



December 19, 2016

Adam Clark
Air Program
Environmental Protection Agency Region 8
Mail Code 8P-AR
1595 Wynkoop St.
Denver, CO 80202

RE: Air Quality State Implementation Plans; Approvals and Promulgations; Wyoming; Interstate Transport, Docket ID No. EPA-R08-OAR-2016-0521-0001

Dear Mr. Clark:

Western Energy Alliance is writing to express concern with EPA's proposed action on the State of Wyoming's State Implementation Plan (SIP) for ozone interstate transport. EPA's proposed action does not align with the weight of evidence and inappropriately relies on flawed modeling and methodologies. In addition to the comments submitted here, we fully support and endorse the State of Wyoming's comments on this proposed action.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

We believe EPA's proposed decision to disapprove the Wyoming Department of Environmental Quality's (WDEQ) SIP runs contrary to long-standing agency practice of accepting a "weight of evidence" approach to evaluating whether an area has a meaningful impact on National Ambient Air Quality Standards (NAAQS) maintenance in downwind states. Instead of accepting WDEQ's well-reasoned approach, EPA relies on faulty modeling results stemming from the Cross-State Air Pollution Rule (CSAPR) Update for the 2008 ozone NAAQS. WDEQ raised concerns with the suitability of CSAPR modeling in its original comments, which EPA later dismissed based on insufficient supporting evidence from WDEQ. Since WDEQ's ozone transport SIP was developed in 2014 before the updated CSAPR modeling guidance was developed, it is inappropriate for EPA to hold WDEQ analysis to standards that did not exist when the SIP was developed.

EPA has inappropriately put the onus on Wyoming to provide evidence to support or deny EPA's decisions on the suitability of CSAPR modeling. Moreover, it is unreasonable for EPA to expect an exhaustive technical analysis of the CSAPR modeling within a 30-day

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comment window. The burden should rest on EPA to explain its justification for reversing long-standing policy about the CSAPR modeling deficiencies for the West.

The modeling results EPA points to in the disapproval decision are flawed because the CSAPR model has not been adapted to the unique concerns of western states. Primarily developed as a tool for eastern states in the ozone transport region, the CSAPR model fails to account for the topography, altitude, and climate of the western United States. Climate factors characteristic of the West include stratospheric intrusions, a long and severe wildfire season, abundant sunshine, and lack of summertime precipitation, all of which the CSAPR model fails to adequately consider. In the decision, EPA has provided no explanation or evidence for why it has determined modeling results need not account for these considerations. Additionally, EPA has failed to provide sufficient evidence that it reviewed and considered state exceptional events packages that may provide mitigating circumstances for NAAQS violations based on events such as wildfires or stratospheric intrusions of ozone. It is also unclear whether EPA has accounted for background ozone in CSAPR modeling and technical analysis. Background ozone in the western United State can contribute as much as 60 parts per billion (ppb) or more, which is critically important for NAAQS attainment and maintenance.¹

Instead, EPA points to supposed shortcomings in WDEQ's analysis, including failure to contemplate contributions from other nonattainment areas in Utah and Colorado. As EPA is likely aware, the designated nonattainment area along Utah's Wasatch Front is 46 miles southwest of the westernmost corner of Wyoming, and is separated by the prominent Wasatch mountain range, which rise nearly 8,000 feet above the valley floor. The prevailing wind direction in Salt Lake City year-round is south or southeast, meaning it is highly unlikely that Wyoming is meaningfully contributing to impaired air quality in the Wasatch Front nonattainment area. Furthermore, Utah's impaired air quality is often associated with atmospheric inversions within the Salt Lake valley that coincide with calm winds that trap pollutants within the valley. WDEQ has made an entirely justifiable assumption that the weight of evidence does not warrant any further evaluation of its contributions to Wasatch Front PM 2.5 or ozone exceedances. If EPA doubts the validity of WDEQ assessment on impacts in Utah, it should provide a well-reasoned explanation, which it has not done in this proposed action.

EPA's decision appears to point to other out-of-state regions that have recorded NAAQS violations but may not have been formally designated yet. One such area is likely Utah's Uinta Basin, which is undergoing the nonattainment designation process. However, ozone exceedances in the Uinta Basin, as has been documented through extensive scientific study, are associated with light winds, atmospheric inversions, and local snow cover.² The Uinta Mountains to the north provide a physical barrier that helps form the inversion

¹ [Estimating North American Background Ozone in U.S. Surface Air With Two Independent Global Models: Variability, Uncertainties, and Recommendations](#). Fiore et al. December 26, 2013.

² [Final Report, 2014 Uinta Basin Ozone Study](#). Till Stoeckenius et al. February 2015.

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conditions that produce ozone. As scientists have thoroughly demonstrated, the ozone exceedances are concentrated below 6,000 feet in elevation. After three years of study, scientists did not find ozone transport from Wyoming playing an influencing factor in the Uinta Basin. It appears that EPA may be expecting WDEQ to prove a negative by studying its impact on neighboring states.

Similarly, Colorado's ozone nonattainment challenges are affected by the northern Front Range's climate, geography, and local emissions sources. Wyoming's assessment that the year-round westerly prevailing wind direction makes it reasonable to infer that Cheyenne, a city located 100 miles north-northeast of Denver, is unlikely to be a driving factor behind ozone levels in the Denver Metro/North Front Range Ozone Nonattainment Area. By calling for further study based on its own flawed and incomplete modeling and analysis, EPA is putting an unreasonable burden on WDEQ. Prior to imposing any such burden, EPA should support that its own justifications based on CSAPR modeling and subsequent analysis meet the same high analytical standard it is requiring of the states.

We encourage EPA to accept the State of Wyoming's ozone transport SIP as proposed, which is based on a well-reasoned approach that relies on the weight of evidence. We are available to discuss this matter further with EPA.

Sincerely,



Kathleen M. Sgamma
President