

**JUL 15 2013**

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF REVISIONS TO SECTIONS )  
TWO AND NINE OF CHAPTER THREE; REVISIONS )  
TO SECTIONS ONE AND FIVE, AND THE ADDITION )  
OF SECTION SIX TO CHAPTER FOUR; REVISIONS )  
TO SECTIONS TWO, THREE AND FOUR OF )  
CHAPTER FIVE; REVISIONS TO SECTIONS FOUR )  
AND FOURTEEN OF CHAPTER SIX; REVISIONS TO )  
SECTIONS ONE AND FIVE, AND THE ADDITION OF )  
SECTIONS SIX, SEVEN, EIGHT, NINE AND TEN OF )  
CHAPTER EIGHT; AND REVISIONS TO SECTION )  
TWO OF 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, removed, or added the following chapters and sections to the Wyoming Air Quality Standards and Regulations: Chapter 3, General Emission Standards, Section 2, Emission standards for particulate matter, and Section 9, Incorporation by reference; Chapter 4, State Performance Standards for Specific Existing Sources, Section 1, Introduction to state performance standards for specific existing sources, Section 5, Existing hospital/medical/infectious waste incinerators, and Section 6, 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 4, Prevention of significant deterioration, and Section 14, Incorporation by reference; Chapter 8, Nonattainment Area Regulations, Section 1, Introduction to nonattainment area regulations, Section 5, Ozone nonattainment emission inventory rule, Section 6, Reserved, Section 7, Reserved, Section 8, Reserved, Section 9, Reserved, and Section 10, Incorporation by reference; and Chapter 11, National Acid Rain Program, Section 2, Acid rain program.
  
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 2, Emission standards for particulate matter, has been revised to address the treatment of excess emissions from stationary or portable diesel engines. Section 9, Incorporation by reference, is being updated to adopt by reference from the Code of Federal Regulations (CFR) as of July 1, 2012. Section 2, Emission standards for particulate matter, and Section 9, Incorporation by reference, involve changes to the State Implementation Plan (SIP).

4. Chapter 4, State Performance Standards for Specific Existing Sources, Section 1, Introduction to state performance standards for specific existing sources, has been revised to reflect the addition of Section 6, Incorporation by reference. Section 5, Existing hospital/medical/infectious waste incinerators, is outdated and has been revised to maintain consistency with the federal regulations. Section 6, Incorporation by reference, has been added to reference all CFR citations in Chapter 4 as of July 1, 2012.
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 CFR as of July 1, 2012 and relevant sections of the August 16, 2012 Federal Register.
6. Chapter 5, National Emission Standards, Section 2, New source performance standards, has been revised to update the definition of "commenced" to make the definition consistent with the federal definition. Section 3, National emission standards for hazardous air pollutants, was revised to update footnotes at the bottom of the hazardous air pollutants table near the end of Section 3.
7. Chapter 6, Permitting Requirements, Section 4, Prevention of significant deterioration, has been revised to specifically list new minor source baseline dates for fine particulate, include revised federal language on the treatment of condensable particulate matter, and clarify when the maximum allowable increment is exceeded for particulate matter. Section 14, Incorporation by reference, was updated to adopt by reference from the CFR as of July 1, 2012. Section 4, Prevention of significant deterioration, and Section 14, Incorporation by reference, involve changes to the SIP.
8. Chapter 8, Nonattainment Area Regulations, Section 1, Introduction to nonattainment area regulations, has been revised to reflect the reorganization and addition of new sections to the chapter. Section 5, Ozone nonattainment emission inventory rule, is a new rule to establish requirements for the submittal of emission inventories from facilities or sources located in an ozone nonattainment area pursuant to the requirements of the Clean Air Act (CAA), Section 182. Section placeholder numbers for Sections 6, 7, 8, and 9 are being added and reserved for future rulemaking purposes. Section 10, Incorporation by reference (formerly Section 5), is being updated to adopt by reference from the CFR as of July 1, 2012. Section 5, Ozone nonattainment emission inventory rule, and Section 10, 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 \_\_\_\_\_ day of September, 2013.

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Hearing Examiner - *Printed Name*  
Wyoming Environmental Quality Council

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Hearing Examiner - *Signed Name*  
Wyoming Environmental Quality Council