

Recorded WAQD Meeting

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WYOMING AIR QUALITY ADVISORY BOARD

TRANSCRIPT OF RECORDED MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for meeting on the 11th day of August, 2023, at the hour of 9:00 a.m., Casper, Wyoming before the Wyoming Air Quality Advisory Board, Chairman Chris Fare presiding, with Board Member Milford Lockwood, and Board Member John Heyneman. Ms. Amber Potts, Mr. Mike Morris, and Ms. Laura Ballard of the Air Quality Division were also in attendance.

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

2 (Recorded meeting proceedings
3 commenced 9:00 a.m., July 11, 2023.)

4 CHAIRMAN FARE: Okay. It looks like
5 everything's connected, from what I see. So we'll call the
6 meeting to order for the Wyoming Air Quality Advisory Board
7 meeting July 11, 2023, at 9 a.m.

8 To start the meeting, we will move forward with
9 the roll call. Chairman Fare is present. Vice Chairman
10 Short is absent. Board Member Heyneman, he's present.

11 Board Member Lockwood?

12 BOARD MEMBER LOCKWOOD: Present.

13 CHAIRMAN FARE: And Board Member Baldacci
14 is absent. Both Vice Chair Short and Board Member Baldacci
15 are excused absences, if that is necessary.

16 So we do have a quorum. First item on the list
17 is the agenda. And has everyone received and reviewed the
18 agenda?

19 BOARD MEMBER LOCKWOOD: Yes.

20 CHAIRMAN FARE: Okay. And --

21 BOARD MEMBER HEYNEMAN: I'd move approval
22 of the agenda -- I'd move approval of the agenda as
23 distributed.

24 BOARD MEMBER LOCKWOOD: I'll second.

25 CHAIRMAN FARE: We have a motion to approve

1 the agenda as distributed Board Member Heyenman, and
2 seconded by Board Member Lockwood.

3 All in favor of the motion as presented, say aye.

4 BOARD MEMBER HEYNEMAN: Aye.

5 BOARD MEMBER LOCKWOOD: Aye.

6 CHAIRMAN FARE: Aye.

7 Opposed?

8 All right. The agenda is passes.

9 Item II.c., approval of the meeting minutes for
10 May 15, 2023. We received those. Thank you.

11 Any discussion about the minutes from the last
12 meeting?

13 BOARD MEMBER LOCKWOOD: Mr. Chairman, I had
14 one correction under Agenda. It showed approval of minutes
15 instead of agenda.

16 CHAIRMAN FARE: Oh, yeah. Okay. So should
17 we add the approval of the agenda? Is that what you're
18 saying?

19 BOARD MEMBER LOCKWOOD: Yes. It should say
20 "agenda" instead of "meeting."

21 CHAIRMAN FARE: Oh, okay. Yep. Okay.

22 BOARD MEMBER LOCKWOOD: I'd move to approve
23 the minutes with that correction.

24 CHAIRMAN FARE: Okay. Can we --

25 BOARD MEMBER HEYNEMAN: Second.

1 CHAIRMAN FARE: Okay. We've got a second.

2 And AQD team, could you make that correction,
3 please?

4 MS. POTTS: Absolutely.

5 CHAIRMAN FARE: Okay. So we had a motion
6 and a second to approve the minutes with the noted revision
7 of the correction of the typo. All those in favor, aye.

8 BOARD MEMBER HEYNEMAN: Aye.

9 CHAIRMAN FARE: Aye.

10 BOARD MEMBER LOCKWOOD: Aye.

11 CHAIRMAN FARE: Opposed?

12 All right. So thank you for that, Board Member
13 Lockwood.

14 Moving on to Item III, New Business, Rulemaking
15 Proposal. At this time we'll turn the meeting over to the
16 AQD team as represented -- led by Amber today due to
17 Administrator Vehr dealing with the legislator --
18 legislature.

19 MS. POTTS: Thank you, Mr. Chairman Fare.

20 My name is Amber Potts. I'm with the Air Quality
21 Division, SIP Rulemaking Section Supervisor.

22 And with me today I have Laura Ballard, also with
23 my team.

24 And also Mike Morris. And Mike's going to take
25 us through the rulemaking proposal.

1 And just to let everyone know, Nancy is currently
2 at the Joint Appropriations Committee for a legislator --
3 legislature this morning, and she sincerely -- she is
4 remiss at not being here, but she was needed elsewhere.

5 So I can hand it over to Mike for the proposal
6 for rulemaking.

7 MR. MORRIS: All right. Thanks, Amber.

8 And thanks to you all for being here today.

9 We had a bit of a primer for this particular
10 proposed rulemaking at the last meeting, I think as you all
11 recall, having taken a look at the minutes last time. But,
12 again, for those in attendance at the meeting today, it has
13 been a while since the Air Quality Division has brought
14 forth an incorporation-by-reference-centered rulemaking.

15 Again, these particular sections of our state
16 regulations incorporate by reference federal regulations
17 that are promulgated and revised at the federal level by
18 EPA. And at the state level, if we update these
19 incorporation by reference sections, the State of Wyoming
20 maintains regulatory primacy upon the rulemaking going
21 forward, becoming state effective and then being sent to
22 EPA as a state implement plan, or SIP, revision.

23 And then once EPA approves that SIP revision,
24 then Wyoming's compliance team is able to take the primacy
25 lead on these newly promulgated federal sections, or not

1 necessarily newly promulgated, but sometimes revised.

2 So, again, as a bit of a refresher, you know,
3 there are a number of different reasons why it's been a
4 while since we updated these sections. We brought before
5 the Air Board and the Environmental Quality Council IBR
6 updates in 2019, and we had some internal staff turnover
7 and ran into the COVID pandemic. Those rules actually had
8 been approved by the Environmental Quality Council, but we
9 sort of had a filing error situation with the Secretary of
10 State's Office.

11 The period of time elapsed that is necessary
12 after an approved rulemaking to become state effective.
13 And so that particular rulemaking never became state
14 effective. It would have updated the date, I believe, to
15 July 1, 2018. Then we had change in federal
16 administrations, and at that time the Air Quality
17 Division's, you know, mentality was to evaluate in sort of
18 a holding pattern manner in which, you know, the federal
19 regulations would potentially change as a result of new
20 federal administration.

21 So at this time we feel as though we've had
22 enough time that has elapsed to bring in some of these
23 changes that have occurred since the last IBR date which
24 was July 1, 2017.

25 Now, for folks on the board -- and we actually

1 put this document up on the website as well -- the IBR
2 affected subparts -- rather, I should say the Code of
3 Federal Regulations that are occurring as a result of this
4 IBR rulemaking, we've assembled a very weighty document of
5 something like 40 pages of different CFR parts that appear
6 throughout the chapters in our state regulations that have
7 an incorporation by reference section. And those are
8 Chapters 2, 3, 4, 5, 8, 11, and 14.

9 So what we did internally was we went through
10 every single reference to a CFR subpart that appears within
11 our state regulations, and then we use EPA -- or rather the
12 federal government's ECF form website to check the changes
13 since July 1, 2017, that effect those respective subparts.
14 And so we've tried to sort of compile that for you all.

15 And, again, as clarification, you look through
16 this document and a lot of those dates are very old, you
17 know. We're talking some of them more than five years ago.
18 But, again, these are not new regulations for sources to
19 comply within the state of Wyoming, but rather regulations
20 that have the sources complying with them, can interface
21 with the Air Quality Division's client staff. And, you
22 know, with regards to some of the subparts that have been
23 affected, that will be helpful, but they won't have to do,
24 you know, various compliance and reporting things to EPA
25 now that Wyoming will be maintaining primacy over these

1 particular subparts, you know, assuming this proposed
2 rulemaking goes through the statutory process and that EPA
3 approves the State Implement Plan revision.

4 So with that said, a lot of this is generally
5 pretty straightforward. It's nothing new that we're
6 proposing. We are just sort of informing everyone of the
7 changes that have taken place since 2017. And then as, you
8 know, we move forward now, the objective is to not fall
9 into this far back of sort of a holding pattern. We'll
10 hope to incorporate by reference these sections on an
11 annual basis as was the case. I think as John will recall,
12 going all the way back, we used to update these quite
13 regularly.

14 Now, the one chapter that you'll notice that is
15 absent is Chapter 6. We plan to bring that particular
16 chapter before you hopefully later this year. But part of
17 the reason that is -- that particular chapter has been
18 withheld from today's proposed rulemaking is that we -- you
19 know, in bringing these sorts of rulemaking before you all,
20 we also send them over to the Attorney General's Office for
21 review. And, you know, we did not want to inundate our
22 Attorney Generals that we work with with -- in this form
23 under 450 pages of review.

24 Chapter 6 is the longest and most extensive
25 chapter in our state regulations, so we withheld that one

1 until later this year, in which case we will bring it
2 before you at that time.

3 With that said, those -- that particular
4 document, again, covers all of the federal changes. There
5 are some that -- I believe we're bringing in a few new
6 subparts -- or rather new to our state regulations. So
7 40 CFR Part 60 Subpart XXX, which pertains to municipal
8 solid waste landfills, that subpart will come into our
9 state regulations, and that is new.

10 And then I believe there are several NESHAP or
11 National Emission Standards for Hazardous Air Pollutants
12 that also will newly come into our state regs. And those
13 are subpart -- subpart 6C, I should say, and subpart 6X.
14 And we worked with our internal permitting staff and our
15 Title V program to review whether or not we had sources
16 that had newly become subject to these regulations. We're
17 at a new sources that even the state that these subparts
18 apply to and that was the case. So we are pulling those
19 into our state regulations. And then we are also removing
20 subpart TTTT of 40 parts -- 40 CFR Part 60. And that
21 pertains to the Clean Power Plan, which the supreme court
22 struck down in that period of time that has elapsed. It
23 had already been stayed, and then supreme court had a
24 ruling that essentially negated it.

25 So with that said, certainly I'm happy to take

1 questions. I guess I'll just add, also, as an additional,
2 you know, part of this rulemaking, we've also gone through
3 those particular chapters in the WAQSR, the Air Qualities
4 Standards and Regulations, and have made some
5 administrative revisions to typographical errors. We fixed
6 some formatting things. We've sort of cleaned them up.

7 The only other change that you'll notice that is
8 fairly noteworthy occurs in Chapter 4, which is State
9 Performance Standards for Specific Existing Sources. We
10 have removed Section 4, which the language had applied to
11 existing municipal solid waste landfills. All of that
12 language comes from a state plan that is now outdated. And
13 in the period of time that elapsed since we last did
14 incorporation by reference rulemaking, EPA promulgated new
15 federal regulations applying to this category of existing
16 municipal solid waste landfills.

17 The State of Wyoming elected to take a Federal
18 Implementation Plan and actually allow the photograph
19 government to maintain primacy over that particular
20 category of sources. That Federal Implementation Plan can
21 be found in 40 CFR Part 62 Subpart 000.

22 And so the language that is in our state
23 regulations is now essentially defunct, so we are pulling
24 it out of the regulations and putting in a reserve section
25 there. It is possible -- we're going to evaluate it

1 internally -- that we will at some point develop a state
2 plan for those existing sources. And in that case, once we
3 developed that state plan and took state level primacy over
4 the new regulations, we would put new language back into
5 that section.

6 So that's -- that's the one significant change I
7 think you'll notice walking through the other proposed
8 changes to the rest of the chapters. But all in all, I
9 think that pretty much is a condensed version of the
10 revisions that we got before you all. And at this time, I
11 can certainly take questions, if you had them.

12 BOARD MEMBER HEYNEMAN: Mike, what was the
13 thought process behind not allowing the feds to maintain
14 primacy on landfill -- landfill regs?

15 MR. MORRIS: Yeah, I believe that we had --
16 as I recall, it was something -- yeah, Amber, you go.

17 MS. POTTS: So the EPA updated the landfill
18 regs. And then there was some legal matters and some --
19 they stayed. And so it kind of went back and forth for a
20 while. And we just sat back and watched -- watched it
21 happen. Let it shake out. And then EPA did the Federal
22 Implementation Plan, and Wyoming sources then -- you know,
23 they -- EPA was trying to figure out which Wyoming sources
24 met the requirements for the landfill regulation. And so
25 they were dealing with our sources specifically. We

1 allowed that. We were in the loop on that. And now that
2 they've got the Federal Implementation Plan complete, other
3 states are also just incorporating that Federal
4 Implementation Plan as a state plan.

5 And it hasn't happened quickly for other states.
6 You know, there's maybe a third of the states have the
7 state implementation plan specifically for landfills. The
8 rest are just using the federal implementation plan. So we
9 were just kind of staying out of it, not getting in the
10 weeds and letting the dust settle, and then we'll take --
11 we'll take primacy when we have time to deal with the State
12 Implementation Plan for those landfills.

13 So it's coming. It was just kind of let things
14 shake out, I think.

15 BOARD MEMBER HEYNEMAN: Right.

16 MS. POTTS: Yeah.

17 BOARD MEMBER HEYNEMAN: Right. A whole
18 new --

19 MS. POTTS: Let them settle down a bit,
20 yeah.

21 BOARD MEMBER HEYNEMAN: A whole new animal
22 to tackle, given the personnel shortfalls. That makes
23 sense. Thanks.

24 MS. POTTS: Yeah.

25 CHAIRMAN FARE: Thank you, Board Member

1 Heyenman. That was an observation I had regarding Chapter
2 4.

3 And thank you for that that explanation, Amber.

4 And, Mike, for reviewing that.

5 I had one thing. In the list of IBR changes,
6 page 11, directly under 40 CFR Part 6 subpart IIII. The
7 first bullet and fourth bullet reference Alaska.

8 MR. MORRIS: You know, that -- and
9 Chairman, that's a good catch. Those -- those probably are
10 just my bad in going through and reviewing these changes.
11 Some of them are very specific to a certain state, and I
12 think I probably was on auto pilot when going through all
13 of these, and just left the Alaska references in.

14 But, yeah, there is certain -- particularly for
15 Alaska, because of its geographic remoteness, there are
16 certain changes that occur to subparts that are specific to
17 Alaska. And I think in that case, those were just changes
18 that probably I accidentally left in when I was tracking
19 them and forgot to pull those out of the document.

20 So, yeah, those -- those would not pertain to
21 Wyoming sources.

22 MS. POTTS: And we can update that. We can
23 fix that typo there.

24 CHAIRMAN FARE: Yeah. I appreciate the
25 effort on those typos and the grammaticals, as referenced

1 and as shown in all those documents. That -- that's a
2 lot -- that looks really nice and it's useful.

3 And then in addition to that, you know, I don't
4 know -- you can't really see the picture behind me, but,
5 you know, Alaska is pretty dear to me after Wyoming. So I
6 was just really, you know, keyed into that. Thank you.

7 MR. MORRIS: Yeah. Thanks for bringing it
8 to our attention.

9 CHAIRMAN FARE: Okay. To the Board, is
10 there any other observations, comment, question regarding
11 Item III of the New Business, a., rulemaking proposal?

12 BOARD MEMBER LOCKWOOD: Mr. Chairman.

13 CHAIRMAN FARE: Yes, sir.

14 BOARD MEMBER LOCKWOOD: After reading
15 through all that, I commend them for being able to go
16 through all that and make changes, because it -- it is
17 tedious to go through all that.

18 CHAIRMAN FARE: Yeah. And I do agree with
19 you there. You're absolutely right, Board Member Lockwood.
20 That was -- that's commendable, because -- and also in
21 addition to that, the timeline -- there was -- there was
22 significant -- there was sufficient time that the Division
23 provided to the Board for us to get through it. And -- and
24 that is much appreciated as well.

25 Okay. Okay. Anything else around Item III.a.,

1 rulemaking proposal, before we move on?

2 Okay. Seeing none, let's move onto Item III.b.,
3 Air Quality Hot Topic Presentation.

4 MS. POTTS: Chairman Fare, would you like
5 to consider a motion for advising the Air Quality Advisory
6 Board -- or the Air Quality Division on moving that
7 rulemaking package forward?

8 CHAIRMAN FARE: Go ahead, John. I didn't
9 hear you.

10 BOARD MEMBER HEYNEMAN: No, no. I thought
11 we were missing one important step from the respect of
12 staff.

13 Yeah. So I move to accept the clean version, the
14 rule amendments, as presented.

15 BOARD MEMBER LOCKWOOD: I will second that.

16 CHAIRMAN FARE: Okay. So we have a motion
17 to accept a clean version and seconded.

18 All those in favor -- we can just take a vote on
19 that -- say aye.

20 BOARD MEMBER LOCKWOOD: Aye.

21 BOARD MEMBER HEYNEMAN: Aye.

22 CHAIRMAN FARE: Aye.

23 Opposed.

24 Thank you, Amber, we appreciate that -- for
25 catching that.

1 And Board Member Heyenman for that input as well.

2 MS. POTTS: All right. Thank you so much.

3 We're going to pull up Nancy's presentation, and
4 I think she used the same format as previous air board
5 meetings, and using a red highlight as new information to
6 keep you all in the loop, because things do change quarter
7 to quarter, when we meet. And, you know, sometimes lots of
8 things change. So this has been a very active quarter for
9 EPA, and so there's a lot of updates on, you know, what
10 we've been working on and the topics that we've dealt with.

11 All righty. So the first slide -- yep, there we
12 go -- she wants to update on Air Quality regulations and
13 our state plan update and opportunities for the State of
14 Wyoming to comment to EPA. I feel like that's really what
15 my team has been doing for the last year or so, really
16 making Wyoming's voice heard when there are EPA federal
17 proposed rules out there that impact Wyoming, not only our
18 staff, our resources, but also those sources throughout the
19 state.

20 So a big one, in the Division we're calling EPA's
21 Clean Power Plan 2.0. This is the -- all of the
22 regulations for Electric Generating Units, new modified and
23 existing. This is really hot topic item for us. It
24 published earlier this year, and comments are due
25 August 8th. So coming up in the next couple of weeks, we

1 plan to submit our comment. There was a most recent update
2 last week, EPA provided a large amount of additional
3 information for this rulemaking. And so we did ask for an
4 extension, because they were in the -- in the commenting
5 phase. They provided about halfway through a lot of extra
6 information, so we feel we should get additional time to
7 review that.

8 They are proposing to have this rule and some
9 other PowerPoint regulations go final April of 2024. And,
10 you know, Nancy's thought was in -- in all the news
11 coverage of this, the federal administration is really
12 trying to push this in early 2024, going final for -- for a
13 lot of rules, because the reconsideration, if there were an
14 administration change, the next administration can go back
15 and -- they call it clawback -- and kind of look at what
16 the previous administration has done.

17 So there's some -- you know, some political
18 maneuvering. And we're just trying to keep pace and keep
19 Wyoming's voice in the game.

20 To that effect, EPA puts out a unified spring
21 agenda. And this one came out actually on the first day of
22 summer, June 21st. But there were over 74 office of air
23 and radiation actions in the next 12 months that they're
24 predicting. So we're definitely going to be super, super
25 busy.

1 We also not only watch for EPA regs, but we also
2 watch for BLM, Bureau of Land Management, regulations that
3 may impact Wyoming's oil and gas facilities and -- and
4 those folks. So we're keeping busy on that.

5 The next slide shows a lot of our commenting and
6 EPA final actions. So you can -- you can read through
7 that. EPA, the 111(d), that's our Chapter 4. So you --
8 you can see, you know, we pulled out the -- the landfill
9 out of chapter 4. But they're looking to add more things
10 in there. That's the electric generating unit. There's
11 also the oil and gas -- methane oil and gas that was a
12 really big lift for our group. And I know throughout the
13 state a lot of sources were engaged on that one.
14 Particulate matter reconsiderations. So this was the
15 particulate matter National Ambient Air Quality standards.
16 EPA is looking to update that and to lower that standard.
17 So we're definitely watching that.

18 The fugitive emissions and electric generating
19 mercury air toxics rule were -- we keep watching those, and
20 you can see it's going to be busy third, fourth, and first
21 quarter coming up for us, so...

22 As -- then we're going to step through all of the
23 National Ambient Air Quality Standards, or the criteria
24 pollutants. And ozone is a big one for us. You know,
25 we -- we -- we have a nonattainment area in the Upper Green

1 River Basin during the wintertime for the 20- -- or 2008
2 ozone standard. And we continue to do great work out there
3 throughout the winter. We did have a few scattered
4 exceedances during the winter ozone season in the Upper
5 Green River Basin, and more detailed reports are coming out
6 of our monitoring group for that. So we can -- we can
7 update you next time on that.

8 The 2015 ozone standard, if you remember,
9 we're -- we're in litigation with EPA for our good neighbor
10 or interstate transport prong of this. We are just in the
11 briefing stages. And a lot of different states are also
12 taking -- taking -- taking offense to that regulation. As
13 you can see, the Fifth, Ninth, Tenth, and the DC circuits.
14 We're in the Tenth Circuit of the U.S. Appeals Court, so a
15 lot of different courts are looking at this, a lot of
16 different states are having something different to say than
17 EPA's final -- final information that they put out.

18 And then moving on to 2020 ozone standard, EPA is
19 currently reconsidering that. They did keep it the same.
20 However, you know, they feel like maybe another look at it
21 is appropriate. So that could also be coming our way in
22 early '24.

23 And then moving on to the other pollutants. We
24 note the NOx and the SOx and the PM. So criteria
25 pollutants have a primary standard, and that's what you're

1 normally used to seeing. That's what we watch out for in
2 the Upper Green River Basin for ozone. But there is a
3 secondary standard. And this is not health and welfare,
4 but it's -- it's other things, like plant foliage, you
5 know, that kind of thing. And so EPA's looking at that
6 again early 2024, as well. So we're just waiting and
7 watching for that one. And then we have regional haze, of
8 course. That's -- that's kind of my baby. It's a long,
9 long process. It goes to 2064. We're still dealing with
10 regional haze Round 1.

11 We are waiting -- we briefed in -- in the Tenth
12 Circuit Court of Appeals, and there somebody a decision
13 coming our way shortly on Jim Bridger Coal to gas
14 conversion. So Units 1 and 2 are kind of up in the air
15 until the court decides what way we need to go there.

16 Round 2 for regional haze, we submitted our State
17 Implementation Plan, SIP, last year. And we hope to get
18 EPA's determination on that coming in August of this year.
19 They have 12 months after they -- they deem it complete.

20 And then Round 3 is coming fast and furious. And
21 EPA may be changing the rules for that Round 3. And,
22 again, early 2024 is when we would be expecting those.

23 There's also EPA changes coming for our New
24 Source Review in Title V permitting program. EPA minor
25 source rulemaking at the end of this year. They're hopeful

1 that they can do some updates to a rule. And -- and then
2 in our Title V program, and our moni -- or our New Source
3 Review program, we do have a modeling RFP, which is a
4 request for proposal. That modeling RFP is to help our New
5 Source Review permitting engineers. When facilities make
6 major changes, sometimes they have to do modeling to
7 guarantee that they're not impacting other facilities, the
8 National Ambient Air Quality Standards weren't getting
9 jeopardized. And so we don't have that type of staff on
10 board, just because staffing issues. And so the
11 legislature gave us some -- some money last budget period
12 to create a modeling contract. So if we do get modeling
13 information from facilities in a New Source Review permit,
14 we can have a modeling contractor take a look and do the
15 heavy lifting for us. And there's two -- I think they're
16 looking to get two modeling contractors on board, so
17 there's no conflict of interest. So if a facility hired
18 one -- one group, and they were also our contractor, we
19 could go to a different one.

20 So that's in the progress right now. That will
21 be a great asset to the New Source Review for those very
22 large applications that come in with modeling files. Also
23 of note are Title V, which is the -- the large source
24 permitting. They are starting a \$500 application fee, and
25 a 75-hour review fee.

1 If you remember, I think it's a couple years now,
2 the legislator -- legislature, they -- they implemented
3 this regulation for us. They wanted to make sure that our
4 staff was getting paid, and -- to help out with fees, they
5 implemented that. And we incorporated that into our
6 regulation. And this is the rule out of that.

7 Our impact database will be accepting electric --
8 electronic payment for these facilities, and these
9 applications fees, August 1st. So that's a big kickoff for
10 us. And -- and then there's also -- you know, there may be
11 rule changes coming from EPA for the -- the New Source
12 Review and Title V permitting business coming early '24.
13 So I feel like they're -- EPA is really trying to touch
14 everything that they possibly can in the next year or so.

15 And so that's kind of the updates for, you know,
16 big ticket items. And then we usually step through each
17 program in Air Quality. If it's in black, it hasn't
18 changed. So the Air Quality Resource Management Program,
19 they really focus on the wintertime ozone season, on smoke,
20 which we do daily blow-level monitoring of smoke impacts.
21 Because of the wet, wet spring that we have, we're very
22 fortunate that a lot of -- you know, we haven't seen a lot
23 of smoke in Wyoming. But if we do, they will ramp up to a
24 more detailed and thorough review of the smoke affecting
25 Wyoming. And when we work with the National Weather

1 Service to get those notices out to Wyoming citizens.

2 The emission inventory, which is EI, they
3 continue to do all their work from all the sources
4 throughout the state, gathering the information and making
5 sure, quality assure it and then get it down to EPA.

6 And then planning is -- they do a lot of NEPA
7 work. Not so much now, because there's not a lot of NEPA
8 projects going on, but our IMPACT system that all the
9 facilities can use to connect via permits, compliance, you
10 know, all kinds of things. We just added e-Payment, which
11 I chatted about the Title V's sources being able to pay
12 their permit fees August 1st.

13 But then also we moved to Sharon Cormier
14 Services, so that's SCS. And that is a way of guaranteeing
15 that the -- the correct person for a facility is submitting
16 information from the same facility. And this is in line
17 with EPA's electronic reporting.

18 So there's been a lot of work on the back end of
19 that, getting those two items really up and running in our
20 IMPACT system for all of our facilities.

21 And then the monitoring program, they completed
22 their date of certification for all of our monitoring that
23 goes on throughout the state May 1st, so they were on time
24 with that. They are moving a mobile source -- or mobile
25 station, mobile monitoring station, excuse me, to Laramie

1 County, Harriman Road. That's kind of a -- an area that
2 we're -- we're watching for dust complaints. So when we do
3 get complaints throughout the state, we make note for the
4 monitoring program, and if we're able to move a mobile
5 monitoring to that location to help those local folks get
6 more information, that's one of our main -- main goals
7 there. The monitoring continues to work with toxics
8 reporting and toxics monitoring, exceptional events.

9 And they -- they also -- every year you have to
10 do a network plan to guarantee that your monitoring network
11 is trying to meet all the requirements that you've set out
12 and EPA sets out. So that was submitted.

13 And then also the monitoring program has been
14 awarded some IRA federal grant money. And we are taking a
15 look at the requirements for that to see if we can meet
16 those to jump into the next step to use those funds. So
17 that one's kind of up in the air as well.

18 CHAIRMAN FARE: Hey, Amber.

19 MS. POTTS: Yeah.

20 CHAIRMAN FARE: Can I ask a quick question?

21 MS. POTTS: Yeah.

22 CHAIRMAN FARE: The mobile monitor --

23 MS. POTTS: Uh-huh.

24 CHAIRMAN FARE: -- you know, I really
25 appreciate and recognize the value that that provides.

1 The Harriman Road deal, you know, is it a -- is
2 it complaints from the public regarding industrial
3 activity, or just ambient dust? You know, from --
4 obviously it's a windy area. What's that look like?

5 MS. POTTS: Yeah. There is a granite
6 quarry right near that area, so --

7 CHAIRMAN FARE: Okay.

8 MS. POTTS: -- I think there was public
9 complaint.

10 CHAIRMAN FARE: Okay. I was wondering if
11 it was related to the windmills that are in that region as
12 well.

13 MS. POTTS: Perhaps. You know, I'm not
14 sure what the complaints came in as, but it is going to be
15 an interesting set of data.

16 CHAIRMAN FARE: Yes. All right. Thank
17 you.

18 MS. POTTS: Yeah. Sure.

19 BOARD MEMBER HEYNEMAN: Another question,
20 Amber. Is that -- is that IRA grant, is that a significant
21 grant? Will that cover a significant percentage of -- of
22 operations for the Department -- or for the program?

23 MS. POTTS: Well, I'm not sure the total on
24 that. I know we've been, you know, awarded some. And I
25 don't know the strings that you have to comply with --

1 BOARD MEMBER HEYNEMAN: Yeah.

2 MS. POTTS: -- to be able to use it.

3 So the governor's office and Air Quality are
4 really working together to see if those -- those
5 requirements can be met within the State of Wyoming before
6 we step into actually creating a project and spending those
7 funds.

8 BOARD MEMBER HEYNEMAN: Thank you.

9 MS. POTTS: Yep. We can move right along
10 to compliance and enforcement updates. There's no big
11 ticket items for compliance and enforcement. There have
12 been very few dust complaints, which is usually what we get
13 during this point in time of the year. But because of the
14 moisture that we've gotten, I think it's really helped our
15 compliance staff not get those so much. So that's --
16 that's kind of cool.

17 And they are just working -- working hard to get
18 all the inspections that they do on an annual basis. They
19 try to really squeeze them in in the nice weather so
20 they're not making facilities deal with the harsh weather
21 conditions and then also our staff. So, you know, they
22 continue to do a great job and keep working towards all of
23 their -- their lists of inspections that need to do
24 annually.

25 And when we do get complaints, we take every one

1 of them seriously. And someone will go out and visit the
2 area and make contact with -- with the folks that have a
3 complaint. So I think that's really important, and such a
4 nice thing to be from Wyoming and to have access to that.

5 We do continue to have environmental audits go
6 on. And that's really a good opportunity for facilities to
7 take a look at their -- their actions and what they do on a
8 daily basis. And, you know, make corrections, if they
9 need, and then they don't get into compliance or
10 enforcement issues, because they're in -- they're covered
11 under that audit program.

12 And I think that's -- that's all the updates for
13 now, but I'd gladly take any questions.

14 BOARD MEMBER LOCKWOOD: Yes, Amber. On
15 the -- on their submittal of comments, are those on the
16 website where you can view those?

17 MS. POTTS: Unfortunately, they're not. We
18 do submit every single comment to the EPA docketing system.
19 So there's a -- a Web page, it's regulations.org. And for
20 every single rule that the federal government puts out, you
21 can go into that docket and find all sorts of comment
22 letters from every -- you know, every aspect of governance.
23 But we do, you know, try to keep you guys informed about
24 what we're commenting on. And if you have specific
25 requests on ours, you know, feel free to give me a call and

1 we can get that record -- that comment record out to you,
2 Milford.

3 BOARD MEMBER LOCKWOOD: Okay. Thank you.

4 MS. POTTS: Yeah.

5 MR. MORRIS: Also, just as a quick, I
6 guess, correction. It's regulations.gov.

7 MS. POTTS: .gov, sorry. Not org.

8 MR. MORRIS: It's all good.

9 CHAIRMAN FARE: Thank you, Amber.

10 Any other questions from the Board, or comments
11 regarding the presentation?

12 The only observation I have is -- is just it
13 appears that the EPA has really taken a hard line on
14 over -- overstimulating the states, in essence. You know,
15 really the pressures -- the pressures of unrealistic
16 expectations and timelines are concerning. That's all.

17 MS. POTTS: Yeah. They definitely do
18 shorten some timelines in those rules and regulations and
19 guidance for us. And that's what we're trying to preserve
20 when we do comment on a lot of these. We usually have some
21 canned language that says, Hey, you're throwing so much at
22 us with -- you know, we only have so much time and
23 resources and energy that we can put towards this to help
24 guarantee that Wyoming's voice is heard. But we -- we do
25 make that comment quite a lot, that there's a lot going on,

1 a lot to track, and they don't give us a lot of time to do
2 that work.

3 BOARD MEMBER HEYNEMAN: On a related note.
4 Amber, what is your -- what does your staffing look like
5 these days, both in DEQ overall and within Air Quality?

6 MS. POTTS: I'm not certain what DEQ
7 overall looks like, but in the Air Quality Division, we're
8 running right now at 23 percent vacancy. And I do know
9 that Air Quality has the highest vacancy of all the
10 divisions within DEQ. And so I guess there's a total of
11 73, and if we're 23 percent of that, you know -- there's 73
12 Air Quality staff members, and we're running 23 percent
13 vacant, so...

14 BOARD MEMBER HEYNEMAN: Thanks.

15 MS. POTTS: Yep.

16 BOARD MEMBER HEYNEMAN: Up or down? It
17 feels to me like that's down a little bit from months
18 ago -- six months ago.

19 MS. POTTS: Yeah, I think -- yeah. Usually
20 Nancy says we're running -- well, for the past couple of
21 years, we're at 20 to 25. We're kind of ranging, you know,
22 ranging between that. So we're -- we're hitting the
23 middle.

24 We're hopeful that the raises that we'll be
25 realizing July 31st might help in, you know, invite other

1 folks to apply for state government jobs. But, you know,
2 we're -- we're working as best we can with the limited
3 staff and resources that we do have.

4 BOARD MEMBER HEYNEMAN: Wonderful. Thank
5 you.

6 CHAIRMAN FARE: Yeah. Thank you for that.

7 Okay. Moving on to Item IV, Old Business. a.
8 Terms.

9 Amber, did you want to speak to that point?

10 MS. POTTS: Sure, I can.

11 So I believe there are three of you that if
12 you -- if you choose, you could rejoin, or you could
13 resubmit to the governor's office for reappointment. If
14 not, this may be your last Air Board meeting, and because
15 it is the third quarter, you would be going off at the end
16 of September of '23. So that's my -- my information there.

17 CHAIRMAN FARE: Received. Thank you.

18 Any -- any discussion around old business before
19 I move on to questions from the Board?

20 BOARD MEMBER HEYNEMAN: What is the -- what
21 is the -- what are minimum/maximum board seats?

22 MS. POTTS: You know, they have -- the
23 governor's office has done -- John, I think you got a two-
24 year reappointment.

25 BOARD MEMBER HEYNEMAN: Yeah.

1 MS. POTTS: So I've seen two years to four
2 years. So if you're interested in two years to four years,
3 I can get you with the governor's office, and we can work
4 towards that.

5 BOARD MEMBER HEYNEMAN: But is the Advisory
6 Board required to have a minimum number of seats?

7 MS. POTTS: Well, to get a quorum -- to
8 have a quorum, we need at least three folks sitting.

9 BOARD MEMBER HEYNEMAN: Yep.

10 MS. POTTS: Yeah.

11 BOARD MEMBER HEYNEMAN: In order to just --
12 the math. Okay.

13 MS. POTTS: Yeah.

14 BOARD MEMBER HEYNEMAN: Okay. All right.
15 Thank you.

16 CHAIRMAN FARE: All right. Moving on to
17 Item V. Is there any remaining questions from the Board
18 for the items discussed in the agenda today?

19 Okay. Seeing none, we will also extend that
20 opportunity to the members of the public, should they have
21 any questions at this time.

22 All right. Seeing none, we will move to -- we
23 will adjourn the meeting at 9:52. Thank you, team.
24 Appreciate your efforts today.

25 MS. POTTS: Thank you.

1 BOARD MEMBER HEYNEMAN: Thanks.

2 BOARD MEMBER LOCKWOOD: Thank you. Have a
3 good day.

4 (Recorded hearing proceedings
5 concluded 9:52 a.m., July 11, 2023.)

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C E R T I F I C A T E

I, Kathy J. Kendrick, a Registered Professional Reporter, do hereby certify that I transcribed the foregoing recorded meeting proceedings to the best of my ability.

Dated this 12th day of September, 2023.



KATHY J. KENDRICK
Registered Professional Reporter