



Mr. Steven Dietrich  
Administrator—Air Quality Division  
Wyoming Department of Environmental Quality  
122 West 25<sup>th</sup> Street  
Herschler Building  
Cheyenne, WY 82002

Dear Mr. Dietrich:

Please accept these comments from the Wyoming Outdoor Council and Environmental Defense Fund regarding the Wyoming Department of Environmental Quality—Air Quality Division Upper Green River Basin Ozone Strategy that was released on March 11. Generally we are pleased with what we believe is a good group of planned actions and offer our support for this strategy. In particular, your plan to move forward with a rulemaking to address existing sources and Leak Detection and Repair (LDAR) requirements for new facilities and your inclusion of an effort to extend the existing Jonah-Pinedale Development Area (JPDA) air quality requirements to the entirety of the nonattainment area are particularly promising.

We are pleased that the DEQ has not ruled out any – and is planning to implement most -- of the recommendations made by the Upper Green River Basin Air Quality Citizens Advisory Task Force (Task Force). That said we would like to offer some comments and suggestions for improvements regarding this strategy.

**I. Items Not Included in the March 11 Strategy**

Of the ten recommendations made to DEQ by the Task Force, two are not included in the DEQ's March 11 strategy. The DEQ does not currently have plans to pursue recommendations 4 and 5, which deal with regulation of NO<sub>x</sub> emissions from drill rigs and minimizing NO<sub>x</sub> emissions from well completions and hydraulic fracturing. We believe this is a significant shortcoming in the current strategy that should be rectified as soon as possible.

DEQ appears to believe it does not have legal authority to pursue these options, but we believe that if the drill rig permitting strategy that has been successfully used in the Pinedale Anticline and Jonah fields was replicated throughout the nonattainment area progress could be made toward implementing these recommendations. The DEQ may believe these are “long term” strategies and thus they are not included in the current strategy, but this strategy is also described

as one which "will evolve and thus, this document will evolve too." We ask DEQ to consider revising the current strategy in this spirit.

Regarding other actions not currently contemplated in the March 11 strategy we would also like to encourage efforts to:

1. Develop LDAR for existing sources including consideration of continuous air quality monitoring at facilities;
2. Evaluate the success of the presumptive best available control technology (P-BACT) "blow down" requirement which applies to liquids unloading activities. Specifically, efforts should be made to determine and report to the public what emissions reductions have occurred under the current requirement and what best management practices (BMPs) operators are using to comply with the requirement. We would encourage efforts to strengthen the P-BACT requirements for new sources to ensure they are based on the best available practices/technologies and extend such requirements to existing sources as part of the upcoming rulemaking;
3. Concerning enforcement, efforts should be made to require operators to submit annual self-certification reports with all applicable air quality rules. Reports, as well as compliance records such as notices of violation or penalties, should be available on a searchable online database.

## **II. Suggestions Concerning Items Included in the March 11 Strategy**

In the description of activities that will be accomplished in the next six months, DEQ says the analysis of past monitoring data related to the Boulder monitoring station will be completed by May and "[t]hese analyses will inform regulatory modeling as well as control strategies." We encourage DEQ to complete this task as part of the need to develop valid monitoring and modeling methods for the wintertime ozone problems in the Upper Green River Basin. This need also relates to item 8 in the list of "ongoing" activities listed at the end of the strategy.

In the list of activities to be accomplished in the next six months DEQ also says that it will develop the EPA Ozone Advance path forward letter. DEQ has indicated—such as in Steve Dietrich's e-mail to the Task Force on March 8—that this mid-April letter will only address items that can be immediately accomplished and which DEQ has current emissions control authority for, leaving out many potentially useful actions for reducing ozone levels in the Upper Green. We ask DEQ to reconsider this narrow approach. A more complete letter will give the U.S. EPA and local citizens a more complete picture of DEQ's plans to improve local air quality. A narrow letter also defeats the goals of the Ozone Advance program, one of which is to "encourage strategies to reduce ground-level ozone." DEQ can certainly make it clear in the path forward letter which of the actions it describes can be immediately accomplished and which cannot—just as it does in this strategy—so in our view there is no need to so severely circumscribe the path forward letter by narrowly focusing on just near-term actions.

Another activity that will be accomplished in the next six months relates to ozone action days. The language in this provision is termed as something DEQ will "promote." These actions should be made requirements.

Finally, in the list of activities to be accomplished in the next six months DEQ says it will update the Oil & Gas BACT Guidance and “[e]xpand the Jonah-Pinedale Development Area (JPDA) requirements to the entire UGRB nonattainment area.” As indicated above, we strongly support this provision and urge the DEQ to move forward with it promptly. This could have very significant beneficial impacts on ozone levels in the Upper Green. We note also that in our meeting with you in Cheyenne last November, in addition to this BACT guidance change we also urged you to update the interim ozone precursor offsets policy to ensure it reflects the most up to date information and science. We again would like to urge you to consider making this change and incorporate it into the ozone strategy.

In the list of activities to be accomplished in the next six months if possible but also in an ongoing manner, DEQ says it will implement nonattainment new source review (NSR) permitting requirements for new major sources. We encourage DEQ to pursue this requirement as expeditiously as possible. Compressors may be the most likely major emissions sources in the Upper Green River Basin, and they should be carefully regulated.

In this section DEQ also says it will collaborate with EPA and BLM among others to implement the general conformity requirements. We also urge the DEQ to aggressively pursue this measure. It is crucial that BLM, especially, meets these requirements for the new major gas fields it is considering authorizing: the Normally Pressured Lance, Continental Divide - Creston and Big Pine - LaBarge fields. These major emissions sources must be carefully regulated, and under EPA’s general conformity rules it must be assured that these fields will not cause or contribute to new NAAQS violations, increase the frequency or severity of existing violations, or delay timely attainment of the ozone NAAQS.

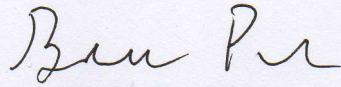
The list of activities to be done in the next six months but extending into subsequent time periods also states that DEQ will “incorporate” LDAR revisions to the Oil & Gas Guidance. We urge the DEQ to adopt these provisions as regulatory requirements. They are an important means by which ozone levels in the Upper Green River Basin could be reduced, so the strongest possible requirements are advised.

In the list of activities that will be pursued as rulemaking efforts initiated in the next six months it is stated that DEQ will “evaluate” RACT-like control strategies for existing upstream and midstream oil and gas sources. This is an important provision that should be pursued as quickly as possible. DEQ should, however, go beyond just evaluating this need, and implement it as regulatory requirements (as DEQ indicates, it should include “rulemaking for existing upstream and midstream oil and gas sources”). As noted, this provision will help implement Task Force recommendations 1 and 2, which are probably the most significant and “core” recommendations that the Task Force made.

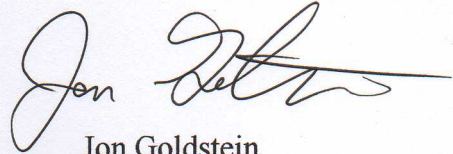
Finally, in the list of ongoing activities, the first three provisions relate to enforcement. We strongly encourage the DEQ to pursue vigorous enforcement of the air quality laws in the Upper Green River Basin. As DEQ has shown with its recent citations issued for air pollution violations in the Niobrara shale area in eastern Wyoming, strong enforcement of air quality requirements both reduces pollution and provides a fair and level playing field for industry. This same strong level of enforcement is needed in the Upper Green.

Thank you for considering these comments and we look forward to remaining engaged in ozone issues in the Upper Green River Basin.

Sincerely,



Bruce Pendery  
Wyoming Outdoor Council



Jon Goldstein  
Environmental Defense Fund