

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

JUL 15 2010

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

IN THE MATTER OF REVISIONS TO SECTIONS )  
ONE, TWO, TEN, AND THE ADDITION OF SECTION )  
TWELVE AND APPENDIX ONE TO CHAPTER TWO; )  
REVISIONS TO SECTIONS SIX AND NINE TO )  
CHAPTER THREE; REVISIONS TO SECTIONS TWO, )  
THREE AND FOUR TO CHAPTER FIVE; REVISIONS )  
TO SECTIONS ONE AND FOUR, AND THE )  
ADDITION OF SECTIONS TEN, ELEVEN, )  
TWELVE, THIRTEEN AND FOURTEEN TO )  
CHAPTER SIX; AND REVISIONS TO SECTION )  
TWO TO CHAPTER ELEVEN 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 or added the following chapters and sections to the Wyoming Air Quality Standards and Regulations. The following sections have been revised: Chapter 2, Ambient Standards, Section 1, Introduction to ambient standards, Section 2, Ambient standards for particulate matter, and Section 10, Ambient standards for lead; Chapter 3, General Emission Standards, Section 6, Emission standards for volatile organic compounds, and Section 9, Incorporation by reference; Chapter 5, National Emission Standards, Section 2, New source performance standards, Section 3, National emission standards for hazardous air pollutants, and Section 4, Incorporation by reference; Chapter 6, Permitting Requirements, Section 1, Introduction to permitting requirements and Section 4, Prevention of significant deterioration; and Chapter 11, National Acid Rain Program, Section 2, Acid rain program. The following sections have been added: Chapter 2, Ambient Standards, Section 12, Incorporation by reference, and Appendix 1, Interpretation of the Annual State Ambient Air Quality Standards for PM<sub>10</sub>; and Chapter 6, Permitting Requirements, Section 10, Reserved, Section 11, Reserved, Section 12, Reserved, Section 13, Nonattainment permit requirements, and Section 14, Incorporation by reference.
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 2, Ambient Standards, Section 1, Introduction to ambient standards, was revised to describe a new Section 12, Incorporation by reference. Section 2, Ambient standards for particulate matter, was revised to make the State PM<sub>2.5</sub> ambient standards consistent with current Federal PM<sub>2.5</sub> standards, but no more stringent than Federal standards. Section 2, Ambient standards for particulate matter, was also revised to retain the annual

PM<sub>10</sub> standard as a State only standard for PM<sub>10</sub>, along with a newly created Appendix 1, Interpretation of the Annual State Ambient Air Quality Standards for PM<sub>10</sub>, to aid in determining attainment of the State annual PM<sub>10</sub> standard. The Federal government dropped the annual PM<sub>10</sub> standard on October 17, 2006. The annual PM<sub>10</sub> standard is being retained as a useful permitting and compliance tool for sources of fugitive dust. Section 10, Ambient standards for lead, was revised to make the State lead ambient standards consistent with current Federal lead standards, but no more stringent than Federal standards. A new Section 12, Incorporation by reference, was added to Chapter 2 to consolidate all adoption by reference for the chapter in one place. Changes to Chapter 2, Ambient Standards, Section 2, Ambient standards for particulate matter, and Section 10, Ambient standards for lead, involve changes to the State Implementation Plan (SIP).

4. Chapter 3, General Emission Standards, Section 6, Emission standards for volatile organic compounds, was modified to include 40 CFR § 51.100(s) and 51.100(s)(5) in the definition of "volatile organic compounds". Section 9, Incorporation by reference, was revised as part of the annual effort to adopt changes to the Federal definition, bringing the version up to date as of July 1, 2008. Chapter 3, General Emission Standards, Section 6, Emission standards for volatile organic compounds, and Section 9, Incorporation by reference, involve changes to the SIP.
5. Chapter 5, National Emission Standards, Section 2, New source performance standards Section 3, National emission standards for hazardous air pollutants, and Section 4, Incorporation by reference, and Chapter 11, National Acid Rain Program, Section 2, Acid rain program, have been updated as an annual effort to adopt by reference from the Code of Federal Regulations (CFR) for July 1, 2008. Some minor corrections were also made to Chapter 5, National Emission Standards, Section 2, New source performance standards, to reflect the change from the use of the phrase, "the effective date" to "the date of proposal of that standard".
6. Chapter 6, Permitting Requirements, Section 1, Introduction to permitting requirements, was revised to describe all sections in the chapter. The definition of "major stationary source" under Section 4, Prevention of significant deterioration, was revised to exclude ethanol production facilities from the term "chemical process plants" and refine the category of primary aluminum ore reduction plants. The phrase "or NO<sub>x</sub>" was added to the definitions of "major stationary source" and "Major modification" to make them consistent with 40 CFR § 51.166. The definition of "regulated NSR pollutant" was also revised to identify precursors for regulated pollutants. Section 4, Prevention of significant deterioration, was also revised to include a provision to account for the condensable fraction in particulate matter emissions. The definition of "significant" was revised to specify emission rates for PM<sub>2.5</sub> and clarify the rate units for municipal solid waste landfill emissions. Minor reference corrections were also made in this section. Sections 10, 11, and 12 were "Reserved" for future rulemaking endeavors. Section 13, Nonattainment permit requirements, was added to Chapter 6 to incorporate by reference the Federal nonattainment regulations under 40 CFR § 51.165. This section will allow the State, rather than the EPA, to permit major sources in nonattainment areas. Section 14, Incorporation by reference, was added to Chapter 6 to consolidate all adoption by reference for the chapter in one place. All changes to Chapter 6 make State rules consistent with Federal rules, but no more stringent than Federal rules. Changes to Chapter 6, Permitting Requirements, Section 4, Prevention of significant deterioration, Section 13, Nonattainment permit requirements, and Section 14, Incorporation by reference, involve changes to the 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 8<sup>th</sup> day of July, 2010.

F. David Sevelle

Hearing Examiner - *Printed Name*  
Wyoming Environmental Quality Council

F. David Sevelle

Hearing Examiner - *Signed Name*  
Wyoming Environmental Quality Council