

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE PROPOSED)
REVISION OF CHAPTER VIII OF THE) STATEMENT OF
DEPARTMENT OF ENVIRONMENTAL QUALITY) PRINCIPAL REASONS
RULES OF PRACTICE AND PROCEDURE, SMALL) FOR ADOPTION
BUSINESS VOLUNTARY DISCLOSURE INCENTIVE)

1. Adoption of the proposed revision to Chapter VIII, Small Business Voluntary Disclosure Incentive, is in the best interest of the State of Wyoming since the change is necessary to help obtain approval from U.S. EPA (EPA) for Wyoming to administer Title V of the Clean Air Act.

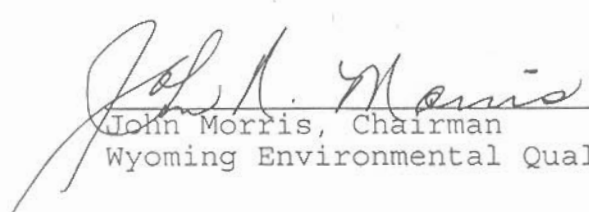
2. Section 35-11-112(a)(i) of the Environmental Quality Act (the Act), W.S. § 35-11-112(a)(i), states that the Environmental Quality Council has the authority to promulgate rules necessary for the administration of the Act.

3. The proposed revision to Chapter VIII will preclude small businesses that are major sources of hazardous air pollutants from obtaining a penalty waiver under the rule. This change is intended to satisfy EPA requirements that the State of Wyoming have the authority to obtain penalties from all sources subject to the operating permit requirements of Title V of the Clean Air Act. Major sources of hazardous air pollutants are subject to the requirements of Title V.

4. Adoption of the revision to Chapter VIII will not cause economic hardship to the regulated community affected by the change since those major sources could be subject to greater federal oversight if the change is not adopted. In addition, the DEQ still retains its enforcement discretion to take into account the size of a small business and its ability to pay when proposing a penalty for violations of the Act, even though the business, as a major source of hazardous air pollutants, would no longer be entitled to a penalty waiver under the Small Business Voluntary Disclosure Incentive.

5. Adoption of the revision to Chapter VIII should not interfere with the ability of the DEQ to enforce the requirements of the Act and its regulations.

Dated this 13th day of October 1997.



John Morris, Chairman
Wyoming Environmental Quality Council