

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor

Todd Parfitt, Director

IN THE MATTER OF A PERMIT APPLICATION (A0006524) FROM ASPHALT SPECIALTIES CO., INC. (CMP100493) TO CONSTRUCT THE LONE TREE CREEK QUARRY (F028222).

DECISION

I. INTRODUCTION:

The Air Quality Division of the Wyoming Department of Environmental Quality (Division or DEQ/AQD) received a permit application from Asphalt Specialties Co., Inc., to construct the Lone Tree Creek Quarry (F028222) located in the SW $\frac{1}{4}$ of Section 24, T13N, R70W and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, T13N, R70W, approximately nineteen (19) miles west of Cheyenne, in Laramie County, Wyoming. The applicant estimates an annual production rate of 500,000 tons per year. No hot mix asphalt plants or concrete batch plants are planned for this site.

The Division conducted an analysis of this application and on May 13, 2021, published a public notice of proposed intent to approve the application in the Wyoming Tribune Eagle in Cheyenne, Wyoming and online at <https://openair.wyo.gov>. The public notice stated that the permit application, agency's analysis, and the public notice were available for public inspection and that the material could also be viewed at the Open Air URL utilizing a public computer at the Laramie County Public Library. On the same day, the Division also provided a copy of the public notice for public inspection at the Laramie County Clerks Office. The public notice period ran from May 13, 2021, through June 14, 2021. A public hearing was held at 1:00 pm, Monday, June 14, 2021, in the Wyoming State Capital Extension, Public Meeting Room #6, located at 200 West 24th Street, Cheyenne, in Laramie County, Wyoming. The Division received 24 letters from the public and had 23 attendees at the public hearing.

II. ANALYSIS OF COMMENTS:

Comment #1

The Division received comments stating that the wind speeds used to estimate emissions were inaccurate.

Response

The Division uses average wind speed as one of the factors in an EPA formula used to estimate the expected particulate emissions from truck loading and stockpiling. As a standard practice, the emissions are expressed in terms of tons per year. By expressing the expected emissions in terms of tons per year, the Division can make direct comparisons with the estimated emissions from other facilities. Additionally, the total amount of material crushed and/or hauled from the quarry will be limited on a tons per year basis, which further supports the expression of the emissions from the quarry on a per-year basis. The appropriate measure of wind for a calculation of tons per year emissions is the average yearly wind speed. In this particular case, the wind speed of 12.4 miles per hour is the average wind speed measured at the Cheyenne Airport, which is the closest representative site. Asphalt Specialties Co., Inc. will be required to control fugitive dust from the quarry through sufficient use of water or chemical dust suppressant on all work areas, and these requirements will apply during all operating conditions, including periods of high winds. No changes will be made to the permit as a result of this comment.

Comment #2

The Division received comments regarding concern over fugitive dust associated with operations at the quarry during normal operations and during high wind conditions.

Exhibit DEQ 09

Response

Wyoming Air Quality Standards and Regulations (WAQSR) requires Best Available Control Technology (BACT) in all permitting actions. However, compliance with BACT does not mean there will be no air quality impact. Estimated emissions from activities at the quarry were calculated using approved emission factors and operational information from the applicant. Because the emission estimates are on an annual basis, average conditions (e.g., wind velocity) are used in the emission calculations. Control efficiencies are applied to the emissions to reflect the application of BACT. This is the same methodology used to calculate emissions at large surface coal mines.

The Division has considerable experience in permitting these types of operations throughout the State and has determined that application of water and/or dust suppressant is an effective means of controlling emissions from crushing, screening, exposed acreage and haul roads, and as such represents BACT for this type of operation. Any crushing/screening equipment located at this quarry will be required to have a separate, valid air quality permit for which BACT will have been applied. Proposed permit conditions will require Asphalt Specialties Co., Inc. to control fugitive emissions at the quarry, which are as follows:

Respective conditions from permit:

10. Asphalt Specialties Company, Inc. shall stabilize the exposed areas against wind erosion at the quarry. Newly disturbed areas shall be treated within sixty (60) days of completion of stripping unless otherwise approved by the Division. Reclamation areas shall be stabilized against wind erosion within sixty (60) days of reaching the approved post mining topography, unless otherwise approved by the Division. Stabilization practices may consist of ripping or chiseling to create a roughened surface, seeding with a temporary vegetative cover or other practices which effectively stabilize against wind erosion. Localized areas identified for equipment storage/staging, work areas and required buffers for haul roads and reclamation are not required to be stabilized.
11. That all work areas and stockpiles shall be treated with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust. At a minimum, two (2) applications of chemical dust suppressant shall be applied annually to all work areas in accordance with the manufacturer's recommendations. The chemical dust suppressant shall be maintained continuously to the extent that it remains a viable control measure, which may require additional applications. All work areas shall receive an initial treatment of chemical dust suppressant prior to any activities at the beginning of each construction season.
12. Asphalt Specialties Company, Inc. shall maintain a log book listing the dates, amount of dust suppressant applied, areas treated, water usage and operating hours of the water trucks. The log shall be maintained on site for a period of at least five (5) years and shall be made available to the Division upon request.
13. Asphalt Specialties Company, Inc. shall pave the haul road from the quarry to Harriman road within ninety (90) days of initial startup.

In addition to the permit conditions, Chapter 3, Section 2(f) of the WAQSR requires sources operating in Wyoming to control fugitive dust emissions, and lists dust control measures as appropriate for minimizing fugitive dust from construction/demolition activities, and handling and transporting materials. Citizens with concerns about fugitive dust compliance should contact the Division. Division personnel will be conducting periodic inspections (announced and unannounced) at the Lone Tree Creek Quarry to insure compliance with permit conditions and air quality regulations. Questions regarding compliance should be directed to the District Engineer, Cheyenne (307) 777-6993 or Stationary Source Compliance Program Manager, Cheyenne (307) 777-3774. No changes will be made to the permit as a result of this comment.

Comment #3

The Division received comments regarding concerns over potential health risks associated with silica generated from the quarry.

Response

The National Ambient Air Quality Standards (NAAQS) and the Wyoming ambient air quality standards (WAAQS) listed in the WAQSR are health-based air pollution standards. Primary ambient air quality standards set limits to protect public health, including the health of populations that may be more sensitive to air contaminants such as individuals with underlying lung disease, children and the elderly.

The NAAQS/WAAQS for particulate matter are set out in Chapter 2, Section 2 of the WAQSR. Crystalline silica is a particulate matter with an aerodynamic diameter less than or equal to four (4) microns in size (PM₄). While there is not a specific NAAQS/WAAQS for PM₄, particulate matter of that diameter falls within the scope of the PM₁₀ standards.

WAQSR requires BACT for all ambient standard air pollutants in all permitting actions. However, compliance with BACT does not mean there will be no air quality impact. Control efficiencies are applied to the emissions to reflect the application of BACT. Compliance with the conditions of the permit are required during all operating conditions. As previously stated, proposed permit conditions and Wyoming's air quality regulations require Asphalt Specialties Co., Inc. to control fugitive dust emissions at the quarry. No changes will be made to the permit as a result of this comment.

Comment #4

The Division received comments requesting the use of alternative dust suppressant around the quarry.

Response

The Division has determined that application of water and/or chemical dust suppressant is an effective means of controlling emissions from crushing, screening, exposed acreage and haul roads, and as such represents BACT for this type of operation. The Division proposed conditions for the permit in order to minimize fugitive emissions. See response to Comment #2. No changes will be made to the permit as a result of this comment.

Comment #5

The Division received comments regarding the location and activities at the quarry in relation to the elementary school.

Response

The WAQSR requires that facilities be located in accordance with proper land use planning as determined by the appropriate State or local agency charged with such responsibility. If counties have restrictions on quarry locations, the applicants will be required to meet the requirement as part of the air quality permitting process. As part of the permit application, Asphalt Specialties Company, Inc. provided the Division with a letter dated February 10, 2021, from the Laramie County Planning and Development Department approving the use. The documentation provided to the Division meets the WAQSR requirement for proper land use planning [Chapter 6, Section 2(c)(iv)]. See response to Comment #3.

Additionally, the Division evaluates whether a proposed facility will prevent the attainment or maintenance of any ambient air quality standard. Ambient standards are set at levels necessary to protect public health and welfare. Ambient air is that portion of the atmosphere, external to buildings, to which the general public has access. [WAQSR Chapter 2, Section 1]. The Division has determined that the proposed facility will not prevent the attainment or maintenance of any ambient air standard. Therefore, no changes will be made to the permit as a result of this comment.

Comment #6

The Division received comments requesting the installation of meteorological and particulate sampling equipment at the quarry to monitor operations at all time.

Response

Air quality permits for surface coal mine operations in Wyoming include meteorological and particulate matter monitoring requirements. The amount of particulate emissions for surface coal mines are often estimated to be more than 2,000 tons per year (tpy) and the typical size of the disturbed acres is generally more than 2,000 acres. It has been the Division's experience that the monitoring conducted by those large surface coal mines generally demonstrates compliance with the ambient standards for particulate matter. The proposed 15-acre quarry is much smaller in size and has a significantly smaller potential amount of emissions than one of those large surface coal mines. Therefore, the Division has determined that compliance with permit conditions and the WAQSR is sufficient for a quarry of this size to demonstrate that emissions from the proposed facility will not prevent the attainment or maintenance of any ambient air quality standard. Thus, meteorological and particulate matter monitoring is not necessary and no changes will be made to the permit as a result of this comment.

Comment #7

The Division received comments regarding concern over the number of quarries in the area.

Response

The Board of County Commissioners for Laramie County is vested with land use planning authority for Laramie County, Wyoming. *See Asphalt Specialties Co., Inc. v Laramie County Planning Comm'n, 2021 WY 19 (2/1/2021); see also Laws 2021, ch. 161 § 1 and Clean Air Act § 131 (Clean Air Act provision preserving local land use authority).* The Division regulates Wyoming's air resources. With respect to air quality permitting, the Division requires each applicant to comply with the requirements of Chapter 6, Section 2(c) of the Wyoming Air Quality Standards and Regulations, which includes a demonstration by the applicant that it will be located in accordance with proper land use planning. As part of its air quality permit application, Asphalt Specialties Co., Inc. provided the Division with documentation that the proposed facility will be located in accordance with proper land use planning for Laramie County. No changes will be made to the permit as a result of this comment.

Comment #8

The Division received comments requesting that all crushing/screening operations occur in enclosures while in operation at the quarry.

Response

This permit application is for an aggregate quarry. The Division estimated and analyzed emissions from the quarry, including crushing/screening emissions. See Application Analysis at § 3. The Division's analysis noted that it applied a fifty percent (50%) control efficiency for water application during portable crushing/screening operations, resulting in total estimated emissions of 3.8 tpy TSP, 1.4 tpy PM₁₀, and 0.1 tpy PM_{2.5}. The Division's analysis also noted and the Division proposed a permit condition requiring that any crushing/screening equipment have separate air quality permit(s) prior to locating/operating at the quarry. The reason for that condition is because the Division requires BACT in all permitting actions involving construction and modification. While BACT for crushing and screening operations has typically been the application of water to minimize fugitive particulate matter emissions, other control technologies such as enclosures could be evaluated as part of the specific crushing/screening equipment permit application BACT analyses. Because that equipment will be separately permitted, no changes will be made to this permit as a result of this comment.

Comment #9

The Division received comments regarding radon levels increasing from blasting.

Response

The Wyoming Department of Health manages Wyoming's radon program. Commenters may contact the Wyoming Department of Health with questions regarding radon. The Wyoming Department of Health can be reached at (307) 777-7656. The Wyoming Radon Program can be reached at (307) 777-6015. No changes will be made to the permit as a result of this comment.

Comment #10

The Division received comments requesting blasting notifications be sent to all surface owners.

Response

The Wyoming Department of Environmental Quality (WDEQ) Land Quality Division regulates blasting in surface coal mining in Wyoming, and has a Memorandum of Understanding (MOU) with the Wyoming Mine Inspector for all other mining operations in the state. The Land Quality Division's regulatory duties include issuing Blaster Certifications, review of shot reports for compliance and investigation and enforcement of blasting related concerns or complaints. Commenters may contact the Land Quality Division with questions regarding blasting. The Land Quality Division can be reached at (307) 777-7756. No changes will be made to the permit as a result of this comment.

Comment #11

The Division received comments regarding the reclamation plans for the site.

Response

The Land Quality Division has authority over reclamation requirements. See Land Quality Rules, Chapter 10, Section 5; see also LQD's General Performance Standards for Limited Mining Operations. Commenters may contact the Land Quality Division with questions regarding reclamation. The Land Quality Division can be reached at (307) 777-7756. No changes will be made to the permit as a result of this comment.

Comment #12

The Division received comments regarding water contaminants from fugitive dust emissions and mining operations.

Response

The Water Quality Division has authority over Wyoming's water quality resources. The Water Quality Division works to keep Wyoming's water clean by monitoring and protecting surface and groundwater. Commenters may contact the Water Quality Division with questions regarding water contaminant and quality issues. The Water Quality Division can be reached at (307) 777-7781. No changes will be made to the permit as a result of this comment.

Comment #13

The Division received comments regarding water quantity issues, these issues include; water for livestock, water for the fire district, wildfire water, agricultural irrigation, water that flows to the aquifer, water that flows through the creek, water supply for dust suppression at the quarry, and water supply for residential use.

Response

The Wyoming State Engineer's Office is responsible for the regulation and administration of water rights. Commenters may contact the Wyoming State Engineer's Office with questions regarding water rights. The Wyoming State Engineer's Office can be reached at (307) 777-6150. No changes will be made to the permit as a result of this comment.

Comment #14

The Division received comments regarding road debris.

Response

Asphalt Specialties Co., Inc. shall comply with all requirements of WAQRS Ch.3 Sec. 2 (f)(i)(C) which requires *"Any person who is engaged in construction or demolition activities which tracks earth or other materials onto paved streets shall promptly remove such material by water or other means."* No changes will be made to the permit as a result of this comment.

Comment #15

The Division received comments regarding covering haul trucks.

Response

Asphalt Specialties Co., Inc. shall comply with all requirements of WAQRS Ch.3 Sec. 2 (f)(ii)(B) which requires *"When transporting materials likely to give rise to airborne dust, open bodied trucks shall be covered when in motion."* No changes will be made to the permit as a result of this comment.

Comment #16

The Division received comments regarding the roads outside of the facility's boundary, these comments include; damages to the road and amount of traffic on the road.

Response

The Air Quality Division has authority to regulate air emissions from haul roads located within facility boundaries. Permit condition no. 13 requires Asphalt Specialties Co., Inc. to pave the haul road within its facility boundary to Harriman Road. Use and maintenance of public roads that are outside of the facility boundary falls to other governmental entities in accordance with their statutory authorities. Therefore commenters may contact those agencies with their concerns. The Laramie County Public Works' Department may be reached at 307-633-4302. No changes will be made to the permit as a result of this comment.

Comment #17

The Division received comments regarding what types of changes can be made to the site and what will require public notice.

Response

Chapter 6, Section 2(a)(i) of the Division's rules requires that a new permit be issued for any modification that increases emissions at the quarry. The proposed modification permit would go through the same process as the original permit which includes a public comment period. Changes that fall under chapter 6, section 2(k) are not subject to public comment. No changes will be made to the permit as a result of this comment.

Comment #18

The Division received comments regarding the haul road within the facility. These comments include: enlarging and paving the haul road, installing a buffer along the haul road, limiting travel to established mine roads, and limiting speed on haul roads.

Response

Particulate emissions from the haul road and haul trucks are considered to be fugitive dust emissions because those emissions do not pass through a "stack, chimney, vent, or other functionally equivalent opening." See WAQSR, Ch. 1, §3(a). Fugitive dust control requirements are established through the BACT process and under Chapter 3, Section 2(f) of Wyoming's Air Quality Standards and Regulations. The Division considers the paving of the haul road from the quarry to Harriman Road to represent BACT. See response to Comment #2 and permit condition no. 13. The haul road for the facility will be paved and there will be no unpaved haul roads. Therefore, no changes will be made to the permit as a result of this comment.

Comment #19

The Division received comments about limiting hours of operation.

Response

“Potential to emit” is the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. *See* WAQSR, Ch. 6, Sec. 4(a). Physical or operational limits on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or the type or amount of material processed are treated as part of the source’s design if the limitation or the affect it would have on emissions is enforceable. Asphalt Specialties Co., Inc. application included a 500,000 ton annual production rate limit. The Division analyzed emissions using that production rate limit, and in permit condition no. 9 established that production rate as an enforceable maximum production rate at the quarry because that would limit the quarry’s potential-to-emit (PTE). *See Application Analysis at Appendix A*. Because the quarry’s PTE is limited by the production rate, an hours of operation restriction is not needed. The Division is satisfied that the maximum production rate limit and other control requirements established through the BACT process will ensure the quarry emissions will not prevent the attainment or maintenance of the ambient air standards for particulate matter. Therefore, no changes will be made to the permit as a result of this comment.

Comment #20

The Division received comments regarding permitting requirements for a Hot Mix Asphalt Plant.

Response

This permit does not authorize a Hot Mix Asphalt Plant as per Condition 8 of the permit. Condition 8 states “*Concrete batch plants and hot mix asphalt plants cannot be located/operated at this site unless authorized by an appropriate permit modification*”. Hot mix asphalt plants have individual air quality permits, as this equipment is portable. Emissions from the hot mix asphalt plant are addressed through the permitting process and BACT review. BACT thresholds, emission testing, monitoring and record keeping requirements, as necessary, are placed on the owners and operators of the portable equipment as those permits are issued. No changes will be made to the permit as a result of this comment.

Comment #21

The Division received a comment requesting that the drop points be limited on height.

Response

Crushing/screening equipment have individual air quality permits, as this equipment is portable. Emissions from the crushing/screening equipment are addressed through the permitting process and BACT review. The Division considers the use of a wet suppression system to control fugitive emissions from crushing/screening operations as BACT. These crushing/screening operations include dust control for conveyor transfer/drop points. No changes will be made to the permit as a result of this comment.

Comment #22

The Division received a comment requesting Asphalt Specialties Co., Inc. to comply with applicable sections of 40 CFR, Part 60, subpart OOO.

Response

40 CFR, Part 60, subpart OOO is an EPA New Source Performance Standard (NSPS) for Nonmetallic Mineral Processing Plants. The primary purpose of a NSPS is to attain and maintain ambient air quality. EPA promulgated subpart OOO on August 1, 1985 (50 FR 31328). Subpart OOO applies to affected facilities for which construction, modification, or reconstruction commenced on or after August 31, 1983 at plants that process any of 18 specific nonmetallic minerals. The affected facilities are each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. Applicable sections of 40 CFR, Part 60, subpart OOO must be followed for any affected facilities that may be operated at the quarry. Because this permit is for the quarry itself, and the quarry is not an affected facility, 40 CFR, Part 60, subpart OOO is not applicable to the quarry. No changes will be made to the permit as a result of this comment.

Comment #23

The Division received a comment stating that the beauty of land will be ruined with a Quarry.

Response

In granting a permit, the Department may impose conditions consistent with its rules, regulations, and standards that are necessary to accomplish the purpose of Wyoming's Environmental Quality Act. W.S. § 35-11-801. Aesthetics are factored into the Wyoming Air Quality Standards and Regulations when ambient air standards or emission control requirements are established. *See* W.S. § 35-11-202(b)(E). In accordance with those standards, major sources whose emissions may affect visibility in Federal Class I areas are required to analyze and demonstrate that the proposed source will not cause an adverse impact on visibility in Class I areas. *See* Chapter 6, Section 2(n)(i) and Chapter 9, Section 2(e). The quarry is a minor emissions source. Therefore, the Division does not require a visibility impact analysis. No changes will be made to the permit as a result of this comment.

Comment #24

The Division received comments requesting PM_{2.5} lbs/hr emission factors.

Response

The EPA's current AP 42 methodology for calculating PM at quarries focuses on calculating tons per year and not lbs (pounds) per hour. As a standard practice, the emissions are expressed in terms of tons per year. By expressing the expected emissions in terms of tons per year, the Division can make direct comparisons with the estimated emissions from other facilities. Additionally, the total amount of material crushed and/or hauled from the quarry will be limited on a tons per year basis, which further supports the expression of the emissions from the quarry on a per-year basis. No changes will be made to the permit as a result of this comment.

Comment #25

The Division received comments on short term PM_{2.5} emission modeling.

Response

The method the Division uses to assess the potential impact of an individual source’s emissions depends on the nature of the source and its emissions. One of the most frequently used emission estimating methodologies for air quality permitting is referred to as EPA “AP-42 Emission Factors.” An “emission factor is a representative value that attempts to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant.” See EPA’s AP-42, Fifth Edition Compilation of Air Pollutant Emissions Factors, Volume 1, Introduction, pg. 1. The Division’s application analysis used AP-42 Emission Factors and estimated PM2.5 emissions of 0.6 tons per year from the Quarry (exposed acreage, truck loading, and stockpiling) and 0.1 tons per year from the haul road.

If emissions are over certain levels, the Division generally requires a more complex and sophisticated analysis such as computer modeling. Air quality computer modeling involves the use of complex scientific analytical models to estimate ambient pollution concentrations at modeled receptor locations. EPA regulations and guidance require modeling if a major source of emissions emits the pollutant in an amount equal to or greater than the significant emission rate for that pollutant (a major stationary source generally emits more than 250 tons per year of a single pollutant, see WAQSR Ch. 6, § 4(a)). In the case of PM2.5, the significant emission rate for direct emissions of PM2.5 is 10 tons per year. See WAQSR Ch.6, §4(a). The total annual estimated PM2.5 emissions from the Quarry and Haul Road total 0.7 tons per year and is therefore well-under the computer modeling threshold.

In lieu of modeling, large Wyoming mines that emit fugitive particulate matter emissions run air monitors to record pollution concentrations. The following table shows the monitored particulate matter values at several large Wyoming mines and at an ambient monitoring station located in Converse County:

NAAQS/WAAQS PM ₁₀ 24-Hour Standard is 150 µg/m ³						
NAAQS/WAAQS PM _{2.5} 24-Hour Standard is 35 µg/m ³						
Pollutant	Monitoring Station	2016	2017	2018	2019	2020
PM ₁₀	Belle Ayr Mine BA-4	38	71*	37	28	50
PM _{2.5}	PRB-Belle Ayr	23.9	79.9^	38.5*	10.7	21.7*
PM ₁₀	Antelope Site 7	35	103*	74	46	70*
PM _{2.5}	PRB-Antelope	20.3	43.7^	11.0	18.8	31.5*
PM ₁₀	Converse County	62	122*	157	155†	75

Table 1. Annual Maximum 24-Hour PM Block Averages at Select Industrial & AQD Monitoring Stations. Units are µg/m³.

* Data are flagged with IT denoting possible influences from wildfire smoke.

^ Data are flagged with RT denoting the AQD has requested the data be excluded from the record as an exceptional event due to wildfire smoke.

† Data are flagged with IL denoting an unknown condition.

The Division’s experience is that concentrations from an aggregate pit will not cause an exceedance of the NAAQS/WAAQS. No changes will be made to the permit as a result of this comment.

Comment #26

The Division received comments on method 9 requirements.

Response

The EPA's Method 9 test is used to determine the opacity of an emissions plume from a stationary source discrete emission point. *See* EPA Test Method 9, 40 C.F.R. Part 60, Appendix A-4. Emissions from some stationary sources come from discrete single points such as a stack. Method 9 may be used to determine the opacity of emissions from those discrete outlets. For that type of stationary source equipment, the Division will set opacity limits where compliance is determined with Method 9 for equipment with a discrete outlet, for example the process equipment that may be located at the quarry. All stationary sources located at the site are required to have an Air Quality permit. (*See* Permit Condition No. 7). The emissions from the quarry itself will not be from a discrete emissions plume but will be from a broader surface area. Therefore, EPA's Method 9 test is not appropriate. Although opacity is not able to be measured, Condition 11 of the Permit requires Asphalt Specialties Co., Inc. to treat all work areas and stockpiles with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust. *See also*, WAQSR, Ch. 3, § 2 (f) requiring sources to control fugitive dust emissions.

Comment #27

The Division received comments on why an environmental impact study was not performed.

Response

The Wyoming Industrial Information And Siting Act applies to the construction of large industrial facilities located in Wyoming. The quarry does not meet the jurisdictional threshold for analysis under the Act. Wyoming's air quality permitting regulations require that the permit applicant demonstrate that "the proposed facility will be located in accordance with proper land use planning as determined by the appropriate state or local agency charged with such responsibility." WAQSR, Ch. 6 § 2(c)(iv). The Division reviewed the letter dated February 10, 2021 from the Laramie County Planning and Development Department and was satisfied that the quarry met the permitting requirements. *See* Application Analysis A0006524 at § 8. The Division is also satisfied that the control requirements established through the BACT process will ensure that this 15-acre pit complies with all applicable requirements of the Wyoming Air Quality Standards and Regulations. The Division is further satisfied that the facility is not located within any sage grouse core areas or any antelope and mule deer migration corridors. Any operating stipulations established by a local agency are enforceable by that agency. No changes will be made to the permit as a result of this comment.

Comment #28

The Division received comments on requiring a dust control supervisor be on site during working hours.

Response

The Division is satisfied that the control requirements established through the BACT process will ensure that Asphalt Specialties Co., Inc. complies with all applicable requirements of the Wyoming Air Quality Standards and Regulations for the pit. No changes will be made to the permit as a result of this comment.

Comment #29

The Division received comments regarding selenium levels at the site.

Response

Based on the surface water and groundwater quality data available for this area, the WDEQ Water Quality Division is not aware of any current concerns with selenium contamination. The surface water samples from the closest tested sources has shown total selenium surface water concentrations of <1 ug/L which are below most stringent surface water numeric criterion of 5 ug/L, which is protective of aquatic life. The available groundwater quality data ranges from < 1 ug/L near the Quarry to 3.7 ug/L several miles to the west. These groundwater concentrations are well below Wyoming's groundwater standard for domestic use of 50 ug/L, which is also the EPA drinking water standard. The Water Quality Division is responsible for addressing water contaminant and water quality issues. The Water Quality Division can be reached at (307) 777-7781. For questions regarding health effects of selenium may contact the Wyoming Department of Health. The Wyoming Department of Health can be reached at (307) 777-7656. No changes will be made to the permit as a result of this comment. No changes will be made to the permit as a result of this comment.

Comment #30

The Division received comments on requiring a written exposure control plan and a hazards communication plan.

Response

The air pollution emission control requirements established through the BACT process will ensure Asphalt Specialties Co., Inc. complies with all applicable requirements of the WAQSR for the pit. Any other operational requirements that may be established or required by other agencies fall under the jurisdiction of those agencies. No changes will be made to the permit as a result of this comment.

Comment #31

The Division received comments on requiring proper application of moisture to ensure optimal spray efficiency is achieved producing a water-based atomized fog in order to control dust.

Response

The Division is satisfied that the control requirements established through the BACT process will ensure the pit complies with all applicable requirements of the WAQSR. Through the BACT process the Division allows companies to utilize water or chemical dust suppressants to meet permit requirements. No changes will be made to the permit as a result of this comment.

Comment #32

Asphalt Specialties Co., Inc. would like to clarify there was an error in the air permit application (A0006524) regarding blasting emissions. The correct estimated horizontal blast area will be 10,663 sq. ft. per blast and the estimated amount of blasting agent used will be 210 tons per year (tpy) of ANFO. Based on this information, new estimated emissions from blasting at the quarry as calculated in Appendix A of the permit analysis will reflect the following values:

TSP = 0.3 tpy

NO_x = 1.8 tpy

CO = 7.0 tpy

SO₂ = 0.2 tpy

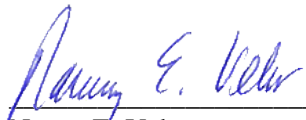
Response

The Division notes the comment and will incorporate the comment into the record for the permit application; however, the Division will not revise the permit application analysis to include this additional information as the Division does not reissue the analysis after it has been published for public comment as it is now part of the administrative record. Asphalt Specialties Co., Inc.'s new estimated emissions from blasting remain well under the significance threshold for each of the affected pollutants, do not change any BACT requirement, and will not prevent the attainment or maintenance of any ambient standard. Therefore, no changes will be made to the permit as a result of this comment.


IV. DECISION:

The Division's review and analysis of Asphalt Specialties Co., Inc.'s original and revised applications, and consideration of comments received during the public comment and Asphalt Specialties Co., Inc.'s subsequent response, the Department of Environmental Quality has determined that the permit application filed by Asphalt Specialties Co., Inc. complies with all applicable Wyoming Air Quality Standards and Regulations and that a permit will be issued to Asphalt Specialties Co., Inc.

Dated the 6 day of December, 2021



Nancy E. Vehr
Administrator
Wyoming Air Quality Division



Todd Parfitt
Director
Wyoming Department of Environmental Quality