

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF REVISIONS TO )  
SECTIONS 1 - 37 OF CHAPTER ONE OF ) STATEMENT OF  
THE WYOMING AIR QUALITY STANDARDS ) PRINCIPAL REASONS  
AND REGULATIONS ) 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 Sections 1 - 37 of Chapter One of the Wyoming Air Quality Standards and Regulations. Revisions to Sections 1 - 37 of Chapter One which involve restructuring Chapter One into 13 chapters are in the best interest of the State of Wyoming since the restructuring will provide more accessible regulations to the public and the regulated community. Revisions specific to Sections 9, 22, 33, and 34 will update through July 1, 1998, all Wyoming Air Quality Standards and Regulations which are incorporated by reference from the Code of Federal Regulations (CFR). Updating regulations incorporated by reference is necessary to comply with federal requirements and will help insure the continued protection of Wyoming's air quality resources. Revisions specific to Section 24(a)(xxi)(A) will add a permitting significance level for municipal waste landfills and reduce the regulatory burden on municipal waste landfills. Revisions specific to Section 24(a)(ix)(B) will allow the minor source baseline date to be triggered by a single date, which restores the regulatory language to the original, minimum federal requirements.
  
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. Sections 1 - 37: Restructuring; Restructuring Wyoming Air Quality Standards and Regulations from one chapter into thirteen chapters will create a more sensible document organized by subject matter and will allow for organized growth. The regulated community and the public will be better served by a more logically arranged set of regulations.

Statement of Principal Reasons

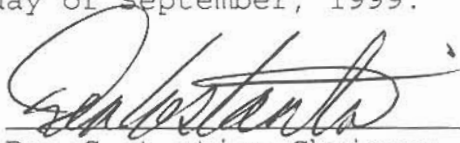
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4. Sections 1 - 37: Restructuring; Restructuring Wyoming Air Quality Standards and Regulations from one chapter into thirteen chapters will increase the efficiency of the rulemaking process. The State of Wyoming will benefit from savings in time and effort spent on regulatory changes.
5. Section 9, Volatile Organic Compounds is being revised to update the definition of volatile organic compounds which is adopted by reference. The updated regulation will incorporate the most recently published edition (July 1, 1998) of 40 CFR 51.100(s).
6. Section 22, New Source Performance Standards is being revised to incorporate all newly promulgated source categories regulated under section 111 of the Clean Air Act into Wyoming Air Quality Standards and Regulations. The updated regulation will incorporate the most recently published edition (July 1, 1998) of 40 CFR part 60. Adoption of revisions to Section 22 should insure that EPA continues to authorize the State of Wyoming, Department of Environmental Quality to implement and enforce New Source Performance Standards.
7. Section 33, National Emission Standards for Hazardous Air Pollutants is being revised to incorporate all newly promulgated source categories regulated under section 112 of the Clean Air Act into Wyoming Air Quality Standards and Regulations. The updated regulation will incorporate the most recently published edition (July 1, 1998) of 40 CFR part 63. Adoption of revisions to Section 33 should insure that EPA continues to authorize the State of Wyoming, Department of Environmental Quality to implement and enforce National Emission Standards for Hazardous Air Pollutants.
8. Section 34, The Acid Rain Program is being revised to incorporate all recent revisions to the Federal Acid Rain Program, established under Title IV of the Clean Air Act, into Wyoming Air Quality Standards and Regulations. The updated regulation will incorporate the most recently published edition (July 1, 1998) of 40 CFR parts 72 - 78. Adoption of revisions to Section 34 should insure that EPA continues to authorize the State of Wyoming, Department of Environmental Quality to manage the State Operating Permit Program.
9. Section 24(a)(xxi)(A), Prevention of Significant Deterioration, Significance Levels is being revised by adding a level for municipal waste landfills. This modification mirrors Federal Regulation 40 CFR 51.166, and is no more stringent.
10. Section 24(a)(ix)(B), Prevention of Significant Deterioration, Minor Source Baseline Date is being revised to allow the minor source baseline date to be triggered only by the date of receipt of a complete permit application for a major emitting facility. This is consistent with Federal Regulation 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 13<sup>th</sup> day of September, 1999.



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Den Costantino, Chairman  
Wyoming Environmental Quality Council