

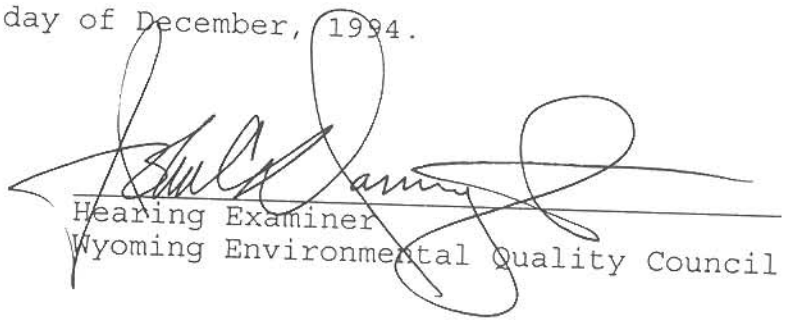
BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE ADDITION OF)	
PROPOSED SECTION 31, <u>TRANSPORTATION</u>)	STATEMENT OF
<u>CONFORMITY</u> , TO THE WYOMING AIR)	PRINCIPAL REASONS
QUALITY STANDARDS AND)	FOR ADOPTION
REGULATIONS)	

1. Adoption of the proposed Section 31 Transportation Conformity regulation is in the best interest of the State of Wyoming since it 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. The proposed new regulations meet the requirements of 40 C.F.R. Part 51, which were promulgated by the Environmental Protection Agency pursuant to Section 176(c)(4) of the Clean Air Act, as amended, 42 U.S.C. § 7506(c)(4). The regulations contain criteria and procedures for determining that transportation plans, programs, and projects which are funded under Title 23 of the U.S.C. or Federal Transit Act conform with State or federal air quality implementation plans. The regulation applies only to non-attainment areas. At this time, the only non-attainment area is the City of Sheridan for PM-10.
4. Proposed Section 31 is consistent with and no more stringent than the federal requirements.
5. The Proposed Section 31 will enhance the ability of the State of Wyoming to protect its air quality through closer monitoring of transportation projects that may impact non-attainment areas.
6. Adoption of Section 31 will not cause economic hardship to the sources involved since regardless of whether Wyoming adopts this regulation, sources must comply with the federal requirements for transportation conformity.
7. Adoption of Section 31 should insure that EPA authorizes the State of Wyoming, Air Quality Division, to implement the transportation conformity program. In addition, adoption of the regulation will help Wyoming retain primacy over air quality programs in the State.

Dated this 19 day of December, 1994.


Hearing Examiner
Wyoming Environmental Quality Council