

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 05 2012

IN THE MATTER OF REVISIONS TO SECTIONS)
ONE, THREE, AND SEVEN OF CHAPTER ONE;)
REVISIONS TO SECTIONS ONE, THREE, FOUR)
AND FOURTEEN OF CHAPTER SIX; AND)
REVISIONS TO SECTION THREE OF CHAPTER)
SEVEN OF THE WYOMING AIR QUALITY)
STANDARDS AND REGULATIONS)

Jim Ruby, Executive Secretary
Environmental Quality Council

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 removed the following chapters and sections to the Wyoming Air Quality Standards and Regulations. The following sections have been revised: Chapter 1, Common Provisions, Section 1, Introduction to common provisions, and Section 3, Definitions; Chapter 6, Permitting Requirements, Section 1, Introduction to permitting requirements, Section 3, Operating permits, Section 4, Prevention of significant deterioration, and Section 14, Incorporation by reference; and Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM). The following section has been added: Chapter 1, Common Provisions, Section 7, Greenhouse gases.
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 1, Common Provisions, Section 1, Introduction to common provisions, was updated to describe the contents of each section of the chapter. Section 3, Definitions, was revised to add the definition of "Greenhouse gases (GHGs)." A new Section 7, Greenhouse gases, was added to require the permitting of sources of greenhouse gases, exempt minor sources from greenhouse gas permitting, and provide several off ramps for greenhouse gas permitting. The revisions to Section 3, Definitions, and Section 7, Greenhouse gases, involve changes to the State Implementation Plan (SIP).
 4. Chapter 6, Permitting Requirements, Section 1, Introduction to permitting requirements, was revised to add a statement exempting minor sources from greenhouse gas permitting. Section 3, Operating permits, was revised to add the definition of "Greenhouse gases (GHGs)," and modify the definition of "Major source" to include a new applicability threshold for greenhouse gases. A definition for "tpy CO₂ equivalent emissions (CO₂e)" which excludes biogenic emissions through July 21, 2014, was also added to Section 3. Chapter 6, Section 4, Prevention of significant deterioration, was also modified to allow for the permitting of greenhouse gases under the PSD program. Definitions for "Greenhouse gases (GHGs)," "emissions increase," and "tpy CO₂ equivalent emissions (CO₂e)" with exclusions for biogenic sources, were added to this section. Applicability thresholds for

several different types of permitting scenarios were also added. Changes were made to the PSD definition of "Major source" to avoid triggering applicability on minor sources. All changes made to Chapter 6 mirror federal requirements, but are no more stringent. A temporary phrase was inserted in Section 14, Incorporation by reference, to allow adoption by reference of greenhouse gas-related regulations that came after July 1, 2010. The Department of Environmental Quality has not made plans at this time to assess fees for greenhouse gas emissions, as EPA does not currently collect fees for greenhouse gas emissions. The revisions to Section 4, Prevention of significant deterioration, and Section 14, Incorporation by reference, involve changes to the State Implementation Plan (SIP).

5. Chapter 7, Monitoring Regulations, Section 3, Compliance assurance monitoring (CAM), was revised to bring in changes to Chapter 6, Section 3. Chapter 6, Section 3 and Chapter 7, Section 3 use the same definitions.

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 5th day of October, 2012.

David M. Bagley
Hearing Examiner - **Printed Name**
Wyoming Environmental Quality Council

David M. Bagley
Hearing Examiner - **Signed Name**
Wyoming Environmental Quality Council