

State Wyoming

State Agency Department of Environmental Quality

Affected Area EPA-approved nonregulatory provisions

Regulation .

Rule Number (02) II.

Rule Title Legal Authority.

State Effective Date 02/19/1976

State Adoption Date

EPA Effective Date 09/30/1976

Notice of Final Rule Date 08/31/1976

Notice of Final Rule Citation 41 FR 36652

Comments

Rule:



[\(e\)\(2\) II. Legal Authority \(02-19-1976\).pdf](#)

II. Legal Authority.

A. The Wyoming Air Quality Act of 1967, Chapter 186, Session Laws of Wyoming 1967, Sections 34-437 through 35-502, Wyoming Air Quality Standards and Regulations, Chapter 1, Sections 1 through 20, Rules of Practice and Procedure, Chapter II, Sections 1 through 20, are the basis of the Wyoming legal authority. The state statute along with rules and regulations promulgated thereunder are attached to this plan as Appendix E.

B. Pursuant to the procedure and requirements set forth in Section 420.11 of the August 14, 1971, Federal Register, Volume 36, No. 158, six specific items are required of state laws to comprise an acceptable plan. These listed requirements and Wyoming provisions which may afford a basis for each item are identified below.

(1) Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards.

Basis: Sections 35-488, 35-491, 35-492, 35-494, Wyoming Air Quality Act, 1967.

(2) Enforce applicable laws, regulations and standards, and seek injunctive relief.

Basis: Sections 35-492, 35-495 (a) (b), Wyoming Air Quality Act, 1967.

(3) Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the administrator under Section 303 of the Act.

Basis: Sections 35-496 (a) (b) (c).

(4) Prevent construction, modification, or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard.

Basis: No specific provision presently exists in the Wyoming Statutes. The Public Service Commission of Wyoming adopted Rule VI, which became effective on November 5, 1971. This rule which appears in Appendix F is specific for public utilities and will have an important impact on future construction of coal-fired electric generating plants.

(5) Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations and standards, including authority to require record keeping and to make inspections and to conduct tests of air pollution sources.

Basis: Sections 35-491, 35-492 (c) (d) (h), and 35-493 and 35-499 (a). For requirements on record keeping, Appendix F is applicable.

(6) Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the state on the nature and amounts of emissions from such stationary sources; also authority for the state to make such data available to the public as reported and as correlated with any applicable emission standards or limitations.

Basis: Sections 35-492 (c), 35-499 (a). With respect to record keeping and availability of records, a more detailed discussion is found in Appendix F.

C. Clarification of the legal basis of the Wyoming law as it applies to items 4, 5, and 6 is attached in the Attorney General's letter as Appendix F.

Legal authority to fulfill requirements of Section 420.11, August 14, 1971, Federal Register, Vol. 36, No. 158, will be considered by the State of Wyoming for delegation from the Environmental Protection Agency as provided in subpart (d) (2) of that section.



WYOMING
EXECUTIVE DEPARTMENT
CHEYENNE

ED HERSCHLER
GOVERNOR

February 19, 1976

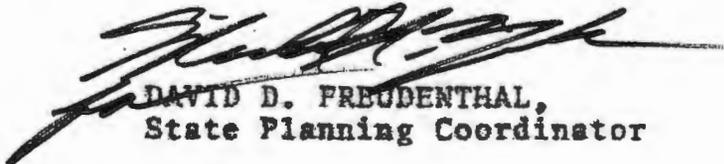
John A. Green
Regional Administrator
United States Environmental
Protection Agency
Region VIII
1860 Lincoln Street
Denver, Co. 80203

Dear Mr. Green:

This will advise that the revisions to the state implementation plan are consistent with overall state planning, and will help achieve state goals and objectives.

Sincerely,

STATE CLEARINGHOUSE



DAVID D. FREUDENTHAL,
State Planning Coordinator

DDF:ar

cc: Mr. Randolph Wood
Department of Environmental
Quality, Wyoming