

TRANSCRIPT OF PROCEEDINGS
AIR QUALITY ADVISORY BOARD MEETING

Pursuant to notice duly given to all parties in interest, this matter came for meeting and public hearing on the 29th day of September, 2021, at the hour of 9:00 a.m. The meeting was held through GoToWebinar.

In attendance:

THE AIR QUALITY ADVISORY BOARD:

Chairman Chris Fare
Members: Robert Short
Colin Baldacci
Milford Lockwood
John Heyneman

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

Administrator Nancy Vehr
Staff Members: Amber Potts
Mike Morris
Leah McKinley
Darla Potter
Melissa Meares
Jamie O'Dell

THE WYOMING ATTORNEY GENERAL'S OFFICE:

Matt Nadel

GENERAL PUBLIC ATTENDEES:

Aaron Agmold
Lori Bocchino
Catie Brothers-Burton
Jennifer Cederle
Chuck Cornell
Berndette Hinshaw
Scott McDonald
Colin McKee
Jessica Strane
Stacie Aguirre
Kelly Bott
Christopher Finarelli
Shams Hasan
Angie Herje
Lottie Mitchell

(Meeting called to order at 9:00 a.m.)

Keith Guille: Hey, welcome to the Air Quality Advisory Board meeting. My name is Keith Guille, Public Information Officer here at the Wyoming Department of Environmental Quality. Before I hand this over to Chris Fare of our Air Quality Advisory Board. I want to remind all public members that their microphone is on mute. During the public comment portion of this meeting, you will be able to participate

by raising your hand on the hand icon on the GoToWebinar menu. So without further delay I'm going to hand this over to Chris. Chris.

Chris Fare: Hey, good morning, everyone. Welcome to the September 29, 2021 Wyoming Air Quality Advisory Board meeting. Could, could call it our 3Q meeting, as well. As before us and before us, we have the agenda stick and sticking with it. We'll just proceed into call this meeting to order through roll. And let me get back to my notes real fast. Uh, Chairman Fare, present. Vice Chairman Short?

Robert Short: Present.

Chris Fare: Balldacci?

Colin Balldacci: Here.

Chris Fare: Board member Heyneman? Board member Heyneman, you there, John? We see ya. And Board member Lockwood? Board member Lockwood?

Milford Lockwood: Present.

Chris Fare: Thank you, sir. So, it looks like we're all in attendance. Thank you all for your time. As we shared in, trying to arrange this, I didn't know if I'd make it, but I'm happy to be here. Next action item, as are received, um, a motion to approve the minutes from our March 4th, 2021 meeting.

John Heyneman: So moved.

Colin Balldacci: Second.

Chris Fare: All in favor of approving the minutes, raise your hand or thumbs up or 'aye.'

All: Aye.

Chris Fare: Opposed? Alright, meeting minutes are approved from March 4, 2021. Moving over to action item number two, new business, as to which I might be pleased to turn it over to Miss Vehr and her team at the AQD to provide us an update.

Nancy Vehr: Thank you, Chris, and other board members. Can everybody hear me OK? OK, I've got up PowerPoint presentation that we'll go to, but before I do that, I'd like to introduce all the staff here from the Air Quality Team Rules section and then there's a couple of folks on the phone that I'll introduce as well after we go through the room here in Cheyenne. I'm Nancy Vehr, I'm the Air Quality Division administrator and then...

Amber Potts: I'm Amber Potts, the SIP or State Implementation Plan and rulemaking section supervisor.

Mike Morris: Yeah, Mike Morris also with the SIP and Rule Development program.

Leah McKinley: Leah McKinley with the SIP section.

Nancy Vehr: Thank you all. We'll come back and they'll be doing, after the overall Air Quality Division presentation, Team Rules will take it away for the next agenda item. And then participating, I'm not sure if Matt Nadel from the Attorney General's Office – he was having some audio and visual difficulties. Not sure if that's been resolved. But Matt Nadel, if you're available to participate, we'll check and see if we can hear you. No? It looks like your microphone's on, but I'm not hearing anything.

Matt Nadel: Any luck now?

Nancy Vehr: Now, I can hear you. Yep.

Matt Nadel: Cool, good morning.

Nancy Vehr: If you want to introduce yourself, Matt. That would be wonderful.

Matt Nadel: Thank you, it's nice to be here, sorry I don't have a webcam on. I'm a law clerk in the Attorney General's office. I'll be working with the AQD going forward.

Nancy Vehr: So, Matt's new to our team and just came on board a couple of weeks ago and getting in that phase of getting to meet everybody and understand some of the issues that we're working on. We're very excited to have Matt with us and then we also have two – oh, do you have a question, Chris?

No? Okay, and then we also have two other members that are just participating, listening and not on our panelists mode, and that's Darla Potter from our Air Quality Resource Management Team and Jamie O'Dell, who's the District Three engineer out of Sheridan. So, glad that they could participate as well.

With that, Keith, if you're able to pull up the PowerPoint, then I'll go ahead and turn it over to the PowerPoint and just give a rundown to the Board on...the PowerPoint.

Amber Potts: Are you able to see the PowerPoint presentation?

Keith Guille: We are.

Nancy Vehr: Okay, okay, and are you going to be advancing it for me? Oh, Amber is. Okay. Thanks, that'll make it easier.

So, I can't see anyone while I'm presenting it, so if any of the Board members have questions as we're going through, if you want to go ahead and just say something. That way, I know we gotta stop and take questions. It's probably easier to take questions as we're going through, but also at the end, Happy to do that.

But we'll go to the next slide, and what I did, was I took the update that I had given in the spring. I think it was in March, our last meeting, and then updated it with the new items, are highlighted in, in red. So that you can see...and I know for folks new to the environmental world, some things take a little bit longer to work their way through, but I wanted to make sure the Board has a flavor of all the things that we're working on.

So, there's still a lot of pending federal, federal actions, where, uh, nine months into the new administration. And that means they've had some time now to start getting involved, debrief dying issues, and start putting their, agendas together, and work that they want to accomplish during the administration.

So power plant greenhouse gas regulations is one of their items that they said they needed to have. The President said, needed to be reviewed by August and EPA as completed that, and turned it to the Office of Management and Budget. Their proposed rule - early August. Once Office of Management and Budget finishes their process, then it will go back to the agency, for final proposal signatures, and then that starts the publication in the Federal Register process. So, that can happen any day now, or in some

cases, it takes a longer, six month or longer process. So, that power plant, greenhouse gas regulations proposed rule is headed our way.

Regional haze is another big item. And there's...what we've broken it down into is Round One of regional haze. And those were the plans that were due back in the, um, kind of early to mid-2000s timeframe. And then Round Two is the EPA adjusted the rule back in 2016 and set the deadline for state plans, um, to be submitted in July 30, yeah, July 30th of 2021.

So with respect to Round One, that litigation, got filed in 2014, and it's, basically, cross appeals in the 10th Circuit, and that is still pending. There's been a couple of items resolved, you may recall the Basin Laramie River Station had a settlement agreement. We had to do some rule and State Implementation Plan changes. But the rest of the litigation from Round One still remains pending in the 10th Circuit.

With respect to Round Two and the State Plans, Wyoming State Implementation Plan is right now in the Federal Land Manager Consultation til, I think it's October 10th...11th, is when that consultation and we heard from EPA that they are not able to submit comments during that timeframe, and they'll be submitting them to us a couple of weeks later.

What Amber and Mike and Leah will be doing after that is to review all of those comments and incorporate items that we feel necessary into our State Implementation Plan, and then put it out for public notice, comment and a hearing, and then we'll hopefully get that submitted before the end of 2021 down to EPA.

What's really significant with regional haze Round Two is that the rule set up deadlines, including this July 31st deadline. And EPA had issued guidance a couple of years ago, "State Implementation Plans for Regional Haze." We have been working on that essentially since Round One finished. And when EPA came out with the Round Two rule, Wyoming and all the western states belong to an organization, a regional air quality organization, called WESTAR. And regional haze, as the name implies, is regional, and each state has work to do.

But there is a lot of consultation that goes on in the process with EPA, federal land managers, affected entities, other states, their state to state conversations that go on. And the plan uses a lot of technical work, and so states started that essentially as soon as the rule came out in 2016. Both Amber and Darla on the phone, we're very instrumental in, and Mike, I forgot you were on the front end, up front of all this, in terms of participating in the western states' work.

And so, the technical work obviously has to be long completed before states can even start putting together their State Plans. So what was a surprise to Wyoming and other states was that EPA issued new guidance on what State Plans were to contain, and they issued that guidance on July 8, 2021, 23 days before State Plans were actually due to EPA. In fact, some states on the eastern seaboard had already submitted their State Plans to EPA.

So, what Wyoming did was ask EPA, since this new guidance came out - we needed time to digest it, it's not slim guidance - and we asked EPA for an extension to submit our State Implementation Plan, and that was denied. And they said they would be following the rule, that the guidance lists, just guidance. It does contain new items and we hear from a mixture of states that where they are located in different EPA regions.

EPA may be taking different approach than what was expressed to us in that that letter. So we'll see what happens when we submit our State Plan to the EPA, but that's a huge workload that we've had and is still in the process.

Another item in terms of Federal actions are the ambient standards for ozone I won't cover the, um, 2008 and 2015. But 2020, in December, the previous administration said they were not going to change the standard that had been set in 2015. And right now, and then, folks, there are a couple of entities that petitioned EPA to reconsider the 2020, not changing the standard. And that action item remains pending with EPA, EPA has not indicated whether they will grant reconsideration or not. So that's an open item. But right now the standard remains at 70 parts per billion.

Other items with respect to ozone - ozone is a pollutant that's formed from volatile organic compounds nitrous oxide compounds. And methane, there were some groups that petitioned to have methane designated as a volatile organic compound. Right now, it's not designated as a volatile organic compound.

I'm not a chemist, chemical engineer, but my understanding is that's because methane is not volatile to be qualified as a volatile organic compound. Again, that petition remains pending with the EPA, haven't seen any action on that.

Another brand new pollutant that EPA has a petition pending with it to designate carbon dioxide, and establish an ambient air quality standard for carbon dioxide. That would be a significant undertaking by EPA. And again, that petition was filed, I think, late this spring, and it remains pending with EPA, no idea if they'll move forward with it or not.

Particulate matter is another standard that, in 2020, EPA, at the end of the administration, said they would be keeping the same standards. EPA did receive some reconsideration petitions and I believe there was litigation that was also filed. And in the litigation, EPA indicated that they are reconsidering the particulate matter standards.

They hope to have a proposed decision in the summer of 2022, and then a final decision by the spring of 2023. Under the litigation, they have certain deadlines that they have to report to the court. I think the next deadline is this spring, and so with those dates slip, we'll find out about that through the litigation.

With respect to sulfur dioxide, I think, when we last spoke, EPA had completed all of their Round Four, which was their last round of designations and effective dates were, I think, in place at that time for those designations. So, all of the areas in Wyoming have been designated as attainment slash unclassifiable for sulfur dioxide. And this is based on the 2010 Standard.

You recall there were four rounds of designations depending on what level of information EPA had required states to submit under the Data Requirements Rule. For the Round Three areas that were designated, I believe it was in 2019, those ones were complete. Part of that, the Round Three areas were designated based on modeling, and so one of the requirements under the Data Requirements Rule for areas designated based on modeling, is that the State has to submit an annual report for those areas.

So this past spring, after our last Air Quality Advisory Board meeting, I think it was in May, Amber had the Round Three modeling placed out for public comment on our website. I don't think we received any comments, and we submitted that down to EPA. EPA reviews those, and then if they have any questions, they engage the states. And so we're in that process right now with respect to sulfur dioxide.

So that takes us out of the realm of ambient standards and into other pending federal actions. And I scratched through the 34, because after our Air Quality Advisory Board meeting, EPA, the current administration, publish their, what they call the Spring Regulatory Agenda. And on their regulatory agenda, it covers all divisions of EPA, but with respect to air quality, they had over 70 items that they had listed, that they want to review.

And their review covers both the short-term, immediate, as well as their long-term, over the next several years. And EPA will revise this regulatory agenda, think they do a spring and the fall. So we should be seeing a fall update probably November, December, from EPA that if there are new proposals that they've received or rules that they want to consider, or ones that drop off from their priority list, they give that indication.

So, we'll start first, the President's Executive Orders. And they, and under his executive order, he directed EPA to develop rules related to methane, and VOC. So this is for oil and gas. Um, new and existing sources. and existing sources. They regulate those through something called emission guidelines, so that's what EGs are.

EPA completed that work and sent their proposed rulemaking on new, existing, and these emission guidelines over the Office of Management and Budget earlier, like, yeah, we're still in September – I was like, oh, we're in October now, we're still in September – so just a couple of weeks ago, EPA had done lots of public input sessions prior to developing their proposals, and the Air Quality Division submitted input, and participated on some of those sessions.

And our input focused on items – very broadly, we encourage innovation, and so, to the extent that the rules can accommodate a space for innovation, we, we think that's a good thing. We appreciate rules that don't conflict with existing state requirements. And so, to the extent anything that EPA proposes that can recognize existing state requirements or dovetail, is a good thing. And I can't remember what the other parts of our comment letter, but it's public if anybody would like a copy of it.

Also, with respect to oil and gas sources, since our last meeting, Congress exercised review of the OOOOa rules. And those had originally been adopted back in 2016. And then under the previous administration, there had been various administrative actions taken with respect to OOOOa as well as some rule revisions. And so the President had directed EPA to look at this. But then Congress also took a look at quite OOOOa. And at the end of June, the President signed Congress's actions that essentially revived most of OOOOa. There was some confusion, questions about what that meant. And so, EPA has a frequently asked questions document on their website, excuse me, to indicate how sources – EPA's view of how sources should comply with OOOOa. So that's back in play now.

And then on those other 70 or more federal actions, um, for EPA, they have received, again, like we mentioned, on the ambient standards, petitions for reconsideration, notices of intent to sue, or action that EPA has delayed acting on. And that involves both rulemakings and State Implementation Plans and other items.

And then EPA has a primary focus on climate and environmental justice issues. And so, EPA has spent some time, over the past nine months, developing tools, as well as putting out policy statements and highlighting this climate and environmental justice focus. One of the tools that EPA has, and they do have trainings for it, is called Environmental Justice Screen or EJ screen. And it's on their website. And it looks at a variety of demographic factors, based on, that takes into account census, and down to, we'll call it, census tract levels. And that's a tool that EPA is starting to use as they evaluate different actions.

They also have started developing some other mapping tools, and the first one they developed was on power plants. And so they've released that on their website. They have some training videos. And again, it looks at pollution and demographics from power plants. They have indicated they are likely to expand that mapping tool to other sectors besides power plants, but haven't seen that list of what their priorities on that one are.

And then they are also taking a focus in terms of Title VI, which are kind of the anti-discrimination when you receive federal funding, so they've started to take some action under Title VI, I believe.

Some of the ones that have made the headline news are in relation to State of Missouri, some actions there. And then, I think there was a facility up in Chicago, Illinois, and then one down like in the Virgin Islands or something. So, seeing more action on that front than we have in the past.

So, that's kind of the federal overview. Now, we'll turn to the Air Quality Division, and based on the, um, amount of action at the federal level, we're going to see a lot of action at the state level. And generally, the first place we see the action at the state level is with the team here, Amber's team, and the Air Quality Advisory Board will be seeing this.

As EPA goes through and does its various rulemakings, we take a look at the State to see what that EPA federal action means at the state level. And, oftentimes it leads to a need to adopt rules at the state level, or in the part of the process, to comment on those so we can have Wyoming-centric considerations being considered by the Administration. So, one of the areas that we've seen, in addition to commenting and EPA rules and having to do state plans and regulatory development – and that's one of the items, well I guess it's a State-only one today, in terms of regulations – but EPA policy and guidance.

They have, like I said, that Regional Haze guidance that went out. Our experience has been that rules take a lot of time. And there's very good reasons why they take a lot of time and receive public input. And they're rigorously scrutinized and have the most information that an agency can consider what actions to take.

If an agency wants to move more quickly, sometimes they do that through, I'll say, policy and guidance documents. And guidance and policies play a role, and a valuable role, but sometimes, in the quest for making sweeping changes, policy and guidance, can...agencies can trip up on those. And we saw that the last administration, when I mentioned about OOOOa...initially, a lot of that was being done through administrative actions, and they, courts gave guidance that said, "No, you need to go through a more formal rulemaking."

So, what we're seeing with the current administration is that they are trying to do things through policy and guidance. So, when it's appropriate, we go ahead and participate either verbally, us talking to EPA, or mostly through our contacts at Region 8. Or, providing more formal comments to EPA on their changes.

And there are two reports that came out this spring, one from the Office of Inspector General and another one from the general...I can't remember what GAO stands for, but it's another federal government group. But they had talked about synthetic minor sources and the third red bullet that says, OIAI, that's "once in, always in" and relates to some synthetic minor type sources or max standards.

But, the Office of Inspector General said that states weren't following EPA guidance on synthetic minor sources. And so that's kind of concerning because it's guidance, it's not law. It's not rule.

And so we've, we've reviewed that, we'll see how EPA goes forward with implementation of it.

The other reason I wanted to point out that particular report is, later on in the presentation, when I talk about our compliance program, they've been instrumental in working with EPA on a combustor study and for our oil and gas production sites. And EPA cites the EPA Region 8 and the State of Wyoming's work on that, um, particular area. And I'll cover that more coming up in the compliance section.

Second bullet, where it's oil and gas methane, of course, that's one of the large sources that we permit regulate in the state, the oil and gas sector. So, we'll be closely reviewing EPA's proposed rule when it comes out. We've done some outreach to the oil and gas sector, through Petroleum Association of

Wyoming, to let them know about this rule coming, and our engagement efforts so far in providing our comments.

Regional haze we already talked about with the State in the Western States Air Organization, and then the Governor's Office submitted some comments on the social cost of carbon. And I believe that's through the Office of Management and Budget is leading the social cost of carbon review.

And then, we'll see what else comes out from EPA – they have mentioned that their air toxics strategy is a big push and so we'll wait and see if it's more on an individual air toxics by air toxics basis, or if it's a more comprehensive review, which may take them a little bit longer.

And then some policy related to this “once in, always in,” which deals with whether a source, if once they are major for hazardous air pollutants, they make some changes and drop their emissions if they can come out of that program, which we think is a positive.

Air Quality Awareness Week. Um, we – Mike put together and, and Leah and others, a campaign to get information out, and this was back in May, I believe. And smoke was one of the items. Mike, I'm putting you on the spot. I didn't ask if you had any words you wanted to say in terms of Air Quality Awareness Week?

Mike Morris: No, nothing in particular. This was, I think, the sixth year we've done a campaign for it and we sort of evolved or adapted our outreach, uh, based the possible avenues of reaching people. In the past, we had done direct to elementary schools and had done curriculum. Obviously, in the pandemic, it was much more difficult to do that, so in this case, we did a public service announcement series and covered a number of topics including, as Nancy mentioned, wildfires, smoke, and yeah. Uh, had a lot of, I guess traffic on the videos, which was good.

Nancy Vehr: Yes, Amber was in one of the videos and other faces of the Air Quality Division, so it was, I think it was very well received and, in terms of the smoke, that was very timely.

Um, anything, Amber, in terms of Team Rules, other updates?

Amber Potts: I don't think so.

Nancy Vehr: Okay, New Source Review is another section of the, or I guess, program in the Air Quality Division, and we're just focused...there's no new updates on there. We're just focused on construction, permitting and then getting some guidance. Same thing with Title V and the Operating Permit Program. Again, just focused on our core mission.

For compliance and enforcement, again, core mission, on the compliance assistance, the updates, are that, a closed combustor device study that we're working with, EPA Region 8. Um, finished the first section of that study, it's divided into two parts, and got that published. EPA published the results last year. We did some outreach. And I think Keith did an announcement on it. And provided that information to industry and the public. It has some best management practices that have been identified, was really educational for sources that participated. I think it was mostly in southwest Wyoming. And that's...I can't say enough good things about the industry that participates in these studies to learn; very eager to have the information, learn from it, and put those best management practices into play. So we couldn't do it on our own. And it's good information that they gathered.

For the second part of the study that got completed last summer, and EPA is analyzing the data and information, and my understanding is sometime this winter, they should have that information analyzed.

Not sure if that'll conclude the study, or if they'll decide that they need to do some additional work. So, keep you posted on that.

And then, in the Upper Green River Basin, um, on compliance assistance, as we start getting prepared for the Winter Ozone Season that starts usually around January 1st...March...through March, where we ramp up our efforts there. We have the engine maintenance assurance or enhanced engine maintenance, kind of goes by those monikers. And I believe the sources that would be participating in that effort have received letters or shortly will receive letters from indicating their participation in the program. Again, very well received. And that looks at one of the sources of pollutants in the Upper Green. And, again, got good feedback from both the industry and the public on that.

Environmental audits, I forgot to look up the data for that. But we provide a report to the Joint Minerals Committee every fall, and I believe Director Parfitt's got that information to submit to Joint Minerals, so it will be posted on their, I believe, agenda for their next meeting.

For Air Quality Resource Management, again, our monitoring efforts continue, we get a lot of traffic on WyVisNet, especially with the...kind of wildfire smoke, a lot of questions. Most of, you may have received the weather announcements from National Weather Service in terms of the smoke conditions, and I think most days, those have occurred this summer. So it's been a very, very busy year. Either updates, in terms of WyVisNet, you'll see some additional continuous particulate monitoring that we're able to display on WyVisNet. And that's because the monitoring group has worked really hard to transition from filter-based, which requires these filters to be obtained, and then they get submitted for analysis, and then it's only after the fact that we can post that information. So, it's a couple of weeks to a couple months after the fact process.

Switching to continuous monitoring and getting those deployed around the State, and depending on where some smoke impacts are, what our resources are, and what equipment we have available, they've been phenomenal at getting those deployed so we can get information to the public so they can make decisions about how they want to conduct themselves.

We also got our annual data certification down to EPA. That's due every May, and then we do an annual network monitoring plan, and we put that out for public comment...I believe it was in May and June of this year. It goes down to EPA by July 1st, and we take comment on where we have our monitors located. We accept public comment on where they would like a monitor. We have three mobile monitors. And then we look at our technical assessments to see about our monitor location, if we need to make adjustments there. So we sent that down to EPA and I believe they have until November, thereabouts to let us know on that plan. I'm sorry, I forgot to check if they already have approved that one.

On exceptional events, with the wildfire smoke that we've had, we have had a number of exceedances of both particulate matter standards and ozone standards throughout the State that we believe are attributed to wildfire smoke impacts, are influenced or elevated because of wildfire smoke impacts.

Other states in the West are experiencing this as well. We've been actively requesting assistance from EPA to streamline some of the process, allow for when they know there's these big smoke events going on, allow for consideration of...not as extensive, technical requirements to be met when we ask for these to be demonstrated as exceptional events.

It sure would be nice if we could have EPA's assistance on streamlining some of these for regional-type events. And I believe EPA recently had, or will be having a call with some of the western states, in particular, that are affected, to see if they can provide some assistance.

On emissions inventory program, again, the work on the triennial 2020 – and this is for calendar year 2020 – we had all of the sources in Wyoming...we have to submit an inventory to EPA and that work gets done at the end of December or early January. I believe there's the deadlines for submitting that. So it is a very extensive process and we had some updates regarding production sites to try and go into that. So, extra work this year on doing that.

And then, on our planning side, with NEPA, it's been a little bit on the quieter side right now. Again, we've got, I think, some impacts from COVID, and change of federal administration. We still have our IMPACT and Open Air resources available, and public records request.

Okay, staff and vacancies. This has been another a big area for the Air Quality Division. I think Director Parfitt, as mentioned, and some other presentations for the DEQ, as well. And the statistic that I heard from Director Parfitt, for the DEQ as a whole, is that there's about 5% of the staff that have...I'll get this wrong, probably shouldn't even venture a guess, I'm going to get the statistic wrong, had it in my head...but I want to say it's 5% of the staff have five years or more with DEQ. Very, very low number, not, my apologies that 5% may not be an accurate number, as I'm talking through it. I will get to that number.

Amber Potts: I think it was 40 to 50%.

Nancy Vehr: 40 to 50%, okay, with five years or more experience. OK, must have been that he was talking about himself with a number of years of experience he had. Yes, my apologies. And so, that doesn't mean they're inexperienced staff coming to the Department. It's just that they haven't had the tenure here at the Department of Environmental Quality, which goes to some of that institutional knowledge and the resources that are devoted to training very well qualified scientists and engineers. But that may not have the experience with some of the Wyoming-specific sources or specific environmental programs, such as Air Quality.

So, before I turn to that, I want to say the good news. And the good news is I want to recognize Tyler Ward in the Air Quality Resource Management, Darla's group. Under Ben Way's supervision in the Emissions Inventory, and Tyler Ward received the Air Quality Division 2020 employee of the year. We just had those presentations back in August through early September.

And Tyler does a fantastic job on admissions inventory. All things, I'll call it, computer tech-related. Provides information, has great ideas, and he's one of those behind the scenes people. When you interact with them, you recognize his skillset, and great at providing assistance, but he's not out there at the forefront of some of these actions. Really pleased to be able to recognize Tyler for last year.

Another great recognition is for...DEQ does a Team of the Year, and for 2020, the DEQ-wide team recognition goes to the Upper Green River Basin Pinedale Office, and that's Cindy Etcheverry, misspelled her last name, my apologies, and Stafford Polk. And, that's for their work they do in the Upper Green River Basin, year round, as well as during the ozone season, and their interactions with an environmental group in the area, Citizens United for Responsible Energy Development, CURED, answering calls from the public and being, kinda the eyes and ears that we have up there to provide compliance assistance and all of their efforts. So, very, very happy that the DEQ team was out of the Air Quality Division. They do great work. Wish we could have everybody recognized, great work coming out of the Division.

And then at our last presentation, we were still doing teleworking with COVID-19. Everybody came back to the office by the end of May, and we have some telework provisions in place recently in case there's

anybody that does have to take some leave for some COVID. So, we're kind of in a mismatch, smorgasbord, I guess of different options right now.

But for the Cheyenne office, the Air Quality Division, we're back in the office, it's been great to see people to interact. And we have companies stopping by, so to be able to provide that service is wonderful, and doing it in a safe way.

Um, not really anything else under Wyoming-centric. We focused on our primacy. Promote innovation, SMART Comments.

Oh, I think I need to highlight those. When we started, last met in the spring, we had just kicked off doing SMART Comments and that's an electronic comment system. So, right now, we accept comments in writing, um, fax, and the SMART Comments system allows people to select, submit comments electronically. We can't do it through e-mail. There's a lot of you call it filters to prevent spam, and all of those kinds of things. But the SMART Comment system has worked well to allow people to comment both on permits and on the rulemaking or these different reports. So that is now fully underway for both the Operating Permit Program, New Source Review, and of course, Team Rules.

The final bullet I've got relates to updates on our IMPACT system. We mentioned that we're going towards E-Payment, and we hope to have that. We're working with A&I as a department, and then our vendor, in terms of the IMPACT system. And if everything works well, we should have that up and running sometime this summer of 2022.

If there's delays, we'll certainly let folks know, but that will allow companies to pay online for permits, or what we'll be talking about today in terms of the rulemaking, some other fees. Title V emission inventories, compliance, a whole bunch of things, and it's not just here in the Division, it's Department-wide.

And so the last bullet that has the permit fees, that's what we'll be talking about today. The Legislature, in the last legislative session that ended in March, increased our fees for a variety of items. The first one, involving New Source Review, was to increase the application fee from, I believe it was \$464 to \$500 per application for our New Source Review construction permits, and then increase the hourly rate for the folks working on those permits from \$58 an hour to \$75 an hour. New Source Review did outreach and was able to implement that change on July 1st. So that's now in place.

The Title V Operating Permit Program...the legislature also established permit fees, same amounts as the New Source Review program, so \$500 for an application, and \$75 an hour for work spent on permit writing. The nuance with the Title V Operating Permit Program is that we have always generated fees to run that program through the emissions inventory, those annual emissions inventory of Title V sources so they pay based got dollars-per-ton of pollutant emitted.

So, with the decrease in pollution that's being emitted by those sources, the decreased number of those sources. Um, the amount to fund that particular program, which covers things besides permitting - It covers a lot of the Division's activities – we had to look for, I'll call it other ways to get funds for that program. EPA requires it to be self-funded. So the Legislature established these permit fees and that's just for the permitting work on those sources. So, we'll start implementing that around July 1st of 2022, because we have to put a couple of items in place first, before we can start charging those fees.

So, that's underway right now to get those items in place. And then the final legislative action with respect to permit fees was the portable relocates. And Mike will be covering that, so I won't talk anymore about that.

And that's a lot of talking I've done. But that's the updates for the Division, if anyone has any questions?

Chris Fare: Does anyone have any questions for Nancy regarding the presentation?

Nancy, I've got a...go ahead.

Nancy Vehr: Well, I was going to do one pitch, if you know somebody that would like to work in air quality, we have a lot of vacancies. We had almost one third of our staff positions vacant in the spring. And it's just really challenging to get qualified applicants and applicants that stay with the Division. A lot of times when the economy is dipping down, we tend to have more qualified applicants. When the economy's coming up, they go to other paying jobs. So, if you know somebody, send them our way. Okay, I'm sorry.

John Heyneman: Nancy, what do you think explains the staff turnover?

Nancy Vehr: What we get in terms of people leaving is they're going to other better paying jobs. Sometimes it's within the state, they go to industry, or they go out of state. These are qualified scientists and engineers, and you have to be pretty dedicated public servant to, um, and some people, that's what they find that sometimes they like other areas to work. This would be their first foray into public service, and that may not be for them, but there's a lot of work, um, and it's folks moving for other opportunities.

Chris Fare: Here we go. I have just a couple of notes. One, congratulations to Tyler Ward. Thanks for sharing that with us. We appreciate that. Working backwards, I'm encouraged to hear about the Exceptional Events and the EPA looking to work with the States to help reduce that expense, because haven't worked with that, that is a costly activity that in essence is what, from my perspective, is really unnecessary, so to speak, to go through the rigorous activity of vetting the smoke, that is very apparent. So, that's good to hear.

Back on slide seven, New Source Review, and, and we've discussed it in the March 7th, in this meeting. The General Permit, and kind of with your staffing, with your teams, everyone was very busy, um, you didn't – there's no update there.

Nancy Vehr: Correct. And that's, that's one of the items with the Air Quality Division...you may recall last year was very challenging for the State. And so, with respect to the Air Quality Division, we lost some positions. We also had furlough days and we understand that hey, as the work...and there's a cadence that, you know, with work. But, we have our, our core work that we have to do. And things get backlogged and just take longer and we're experiencing some of that when you have the vacancies...a third of your staff positions vacant. It becomes...you'll see more of that back logging, and that's kinda where the General Permit and pond are there with me. Some of the work has gotten done and it's just at the review stage with me, and backlogged.

Chris Fare: Thank you. My screen is showing that it's just taking time to, uh, cycle through the mute/unmute. So that's all I had, Nancy, thanks, okay.

Robert Short: Mister Chairman?

Chris Fare: Yes?

Robert Short: The question I have concerning the uptake that we've seen in the price of natural gas, do we anticipate an increase in emissions off the Pinedale Anticline?

Nancy Vehr: I think it's a little bit too early to say right now...the industry out there has done a phenomenal job of reducing emissions, and they've taken different strategies. We've seen consolidation, so that there's less points of emission. We've seen them do some innovations in terms of monitoring emissions. Other companies have gotten converted to solar, and so I think they've got some strategies, or reductions have occurred. And so, in terms of the emissions up there, we'll just wait and see in terms of the development activities. But I think, from existing sources, they've made lots of progress on reducing emissions over the last couple of years.

Robert Short: As well, in Converse County, I notice there's a new air quality monitoring station, I guess, maybe just north of Douglas? Is that tied to anything particular, or are we just anticipating increase emissions in this area?

Nancy Vehr: Yes, so a number of years ago, there was a request to, I mentioned, we had some mobile monitoring stations...and so there was a request when some development started up in Converse County to put a mobile station. And then we converted to a permanent fixed location up there so that, that's just because of development that occurred. And want to keep an eye on things up there. And so far, the air quality...again, with the exception of, of this smoke events, influencing things...we still have really good air quality in the State of Wyoming.

Um, and where keeping an eye...there has been lots of lots of development. And one of the things that we experience, when there's lots of development, sometimes there's a lot of new companies that have not done work in Wyoming before. And our compliance staff work really hard to help educate them so that they can be developing consistently with the rest of the companies that have been in Wyoming awhile. So, lots of activity up in that area.

Robert Short: Thank you.

Nancy Vehr: I failed to mention one new area for our Air Quality Division. For those of you that tuned in last week to the Joint Legislative Committee on, I'll call it cryptocurrency, and it's a much longer name. But that's an area that Director Parfitt provided some information about air quality permitting for those sources.

It seems like the interest right now is focused on sources where there's an interest in taking some of the flare gas, that gas, that there's a pipeline out there. It goes to a flare, so it's combusted from an air quality emission standpoint. But there's an interest in running it to power some generators on sites for these computer servers to do cryptocurrency. So, that's a new area for us, again, that will have to do some outreach, because that's new companies coming into the state.

Chris Fare: Are there any other questions related to the presentation from the Board? Alright, seeing none, we can go ahead and continue.

Nancy Vehr: Thanks. And I'll turn it over to the Chairman to turn it over to Amber Potts for the next agenda item, okay?

Amber Potts: Good morning. We do have a rulemaking before the Board. The Air Quality Division is requesting the Board's consideration on proposed changes to the Wyoming Air Quality Standards and Regulations, Chapter 6, Section 2(o)(iii). This chapter, it houses the requirements for construction, modification, operation, and portable relocate fees. And we're updating these portable relocate fees because of the previously mentioned HB0049. They updated Wyo. Stat. § 35-11-211(j) during that 2021

legislative session. Those requirements went into effect July 1st of 2021. And, um, I can walk you through the updates.

So, Chapter 6, Section 2 on page 6-11 is our...well, there's two updates to this regulation. And this is for facilities...they're called portable sources or facilities. These are like crushing and screening operations that you may see on the side of a road that they're, you know, repaving or doing some work or maintenance on. And as you can imagine, that only takes us a short period of time. So, initially, with the Air Quality Division, these sources need to come in for a New Source Review permit application documenting all their sources of emissions or this particular setup.

Then, they can, and these are called self-issuance...so, if the initial permit comes from the Division, then they can move this location anywhere in the State. And they can let us know that they are self-issuing a permit in a new location. And they send in, it used to be \$100.00, now, they'll be sending in \$150.00. So, this is the only change that we're updating for those facilities.

The other change is for portable sources that are not authorized by self-issuance permits, and currently the New Source Review permit program has none of these. So, you know, as it was in the statute, we need to then incorporate and update our regulations. So, that changes from \$250.00 to \$300.00, but, as I said, we don't have any of those sources in the State currently.

So, that is the only update in Chapter 6, Section 2. These updates do involve a revision of our Wyoming State Implementation Plan, so I just wanted need to get that on the record that we will be doing a State Implementation Plan revision and eventually getting that to the Environmental Protection Agency. OK, and that is all the information for the revisions to the State rule update. If there's any questions, I can certainly take them.

Chris Fare: Thank you, Amber. Does the Board have any questions for Amber regarding the updates of Section 2(o)(iii)?

Nancy, question from me. Does it, with the, with the transition and the structure of the advisory board in this last year's timeline, is this an item that would require a vote, or simply, this is, hey, this is what's going on so that's you're aware?

Nancy Vehr: So, what...we, we get advice from the Board and we would like your advice on whether to move this forward, or if you think we need to rework it. This one is pretty straightforward

Chris Fare: Right.

Nancy Vehr: But that's as rules come forward. We have had, if the Department moves forward, then with rulemaking, it goes through the formal process and find it in front of the Environmental Quality Council. And one of the other Divisions recently had rulemaking in front of the Environmental Quality Council. And that Council really finds it helpful to hear from the advisory boards as they move forward a rule.

So, while this one seems really straightforward, what the Environmental Quality Council has asked the Divisions to do is to capture the comments from the Air Quality Advisory Board so they know what...as the rule goes forward, what was important to you, concerns that you had, all of that. So, however, you would like to provide us that advice, I can tell you – the Environmental...it's important to us, and it's important to the Environmental Quality Council.

Chris Fare: Okay.

John Heyneman: Chris.

Chris Fare: Yes, go ahead Mr. Board member Heyneman.

John Heyneman: I...I didn't know if this is the formal process that we go through now. As Nancy describes, the Department appreciates our input with complicated situations, as we've had in the past. It can get...the, the line can get pretty darn interesting. In this case, it seems very straightforward, and I would move that this Board recommend the changes, as it is suggested by staff.

Robert Short: Mr. Chairman.

Chris Fare: Yes, Vice Chairman Short.

Robert Short: Insofar as the rules are concerned, Amber, thank you very much for that clarification. I'm curious about these portable crushing plants. Is there a mechanism in place to verify on a periodic basis that those particulate emissions are in line with what they're originally, I guess, described as when folks come forward with that application, for a New Source emission, I'm guessing they have some kind of idea about a particular size, quantity of particulate per cubic meter, etcetera. Is there a way then, to monitor that going forward as they move from location to location with these self -issuance permits so that we're certain that those dust control measures, for example, may still be operating as originally intended?

Nancy Vehr: So, Amber would be okay, Mister Chairman...permits that get issued initially, the New Source Review permits, have a variety of conditions in them and some of those conditions involve testing. And that testing is on a specified frequency. And the portable relocate doesn't affect that testing frequency. What it does allow is for a mechanism to know that they're, that source has moved from one community to a different location.

And so, the same requirements of how to operate that source, and the limits that it needs to follow, still apply when it moves. If there is an issue, then the District engineers and their staff are able to locate what sources there, and go out and inspect if they get a complaint, or they want to show up at a particular source. So, that...it's a communication mechanism as well. So...the District does check on those sources and make sure they're operating properly.

Chris Fare: So, Board Member Heyneman, would, if I understand your, your input, we would...what I hear you saying is, we're, in essence, as a Board, looking for emotion, to, as a Board, to move forward with the proposed revisions as established by the Legislature and adopted in the Section by the Division. Is that what I heard you say?

John Heyneman: Yes sir.

Chris Fare: So, is there a motion to adopt...to, um, move forward with the rules as proposed?

Robert Short: I believe I would second Mr. Heyneman's motion, Mr. Chairman.

Chris Fare: So, we have a motion and we have a second. We'll vote on the motion. All in favor?

All: Aye.

Chris Fare: Alright. All opposed? OK, seeing that the motion passes to move to ride the input from the Board to the Division, to move forward with the, with the rule as proposed, the revisions, we thank you for that. I'm understanding where they come from. This is easy, easy processes as established.

Um. Back to the agenda, scheduling to meet...scheduling the next meeting. Do we...I recognize value. At the same time, Nancy and your team, do we look to try to put a meeting in towards the end of the year, or do we look to the first of the year? What is, what's your input, especially with your staffing needs, requirements, what you need from us? I take a lot of value in this...that update to the March presentation, and there's several changes likely, or several inputs coming from the federal level between now and the end of the year. What do you need from us?

Nancy Vehr: I would offer a suggestion, and Amber may have additional suggestions, but I would offer a suggestion. We're going to be doing a public hearing on our Regional Haze Rule...um, the State Implementation Plan...and I would offer a suggestion that we see if we can dovetail the two meetings. So that, from a resource conservation standpoint, we are able to then announce and have two meetings at the same time, on one day, one being the, um, public comment hearing, and then the second one, being an announcement for the Air Quality Advisory Board meeting. If we can't coordinate it, then it may be that we have two meetings on two separate days. And Amber, I don't know if you have any additional suggestions?

Amber Potts: No, I would be happy to do that as Nancy suggested. I wanted to make sure the Board knows that they're not required to sit in on the State Implementation Plan Regional Haze hearing. It's just, it's probably going to be one of our more interesting ones.

Chris Fare: From my perspective, I recognize the value in that, and if we can coordinate a meeting at the same time, I would move forward with that. Does the Board have any input on that, any further input?

Robert Short: What's the timing looking like for that date?

Amber Potts: Well, that's kind of up in the air because we are currently in the Federal Land Management and draft EPA review process right now. So, as Nancy said, Federal Land Managers...they have until October 11th to get us their initial comments on our draft. EPA has asked for a couple more weeks past that date.

At that point in time, after we get the Federal Land Managers, and the EPA comments, from our initial draft, we're going to need some time to work with our facilities and, you know, see if we can address some of those concerns, if it's necessary to address those concerns. And then incorporate that into our final draft, that, then, we would put out for a 30-day public notice, followed by a public hearing at that point in time. Which is the State Implementation Plan hearing.

So, some things have to kinda work themselves out. And we also have to give our staff – Leah and myself – time to respond to those comments, and then get it back out through the system. So, as of right now, we're hopeful for the end of December, would be some...sometime...and I know that hits during holidays, and so, you know, it might be a little tricky. But we'll definitely keep you informed.

Robert Short: Thank you for that, Amber.

Amber Potts: Yep.

Chris Fare: Excellent. Yes, let's target that to the best we can.

Amber Potts: Okay.

Chris Fare: Lastly, I missed this earlier, but would it be appropriate...and I missed this earlier...and as per Keith's introduction...to add a public comment bullet point here at the very end before we adjourn.

Um, I don't know if...that's probably not standard practice to revise the agenda right at the very end. However, I motion that we add a public comment to make it item four and move adjourn to item five.

John Heyneman: Mr. Chairman.

Chris Fare: Yes, Vice Chairman Short.

Robert Short: Sorry, I didn't mean to interrupt you, Mr. Heyneman. Please go ahead.

John Heyneman: (Laughing) I guess we were both falling over ourselves to second your motion.

Chris Fare: Okay. So, we have a motion to add public motion. We have a second. All in favor?

All: Aye.

Chris Fare: All opposed? Alright, uh, so we had to revise the agenda to add point four, public comment. Keith, if there's any public comment, we'd be welcome to hear that.

Keith Guille: Okay, great. Chairman Fare, it doesn't look like anyone's raised their hand, but they're able to do that now on that application. Doesn't appear like any public members want to speak.

Chris Fare: Alright, well with that, we are at the conclusion of our meeting. Thank you, AQD team. Thank you, Board members, for being present. We appreciate your efforts. Everyone be safe, take care, and we'll be in touch.

Robert Short: Thank you, all.

All: Thank you. Thank you. Thank you.

(Meeting adjourned at 10:15 a.m.)