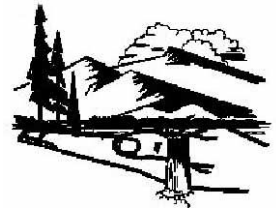




Department of Environmental Quality

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

November 18, 2021

George Bridgers
U.S. Environmental Protection Agency

Submitted Electronically via email to bridgers.george@epa.gov

RE: Revised Draft Guidance for Ozone and Fine Particulate Matter Permit Modeling

Dear Mr. Bridgers:

The Wyoming Department of Environmental Quality – Air Quality Division (AQD) appreciates the opportunity to submit the following comments on the revised draft Guidance for Ozone and Fine Particulate Matter Permit Modeling (Guidance). AQD has concerns regarding the revised guidelines to regulate for multiple pollutants (NO_x and SO₂) in PM_{2.5} impact assessments and the unreasonable resource burden that undertaking Tier 2 modeling would impose upon both AQD and regulated entities. The State of Wyoming has a longstanding, federally approved PSD program¹ in Chapter 6, Section 4 of the Wyoming Air Quality Standards and Regulations that continues to effectively protect public health and welfare while also satisfying the Clean Air Act requirements for PSD. Wyoming maintains primacy over its PSD program and considers that certain aspects of the draft Guidance would constitute federal overreach into Wyoming's primacy, especially if EPA attempts to enforce the Guidance as if it is a binding regulation. EPA should take these concerns into consideration when finalizing the Guidance.

In the revised draft Guidance, EPA proposes that both NO_x and VOC precursor emissions should be included in ozone impact assessments if these precursor emissions would be emitted in a significant amount at a source. Furthermore, for PM_{2.5}, if a source would emit a significant amount of one or more of NO_x, SO₂, or direct PM_{2.5} emissions, the source should include the NO_x and SO₂ precursor and direct PM_{2.5} emissions in the assessment of PM_{2.5} impacts. EPA's grouping of additional pollutants under a PM_{2.5} impact analysis is a regulatory overreach that attempts to regulate supplementary precursor pollutants beyond the scope of PSD regulation. EPA does not have a minor source program for NO_x or SO₂. The recommended approaches for assessing primary and secondary PM_{2.5} impacts indicate that Tier 1 and Tier 2 approaches should be undertaken not only in the instance that direct PM_{2.5} emissions are greater than a 10 tpy SER, but also if there is an instance where NO_x or SO₂ emissions are greater than a 40 tpy SER. Setting multipollutant guidelines that specifically address ozone and PM_{2.5} simply does not fall within the purview of the EPA when regulating ozone and PM_{2.5} PSD demonstrations. It also flies in the face of the tenets of cooperative federalism by interfering with Wyoming's primacy over its PSD program.

¹ See: 40 CFR § 52.2630, "Prevention of significant deterioration of air quality."

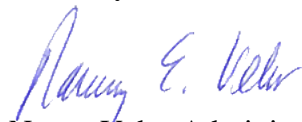
Additionally the Guidance would impose significant resource burdens upon state air programs attempting to implement its recommendations, as well as on regulated entities that must absorb the expense of undertaking photochemical grid modeling to make the recommended demonstrations. AQD does not have the staff or the technical resources to conduct in-house modeling to satisfy the Tier 2 recommendations. The expense of contracting the modeling to an outside entity with the expertise and technical resources necessary to undertake the recommended demonstrations would be a significant financial burden on AQD. Less-complex modeling projects using AERMOD have cost the agency roughly \$14,000.00 (\$250.00 per hour). Photochemical grid modeling is a substantially greater undertaking that would consequently result in a substantially greater cost burden for the agency, potentially over \$100,000.00 per project. If the EPA expects states – particularly states such as Wyoming with limited staff and technical resources – to complete the recommended photochemical grid modeling, it should provide states with the significant funding and resources necessary to achieve these expectations.

Furthermore, the recommendations would impose significant costs upon regulated sources who would have to undertake multipollutant modeling analyses for Tier 2 demonstrations. The costs associated with contracting such an expansive scope of work to an outside entity could discourage or potentially preclude certain planned projects. AQD issues 2-3 PSD permits per year on average, though that number has risen as high as 6 in certain years. These projects can have important economic impacts for Wyoming and the introduction of new permit modeling recommendations beyond the scope of Wyoming’s federally approved PSD program could have significant implications for the State and regulated entities.

As noted earlier, AQD also has concerns that the Guidance, which simply specifies guidelines and recommendations, would be enforced by EPA as if it were a binding regulation. Such significant alterations to the permit modeling process also would result in extensive changes to Wyoming’s permitting process and would extend the time that it will take for AQD to issue permits. Once again, this not only has implications for resource burdens upon AQD, but also on the timing and viability of proposed projects for which sources within the State are seeking permit approval.

AQD appreciates the opportunity to comment on the revised draft Guidance. Please feel free to contact me at (307) 777-3746 with any questions regarding these comments.

Sincerely,



Nancy Vehr, Administrator
Air Quality Division

cc: Todd Parfitt, Wyoming Department of Environmental Quality, Director
Beth Callaway, Wyoming Governor’s Office, Policy Advisor
James Kaste, Deputy Attorney General

Carl Daly, EPA Region 8, Air and Radiation Division Director