

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE DESIGNATION)
OF A NEW PSD BASELINE AREA)
IN THE POWDER RIVER BASIN)
PARTICULATE MATTER ATTAINMENT AREA)

STATEMENT OF
PRINCIPAL REASONS

1. The Environmental Quality Council has been asked to comment and to make a recommendation concerning the establishment of a new Prevention of Significant Deterioration ("PSD") baseline area in the Powder River Basin Particulate Matter Attainment Area for the Kennecott/PURON facility. For the reasons stated below, the Council recommends that the Governor create the new PSD baseline area for particulate matter.
2. Section 107 of the Clean Air Act, as amended, 42 U.S.C. § 7407, allows the Governor of each state to redesignate air quality control regions for purposes of air quality management. Based on the information provided at its public hearing, the Council has concluded that creating a new PSD baseline area for the Kennecott/PURON facility in the Powder River Basin Attainment Area is in the best interests of the State of Wyoming.
3. The redesignation proposal results from the filing of an air quality permit application for a Kennecott/PURON facility that triggers the PSD minor source baseline date for particulate matter in the entire Powder River Basin. Creating the new PSD baseline area for particulate matter equal in size to the PURON facility's significant impact area (slightly over one square mile) will re-establish (untrigger) the minor source baseline date for the remainder of the basin. Restoring the minor source baseline date will allow basin coal mines to increase coal production within current permitted capacities and to expand under the Division's minor source permit program.
4. Following the creation of a new PSD baseline area, the coal mines will still be subject to the state's minor source permitting program which requires the mines to employ "best available control technology" ("BACT") and to maintain ambient air quality monitoring networks to assure compliance with ambient air quality standards. These controls will provide for the continued protection and maintenance of the Powder River Basin Attainment Area's air quality.
5. Failure to create the new PSD baseline area will result in burdensome federal requirements for coal mines through the application of a short term 24-hour model for tracking the PSD increment consumption of particulate matter. Due to this model's inability to accurately predict fugitive emissions of particulate matter in the Powder River Basin, imposing the modeling requirement, through the triggering of the baseline date for minor sources, would create an unreasonable regulatory burden for the mining industry with no corresponding environmental benefit.

Dated this 19 day of December, 1994.


Hearing Examiner
Wyoming Environmental Quality Council