

Hearing & Meeting v. None

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1 DEPARTMENT OF ENVIRONMENTAL QUALITY

2 AIR QUALITY DIVISION

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4 -----
4 IN RE: WYOMING AIR QUALITY ADVISORY BOARD MEETING
5 -----

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6 TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

7

AND

ADVISORY BOARD MEETING

8

9 Pursuant to notice duly given to all
10 parties in interest, this matter came on for
11 meeting and public hearing on the 26th day of
12 September, 2017, at the hour of 1:19 p.m., at the
13 Department of Environmental Quality, 152 North
14 Durbin Street, Suite 100, Casper, Wyoming.

15 In attendance:

16 THE AIR QUALITY ADVISORY BOARD:

17 Chairman Timothy Brown
18 Members Klaus Hanson, John Heyneman,
Diana Hulme

19 THE AIR QUALITY DIVISION OF THE WYOMING
20 DEPARTMENT OF ENVIRONMENTAL QUALITY:

21 Administrator Nancy Vehr
22 Staff members Miles Buckingham,
Darion Donnelly, Robert Leteff,
Mike Morris, Amber Potts

23 THE WYOMING ATTORNEY GENERAL'S OFFICE:

24 Allison Kvien

25 COURT REPORTER: Susan Edwards, RPR, CSR

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1 CASPER, WYOMING; TUESDAY, SEPTEMBER 26, 2017

2 1:19 p.m.

3 MR. LETEFF: This is going to be a public hearing
4 for the regional haze 5-year progress report for
5 Wyoming. We're doing things, I guess, a little out of
6 order.

7 (Several speaking simultaneously.)

8 MR. BROWN: Board function --

9 MR. LETEFF: That's true --

10 MR. BROWN: -- so that's why we thought we'd --

11 MR. LETEFF: -- going to be --

12 MR. BROWN: -- go ahead and let you present this
13 outside of us.

14 MR. LETEFF: So what we will be doing is we will
15 be taking comment and making that part of the public
16 record for the 5-Year Progress Report.

17 And the progress report is required by
18 Section 169A of the Clean Air Act that sets forth
19 requirements for the protection of visibility in
20 Class I areas.

21 And the Code of Federal Regulations, Part 51,
22 Subpart B was the requirements for states to develop,
23 adopt, and submit plans which arrest visibility
24 impairment in any Class I areas present in the state.
25 And Wyoming has seven Class I areas which are the

1 Bridger Wilderness area, Fitzpatrick Wilderness area,
2 Grand Teton National Park, North Absaroka Wilderness
3 area --

4 MS. POTTS: (Inaudible.)

5 MR. LETEFF: Thank you, Amber.

6 -- Teton Wilderness, Washakie Wilderness
7 area, and Yellowstone National Park.

8 Again, we're here to receive comments on the
9 final revisions to Wyoming's State Implementation Plan
10 5-Year Progress Report for Regional Haze which covers
11 the period 2005 to 2009.

12 The report's required under Part 51, 309(d)10
13 of the Clean Air Act which applies to transport
14 regional states which Wyoming is one of three. I
15 believe the others are Utah and New Mexico.

16 So the report is for 2013, or it was for
17 submission in 2013 and originally went out for public
18 comment on December 16, 2013. And a public hearing was
19 held then on January 15, 2014, and the report was
20 revised to address comments at that time.

21 Subsequent to the initial -- in the initial
22 draft period, draft comment period, PacifiCorp applied
23 for and was granted permit for conversion of Unit 3 at
24 the Naughton Power Plant from coal to natural gas by
25 June 30, 2018, which was then revised to June 30, 2019,

1 and a permit issued on March 7, 2017.

2 The report was again made available for
3 public comment for just the conversion for the Naughton
4 Unit 3 to natural gas from June 5th to July 5th, 2017.
5 And the Division responded to comments received and
6 revised the report in response to those comments.

7 This is the final draft prior to submission
8 to EPA Region 8, and any comments received at this
9 hearing will be made part of the public record and
10 responded to.

11 Notice for this hearing was provided through
12 paid advertisement in the "Casper Star Tribune" on
13 August 23, 2017, through general mail, and the
14 Division's electronic mailing list.

15 The transcript of the recording of this
16 hearing will be placed on file in the Division's
17 Cheyenne office which again is located at -- I'm sorry.
18 Not "again." Yeah, but I haven't given you that yet --
19 which is located at 200 West 17th Street. Anyone
20 wishing to obtain a copy of the record may contact the
21 Division's Cheyenne office.

22 We ask any attendees to sign in if they have
23 not already indicated and indicate if they wish to make
24 comments, and we'll now open the floor for comments and
25 questions.

1 MS. VEHR: On the list we have for sign-in, do we
2 have anyone indicating they wish to make comments? And
3 we can go in order of --

4 MR. LETEFF: Yes, we do have Shannon Anderson said
5 that she may make comments.

6 PUBLIC COMMENT: Sure. I can make a few comments.

7 MS. VEHR: For anyone making comments, probably
8 coming up by the court reporter just in case voices are
9 quiet.

10 PUBLIC COMMENT: Sure. Shannon Anderson with
11 Powder River Resource Council. We did submit written
12 comments during the written comment period. So I won't
13 repeat those today.

14 But I did want to just emphasize the point
15 that we had made about the compliant time frame and
16 particularly the need to have that alternative to BART
17 during the compliant time frame that's necessary under
18 the federal regulations. So we still have some
19 concerns about that.

20 We also encourage PacifiCorp if, in fact,
21 they do plan to retire this unit, to amend the permit
22 application and make sure that we don't have to go
23 through this again and maybe get in a speedy fashion
24 work towards that end. So thank you.

25 MS. VEHR: Thank you.

1 MR. LETEFF: Thank you.

2 MS. VEHR: Anybody else?

3 MR. LETEFF: I did not see anyone else on the list
4 that indicated that they wished to make comments, but
5 if anyone wishes to do so at this time, the floor is
6 open.

7 MS. VEHR: It looks like we have someone that
8 would like to make some comments.

9 PUBLIC COMMENT: Bill Lawson, director of
10 environmental services for PacifiCorp.

11 I appreciate the efforts that the State has
12 made to work with PacifiCorp with respect to the
13 Naughton plant. One of the challenges that we've had
14 with the Naughton plant is the timing associated with
15 that. So just some quick comments on that.

16 One of the things we have to do, in addition
17 to getting our permit with the State of Wyoming, is get
18 a permit and get approval from the EPA. We know that
19 that process will take -- our historically in other
20 venues, that process has taken 12 to 18 months.

21 That's one of the biggest concerns that we
22 have with our Naughton plant and the timing that's been
23 designated up to this point.

24 If we were required to follow what we had and
25 retire that unit and convert to gas by the end of this

1 year, we would not have approval from EPA yet, which
2 leaves us in limbo.

3 So that's one of the important things for us
4 is being able to continue the operation of that unit
5 until we get final determination from EPA that the gas
6 conversion may be appropriate.

7 So that's all I have for today. Thank you.

8 MS. VEHR: Thank you.

9 MR. LETEFF: And if anyone else would like to make
10 comment, we're still open.

11 (No responses.)

12 MR. LETEFF: I think in light of no one else
13 wishing to make comment, I think we can go ahead and
14 close the hearing.

15 MS. VEHR: That sounds fine. So the public
16 hearing for the Regional Haze State Implementation Plan
17 Progress Report is now closed.

18 Now we can take a break until our board
19 member comes forward and proceed with the board
20 meeting. Is that...

21 MR. BROWN: If it gets too long, we still have a
22 quorum, and we could start.

23 MS. VEHR: Okay.

24 MR. BROWN: If it drags on further than we think
25 it should, we can go ahead and start.

1 MS. VEHR: Just let me know when, and we can then
2 launch into that.

3 MR. BROWN: Okay. We'll do that.

4 MR. HANSON: Quick call for the approval of the
5 minutes.

6 MR. BROWN: We can convene and approve and then --

7 MR. LETEFF: Yeah.

8 MR. BROWN: I think there are some housekeeping
9 issues we can take care of real quick.

10 We'll call this meeting to order of the Air
11 Quality Advisory Board.

12 The first thing on the agenda is approval of
13 meeting minutes from July 17th.

14 MS. HULME: I'll move to approve the minutes as
15 written from the July 17th meeting.

16 MR. HANSON: Second.

17 MR. BROWN: It's been moved and seconded to
18 approve the meeting minutes from July 17th.

19 All in favor?

20 SEVERAL BOARD MEMBERS: Aye.

21 MR. BROWN: All opposed?

22 (No audible response)

23 MR. BROWN: Meeting minutes of July 17th have been
24 approved.

25 Now we're still in session.

1 MS. VEHR: Did you want to take a recess until
2 John comes?

3 MR. BROWN: We will entertain a recess until John
4 gets here.

5 MR. HANSON: Moved.

6 MS. HULME: Second.

7 MR. BROWN: All right. Now so we're legal.

8 (Recess was taken from 1:28 p.m. until
9 1:36 p.m.)

10 MR. BROWN: Let's reconvene the Air Quality
11 Advisory Board meeting.

12 Moving on, we listened to the public hearing
13 on the Regional Haze 5-Year Progress Report.

14 Now new business, general updates from the
15 division, ozone.

16 MS. VEHR: So thank you for the opportunity. I
17 want to just cover a couple of the criteria pollutants,
18 some other actions that we've mentioned in past board
19 meetings to bring you up to date and then some other
20 issues from both the national and state interest of air
21 quality.

22 So the first one is on ozone. And ozone, you
23 may recall, we have both the 2008 standards and the
24 2015 standards at play. On the 2008 ozone standards,
25 just wanted to let the board know that we will be

1 having our pre-winter ozone season open house in
2 November up in Pinedale on, I believe, it's
3 November 28th.

4 And this is where we will take the
5 information and items that we have worked on since the
6 end of this past ozone season and have tables so that
7 community members can get input, ask questions, and
8 exchange ideas with environmental groups, companies,
9 and the Department of Environmental Quality Air Quality
10 Division.

11 It's been one of those traditions that we've
12 done starting each winter ozone season so we can
13 address issues and concerns up front and get people
14 back up to speed on items that have occurred since our
15 last one, on November 28th.

16 The other item in relation to the 2008 ozone
17 standards that was one of our items we said at the end
18 of last season we would do, would be to look at our
19 existing source rule that had an implementation date.
20 I think it was January 1st of 2017.

21 And there were questions at our compliance
22 booth that we had at the spring post-winter ozone
23 season to find out, "Hey, what are companies doing? Do
24 we have any compliance concerns?"

25 You may recall that it was a record level

1 snowfall in the Sublette County area last winter, and
2 so by the time we had our post-winter ozone season
3 meeting, there was still a lot of snow on the ground,
4 and it was very challenging for inspectors to get out
5 and about in that snow as well as coming over. They
6 had to come over South Pass in that.

7 So we didn't have a whole lot of information
8 that we could share. Most of the inspections that we
9 do in the state tend to be in the months you can
10 travel.

11 And so this past summer, Districts 4 and 5
12 have spent a lot of time in the field looking at
13 existing sources, and they're doing compliance
14 inspections related to the existing source rule. And I
15 think we're going to have some summaries that we will
16 be able to provide.

17 With respect to the 2015 ozone standards,
18 there had been some litigation challenges this summer.
19 EPA put things on hold for a period and then said that
20 they would be moving forward with designations for the
21 states.

22 We have not received anything just yet. We
23 submitted a year ago --

24 Was it, Amber?

25 MS. POTTS: (Indicating.)

1 MS. VEHR: -- the recommended designations under
2 the 2015 standards to EPA, and we're waiting for them
3 to provide their recommendations if they're going to.
4 They call them 120-day letters, so what they anticipate
5 making a recommendation on. All areas in Wyoming we
6 had recommended as attainment or
7 attainment/unclassifiable for the 2017 standard.

8 So we anticipate that sometime this fall but
9 don't have an exact date, haven't received any word or
10 indication from the EPA if that's coming soon or
11 further down the road.

12 That's it with respect to ozone unless
13 anybody has questions from the board.

14 (No responses.)

15 MS. VEHR: Okay. So I'll move on to sulphur
16 dioxide.

17 So in 2010 EPA established a one-hour SO₂
18 standard of 75 parts per billion, and there were not
19 very many, I'll say, monitors out there that have been
20 monitoring at a one-hour level or to a one-hour
21 standard. So there was litigation that ensued.

22 Wyoming had recommended that all areas of
23 Wyoming be designated as unclassifiable at that time.
24 Because of the litigation that ensued, there were
25 court-ordered consent decree deadlines established; and

1 EPA, under this consent decree, looped actions based on
2 four, I'll say, categories and so -- or rounds.

3 So the first round occurred, and they made
4 non-attainment designations for certain sources.
5 Wyoming had no sources in that round.

6 The second round occurred. Wyoming had no
7 sources.

8 The third round is what we're in right now
9 under this data requirements rule, and that is to get
10 information in order for EPA to make designations.

11 And the data requirements rule only applied
12 to certain sources that had a sufficient amount of SO2
13 emissions, and the designations are based on modeling.
14 And so the State of Wyoming made a recommendation in
15 January for these model attainment sources, and I think
16 we had one monitored area as well.

17 And EPA did their 120-day designation letter
18 to the State and published in the Federal Register. So
19 it's open for public comment right now. The public
20 comment period closes, I believe, on October 5th, and
21 so the State's looking at preparing comments on this,
22 EPA's recommendations.

23 And then there is a period of maybe three
24 weeks following close of public comment if the State
25 needed to supply additional information on to EPA for

1 consideration on the designations request.

2 So that's the SO2 DRR round three.

3 The next round is for monitored sources, and
4 these are resources, again, that had a sufficient
5 amount of information that elected to demonstrate where
6 they are with the standard based on monitored values.
7 It will take three years of monitored data under the
8 standard.

9 So the round four designations will occur, I
10 think, around 2020. They had to have monitors in place
11 starting January 2017 and run them for three years.
12 And that, my understanding, would be the fourth and
13 final round for designations.

14 So that's the action on the SO2 front.

15 Does the board have questions on SO2?

16 MS. HULME: For this third round, did you say
17 there are only certain sources that were considered and
18 their emissions are put into the model, not all SO2
19 sources?

20 MS. VEHR: So the DRR is EPA wanted to collect
21 information for designation purposes. And the one-hour
22 standard, typically they needed information, and
23 typically that's you have to have a certain amount of
24 an emissions threshold. I think they said it was 2,000
25 tons per year. So those particular sources had to

1 either do a modeling demonstration that their emissions
2 were not causing issues.

3 MS. HULME: So each source did a modeling
4 exercise. That wasn't a state-wide model.

5 MS. VEHR: Right. It's not a state-wide --

6 (Several speaking simultaneously.)

7 MS. HULME: It's per source.

8 MS. VEHR: Yeah, because of the one-hour standard.

9 MS. HULME: Okay.

10 MR. HANSON: How many monitoring stations are
11 there in the state?

12 MS. VEHR: For the SO2?

13 MR. HANSON: Yeah.

14 MS. VEHR: So the monitoring, I don't have an
15 exact answer, but I think we have a total of --
16 what? -- 14 or 16 sources that had to choose modeling
17 or monitoring.

18 And the one-hour SO2 standard, those sources
19 had to site a monitor. So they had to do modeling to
20 inform the placement of a monitor.

21 And there's somewhere probably around, I'd
22 say, 6 maybe sources that have monitoring. I can't
23 remember for sure, Klaus, but there's probably about
24 6 sources that have to do monitoring for the --

25 MR. HEYNEMAN: Are those --

1 MR. HANSON: Are those the moveable trailers?
2 Because I've seen one in Laramie.

3 MS. VEHR: No. That's a different --

4 MR. HANSON: That's not this kind of monitor.

5 MS. VEHR: No. So this is for designation of the
6 standard of whether a county is in attainment or
7 unclassifiable.

8 The State also has mobile monitors capable of
9 monitoring SO₂, and so we have moved those around the
10 state to different locations to look at SO₂ emissions.
11 We had a monitor near the Newcastle facility to look at
12 SO₂ emissions, and the one in Laramie may or may not be
13 equipped. I'm not familiar enough to --

14 MR. HANSON: I don't know what it monitors. It's
15 down by the river on the south end of town because I
16 think it has something to do with what comes off the
17 mountain.

18 MS. VEHR: Okay.

19 MR. HANSON: Because I remember there's a
20 monitoring station up in the mountains.

21 MS. VEHR: Okay. So we use -- the mobile monitors
22 are used to look at more, what I would say, impacts
23 from sources to populations that we don't have a lot of
24 information from.

25 And we have a monitor -- the Division goes

1 through an annual monitoring network assessment and
2 update, and we finished that in June, and it's about
3 probably 160 pages long. But it looks at all the
4 monitors we've got in the state and addresses those
5 mobile monitors as well and says what each of them
6 monitors and --

7 MR. HANSON: And why.

8 MS. VEHR: Yeah, and why it's located in a certain
9 area.

10 We also have probably about 160 other
11 monitors that sources operate based on their permitting
12 requirements. And so those are more source-specific
13 for the area around those specific --

14 MR. HANSON: They're stationary.

15 MS. VEHR: They're stationary. Yeah, I don't
16 think any of those are mobile.

17 MR. BROWN: When it's all said and done, though,
18 after round four is when the designation for the
19 attainment is going to be made by the EPA; correct?

20 MS. VEHR: They're doing it in these stages. So
21 they're able to designate counties that they have
22 information for.

23 So the recommendation that the governor made
24 in January was for specific counties where we had this
25 modeling information --

1 MR. BROWN: Okay.

2 MS. VEHR: -- and then I think one county where we
3 had monitoring information.

4 I believe -- and I'd have to look back at
5 EPA's technical support document that's out for public
6 comment right now -- they may have addressed some
7 counties that were not captured because they don't have
8 an emission source.

9 They may have said, "Hey, based on the
10 information we've got, we can designate them as
11 unclassifiable." But I can't remember for sure on
12 that.

13 MR. BROWN: You don't have a sense of any
14 non-attainment areas, do you?

15 MS. VEHR: Not for the State of Wyoming. I
16 believe nationally there are some areas designated.

17 MR. BROWN: I just worry about Wyoming.

18 MS. VEHR: Yeah. No, all --

19 MR. BROWN: Perfect.

20 MS. VEHR: -- the information that we have is
21 up-to-date.

22 MR. BROWN: Up to date. Okay. That's all.

23 MS. VEHR: That's SO2.

24 The next one is on just a status update on
25 the PM10 or the re-designation, and this was the one

1 where the Sheridan area had been -- City of Sheridan
2 had been designated non-attainment before certain
3 members of the Air Quality Division had even come into
4 this world.

5 And we have been attaining the standard for a
6 couple of -- I think, close to a couple of decades; is
7 that right, Mike?

8 MR. MORRIS: Yeah, I think about 25 years.

9 MS. VEHR: 25 years we've been attaining the
10 standard. So we went through a re-designation and a
11 limited maintenance plan, a demonstration that Mike and
12 other staff at the Division put together; submitted
13 that down to EPA.

14 They're reviewing it now, and we hope to hear
15 back from them within the next couple of weeks and have
16 a better idea if that will get proposed action by EPA
17 sometime within the next couple of months. We're
18 hoping that, at least by the next board meeting, we'll
19 be able to give you some really positive news.

20 MR. HANSON: That had do with dust on the roads,
21 didn't it?

22 MS. VEHR: Correct.

23 MR. HANSON: Correct.

24 MS. VEHR: Yeah. They're paved roads now and use
25 a different material for --

1 MR. HEYNEMAN: That dust was due to coal-burning
2 stoves as well. Houses were heated with coal.

3 MS. VEHR: It might -- if you read actually that
4 plan, it goes through a really nice background of what
5 the -- kind of from a historical perspective and the
6 information that led to that particular situation.

7 MR. HEYNEMAN: Get a clean burn market, if you
8 like that was --

9 (Several speaking simultaneously.)

10 MS. VEHR: So that's a real short update on the
11 PM10 re-designation effort.

12 The next one is covering a multitude of
13 pollutants, and it's all related to the wildfires that
14 we have experienced, I'll say, episodically throughout
15 the summer but in particular the last part of August
16 and much of September.

17 And these were wildfires that were in
18 Montana. There were some in Wyoming and some to
19 farther parts west. Carried a large area of smoke
20 impacts to many parts of the western US.

21 In Wyoming the hardest hit communities were
22 Sheridan, Casper, the Powder River Basin, and Cheyenne.
23 We had 40 elevated values of PM2.5, PM10 nitrogen oxide
24 and ozone all related to these wildfire impacts.

25 The Division has devoted and during these

1 smoke events had to devote extra resources to
2 investigating what was causing the elevated values to
3 addressing questions and concerns from the public.

4 The Division is environmental. Our charge is
5 environmental. The standards are set to protect public
6 health. But we're not the public health entity for the
7 state. That's the Department of Health.

8 So then you have to coordinate because we
9 don't have that capacity to answer health questions.
10 We can refer folks over to the Department of Health.

11 We had some, I'll say, communication do-loops
12 where we would say, "Call health." Health would say to
13 call us, and we ironed those out so we could get
14 information to folks.

15 One of the biggest resources -- and you may
16 recall from previous presentations -- is what we called
17 our WY Disk Net (phonetic) network of monitors. So in
18 the web, there's the map of the state of Wyoming. And
19 it has all the monitored locations where the state's
20 running monitors, and you can click and see what the
21 values are.

22 At the bottom -- it's not the easiest to
23 find -- but at the bottom is our link, and it has
24 public health there. And so we did a couple of press
25 releases to get that information out to people.

1 It's near realtime monitoring. It provides
2 the links to health information so that people could
3 make decisions about what possible health impacts or
4 concerns they might have or make adjustments.

5 So we're going to continue to work on, I'll
6 say, making and fine-tuning that process of when these
7 episodes happen. But I did want to say it is a
8 significant resource impact to the State, having these
9 wildfires and the monitor values were high.

10 I can say that we did not reach the levels
11 that they did up in Montana. They had them topping out
12 at whatever their monitor was capable of reading, so
13 some very, very significant impacts there.

14 MR. BROWN: Did you have to submit an exceptional
15 events packet to the monitoring group?

16 MS. VEHR: We are looking at that right now
17 because the short answer to your question is yes. Even
18 though this is something that has been communicated to
19 people by EPA itself that these events are going on and
20 affecting, but we have to look at each monitor.

21 MR. BROWN: That's what I was going to ask.

22 MS. VEHR: So hopefully we can come up with a
23 strategy that is not resource-intensive and achieves.
24 I think there's some items -- this is Nan's soapbox,
25 not any other statement -- but I think there's some

1 items that are what I call lower-list demonstrations
2 that make sense that we can all pretty much agree on,
3 and there may be others that we have to dig down into
4 the science more.

5 MR. BROWN: Pretty obvious where it came from.
6 Even the EPA can agree.

7 MR. HEYNEMAN: Pretty obvious to me.

8 MS. VEHR: So we'll be working through that, and
9 maybe by that time, since there was a whole host of
10 states that will be in a similar mode, we can
11 conserve --

12 MR. BROWN: Do (inaudible).

13 MS. VEHR: Yeah. That's the wildfire piece of it.
14 So we are working on some communication improvements
15 that we can...

16 MS. HULME: You said 40 violations. I assume
17 that's total, not 40 per pollutant.

18 MS. VEHR: Correct. It's not -- I would hate to
19 say that they're violations. They're --

20 MS. HULME: Exceed --

21 MS. VEHR: -- exceed events over the standard. I
22 don't know that we have anything that exceeds whatever
23 the actual standard is, that violates the standard.

24 Yeah, that's total, and I don't have the
25 breakdown of how many, but I would just anticipate that

1 most are in the particulate matter category, but it is
2 a wide swath of the state.

3 That's on wildfires.

4 On regional haze, in addition to the public
5 hearing that you just heard, we are already making
6 preparations for the next round of state implementation
7 plan submittal requirements for regional haze. And
8 we -- Wyoming is a member of what's called a
9 multi-jurisdictional organization for air quality, and
10 that organization is called WESTAR.

11 And for those of you that are more familiar
12 with our state implementation plan we submitted before,
13 the technical work, the modeling work, the states get
14 together through this multi-jurisdictional organization
15 and coordinate our modeling efforts so we use less
16 resources.

17 Modeling is very, very, very expensive, very,
18 very time-consuming. And they can collectively do the
19 modeling, and then each state can utilize it. It's
20 again regional haze pollutants.

21 So those efforts are starting and kind of
22 being kicked off with a December meeting that WESTAR is
23 putting together focused on regional haze.

24 So at future board meetings, as we progress
25 on this, we'll keep the board updated on where we are

1 on that progress, but this is the very early stages.
2 And I think the state implementation plan is due in
3 2021? 2021. So we already are having to start the
4 modeling efforts from that.

5 The other updates dealing with other areas
6 where we're engaged with lots of other states deals
7 with modeling. There's a lot of developments that have
8 occurred on the modeling front.

9 I think it was in December of 2016, EPA -- or
10 no -- it was January of 2017, EPA released its updates
11 to what's called the Appendix W guidance, and that's
12 dealing with modeling that has been approved by EPA.

13 And as they do those updates, they then hold
14 conferences to look at additional areas that need to be
15 addressed by modeling. This is for a multitude of
16 pollutants and a multitude of different modeling
17 platforms.

18 So there's a conference going on right now in
19 North Carolina, Research Triangle Park. We have a
20 staff member that worked on our permit modeling, Nate
21 Henschel, was at that particular meeting getting the
22 latest updates.

23 We anticipate that that -- we'll take a look
24 at that internally and see if there's any additional
25 updates we need to provide to sources that have to

1 model for permitting purposes on that.

2 So there was recently a meeting in Boulder
3 looking in particular at ozone transport. So this was,
4 again, folks from EPA, western states. And I didn't
5 attend the meeting, but some academics and probably
6 other folks attended as well to learn about some of the
7 issues that are out there dealing with ozone transport.

8 The board may recall that last -- early last
9 spring, there was an action posted in the Federal
10 Register that had disapproved Wyoming's demonstration
11 for the 2008 ozone, what's called the transport prong
12 or good neighbor prong of our infrastructure step.

13 And so there's developments that have
14 occurred since then relating to state of the science
15 surrounding ozone as well as transport as well as
16 background. So it's an evolving area, and we're still
17 learning a lot. So this conference is to help us stay
18 engaged and up to date with that.

19 Then the final item I wanted to touch base on
20 was on the Volkswagen settlement. So I think
21 previously we had thought that the Volkswagen, I'll
22 call it, the trust agreement would have been signed and
23 in place and states would have started receiving funds
24 to look at putting in to plan the use of these
25 mitigation dollars for the NOx emissions.

1 And that trust agreement, my understanding,
2 is now in the signature phase. Once it gets signed,
3 then the State will have, I believe it's about 60 days
4 to say that we would like to participate and receive
5 funds, -- around somewhere between seven and a half to
6 eight and a half million over ten years that would go
7 towards NOx mitigation.

8 There is -- I think Darion came across this
9 yesterday -- there is a docket right now. For anybody
10 that's interested, Wyoming has posted a plan to have --
11 to use these dollars. It's not a lot of money. For
12 Wyoming, it's a lot of money. But we're getting about
13 seven and a half million, and I think California is
14 getting closer to many, many magnitude greater.

15 And other states as well. I think Colorado
16 might be around 70 million. Some of the projects that
17 we can do are limited by the dollars that we can
18 receive, but that plan is posted for public comment.

19 MR. HANSON: Is that tied to the number of
20 vehicles in the states, that are registered in the
21 state? I don't know how they figure this -- arrived at
22 that figure.

23 MS. VEHR: I don't know all the mechanics of it,
24 but they looked at a variety of figures, a variety of
25 information, and there are some states that are what

1 are called minimally funded. Wyoming and a handful of
2 other states are in that smaller category.

3 But we do have numbers. We did look at the
4 number of Volkswagen, Porsche, Audis in the state and
5 that are registered, and that was kind of interesting
6 information.

7 MR. HEYNEMAN: As this goes forward, where would
8 the funds go?

9 MS. VEHR: That's under the plan, and I'm not
10 familiar enough --

11 MR. HEYNEMAN: The department?

12 MS. VEHR: They don't go to a department. They're
13 put into projects. So, for example, one of the things
14 that the plan is as to how the state anticipates using
15 it, and that's why they're taking public comment.

16 But you can -- EPA for many years has had a
17 program called the DERA program, Diesel Emissions
18 Reduction Act program, where you could have certain
19 vehicles that qualified and you can get them to a lower
20 emitting type of vehicle, and EPA would have dollars
21 available to do this.

22 And so under the Volkswagen, there's some way
23 you can leverage your -- so you can have additional
24 maybe vehicles to do this.

25 There are limitations that were spelled out

1 in the litigation that said how these funds can be
2 used, and that's what states are trying to figure out,
3 their plan.

4 For Wyoming's plan, it's not that it goes to
5 any department. It has to come -- the money has to
6 come into the State but then passes through to the end
7 user.

8 That's all the update I had for air -- oh,
9 one last thing.

10 Staffing, just kind of a general business
11 item. So we have 72 positions in the Air Quality
12 Division, and we have four vacancies right now. Two of
13 them are administrative support vacancies, including a
14 records person. The third one is new source review
15 permit engineer, and then the fourth one is a new
16 source review permit engineer supervisor.

17 Anybody that knows a permit engineer
18 supervisor that has a PE, we've now advertised since, I
19 think, late March, early April; and that's a
20 challenging position to get filled at the state level.
21 It does impact our operations.

22 All the positions in the vacancies impact our
23 operations, but that one in particular is very
24 challenging to try to have qualified applicants or any
25 applicants. So if you know somebody, pass them along.

1 And then this coming session is a budget
2 session in front of the legislature. So we're doing
3 our preparatory work to get a budget prepared. There
4 will be some fall committee meetings that we may be
5 called to attend, and then we'll start our two-year
6 cycle all over again.

7 That is all I have for the board.

8 MR. HEYNEMAN: Any questions, some are directly
9 related to issues out of time or what?

10 MR. BROWN: We can ask questions now. Do you
11 have --

12 MR. HEYNEMAN: So I've just been aware lately of
13 leasing activity is ramping up particularly here and to
14 the east of here for deep oil. And I'm curious about
15 where the conversations are that are going on like a
16 year ago with methane escape and then VOC emission --
17 what is the term? The term is...

18 MS. VEHR: Leak, fugitive emissions?

19 MR. HEYNEMAN: Leak, fugitive emissions, where
20 (inaudible)?

21 MS. VEHR: Sure. So --

22 MR. HEYNEMAN: It hasn't been a big deal in the
23 western part of the state. Just with any luck, it will
24 be a bigger deal here as --

25 MS. VEHR: Yeah.

1 MR. HEYNEMAN: -- increases.

2 MS. VEHR: So on the -- and I'll give you two
3 parts in terms of the update. One is on our permit
4 side of things, so the number of permit applications
5 that we've received as a division, and then we process
6 and issue permits.

7 When we do that for production sites, most of
8 the production sites fall under what we call our -- or
9 use our best available control technology presumptive
10 fact guidance, which means, when we receive a permit
11 application, they've already drilled the well, and it's
12 starting production. They have a certain time to apply
13 for a permit.

14 Other aspects that we do with permitting,
15 sources apply in advance of actually taking the
16 activity. And so the distinction -- the reason I'm
17 making that distinction is, when we look at our
18 permitting numbers -- I think I told the board last
19 time, and it may have been -- the board wanted to know
20 what's the split on the permitting?

21 It's roughly about 50 percent. It's been
22 staying roughly about 50 percent of our permit activity
23 is oil and gas and the other -- related, and the other
24 is other types of sources in the state.

25 So the number of permitting actions we've

1 seen, last year we had just a slight decrease, and now
2 we're back up to about the levels we were in 2015. So
3 I'm making the assumption that about 50 percent of
4 those are oil and gas at about the rate we saw for
5 permitting actions in 2015.

6 Those are issued primarily under our
7 presumptive fact guidance. Not everything falls into
8 that. Some have to go through traditional permitting.

9 And one of the things that we did in May of
10 2016 was when we released the updated updates to our
11 presumptive fact guidance. Best available control
12 technology is a process, and we go to look at the
13 emissions technology that's available, the cost, the
14 environmental impacts, and you do this analysis to come
15 out with what the requirements are to control the
16 emissions.

17 One of them is fugitive emissions or leaks as
18 it's known. There's been a -- so when we start that --
19 finish that process, which we did in the spring of
20 2016, it's not too soon after that that we always start
21 and look at what's been the changes. Because it's like
22 any other effort, you go through, and it takes some
23 time to gather information and things change.

24 So we started that process, and then we had
25 some developments that we have to factor into that

1 decision.

2 One of the developments was that EPA, I
3 think, it was June or July of 2016, promulgated a rule
4 call Quad Oa. It's a new-source performance standard.
5 And new-source performance standards set the floor for
6 the best available control technology. Best available
7 control technology cannot be less stringent than a
8 new-source performance standard.

9 So we don't like to have duplicative
10 requirements, conflicting requirements, those kind of
11 things. So we had to stop and take a look at this
12 new-source performance standard to factor that into how
13 we permit here in the state of Wyoming and the sources.

14 Then in, I'll call it, the fall-winter, so
15 there was another federal agency, the Bureau of Land
16 Management that came out with the rule addressing
17 methane from, I'll call it, federal minerals. And they
18 looked at leaks and had required -- had other
19 requirements that weren't related to air quality, but
20 some of the requirements of this rule were related to
21 air quality.

22 And one of the -- so we had to stop again to
23 take a look at what this BLM's it's called a venting
24 and flaring rule meant. And one of the items when we
25 were looking at that particular rule, the State of

1 Wyoming challenged that particular rule. And in the
2 briefing, we talk about primacy being very, very
3 important to Wyoming air quality, and we are staunch
4 defenders of Wyoming's air quality primacy.

5 And our view of the Clean Air Act was that
6 Congress gave air quality authority to EPA and the
7 states, and we looked at the BLM venting and flaring
8 rule and did not feel that the provisions in there were
9 authorized in terms of air quality. That was an agency
10 that was outside of its authority.

11 We brought a challenge. That had to proceed
12 through the courts. There was a stay action or
13 injunction action to hold off on the rule. The federal
14 district court, actually here in Casper, there was a
15 hearing. They came out with a ruling that denied the
16 request to stay the rule.

17 I think it's been appealed to the federal
18 court. I don't know where that is -- in the briefing
19 part of it or if they've had a ruling on it already.
20 But anyway, as that one was going through, that kind of
21 side-railed this fact analysis because we only have
22 limited resources.

23 Remember, we've also had a -- the State's
24 economy was such that the revenues to support state
25 agencies had to be significantly cut. DEQ was no

1 exception. We looked and made specific targeted cuts
2 to achieve the budget reductions that we needed to as a
3 state agency.

4 But that takes a toll on agencies because
5 then we have to adjust resources. We lost some
6 positions, but we are still able to carry out our core.

7 So this is a long-winded way, but it gives
8 you all the information you need.

9 MR. HEYNEMAN: It's complicated.

10 MS. VEHR: Yeah. So anyway, then we -- once we
11 had some of these pieces, we were able to then start --
12 oh, I forgot another one.

13 The Quad Oa piece of it. So it was in
14 effect. There was a change. There was an election in
15 November. There was a change in administrations. They
16 had a -- took a look at different policies, rules, and
17 regulations.

18 And then they had put in, I'll call them,
19 administrative stays, executive stays, different types
20 of action on a variety of rules, probably including the
21 BLM venting and flaring and the new-source performance
22 standards. I cannot keep up with everything all the
23 time. So I might get some of these mixed up.

24 But the effect is that the rules were in
25 place and then not in place and in place and not in

1 place again. My understanding right now of Quad Oa,
2 which is the EPA rule, is that it is in effect and it
3 is law. We have it in our permits.

4 And so that particular rule is in place. I
5 believe there are still reconsideration petitions that
6 are being evaluated, and that's typical in EPA
7 rule-making. But anyway, we've had to consider all
8 this.

9 We've been meeting because this is a rule
10 that impacts the state, impacts the industry within the
11 state, and impacts the citizens within the state. We
12 took the process that had been used in the last
13 go-round on back developing this guidance and applied a
14 similar concept where we started back in the spring of
15 2016 or early summer of meeting with several of the
16 environmental organizations and then having separate
17 meetings with the industry to try and have that open
18 discussion and input on this guidance.

19 We are still in that process. We have a
20 target of fall and late fall of trying to come up with
21 a back guidance that we can bring before the board. As
22 that date approaches, it may slip. It is really hard
23 to go forward when we have some of the challenges we do
24 with resources and some of these other issues.

25 Again, I mentioned the wildfires. There are

1 other issues that we have to pull staff off of that are
2 working on projects to deal with. We have not
3 abandoned it. It's just that our timetable may change.

4 But that addresses one of the, I'll say, back
5 provisions, addresses fugitive emissions. We are
6 working on our language. The nomenclature has
7 typically been leak detection and repair.

8 That is -- those programs are very specific
9 programs that have been developed for, I'll say, the
10 chemical industry and some other larger gas, very
11 controlled settings. And we're used to the word
12 "fugitive" for any emission that comes not out of a
13 stack.

14 So we're trying to look at our nomenclature
15 on that and be cognizant of how we use it. We think
16 the oil and gas industry is a little bit different than
17 some of these controlled settings in terms of that
18 aspect of the process.

19 But we are in the process of evaluating
20 information that's been submitted to us from the
21 environmental state group and the industry state group
22 and analyze what that means so we can bring the
23 proposal forward in terms of guidance.

24 It's not one that would require board action,
25 but we typically use this as a forum to get that public

1 input, much as we did with the regional haze plan
2 update.

3 So it's in the works. Timing is the
4 challenge on that particular one, and exactly what the
5 proposal is, it's way too early right now for us to say
6 because we have staff analyzing it. That's where we
7 are on it.

8 We do keep an eye on areas of the state that
9 have that activity, oil and gas activity or other types
10 of industrial development so that we can plan for
11 what -- we want to be ahead of the curve and ahead of
12 the game.

13 But we also don't want -- we know that there
14 is a cost associated with regulatory actions, and so we
15 want to be prudent in that, and that gets -- that's why
16 we go through these processes so we can have that
17 robust discussion to factor in all that information.

18 So there will be more coming back through
19 this body to either use as a public hearing or other
20 additional proposals. But we are paying attention to
21 what that development looks like.

22 From the agency perspective, we have realized
23 the Clean Power Plan was an example. We have the air
24 quality piece of it, but we don't have the other
25 regulatory, the rate-payor piece of it that entities

1 look -- have to go before our Public Service Commission
2 to be able to address the controls that we may require
3 from an environmental standpoint.

4 So we have decided to start trying to get an
5 engagement with the Public Service Commission staff so
6 we can learn what it is that they do and consider and
7 they can learn what we do and consider.

8 Same thing with the Oil and Gas Conservation
9 Commission. We don't want to have duplication of
10 effort. We want to know what our regulatory spheres
11 are and what makes sense.

12 So we have started an engagement with the Oil
13 and Gas Conservation Commission staff to look at doing
14 cross-training of staff so we can learn what they do,
15 and then we're not duplicating. But it also will help
16 us on staying better engaged on development activities,
17 and it helps us address questions from the public and
18 other policy items.

19 That's where we're at. I hope I covered
20 everything.

21 MR. HEYNEMAN: That does. Thank you.

22 MS. VEHR: Okay.

23 MR. HEYNEMAN: So if my memory serves, there was,
24 in kind of the southwest part of the state, an area of
25 where there's more oil and gas activity, particularly

1 gas, and there are some standards. There are some
2 rules in place regarding fugitive emissions, checking
3 for fugitive emissions. And I think there was some
4 conversation about expanding that statewide.

5 MS. VEHR: Yeah.

6 MR. HEYNEMAN: And that conversation is still --

7 MS. VEHR: The area you're talking about is in our
8 upper Green River basin, Sublette County, and parts of
9 Lincoln and Sweetwater Counties that is not attainment.
10 And so as -- for the 2008 standard. So there was a
11 rule-making effort that came forward that's called the
12 existing source rule.

13 So that would have come through this body and
14 then on to the Environmental Quality Council. And
15 they've imposed what I'll call that Chapter 8 -- it's
16 an acronym and probably made no sense. I'm sorry --
17 but that's under our existing source rule in Chapter 8,
18 Section 6 of our rules.

19 And one of the requirements in that rule is
20 it had a four-ton threshold and had a
21 fugitive-emissions-monitoring requirement. So that's
22 in place in the upper Green River Basin non-attainment
23 area.

24 There have been comments that we've received
25 asking us to consider expanding that statewide. The

1 statewide area, which is other parts of development in
2 the state, it has a different ton threshold. Is that a
3 six-ton per year threshold? So there's been some
4 discussion and input that we've received about changing
5 those.

6 Those are where we take a look -- and I think
7 we had mentioned it in the BLM venting and flaring
8 rule, that litigation, that we developed rules to
9 address specific issues and challenges, and that's
10 where we evaluate all that information -- if it makes
11 sense to do it, what are the policies and cost
12 considerations that go into all of that.

13 So we don't have a rule-making effort going
14 on to bring that statewide. What we have is the fact
15 guidance to look at what those thresholds may be or
16 what the fugitive emissions monitoring parts are.

17 MR. HEYNEMAN: Thank you.

18 MS. VEHR: I can talk a lot. So always tell me to
19 stop and ask questions. Otherwise, I can go on.

20 MR. HANSON: Other commissions that I have to go
21 to, they're doing, of course, the same thing for water
22 and wastewater, you know, and developing. And I talked
23 to you earlier about this, best available techniques,
24 et cetera. And they are in the process of developing
25 something, exceptions, you know, and price

1 calculations, how expensive can they be.

2 And the other question that's unclear to my
3 mind that they are developing is how much of an
4 exception is permissible. You know, there seems to be
5 no limit set at this point.

6 The other thing that we talked about a little
7 bit beforehand about is the price to fix it. How much
8 does it cost? So I presume that will be an issue for
9 this commission as well in the air quality area rather
10 than water and wastewater. But they're doing something
11 very similar.

12 MS. VEHR: Yeah. So on rules -- and it's spelled
13 out in the Environmental Quality Act, when we bring
14 rules forward, we need to have different considerations
15 to bring that, and that's in that supporting
16 documentation --

17 MR. HANSON: Sure, thank you.

18 MS. VEHR: -- might see.

19 MR. BROWN: Any other questions for Nancy? Do we
20 want to take like a quick break and then come back to
21 the rule-making and power through it?

22 MS. VEHR: What is the board's pleasure?

23 MR. HANSON: As long as we get done soon.

24 MS. POTTS: I can go.

25 MR. BROWN: Okay. We won't do a break, and we'll

1 just go to the rule-making.

2 Is it all incorporation by reference?

3 MS. POTTS: Yes, except one.

4 MR. BROWN: I wonder do we want to offer public
5 comment after each one in case there is a comment or at
6 the very end?

7 MS. POTTS: (Indicating.)

8 MR. BROWN: Okay. We'll do it at the very end.

9 MS. POTTS: Amber Potts with the DEQ Air Quality
10 rule-making team, and today's rule-making activities
11 center around incorporation by reference.

12 Incorporation by reference -- or we call it
13 IBR for short -- is just a mechanism to keep our state
14 regulations consistent with the federal regulations.
15 So we refer to the federal regulations or the Code of
16 Federal Regulations and our Wyoming Air Quality
17 Standards and Regulations.

18 And when we incorporate by reference, it just
19 consolidates a fairly large amount of federal
20 regulation into one paragraph at the end of our rule,
21 makes it short, concise, so folks don't have to pile
22 through pages and pages of our regulations.

23 So the last time we brought the IBR update
24 before you was about this time last year. And this
25 year we're updating from 2016 to 2017, and

1 specifically, we're updating the Wyoming Air Quality
2 Standards and Regulations:

3 Chapter 2, Ambient Standards, Section 12,
4 which is located on page 2-7;

5 Chapter 3, General Emission Standards,
6 Section 9, page 3-47;

7 Chapter 4, State Performance Standards of
8 Specific Existing Sources, Section 6, page 4-19;

9 Chapter 5, Emission -- sorry -- National
10 Emission Standards, Section 4, page 5-46;

11 Section [sic] 6, Permitting Requirements,
12 Section 14, page 6-157;

13 Chapter 8, Non-attainment Area Regulations,
14 Section 10, page 8-94;

15 And the last one is Chapter 11, National Acid
16 Rain Program, Section 2, page 11-1.

17 That's all the incorporation by reference.

18 The other change is located in Chapter 8,
19 Non-Attainment Area Regulations, Section 3, Conformity
20 of general federal actions to state implementation
21 plans -- and this is on page 8-24.

22 So back in 2010, when we updated our Wyoming
23 Air Quality Standards and Regulations for the general
24 conformity, Section 3C(xi)(h)(i)B was inadvertently
25 left as PM10 rather than changed to PM, which is just

1 incorporating PM10 and PM2.5. PM is particulate
2 matter. So that happened a while back, and this is
3 just a cleanup exercise.

4 MR. HEYNEMAN: How did you catch that?

5 MS. POTTS: Oh, EPA actually caught that error in
6 their review. They approved our SIP, but they left
7 this one little note for us that said, "Hey, whenever
8 you open Chapter 8 again, please update that and
9 incorporate the PM or all the particulate matter.

10 MR. BROWN: Just made it a little cleaner.

11 MS. POTTS: A little cleaner. And just so you
12 know, we would only be needing that chapter if we ever
13 had a non-attainment area for PM2.5, which we do not in
14 Wyoming have that. So it wasn't a necessary change.
15 It's for future generations. If the next team rules
16 need to worry about that, we've cleaned that up for
17 them.

18 All these changes presented today would be
19 submitted to EPA in a SIP change. And we did put this
20 out for public notice prior to this meeting. We have
21 received no comments up till now.

22 And that's all of the rule-making changes.

23 MR. BROWN: Any comments from the board?

24 (No audible response.)

25 MR. BROWN: We need to entertain public comment.

1 Anyone from the public or industry has any comment?

2 (No audible response.)

3 MR. BROWN: I'll take that as a no.

4 I guess we can entertain -- let's see. We
5 probably should do all these incorporation by reference
6 separately and then the Chapter 8 non-attainment
7 regulation by itself since it's not incorporation by
8 reference. Does that make sense?

9 MS. HULME: Sure. I'll try. I move for the
10 acceptance of the incorporation by rules for the
11 (inaudible) --

12 THE REPORTER: Would you speak up a little bit.
13 Thank you.

14 MS. HULME: I don't know if I need to read all
15 these or not.

16 So for adoption of the changes to the
17 incorporation by reference sections in Chapter 2,
18 Section 12; Chapter 3, Section 9; Chapter 4, Section 6;
19 Chapter 5, Section 4; Chapter 6, Section 14;
20 Chapter 11, Section 2; and Chapter 8, Section 10 as
21 written.

22 MR. HEYNEMAN: I'll second the motion.

23 MR. BROWN: Okay. It's been moved and seconded
24 to -- let's vote on this, and then we'll go through and
25 set that out.

1 So all in favor of incorporation by reference
2 as noted by Diana say aye and all those opposed --

3 SEVERAL BOARD MEMBERS: Aye.

4 MR. BROWN: All those opposed?

5 (No audible response.)

6 MR. BROWN: It's been moved and seconded to accept
7 by reference Chapter 2, Section 12; Chapter 3, Section
8 9; Chapter 4, Section 6; Chapter 5, Section 4;
9 Chapter 6, Section 14; Chapter 8, Section 10; and
10 Chapter 11, Section 2 incorporation by reference.

11 MS. VEHR: This is Nancy and the board motion
12 passed?

13 MR. BROWN: The board -- it passed. I'm sorry.

14 MS. VEHR: Okay.

15 MR. BROWN: It's been moved and seconded and has
16 been approved.

17 Okay. Now we need one more motion. No, we
18 need to do Chapter 8, Section 3.

19 MR. HEYNEMAN: I move for acceptance of
20 non-attainment incorporation by reference of Chapter 8
21 Section as presented.

22 MR. BROWN: That's not incorporation. That's why
23 it's separate.

24 MR. HEYNEMAN: Excuse me. So I will change my
25 motion to read that I will move to accept changes to

1 Chapter 8 as presented. How about that?

2 MR. BROWN: It's been moved.

3 MS. HULME: I'll second.

4 MR. BROWN: It's been moved and seconded for
5 Chapter 8, Section 3, Non-Attainment Area Regulations.

6 All those in favor?

7 SEVERAL BOARD MEMBERS: Aye.

8 MR. BROWN: All opposed?

9 (No audible response.)

10 MR. BROWN: Chapter 8, Section 3 Non-Attainment
11 Area Regulations have been approved.

12 Okay. Any --

13 MS. VEHR: I have one other item, and I just
14 realized it when I was listening to Amber.

15 I neglected to introduce the Air Quality
16 staff to the board, and I want to make sure that you
17 are familiar with who is here at the board meeting. So
18 my apologies for not doing that at the beginning.

19 But we have Mike Morris with team rules,
20 Darion, Amber, Rob with team rules.

21 Allison Kvien is from the Attorney General's
22 Office. And so when we have a rule coming forward, we
23 like to have folks from the Attorney General's Office
24 in case there's a question. And I think on the next
25 board meeting, when we have rules, Allison will be a

1 part of the presentation on those.

2 And, oh, yeah. And Miles sitting there
3 studiously writing away in the back from district here.
4 So my apologies for not doing that in the beginning.

5 MR. BROWN: I thought about it too in the middle.

6 MS. VEHR: Apologies to staff.

7 That's all that we have except, Amber, I
8 don't know if you have anything in regards to upcoming
9 board...

10 MS. POTTS: Scheduling the next board meeting, I
11 can send out polls, and just so you're aware, we will
12 be having our DEQ administration and the Attorney
13 General's Office presenting information to you to
14 change a position of our DEQ rules of practice and
15 procedures.

16 If you'll remember, we got together with the
17 water board, the land board a while back, and there was
18 one more change that needs to happen to fees. So if
19 folks are requesting public records, we produce
20 documents, and we're unable to charge fees right now,
21 and that's changed statewide. So they'll be presenting
22 that to you.

23 And then also team rules would like to
24 present some areas in our regulations that we are
25 trying to update to go more electronic. So any time

1 that we have had paper copies submitted to the
2 Division, we want to update that to kind of move things
3 forward on that front.

4 MS. VEHR: I think -- I know we've talked to the
5 board about some the efficiency items that we're trying
6 to do as an agency, and those of you that have worked
7 with our permitting system, we have our impact
8 permitting system that's electronic.

9 Probably by that time, we'll also have what
10 we're trying to develop too is what we call the public
11 interfacing side of that so that people can do
12 self-service of permits and other commonly requested
13 documents through a public records request. And then
14 they do that from their own home.

15 If that would be useful to the board to see
16 it more hands-on, if we have that feature, it's going
17 to --

18 MR. BROWN: That's good for me.

19 MS. VEHR: Okay. We'll try to do that.

20 And if there's anything else that the board
21 would like to be educated on, have a presentation on or
22 go on a field trip to on air quality issues, just let
23 Amber know so that we can meet those needs as well.

24 MR. BROWN: What is the time frame?

25 MS. POTTS: I'm hopeful for November, December. I

1 don't know what you guys and your schedules are.

2 MR. HEYNEMAN: Further south? Is that up for
3 discussion, still lobby for that? No one made it to
4 the Sheridan meeting. It seems like they are due.

5 MR. BROWN: That was a long way.

6 MS. VEHR: There was the snowstorm where we got
7 stranded in Sheridan.

8 MS. HULME: I don't know what else was planned for
9 the agenda, but if there was an opportunity, to have a
10 chance to do the feedback update for us, either have
11 something for us to look at. Because Nancy was hoping
12 for the fall. It seems like it might be -- if that's
13 possible, it would be really great --

14 MS. VEHR: At least be able to --

15 MS. HULME: -- nothing else, an update would be
16 really good.

17 MS. VEHR: That and I think the PM10
18 re-designation, if we've heard something on that as
19 well.

20 MR. BROWN: And SO2.

21 MS. VEHR: And SO2.

22 MR. BROWN: And any more information out there
23 between now and then.

24 MR. HANSON: Just a small warning from my
25 experience last week. Set aside quite a bit of time

1 for the fee schedule.

2 MS. VEHR: Okay.

3 MR. HANSON: We ran into open knives of the board,
4 and there was a lot of opposition to it, and people
5 just don't want to pay fees.

6 MS. VEHR: Okay.

7 MR. HANSON: That was -- it took over an hour into
8 to the discussion. So I'm just warning you what is
9 coming down the pike.

10 MR. BROWN: So this isn't a combined meeting?

11 MS. POTTS: No. They're trying to take it through
12 each board, and then once those boards have met, then
13 they'll take it to the ECC.

14 MR. BROWN: Oh, thank you.

15 MR. HANSON: And the other thing was the board and
16 this board too will really have nothing to say about it
17 except something to say about it. It's a very strange
18 situation because it's an administrative rule which is
19 not within our purview as a board, but we're supposed
20 to comment on it.

21 And then it's very strange. We had an hour's
22 worth of discussion, made some suggestions, and then
23 they said, "You can't make any changes to it anyway."

24 MS. VEHR: There are, I'll say, call them nuances
25 of administrative procedure law that are made, may come

1 into play on different actions. We face that when we
2 do incorporation by reference. We can't change any of
3 the things springing forward. That's one we can
4 comment on it.

5 MR. HANSON: Quite amusing.

6 MS. VEHR: And if there are other issues that
7 arise between now and when we are getting the next
8 meeting put together, feel free to let Amber know, and
9 that way we can be responsive to whatever is going on
10 and might be able to share some of the updates from the
11 ozone, pre-minerals.

12 MR. BROWN: Thank you.

13 MS. VEHR: I'll try -- if you want me to be
14 succinct, you can say, "You have two minutes." I'll
15 cut it down.

16 MR. HEYNEMAN: Have cards?

17 MS. VEHR: Yeah, otherwise I'll go on.

18 MR. BROWN: Better to have more information than
19 not enough.

20 All right. Any other comments for the board
21 before we adjourn?

22 MS. HULME: Move to adjourn.

23 MR. HANSON: Second.

24 MR. BROWN: Moved and seconded.

25 Meeting is adjourned.

1 (Proceedings concluded at 2:39 p.m.,
2 September 26, 2017.)
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C E R T I F I C A T E

I, SUSAN EDWARDS, a Registered Professional Reporter, Certified Shorthand Reporter, and Notary Public of the State of Wyoming do hereby certify that I reported by machine shorthand the proceedings contained herein on the aforementioned subject on the date herein set forth, and that the foregoing 55 pages constitute a full, true and correct transcript.

I further certify that I am neither related to any of the parties by blood or marriage, nor do I have any interest in the outcome of the above matter.

Dated this 4th day of October, 2017.



SUSAN EDWARDS
Registered Professional Reporter
Certified Shorthand Reporter