To: Coda, Tom[Coda.Tom@epa.gov]
From: Lessard, Patrick
Sent: Thur 2/11/2016 6:47:19 PM
Subject: RE: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Thanks Tom, this is similar to one of the examples we discussed. I'm sure the details make it different.

From: Coda, Tom
Sent: Thursday, February 11, 2016 1:46 PM
To: Lessard, Patrick <Lessard.Patrick@epa.gov>
Subject: FW: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Ex. 5 - Deliberative Process

tc

From: Russ, Timothy
Sent: Thursday, February 11, 2016 12:08 PM
To: Coda, Tom <Coda.Tom@epa.gov>
Cc: Jackson, Scott <Jackson.Scott@epa.gov>; Laumann, Sara <Laumann.Sara@epa.gov>
Subject: FW: General Conformity Question for the UGRB - BLM's 2/8/16 Responses to R8's Questions

Hi Tom,

The Region is working to respond to a request from the BLM-Wyoming State Office (BLM-WY) with regard to general conformity in the Upper Green River Basin (UGRB) ozone nonattainment area in southwest Wyoming.

The original BLM-WY request for interpretation is located at the bottom of this email chain. We had read their request and had sent back an email with questions/assumptions for the BLM-WY to address to help clarify what exactly we were being asked to provide guidance on. The BLM-WY's responses are as in red and embedded in our email (see further below).

In looking at Charis's (BLM-WY) responses to our questions/assumptions below, Referred to BLM

Referred to BLM

Referred to BLM

Base on all of the BLM-WY responses, Region 8 would offer the following thoughts and draft interpretation for consideration:

Ex. 5 - Deliberative Process

3.) DRAFT EPA Interpretation for the BLM-WY: Please see the Word file attached below.

<< File: DRAFT_EPA_ Interpretation_for_BLM-WY +SLL_dated_ 2-10-2016.docx >>

Tom, if your schedule can permit, could you please review the information in this email and the attached draft interpretation by Tuesday, February 16th? Sara Lauman of our Office of Regional Counsel has reviewed and help prepared the draft interpretation; if you believe further review by OGC may be warranted, please let us know. Sara is out of the office until Wednesday, February 17th and would could all reconvene then if needed.

Thanks for your assistance!

Tim

Tim Russ
Environmental Scientist
USEPA Region 8
Air Program
1595 Wynkoop Street (8P-AR)
Denver, CO 80202-1129
Ph. (303) 312-6479
Fax (303) 312-6064
e-mail: russ.tim@epa.gov

From: Tuers, Charis [mailto:ctuers@blm.gov]
Sent: Monday, February 08, 2016 11:24 AM
To: Jackson, Scott <Jackson.Scott@epa.gov>
Cc: Russ, Timothy <Russ.Tim@epa.gov>
Subject: Re: Conformity Question for the UGRB

Referred to BLM

Charis A. Tuers
Air Resource Specialist
Bureau of Land Management
Wyoming State Office
(307) 775-6099
ctuers@blm.gov

On Fri, Feb 5, 2016 at 12:15 PM, Jackson, Scott <Jackson.Scott@epa.gov> wrote:

Hi Charis,

The purpose of this email is to respond to your questions that were discussed with Tim Russ, of my staff, and as presented in your email of January 20, 2016 (hereafter "BLM email") attached further below. We appreciate your sending us an email for us to better understand and respond to your questions.

We offer following responses below along with a request for the BLM to confirm, or correct as appropriate, our assumptions used to facilitate our responses. Please also note where we ask for additional information and/or clarification; once we hear back from you we'll provide further responses to your questions.

1.) EPA Observation: Based on the following statement in the BLM email, the Jonah Infill Development Project (JIDP) FEIS and ROD were apparently completed before the UGRB was designated nonattainment for the 2008 8-hour National Ambient Air Quality Standard (NAAQS) (NAAQS):

Referred to BLM

EPA Response: Based on the above, EPA assumes that as the area was considered attainment at that time and there was no general conformity analysis or determination prepared by the BLM for the JIDP EIS or ROD. EPA requests that BLM confirm this assumption so as to rule out the possibility that the BLM perhaps did a subsequent general conformity analysis for the whole JIDP after the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS.

Referred to BLM

2.) EPA Observation: We note that the UGRB area was designated nonattainment for the 2008 8-hour ozone NAAQS effective on July, 20, 2012 (see 77 FR 30088, May 21, 2012); therefore, the general conformity requirements applied to the UGRB on July 20, 2013. Based on the below statement in the BLM email, it is our understanding that likely no overall general conformity analysis and determination (as appropriate) was ever prepared JIDP. Therefore, as the BLM issues an APD for drilling in the JIDP (as considered a Federal Action), subsequent to the time the UGRB was designated nonattainment, the BLM has apparently been evaluating general conformity for each APD:

Referred to BLM

EPA Response: It would help our understanding of the process if the BLM could explain how the general conformity evaluations were prepared for the APDs in the JIDP (i.e., methodology, assumptions, emissions sources, number of wells authorized by each APD, etc.).

Referred to BLM

3.) BLM's Questions: While the JIDP's EIS and ROD contained stipulations that prevented operators from drilling for four months each year, the operators in the development area have requested BLM allow year-round drilling and the BLM is evaluating an EA that considers this request. Specifically BLM asks:

Referred to BLM

EPA Response: In order to accurately respond to the BLM's general conformity questions, the EPA requests that the BLM please review, clarify and/or correct the following EPA assumptions:

a.) **Assumption:** The BLM is treating this EA as a new Federal action, and the BLM will not be supplementing the original JIDP EIS or ROD.

Referred to BLM

b.) **Assumption**: Drilling authorized under current APDs, derived from the JIDP EIS and ROD, in the JIDP would continue.

Referred to BLM

c.) **Assumption:** BLM is evaluating the operators' request through an EA that would allow year-round drilling of new development wells. In effect, the EA may be interpreted so as to also revise existing APDs in the JIDP and allow the operators to drill year-round, removing the March through June drilling restriction.

Referred to BLM

Once we hear back from you we'll be pleased to provide a response to your questions. Thank you for the opportunity to review and discuss general conformity issues with the EA that your office is evaluating. Please let us know if you have any questions and too, if you would like to arrange a conference call to address any of the points presented above .

Thanks,

Scott
Scott Jackson, Unit Chief
Indoor Air, Toxics and Transportation Unit
U.S. EPA Region 8
1595 Wynkoop Street (8P-AR)
Denver, CO 80202-1129
(303) 312-6107

From: Tuers, Charis [mailto:ctuers@blm.gov]
Sent: Wednesday, January 20, 2016 2:17 PM
To: Russ, Timothy <Russ.Tim@epa.gov>
Subject: Conformity Question for the UGRB

Hi Tim,

Referred to BLM

Charis A. Tuers

Air Resource Specialist

Bureau of Land Management

Wyoming State Office

(307) 775-6099
ctuers@blm.gov