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40 CFR Ch. I (7-1-04 Edition)

submitted on November 18, 1992 and January 21, 1993, satisfies the requirements of Section 507 of the Clean Air Act.

[59 FR 40826, Aug. 10, 1994]

Subpart ZZ—Wyoming

§ 52.2620 Identification of plan.

(a) Title of plan: “Implementation Plan for Air Quality Control, State of Wyoming.”

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Compliance schedule information in three plants submitted March 28, 1972, by the Department of Health and Social Services (DHSS). (Non-regulatory.)

(2) Procedural clarification to emergency episodes plan submitted May 3, 1972, by DHSS.

(3) Particulate compliance schedules submitted February 9, 1973, by DHSS.

(4) Emergency episode plan submitted February 27, 1973, by DHSS. (Non-regulatory).

(5) Compliance schedules submitted on March 1, 1973, by DHSS.

(6) Revision of Wyoming’s Standards and Regulations (Chapter I, Section 1-20) submitted April 18, 1973, by DHSS.

(7) Revision of particulate control strategy to require compliance with particulate standards not later than January 31, 1974, except where approved by EPA and compliance schedule portions of the plan submitted May 29, 1973, by DHSS.

(8) Compliance schedule revisions, legal authority additions, update of Wyoming’s Air Quality Standards and Regulations, non-regulatory source surveillance and new source review procedures submitted on August 7, 1974, by the Governor.

(9) Legal authority additions and compliance schedule revisions submitted on February 19, 1976, by the Governor.

(10) Requirements for continuous opacity monitoring by all fossil fuel fired steam generators with heat inputs in excess of 250 million Btu per hour and other miscellaneous revisions to the State regulations as submitted

by the Air Quality Division (AQD) on May 9, 1978.

(11) Provisions to meet the requirements of Parts C and D and sections 110, 126, and 127 of the Clean Air Act, as amended in 1977 were submitted on January 26, 1979.

(12) A revision to Section 14 of the Wyoming Air Quality Standards and Regulations was submitted on July 18, 1980, and October 27, 1980.

(13) On August 26, 1981 and August 27, 1981, Wyoming submitted revisions to the requirements for Prevention of Significant Deterioration, the Air Quality Monitoring Plan, revisions to the Emergency Episode Contingency Plan, and revisions to stationary source permitting regulations.

(14) Revisions to the new source permit requirements in Sections 21 and 24 of the Wyoming regulations were submitted on April 30, 1981, and February 8, 1982.

(15) On August 30, 1984, the State of Wyoming submitted a plan revision for lead.

(16) Revisions to the new source permit requirements in sections 21 and 24 of the Wyoming regulation for visibility protection were submitted on April 12, 1985.

(i) Incorporation by reference.

(A) Letter from Randolph Wood, Administrator, Wyoming Air Quality Division, dated April 12, 1985, submitting the Wyoming Visibility SIP and Regulations.

(B)(1) Wyoming Air Quality Standards and Regulations (WAQSR), Section 21.n. (1) and (2) adopted on January 22, 1985.

(2) WAQSR, Section 24.b.(1)(f) adopted on January 22, 1985.

(3) WAQSR, Section 24.b.(6) (a) and (b) revised and adopted on January 22, 1985.

(17) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on September 6, 1988, for visibility general plan requirements, monitoring, and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated September 6, 1988, Charles A. Collins, Administrator of the Wyoming Air Quality Division, submitting a SIP revision for visibility protection.

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(B) The SIP revision for visibility protection, "Section 28 *Visibility*" of the Wyoming Air Quality Standards and Regulations, and "Wyoming State Implementation Plan for Class I Visibility Protection" was adopted by the Wyoming Environmental Quality Council on March 23, 1988, and became effective on May 10, 1988.

(18) On September 6, 1988, the Administrator of the Air Quality Division, as the Governor's designee, submitted a plan revising the stack height regulations, Wyoming Air Quality Standards and Regulations (WAQSR) section 21(d).

(i) Incorporation by reference.

(A) Revisions to the Wyoming Air Quality Standards and Regulation section 21(d), stack heights, were adopted and effective on May 10, 1988.

(19) In a letter dated August 5, 1986, the Administrator of the Air Quality Division of Wyoming, submitted the stack height demonstration analysis. EPA is approving the demonstration analysis for all of the stacks.

(i) Incorporation by reference. (A) Stack height demonstration analysis submitted by the State in a letter dated August 5, 1986.

(20) A revision to the SIP was submitted by the Administrator of the Wyoming Air Quality Division on March 14, 1989, to address the Group III PM-10 SIP requirements and Group II PM-10 SIP requirements for Lander, Wyoming.

(i) Incorporation by reference.

(A) Amendments to the Wyoming Air Quality Standards and Regulations: section 2 (Definitions) (a)(xxx), section 3 (Ambient Standards for Particulate Matter) (a), section 20 (Air Pollution Emergency Episodes) (b)(ii), section 21 (Permit Requirements for Construction, Modification, and Operation) (c)(ii) and section 24 (Prevention of Significant Deterioration) (a)(xx)(A), (b)(i)(E)(VI)(1.) (c.) (f.) (h.) & (1.), (b)(iii), (b)(iv), (b)(viii), and (b)(xii)(D)(E)(F) & (G), effective February 13, 1989.

(B) March 14, 1989 letter from Charles A. Collins, Administrator of the Wyoming Air Quality Division to James J. Scherer, EPA Region VIII Regional Administrator, identifying the effective date of the above regulation amendments.

(21) On November 20, 1990, the Governor of Wyoming submitted revisions to the plan. The revisions include amendments to the prevention of significant deterioration of air quality (PSD) regulations to incorporate the nitrogen dioxide (NO₂) increments, revisions to the new source review requirements and PSD regulations to make them federally enforceable, and revisions to the PSD regulations to allow establishment of multiple baseline areas which may have different baseline dates and different baseline concentrations.

(i) *Incorporation by reference.* (A) Revisions to the Wyoming Air Quality Standards and Regulations, Section 2, *Definitions*, Section 21, *Permit Requirements for Construction, Modification, and Operation*, and Section 24, *Prevention of Significant Deterioration*, effective October 30, 1990.

(ii) *Additional material.* (A) November 5, 1990, letter from Douglas Skie, EPA, to Charles A. Collins, Administrator, Air Quality Division, Wyoming Department of Environmental Quality.

(22) On September 6, 1988, the Governor of Wyoming submitted revisions to Section 3 of the Wyoming Air Quality Standards and Regulations, adding subsection (d) which defines "ambient air" for surface coal mines located in Wyoming's Powder River Basin.

(i) Incorporation by reference.

(A) Revisions to Section 3(d) of the Wyoming Air Quality Standards and Regulations, effective June 5, 1987.

(ii) Additional material.

(A) Memorandum of Agreement signed on December 22, 1993 by Dennis Hemmer, Director, Department of Environmental Quality, State of Wyoming, and on January 24, 1994 by Patricia D. Hull, Director, Air, Radiation and Toxics Division, EPA Region VIII.

(23) On November 1, 1993, the Governor of Wyoming submitted a plan for the establishment and implementation of a Small Business Assistance Program to be incorporated into the Wyoming State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) November 1, 1993, letter from the Governor of Wyoming submitting a

Small Business Assistance Program plan to EPA.

(B) The State of Wyoming plan for the establishment and implementation of a Small Business Assistance Program, adopted September 16, 1993, by the Wyoming Environmental Quality Council.

(24) On August 28, 1989, the Governor of Wyoming submitted revisions to the Wyoming State implementation plan (SIP) for Sheridan, Wyoming. In addition to the original August 28 submittal, eight submittals containing information in response to EPA requests and to the new Clean Air Act Amendments were submitted. The August 28, 1989, submittal, in combination with the eight subsequent submittals, satisfy those moderate PM₁₀ nonattainment SIP requirements due on November 15, 1991. Included in the August 28, 1989, submittal were PM₁₀ contingency measures for Sheridan to satisfy the requirements of section 172(c)(9) of the Act that were due by November 15, 1993.

(i) Incorporation by reference.

(A) "The City of Sheridan, Air Quality Maintenance Plan," including the Street Winter Maintenance Plan and the contingency plan calling for the use of deicing chemicals on downtown streets, adopted on February 21, 1989.

(ii) Additional material.

(A) Letter dated November 21, 1989, from the Wyoming Department of Environmental Quality to EPA which includes a memorandum dated November 15, 1989 from the Wyoming Attorney General's Office to the Wyoming Department of Environmental Quality; the memorandum includes Wyoming Statute 35-11-201.

(25) On November 12, 1993, the Governor of Wyoming submitted revisions to the Wyoming State Implementation Plan (SIP). Specifically, the State submitted revisions to the Wyoming Air Quality Standards and Regulations (WAQSR), section 21 "Permit requirements for construction, modification and operation." Among other things, these revisions were made to address the non-attainment New Source Review (NSR) provisions of part D of the Act for PM₁₀ nonattainment areas, which were due to EPA on June 30, 1992.

(i) Incorporation by reference.

(A) The following subsections of section 21 of the Wyoming Air Quality Standards and Regulations "Permit requirements for construction, modification and operation," adopted on September 16, 1993 and effective October 26, 1993: subsections (a)(ii), (a)(iii), (a)(v), (c)(ii)(B), (k)(vii) and (o).

(ii) Additional material.

(A) Letter from Mary A. Throne, Assistant Attorney General, to the Governor of Wyoming, dated October 1, 1993, documenting the necessary legal authority under state law to adopt and implement the revised regulation.

(26) On March 14, 1995, the Governor of Wyoming submitted revisions to the prevention of significant deterioration permitting regulations in Section 24 of the Wyoming Air Quality Standards to incorporate changes in the Federal PSD permitting regulations for utility pollution control projects, PM-10 increments, and to make other minor changes.

(i) Incorporation by reference.

(A) Revisions to Section 24 of the Wyoming Air Quality Standards, subsections (a)(ix)(B), (a)(x)(H)-(K), (a)(xii)(D), (a)(xv), (a)(xix)(D) and (E), (a)(xxviii)-(xxxv), (b)(i)(A)(I), (b)(i)(E)(VI)(1), (b)(viii), and (b)(xii)(I), effective 2/13/95.

(27) On September 15, 1982, the Administrator of the Wyoming Air Quality Division submitted clarifications and revisions to the particulate matter control requirements of Section 25 of the Wyoming Air Quality Standards and Regulations (WAQSR) for FMC Corporation in the Trona Industrial Area. In addition, on May 16, 1985, the Administrator of the Wyoming Air Quality Division submitted revisions to the construction permitting requirements in Section 21 of the WAQSR to specify guidelines for best available control technology for new large mining operations. The Governor of Wyoming submitted revisions to Section 21 of the WAQSR, "Permit requirements for construction, modification, and operation," on November 12, 1993. Last, the Governor of Wyoming submitted revisions to Section 24 of the WAQSR, "Prevention of Significant Deterioration," on March 14, 1995.

(i) Incorporation by reference.

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(A) Revisions to Section 25 of the WAQSR, "Sweetwater County Non-Attainment Area Particulate Matter Regulations," subsection c.(2), effective September 13, 1982.

(B) Revisions to Section 21 of the WAQSR, "Permit requirements for construction, modification, and operation," subsection c.(5), effective May 10, 1985.

(C) Revisions to Section 21 of the WAQSR, "Permit requirements for construction, modification, and operation," subsection (a)(iv), effective October 26, 1993.

(D) Revisions to Section 24 of the WAQSR, "Prevention of Significant Deterioration," subsections (a)(xix), (b)(iv), and (b)(xii)(H), effective February 13, 1995.

(28) On March 14, 1995, the Governor of Wyoming submitted revisions to the SIP that incorporate the General Conformity requirements of 40 CFR part 93, Subpart B into State regulation.

(i) Incorporation by reference.

(A) Section 32 of the Wyoming Air Quality Standards, "Conformity of General Federal Actions to State Implementation Plans," effective February 13, 1995.

(29) The Governor of Wyoming submitted revisions to sections 2, 4, 5, 8, 9, 10, 14, and 21 of the Wyoming Air Quality Standards and Regulations (WAQSR) on May 21, 1999.

(i) Incorporation by reference.

(A) Revisions to the WAQSR, section 2 Definitions, subsection 2(a)(xxx)(B) excluding the words "or an equivalent or alternative method approved by the Administrator," effective October 15, 1998.

(B) Revisions to the WAQSR, section 4 Sulfur oxides, subsection 4(h) excluding the words "or an equivalent method," effective October 15, 1998.

(C) Revisions to the WAQSR, section 5 Sulfuric acid mist excluding the

words "or an equivalent method," effective October 15, 1998.

(D) Revisions to the WAQSR, section 8 Ozone, effective October 15, 1998.

(E) Revisions to the WAQSR, section 9 Volatile organic compounds, effective October 15, 1998.

(F) Revisions to the WAQSR, section 10 Nitrogen oxides, subsections 10(b), 10(b)(vii), 10(b)(viii), and 10(b)(ix), excluding the words "or by an equivalent method" in subsection 10(b), effective October 15, 1998.

(G) Revisions to the WAQSR, section 14 Control of particulate emissions, subsection 14(h)(iv) excluding the sentence, "Provided that the Administrator may require that variations to said methods be included or that entirely different methods be utilized if he determines that such variations or different methods are necessary in order for the test data to reflect the actual emission rate of particulate matter," effective October 15, 1998.

(H) Revisions to the WAQSR, section 21 Permit requirements for construction, modification and operation, subsections 21(a)(vi) and 21(h), effective October 15, 1998.

(ii) Additional material.

(A) September 1, 1998 letter from Dan Olson, Administrator, Wyoming Air Quality Division, to Richard R. Long, Director, Air and Radiation Program, EPA Region 8.

(B) June 23, 2000 letter from Dan Olson, Administrator, Wyoming Air Quality Division, to Richard R. Long, Program Manager, Air and Radiation, EPA Region VIII.

[37 FR 10903, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.2620, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 52.2621 Classification of regions.

The Wyoming plan was evaluated on the basis of the following classifications: