



# Notice of Intent to Adopt Rules

Revised July 2013

# FILED

JUL 15 2013

Jim Ruby, Executive Secretary  
Environmental Quality Council

## 1. General Information

a. Agency/Board Name Department of Environmental Quality			
b. Agency/Board Address Herschler Building 2-E, 122 W. 25th Street		c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Christine Anderson		f. Contact Telephone Number 307-675-5624	
g. Contact Email Address tina.anderson@wyo.gov			
h. Date of Public Notice July 15, 2013		i. Comment Period Ends August 29, 2013	
j. Program Air Quality			

## 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed

Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Short Title:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
3	General Emission Standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	State Performance Standards for Specific Existing Sources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	National Emission Standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Permitting Requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Nonattainment Area Regulations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	National Acid Rain Program	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c.  The Statement of Reasons is attached to this certification.

d.  N/A  In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules\* may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: <http://deq.state.wy.us/aqd/index.asp>

\* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

### 3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled.  Yes  No

If "Yes:"	Date: September 12, 2013	Time: 9:00 AM	City: Cheyenne	Location: Herschler Building Conference Room 1699, 122 W. 25th Street
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b. What is the manner in which interested persons may present their views on the rulemaking action?

- By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members.

Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

### 4. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  Yes  No

If "Yes:"	Applicable Federal Law or Regulation Citation: Please See Attachment
	Indicate one (1): <input checked="" type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
	Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input checked="" type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

### 5. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change *MEETS* minimum substantive statutory requirements.  
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

- The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

### 6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Christine Anderson
Title of Authorized Individual	Rule Development Coordinator
Date of Authorization	July 10, 2013

#### Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). *Optional:* electronic copies of all items noted (in addition to hard copies) may be emailed to LSO at [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov).
- Secretary of State: Electronic version of Notice of Intent sent to [Rules@wyo.gov](mailto:Rules@wyo.gov).

Federal Regulation Citations for Regulation Changes  
to Wyoming Air Quality Standards and Regulations

Chapter 3, General Emission Standards, Section 9, Incorporation by reference, adopts by reference portions of 29 CFR parts 1910 and 1926, 40 CFR parts 51, 60 and 61, July 1, 2012;

Chapter 4, State Performance Standards for Specific Existing Sources, Section 5, Existing hospital/medical/infectious waste incinerators, is amended, in part, to comply with portions of 40 CFR part 60, subparts A, B, Cb, Ce, Ea, Eb and Ec, and appendices to part 60, July 1, 2012;

Chapter 4, State Performance Standards for Specific Existing Sources, Section 6, Incorporation by reference, adopts by reference portions of 40 CFR part 60 and appendices to part 60, July 1, 2012;

Chapter 5, National Emission Standards, Section 2, New source performance standards, is amended, in part, to comply with portions of 40 CFR part 60 and appendices to part 60, July 1, 2012;

Chapter 5, National Emission Standards, Section 3, National emission standards for hazardous air pollutants, is amended, in part, to comply with portions of 40 CFR part 63 and appendices to part 63, July 1, 2012;

Chapter 5, National Emission Standards, Section 4, Incorporation by reference, adopts by reference portions of 40 CFR parts 60 and 63 and appendices to parts 60 and 63, July 1, 2012;

Chapter 6, Permitting Requirements, Section 4, Prevention of significant deterioration, is amended, in part, to comply with portions of 40 CFR part 51.166 and appendices to part 51.166, July 1, 2012;

Chapter 6, Permitting Requirements, Section 14, Incorporation by reference, adopts by reference portions of 40 CFR parts 51.166, 70, and 63, subpart B and appendices to parts 51.166, 70, and 63, July 1, 2012;

Chapter 8, Nonattainment Area Regulations, Section 5, Ozone nonattainment emission inventory rule, is amended, in part, to comply with portions of Section 182 of the Clean Air Act, July 1, 2012;

Chapter 8, Nonattainment Area Regulations, Section 10, Incorporation by reference, adopts by reference portions of 40 CFR part 93, July 1, 2012;

Chapter 11, National Acid Rain Program, Section 2, Acid rain program, is amended to comply with portions of 40 CFR parts 72-78, July 1, 2012.