DRAFT FOR INTERNAL REVIEW – 4/4/13

EPA General Conformity Comments – NPL Preliminary Draft EIS

Thank you for the opportunity to provide input on the preliminary Chapters 2 and 3 of the Draft Environmental Impact Statement (EIS) for the Normally Pressurized Lance (NPL*)* Natural Gas Development Project. In addition to the comments we sent on March 8, 2013 for the preliminary Draft EIS, we offer the following comments regarding the general conformity..

1. *General Conformity Exemptions that apply to Stationary Sources*

Reffered to BLM

[redacted]

EPA notes the current applicable general conformity requirements in Wyoming's Upper Green River Basin (UGRB) ozone nonattainment area are contained in the federally-approved version of Wyoming Air Quality Standards Regulation (WAQSR) Chapter 8, Section 3 (see 69 FR 44965, July 28, 2004). For reference, EPA's general conformity regulation allows that the State's federally-approved general conformity provisions are used in-lieu of the federal requirements (Ref. 40 CFR 93.151).

We note that WAQSR Chapter 8, Section 3 contains the following similar exemption for stationary sources as specified in 40 CFR 93.153(d)(1):

> "Section 3(c)(iv)(A): Notwithstanding the other requirements of this section, a conformity determination is not required for the following Federal actions (or portion thereof):
>
> (A) The portion of an action that includes major new or modified stationary sources that require a permit under the new source review (NSR) program (§173 of the CAA) or the prevention of significant deterioration (PSD) program (title I, part C of the CAA)."

With regard to the above, on December 21, 2012, Wyoming submitted a State Implementation Plan (SIP) revision that contained numerous revisions and updates to its general conformity requirements in Chapter 8, Section 3. One update involved Chapter 8, Section 3(c)(iv)(A) which added *minor* stationary sources to its exemption to align it with the federal provisions in 40 CFR 93.153(d)(1): "The portion of an action that includes major **and minor** new or modified stationary sources …" EPA is currently reviewing the entire SIP revision and plans to publish a proposed action in the near future.

In considering the general conformity permit exemption language in Chapter 8, Section 3(c)(iv)(A), we note that Wyoming's Chapter 8, Section 3, does not actually contain a definition

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of a stationary source. However, for permitting purposes, stationary sources are defined as buildings, structures, facilities or installations in Wyoming's WAQSR Chapter 6 permitting requirements and similarly by EPA in 40 CFR 51.165 for NSR and 40 CFR 52.21 for PSD.

With regard to drill rig engines, EPA was unable to find a specific definition for ***stationary engines*** or ***non-road engines*** in either of Wyoming's WAQSR Chapter 6 or WAQSR Chapter 8. We are, therefore, relying on EPA's federal definitions. Engines which are considered as stationary sources are defined in 40 CFR 60.4219. With respect to the engines associated with drill rigs, they do not meet the above definition; they are defined as non-road engines in 40 CFR 1068.30. The exception to EPA's non-road engine definition is that non-road engines which remain at a single location for more than one year are not considered non-road engines (see 40 CFR 1068.30(2)). We have attached our June 2, 2009 letter which discusses EPA's interpretation of these definitions and how they apply to drill rig engines[1].

In view of the existing federal regulations, EPA notes that if a drill rig does not remain at a single location for more than one year, it does not meet the federal regulatory definition of a stationary source. Ex. 5 - Deliberative Process

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The State's general conformity requirements (see WASQR Chapter 8, Section 3) contain other potential exemptions and methodologies to address the general conformity requirements that BLM may wish to evaluate and consider for emissions from drill rigs. Please let us know if you would like to discuss them further.

2. General Conformity Review Period

Ex. 5 - Deliberative Process

3. Conformity Demonstration

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

4. Minor Edits and Suggestions

Ex. 5 - Deliberative Process