

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

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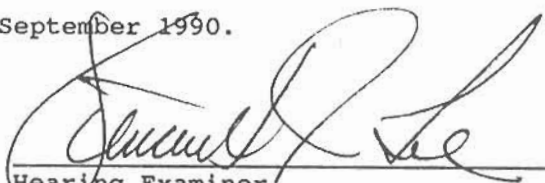
W. Lorenzon, Adm. Aide  
Environmental Quality Council

IN THE MATTER OF THE PROPOSED	)	
REVISIONS TO SECTION 24,	)	
PREVENTION OF SIGNIFICANT	)	
DETERIORATION, OF THE WYOMING	)	
AIR QUALITY DIVISION PERTAINING	)	STATEMENT OF
TO THE ESTABLISHING OF BASELINE	)	PRINCIPAL REASONS
DATES AND BASELINE AREAS	)	FOR ADOPTION

1. The Air Quality Division proposal requests that the state consider changing Wyoming's prevention of Significant Deterioration (PSD) regulations at Section 24 of the Wyoming Air Quality Standards and Regulations (WAQSR) by revising the definition of "baseline date" and "baseline area" and designate a new baseline area for the Powder River Coal Basin.
2. Wyoming's current PSD regulations, which are equal to EPA regulations, set forth permit requirements for new or modified "major emitting facilities" and contain maximum allowable increments of deterioration for particulate matter and sulfur dioxide in the ambient air due to industrial development and associated growth. These allowable increments of deterioration are very small for Wyoming's Class I areas which contain most of the State's National Parks and Wilderness Areas in the northwest part of the state. The rest of Wyoming, including the Powder River Coal Basin, is made up of Class II areas which allow deterioration commensurate with moderate industrial growth.
3. In order to limit deterioration of the ambient air to maximum allowable increments in clean air areas a "baseline concentration" must be established on a certain date known as the "baseline date". The "baseline concentration" is established by monitoring for the pollutant and including emissions from existing sources of air pollutants in the area. Emissions from new or modified facilities which are permitted and operated after the "baseline date" consume the allowable increment. Certain "major emitting facilities" constructed after 1975 also consume the increment. The allowable increment when fully consumed may result in air quality which is better than that established for the primary and secondary health and welfare standards but it can never result in deterioration which exceeds such standards.
4. Wyoming PSD regulations established August 7, 1977 as the "baseline date" for the entire state for both sulfur dioxide and particulate matter and established the entire state as the "baseline area". In the Powder River Coal Basin this means that all permitted fugitive dust emissions due to coal mines which expanded or constructed after August 7, 1977 are consuming the allowable increment for particulate matter and in fact may have over consumed the increment on the basis of maximum permitted production rates. This whole matter is compounded by the fact that coal mines are not "major emitting facilities" and thus are not subject to the PSD permit provisions of Section 24.
5. Wyoming's establishment of a statewide baseline date and area under current regulations is more stringent than that required by current EPA regulations. EPA regulations allow the establishing of pollutant specific baseline dates on the date of the first complete application after August 7, 1977 for a "major emitting facility" in the "baseline area". EPA regulations also allow the establishing of multiple "baseline areas" which may have different "baseline dates". Thus if Wyoming had adopted EPA's definitions for "baseline date" and "baseline area", an area could have been established in the Powder River Coal Basin for which no "baseline date" is established and all of the permitted emissions from the coal mines would be in the baseline and would not be consuming the allowable increment.

6. The Division proposal would adopt EPA language and pursuant to the new language established a new baseline area for the Powder River Basin.
7. The Division proposal would revise the definitions of "baseline area" and "baseline date" for the entire state but, with the exception of the newly proposed baseline area in the Basin, the change would have no effect in the rest of the state. This is because the "baseline date" for the rest of the state per the proposed definition would now be the date of the first PSD application in the state, which is sufficiently close to August 7, 1977 as to have little or no consequence in future permitting actions.
8. The Council believes this proposal is important to the State because the imposition of PSD increments on coal mines in the Powder River Basin is, on paper, a compliance problem which could require the reduction of current coal production and limit production to far less than permitted rates. From purely a technical stand point there are no adequate tools currently available to accurately predict short-term impacts of fugitive dust from coal mines. In addition, the Council is satisfied that the current air quality in the Basin is, overall, very good and will continue to be so long as best available control technology is applied to control emissions and current ambient standards including short term standards are strictly enforced through the operation of effective ambient monitoring networks for all of the mines in the Basin.
9. The Council adopted the proposed regulation revisions in Section 24 which provide for the establishment of a PSD baseline date on the earliest date after August 7, 1977, for particulate matter and sulfur dioxide, on which a major emitting facility or major modification submits a complete application. The Council amended this provision by including a date certain of January 1, 1996, which will be the baseline date established for any intrastate area if such baseline date is not established first by a complete application for a major emitting facility or major modification in the area. The Council's action also included changing the definition of "baseline area" which would allow the establishment of separate baseline areas which are smaller than the previous statewide area and through this action established a Powder River Basin particulate matter attainment area for which no major emitting facility or major modification has, to date, located or impacted by 1 ug/m<sup>3</sup> or more.
10. The Council reasoned that a baseline date of no later than January 1, 1996, would be appropriate for the Powder River Basin particulate matter attainment area based on the following:
  - a. This date could be changed by additional rule making in the future and would allow the Council to revisit the issue, provided an earlier baseline date is not set by a PSD application.
  - b. This date would allow the Air Quality Division time to develop and/or test fugitive dust models such that a better predictive tool could be available in the future.
  - c. Review at some future date would allow the Council to review additional ambient data collected in the Basin and to revisit best available control technology practices at the coal mines.

Dated this 11th day of September 1990.

  
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Hearing Examiner  
Wyoming Environmental Quality Council