



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

John Corra, Director

January 10, 2012

Mr. Mark Ruppert PC
Holland and Hart LLP
P.O. Box 1347
Cheyenne, WY 82003

Dear Mr. Ruppert,

The Air Quality Division received your December 29, 2011 comments on proposed Air Quality rulemaking, scheduled for a public hearing on January 13, 2012. Your comments were submitted on behalf of Basin Electric Power Cooperative and were limited to the proposed changes to Chapter 6 of the WAQS&R, Section 4(b)(i)(A).

We have reviewed your comments and understand that you are attempting to address some of the ambiguities in PSD rulemaking language that surfaced in the recent Wyoming Supreme Court decision in Powder River Basin Resource Council v. Wyoming Department of Environmental Quality, 2010, WY 25, 226, P.3d 809 (2010). Given the complexity of the issues you have raised and the likely interest of other parties involved, we would suggest that your proposal to further modify Chapter 6, Section 4(b) be deferred to a future rulemaking effort. We would like to take the time to carefully review your proposal and discuss with EPA before asking the Council to act on it. We also believe that the changes you are proposing are significant enough that we should take them through the full blown rulemaking process allowing ample time for public comment.

Thank you for taking the time to review and comment on our regulations. Although we do not have a precise date for a future rulemaking effort, we are already looking to make additional changes to Chapter 6, Section 4 that may occur this summer.

If you have any further concerns or comments, please feel free to contact me.

Sincerely,

Steven A. Dietrich
Air Quality Administrator

cc: Chad Schlictemeier
Christine Anderson

