

ORIGINAL SENATE
FILE NO. 0086

ENROLLED ACT NO. 16, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

AN ACT relating to public health and safety; providing for the promulgation and adoption of greenhouse gas regulations by the department of environmental quality and the environmental quality council; limiting regulations as specified; providing for a delayed effective date for the regulations as specified; providing conditions under which the state shall obtain and maintain primacy over greenhouse gas regulation; providing conditions under which the department may submit an amended state implementation plan for United States environmental protection agency approval; providing for a contingent repeal of the authority granted; and providing for an effective date.

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

Section 1. W.S. 35-11-213 by creating new subsections (e) through (m) is amended to read:

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

(e) Notwithstanding the provisions of subsections (a) through (d) of this section and pursuant to the provisions of subsections (e) through (k) of this section, the department and council shall adopt regulations to amend Wyoming's Clean Air Act state implementation plan and Wyoming's Title V operating permit program to the extent necessary to obtain state primacy over the regulation of greenhouse gases for those sources that would otherwise be subject to federal regulation for greenhouse gases by the United States environmental protection agency. Pursuant to the provisions of W.S. 16-3-104(b)(i), the regulations promulgated and adopted pursuant to the authority granted in this subsection shall be effective on the date the department receives authority to submit an amended state

ORIGINAL SENATE
FILE NO. 0086

ENROLLED ACT NO. 16, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

implementation plan to the United States environmental protection agency as provided by subsection (h) of this section.

(f) In no event shall any greenhouse gas emission regulations or potential to emit thresholds promulgated pursuant to subsection (e) of this section be more stringent than those imposed or required by federal law. Regulations under subsection (e) of this section shall only regulate those gases identified by the United States environmental protection agency as greenhouse gases.

(g) Notwithstanding W.S. 35-11-203(a), the department and the council are authorized to determine by regulation potential to emit thresholds for greenhouse gas emissions which are no more stringent than those imposed or required by federal law.

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

(i) The legislature enacts legislation apart from this section authorizing the department to submit an amended state implementation plan providing for the regulation of greenhouse gases to the United States environmental protection agency for approval; or

(ii) A federal court issues a final judgment on the merits of Wyoming's pending claims in *Utility Air Regulatory Group v. EPA*, docket no. 11-1037 (D.C. Cir.).

(j) Subsections (e) through (k) of this section and the authority granted in subsection (e) of this section to

ORIGINAL SENATE
FILE NO. 0086

ENROLLED ACT NO. 16, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

the department and the council to promulgate and adopt greenhouse gas regulations and all regulations adopted pursuant to subsection (e) of this section are repealed upon the occurrence of any one (1) of the following events:

(i) The United States congress enacts a law prohibiting the United States environmental protection agency from regulating greenhouse gases; or

(ii) A federal court issues a final judgment prohibiting the United States environmental protection agency from regulating greenhouse gas emissions from stationary sources.

(k) As used in this section, the term "final judgment" means a judgment issued by a federal court that is no longer subject to potential or ongoing appeal to any federal court with jurisdiction over the court judgment.

(m) The governor shall certify to the secretary of state the occurrence of any act which:

(i) Authorizes the department to submit an amended state implementation plan to the United States environmental protection agency thereby rendering regulations adopted pursuant to this section effective. The certification shall identify the date the department was authorized to submit an amended state implementation plan; or

(ii) Repeals subsections (e) through (k) of this section pursuant to subsection (j) of this section. The effective date of such repeal of subsections (e) through (k) of this section shall be the date the governor's certification is filed with the secretary of state.

ORIGINAL SENATE
FILE NO. 0086

ENROLLED ACT NO. 16, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk