

**Response to Comments for Air Quality Division Rulemakings Before the Environmental Quality Council (EQC) on October 5, 2012**

**FILED**

**Oct 04, 2012**

1. Basin Electric Power Cooperative, dated and received September 17, 2012

Comment Summary: Basin Electric supports the changes to the rule.

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

Response: The Air Quality Division (AQD) appreciates the support.

2. Wyoming Mining Association (WMA), dated and received September 17, 2012

Comment Summary: WMA supports the proposed rules in general. WMA recommends that the EQC adopt the rules as written. WMA provided an explanation of the State stakeholder process that provides current authority.

Response: The AQD appreciates the support.

Comment Summary: WMA also has concerns with a future administration imposing fees on greenhouse gases and would like to incorporate wording in the Statement of Principal Reasons that puts in writing that the Department of Environmental Quality (DEQ) has no plans to collect fees for greenhouse gases.

Response: John Corra, DEQ Director, has indicated publically that there are no plans to collect fees for greenhouse gas emissions. Furthermore, the legislation that has enabled the DEQ to go through the rulemaking process to allow for permitting of greenhouse gases restricts the Department from creating rules that are more stringent than federal rules on greenhouse gas permitting. Since the federal rules do not require fee collection for greenhouse gas permitting, the State would not be allowed to collect fees for these emissions either. The proposed rules are silent on the topic of fee collection, but the Department believes that the underlying legislation will prevent any fee collection in the foreseeable future. If EPA decides to collect fees at a future date, it will take time for EPA to run through that public process, at which time DEQ and stakeholders will have an opportunity to discuss the issue further along with any budgeting concerns of the Division.

3. Petroleum Association of Wyoming (PAW), dated and received on September 17, 2012

Comment Summary: PAW supports the rule changes, particularly those pertaining to greenhouse gases and nonattainment area regulations.

Response: The AQD appreciates the support.

Comment Summary: PAW also comments that it does not want the DEQ to collect fees for greenhouse gas emissions.

Response: Please see response to WMA above on the subject of fees.

Comment Summary: PAW supports the Division's changes to Chapter 8 to align State General Conformity Rules with the federal General Conformity Rules. In particular, PAW is very supportive of the changes in Section 3(k)(i)(C) and Section 3(n).

Response: The AQD appreciates the support.

Comment Summary: PAW suggests a wording change in Chapter 8, Section 3(o)(iii)(C), which says that emission credits must be used in the same year they are generated. PAW would like to change that to "within 12 months of being generated and approved by the state."

Response: While the AQD appreciates PAW's concern, it is extremely difficult to change wording in a federal rule and get it approved into the SIP. Rather than make a change to the rule language that could jeopardize the approval of the rule, the AQD could address this issue of timing through guidance at a later date when this feature of the rule might be used. Furthermore, this rule will apply to all future nonattainment areas in the state, not just the Upper Green, so it is difficult to assess whether fighting for such a change would be in the State's best interest in the long run. Finally, while the AQD agrees that there is a lot of merit to an emission credit system to deal with emissions in nonattainment areas, trying to create such a system within the context of general conformity might be problematic since a Federal agency, not the AQD, would be the lead agency.

4. Black Hills Corporation, dated September 19, 2012, received September 20, 2012

Comment Summary: Black Hills Corporation supports the proposed greenhouse gas regulations because it would prefer permitting actions take place through the State agency since dual permitting is a complicated and longer process without any kind of local appeals process. Black Hills also cited project operations and cost control for customers as important reasons for Wyoming getting primacy for permitting back.

Response: The AQD appreciates the support.

5. USDA – Forest Service, dated September 27, 2012, received by internet unsigned September 27, 2012

Comment Summary: The Forest Service supports changes to Chapter 8, Section 3 on General Conformity to help streamline conformity decisions that the Forest Service is required to make.

Response: The AQD appreciates the support.