

HOUSE BILL NO. HB0063

State primacy on greenhouse gas regulation.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; authorizing
2 the department of environmental quality to submit an
3 amended greenhouse gas regulation state implementation plan
4 to the United States environmental protection agency;
5 authorizing the department of environmental quality to
6 promulgate new source performance standards for greenhouse
7 gases; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-11-213(e), (f), (h)(intro) and
12 (m)(intro) is amended to read:

13

14 **35-11-213. Restrictions on state regulations related**
15 **to greenhouse gas emissions.**

16

1 (e) Notwithstanding the provisions of subsections (a)
2 through (d) of this section and pursuant to the provisions
3 of subsections (e) through (k) of this section, the
4 department and council shall adopt regulations to amend
5 Wyoming's Clean Air Act state implementation plan and
6 Wyoming's Title V operating permit program to the extent
7 necessary to obtain state primacy over the regulation of
8 greenhouse gases for those sources that would otherwise be
9 subject to federal regulation for greenhouse gases by the
10 United States environmental protection agency. ~~Pursuant to~~
11 ~~the provisions of W.S. 16-3-104(b)(i), the regulations~~
12 ~~promulgated and adopted pursuant to the authority granted~~
13 ~~in this subsection shall be effective on the date the~~
14 ~~department receives authority to submit an amended state~~
15 ~~implementation plan to the United States environmental~~
16 ~~protection agency as provided by subsection (h) of this~~
17 ~~section.~~ The department and council may promulgate new
18 source performance standards for greenhouse gases that are
19 no more stringent than federal greenhouse gas new source
20 performance standards.

21

22 (f) In no event shall any greenhouse gas emission
23 regulations, new source performance standards or potential
24 to emit thresholds promulgated pursuant to subsection (e)

1 of this section be more stringent than those imposed or
2 required by federal law. Regulations under subsection (e)
3 of this section shall only regulate those gases identified
4 by the United States environmental protection agency as
5 greenhouse gases.

6
7 (h) The department may submit an amended state
8 implementation plan providing for regulation of greenhouse
9 gases to the United States environmental protection agency
10 for approval. ~~only after the occurrence of the earlier of~~
11 ~~the following events:~~

12
13 (m) The governor shall certify to the secretary of
14 state the occurrence of any act which ~~repeals subsections~~
15 (e) through (k) of this section pursuant to subsection (j)
16 of this section. The effective date of such repeal of
17 subsections (e) through (k) of this section shall be the
18 date the governor's certification is filed with the
19 secretary of state.

20
21 **Section 2.** W.S. 35-11-213(h)(i), (ii), (m)(i) and
22 (ii) is repealed.

23

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)