sections 33 and 34 meet the minimum federal standards set forth there and are not more stringent than the federal requirements. Section 30 is consistent with the requirements of 40 C.F.R. Part 70, while Section 33 is consistent with the requirements of 40 C.F.R. Part 63. Section 34 fulfills the requirements of the existing federal acid rain regulations in 40 C.F.R. Parts 72, 73, 75, 77 and 78.
6. The revisions to Section 30 will enhance the ability of the State of Wyoming to protect its air quality through its ongoing issuance of operating permits that are designed to enhance compliance with air quality standards. The adoption of Sections 33 will give authority to regulate the emission of hazardous air pollutants through new technology-based control standards. The adoption of Section 34 will provide expanded authority to control and monitor the emissions from coal-fired power plants, sources of nitrogen oxides and sulfur dioxide.
7. Adoption of the revisions to Section 30 and the proposed Sections 33 and 34 will not cause economic hardship to the sources involved since regardless of whether Wyoming adopts this regulation, sources must comply with the requirements of the federal Clean Air Act.
8. Adoption of the revisions to Section 30 and the proposed Sections 33 and 34 should insure that EPA grants the State of Wyoming, Air Quality Division, final program approval to implement an operating permit program and to control sources of hazardous air pollutants and acid rain. Consistent with the policy and purpose of the Act, adoption of the regulations will help Wyoming retain primacy over air quality programs in the State.

Dated this 23<sup>rd</sup> day of June, 1997.

  
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John Morris, Chairman  
Wyoming Environmental Quality Council