

State Wyoming

State Agency Department of Environmental Quality

Affected Area EPA-approved nonregulatory provisions

Regulation .

Rule Number (23) XXIII.

Rule Title Infrastructure SIP for Section 110(a)(2) - 1997 Ozone NAAQS

State Effective Date 12/10/2009

State Adoption Date 12/10/2009

EPA Effective Date 08/24/2011

Notice of Final Rule Date 07/25/2011

Notice of Final Rule Citation 76 FR 44265

Comments

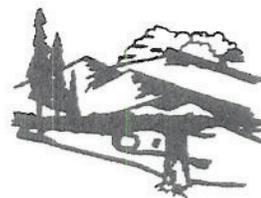
Rule:



[\(e\)\(23\) XXIII. iSIP 1997 Ozone \(12-10-2007\).pdf](#)



Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

December 10, 2009

Ms. Kathy Dolan
Air Quality Planning Group
EPA Region 8
Mail Code: 8P-AR
1595 Wynkoop Street
Denver, CO 80202-1129

RE: 110 Infrastructure SIP for Ozone

Dear Ms. Dolan:

On December 7, 2007, the State submitted a letter to EPA Region 8 regarding the adequacy of the existing SIP with respect to the 1997 ozone standards. The attached document outlines the provisions of Wyoming Rules and Regulations which address the requirements of Section 110(a)(1) and (2) of the Clean Air Act. If you have any questions, please call me at 307-777-7032.

Sincerely

Janet L. Lydigsen
Air Quality Division
Wyoming Department of Environmental Quality

Enclosure: State of Wyoming, 110 SIP Infrastructure Elements

cc: Tina Anderson, AQD
File: 110 Infrastructure SIP - Ozone

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STATE OF WYOMING
110 SIP INFRASTRUCTURE ELEMENTS
(Reviewed March 2008)

Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques, schedules for compliance and other related matters. EPA notes that the specific nonattainment area plan requirements of section 110(a)(2)(I) are subject to the timing requirement of section 172, not the timing requirement of section 110(a)(1), and also that SIPs to meet this section are not covered by the Consent Decree.

Non-regulatory Documents

1. Control Strategy Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72 ✓
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Source Surveillance Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72 ✓
 - b. Approved by EPA 5/31/72; 37 FR 10842
3. Compliance Schedule Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72 ✓
 - b. Approved by EPA 5/31/72; 37 FR 10842

Regulatory Documents

1. Wyoming Air Quality Standards and Regulations, Section 2, Definitions ✓
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Wyoming Air Quality Standards and Regulations, Section 18, Diluting and concealing emissions ✓
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
3. Wyoming Air Quality Standards and Regulations, Section 19, Abnormal conditions and equipment malfunction ✓
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
4. Wyoming Air Quality Standards and Regulations, Section 14, Control of particulate emissions ✓
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
5. Wyoming Air Quality Standards and Regulations, Section 10, Nitrogen oxides ✓
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
6. Wyoming Air Quality Standards and Regulations, Section 4, Sulfur oxides ✓
 - a. Original State regulations submitted 7/22/74, resubmitted 8/7/74
 - b. EPA approved via FR date of 6/10/75

21. Chapter 3, Section 4, Emission standards for sulfur oxides ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
22. Chapter 3, Section 5, Emission standards for carbon monoxide ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
23. Chapter 3, Section 6, Emission standards for volatile organic compounds ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
24. Chapter 4, Section 2, Existing sulfuric acid production units ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
25. Chapter 4, Section 3, Existing nitric acid manufacturing plants ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
26. Chapter 8, Section 2, Sweetwater County particulate matter regulations ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
27. Chapter 8, Section 3, Conformity of general federal actions to state implementation plans ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
28. Chapter 10, Section 2, Open burning restrictions ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
29. Chapter 10, Section 3, Wood waste burners ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
30. Chapter 13, Section 2, Motor vehicle pollution control ✓
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Ambient air quality monitoring/data system: Section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to EPA upon request.

Non-regulatory Documents

1. Air Quality Surveillance Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72 ✓
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Air Quality Surveillance Network Document
 - a. State non-regulatory SIP document submitted to EPA on 8/26/81 ✓
 - b. Approved by EPA 2/9/82; 47 FR 5892
3. Implementation Plan for Lead
 - a. Original State non-regulatory SIP document submitted to EPA on 8/29/84 ✓
 - b. Approved by EPA 10/11/84; 49 FR 39843

Program for enforcement of control measures: Section 110(a)(2)(C) requires States to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources to meet prevention of significant deterioration (PSD) and nonattainment NSR requirements.

Non-regulatory Documents

1. Legal Authority Document ✓
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Source Surveillance Document ✓
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
3. Review of New Sources and Modifications Document ✓
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
4. 3/3/08 Memorandum From Cynthia Cody, EPA Region 8, clarifications regarding SIP 110 infrastructure submissions for PM_{2.5}, specifically addressing the current unavailability of EPA rules or guidance on PM_{2.5} implementation through the PSD program (NA to ozone)

Regulatory Documents

1. 1974 Wyoming Air Quality Standards and Regulations, Section 21, Permit requirements for construction, modification and operation
 - a. Original State regulations submitted 7/22/74, resubmitted 8/7/74
 - b. EPA approved via FR date of 6/10/75
2. 1979 Wyoming Air Quality Standards and Regulations, Section 24, Prevention of significant deterioration
 - a. Original State regulations submitted 1/25/79
 - b. EPA approved 7/2/79; 44 FR 38473
3. Chapter 6, Section 2, Permit requirements for construction, modification, and operation
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
4. Chapter 6, Section 4, Prevention of significant deterioration
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Interstate transport: Section 110(a)(2)(D) requires SIPs to include provisions prohibiting any source or other type of emissions activity in one State from contributing significantly to nonattainment, or interfering with maintenance, of the NAAQS in another State, or from interfering with measures required to prevent significant deterioration of air quality or to protect visibility in another State. EPA has already issued CAIR to assist States in developing SIPs to meet this requirement for purposes of the 8-hour Ozone and PM_{2.5} NAAQS, and has issued separate guidance to all States on how to comply with each prong of this statutory provision.

2. Chapter 7, Section 2, Continuous monitoring requirements for existing sources
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Emergency power: Section 110(a)(2)(G) requires States to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

Non-regulatory Documents

1. Emergency Episode Plan Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Emergency Episode Contingency Plan Document
 - a. Original State non-regulatory SIP document submitted to EPA on 8/26/81
 - b. Approved by EPA 2/9/82; 47 FR 5892
3. 3/3/08 Memorandum From Cynthia Cody, EPA Region 8, clarifications regarding SIP 110 infrastructure submissions for PM_{2.5}, specifically addressing the current unavailability of EPA rules or guidance on PM_{2.5} implementation through emergency episode plans

Regulatory Documents

1. 1972 Wyoming Air Quality Standards and Regulations, Section 20, Air pollution emergency episodes
 - a. Original State regulations submitted 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842
2. Chapter 12, Section 2, Air pollution emergency episodes
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Future SIP revisions: Section 110(a)(2)(H) requires States to have the authority to revise their SIPs in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or in response to an EPA finding that the SIP is substantially inadequate.

Non-regulatory Document

1. Implementation Plan Reviews Document
 - a. Original State non-regulatory SIP document submitted to EPA on 4/30/81
 - b. Approved by EPA 4/19/83; 48 FR 16682

Consultation with government officials: Section 110(a)(2)(J) requires States to provide a process for consultation with local governments and Federal Land Managers carrying out NAAQS implementation requirements pursuant to section 121 relating to consultation.

Non-regulatory Document

1. Consultation Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/25/79
 - b. Approved by EPA 7/2/79; 44 FR 38473

Public notification: Section 110(a)(2)(J) further requires States to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances.

Non-regulatory Document

1. Public Notification of Air Quality Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/25/79
 - b. Approved by EPA 7/2/79; 44 FR 38473

PSD and visibility protection: Section 110(a)(2)(J) also requires States to meet applicable requirements of part C related to prevention of significant deterioration and visibility protection.

Non-regulatory Documents

1. Wyoming State Implementation Plan For Class I Visibility Protection Document
 - a. Original State non-regulatory SIP document submitted to EPA on 9/6/88
 - b. Approved by EPA 2/15/89; 54 FR 6912
2. 3/3/08 Memorandum From Cynthia Cody, EPA Region 8, clarifications regarding SIP 110 infrastructure submissions for PM_{2.5}, specifically addressing the current unavailability of EPA rules or guidance on PM_{2.5} implementation through the PSD program

Regulatory Documents

1. 1979 Wyoming Air Quality Standards and Regulations, Section 24, Prevention of significant deterioration
 - a. Original State regulations submitted 1/25/79
 - b. EPA approved 7/2/79; 44 FR 38473
2. Chapter 6, Section 4, Prevention of significant deterioration
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Air Quality modeling/data: Section 110(a)(2)(K) requires that SIPs provide for performing air quality modeling for predicting effects on air quality of emissions from any NAAQS pollutant and submission of such data to EPA upon request.

Regulatory Documents

1. 1974 Wyoming Air Quality Standards and Regulations, Section 21, Permit requirements for construction, modification and operation
 - a. Original State regulations submitted 7/22/74, resubmitted 8/7/74
 - b. EPA approved via FR date of 6/10/75

2. 1979 Wyoming Air Quality Standards and Regulations, Section 24, Prevention of significant deterioration
 - a. Original State regulations submitted 1/25/79
 - b. EPA approved 7/2/79; 44 FR 38473
3. Chapter 6, Section 2, Permit requirements for construction, modification, and operation
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965
4. Chapter 6, Section 4, Prevention of significant deterioration
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Permitting fees: Section 110(a)(2)(L) requires SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

Regulatory Documents

1. 1993 Wyoming Air Quality Standards and Regulations, Section 21, Permit requirements for construction, modification, and operation
 - a. State regulations submitted 11/12/93
 - b. EPA approved 11/29/94; 59 FR 60905
2. Chapter 6, Section 2, Permit requirements for construction, modification, and operation
 - a. Most recent State regulatory SIP document submitted to EPA 9/12/2003
 - b. EPA Final Federal Register 7/28/2004; 69 FR 44965

Consultation/participation by affected local entities: Section 110(a)(2)(M) requires States to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

Non-regulatory Document

1. Intergovernmental Cooperation Document
 - a. Original State non-regulatory SIP document submitted to EPA on 1/28/72
 - b. Approved by EPA 5/31/72; 37 FR 10842