



Mark Gordon, Governor

# Department of Environmental Quality

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



Todd Parfitt, Director

**October 21, 2024**

COMMENT RESPONSE CONCERNING THE PROPOSED WYOMING AIR QUALITY STANDARDS AND REGULATIONS (WAQSR), REVISIONS TO WAQSR CHAPTER 2, AMBIENT STANDARDS; CHAPTER 3, GENERAL EMISSION STANDARDS; CHAPTER 4, STATE PERFORMANCE STANDARDS FOR SPECIFIC EXISTING SOURCES; CHAPTER 5, NATIONAL EMISSION STANDARDS; CHAPTER 6, PERMITTING REQUIREMENTS; CHAPTER 8, NONATTAINMENT AREA REGULATIONS; CHAPTER 11, NATIONAL ACID RAIN PROGRAM; AND CHAPTER 14, EMISSION TRADING PROGRAM REGULATIONS.

A public notice for the proposed rule was published in a statewide newspaper (the Wyoming Tribune Eagle), as well as on the Wyoming Department of Environmental Quality's (WDEQ) listserv on August 30, 2024. The WDEQ - Air Quality Division (AQD) is taking this opportunity to respond to all comments received by 5:00 p.m. on October 14, 2024 (the close of the public comment period). Within the public notice, the AQD specified that comments had to be submitted in one of the three following manners: mailed to Administrator, Air Quality Division, 200 West 17th Street, Cheyenne, Wyoming, 82002; faxed to 307-635-1784; or submitted via the WDEQ's electronic public comment form, found at <http://aq.wyomingdeq.commentinput.com/>. As such, comments that were submitted to the AQD by email are outside the scope of the public notice language and, per the Wyoming Administrative Procedures Act, the AQD cannot consider nor include these comments in its administrative record. WDEQ received 343 emails that were submitted outside the scope of the public notice and were not considered by the WDEQ. 340 of these emails contained duplicative form language, and three were individual, unique emails.

## OVERVIEW OF COMMENTS RECEIVED

During the public comment period (August 30, 2024 – October 14, 2024) the AQD received 128 individual comment letters through its SmartComment portal. Comments were received from members of the general public and environmental advocacy groups.

All comment letters submitted in accordance with the public notice, received by the Division, and cited in this document can be accessed from the Environmental Quality Council (EQC) electronic docket, which is accessible at <https://eqc.wyo.gov/Public/Dockets.aspx>.

## COMMENT LOG

The following log tracks all of the comments the AQD received through its SmartComment portal. There were no written comments mailed to Administrator, Air Quality Division, 200 West 17<sup>th</sup> Street, Cheyenne, Wyoming 82002 or faxed to 307-635-1784 as public noticed. As such, these comments constitute all of the comments received on the R-37 proposed rulemaking to be included in the administrative record.



<b>First Name</b>	<b>Last Name</b>	<b>Date Submitted</b>
Eric	Dalton	10/4/2024
Werner	Studer	10/4/2024
Bonnie	Fiedor	10/5/2024
Shana	Tarter	10/6/2024
Hannah	Maymont	10/7/2024
Jack	Braun	10/9/2024
Alex	Richardson	10/9/2024
Toni	Watt	10/9/2024
Seth	Wright	10/9/2024
Micah	Brogden	10/9/2024
Tina	Fife	10/9/2024
Frank	NeVille	10/9/2024
Michael	Mangum	10/9/2024
Patrick	Scrak	10/9/2024
Alexandria	Roswick	10/9/2024
Michael	Bond	10/9/2024
Me	You	10/9/2024
Cherie	Douglass	10/9/2024
James	Ladwig	10/9/2024
Jason	Hansen	10/9/2024
Bill	Burleigh	10/9/2024
Karla	Bird	10/9/2024
Samuel N.	Dragoo	10/9/2024
Cheryl	Black	10/9/2024
Michael	Ridley	10/9/2024
Clinton	Blake	10/9/2024
Tony	Hager	10/9/2024
Luke	Schultz	10/9/2024
Doyal	Waterworth	10/9/2024
Helenanne	Cathey	10/9/2024
Mary	Keller	10/10/2024
Peter	Dennis	10/10/2024
Gina	Heninger	10/10/2024
Richard	Ward	10/10/2024

Hillary	Proctor	10/10/2024
Gregory	Zeigler	10/11/2024
William	Wiley	10/11/2024
Jason	Simoneaux	10/11/2024
Tammie	Cowherd	10/11/2024
Michael	Mangum	10/11/2024
Lars	Moller	10/11/2024
Lynne	Bryant	10/11/2024
Dan	Miller	10/11/2024
Pru	Marshall	10/11/2024
James	Tagart	10/11/2024
Collin	Rudkin	10/11/2024
Gerri	McCulloh	10/11/2024
Barbara	Easterlin	10/11/2024
Bob	Tschetter	10/11/2024
Mary	Brooks	10/11/2024
Wade	Owen	10/11/2024
Mary	Mercado	10/11/2024
Leila	Bruno	10/11/2024
Kathleen	Farstad	10/11/2024
Darrell	milller	10/11/2024
Brook	Yeomans	10/11/2024
Christina	Herrits	10/11/2024
Lydia	Dambekalns	10/11/2024
Wendy	Goode	10/11/2024
Sheila	Kain	10/12/2024
Patrick	Barry	10/12/2024
Kathleen	Quinn	10/12/2024
Rebecca	Shank	10/12/2024
Steven	Donham	10/12/2024
Cynthia	Willson	10/12/2024
Ellen	Blakey	10/12/2024
Terryl	Eckert	10/13/2024
Charles	Thomas	10/14/2024
Brad	Parry	10/14/2024

Kelly	Baxter	10/14/2024
Gregg	Randolph	10/14/2024
LISA	PAINTER	10/14/2024
David	Moxam	10/14/2024
Sean	Harrington	10/14/2024
Thomas	Kelly	10/14/2024
Elizabeth	Waldron-Knight	10/14/2024
Christopher	Dresang	10/14/2024
Mindy	White	10/14/2024
Noah	Osnos	10/14/2024
Cathi	Nicol	10/14/2024
Tausha	McDowell	10/14/2024
Paul	Taffa	10/14/2024
Tea	Obreht	10/14/2024
Joseph	Dougherty	10/14/2024
Charles	Ross	10/14/2024
Neil & Jennifer	Miller	10/14/2024
Harold	Clayton	10/14/2024
Melissa	oberhaus	10/14/2024
John	Doe 2nd	10/14/2024
sharon	Lovercheck	10/14/2024
Angela	Kinsolving	10/14/2024
Tandie	Opsal	10/14/2024
Paul	Taylor	10/14/2024
Tom	Factor	10/14/2024
Paul	Dority	10/14/2024
Rene	Camino	10/14/2024
Roman	Barczynski	10/14/2024
Mark	Antrim	10/14/2024
Marie	Ford	10/14/2024
Lori	Brand	10/14/2024
Chris	Kirol	10/14/2024
Bridgette	Savino	10/14/2024
Aida	Farag	10/14/2024

Mark	Calhoun	10/14/2024
Rebecca	Studer	10/14/2024
mark	jenkins	10/14/2024
John	Rutecki	10/14/2024
Alisha	Wright	10/14/2024
Amy	Jones	10/14/2024
Steve	Swanicke	10/14/2024
Kristine	Hunter	10/14/2024
Maia	ROSE	10/14/2024
Wallace	Ulrich	10/14/2024
Susan	Mottram	10/14/2024
Bethany	Baldes	10/14/2024
Jennifer	Ahern	10/14/2024
Kevin	Mahaffey	10/14/2024
Anthony	Eads	10/14/2024
Eric	Catuccio	10/14/2024
Lander	Burton	10/14/2024
Roberr	Caspar	10/14/2024
Shelley	StOnge	10/14/2024
Jana	Weber	10/14/2024
Bonnie	Fransen	10/14/2024
William	Eddy	10/14/2024
Donna	Mikuta	10/14/2024
Mark	Johnson	10/14/2024
David	Moyte	10/14/2024

## COMMENTS AND RESPONSE

### GENERAL COMMENTS:

The AQD read and evaluated all 128 comments received on the R-37 proposed rulemaking through its SmartComment portal. Essentially all of the comments received were directed towards Methane regulations for the oil and natural gas industry that were promulgated by the Environmental Protection Agency (EPA) and are already federally effective for affected facilities, which are already required to comply with the requirements regardless of the R-37 proposed rulemaking. Therefore, the majority of comments did not directly address the specific actions undertaken in WDEQ-AQD's proposed rulemaking, which involves the direct incorporation of the requirements of 40 Code of Federal Regulations (CFR) Part 60, subpart OOOOb into Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations. The requirements of 40 CFR Part 60, subpart OOOOb were promulgated by EPA on March 8, 2024 (89 Federal Register 16820) and have been federally effective since May 7, 2024. Wyoming DEQ has delegated authority from EPA over all New Source Performance Standards contained in 40 CFR Part 60 that it directly incorporates into Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations, which is the intent of the proposed revisions. Almost all of the comments received, whether they expressed support for Methane regulation (115 comments) or opposition to Methane regulation (13 comments), were directed towards the requirements contained in the already finalized, already federally effective 40 CFR Part 60, subpart OOOOb. Only four comments (those submitted by John Rutecki, Lars Moller, Christopher Dresang, and Roberr Caspar) acknowledged that the nature of the R-37 proposed rulemaking involves incorporating New Source Performance Standards under 40 CFR Part 60, subpart OOOOb that are already federally effective, although these comments were mostly focused on providing general commentary on Methane regulation.

There were no comments made on the proposed R-37 rule package that pertained to other publicly noticed chapters or sections within the Wyoming Air Quality Standards and Regulations other than the proposed revisions to Chapter 5, Section 2. Regarding comments on the proposed revisions to Chapter 5, Section 2, there were no comments that addressed technical or procedural aspects of the rulemaking. As a result, WDEQ-AQD is issuing one comprehensive response to all comments received.

### **Response:**

WDEQ-AQD thanks you for submitting your comment on the proposed R-37 rule package and the proposed revisions to Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations. WDEQ-AQD is not introducing any new requirements for the oil and natural gas industry through the proposed R-37 rulemaking that are not already federally effective as a result of 40 CFR Part 60, subpart OOOOb; it is simply incorporating the existing New Source Performance Standards contained in federal rule so that affected facilities in the State of Wyoming can interface with Wyoming DEQ's Compliance and Enforcement Program in complying with the requirements of the rule rather than interface with EPA.

Your comments have been added to the Wyoming Environmental Quality Council's (EQC) Docket for the proposed rulemaking (Docket #24-2101) and have been received by the EQC. The EQC will consider the proposed revisions at a public hearing to be held at 9:00 a.m. on October 23, 2024, at Room 127 of the

Hathaway Building, 2300 Capitol Ave, Cheyenne, WY 82001. Individuals interested in attending the video conference may contact Joe Girardin at (307) 777-7170 or [joe.girardin@wyo.gov](mailto:joe.girardin@wyo.gov) for assistance.

The EQC will consider the proposed rulemaking, comments received on the proposed rulemaking, and the AQD's Analysis of Comments, along with any modification proposed by the AQD to the draft rules. At the public hearing, oral statements that focus on the previously received comments, the AQD's Analysis of Comments, and issues raised by the analysis, will be accepted. The EQC will determine if the record will remain open beyond the close of the scheduled hearing. If the comment period is extended, the extensions will be posted on the AQD's website, as well as the EQC's website. The EQC, however, may close the record and make a final decision regarding the rulemaking prior to concluding the hearing.

Thank you again for your interest in the proposed rulemaking and please visit the AQD's proposed rules and regulations webpage at <https://deq.wyoming.gov/aqd/rule-development/proposed-rules-and-regulations/> for more information and to review the proposed chapter revisions.