

STATE OF WYOMING
BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

IN THE MATTER OF:)
)
PETITIONER JACKSON HOLE) DOCKET NO.: _____
)
CONSERVATION ALLIANCE ET AL.)
)
PERMIT NO: P0036295)
)

**DECLARATION OF JIM TERRY IN SUPPORT OF TETON VILLAGE ASSOCIATION
ISD'S APPEAL OF AIR QUALITY PERMIT P0036295 AND REQUEST FOR STAY**

1. My name is Jim Terry. I am a member of the Teton Village Association (“TVA”). Based on my experience and information provided to me by others, I have personal knowledge of the facts set forth herein or believe them to be true. If asked, I could testify truthfully about these matters.
2. I reside at 3855 W Holly Dr. Teton Village, WY 83025 in Teton County. I live 2 miles from the proposed location of the portable air curtain burner that is the subject of Air Quality Permit P0036295.
3. TVA is a political subdivision of the state of Wyoming. It is an improvement and service district which serves commercial property owners in Teton Village at the base of Jackson Hole Mountain Resort in Teton County, Wyoming. Teton Village Association provides quasi-municipal services in the commercial core of Teton Village, capital construction of public infrastructure, road and sidewalk maintenance and implementation of the Teton Village Transportation Demand Management Plan. TVA and its members have an interest in ensuring a clean environment in and around Teton County, including excellent

air quality which is of particular concern given our location near Grand Teton and Yellowstone National Parks.

4. Teton Village, Wyoming is a gateway to Grand Teton National Park and home to approximately 500 residents and 25 businesses, including the world famous Jackson Hole Mountain Resort, and hundreds of thousands of visitors come to stay and play in Teton Village every year.
5. TVA reviewed the application for an air quality permit filed by Arbor Works Tree Service (“Arbor”) dated February 23, 2023 (“Application”). The TVA contracted Air Resources Specialists, Inc. (“ARS”) to assess and provide comments on the Application and the Wyoming Department of Environmental Quality, Air Quality Division’s (“AQD”) Permit Application Analysis (A0014739) regarding the Application.
6. On behalf of TVA, ARS submitted a detailed eight-page comment letter and air quality dispersion modeling report to AQD. The letter identifies flaws in the AQD analysis of the Application, including, but not limited to: the failure to assess potential air quality impacts via air dispersion modeling; failure to propose draft permit conditions regarding operational hours and quantity of biomass to be burned; reliance on an incomplete emissions inventory; and failure to draft appropriate monitoring conditions. ARS also included an air quality dispersion modeling report, which modeled NO₂ emissions based on the information provided in the Application and concluded that the proposed portable air curtain burner would cause or contribute to violation of the 1-hour NO₂ NAAQS.
7. On February 29, 2024, the AQD granted Permit No. P0036295 to Arbor. It authorizes Arbor to construct the portable air curtain burner at its initial location in the SE¼ of the SE¼ of Section 36, Township 42 North, Range 117 West. This location is approximately

2 miles from my residence and the TVA boundaries. Condition No. 6 of Permit No. P0036295 allows Arbor to move the portable air curtain burner to other locations and permits Arbor to “submit a ‘self-issuance’ relocation permit for each new location.”

8. Permit No. P0036295 does not contain sufficient or legally enforceable terms and conditions to ensure the portable air curtain burner will not harm human and environmental health, degrade local or regional air quality, or that Arbor will operate it safely.
9. As a resident of Teton Village and member of TVA, I will be personally injured by the portable air curtain burner if constructed and operated in accordance with Permit No. P0036295:
 - a. My home of 45 years is located within 2 miles of the initial location. I chose to live in Teton County because I place a premium on clean air and unobstructed forest and mountain views. I live, work, and recreate in Teton County and Grand Teton National Park because of the scenic natural surroundings. In the past 15 years I have eliminated all three of my wood burning fireplaces for fire safety and cleaner air reasons. I am a regular user of the one of the busiest if not the busiest pathways that passes within 500 feet of this proposed burner. The prevailing winds blow from the burner location toward the pathway and the power lines directly across the highway.
 - b. The portable air curtain burner will emit smoke as it burns biomass. The smoke will degrade the air quality and impact my personal health. The smoke also will degrade the visibility of the area, impacting the mountain views and the aesthetic values of my surroundings.

- c. The portable air curtain burner is an open-top box. There is a high risk of embers and hot ash exiting the container and sparking a fire. Teton Village is in a high-wind area and extremely wildfire-prone area. However, Permit No. P0036295 does not contain any terms or conditions about measuring wind speeds or prohibiting operation during high wind speeds or when wildfire danger is high. Any fire caused by the portable air curtain burner could quickly spread to the nearby pathway, power lines and my home.

10. Furthermore, the TVA as an association will be injured by the portable air curtain burner if constructed and initially operated in accordance with Permit No. P0036295:

- a. The businesses and visitors that TVA serves likewise choose Teton Village because of the clean air and beautiful natural surroundings. The portable air curtain burner will negatively impact the air quality of Teton Village, effecting the health of the residents, business owners, and many tourists. The smoke from the portable air curtain burner will impact the aesthetic value of the area. These impacts will have negative economic impacts on Teton Village and, in turn, on the TVA because it serves Teton Village.
- b. TVA also is extremely concerned about the risk of fire caused by the portable air curtain burner. Any fire would spread quickly, cutting off electrical power to the Teton Village and possibly demolishing the businesses that TVA serves.

11. A favorable decision for the TVA in this case would redress the harms that I would otherwise experience, as well as the harms that the TVA would experience, if Arbor is permitted to construct and initially operate the portable air curtain burner in accordance with Permit No. P0036295.

I declare, under the penalty of perjury of the laws of Wyoming, that the foregoing is true and correct.

Executed March 27, 2024, in Teton Village, Wyoming.


Jim Terry, Board Treasurer
Teton Village Association ISD