

**FILED**

**AUG 06 2010**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

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Attorney for the State of Wyoming,  
Department of Environmental Quality

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

In the Matter of the Appeal )  
And Petition for Review of: )  
BART Permit No. MD-6040 ) Docket No. 10-2801  
(Jim Bridger Power Plant); and )  
BART Permit No. MD-6042 )  
(Naughton Power Plant). )

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**AFFIDAVIT OF STEVE DIETRICH IN RESPONSE TO  
PACIFICORP'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

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I, Steve Dietrich, being first duly sworn, deposes and says as follows:

1. I am over the age of 21 and am competent to make this affidavit.
2. The facts and matters stated herein are within my personal knowledge, and are true and correct.
3. I am the Administrator of the Wyoming Department of Environmental Quality, Air Quality Division (DEQ/AQD), located at 122 West 25<sup>th</sup> Street, Herschler Building 2E, Cheyenne, WY 82002.
4. In my capacity as Administrator, I am the custodian of DEQ/AQD records.

I certify that the documents described below, with the exception of the bates numbering

that has been added, are true and correct copies of documents generated or received by the DEQ/AQD in the normal course of its regulatory affairs.

5. The DEQ/AQD has maintained these documents as part of its publically accessible permitting file or as privileged or confidential documents related to but separate from the permitting file:

No. Document Bates No.

|    |  |                          |
|----|--|--------------------------|
| 1  | DEQ/AQD "Subject to BART Letter" with Enc., dated 6/14/06      | 001248-083               |
| 2  | PacifiCorp's Initial BART applications for JB Units 1-4        | 001284-727               |
| 3  | DEQ/AQD's Receipt Letter, dated 3/30/07                        | 001728                   |
| 4  | PacifiCorp's Revised BART applications for JB Units 1-4, 10/07 | 001729-2115              |
| 5  | PacifiCorp's Revised BART applications for JB Units 1-4, 12/07 | 002116-2501              |
| 6  | PacifiCorp's BART App. Addendums for JB Units 1-4, 3/08        | 002502-69                |
| 7  | EPA Comments, dated 5/23/08                                    | 002698-701               |
| 8  | DEQ/AQD's Completeness Determination, dated 9/22/08            | 002692-3                 |
| 9  | PacifiCorp's letter, received 2/2/09                           | 002634-81                |
| 10 | DEQ/AQD's Application Analysis, dated 5/28/09                  | 002573-633,<br>002765-66 |
| 11 | Publisher's Affidavit  | 002735                   |
| 12 | Public Hearing, 8/4/09   | 002839 - 45              |
| 13 | EPA comments, dated 8/3/09                                     | BART<br>000001 - 09      |
| 14 | PacifiCorp's comments, dated 8/4/09                            | BART<br>000063 - 68      |
| 15 | DEQ/AQD's Request for Add. Info., dated 8/27/09                | 002777 - 79              |
| 16 | PacifiCorp's Response, received 9/18/09                        | 002771 - 76              |
| 17 | DEQ/AQD Charts given to PacifiCorp on 7/23/08                  | 002851 - 56              |
| 18 | PacifiCorp's letter, dated 1/29/09 - <b>CONFIDENTIAL</b>       | 002846-50                |
| 19 | Decision and Response to Comments, dated 12/31/09              | 002792-818               |
| 20 | Permit MD-6040, dated 12/31/09                                 | 002785-89                |

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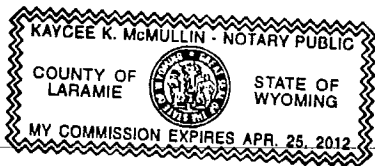
DATED this 27<sup>th</sup> day of July, 2010.

Steven A. Dietrich  
Steve Dietrich, Administrator  
DEQ/AQD

State of Wyoming            )  
  ) ss.  
County of Laramie            )

Subscribed and sworn before me by Steve Dietrich on this 27<sup>th</sup> day of July, 2010.

Witness my hand and official seal.



Kaycee K. McMullin  
Notary Public

My commission expires on: April 25, 2012.