

Department of Environmental Quality

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




Matthew H. Mead, Governor

Todd Parfitt, Director

Memorandum

To: David Searle, Chairman, Environmental Quality Council

From: Todd Parfitt, Director, Department of Environmental Quality 

Date: February 27, 2015

Subject: Proposed Rulemaking Package (R-24)

The Air Quality Division of the Department of Environmental Quality is proposing revisions to Chapter 8, Nonattainment Area Regulations, of the Wyoming Air Quality Standards and Regulations, and is requesting the Environmental Quality Council to review the proposal and to consider adoption of these rules when you meet on May 19, 2015. Chapter 8, Section 6, Upper Green River Basin permit by rule for existing sources, is a proposal to adopt regulations applicable to all PAD and single-well oil and gas production facilities or sources, and all compressor stations, located in the Upper Green River Basin (UGRB) ozone nonattainment area (NAA) that were existing as of January 1, 2014. This proposed Permit by Rule has been presented to the Air Quality Advisory Board (AQAB) on two different occasions. The AQAB's decision to defer approval of the proposal on July 14, 2014 was based on public comment.

At the first AQAB meeting, held on July 14, 2014, stakeholders commented in opposition to the AQAB's approval of the proposed regulation as written. Those stakeholders requested that approval of the rule be "stayed" until they had the opportunity to discuss their concerns regarding the proposed regulation with the Division. The Division held a special meeting on July 31, 2014 with all interested parties in an attempt to address the concerns and comments raised at the July 14 AQAB meeting. The AQAB met again on August 4, 2014 and voted to defer consideration of the proposed regulation to a future AQAB meeting because there were enough comments from stakeholders to warrant further review of the proposed regulation.

The Division held three additional public meetings with individual stakeholder groups to discuss and clarify comments that had been received during the public comment period leading up to the July 14, 2014 AQAB meeting. Those meetings were held on August 8, August 26, and September 3, 2014.

A second AQAB meeting was held in Pinedale, Wyoming on December 10, 2014. At this meeting, the AQAB recommended that the rules proceed to formal rulemaking before the Environmental Quality Council.

Specific information regarding changes made to the proposed regulation after the December 10, 2014 AQAB meeting is included in the enclosed WAQSR Chapter 8, Section 6 Explanation of Changes (draft 1/26/15). The Division reviewed the written and verbal comments received during the public process, and identified for consideration those that were minor in nature and do not change the purpose or intent of the proposed regulation. The Division's further consideration of the proposed regulation yielded additional minor revisions that do not change the purpose or intent of the proposed regulation as it was proposed and presented to the public and AQAB. The proposed Chapter 8 regulation (draft 2/2/15) will include these minor revisions as the final iteration of the Upper Green River Basin Permit by Rule for existing sources that will continue through the statutory rulemaking process for adoption by the State of Wyoming.

We have prepared rule packages for the Council, including public notices for the two AQAB meetings and associated transcripts, which summarize the nature of the changes.



This rule package contains the following attachments:

- 1) Public Notice for the December 10, 2014 AQAB Meeting (2 copies)
- 2) Public Notice for the July 14, 2014 AQAB Meeting (2 copies)
- 3) Statement of Principal Reasons (2 copies)
- 4) December 10, 2014 AQAB Meeting Minutes (2 copies)
- 5) July 14, 2014 AQAB Meeting Minutes (2 copies)
- 6) Chapter 8, Strike and Underline Version (draft February 2, 2015) (2 copies)
- 7) Chapter 8, Clean Format (2 copies)
- 8) Chapter 8, Section 6 Explanation of Changes (draft January 26, 2015) (2 copies)
- 9) Permission to Proceed Memo Signed February 13, 2015 (2 copies)
- 10) Notice of Intent to Adopt Rules (2 copies)
- 11) Response to Comment from July 14, 2014 AQAB (October 31, 2014) (2 copies)
- 12) Response to Comment from December 10, 2014 AQAB (February 27, 2015) (2 copies)

cc: Steve Dietrich, AQD Administrator
Jeni Cederle, AQD Cheyenne
Amber Potts, AQD Cheyenne