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CHAPTER 9 - VISIBILITY IMPAIRMENT/PM FINE CONTROL

WYOMING AIR QUALITY STANDARDS AND REGULATIONS

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Section 1. Introduction to visibility impairment/PM fine control.

(a) This chapter establishes regulations to protect visibility. Section 2 addresses plume blight impairment in Class I Areas.

Section 2. Visibility.

(a) Purpose.

This section assures reasonable progress towards the national goal of preventing future, and remedying existing, visibility impairment in Class I areas.

(b) Applicability.

This section applies to all Class I areas in the State of Wyoming as designated per Chapter 6, Section 4(c) or redesignated in accordance with Chapter 6, Section 4(d) of these Regulations and to sources in Wyoming the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area including mandatory Federal Class I areas in any other State.

(c) Definitions and Abbreviations.

The following terms are explicitly defined for use in this section. As used in this section, all terms not defined herein shall have the meaning given to them in Chapter 6, Section 4.

(i) "Adverse impact on visibility" means, for the purposes of Chapter 9, Section 2(e), visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Class I area. Any determination shall be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate with times of visitor use of the Class I area, and the frequency and timing of natural conditions that reduce visibility.

(ii) "Best Available Retrofit Technology (BART)" means that emission reduction control device, facility, method, or system, used to achieve the best continuous emission reduction for each pollutant emitted by an existing stationary facility. The emission limitation shall be established on a case-by-case basis taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(iii) "Class I areas" means, for the purposes of this section, all mandatory Class I Federal areas established in the Clean Air Act Amendments of 1977 and include the following for the State of Wyoming: Yellowstone National Park, Teton National Park, North Absoroka Wilderness, Washakie Wilderness, Teton Wilderness, Bridger

Wilderness, and Fitzpatrick Wilderness. Such term also includes the Savage Run Wilderness which is not a mandatory Class I Federal area and any future Class I area redesignated in accordance with Chapter 6, Section 4(d) of these regulations.

(iv) "**Existing stationary facility**" means any of the stationary sources of air pollutants listed in Chapter 6, Section 4(a)(i) of this Regulation, including any reconstructed source, which was not in operation prior to August 7, 1962, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable shall be counted.

(v) "**Long term strategy**" means a 10- to 15-year plan for making reasonable progress toward the national goal specified in Chapter 9, Section 2(a).

(vi) "**Natural conditions**" includes naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(vii) "**Reasonably attributable**" means attributable by visual observation or any other technique the State deems appropriate.

(viii) "**Significant impairment**" means visibility impairment, which in the judgment of the Administrator, interferes with the visitor's visual experience of the Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of the impairment, and how these factors correlate with times of use of the Class I area and the frequency and timing of natural conditions that reduce visibility.

(ix) "**Visibility impairment**" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

(d) Existing Impairment.

(i) The Federal Land Manager may certify to the Administrator of the Air Quality Division or the Administrator may certify that visibility impairment exists in any Class I area. The Division may also certify that visibility impairment exists in any Class I area without the concurrence of the Federal Land Manager.

(A) Any certification of visibility impairment in a Class I area must be accompanied by analysis and visibility data supported by visibility monitoring which may include visual observations or any other technique the Division deems appropriate.

(B) On receipt of a certification by the Federal Land Manager that visibility impairment exists in a Class I area or at such time that the Administrator certifies

visibility impairment in a Class I area, the Division shall prepare an analysis of the impairment to determine whether and to what extent, if any, the cause or contribution to visibility impairment is reasonably attributable to an existing stationary facility or small group of existing stationary facilities. Such analysis and determination shall be completed within one year of certification of impairment and shall be advertised in a public notice and opportunity for a public hearing given in accordance with Chapter 6, Section 2(m) of these regulations. A final determination as to the source or sources to which visibility impairment can be reasonably attributed to shall be made by the Administrator considering all comments made by the public, the Federal Land Manager and the affected sources if applicable. If the visibility impairment cannot be reasonably attributable to any existing stationary facility in Wyoming, the Division will review the impairment and propose a strategy to remedy the impairment, if appropriate, at the time of the next periodic review of the long term strategy as provided under paragraph (f) of this Section.

(ii) Each existing stationary facility located in Wyoming to which the cause of or contribution to visibility impairment in any Class I area is reasonably attributable, shall install and operate BART as expeditiously as practicable but in no case later than 5 years after issuance of a compliance order by the Division.

(A) For fossil-fuel fired generating plants having a total generating capacity in excess of 750 megawatts, BART shall be determined pursuant to "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" (1980), (EPA Publication No. 450/3-80-009b).

(B) Should the Division determine technological or economic limitations make the application of BART as previously defined infeasible, the Division may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, as representing BART.

(I) Where a facility is subject to Chapter 9, Section 2(d)(ii)(B) due to technological limitations, the facility shall install and operate BART as previously defined when new technology for control of the pollutant becomes reasonably available provided (1) the pollutant is emitted by the existing facility; (2) controls representing BART for the pollutant have not previously been required under this section; and (3) the impairment of visibility in any Class I area is reasonably attributable to the emissions of that pollutant.

(e) New Source Review.

Applicants for new major stationary sources and major modifications shall demonstrate that the proposed source will not cause an adverse impact on visibility in a Class I area as required by Chapter 6, Section 4 of this Regulation. New source review requirements for visibility are in Chapter 6, Section 2(n)(i) and Chapter 6, Section 2(n)(ii);

and Chapter 6, Section 4(b)(i)(B)(I), Chapter 6, Section 4(b)(i)(F), Chapter 6, Section 4(b)(vi)(A) and (B), and Chapter 6, Section 4(b)(vii).

(f) Long Term Strategy.

(i) The Division shall review and revise, if appropriate, the long-term strategy every 3 years.

(A) During the long term strategy development and review process, the Division shall consult with the Federal Land Managers.

(B) Prior to the preparation of the report required in paragraph (C) below, the Division shall prepare a draft report and provide for public comment and the opportunity for a public hearing on the contents of this report through the issuance of a public notice in accordance with the provisions of Chapter 6, Section 2(m) of these regulations. All public comments will be considered in preparation of the final report. The State shall provide written notification to each affected Federal Land Manager and other affected states at least 60 days prior to holding any public hearing.

(C) The Division shall prepare a report on any progress made toward the national visibility goal since the last long-term strategy revisions. The report will be made available on June First of every third year. The report shall include an assessment of:

(I) The progress achieved in remedying existing impairment of visibility in any Class I area;

(II) The ability of the long-term strategy to prevent future impairment of visibility in any Class I area;

(III) Any change in visibility since the last such report, or in the case of the first report, since plan approval, including an assessment of existing conditions;

(IV) Additional measures, including the need for SIP revisions, that may be necessary to assure reasonable progress toward the national visibility goal;

(V) The progress achieved in implementing BART and meeting other schedules set forth in the long-term strategy;

(VI) The progress achieved in developing the components of the strategy.