DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY ADVISORY BOARD

IN RE: PROPOSED CHANGES TO WYOMING AIR QUALITY STANDARDS AND REGULATIONS, CHAPTER 8, NONATTAINMENT AREA REGULATIONS

TRANSCRIPT OF MEETING PROCEEDINGS

Pursuant to notice duly given to all parties in interest, this matter came on for public hearing on the 10th day of December, 2014 at the hour of 9:00 a.m., at the Sublette County Library, Lovatt Room, 155 South Tyler, Pinedale, Wyoming, before the Wyoming Air Quality Advisory Board, Chairman Timothy Brown presiding, with board members Diana G. Hulme, Brian Boner, Joel "J.D." Wasserburger and Klaus D. Hanson also in attendance.

Also present were Todd Parfitt, DEQ Director; Steven A. Dietrich, Air Quality Administrator; Jeni Cederle, Amber Potts, Mike Morris, Andrew Keyfauver, Mark Smith, Darla Potter, Brian Hall and Adam Deppe with the Air Quality Division; and Elizabeth Lyon, Assistant Attorney General.

I N D E X

P R O C E E D I N G S

(Meeting proceedings commenced 9:00 a.m., December 10, 2014.)

CHAIRMAN BROWN: Let's call this meeting to order. Wyoming public advisory board meeting December 10, 2014. First, we would like to start with introductions of the Air Quality Advisory Board and the Wyoming DEQ staff.

BOARD MEMBER HULME: I'm Diana Hulme. I'm from Laramie, Wyoming.

BOARD MEMBER BONER: My name is Brian Boner. I'm from Douglas.

CHAIRMAN BROWN: Timothy Brown, Green River, Wyoming.

BOARD MEMBER WASSERBURGER: J.D. Wasserburger, Lusk, Wyoming.

BOARD MEMBER HANSON: Klaus Hanson, Laramie, Wyoming. City Council member there.

MR. DIETRICH: Steve Dietrich, Air Quality administrator, and I've got some staff on the opposite side of the room at the other table there. Amy Potts at the far right. She works with rule and SIP development, and to her right is Jeni Cederle, who is the supervisor of the rule and SIP development group, and then -- I'm missing a chair right there.

All right. Andrew Keyfauver in the NSR permit

program. Mark Smith, also in the NSR permit program. We also have in the audience Darla Potter, who is with Air Quality -- it's not a good morning. She's a program manager of the Air Quality resource management. And then we've got -- and just in front of her is Elizabeth Lyon. She's with the Attorney General's Office.

I know some other folks I can't quite see. In back of the room is Brian Hall, who is with -- raise your hand, Brian. You saw most of these folks here last night. Brian Hall is the planning group, Air Quality resource management section, and to his left is Adam Deppe with the planning group as well.

Who am I missing? And then in the complete back of the room is Todd Parfitt, who most of you guys saw last night as well. Am I missing anyone else? Okay. Thanks.

CHAIRMAN BROWN: Okay. Approval of meeting minutes from the July 14, 2014 meeting and the August 4, 2014 meeting. Any questions or comments on those minutes?

BOARD MEMBER WASSERBURGER: Mr. Chairman, I move to approve as presented.

BOARD MEMBER HULME: Second.

CHAIRMAN BROWN: It's been moved and seconded to approve the minutes as written for July 14th and August 14th. It's so approved.

Old business?

Enforcement litigation activities report. And if you can't hear me, be sure to let me know. I mean, can everybody hear me?

Okay.

MS. LYON: My name is Elizabeth. I'm an Assistant Attorney General. I represent the Air Quality Division. I'm here to provide an update on state enforcement activities and also a brief summary of federal litigation.

In the past three months, September, October and November, DEQ issued 17 notices of violation to companies who they alleged violated air pollution laws. They also settled 17. They're not overlapping even though the number is the same. And a settlement -- the total settlement was for approximately $56,000.

So for the federal litigation, what I've done is I've broken the cases we're working on into five different categories, and I'm going to kind of give a brief overview of what those categories are and what is going on in them.

So the first category is regional haze. So under the Clean Air Act, states are required to control the kind of air pollution that results in ozone and causes visibility problems. It's not a health standard. It's just about visibility.

And so right now there's two relevant cases. One

of them is about Wyoming's plan to control sulfur dioxide, and the other is about Wyoming's plan to control NOX. And the plan to control sulfur dioxide, EPA originally approved Wyoming's plan and then WildEarth Guardians, an environmental nonprofit, then sued the EPA and said EPA should not have approved Wyoming's plan, but ultimately, the court decided that EPA was correct to approve Wyoming's plan. So Wyoming is able to control SO2 as it relates to regional haze.

And the second case is still pending, and that one is about the state's ability to control NOX. And so originally, EPA partially approved and partially disapproved Wyoming's plan. Afterwards, Wyoming sued EPA and said they should have fully approved it. Several industry groups joined in support of Wyoming, and several environmental nonprofits also sued EPA, and they argued that EPA should have fully disapproved the plan. Everybody has submitted their arguments to the court, and right now, we're waiting to hear back.

And then the next category of cases is greenhouse gases. Steve Dietrich is going to get a little bit more into detail with the recent proposed rules under 111(d) to control carbon emissions from coal-fired power plants. So I'll just paint very broad brush strokes.

There's two lawsuits that are related to this

recently proposed rule, and the gist of both of the lawsuits is that if you get into the nitty-gritty details of the Clean Air Act and the different -- the 1990 amendment specifically, if you look at the one document that was signed by President Bush at the time, the elder, they're different, and because they're different, EPA doesn't have the authority to go forward with this particular rule. And usually you can't challenge a rule in court until the agency has actually finalized it, but the arguments in both of the cases are that because it's not about content of the rule, but about whether EPA is able to actually make the rule, we should be able to argue this in court even before EPA finalizes the rule.

And so right now, in both of the cases, there's briefing going forward and Wyoming is joining with other states and companies to make those arguments.

And then there is one other greenhouse gas case. It's titled Texas v. EPA. And this is kind of about the relationship between controlling greenhouse gases and different states' permitting programs and whether a recent Supreme Court case impacts them. And so Texas and Wyoming have applied for the court to basically reconsider a past decision that they made in light of something that the Supreme Court said recently in the UARG case. So those are the greenhouse gas cases.

The next category is the treatment as a state. And so what that means is under the Clean Air Act, Native American tribes can petition to be treated as a state and do certain things under the Clean Air Act related to air pollution. And basically the issue that has come out is that EPA and Wyoming and the tribes of the Wind River Reservation are arguing about what the actual boundaries of the reservation are, and so this is still in briefing. There's still arguments going on about that.

The next category would be state plan submissions.

So under the Clean Air Act, there is national ambient air quality standards, and basically EPA sets limits for six different kinds of pollutants and says that states are going to have to make sure that they have laws to control all of those pollutants so that they stay below certain levels.

So for each of those six pollutants, including two different categories of dust, states have to put out laws and put out a plan and then EPA either approves the plan or they don't, and if they don't approve the plan, either EPA and the state will kind of go back and forth until the state can put forward a plan that EPA approves or EPA will put in its own plan until the state can replace it with a plan EPA approves.

So there's two cases under this. The first one, basically EPA has some deadlines by which they have to review plans, and EPA didn't review and didn't make any decision on Wyoming's nonattainment resource review plan in time. So Wyoming sued EPA, said can you please meet your deadlines? So after they were sued, EPA then proposed to partially approve and partially disapprove the plan.

The thing that's a little sticky about this is that what they have disapproved is that Wyoming has incorporated by reference federal regulations and EPA has essentially argued that the way that Wyoming has incorporated those regulations makes them unenforceable because of the way that EPA had drafted those regulations in the first place. So Wyoming has submitted a comment in response to the proposed action on that plan, and depending on what EPA does next, that will determine what Wyoming does next.

There is one other case that's also related to state plans, and that one actually no longer involves Wyoming, because at the time, Wyoming had not submitted the plan that they were supposed to have submitted and then WildEarth Guardians sued EPA to disapprove a whole list of states' plans, but in the time that WildEarth Guardians and EPA were negotiating, Wyoming submitted and EPA then approved the plan. So an ultimate agreement between

WildEarth Guardians and EPA, it essentially said Wyoming is not a problem because they've already submitted a plan that EPA approves.

And then the final category is utility MATS, or Mercury and Air Toxic Standards, and this is about rules that EPA put out regarding mercury emissions from coal-fired power plants. And there is essentially a pile of states and a pile of interest groups and companies that are arguing back and forth about whether or not these rules are appropriate, and the Supreme Court has granted certiorari in this case, and so briefs are due in January.

And if anybody has any questions, I'm willing to either take questions now or you can come talk to me at the break after, but those are the cases right now that we're bringing related to the Clean Air Act. Thanks.

CHAIRMAN BROWN: Mr. Dietrich has to make announcements. No questions for you.

MR. DIETRICH: Yeah. I just wanted to remind everybody, as you came in the room, we need everyone to sign in even if you're not going to speak, because we need a record of who attended. It would be helpful to us if there's a few people that we're aware that have not signed in, we would appreciate it if you would do that. Thank you.

CHAIRMAN BROWN: Next on the agenda is

update on Powder River Basin Natural Event Action Plan.

MS. POTTER: Good morning. Can you hear me or do I need to get closer?

Louder? Thanks, Elaine.

I'm Darla Potter. I'm the Air Quality resource manager with the Wyoming Air Quality Division out of Cheyenne. I'd like to provide an update for the Board on the Powder River Basin Natural Event Action Plan. We also refer to it as the NEAP. So if I slip into that, that's what that -- that's what that acronym means.

For background, in March of 2014, the Air Quality Division released a memorandum discussing the results of a five-year review of the Natural Event Action Plan for the mines in the Powder River Basin. This was a required review as part of the Natural Event Action Plan. That memorandum was opened up for public comment, and it was presented to the Air Quality Advisory Board at their April 2014 meeting. At that point in time, we accepted additional comments, and we made a commitment to the Board to update them on the final results of that review.

We received comment from five entities: The Powder River Basin Resource Council, the Wyoming Mining Association, Western Fuels, Thunder Basin Coal Company and Westmoreland Kemmerer Mine. The Air Quality Division considered all of the comments that were received, both

written and orally. We responded to those comments in a final decision document memo that was dated September 16th of 2014, and that memo was sent back to all other commenters, and the final decision was also sent to the Environmental Protection Agency at Region 8 in Denver.

That memorandum was provided to the Board in their packet that they received in advance of the Board meeting. We included the final decision memorandum and the letter to the Environmental Protection Agency for them.

Now, I'd like to touch on what the final decision ended up from that five-year review.

All of the commenters agreed with the Division's assessment that the Natural Event Action Plan should be discontinued, and the Natural Event Action Plan was, in fact, discontinued as of September 16th of 2014.

The Air Quality Division committed to and will preserve the working relationship that we have with the National Weather Service to continue to issue high wind, low wind dust notification for the Powder River Basin.

We will also continue to use the high wind threshold that was developed in the development of the Natural Event Action Plan that is specific to the Powder River Basin, and the Air Quality Division is in the process of developing a compilation of all of the technical elements that have been submitted in an exceptional event

as well as Natural Event Action Plan demonstration.

Today, that will serve them as a resource for those throughout the state that have monitors that exceed the level of ambient air quality standard to be able to pursue when there is an exceptional event demonstration and submit that to the Division if they so choose to do so.

So that is the background on what has happened in this regard as well as an overview of the final decision. If the Board has any questions on that, I'd be happy to answer those.

CHAIRMAN BROWN: Any questions from the Board? No questions.

Moving on to new business, or do you have anything else, Darla?

MS. POTTER: Nope.

MR. DIETRICH: I have --

CHAIRMAN BROWN: Go ahead.

MR. DIETRICH: Thank you. I was just going to cover two brief updates, one on the vacancies for the Air Quality Division staff, and then a little bit more on the greenhouse gas for existing source ruling that Elizabeth alluded to earlier.

Currently, we're down to six vacancies. Not too long ago, it was twice that. The breakout of that is we have six vacancies in the Air Quality Division. Three of

them are in the NSR permitting program. One of them is within the Title 5, one in the inspection program and one in the monitoring program. So we're making some headway on filling these vacancies.

The next thing I was going to touch on was the -- I'll give a brief update on the greenhouse gases. On June 18, 2014, EPA proposed those carbon pollution emission guidelines for existing sources for electric generating units, otherwise known as power plants. This proposal is one of three proposed regulations in response to the June 25, 2013 presidential memorandum that directed EPA to address carbon pollution from power plants.

After much effort and many hours of staff time, which included meetings with industry, the Public Service Commission, the Governor's Office and the Attorney General's Office, DEQ submitted its comment letter on December 1, 2014, which was the end of the comment period for those proposed rules. Subsequently, just before Thanksgiving, the new ozone standard was proposed by EPA, and they're also seeking comments on that proposed rule, and Darla is going to cover that in a few minutes.

CHAIRMAN BROWN: Any questions?

Okay. Darla?

MS. POTTER: Darla Potter, the Air Quality resource program manager with the Air Quality Division.

Normally, for the Board, we do an ozone update that involves a presentation and gives you all kinds of information. We decided today, given the open house that was held last night and the fact that the Board attended that open house, that I'd hit on the highlights of that today and then entertain any questions that the Board may have.

The Department has made a commitment to do two public meetings a year in Pinedale. We do a pre-winter ozone season open house that was held last night, and thank you all for attending. It was really great to see a number of you last night and today as well. We wanted to focus on what to be expecting this winter. The winter ozone season starts in January, goes January, February and March.

The Division will, once again, be doing daily forecasts. We will be doing forecasts for the weather conditions that based on prior monitoring years we've identified as being very important and when we have ended up with elevated ozone formation in the Upper Green River Basin. Three of those forecasts, we'll issue daily winter ozone updates.

In addition to deciding whether or not to issue an ozone action day, on an ozone action day, we are considering those weather conditions to be kind of the perfect storm, so to speak, for the potential for elevated

ozone formation in the Upper Green River Basin. When we issue those, we are hopeful that everyone in the Upper Green River Basin will take actions to minimize the emissions that they're producing into the basin at that point in time because it's essentially a capping inversion and any emissions that are produced stay here during that period of time.

We have, once again, encouraged all stakeholders to develop ozone contingency plans. Those are advance, thinking about what short-term measures could you put into place with 24 hours notice. So far, as of Monday, December 8th, we've received 32 of those plans. We've talked to some additional contacts and we're expecting a few more of those still to come in.

During the winter ozone season, we will be conducting our -- and continuing our regulatory monitoring at our long-term monitoring stations, but in addition to that, this winter, we will have five locations throughout the basin to collect speciated canisters that will pull in air to be analyzed for individual volatile organic compounds. We call that speciated.

We have contracted for 12 of those events, and those canisters then get sent off to a laboratory to be analyzed. And we'll trigger those when we believe that the weather conditions are right for ozone formation based on

what we've seen in the past, and we'll do that at five locations throughout the basin.

So that's kind of an overview of what to expect this winter. Very similar to what we've done in previous winters.

There will be a new DEQ website that will come out yet within the month of December. So the look and feel of what you see for those updates will be a little bit different, but if you go to the winterozone.org website, it will take you right to those winter ozone updates even with the change to the DEQ website.

We have -- switching gears, we have an ozone strategy that's been developed by the Division to describe the agency's overall ozone reaction strategy for the Upper Green River Basin. That strategy is intended to be an evolving document.

The most recent strategy was dated in April of 2014. That continued through September of 2014. In October, we released an updated version of that strategy. It very much focuses on continuing the work that we've been working on and embarking on, but also emphasizes those winter ozone season activities that we'll be focusing on as well. That strategy will be in place through March of 2015. So another six-month time frame.

And all of the elements that we're working on and

completing as we go through those strategies really are helping us to build the foundation to bring the area back into attainment. That's really the focus of those strategies.

One of the pieces in those strategies is rulemaking in regard to existing sources, and that will be the primary focus today. Staff will have a presentation to take you through the existing source proposal, and so that has been a huge endeavor. That's been a lot of staff time that's been devoted to that, and we're very proud of the results.

And lastly, as Steve mentioned, just before Thanksgiving, the Environmental Protection Agency announced proposed revisions to the ambient air quality standard for ozone. There is a requirement for the Environmental Protection Agency to do a five-year review for each ambient air quality standard, and so that review -- it was time for that review for the ozone ambient air quality standard.

This announcement has yet to be published in the Federal Register. Once it is published in the Federal Register, there will be a 90-day public comment period. Those comments go back to the Environmental Protection Agency. This is their action.

Their proposal is to revise the ozone standard to make it more stringent, in a range from 65 to 70 parts per

billion. The current standard is at 75 parts per billion.

EPA, in their proposal, has also announced that they will seek comment on a level as low as 60 parts per billion, and so we will be watching that very closely.

There are multiple locations throughout the state of Wyoming, not just in the Upper Green River Basin, that with a more stringent ozone standard, we have the potential for a number of stations to be over the level of that standard, not uniquely because of wintertime ozone formation, which is why we have the nonattainment area for the Green River Basin, but just as a formation primarily in the summer months, which is more standard.

This process, I had a lot of questions last night, so I'll try to walk you through how this will work.

The Environmental Protection Agency is under a court-ordered deadline to finalize the ozone ambient air quality standard. That deadline is October of 2015. Then the governors for each state have one year after that to consider all of their monitoring information and make a recommendation on designations to the Environmental Protection Agency. So expect that governor recommendation in October of 2016, and then the Environmental Protection Agency has a year after that to make designations.

So that would make any designations, the time frame for those, in October of 2017. With that schedule,

our understanding and the announcement indicates that the monitoring data used to determine compliance with that new standard will be the years of 2014, 2015 and 2016. So we are watching that very closely.

Once that comes out in the Federal Register, the staff will be diving into it because there are a lot of different aspects to a proposal from the Environmental Protection Agency, and we'll be deciding what comments are necessary for us to make as an agency.

But I'd urge you to continue to watch that and see where that goes. We won't know what the final number is until October of 2015. So at this point in time, it's that range. And we're looking at a monitoring statewide to see what that monitor is currently showing us, but it is concerning to the state, and we're watching that very closely.

Any questions from the Board?

CHAIRMAN BROWN: What were the years -- excuse me, the years that the average was going to be used? 2014 through --

MS. POTTER: 2014, 2015, 2016.

CHAIRMAN BROWN: Thank you.

Any questions from the Board?

Klaus?

BOARD MEMBER HANSON: Does this change

require congressional action or is this just out of the EPA?

MS. POTTER: This is just out of the Environmental Protection Agency.

BOARD MEMBER HANSON: Thank you.

CHAIRMAN BROWN: Any other questions from the Board?

Okay. Thank you, Darla.

Next on the agenda is rulemaking, and I believe we have a presentation. Go ahead, Steve.

MR. DIETRICH: Thank you. I'm going to introduce the next topic, Steve Dietrich, Air Quality administrator.

We've come to the most anticipated subject for the day. I want to thank everyone here today who has had an interest in the Air Quality Division's Chapter 8, Section 6 proposed regulation for existing sources in the Upper Green River Basin.

Chapter 8, Section 6 is a proposal to adopt a permit by rule applicable to oil and gas production facilities and sources, including compressor stations, in the Upper Green River ozone attainment area.

At a previous Air Quality Advisory Board held on July 14th of this year, the Division proposed regulations developed to reduce volatile organic compounds, or VOC

emissions, from oil and gas production facilities located in the ozone nonattainment area.

At that meeting, the Petroleum Association of Wyoming representative commented that the Board should not approve the proposed rule as written. Industry proponents requested that the approval of the rule be remanded until they have additional opportunity to discuss their concerns regarding the proposed rule with the Air Quality Division.

Based on the comments the Board heard that day, the Board deferred voting on the proposed regulation to a date certain pending the outcome of discussions with stakeholders. Subsequently, the Air Quality Division held a public meeting on July 31st with all interested parties to try to address comments.

The Air Board met again on August 4th and voted to defer consideration of the proposed regulation to a future Air Quality Advisory Board meeting because there were enough concerns expressed by stakeholders to warrant further review of the proposal. Since then, the Air Quality Division has held three additional public meetings with individual stakeholder groups to discuss and clarify their comments received during the public comment period leading up to that July 14th Air Quality Advisory Board meeting.

Air Quality staff Jeni Cederle, Amber Potts,

Andrew Keyfauver and Mark Smith attended all of these meetings and paid close attention to what was being said. The team then worked on revising the originally proposed regulation to better address those comments and concerns. The comments received has helped us develop a clear, concise and effective program by rule. We see it as our responsibility to keep this rulemaking process moving forward.

Today, Air Quality requests Board approval to continue through the statutory rulemaking process with the proposed Chapter 8, Section 6 Upper Green River Basin existing source regulations.

And we may be faced with some minor revisions in the course of our rule discussions today. These can allow us still to move forward to the next step in the rulemaking process; namely, the Environmental Quality Council, or the EQC. In the event that our discussions end up in some significant or substantive changes that are necessary to the rule as proposed, it will be necessary to have another Air Quality Advisory Board meeting before going to the Environmental Quality Council.

With that, I'll turn it over to the review of the proposed permit or rule to Jeni Cederle and Amber Potts.

MS. CEDERLE: Again, my name is Jeni Cederle. I'm the Air Quality Division SIP and rule

development section supervisor. I have with me presenting today Amber Potts. She joined the rules group this last July while we were in Rock Springs discussing this very topic.

Also new to the rules group is Mr. Mike Morris. He just started with us in mid-November. And today, we also have Andrew Keyfauver and Mark Smith of the New Source Review Permitting Program. They're here to help us answer technical questions moving through the proposed regulation.

As Steve just mentioned, a lot of work and outreach has gone into preparing the proposal before you today, and we hope to get the Board's approval to continue on through the statutory rulemaking process on the proposed Chapter 8 regulation. Because today's proposal includes several sections, and we have a lot of focused interest on Section 6, the proposed permit by rule, I would like to suggest to the Board that I present Sections 1 and 10 first and then circle back around to Section 6. Would the Board agree to proceeding in that manner?

CHAIRMAN BROWN: Excuse me. Could you repeat that, please?

MS. CEDERLE: Sure.

CHAIRMAN BROWN: Sorry.

MS. CEDERLE: We have three sections to go through with the proposal today, Sections 1, 6 and 10, and

because Section 6 has the most interest, I would propose to go through Sections 1 and 10 first, and then we can circle back around to Section 6, the proposed rule.

CHAIRMAN BROWN: Do we have any discussion or questions with that? Everybody okay with going with 1 and 10 first?

MS. CEDERLE: Okay. Terrific.

CHAIRMAN BROWN: Let's do that. Thank you.

MS. CEDERLE: All right. Starting with Air Quality Standards and Regulations, Chapter 8, Section 1 on page 8-1, we are revising introduction to nonattainment area regulations, which will now incorporate Section 6 as the upper Green River Basin existing source regulations. This establishes requirements for existing oil and gas production facilities and sources and compressor stations located in the Upper Green River Basin in existence as of January 1, 2014. Sections 7, 8 and 9 will remain reserved for potential future rulemaking.

That covers the changes to Sections 1 and now we'll skip to the end of Chapter 8 to page 8-94.

Section 10 is the IBR, or incorporation by reference, section located at the bottom of the page. In this section, you'll see that we've updated the year to adopt by the reference, adopt by reference from the Code of Federal Regulations, or CFR, from July 1, 2012 to 2013.

We make this revision in our regulations to keep them as up to date as possible. Every time we cite the Code of Federal Regulations within our rules, we need a mechanism to update the reference through time as well. Rather than cite the Code of Federal Regulations at each incorporation within the rule, we consolidate them into one section and generally at the end of each chapter.

There's also some new content to our incorporation by reference sections that I'd like to share with you today.

Copies of the Code of Federal Regulations can be obtained from the Cheyenne Air Quality Division office; however, because there are plans to renovate our state capitol and displace Herschler staff to parts unknown on a still unknown time frame, we've gone ahead and removed the street address and replaced it with a Department web address. The web address will provide interested parties a mechanism to go ahead and provide the proper contact information to receive copies of the Code of Federal Regulations from the Division, but you could also receive copies of the Code of Federal Regulations from Government Institutes, which is another outlet we've included in the IBR section for interested parties.

Also, due to a new statute that went effective July 1, 2014, we are now required to provide a web address

for incorporated matter within our regulations as defined in Wyoming Statute 9-2-1035. We have provided a web link to the electronic Code of Federal Regulations provided by the Governmental Printing Office to satisfy the statute requirement.

That concludes the updates, the revisions to Chapter 8, Sections 1 and 10, pretty basic and straightforward, but are there any questions from the Board?

Yes, Klaus.

BOARD MEMBER HANSON: Just one question. In the last Section 10, you still refer to July 2013. Should that be '14? Because you just mentioned '14.

MS. CEDERLE: I'm sorry if I misspoke. It should be 2013.

BOARD MEMBER HANSON: Should be '13.

MS. CEDERLE: Yes.

BOARD MEMBER HANSON: Okay. Thank you.

CHAIRMAN BROWN: Any other questions from the Board? Okay.

MS. CEDERLE: Okay. We'll now focus our attention on Chapter 8, Section 6, the Upper Green River Basin existing source regulations. Before we get into the meat of the rule itself, Amber is going to provide some background information on how the regulation was developed

and the steps we have taken to get here. I would also like to ask that questions be held -- on the proposed regulation be held until the end of the presentation. And with that, I'll turn it on over to Amber.

MS. POTTS: Good morning. I'm Amber Potts with the SIP and rulemaking section, and this morning, I'm going to help step you through the Air Quality Division's Chapter 8, Section 6, proposed regulation for existing sources in the Upper Green River Basin.

During this rulemaking, the Division has some goals and responsibilities to adhere to. The Department of Environmental Quality's mission statement is to protect, conserve and enhance the quality of Wyoming's environment.

In the Air Quality Division, we have the responsibility and are committed to staying at the forefront of sensible oil and gas regulations. The Division continues to work diligently to adopt effective strategies to meet these goals.

With this Chapter 8, Section 6 rulemaking effort, we are identifying and implementing strategies to improve the effectiveness and efficiency of our air quality program. We will address existing oil and gas development through the adoption of reasonable emission reduction strategies. This permit by rule will help lay the foundation for ongoing and future efforts to reduce oil and

gas emissions.

As you know, the Upper Green River Basin was designated nonattainment for the 2008 ozone standard on July 20, 2012. Since then, a task force has made recommendations, and over the past two years, multiple ozone strategies have been published by the Division, the latest being October of this year.

The nonattainment area of concern is pictured here. It is all of Sublette County and portions of Lincoln and Sweetwater Counties. This 2008 nonattainment area for ozone is defined by EPA in the Code of Federal Regulations and the Division's Oil & Gas Guidance. The JPAD and NPL area, outlined in red, is also defined in the Oil & Gas Guidance.

So this is kind of repeating some of what Steve talked about earlier, but it's on a timeline. So we'll walk you through all of this.

The permit by rule, which you are being showed today, has been on quite the journey. Many Air Quality Division man-hours and a great deal of effort has been invested in this process. To recap the progression of the proposed rule, I'll begin at the last Air Quality Advisory Board meeting on July 14, 2014, my first day.

At that Board meeting, the Division proposed regulations developed to target volatile organic compound

emissions, or VOCs, from oil and gas production facilities located in the ozone nonattainment area.

At that board meeting, comments against the Board's approval for the proposed rule as it was written were given. Industrial proponents requested that approval of the rule be stayed until they had the opportunity to discuss their concerns with us, the Division.

Based on what the Board heard from industrial representatives that day, the Board deferred voting on that proposed regulation. The Division then held a public meeting on July 31st with all interested parties to try to address comments.

The Board met again on August 4th and voted to defer consideration of the proposed regulation to a future Air Quality Advisory Board meeting. Enough concerns were noted to warrant further review of that proposed rule.

The Division then held three additional public meetings, the first being on October -- or sorry, August 18th with environmental groups. The second was on August 26th with industrial proponents, and the third was September 3rd here in Pinedale for all interested parties.

The team then took all that info back home and we worked on revising the original proposed regulation to better address those comments and concerns.

The public comment period, the purple flags up

there, for this public meeting was opened October 31st and ran through December 1st. Written comments were received from the American Lung Association, Meredith Taylor, Dave Hohl, John Karney Jr., Jennifer Wilson, Todd Herreid, Jim Roscoe, Environmental Defense Fund, Wyoming Outdoor Council and CURED. These comments will be included as part of the public record.

Additionally, any comments verbally presented today or signed comments submitted to Steve Dietrich before the end of the board meeting will also be included in the public record, which brings us to the orange ball up there today, December 10, 2014, and we are here requesting Board approval to continue through the statutory rulemaking process for this permit by rule, Chapter 8, Section 6.

On the first go-around for this proposed rule, the Division and Board heard concerns from environmental and industrial proponents that warranted further review. The Division has the responsibility to sensibly address those concerns without jeopardizing public welfare.

Our goal during this whole process is to proactively address noncompliance to the 2008 ozone standard in a timely manner for the Upper Green River Basin.

We are now going to step you through each subsection of this rule, including key points and updates

made from the previous rule you saw in July of 2014. Jeni will now begin with Chapter 8, Section 6.

MS. CEDERLE: The Upper Green River Basin existing source regulation is a permit by rule. This means that facilities subject to the regulation will not have to get a permit to satisfy requirements of the rule. The rule itself focuses on existing oil and gas production facilities or sources and compressor stations in the Upper Green River Basin.

Section 6 begins on page 8-85. Starting towards the bottom of the page, we have Subsection (a), Applicability. Under (a)(i), you will see that this rule applies to all pad and single-well oil and gas production facilities or sources, and compressor stations, all located in the Upper Green River Basin nonattainment area for ozone in existence as of January 1, 2014.

For those of you that have been following the genesis of this rule, you will note that "compressors" have been added to this proposed regulation. This decision was based on comments we received over the summer and our additional outreach with stakeholders.

Continuing to move through the applicability subsection on page 8-86, Paragraph (ii) says that pad and single-well oil and gas production facilities or sources are subject to these regulations unless a Wyoming Chapter

6, Section 2 permit has been issued that meets or exceeds the requirements of the rule.

Paragraph (iii) is new, added for compressor stations. This text explains that applicable compressor stations will comply with Subsection (g), or the fugitive section of the rule, unless a Wyoming Chapter 6, Section 2 permit has been issued that meets or exceeds the requirements of Subsection (g). It is quite possible that the compressor stations in the Upper Green River Basin nonattainment area are already obligated to perform the requirements set forth in this rule at a higher stringency because of an existing permit condition.

The text in paragraph (iv) lets owners and operators know that they do not have to get a permit to satisfy these regulations unless they are required to obtain a permit under PSD, the prevention of significant deterioration program, or they are subject to nonattainment new source review permitting. If you are required to get a permit under either of these programs, the Division wants you to continue down the typical permitting path. The permit by rule is not applicable to those sources.

Paragraph (v) allows for innovation. Should an operator want to use a control device or equipment not covered by this permit by rule, it's absolutely possible, but Division approval is required.

That brings us to the end of Subsection (a), Applicability. We'll now walk through Subsection (b).

MS. POTTS: Subsection (b), beginning on page 8-86, tackles definitions. We made an addition with the definition of "compressor station." Once we added "compressor station" to this rule, we had to define the term. So we went searching and came up with this definition, which is taken straight from 40 CFR, Part 60, Subpart OOOO for consistency and future SIP approvability (sic).

The definition of fugitive emissions was removed. This definition can be found in the Wyoming Air Quality Standards and Regs, Chapter 1, and rather than redefining it in this permit by rule, we'll rely on the common provisions in Chapter 1 for that definition.

And that concludes information changed from the original rule you saw in July to this one. We will now guide you through Subsection (c).

MS. CEDERLE: Subsection (c), Flashing Emissions, starts on page 8-87. This section applies to VOC emissions from storage tanks and separation vessels located at pad and single-well facilities. This includes emissions from all produced oil, produced condensate and produced water tanks. The applicability date being considered an existing source is January 1, 2014.

Under Subparagraph (A), the permit by rule requires that uncontrolled VOC emissions from flashing that are greater than or equal to four tons per year be controlled to 98 percent manufacturer-designed VOC destruction efficiency by January 1, 2017.

The four tons per year threshold aligns with the four tons per year threshold used in the September 2013 Oil & Gas Permitting Guidance for new and modified sources and facilities. The four ton per year threshold will bring existing sources to the same level as new and modified sources in the same nonattainment area. The Division sees this leveling of the playing field as a positive outcome, as it can serve as a starting point for any Phase 2 or future emissions budget work for the Upper Green River Basin.

The 98 percent control efficiency language has been expanded for clarity. The language meets the intent and purpose of the rule and has been used throughout the proposal.

The compliance date of January 1, 2017 has been extended from the previous date of January 1, 2016 to provide operators ample time to satisfy the requirements of the rule, and this date has also been adjusted throughout the proposed regulation.

Continuing through the flashing portion of the

permit by rule, we have language that spells out how storage tanks can be utilized. In Subparagraph (B), the rule specifies that storage tanks being used for emergency or upset conditions are not subject to the flashing requirements.

In Subparagraph (C), the rule specifies that emergency, open-top and/or blowdown tanks are not to be used as active storage but may be used for temporary storage.

Then on page 8-88, we put some side bars on how these types of tanks with be utilized. Under (I), emergency tanks used for unavoidable equipment malfunctions will be done so as defined by Wyoming Air Quality Standards and Regulations, Chapter 1, Section 5.

And under (II), if emergency open-top and/or blowdown tanks are utilized, they must be emptied within seven days. This requirement ensures that tanks used for emergencies or temporary storage do not morph into some type of longer-term active storage category.

Under Subparagraph (D) on page 8-88, we have requirements for the removal of flashing control devices. This is allowed one year after installation if uncontrolled VOCs are less than and will remain less than four tons per year and a demonstration that shows emissions will be less than four tons per year is required.

Moving on to Subsection (C)(II), the calculation for flashing emissions, we have included requirements on how to calculate flashing emissions to determine applicability.

Under Subparagraphs (A) and (B), an operator will determine the average daily production for the previous 12 calendar months and use a flash model or direct measurement of tank emissions to determine uncontrolled VOC emissions. The 12-month time frame provides a long enough time frame to accurately characterize normal operations. The flash model language has been revised to align with language utilized in the federal regulation for flashing emissions from 40 CFR, Part 60, Subpart OOOO.

Under Subparagraph (C), the model input shall consist of operational parameters such as the average production rate, an analysis of the liquids that includes separator, temperature and pressure, the API gravity, the Reid vapor pressure and will be no older than three years.

That brings us to the end of Subsection (C), Flashing Emissions, and we'll now move on to Subsection (d).

MS. POTTS: Subsection (d), Dehydration Units, begins at the bottom of page 8-88. For all facilities or sources that have dehydration units, Subsection (d) applies to total uncontrolled VOC emissions

from those dehys greater and/or equal to four tons per year. Controls must meet the 98 percent manufacturer-design value and must be installed before January 1, 2017.

Although we have heard control removal on dehys is a very uncommon practice, there is an option for control removal under Subparagraph (B) on page 8-89. Controls may be removed if uncontrolled VOC emission concentrations are less than four tons per year and only if that control equipment has been installed for more than one year.

Continuing on page 8-89 of Subsection (b)(ii), you will see calculation strategies for dehydration units. We will be using average daily production from the previous 12 months operational parameters and GRI-GLYCalc noted in subparagraphs capital (B) and capital (C).

We will now take you through Subsections (e) and (f).

MS. CEDERLE: At the bottom of page 8-89 in Subsection (e) are requirements for existing pneumatic pumps. Controlling pneumatic pumps really depends on whether or not the pump itself emits or if the emissions can be captured in a closed loop system or rather to a combustion device. This permit by rule requires that all existing pneumatic pumps at pad and single-well facilities or sources be controlled to at least 98 percent manufacturer-designed VOC destruction efficiency or routed

into some type of closed loop system such as a sales line or fuel supply line or be replaced by a non-emitting type of pump such as a solar, electric or air-driven pump by the compliance date of January 1, 2017.

I would like to point out to the Board that previously, we had included control removal language for pneumatic pumps. This language has been removed because the equipment -- the requirement applies to all existing pumps. There is no threshold associated with pneumatic pump applicability; therefore, there is no basis for a demonstration for control removal. So the language is no longer there.

Moving on to page 8-90. In Subsection (f), we have requirements for existing pneumatic controllers. This permit by rule requires that all existing pneumatic controllers at pad and single-well facilities or sources be low or zero bleed or routed into a type of closed looped system by a compliance date of January 1, 2017.

And with that, we're going to move on to a very popular section of the rule, the fugitive section, and Amber will walk us through that.

MS. POTTS: Subsection (g), beginning on page 8-90, deals with fugitive emissions at pad and single-well facility or sources as well as compressor stations in existence prior to January 1, 2014. To fall under the

purview of this subsection, the facility must have fugitive emissions greater than or equal to four tons per year. Under this section of the rule an LDAR, or leak detection and repair program, must be implemented beginning January 1, 2017.

To satisfy the requirements of this permit by rule as noted on page 8-90, an LDAR protocol must be in place. LDAR protocols must include a leak repair schedule. This protocol must also consist of monitoring no less than quarterly. Each quarter, the protocol must include some sort of instrument-based monitoring, audiovisual-olfactory monitoring, or AVO, or some combination as noted in subparagraph capital (C).

To be clear, AVO is not allowed by itself. As an example, during four quarters of the year, each quarter will need to have a Method 21 or instrument-based measurement. This instrument-based measurement -- method can be accompanied by an AVO inspection.

The calculation used for fugitive emission in (ii) at the pad and single-well facilities or sources as well as compressor stations will include the use of the protocol for equipment leak emission factors. This EPA Table 2-4 is also used in the Division's Oil & Gas Guidance and has a long-standing history of use. Facility or compressor stations will use a component count along with

site-specific VOC concentrations in the calculations laid out at the bottom of page 8-90.

This wraps up information about specific components of facilities or sources. We will now walk you through all the monitoring, recordkeeping and reporting.

MS. CEDERLE: All regulations generally include an applicability section, some type of emission limit or requirement section and an administrative section that houses monitoring, recordkeeping and reporting requirements. Subsection (h) on page 8-91 includes provisions for monitoring, recordkeeping and reporting. These requirements will pertain to each applicable pad and single-well facility, or compressor station.

The first, Subparagraph (A), in the monitoring section, deals with the operation of a combustion device used to control emissions. The combustion device must be monitored continually to ensure that the 98 percent manufacturer-design VOC destruction efficiency is being met. The combustion device must be designed, constructed, operated and maintained to be smokeless, satisfying the requirement of Wyoming Air Quality Standards and Regulations, Chapter 3, Section 6, and any exceedance of visible emission limits will be determined by 40 CFR, Part 60, Appendix A, Method 22.

In Subparagraph (B), owners or operators will

monitor to make sure all control devices are working properly, consistent with good engineering and maintenance practices. Subparagraph (C) requires a quarterly site evaluation of the control system.

The control system that I'm speaking about includes the variety of equipment and devices as listed in the subparagraph. This evaluation or inspection of the control system should not be confused with requirements set forth under the LDAR requirements for fugitives. The control system evaluation ensures that folks are checking the equipment to make sure the emissions are making it to the control device and only looks at that specific equipment, whereas LDAR looks at a facility in its entirety.

This provision acts as type of a stopgap. We want to make sure that sources not required to implement an LDAR protocol are still checking for leaks, but on the flip side, we don't want to require duplicative inspections for those that are implementing an LDAR protocol and already looking at all of this equipment on a quarterly basis. Therefore, in (II), towards the bottom of page 8-91, we've included language that says an operator subject to implementing an LDAR protocol has satisfied the requirements of that subsection or the control system evaluation.

That brings us to the end of the monitoring requirements and we'll now walk through the recordkeeping requirements.

MS. POTTS: At the bottom of page 8-91, Recordkeeping, Subsection (h)(ii) includes all records that will need to be kept for a period of five years. Records to be kept include information on the control device or control equipment to manufacturer-design VOC destruction efficiency.

We also want to make sure proper operations are occurring within the control devices out there. So if the equipment isn't operating in the manner it was designed, records will need to be kept on the reason why, steps taken to correct the issue and the date and duration during which the equipment was not functioning as it was supposed to.

Fugitive emission records will need to be kept, including dates and results of LDAR inspections and any corrective actions taken as a result of those required inspections.

And finally, records concerning emergency and blowdown tank use. These records will consist of a date, duration and the reason for the use of the tanks. All of these records are very important. The most important will be reported to the Division as Jeni will speak to now.

MS. CEDERLE: The reporting portion of the

rule begins at the bottom of page 8-92 and continues through the next few pages. Again, as mentioned before, these provisions apply to any applicable pad and single-well facility or source, or compressor station.

Under Subparagraph (A), this permit by rule requires that operators provide the Division with a list of sources anticipated to install or implement controls by January 1, 2016. This pre-implementation notification is important to our Division's inspectors so they have a heads-up about what changes may occur in the field.

Flipping over to page 8-93, Subparagraph (B) and Subparagraph (C) requires the quarterly submission of installation notifications for control devices, equipment and pneumatics.

Starting 30 days after January 1, 2016 and continuing in this manner every quarter through the implementation year, operators are required to submit a notification of control installation, including the number of control devices, the date, type of control devices and equipment control as well as the name and location of the affected facility or source.

The intent of the quarterly notification of installation is to provide the Division notice of control equipment installed in that specific quarter. If nothing was done in the first quarter, a notification will not be

required and we don't want a running tally.

For example, if you install control equipment in the first quarter on A, B and C, we would expect to receive a first quarter notification all about A, B and C. If no installations occurred in the second or third quarters, the Division is not expecting to receive a notification. If then in the fourth quarter an operator installs equipment on, say, X, Y and Z, we would expect to receive notification all about X, Y and Z, but not A, B and C back from the first quarter.

And that brings us to Subparagraph (D). The final quarterly notification of installation shall be submitted no later than January 31, 2017, roughly 30 days following the fourth quarter of installation activity and the final compliance date.

Subparagraph (E) requires that operators wishing to remove controls provide a demonstration to the Division that proves emissions will remain below four tons per year without the control equipment in place. This demonstration has been approved -- this demonstration has to be approved by the Division prior to the removal of any pollution control device. The demonstration must contain at a minimum the average daily production rate from the previous 12 calendar months, emissions as determined by the calculation methods provided by Subsection (C) for flashing

and Subsection (D) for dehydration units, additional supporting data used to calculate the emissions and the name and location where controls are proposed for removal.

On page 8-94, Subparagraph (F) requires the operators with facilities, sources, or compressor stations subject to the LDAR provisions submit an LDAR protocol to the Division for approval prior to implementation of the protocol.

Subparagraph (G) requires that all reports and notifications be certified as being true, accurate and completed by a responsible official.

To maintain consistency in our nonattainment area regulations, the responsible official language was pulled directly from Wyoming Air Quality Standards and Regulations, Chapter 8, Section 5, ozone nonattainment emission inventory rule.

Subparagraph (H) requires that report and notification submissions be submitted electronically through the Division's impact system or sent in hard copy to the Cheyenne and Lander field office.

The final section of this permit by rule is the compliance section, which states that compliance with Chapter 8, Section 6 of the Wyoming Air Quality Standards and Regulations does not relieve any owner or operator of an affected facility, source, or compressor station from

the responsibility to comply with any other applicable requirements set forth in any federal or state law, rule or regulation or in any permit.

That brings us to the end of Section 6, Upper Green River Basin existing source regulations. In wrapping this up, I'd like to say that this regulation will help build the foundation towards reaching attainment in the Upper Green River Basin and protecting human health. It's also important that we continue to keep Wyoming at the forefront of sensible oil and gas regulation.

Now that we've completed our review of Chapter 8, Section 6, we'd like to hear from the Board. Does the Board have any questions or comments?

CHAIRMAN BROWN: Any questions or comments? This is a good place to break, I think. How about we take a 15-minute break and then we can start with discussions and then we'll go to the public comment section.

(Meeting proceedings recessed 10:11 a.m. to 10:30 a.m.)

CHAIRMAN BROWN: Could we please call this meeting to order?

All right. Let's reconvene. What we've got first are questions from the Board for the Division. Anybody have any comments from the Board?

BOARD MEMBER HULME: Are we allowed to

comment? Do you want questions, comments on anything in the proposed rule?

MS. CEDERLE: Sure.

BOARD MEMBER HULME: I do have one. This is Diana Hulme. On page 8-86, at the bottom of the definitions, you said the extended hydrocarbon analysis. This is likely just a grammatical nitpick. The third line where it says, "Include both speciated hydrocarbons from methane through decane, including the following Hazardous Air Pollutants" that are listed, I would move to strike the word "both" out of there because there aren't really two things listed. So that it would just say, "And shall include both speciated hydrocarbons from methane through decane, including the following Hazardous Air Pollutants."

MS. CEDERLE: Noted.

CHAIRMAN BROWN: Go ahead.

BOARD MEMBER HULME: I actually have two more comments, questions, clarification. On page 8-90, Section (g) under the Fugitive Emissions, and then subpart (i) and (C), capital (C), Jeni, when you -- or Jeni and Amber, when you gave the presentation, I think I heard you say that each quarter of the year would require instrument measurement at a minimum, but could also include the AVO technique as well; is that correct? Did I hear that correctly?

MS. POTTS: Yes.

BOARD MEMBER HULME: So for sure, instrumentation that has been listed is required, but they could add VOC to that?

The way -- when I first read this language, to me, reading (C) and (D), (C) mentions that it "Shall consist of optical gas imaging instrument, other instrument-based technologies, audiovisual-olfactory inspections, or some combination," and then (D) says, "An LDAR Protocol consisting of only AVO inspections will not satisfy the requirements."

When I read that, I took that to mean that three of the four quarters could be AVO. So what I'm wondering -- I'm not sure everyone has this issue, but I'm just wondering, for potential clarification of that language in (C), whether (C) could say that "An optimal gas imaging instrument or other instrument-based technology and audiovisual-olfactory inspections," and leave off "some combination thereof." To me, it was just unclear that until you said that this morning in the explanation, it was unclear to me that instrument-based readings were required and then AVO could be supplemental to that. I'll just throw that out for consideration.

MS. CEDERLE: We've actually received comment in regards to clarifying that language as well.

BOARD MEMBER HULME: And then my last comment of clarification, again, on page 8-93, this would be capital letter (E), towards the bottom of that page, on "Removal Notification of Control Devices." Just a clarification question. Is that notification of -- or demonstration of the ability to remove control, is that a one-time demonstration that has to be done or is that required -- is that demonstration required any further down the road past one time?

MS. CEDERLE: Our intent is a one-time demonstration. We have to remember that these are existing sources and that it's very unlikely that the production level would spike back up.

BOARD MEMBER HULME: I just wanted a clarification. Thank you.

CHAIRMAN BROWN: Any other comments from the Board?

Okay. Before we get going with public comments -- excuse me.

BOARD MEMBER HANSON: One comment.

CHAIRMAN BROWN: Okay. Sorry.

BOARD MEMBER HANSON: That's on page 8-88. I discussed it with them already on the calculation of flashing emissions and Jeni, in her presentation, added the word "by operators," and I wondered whether that would

clarify it. It's sort of a minor matter. It's probably understood that it should be by the operators, but I thought it would be clarified if we added just the words under this -- the (ii), "Calculation for Flashing Emissions by operators," and then it would refer to (A) and (B), determine the average and use in any generally accepted model, et cetera.

MS. CEDERLE: Klaus, I have that noted right now, but I also wanted to clarify with you that since we have a calculation for dehydration emissions on the next page, 8-89, is that something you would suggest to have that language incorporated there as well?

BOARD MEMBER HANSON: It would be good, yes.

MS. CEDERLE: Okay.

BOARD MEMBER HANSON: And I think it's minor. It is just to add the word "by operators."

CHAIRMAN BROWN: Any other comments from the Board or questions?

For the public comments, we're requesting if you haven't signed in, please sign in to the sign-in sheet at the back of the room, and if you wish to make a comment, please check the comment box so we can make sure that we have all the records taken care of properly at the end of the meeting.

And then for the public comment, would you please come up to the podium and state your name, and we'll have the microphone available there. And please make your comments directed to the Board and then we can do some questions -- answer some questions if there's some technical questions that we can address.

I had a request. Mr. John Robitaille would like to make a statement.

MR. ROBITAILLE: All right. Thank you very much. John Robitaille with the Petroleum Association of Wyoming. I'm going to try to limit my comments strictly to Section 6. I appreciate the efforts of the Division going forward with this. It's been a long process.

We really appreciate the effort and the support for the intent of the rule. I can tell you I don't think we really have anything substantive. We're making some clarifying edits and some suggestions in our comments.

So if you would turn to page 2 of our large document here, you'll notice our first comment would be under (v), asking for some clarification by striking the -- striking the 98 percent manufacturer-designed control efficiency.

And really what we're trying to do is just avoid some confusion, because there are alternative controls over the life of the well life that extend farther than that.

And so we're just -- we're trying not to limit that, just trying to clarify and avoid a little bit of confusion in that one provision.

If you turn the page to page 3, we go to the definition of extended hydrocarbon analysis. We're asking that the word "pressurized" be removed simply because we do not think that it is really -- that type of analysis, it's not really dependent to be pressurized. An example is we can take those types of analysis from an atmospheric tank. So just have that removed to clarify that just a touch for us.

Go to page 4. Under flashing emissions -- and you'll see this throughout the document. We've asked for this provision throughout the document.

What we're suggesting -- while we greatly appreciate the move to 2017, there are instances where we may get into a situation where things are out of our control. It may be a vending problem. It may be a permitting with a different agency problem. If that should happen, then the operator would then be in noncompliance due to no fault of their own.

So what we're asking for is by November 1, 2016, if we foresee these problems, we could come in and ask for an extension on that date.

Of course, it would have to be for good cause.

You know, it couldn't just be, well, I just didn't get to it. You know, just if we foresee these problems, if we're having permitting problems, if we've talked to the vendor, we can't get that particular piece that we need, what have you, come in prior to the date November 1, 2016 and see if we could get an extension granted.

In addition, on that, under (c)(i)(B), you'll see that we're asking for some inclusion of some language, suggesting that these tanks be temporary and in use for maintenance and blowdowns as they are not only used for blowdowns or emergencies or upsets. There are other reasons that they could be used, and so we'd like to clarify that just a little bit as well.

On the next page, on 5, you'll see that we are asking to remove the requirement to empty the tanks within seven calendar days. The reason being -- several reasons. One being when we do a blowdown, typically, we could produce less than one barrel, which would be below the level at which it would be sucked off. So it wouldn't do any good.

We can also -- even if it is full and we drain it, there's still going to be some in the bottom. And in addition to that, if you accept the provision we put in just a minute ago where it says "temporary," then, of course, it wouldn't be -- it wouldn't be perceived as

something that would be a permanent addition to the operation.

Moving on to calculation for flashing emissions under (C) there, we'd just like the word "representative" inserted so that it would read "representative composite" just for clarification, again, just to make it easier on our guys to be able to follow the regulation.

Go over to page 6 now, and we are in the dehys, and again, you see that extension language. The same reasons as before, just in case we run into problems, which, you know, never happens, but just in case.

We roll over to page 7 now. Again, we're into calculations for dehys. Under (B), we would request removal of the word "uncontrolled" and insert the word "existing" under (B). Simply just easier for us to follow, easier to understand what we're looking for here.

When we get down to (C), we have some things. We would prefer the removal of "wet gas analysis" and include "representative composite" again. Again, just for clarification. And then we would like to have the language say "sample collected upstream of the contact tower." That's mostly because it's my understanding you can take these samples anywhere in the streams. So if we're above the contact tower, that's pretty much where you would get the representative sample. That's just, again, some

easier -- easier for us to understand and follow the rule.

And then we would include that any site-specific or composite hydrocarbon analysis would be no older than three years from the date of the dehy unit and we're getting into all these various calculations.

We're asking that you strike 3 under that because we put it up above. The same thing. And then we renumber 3 and 4 instead of 1 and 2 because it would seem to flow easier with us. I don't know if you agree with that or not.

We get back into pneumatic pumps. Again, you see the extension language for just in case, in case we run into a situation.

We turn to page 9, Existing Pneumatic Controllers. We are asking that you include continuous bleed, and then anytime you say low or no bleed, we're asking for low bleed only, because no bleed is a marketing term and not really a technical term. So if we want to stay technical with our regulations, that's the correct terms that we would be using. And again, with pneumatic controllers, there's the extension language one more time just in case.

Turning to page 10, Fugitive Emissions, under (ii), we have all of these various abilities to get -- to calculate fugitive emissions. We're asking for the

addition of if there is such a thing, an approved alternate division method.

And then under (ii)(I), the current regulation is asking for 100 similar facilities. We think that 100 is excessive, and so we're requesting five. I think that you can get what you need with less than 100, certainly, and we think five is sufficient.

Turn to page 11. We are still under Fugitives, I believe, under (B). When we get into this, we think that we can use the emission inventory study data and think that even if it was written in the response to comments that that was the intent, it's really not clear enough for us, so we'd prefer that we include that.

And then for additional clarity, at the bottom of (B) where we talk about measured VOC and HAP weight fractions, we'd like to include "of the specific fluids leaking from a component" just so that we are -- we're clear on what we're looking for.

Into monitoring, again, for clarification, we would like that to read under (i), "Well facility or source, or compressor station with a control device required by this rule," just so we're clear about what we are monitoring, recordkeeping and reporting. And then if that was included, then (C)(II) would no longer be necessary under the -- under that portion of the rule, as

it would be redundant. So that could be removed.

We go to page 12. Again, for clarification, under (ii), Recordkeeping, we would suggest the inclusion after or compressor station with a control device or LDAR program required by this rule just so that we can be certain about, again, what exactly it is we're looking for and what we're intending.

Keeping under Recordkeeping under (B)(II)(1), again, for clarification, this would be a description of the parameter that is being monitored. And then under (II), we would include the -- record the date, time, duration, wind monitoring in the case combustion device is down or malfunction.

Now, the reason for that, most of these pilot flames are monitored automatically by telemetry, and so some of them don't even have pilot flames. I mean, they have like a flicker or something.

So to say that we need to know exactly when it went down or how it went down or why it went down, so and so forth, we think if we covered it this way, then, would get you what you need, but it also kind of covers that gamut of what may or may not be going on out in the field.

And again, by including that provision under (ii), that would eliminate the need for (B). It would just become redundant.

On page 14 under Reporting, again, we want to clarify what it is we're looking for. So we would say, "Single well facility or source, or compressor station subject to any emission reduction requirements of this rule," again, just to be clear.

Under (A)(I), at the end of the sentence, we would include "during the quarter." And again, we have the "Continuous Bleed Pneumatic Controller" under (C) just to clarify what we're talking about.

Page 15, (C)(I), again, we remove the bleed rate and include continuous low bleed. So it would be "Continuous low bleed pneumatic controllers installed during the quarter."

Again, in (II), it would be "Continuous low bleed." And then in (D), we would include the provision, "Quarterly notifications are not required for any quarter in which no installations referenced in Subsections (B) and (C) occurred." So that if you don't do anything, if you don't have any, why would you report "I did nothing." That's essentially where we are.

And I believe that is the end of our requested edits. I can try to answer questions, if you have any.

CHAIRMAN BROWN: Any questions from the Board for Mr. Robitaille?

BOARD MEMBER BONER: I have one question.

On page 9, you're talking about the difference between low bleed or no bleed. You said that for clarification, no bleed is a marketing term.

MR. ROBITAILLE: Uh-hum.

BOARD MEMBER BONER: And the marketing use of the word is "no bleed," actually what you would describe as low bleed? Is that a correct assumption?

MR. ROBITAILLE: There were a lot of bleeds in there. Would you repeat that for me.

BOARD MEMBER BONER: Yeah. So you said "no bleed" was a marketing term, right?

MR. ROBITAILLE: Correct.

BOARD MEMBER BONER: So the way that it's marketed is not from a technical perspective. Is that the exact same as a low-bleed device? Basically, it is -- there are no practical differences between a low-bleed and no-bleed system.

MR. ROBITAILLE: You're getting too technical for me.

BOARD MEMBER BONER: I'm sorry.

MR. ROBITAILLE: I've got to turn it over.

MS. ZIVKOVICH: I'm Angela Zivkovich with Anadarko.

So no bleed actually refers -- no bleed or zero bleed refers to an intermittent event controller, which is

different than a low-bleed, continuous controller, and our request is that the continuous for this rule only applies to continuous instead of the intermittent or no bleed or zero bleed controller.

BOARD MEMBER BONER: Okay. Thank you.

MS. CEDERLE: Mr. Chairman, may I also make a clarification in regards to that statement? Within the regulation as proposed, we had the language zero bleed. We had heard comments prior in the summer about your use of no bleed being a marketing term. So we had switched it to zero bleed to match with OOOO language, and that was not correctly represented in their portion of these comments right now. I understand that they're switching gears a little bit with the continuous bleed language, but we do have zero bleed language in our rule proposal before you today.

CHAIRMAN BROWN: Thank you. Any other questions from the Board? Any other comments from the Division?

MR. DIETRICH: I've got a question. John, for clarification, I just want to know, did you submit these comments during the open comment period?

MR. ROBITAILLE: No.

MR. DIETRICH: Okay. Thanks.

MR. ROBITAILLE: We were not aware of the

December 1st deadline until after December 1st.

MR. DIETRICH: Okay.

MR. ROBITAILLE: We'll do our due diligence next time. My apologies for that, by the way.

CHAIRMAN BROWN: I've got a question on page 10 on the fugitive emission calculations where you were suggesting using five pads as opposed to -- or sites as opposed to 100. Do you think five is sufficient to get a satisfactory number based on that versus what is proposed?

MR. ROBITAILLE: You know, Mr. Chairman, I think a hundred is excessive. It's my understanding that five would get you to what you're looking for. I don't know that we would be adamant about five, but certainly not a hundred.

CHAIRMAN BROWN: Okay. Thank you.

Any other questions from the Board? From the Division? Thank you.

MR. ROBITAILLE: Thank you.

CHAIRMAN BROWN: I've got another request for the next presenter. Jonah Energy could not make it, but Darla Potter has agreed to read their comments.

MS. POTTER: In looking at this letter, there is -- I will be reading the letter itself. There are also two attachments, and in the interest of time, I'm not

going to read those to you, but I will let you know what is, in fact, attached to the letter.

So it is a letter dated December 10, 2014 to attention: Steve M. Dietrich, Administrator of the Department of Environmental Quality Air Quality Division. And it is regarding comments on proposed regulation WAQSR, Chapter 8, Nonattainment Area Regulations, Section 6 Upper Green River Basin Existing Source Regulations.

"Dear Mr. Dietrich: Jonah Energy LLC," further referred to as Jonah Energy, "appreciates the opportunity to provide the following comments for consideration to the Wyoming Department of Environmental Quality Air Quality Division on the Wyoming Air Quality Standards and Regulations proposed Chapter 8, Section 6 Upper Green River Basin Existing Source Regulations. Jonah Energy currently operates in the Jonah Field in Sublette County, Wyoming. As an oil and gas company with significant operations in the Upper Green River Basin, and with several employees that live and work in the area that will be impacted by the proposed regulations, Jonah Energy appreciates that a shared responsibility is necessary in order to improve the air quality in the Upper Green River Basin.

"Jonah Energy has reviewed the latest version of the proposed Chapter 8, Section 6 Upper Green River Basin Existing Source Regulation and we support the rule as

proposed. We are supportive of a timely implementation of the proposed rule to further aid in continued emission reductions in the Upper Green River Basin. Jonah Energy is currently in compliance with the proposed Chapter 8 Section 6 regulation emission control requirements, Leak Detection and Repair requirements and recordkeeping requirements. The proposed regulation is timely, necessary and important for all stakeholders involved as part of returning the Upper Green River Basin to attainment with federal air quality standards for ozone.

"While the majority of our production facilities and associated production equipment are controlled to meet Wyoming DEQ's presumptive BACT permitting requirements through the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance for new and modified facilities, there are some locations which are not subject to the latest Chapter 6, Section 2 Permitting Guidance for which we use our discretion and apply voluntary measures in order to minimize emissions from those production facilities.

"Each month, Jonah Energy conducts infrared camera surveys using a FLIR," F-L-I-R, "camera at each of our production facility locations. Since the implementation of Jonah Energy's Enhanced Direct Inspection and Maintenance Program in 2010, we have conducted over

16,000 inspections and have repaired thousands of leaks that were identified by the FLIR camera. Based upon a market value of natural gas of $4 per million Btu, the estimated gas savings from the repair of leaks identified exceeded the labor and material cost of repairing the identified leaks. Additionally, an estimate of hundreds of tons of volatile organic compound emissions have been eliminated from being emitted to the atmosphere.

"The result of Jonah Energy use EDI&M Program has significantly reduced volatile organic compound and hazardous air pollutant emissions to the Upper Green River Basin airshed, has reduced the amount of sales gas lost due to leaks going undetected resulting in significant sales gas savings, and has reduced the number and severity of enforcement actions from the Wyoming Department of Environmental Quality due to fugitive leaks.

"Jonah Energy appreciates the Wyoming Department of Environmental Quality's consideration of our comments and would welcome working with the Agency on items mentioned herein or raised during the public comment process. Should you have any questions, please free to contact me directly. Respectfully," signed by Paul Ulrich, Director of Government Affairs and Regulatory.

And attached to the letter are two additional pages. One is a summary of the Jonah EDI&M Program, and

the other is a list of major initiatives carried out in the Jonah Field to help reduce ozone precursor emissions and associated Sublette County ground level ozone concentrations.

CHAIRMAN BROWN: Thank you.

Any comments from the Board? Questions from the Board?

Will we get a copy of that?

MS. CEDERLE: I will provide a copy of that as well to the court reporter.

CHAIRMAN BROWN: Okay. Let's -- we'll just go down the lists that are kind of here. So next on the list will be Jon Goldstein, EDF.

MR. GOLDSTEIN: Thank you, Mr. Chair. My name is Jon Goldstein, and I'm senior energy policy manager with Environmental Defense Fund.

And as stated in our joint written comments with the Wyoming Outdoor Council and Citizens United for Responsible Energy Development, we greatly appreciate the Air Quality Division's continued efforts to protect and improve air quality in the Upper Green River Basin.

We believe the Division's proposal represents common sense, cost-effective and proven pollution control measures, and we commend the Agency for the recent improvements and clarifications contained in the October

draft. In particular, we strongly support the extension of the quarterly instrument-based leak detection and repair measure to compressor stations.

Many aspects of the proposal before you today bolster Wyoming's tradition of national leadership on clean air measures for oil and gas activities.

The Division's proposal to require the replacement of both continuous and intermittent high-bleed controllers with low or no-bleed ones, 98 percent control of flash emissions from storage tanks and separation vessels and glycol dehydrators, the elimination or 98 percent reduction of pneumatic pump emissions and quarterly instrumented leak inspections at higher emitting well sites and compressor stations are all praiseworthy.

For these reasons, we urge the Air Quality Advisory Board to approve these rules today and keep the process moving toward a full hearing at the Environmental Quality Council.

While we believe work remains to be done to improve the protectiveness and workability of the proposal, including extending all pollution control measures to compressor stations and capturing more pollution sources by employing a lower fugitive emissions threshold, we believe these emissions can easily be addressed as the proposal moves forward to the EQC, and we see no reason for further

delay.

Studies from the Upper Green River Basin and other basins clearly demonstrate that elevated levels of volatile organic compounds emitted from oil and gas activities contribute to harmful ozone pollution and reducing these pollutants is necessary to restore healthy air to the citizens of Pinedale and surrounding communities.

Ozone is a serious public health issue, as Darla mentioned earlier today, and the EPA is considering more stringent ozone standards, so we believe that the more the state can do now to address this issue, the better off the state will be in both solving the current problem as well as getting ahead of the problem that may be coming. These measures will help clean up the air and better protect the health of local residents.

Thank you for the opportunity to comment today, and I'd be happy to answer any questions.

CHAIRMAN BROWN: Thank you. Any comments, questions from the Board?

Let's see. Next on the list is Mr. Dave Hohl.

MR. HOHL: My name is Dave Hohl. I'm an approximately 36 years resident of Pinedale and presenting this as a local citizen. I have two presentations to make. The American Lung Association had submitted comments to the

DEQ, but due to fog in Missoula could not make it. So I'm going to read their presentation and then also some comments of my own.

So I'll start with the American Lung Association. "Dear Administrator Dietrich: As the country's preeminent organization committed to saving lives by improving lung health and preventing lung disease, we strongly urge the Wyoming Department of Environmental Quality Air Quality Division to adopt changes to Wyoming Air Quality Standards and Regulations, Chapter 8, Nonattainment Area of Regulations. This process represents an important opportunity to protect public health in the Upper Green River Basin. Adopting the proposed regulations establishing requirements for existing oil and gas production facilities and compressor stations located in the Upper Green River Basin ozone nonattainment area, with the suggested modifications identified below, will better protect the health of people living in that area. For these reasons we believe the proposed rule should be approved at the Air Quality Advisory Board meeting on December 10th in Pinedale.

"Health studies show that exposure to high levels of ozone pollution (commonly referred to as 'smog') leads to lung problems; causes respiratory harm, such as worsened asthma and worsened chronic obstructive pulmonary disease,

including emphysema and chronic bronchitis; causes increased susceptibility to infections and other respiratory ailments; is a leading cause of hospital visits, especially among children; and is linked to cardiovascular harm (e.g., heart attacks, strokes, heart disease, and congestive failure), central nervous system harm, reproductive and developmental harm, and even premature deaths.

"The American Lung Association has long advocated measures to protect Americans from breathing dangerous levels of ozone pollution. All available strategies, including regulation, should be employed as necessary to protect the public health against acute and chronic adverse health effects. The American Lung Association is especially concerned about the effects of air pollution on the health of vulnerable populations, including people with lung diseases such as asthma, lung cancer, and chronic obstructive pulmonary disease, the elderly, and children. Currently nearly 132 million people across the U.S. live in counties where monitors show unhealthy levels of ozone or particulate pollution. Unfortunately, one of those counties is Sublette County, Wyoming, in the heart of the Upper Green River Basin ozone nonattainment area.

"The unhealthy ozone levels in Sublette County have, for the past several years, led to failing grades in

the American Lung Association's annual 'State of the Air' reports. At times, ozone levels in Sublette County have exceeded those in Los Angeles, California. A recent study by the Wyoming Department of Health documented an increase in clinic visits for adverse respiratory-related effects on particularly smoggy days in Sublette County. Reducing ozone pollution is an important health issue -- public health issue and we are glad to see the Wyoming DEQ make a serious attempt at better -- to better protect local citizens in its proposed rules.

"Ozone pollution is created by interaction between the two different kinds of air pollutants, oxides of nitrogen and volatile organic compounds. Oil and gas development is a significant source of both of these contaminants. In fact, oil and gas development is the largest emission source for these pollutants in the Upper Green River Basin's Sublette, Lincoln, and Sweetwater counties.

"The Department's proposal to reduce harmful emissions from local oil and gas facilities and to restore healthy, clean air to the residents of Sublette, Sweetwater, and Lincoln counties is strong in several aspects. We support the DEQ's proposed requirements at well sites to replace both continuous and intermittent high-bleed pneumatic controllers with low or no-bleed ones

or zero bleed. We support the proposed requirements for 98 percent control of flash emissions from storage tanks, separation vessels, and glycol dehydrators, as well as the elimination or 98 percent reduction of pneumatic pump emissions. We also strongly support the proposed quarterly instrument-based leak inspections at well sites and compressor stations included in the most recent draft rules.

"However, the Department could realize even more pollution reductions (and thus greater public health benefits) by further utilizing proven, highly cost-effective technologies and practices that in many instances save operators money. To ensure the AQD fulfills its mandate to eliminate pollution and enhance the air quality in the basin, as well as protect the public health, we recommend the following further improvements:

"Extending all air pollution reduction requirements the state has proposed for well sites to compressor stations. By addressing pneumatic controllers, pumps, and dehydration units at the compressor stations, the Department could realize even more cost-effective pollution reductions.

"Second, extending the requirements for quarterly, instrument-based lead inspections to more sources of emissions. If the proposal were adopted as

currently drafted, many of the wells in the Upper Green River Basin would fall below the four-ton-per-year emissions threshold the state has proposed for quarterly inspections. The state's rules would therefore only apply strong, regular leak inspections to a small percentage of the sources in the basin. A lower, more inclusive threshold will capture more sources and reduce more pollution, since regular leak inspections, together with timely and effective repairs, are one of the best ways to reduce harmful ozone pollution in our air.

"Reducing emissions of air pollutants from natural gas and oil operations is crucial to minimizing health impacts to Wyoming citizens. We urge you to adopt the proposal with the improvements noted above.

"Thank you for your efforts on this critical public health issue. Sincerely, Ronni Flannery, American Lung Association of the Mountain Pacific."

And I've written my own personal comments. I find I can do a more credible job than just ad-libbing.

I would like to thank the Air Quality Advisory Council for your efforts in the rulemaking process to reduce ozone-producing emissions and other air pollutants that accompany them resulting from gas production in the Upper Green River Valley. I also appreciate the opportunity to participate in this process as a citizen.

The proposed rule to control emissions from existing sources makes great progress, and over the past three months, DEQ has made improvements making it even more effective. At this point the most important action is to move the rule along towards approval and implementation.

In order to take full advantage of this current opportunity, there are still a couple of further improvements that could be included:

1. The rules have been improved to include leak detection and repair on compressors. This leaves many other sources of emissions related to compressor stations without the benefit of the improvements required of and at well sites. These include engines, pneumatic pumps and controllers, dehydration units and other devices. I would like to see the rule require controls on emissions for the compressor station as a whole rather than only a specific element of the facility.

Number 2. The four ton per year threshold for LDAR -- leak detection and repair -- flashing emissions, dehy units, et cetera, leaves 90 percent of the facilities and 87 to 95 percent of the emissions from those facilities unregulated, as their emissions are below four tons per year. While the emissions from any given facility is small, the large number of these facilities results in a large cumulative volume of emissions in the basin. The

four ton per year threshold accomplishes only a marginal reduction. I would like to see this threshold at a level that reduces emissions and leaks from these facilities by 75 to 90 percent. Though not being considered here, this comment applies to new and modified sources as well, where the four tons per year standard is equally ineffective.

These improvements contribute to the goal of establishing a level playing field where rules for existing facilities and new and modified sources as well are the same.

Conventional opinion views regulations as harmful to industry. I feel differently. Strong rules and low emissions benefits everyone. Rules resulting in low emissions place both industry and the DEQ in a position to accommodate the increases in production in existing fields, activity moving closer to Pinedale, periodic winter weather conducive to ozone production, potentially three new mega fields coming on line within the nonattainment area and a probable reduction reduced ozone standard. In this manner, the DEQ and industry will maintain good air quality in the Pinedale area in a proactive manner. This better protects the security of industry and the health of local residents in the long term, allowing industrial activity to continue and increase.

Again, and most importantly, this rule needs to

move forward. I would like to see that occur with the additional improvements I've mentioned. Thank you.

CHAIRMAN BROWN: Thank you, Mr. Hohl.

Any comments, questions?

Thank you.

Let's see. Next on this list -- I can't read your writing, but this looks like John Roscoe, Jim Roscoe?

MR. ROSCOE: Thank you, Mr. Chairman. I'm Jim Roscoe. I'm a property owner in Boulder. I'd just like to encourage the Board to accept this rule. I think it's a step in the right direction. I believe we have farther to go.

I agree with both governors that I served under in the legislature saying that we want to develop our natural resources in a responsible way and on our own terms, and I believe that if we can do this, the decisions we can make in Wyoming is far preferable than the decisions being made in Washington. And if we can get ourselves out of this nonattainment mess that we created, it would also set a great example for the industry to move forward and be accepted.

Let's see. How do I want to say this? I think -- I was a strong proponent of natural gas. Worldwide and nationally, it's a fantastic fuel and that we need to improve on the development of the resource. Thank you very

much.

CHAIRMAN BROWN: Thank you, Mr. Roscoe.

Any comments?

Thank you.

Let's see. Next on the list is Mr. John Anderson.

MR. ANDERSON: Thank you for the opportunity to talk to you, provide my perspective. This is probably going to be fairly short.

My background on this is as a citizen of Pinedale, and I served on the Air Force Advisory Task Force, and that's the primary role I want to speak from here. We worked very hard at that and bringing those proposals forward, and this is one step among many that we recommended, and I would really like to see you move this forward. I think there are many other areas that need to be addressed also, but this isn't the proper forum for that. But I would support you passing this along to the next step in the process. Thank you.

CHAIRMAN BROWN: Thank you.

Next on the list is Chad Schlichtemeier.

MR. SCHLICHTEMEIER: Chad Schlichtemeier, Rockies air manager with Anadarko Petroleum Corporation.

CHAIRMAN BROWN: Excuse me, Chad.

MR. SCHLICHTEMEIER: And if I'm pausing

here, it's not because I fell asleep, it's because I'm having troubles reading my handwriting here. So bear with me.

I first want to say Anadarko supports and would like to commend the Division on all the work that they've done to date. You know, we do a lot of work in Utah and deal with Region 8 on a frequent basis and Wyoming's program is always held to be the gold standard when it comes to taking proactive approaches to addressing areas of concern. And so I think it's -- while this rule -- and we support, you know, the Board going forward with this rule, we still think there's some areas where we can make this a more effective rule.

So that would be the caveat. Move forward with the rule with no further delays, but have the Division work with all parties to make sure we can get this to be an effective rule when it gets to the end result here.

Just a couple things that I'd like to go over.

On the innovative part, the previous commenter talked about, you know, all the small sources is cumulative to really make a difference here, and that's why one of the things we're pushing for in this rule is to have the ability to think outside the box.

Your conditional combustors, when you start getting down to small sources, you have to have makeup gas

in order to have them operate properly.

So if you have to start weighing in the amount of gas that's being burned just to make the combustor operate properly is not going to make sense as we move down in these smaller sources.

So removing the requirement, yeah, you could do innovative approaches, but it has to meet 98 percent, kind of takes away some of the flexibility and why we want to have innovative technologies.

We think that there's -- by thinking outside the box, there may be some technologies out there which may not meet 98 percent, but you can run them for a longer period of time and not taking them off at four tons. So having that flexibility may, in the long run, actually lead to less emissions. And it also helps, moving forward, when we start looking to the Division's Phase 2 and things like that on innovative control technologies to be able to address these smaller sources in an economic manner.

Another thing on blowdowns. You know, we've had a lot of discussions on whether those tanks, you know, should be addressed in this rulemaking here. You know, I think it's something that, you know, I think is sensible, has been used a lot here on coming up with a rule that makes sense and control requirements.

You know, the rule focuses on flash emissions.

If you use a tank for blowdowns and stuff like that, once the liquid is sitting in there, it's already been stabilized, there's no flashing occurring. So the only emissions you're getting there is working and breathing emissions. So you go out there, there could be a small amount. As the rule is written today, any amount of liquid in the bottom of the tank, you need to take a truck out there.

Typically, where you load out is above the bottom of the tanks. So you go out there, no matter how much you unload it, there's still going to be a residual amount of condensate or crude in the bottom of those tanks. So realistically, short of taking off the top and going to some type of suction in there, you're never going to get all that material removed from the tank.

So I guess when it comes to, I hear -- I read in the response to comments that this rule is going to be no more stringent than what's currently being required. That condition, my understanding, is not in every permit going forward. There were some selected permits that condition was negotiated with.

So I think that should be considered in going forward in saying this is a one size fits all that we should have for all blowdown tanks or emergency tanks the requirement to have to load those out.

Pneumatic controllers. This is a -- seems like there's been a lot of noise made about this, but this is important. And I know working in Colorado a lot, there's a lot of discussion there on intermittent controllers, how should they be addressed through emissions controls.

And one thing that -- you know, if you look at an intermittent controller, an intermittent controller just vents when the controller is actuated, such as you have on a separator that's doing a level control. When that liquid gets up to a certain level, it actuates to allow liquid to flow out of it. There's venting emissions during that certain period of time. When the level goes down and the controller shuts off, there's no emissions during that period.

In general, intermittent controllers have less emissions than low bleed, six standard cubic feet per hour. That's why we think it's imperative that this rule is clear that the source we're after here is the high-bleed, continuous controllers, and that's why we've basically asked for the word "continuous" and also asked for the language to be less than the six standard cubic feet per hour that's defined under OOOO.

So I think if we talk about low bleed, no bleed, those are all marketing terms, zero bleed. What we're after is making sure the controller you have in is less

than the standard -- six standard cubic feet per hour that's currently required. That does not then limit industry from continuing to use the intermittent controllers, which is good for the environment.

On the monitoring part, there's a requirement in there that talk about, you know, we need to continually record on the pilot light to ensure the control device maintains 98 percent control efficiency.

The pilot light has no bearing on a 98 percent control efficiency. The pilot light is being monitored to ensure the gas coming from the source is being combusted, and that's basically the intent of why you're monitoring the pilot light is to ensure your combustor is working.

It doesn't tell you whether it's 90 percent, 98 percent or a hundred percent. It just tells you that when the gas is going to the combustor, the combustor is working.

So we've asked for language to be changed there so there's not saying that monitoring the pilot light correlates to 98 percent control efficiency, because there is no correlation. Basically we're after to ensure the emissions from the source are being combusted.

LDAR. It's important that we understand what LDAR covers. You know, during the presentation, if I heard it correctly, that LDAR was said to be all-inclusive of

your control equipment plus your components.

LDAR covers components such as valves, flanges, connecters and things like that. You go out with your FLIR camera, your Method 21, or whatever, and you determine whether those -- you see a leak, and if there's a leak, then you fix it.

On a tank such as a tee hatch and NARO valve, those are not components. They do not fall under the LDAR program. That's why there's two separate programs set up in a rule that says you have one that addresses sites that are controlled, that you go there and make sure your control equipment and the equipment getting there is all being monitored, and then there's the LDAR program that basically addresses component counts.

That's why there needs to be two separate paths here, one for the control equipment, the tanks and stuff covered under their quarterly inspection, and then there needs to be the LDAR program. So I think that needs to be re-looked at to make sure we clearly understand what the LDAR program encompasses.

And also, I'd like to talk about Miss Hulme's comment that she had earlier on the quarterly inspections. That was -- when I heard the presentation today, I guess that's the first it's been, I guess, presented in such a manner that the AVO basically is in conjunction with some

type of either FLIR or Method 21.

I think if you go back and read the response to comments that the quarterly inspections is referenced to what we follow to what's in the Oil & Gas Guidance.

I think if we look at what's in the Oil & Gas Guidance, as Miss Hulme pointed out, it's basically three of the four quarters should be AVO with one of the quarters being then either through a third camera or Method 21.

I guess getting back to the no more stringent than what's being done in current permits, I think we need to take a look at that and make sure requiring some type of Method 21 or flare requirement every quarter is consistent with what we're doing in current permits.

Once again, I guess I just want to thank the Division and the Board for taking the time. And I do think the Division has a lot of great things in this rule, and it's a proactive rule going forward. And I think it's important to take the time here. As it was conveyed at the beginning of their presentation, this rule is probably going to set precedence for other areas, given the potential lowering of the ozone standard. Depends on where it goes, we're probably going to have other areas of the state that are going to be brought in.

So I think it's important that we take the time now to get in the weeds and really get this thing worked

out to where we need to be so at the end that this can be the standard that we look at going forward in other areas as it fits. Thank you very much.

CHAIRMAN BROWN: Thank you.

Any questions for Mr. Schlichtemeier? Spelled just like it sounds.

MR. SCHLICHTEMEIER: Yeah.

CHAIRMAN BROWN: Any questions or comments? Thank you.

Let's see. Next on the list is Mark Kot.

MR. KOT: My name is Mark Kot. I'm the Sweetwater County public lands planner, and I'm here on behalf of the Sweetwater County Board of County Commissioners. I'd like to thank the Board for the opportunity to speak today and certainly appreciate the hard work that the DEQ has put into this important rule.

Sweetwater County is a portion -- has a portion of the ozone attainment area in its county, and 43 percent of the county's tax base derives from oil and gas, so this is a very important rule for the economy of Sweetwater County.

With that in mind, the county encourages the Air Quality Advisory Board to make a recommendation that is balanced. We believe that the rule should improve air quality in public health while at the same time recognizing

the ability of the oil and gas industry to implement and to absorb the costs of this rule.

The county believes that if this balance is not maintained and is upset and becomes too stringent and inflexible, the oil and gas industry may experience some economic setbacks. If this happens, it would negatively impact the tax and employment base of Sweetwater County and other counties in southwest Wyoming who are home to many oil and gas industries and employees who work on a daily basis in the Upper Green River Basin.

Keeping this potential impact in mind, again, Sweetwater County strongly encourages the Air Quality Board to keep balance in mind and to strive to have a rule that protects air quality and public health while at the same time maintaining the viability of the oil and gas industry which provides the tax and employment base and the high quality of life that is enjoyed by many individuals and families in southwest Wyoming. Thank you for your time.

CHAIRMAN BROWN: Thank you, Mark.

Any questions, comments?

Thank you.

Next on the list, Christy Woodward.

MS. WOODWARD: Hi. My name is Christy Woodward, and I'm a senior environmental engineer for QEP Energy.

We also wanted to thank the Division for all the work that they've done on this rule and definitely support the rulemaking. I'm here on behalf of QU, which is a QEP and Ultra organization that works together on the Anticline for development.

We just had two outstanding concerns with the existing rule, and I have provided comments as such. And the first major concern that we have is with the hundred similar facility component counts. This is under Chapter 8, Section 6(c), emergency -- or excuse me, I'm ahead of myself. 6(g)(ii), pad and single-well facility or source component counts shall be determined by actual field count, or a representative count from the same geographical area, taken from no less than 100 facilities.

We also believe along with PAW and some of the organizations represented here that that is an excessive number. We do have similar facilities on each pad, and we kind of put those together in a cookie-cutter fashion. And we also believe that five similar facilities is a more appropriate number.

The second concern that we have is related to the blowdown tanks. We do have small amounts of liquids that occasionally go to those.

As some of you may be aware, we have a liquids gathering system on the Anticline and have very small

amounts of liquids that go to those tanks, and so we feel that having to empty those tanks every seven days would actually potentially increase emissions on the Anticline due to excessive truck traffic and would request that if the Division wants to set a limit on those that they set a limit of a hundred gallons for the tanks or exempt facilities that have liquid-gathering facilities.

So again, I do appreciate the Division's efforts to work with us and just wanted to reiterate those two points.

We have provided statistics in our comments as well as studies as to the emissions that come from those tanks that will hopefully support our points. Thank you.

CHAIRMAN BROWN: Thank you.

Any questions, comments?

Next on the list, Cortnie Morrell.

MS. MORRELL: Hello. My name is Cortnie Morrell. I'm with Williams Field Services. I just, along with everyone else, want to thank the Division for the hard work they've put in. I appreciate the man-hours and the work and especially appreciate the additional stakeholder meetings that were held earlier this year in efforts to understand and clarify comments. I think that's always how we work together best and that's how we get to our best products.

So we have prepared a brief comment letter, and I'm going to speak to those two comments. I might deviate from the text a little bit as written, however.

Williams, obviously, contributed and supports the comments that were submitted and read today by John Robitaille with Petroleum Association of Wyoming, and we have two additional items that we just want to highlight, and those are specific to how the rule affects dehydration units.

Particularly when it comes to the applicability analysis and the calculations used in that, Williams does operate dehydration units in the Upper Green River Basin that are currently permitted with limited operating hours, and they've been permitted that way for several years. It's not clear in the rule if the use of those limited operating hours would be allowed in determining the applicability with a four ton per year threshold, and Williams asserts that it needs to be accounted for since they're operating under a federally enforceable permit condition.

And as stated also in Chapter 8 later on, this rule does not supersede any other permits, so language or anything from the Division that could clarify that that is acceptable would be appreciated.

The other comment, also in relation to

dehydration units and the applicability determination, is in relation to the use of condensers. Previous versions of the Oil & Gas Permitting Guidance have had scenarios such that an operator could choose to install a flashing condenser in lieu of a combustion device, or conversely, the rule allows for removal of combustion devices as long as a condenser remains installed on the unit.

In terms of existing sources, I think not allowing an existing dehy using a condenser to take into account it's a condenser would be a mistake.

I also believe that because -- provisions in the rule that allow for the removal of control equipment refer back to the calculation method used in the applicability, again, which, based on the Division's comments, does not allow the specific condenser. That would make it a little more stringent than what applies to new sources.

In the current Oil & Gas Permitting Guidance, on page 9, there's a definition of what potential is, and in the rule when it talks about making your determination to remove a control device, it refers to this calculation of potential emissions, and in that definition, it specifically says that it allows the use of worst case operating parameters of the flash tank condenser when determining control removal.

I think that really the point for this is that

when we're dealing with the existing equipment, it is a different animal than a brand-new piece of equipment, and we do need to be mindful of existing conditions, especially when they exist in current permits, and take those into account when we're determining applicability. Thank you.

CHAIRMAN BROWN: Thank you.

Any questions, comments?

Thank you, Cortnie.

Let's see. Next on the list is Mary Lynn Worl.

MS. WORL: Thank you. My name is Mary Lynn Worl. I'm a citizen here in Sublette County, and I'm also the vice chair of Citizens United for Responsible Energy Development.

So thank you for this opportunity to address the advisory board on behalf of CURED, and some of these comments may be my own personal comments.

My comments are going to be centered around health, the reason that we really need to move forward with these regulations.

Last night at the open house, I was at the CURED booth, and three people in the course of conversation indicated to me that they had a chronic cough, chronic sore throat, and that would be simply stupid of me to stand here and say to you, well, that's because of the chemicals in our air, our air pollution. But this is a real common

thread that we hear here in Sublette County talking to each other and individuals coming to our group CURED, talking about many of the signs and symptoms that Dave read in the letter from Ronni Flannery from the American Lung Association.

But when we stop and think about epidemiology studies, possible epidemiology studies, or health risk studies that would be done here in Sublette County, statistics simply are not on our side because of our low population. If we had, you know, rather than 10,000 and some people, if we had 50, 60, a hundred thousand people, then we could probably generate some statistical power, some statistical significance with what's happening with our health here in Sublette County.

However, science certainly is on our side. The science is very strong regarding the health impacts, not only of ozone in terms of acute impacts and chronic impacts, but also with the NOX and VOX, the toxicity of these chemicals.

And when we stop and think back to all of us here that live here in Sublette County and work here, recreate here, we're not immune to the toxicity of the chemicals in our air. Right now, we just do not have the scientific data to prove that we are being impacted. But in my heart and my -- I have a background in physiology -- I am certain

that we have many people, not only babies developing asthma, COPD with some of our older people and other impacts that we probably will never know that are occurring.

So on behalf of CURED, I encourage the Board to pass on the regulations. There's a lot of time that has been spent, there's a lot of time that has been available for comment and for changes, but I think any further delays is just more delays with the impacts that we're feeling with our health.

I also encourage DEQ to go back and review all of the recommendations that were made by the ozone advisory board, not only those that got a hundred percent thumbs up, but some of those that didn't get a hundred percent thumbs up, and by doing so help to move our air along to a more healthy situation.

And last of all, I would encourage all citizens within Sublette County and surrounding areas to become involved, to become informed and speak your mind. So thank you.

CHAIRMAN BROWN: Thank you, ma'am.

MS. WORL: Thank you.

CHAIRMAN BROWN: Any comment?

Let's see. We have two commenters left, and I think we can get through those fairly quickly. The next

commenter, Susan Kramer.

MS. KAIL: I think she left.

CHAIRMAN BROWN: Okay. Then we'll go to Carmel Kail.

MS. KAIL: I will be fast. My name is Carmel Kail, and I want to echo most of what has been said. I don't have a whole lot to add.

I do feel that more can be done on lots of fronts, probably not within this rule, perhaps relating to the four tpy threshold on all kinds of things, and perhaps starting with the presumptive BACT since there's been a lot of reference to the consistency with permits for new sources nonetheless, although more can be done and should be done.

Rulemaking to control emissions from existing sources was recommended by the governors of the Green River Basin Citizens Advisory Board something over two years ago. This has taken a lot longer since the two years from that broad-based group than I ever expected to get to this stage. I'm glad we're here. Let's get her done.

CHAIRMAN BROWN: Thank you.

Any comments?

We do have one last speaker, Mr. Bruce Pendery.

MR. PENDERY: Thank you. Thank you for this opportunity to provide comments to you on the proposed

nonattainment area Upper Green River Basin existing source rule regulations.

My name is Bruce Pendery. I'm the chief legal counsel for the Wyoming Outdoor Council.

WOC appreciates the proposed rules and urges the Air Quality Advisory Board to register its approval of the proposal so that these needed and important air pollution controls can move on to the Environmental Quality Council for formal adoption. The health and welfare of people living in the Upper Green River Basin demands that these regulations be endorsed at this time.

We note that the current proposal has been improved since the initial proposal was released last June. We are especially appreciative of the addition of a new provision that leak detection and repair requirements will be extended to compressor stations. For these reasons, we again urge the Air Quality Advisory Board to endorse these rules.

While as the comments we submitted on the proposal make clear, we would still like to see additional improvements in the rules, we believe that these additional improvements can be made by the Environmental Quality Council when it holds its hearing and need not be made here at this time. Attempting to make these changes here now will only lead to additional delay in the adoption of these

rules and the people of the Upper Green River Basin deserve the protection of these -- that these rules will offer to them now, not at some uncertain time in the future. There has been too much delay already. So please move this regulatory proposal on to the Environmental Quality Council.

When the proposal gets to the Environmental Quality Council, we will have ample time to ask for, and hopefully get, the additional improvements we seek. As our comments indicate, this would include making the new leak detection and repair requirements applicable to compressors also to include other emissions from compressor stations, not just leaks. We will also seek to have the threshold for the LDAR reduced from four tons per year of emissions to say two tons per year. But again, the Environmental Quality Council is the appropriate place for us to seek these changes, not this hearing. Others will have the same opportunities before the Environmental Quality Council.

These proposed existing sources rules represent an important step forward. Over two years ago, the Upper Green River Basin Air Quality Citizens Advisory Task Force, on which I served, put together ten recommendations for how ozone levels in the Pinedale area could be reduced and nearly two years ago, the Department of Environmental Quality agreed to pursue those recommendations.

The first two recommendations, which were the most important of the ten recommendations, and they were recommendations to reduce emissions from existing oil and gas stationary sources in the ozone nonattainment area, particularly in areas where the DEQ PBACT requirements were not applicable.

These proposed existing source rules represent fulfillment of that promise to the citizens of the Upper Green River Basin and for that reason, the Air Quality Advisory Board should give its endorsement to them at this time. Thank you.

CHAIRMAN BROWN: Thank you.

Any questions, comments?

This is a great time to take another break. We can break for an hour for lunch, or have a quick break, but it's kind of been a long morning already. Why don't we at least take a one-hour break and reconvene here at one o'clock.

(Meeting proceedings recessed 11:59 a.m. to 1:07 p.m.)

CHAIRMAN BROWN: Let's go ahead and reconvene for the afternoon session. So we've gone through all the public comment and presentation by the DEQ. Now it's time for questions from the Board or clarifications from the DEQ, or do you have any comments from the

Division?

MS. CEDERLE: This is Jeni Cederle with the Air Quality Division. Considering that we got a lot of comments just here at this board meeting, I don't know that we're ready to address everything that we've taken in today, but we are more than willing to hear from the Board and attempt to clarify any questions that you might have or have generated through any of the comments that we heard this afternoon.

CHAIRMAN BROWN: Okay.

BOARD MEMBER HULME: Jeni, just to -- or for anyone on the staff, just a clarification. Some of the comments we received were post the December 1st end date for the comment period. Do we consider those or not?

MS. CEDERLE: Yes, absolutely we do. Part of that was because those entities were here today and spoke verbally and handed in signed comments to Steve Dietrich. Everything that was submitted to Steve Dietrich signed or anything that was presented verbally is part of the public record and we will be addressing those.

CHAIRMAN BROWN: Any other questions from the Board?

Klaus.

BOARD MEMBER HANSON: I'm a little unclear. There were some changes -- or not very many changes that

were of any substance. I remember the one on the hundred versus five. You know, that's something that might be entertained, and we could come up with 20 or 50, or whatever, you know, instead of five or a hundred, but basically my feeling is there wasn't that much substantive that would prevent this from a vote going forward.

The only question that I have, could staff -- what seems sensible, what we heard today, what we haven't tackled yet, could that be incorporated at a later point just as amendments? I have the feeling the region needs -- deserves something to go ahead to take care of their problem and I just wondered, from the staff perspective, how things that might be of interest could be incorporated at a later point?

MS. CEDERLE: Klaus, I don't believe that there's anything against possible incorporation or discussions internally about what we heard today. I do know that I'm unable to speak comfortably and directly to some of the comments that were presented here today, but absolutely, it will be taken under consideration and at any point could be incorporated into the rule.

MR. DIETRICH: There's still another comment period preceding the Environmental Quality Council meeting that's yet to be even scheduled. So there's time to make revisions, considering the comments that we

received, up until the close of the public comment period as well as what we heard today.

CHAIRMAN BROWN: Yeah, I just have a couple of clarifications. On emptying tanks, emptying within seven days, there was some concern about the verbiage on the definition of empty or when do you require it. Has any thought been entertained to what the definition of empty is, you know? Because in other regulations, there are specific empty definitions and I don't know if there was a possibility of looking into that or not.

MR. SMITH: Yeah. This is Mark Smith. We've taken that condition out of permits for some of the facilities that already have those type of tanks on those sites. So that's why we incorporated it in this rule was to be for facilities that may have those conditions already and not have been modified and then would then be subject under this rule. So it was to be consistent with how we have other conditions related to those tanks.

We've never looked at a definition of what's empty. I mean, I think it would be fair to say that it's not going to be, you know, spit-shined clean on the inside of the tank. I think they can only get so much of it out.

Just the way the liquids sit in the bottom of the tank, it doesn't drain from the bottom of the tank. It's out from the side, near the bottom. So there's probably

always going to be some bit of residual liquids left in there. The majority of it was just to get that -- to get that out of there. If there was a larger volume of liquid, to be able to get that out of there as soon as possible so that it doesn't then turn into a permit-type storage tank.

If our inspectors go out there -- and they've seen on like FLIR cameras, when they take a look at the tank, they can see levels of where the liquid was at in the tank, and if it's supposed to be a blowdown tank and it's three-quarters of the way full and they say how long has that been sitting in there, that doesn't seem like it's a temporary emergency storage tank. That's a full, permanent use tank.

CHAIRMAN BROWN: Thank you. Can you give me a layman's definition of blowdown?

MR. SMITH: Yeah. Blowdowns occur when the wells get loaded up with liquids. So when the liquids sit over the top of a gas cap within the well, what they do is they open up the well to atmosphere and they can create that pressure differential, which then unloads that liquid into a tank and allows the gas to continue flowing.

So once that liquid is loaded off the top, then the gas starts flowing again, and they call that a blowdown. So that's the emission from the gas being vented out in order to purge those liquids from the wellbore.

CHAIRMAN BROWN: Thank you.

BOARD MEMBER HANSON: Was the device that we saw last night, the sort of tubular thing that -- the blowdown thing, was that what we saw last night?

MR. SMITH: I didn't get a chance to talk with Todd and those guys at QEP about that, but I -- Ultra, sorry. I was at the -- you guys were at the same table.

BOARD MEMBER HANSON: It was an interesting thing that floated back up and then emptied out and would go down again and collected again.

MR. SMITH: Yeah, I saw it, but I didn't get a chance to get the full description of it. They might be able to speak to that after we're done here.

BOARD MEMBER HANSON: Mr. Chairman, I have a few more questions, just clarifying. Mr. Goldstein spoke about quarterly inspections. That's already included, isn't it, if I'm not mistaken?

MR. SMITH: I'm sorry, I didn't catch it.

BOARD MEMBER HANSON: The first comment we heard from Mr. Goldstein was about quarterly inspections, and I think that's already included, isn't it, in the regulation as it is written right now?

MR. SMITH: For the fugitive section?

BOARD MEMBER HANSON: Yeah.

MR. SMITH: Yeah, for sites that have

fugitive emissions, they would be subject to the quarterly monitoring.

BOARD MEMBER HANSON: Okay. And I was unclear. In Mr. Hohl's comment, he talked about the -- monitoring the entire compressor station rather than the compressors and I didn't know what else there was involved that would pollute. I have no idea. Can you clarify that?

MR. SMITH: Yeah. So what we were doing including the fugitives portion with the compressor stations, all of the equipment is -- at the compressor station are subject to BACT when they're permitted. They're not subject to BACT like the production facilities are.

So there could be some facilities that at the time they were permitted, they have dehydration units and all other forms of equipment that are at those sites, they would be subject to BACT at the time.

And those are -- they're permitted based on their design capacities of everything, so they're basically permitted at the maximum potential, and it doesn't account for any type of fluctuations in production rates or anything. They're just permitted in BACT. So they have controls that are probably more stringent than what we would look at at production facilities. So the remainder of equipment at those sites are permitted and have controls

already.

There might be some fugitives that at the time that those facilities weren't above the level where we would look at doing BACT at those compressor stations that this would address that type of issue. At these older facilities where they haven't been moved, they would be subject to a lower BACT threshold.

BOARD MEMBER HANSON: Thank you.

Mr. Chairman, I have one more --

CHAIRMAN BROWN: That's fine.

BOARD MEMBER HANSON: -- if I find it right now. No, that would be fine right now.

CHAIRMAN BROWN: I've got a relatively easy question. On the hundred site count rule, or whatever, what determines the hundred sites for the composite? Or just what was determined for the hundred?

MS. CEDERLE: Oh, the 100 component count --

CHAIRMAN BROWN: Component count.

MS. CEDERLE: -- came from a statistically significant sample size.

CHAIRMAN BROWN: Okay.

MS. CEDERLE: Why I had emission control look into the number of wells, they found --

CHAIRMAN BROWN: Yeah. I was wondering

what the basis you had where you got that.

Klaus, have you got a question?

BOARD MEMBER HANSON: I found it. I think there was a comment by Ms. Worl, and she stated that the dehydration units were not clearly defined, or whatever, and other relations to the condensation wasn't clearly defined. Is that something that needs to be addressed? Because there seems to be sort of on clarity, or whatever, confusion as to how this is supposed to work. Is that something that was only raised by this individual or is this something that would be improved?

MR. SMITH: The way that we handled the dehydration units since the 2010 version of the guidance when we allowed for -- we started allowing for the control removal, the way that we've done the applicability under the guidance and how we have incorporated here under the rule would be a dehydration unit completely by itself without accounting for a flash tank or any type of condenser or anything like that, we look at the completely uncontrolled emissions to determine whether or not they have to put controls on.

The way that we word the conditions of the permit to allow for those control removals, we look at it the same way. We looked at it except instead of the first 30 days of production with the decline as you do under the

guidance, we're looking at this for installing controls the previous 12 months, and then if they're in the future looking to remove those controls, we would look at it the same way. It would just be that most current production, their glycol circulation rate and then without any flash tank or any condenser. So we'd be looking at completely uncontrolled.

We know that there's some small amount of control that you can get from a condenser. It's hard to put a control efficiency on it. You can send emissions to a combustor and it's designed to be 98 percent and say you're getting 98 percent control, with a condenser, it's depending upon the ambient temperature.

So if it's really hot out, it might not condense as much, but if it's a little bit cooler, you might get some more condensation, liquids drop out, therefore, you get a little bit higher control efficiency with it.

So it's our intent to look at the completely uncontrolled and not account for any control that could be done with a condenser in terms of removing those combustors to get to 98 percent. Because we know that that condenser is still being on there we'll get some bit of additional control that's going to help ensure that it won't over go back above the four tons. If they're uncontrolled without the condensers below four, having the condenser on there

will definitely make us feel more comfortable if it's not going to be back above four.

BOARD MEMBER HANSON: And it's not a process that occurs very frequently.

MR. SMITH: No. Like I said, I think when we met back in July, we still -- I mean, those things came into effect for wells that were new after August 1, 2010. We've yet to have anybody submit control removal for a dehydration unit under the -- even like I said the 2010 version of the guidance.

BOARD MEMBER HANSON: Thank you very much.

CHAIRMAN BROWN: Any other comments from the Board to the Division?

No comments?

BOARD MEMBER HULME: Just from my personal standpoint on what's gone on today, the comments we received prior to the end of the comment period, I feel like we're pretty supportive of the rule as it stands before us today. So the comments that do come in today, for me personally, I don't feel like I have had enough time to look those over and consider the impacts of what those might be, and those comments, since there is another comment period coming up -- this goes to the EQC -- that those comments might be better addressed by that body at that point. So I personally feel ready to make a motion as

to what to do with this rule.

BOARD MEMBER HANSON: I will second it.

BOARD MEMBER HULME: I didn't make the motion.

BOARD MEMBER BONER: Made.

BOARD MEMBER HULME: So I would move adoption of Chapter 8, Sections 1, 6 and 10, I guess --

BOARD MEMBER HANSON: Second.

BOARD MEMBER HULME: -- as presented to us today as the Air Quality Advisory Board.

BOARD MEMBER HANSON: Second.

CHAIRMAN BROWN: Okay. It's been moved and seconded to adopt and approve the regulations as presented, Section 1 -- Chapter 8, Section 1, Chapter 8, Section 6 and Chapter 10, or Chapter 8, Section 10. All those in favor?

(All board members indicated aye.)

CHAIRMAN BROWN: All those opposed? Motion passes.

On to the next item in the agenda. Schedule the next meeting.

MS. CEDERLE: I was hoping to address the Board and just start considering a springtime meeting, perhaps late April, early May, for another rulemaking, but if you're okay with me to do a poll, I can check the calendars and taking a look ahead and reaching out to you

guys in that matter. But that's about the time frame I'm thinking of right now so that you have that to consider today.

CHAIRMAN BROWN: That works.

MS. CEDERLE: Terrific.

CHAIRMAN BROWN: Thank you, everybody, for your attendance and your comments.

BOARD MEMBER WASSERBURGER: Mr. Chairman, I move we adjourn.

BOARD MEMBER HULME: Second.

CHAIRMAN BROWN: Moved and seconded. Adjourned. These proceedings are closed.

(Meeting proceedings concluded 1:25 p.m., December 10, 2014.)

C E R T I F I C A T E

I, ERIC D. NORDBERG, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 22nd day of December, 2014.

ERIC D. NORDBERG
Registered Professional Reporter