Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

DEQ

Mark Gordon, Governor

Todd Parfitt, Director

June 9, 2020

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Mr. Carl Daly
Acting Director, Air and Radiation Division
U.S. EPA Region VIII
1595 Wynkoop St.
Denver, CO 80202

RE: Ciner's Big Island Mine and Refinery Data Influenced by Exceptional Events: June 9, 2017; October 20, 2017; November 1, 2017

Dear Mr. Daly,

During calendar year 2017, Ciner Wyoming LLC's Big Island Mine and Refinery (Ciner) experienced three exceedances of the 24-hour PM_{10} standard. These exceedances occurred on June 9th, October 20th, and November 1st of 2017 at Ciner's Downwind PM_{10} monitor. This facility has requested that the Air Quality Division (AQD) flag the corresponding data in exceedance of the National Ambient Air Quality Standards (NAAQS) measured by the Ciner's Downwind PM_{10} monitor (AQS ID 56-037-0898 POC-4) as due to an Exceptional Event under 40 CFR Part 50.14. The AQD is requesting EPA concurrence that the event was exceptional.

The AQD has completed its reviews of these three (3) Exceptional Event documentation packages submitted by Ciner. The AQD has determined that each of Ciner's three (3) Exceptional Event packages demonstrate a clear causal relationship between the exceedances measured at the PM_{10} monitor and the high winds measured at this facility on these days.

The AQD sent an initial notification cover letter and form to EPA for the June 9, 2017, October 20, 2017, and November 1, 2017 exceedances on June 10, 2019. The AQD received the EPA Initial Notification Response Letter via email on July 3, 2019. In the response EPA states they have not identified and do not anticipate these data being used in any pending EPA regulatory determination, to formulate or support regulation, guidance or in any other pending EPA decision, position or action and therefore does not plan to review these events for concurrence. With consideration of input from Ciner, the AQD is submitting these demonstrations to EPA so that when the EPA prepares to use these data in any pending EPA regulatory determination, to formulate or support regulation, guidance or in any other pending EPA decision, position or action the demonstrations will already be available in EPA's records for concurrence review.

Public notices for Ciner's request to flag the June 6, 2017, October 20, 2017, and November 1, 2017 exceedances of the 24-hour PM_{10} standard were published individually in the Casper Star Tribune on November 20, 2018. These corresponding documentation packages submitted to the AQD were made available for public comment and the public was allowed thirty (30) days to submit written comment. The documentation packages were made available on the AQD's website as well as at the AQD's Cheyenne office. At the close of business on December 20, 2018, the AQD had received no written comments from the public.

The AQD's review process includes several members from multiple Sections within the Division. In the case of these exceedances, AQD staff from the Compliance, Permitting and Monitoring Sections convened to determine if the exceedances qualified as an Exceptional Events under 40 CFR Part 50.14. Each team member brings a unique skillset and perspective to the review process, resulting in a thorough evaluation, from multiple perspectives, of the information provided by the facility.

Among the questions considered by the review team is the question of facility compliance with their air quality permit during the exceedance. This is necessitated by the definition of an Exceptional Event, which excludes, "air pollution relating to source noncompliance" from consideration under 50.14. Our review teams are aware of this requirement and offers the following statement of compliance:

The Big Island Mine and Refinery is inspected by the AQD biennially. With the exception of these three exceptional events, the previous three inspections show no compliance issues noted. Compliance reports have been submitted to the AQD in accordance with the operating permit. Ciner was in compliance with permit conditions during the time of these exceedances.

The AQD has flagged the Ciner's Downwind monitor PM_{10} data in exceedance of the NAAQS on June 6, 2017, October 20, 2017, and November 1, 2017 in EPA's Air Quality System's (AQS) data base. The AQD is requesting EPA to exercise its discretion and concur with the flags placed on the Ciner Downwind monitor, June 6, 2017, October 20, 2017, and November 1, 2017 exceedances. With a total of three exceedances that took place in 2017, and one exceedance in 2018, AQD considers these exceptional events necessary to review by EPA Region 8 because Ciner is in violation of the NAAQs for the 2016-2018 and 2017-2019 design value periods.

In 2019 and 2020, Cara Keslar participated in the EPA's State Planning Electronic Collaboration System (SPeCS) project team to provide feedback on development for Exceptional Event submissions. At this time, the AQD is awaiting EPA's full implementation of SPeCS for Exceptional Events. Until such time, the AQD will continue to submit demonstrations to EPA Region VIII via electronic copy on portable drive.

If you have any questions, please feel free to contact Cara Keslar at (307) 777-8684.

Sincerely,

Darla J. Potter
Air Quality Resource Program Manager
Air Quality Division

[Enclosure]

CC: Richard Payton, U.S. EPA Region VIII (without enclosure)
Kelsee Hurshman, DEQ Monitoring Project Manager (without enclosure)
Jeff Wendt, DEQ District Engineer (without enclosure)
Tyler Schiltz, Environmental Superintendent, Ciner Wyoming LLC, Big Island Mine (without enclosure)