

Source: August 27, 2013 Environmental Defense Fund to Steven A. Dietrich

**SEP 10 2013**

Comment 1

Jim Ruby, Executive Secretary  
Environmental Quality Council

Environmental Defense Fund (EDF), Wyoming Outdoor Council (WOC), and Citizens United for Responsible Energy Development (CURED) support the incorporation of Oil and Gas New Source Performance Standards (NSPS) into Chapter 6 of the Wyoming Air Quality Standards and Regulations because emissions from oil and gas operations have serious health and climate impacts.

Response 1

The Air Quality Division (AQD or Division) appreciates the support to incorporate these federal standards into State regulations; however, the standards are being incorporated into Chapter 5, Sections 2 and 3, not Chapter 6. Furthermore, since the comment also cited concerns related to air toxic emissions from oil and gas activities, it may be that the commenters also meant to support the incorporation of National Emission Standards for Hazardous Air Pollutants (NESHAPs) in this specific case, Subparts HH and HHH, in addition to the New Source Performance Standards cited in the comment.

With regards to the commenter's remarks on climate impacts, it is important to note that EPA has not proposed any reduction in greenhouse gas pollutants through this rulemaking.

Comment 2

EDF, WOC and CURED also commented on the date of the incorporation by reference which is proposed to be July 1, 2012. The commenters expressed concern that later amendments would not be included in this date, and that some of those later amendments are critical amendments.

Response 2

AQD attempted to pull in as many amendments as possible before the first step of the rulemaking process, which was to take the rules before the Air Quality Advisory Board. First, with respect to updates to the entire Chapter 5, which includes many source sectors other than oil and gas, the Division included a general update in the incorporation by reference section, Section 4. In that section, every reference in the chapter is updated to July 1, 2012, which is the most recent published version of the Code of Federal Regulations (CFR). Then, with respect to the very specific oil and gas NSPS changes, a more recent citation is made to the August 16, 2012 Federal Register Articles on page 5-6. Again, with respect to the very specific oil and gas NESHAP changes, a more recent citation is made to the August 16, 2012 Federal Register Articles on page 5-40.

The AQD is prohibited by statute from making general statements to incorporate "all subsequent amendments." AQD is required by Wyoming law to go through rulemaking for each and every

incorporation of a federal rule. AQD attempts to incorporate updated rules annually. In spite of the lag between promulgation of a federal regulation and the time it takes for the State to incorporate by reference, a more stringent federal regulation will apply to the source.

Comment 3

EDF, WOC and CURED expressed a strong desire for the State to retain its more stringent oil and gas requirements when the federal rule is less stringent. Commenters explain how Wyoming has this ability.

Response 3

With respect to requirements for the oil and gas industry already in place, the State has no current plans to relax those requirements. No changes have been proposed in this rulemaking to relax any such requirements.

Comment 4

EDF, WOC and CURED have urged the Environmental Quality Council (EQC) to expand certain State oil and gas requirements currently applied in the Jonah Pinedale Anticline Development (JPAD) and Concentrated Development Areas (CDAs) to the entire State of Wyoming.

Response 4

What has been requested by EDF, WOC and CURED is not within the scope of this rulemaking. This rulemaking is a specific proposal to incorporate federal oil and gas standards from the Code of Federal Regulations into the Wyoming Air Quality Standards and Regulations. It is not within the scope of this rulemaking to modify current State-only permitting requirements for oil and gas operators.

Comment 5

EDF, WOC and CURED have again urged the State to retain more stringent requirements than the federal NSPS for control of volatile organic compounds (VOCs) from storage tanks and separation vessels.

Response 5

With respect to requirements for control of VOCs from storage tanks and separation vessels, the State has no current plans to relax those requirements. No changes have been proposed in this rulemaking to relax any such requirements.

Comment 6

EDF, WOC and CURED have urged the State to retain its current approach to apply a control threshold to a group of tanks rather than a single tank as the federal rules have been applied.

Response 6

With respect to the multiple tank threshold for control of VOCs, the State has no current plans to relax those requirements. No changes have been proposed in this rulemaking to relax any such requirements.

Comment 7

EDF, WOC and CURED support the State's proposed emission inventory rule (Chapter 8, Section 5).

Response 7

The AQD appreciates the support of this proposal.