

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

DEPOSITION OF KATRINA WINBORN

November 5, 2009

IN THE MATTER OF:) Docket No. 09-2801

MEDICINE BOW FUEL & POWER, LLC)

AIR PERMIT CT-5873.)

APPEARANCES:

HICKEY & EVANS, LLP

By John A. Coppede, Esq.

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P.O. Box 467

Cheyenne, Wyoming 82003-0467

and

MARY A. THRONE, ESQ.

211 West 19th, Suite 200

Cheyenne, Wyoming 82001

Appearing on behalf of Medicine Bow
Fuel & Power, LLC.

WESTERN ENVIRONMENTAL LAW CENTER

By Daniel Galpern, Esq.

1216 Lincoln Street

Eugene, Oregon 97401

Appearing on behalf of Sierra Club.

STATE OF WYOMING ATTORNEY GENERAL'S OFFICE

By Nancy E. Vehr, Esq.

123 Capitol Building

Cheyenne, Wyoming 82002

Appearing on behalf of State of Wyoming
Department of Environmental Quality.

EXHIBIT

A

tabbles

Pursuant to Notice and the Wyoming Rules of Civil Procedure, the deposition of KATRINA WINBORN, called by Sierra Club, was taken on Thursday, November 5, 2009, commencing at 9:18 a.m., at 405 Mason Court, Suite 117, Fort Collins, Colorado, before Carolyn Leathers, Registered Merit Reporter, Certified Realtime Reporter and Notary Public within and for the State of Colorado.

I N D E X

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EXHIBITS	INITIAL REFERENCE
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Exhibit 1	Report of Katrina Winborn, P.E., dated 9-15-09, with attachment	27
Exhibit 2	Wyoming Department of Environmental Quality, Air Quality Division, Standards and Regulations, Chapter 6, Permitting Requirements (excerpt)	41
Exhibit 3	Letter dated 3-4-09 from Finley and Corra to Rolfes, with attachments	62

1 P R O C E E D I N G S

2 (Ms. Throne was not present at the
3 commencement of the proceedings.)

4 KATRINA WINBORN,
5 being first duly sworn in the above cause, was
6 examined and testified as follows:

7 EXAMINATION

8 BY MR. GALPERN:

9 Q Katrina, would you please state your name
10 and address for the record.

11 A Yes. My name is Katrina Winborn, and my
12 address is 8181 East Tufts Avenue, Denver, Colorado
13 80237.

14 Q Katrina, have you appeared in a deposition
15 previously?

16 A No, I have not.

17 Q Okay. Have you appeared in a court case
18 at all?

19 A No, I have not.

20 Q Okay. But you understand that you are
21 required to tell the truth?

22 A Yes.

23 Q And you understand that you've been
24 designated by Medicine Bow Fuel & Power as an expert
25 witness?

1 A For new facilities, I've been doing work
2 with Kinder Morgan, which is a gas and energy
3 company. I believe that's the only one for new
4 facilities.

5 Q Was that a PSD permit?

6 A Yes.

7 Q Of the facilities that you have worked
8 with, or for --

9 MR. GALPERN: Sorry for the compound form
10 there, John.

11 Q (By Mr. Galpern) -- were any deemed minor
12 sources of air pollutants?

13 A Yes.

14 Q And were any deemed minor sources of
15 hazardous air pollutants?

16 A Yes.

17 Q And was sulfur dioxide a pollutant that
18 was a pollutant of concern in any of these?

19 A Yes.

20 Q Were any of these considered -- were any
21 of these, pursuant to their PTE calculations, deemed
22 minor sources of sulfur dioxide?

23 A Yes.

24 Q So I would like to -- are you doing okay?

25 A Yeah.

1 Q -- submit Exhibit 1.

2 (Exhibit 1 marked.)

3 Q (By Mr. Galpern) It's just your report.

4 Do you have a copy, or would you like another copy?

5 A I do have a copy.

6 Q I would like to go over your report in

7 some detail with you, if that's okay.

8 A Yes. I have a clarification or addition.

9 Q Yes.

10 A During our break, I thought of another

11 company that I have worked for with new facilities.

12 In addition to Kinder Morgan, I've worked with the El

13 Paso Corporation on new facilities.

14 Q What kind of facilities?

15 A Oil and gas.

16 Q Oil and gas. Okay. And the El Paso

17 Corporation oil and gas facilities are in Texas?

18 A Yes. They have more than that, but yes.

19 Q Okay. And the facilities that you worked

20 on were in Texas?

21 A Colorado.

22 Q Colorado. You've got to ask that

23 follow-up question. But you can volunteer those

24 sorts of things, if you would.

25 A I thought you were assuming El Paso from

1 the name El Paso.

2 Q I was. I was.

3 A And I don't know if they originated there
4 or what.

5 Q Yes. Yes. Feel free to elaborate if you
6 think that I'm not getting something.

7 A Okay.

8 Q So can we turn to your report --

9 A Um-hum.

10 Q -- Katrina. So this is your final report?

11 A Yes.

12 Q Okay. When did you work --

13 MR. GALPERN: Looking at Page 2 of
14 Katrina's report.

15 Q (By Mr. Galpern) You noted that you work
16 closely and directly with EPA's National Petroleum
17 Refinery Enforcement Initiative.

18 A Yes.

19 Q When you say that, you don't mean to imply
20 that you worked for EPA --

21 A That's correct.

22 Q -- to help enforce that initiative?

23 A That's correct.

24 Q You worked for a large oil refinery
25 on-site to stay in compliance with EPA's change in

1 STATE OF COLORADO)

2) ss. REPORTER'S CERTIFICATE

3 COUNTY OF DENVER)

4 I, Carolyn Leathers, do hereby certify that
5 I am a Registered Merit Reporter, Certified Realtime
6 Reporter and Notary Public within and for the State
7 of Colorado; that previous to the commencement of the
8 examination, the deponent was duly sworn to testify
9 to the truth.

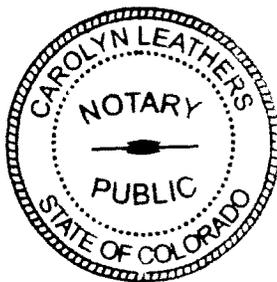
10 I further certify that this deposition was
11 taken in shorthand by me at the time and place herein
12 set forth, that it was thereafter reduced to
13 typewritten form, and that the foregoing constitutes
14 a true and correct transcript.

15 I further certify that I am not related to,
16 employed by, nor of counsel for any of the parties or
17 attorneys herein, nor otherwise interested in the
18 result of the within action.

19 In witness whereof, I have affixed my
20 signature and seal this 11th day of November, 2009.

21 My commission expires September 18, 2013.

22
23
24
25



Carolyn Leathers

CAROLYN LEATHERS