

FILED

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FEB 27 2008

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATTER OF REVISIONS TO SECTIONS)
ONE, TWO, SIX, EIGHT AND THE ADDITION OF)
SECTION NINE TO CHAPTER THREE; REVISIONS)
TO SECTIONS ONE, TWO, THREE AND THE)
ADDITION OF SECTION FOUR TO CHAPTER FIVE;)
REVISIONS TO SECTIONS ONE AND TWO TO)
CHAPTER ELEVEN; REVISIONS TO SECTIONS)
ONE, TWO, THREE, AND THE ADDITION OF)
SECTION FIVE TO CHAPTER FOURTEEN OF THE)
WYOMING AIR QUALITY STANDARDS AND)
REGULATIONS)

STATEMENT OF
PRINCIPAL REASONS
FOR ADOPTION

1. The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a) (i), has revised Chapter 3, General Emission Standards, Section 1, Introduction to general emission standards, Section 2, Emission standards for particulate matter, Section 6, Emission standards for volatile organic compounds, Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating, and added Section 9, Incorporation by reference; Chapter 5, National Emission Standards, Section 1, Introduction to national emission standards, Section 2, New source performance standards, Section 3, National emission standards for hazardous air pollutants, and added Section 4, Incorporation by reference; Chapter 11, Acid Rain Program, Section 1, Introduction to national acid rain program, and Section 2, Acid rain program; and Chapter 14, Emission Trading Program Regulations, Section 1, Introduction to emission trading programs, Section 2, Western backstop sulfur dioxide trading program, Section 3, Sulfur dioxide milestone inventory, and added Section 5, Incorporation by reference, of the Wyoming Air Quality Standards and Regulations.

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. Chapter 3, General Emission Standards, Section 6, Emission standards for volatile organic compounds, Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants, and Chapter 11, Acid Rain Program, are being updated as an annual effort to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2006. Some minor corrections are also being made to Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter and Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating, as well as

Chapter 5, National Emission Standards, Section 2, New source performance standards and Section 3, National emission standards for hazardous air pollutants, and Chapter 11, Acid Rain Program, Section 1, Introduction to national acid rain program. Corrections to Section 2, Emission standards for particulate matter and Section 8, Emission standards of asbestos for demolition, renovation, manufacturing, spraying and fabricating of Chapter 3, General Emission Standards, involve changes to the State Implementation Plan (SIP).

4. Chapter 3, General Emission Standards, Section 1, Introduction to general emission standards, Chapter 5, National Emission Standards, Section 1, Introduction to national emission standards, and Chapter 14, Emission Trading Program Regulations, Section 1, Introduction to emission trading programs, are being revised to add a sentence describing the new sections which incorporate by reference all citations to the CFR and/or American Society for Testing and Materials (ASTM).
5. Chapter 3, General Emission Standards, Section 9, Incorporation by reference, Chapter 5, National Emission Standards, Section 4, Incorporation by reference, and Chapter 14, Emission Trading Program Regulations, Section 5, Incorporation by reference, are all new sections which are being added to incorporate by reference all citations to the CFR and/or ASTM.
6. Chapter 14, Emission Trading Program Regulations, Section 2, Western backstop sulfur dioxide trading program and Section 3, Sulfur dioxide milestone inventory, which were created to establish a backstop SO₂ emission trading program to address regional haze visibility impairment, are being revised to be compliant with federal requirements as well as to address more specific comments EPA had with the trading rules. Revisions to Section 2, Western backstop sulfur dioxide trading program, Section 3, Sulfur dioxide milestone inventory, and Section 5, Incorporation by reference of Chapter 14, Emission Trading Program Regulations, involve changes to the State Implementation Plan (SIP).

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 27 day of February, 2008.

F. David SEARLE

Hearing Examiner - *Printed Name*
Wyoming Environmental Quality Council

F. David Searle

Hearing Examiner - *Signed Name*
Wyoming Environmental Quality Council