

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION
STANDARDS AND REGULATIONS**

Common Provisions

CHAPTER 1

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CHAPTER 1

Section 1. Introduction to common provisions.

(a) Chapter 1 includes common provisions which apply to sources of air contaminants throughout Wyoming unless otherwise stipulated. Section 2 describes the authority by which the Wyoming Air Quality Standards and Regulations are promulgated, and Section 3 contains the applicable definitions pertaining to this chapter. Section 4 discusses how it is unlawful to dilute or conceal emissions, and Section 5 explains the provisions for unavoidable equipment malfunctions. Section 6 discusses credible evidence for purposes of submitting compliance certifications, and Section 7 establishes greenhouse gas permitting requirements detailed in Chapter 6, Sections 3 and 4.

Intro expanded to include listing of new Section 7 on GHGs. Other sections (2-6) were added years ago and are not part of this rulemaking, but Intro had not been updated.

Section 2. Authority.

(a) In accordance with the Environmental Quality Act, WS 35-11-101 *et seq.*, the following Air Quality Standards and Regulations are hereby promulgated by the Wyoming Environmental Quality Council.

Section 3. Definitions.

(a) The definitions contained in the Environmental Quality Act, WS 35-11-103 *et seq.*, shall be applicable, where appropriate. The following terms as used in these standards and regulations shall, unless the context otherwise requires, have the following meanings:

“Facility” shall mean any property, real or personal, which may incorporate one or more sources of air pollution and shall include but not be limited to processing plants, manufacturing plants, power generator plants, refining plants, mining operations, lumber mills, ore processing plants, construction material processing operations, etc.

“Fuel burning equipment” shall mean any furnace, boiler apparatus, stack, or appurtenances thereto used in the process of burning fuel or other combustible material for the purpose of producing heat or power by indirect heat transfer.

“Fugitive emissions” means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

“Greenhouse gases (GHGs)” means the air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Definition of greenhouse gases consistent with federal definition is added. Note that it is the aggregate, not the individual gases.
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“Incinerator” shall mean any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning, but not wood wastes burned in devices commonly called tepee burners, silos, truncated cones, wigwam burners and other such burners used commonly by the wood products industry.

“Initial start-up” shall mean that point in time when a source or group of sources actually begins operation for the purpose of generating goods or services as an end product or as an intermediate product. Start-up of a source to check functional operation of the “machinery” shall not be construed as initial start-up.

“Installation” shall mean any property, real or personal, including but not limited to processing equipment, manufacturing equipment, fuel burning equipment, incinerators, or any other equipment, or construction, capable of creating or causing emissions.

“Maximum design production rate” shall mean the maximum production rate at which a source is designed for continuous or batch operation.

“Modification” shall mean any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which any state standards applies) emitted by such facility or which results in the emission of any such air pollutant not previously emitted.

“Motor vehicle” shall mean those vehicles carrying people or goods on public streets or highways.

“Multiple chamber incinerator” shall mean any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of two or more combustion furnaces in series physically separated by walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.

Section 7. Greenhouse gases.

(a) Sources that directly emit, or have the potential to emit the pollutant Greenhouse Gases (GHGs) shall be subject to operating permit requirements as specified in Chapter 6, Section 3, and subject to prevention of significant deterioration (PSD) permit requirements as specified in Chapter 6, Section 4.

New requirement added: sources emitting GHGs must go through operating permit process (Chapter 6, Section 3) and PSD permitting process (Chapter 6, Section 4). Details on what is required are spelled out in those specific chapters.
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(b) Notwithstanding the requirements of Chapter 6, Section 2(a)(i) and (iii), a preconstruction permit under Chapter 6, Section 2 is not required for the pollutant Greenhouse Gases (GHGs) unless the facility or source is also required to obtain a permit for GHGs under Chapter 6, Section 4.

Minor sources of GHGs are not required to comply with State minor source permitting program (Chapter 6, Section 2). Some major sources of GHGs may have to comply with Chapter 6, Section 2.
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(c) All Greenhouse Gas Regulations adopted in Chapter 1, Sections 1(a), 3(a) and 7; Chapter 6, Sections 1(a), 3(b), 4(a) and 14; and Chapter 7, Section 3(a) are repealed upon the occurrence of any one (1) of the following events:

(i) The United States Congress enacts a law prohibiting the United States Environmental Protection Agency from regulating greenhouse gases; or

(ii) A federal court issues a final judgment prohibiting the United States Environmental Protection Agency from regulating greenhouse gas emissions from stationary sources.

(d) As used in this section, the term “final judgment” means a judgment issued by a federal court that is no longer subject to potential or ongoing appeal to any federal court with jurisdiction over the court judgment.

(e) The effective date of such repeal shall be the date the Governor certifies to the Secretary of State the occurrence of any act which repeals Wyoming Statute Ann. § 35-11-213 (e) through (k).

All of the GHGs regulations cited above from Chapters 1, 6 and 7 will be automatically repealed for the reasons cited above – Congress prohibits EPA from regulating GHGs, a federal court prohibits EPA from regulating GHGs in a final judgment. The repeal will become effective when the Governor certifies this through the State process.
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