

Shannon Anderson (Wyoming Bar No. 6-4402)
Powder River Basin Resource Council
934 N. Main Street
Sheridan, WY 82801
(307) 672-5809 Voice
(307) 672-5800 Fax
sanderson@powderriverbasin.org

Andrea Issod (Calif. Bar No. 230920)
Sierra Club
85 Second St, 2nd Floor
San Francisco, CA 94105
(415) 977-5544 Voice
(415) 977-5793 Fax
andrea.Issod@sierraclub.org

Daniel Galpern (Oregon State Bar No. 06195)
David A. Bahr (Oregon State Bar No. 90199)
Western Environmental Law Center
1216 Lincoln Street
Eugene, OR 97401
(541) 485-2471 x114 Voice
(541) 485-2471 x108 Voice
(541) 485-2457 Fax
galpern@westernlaw.org
bahr@westernlaw.org

Sierra Club's Attorneys

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF:) Docket No. 09-2801
MEDICINE BOW FUEL & POWER,)
LLC AIR PERMIT CT-5873)

**DECLARATION OF ANDREA ISSOD IN SUPPORT SIERRA CLUB'S
MOTION FOR SUMMARY JUDGMENT**

1. I, Andrea Issod, am an attorney with the Sierra Club, and counsel of record in this litigation.

2. Sierra Club is located at 85 Second Street, Second Floor, San Francisco, California, 94105.

3. **Exhibit 1** attached hereto is a true and correct copy of the Deposition of Andrew Keyfauver (Oct. 29, 2009) (“Keyfauver Depo.”)

4. **Exhibit 2** attached hereto is a true and correct copy of Jason Lillegraven’s Declaration of Standing.

5. **Exhibit 3** attached hereto is a true and correct copy of Martha Martinez del Rio’s Declaration of Standing.

6. **Exhibit 4** attached hereto is a true and correct copy of Memorandum from John S. Seitz (October 21, 1997).

7. **Exhibit 5** is a true and correct copy of *In re Louisville Gas & Electric Co.*, Order Responding to Issues raise in April 28, 2008 and March 2, 2008 Petitions, and Denying in part and Granting in Part Requests For Objection to Permit (August 12, 2009) (“Trimble”).

8. **Exhibit 6** is a true and correct copy of Memorandum from Stephen D. Page (April 5, 2005)

9. **Exhibit 7** is a true and correct copy of Letter from Stephen Johnson to Paul Cort (Jan. 14, 2009).

10. **Exhibit 8** is a true and correct copy of Letter from Lisa Jackson to Paul Cort (April 24, 2009).

11. **Exhibit 9** is a true and correct copy of Wyoming's Interstate Transport Declaration (Dec. 11, 2006).
12. **Exhibit 11** is a true and correct copy of *BP Products North America, Inc.*, Order Responding to Petitioner's Request that the Administrator Object to Issuance of State Operating Permit, Permit No. 089-254880—453 (Oct. 16, 2009) ("*In re BP Products*").
13. **Exhibit 12** is a true and correct copy of EPA Memorandum from Terrell E. Hunt and John S. Seitz to Regional Counsels, *Guidance on Limiting Potential to Emit in New Source Permitting* (June 13, 1989).
14. **Exhibit 13** is a true and correct copy of EPA Memorandum from Steven Riva to William O'Sullivan, *Accounting for Emergency Generators in the Estimate of Potential to Emit* (Feb. 14, 2006) ("Riva Memo").
15. **Exhibit 14** is a true and correct copy of EPA Memorandum from John B. Rasnic to Linda M. Murphy, *Automatic or Blanket Exemptions for Excess Emissions During Startup, and Shutdowns Under PSD* (Jan. 28, 1993)
16. **Exhibit 15** is a true and correct copy of EPA Memorandum from Steven A. Herman and Robert Perciasepe to Regional Administrators, *State Implementation Plans (SIPs): Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown* (September 20, 1999) ("Herman Memo")
17. **Exhibit 16** is a true and correct copy of Katrina Winborn's Deposition.

18. **Exhibit 17** is a true and correct copy of EPA Enforcement Alert, Volume 2, Number 9, October 1999.

19. **Exhibit 18** is a true and correct copy of EPA, July 28, 1987, Letter Concerning Best Available Control Technology (BACT) Determinations.

20. **Exhibit 19** is a true and correct copy of “Preferred and Alternative Methods for Estimating Fugitive Emissions from Equipment Leaks,” Final Report, November 1996.

21. **Exhibit 20** is a true and correct copy of the MARAMA Model Rule for Enhanced LDAR.

I swear, under penalty of perjury, that the foregoing is true and correct. Executed on this, the 16th day of November, 2009.

Andrea Issod

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the forgoing *Declaration in Support of Motion for Summary Judgment* and associated documents via electronic mail on this the 16th day of November, 2009 to the following:

John Corra
Director, DEQ
jcorra@wyo.gov

Nancy Vehr
Sr. Asst. Attorney General
nvehr@state.wy.us

Jude Rolfes
Medicine Bow Fuel & Power
jrolfes@dkrwaf.com

Mary Throne
Throne Law
mthrone@thronelaw.com

Hickey & Evans
bhayward@hickeyevans.com

John A. Coppede
Hickey & Evans
jcoppede@hickeyevans.com

Andrea Issod

Andrea Issod
Sierra Club