

**Air Quality Advisory Board Meeting  
Excerpt of Oral Comment**

**Casper, Wyoming  
January 12, 2004 - 10:00 AM**

**Board Members Present:** Ronn Smith, Dolly Potter, Darrell Walker, Gerald (Joe) Reichardt, Jefferson (Jeff) Snider

**Others Present:** Dan Olson, Administrator, Air Quality Division, Cheyenne, Wyoming, Tina Anderson, Air Quality Division, Sheridan, Wyoming, Darla Potter, Air Quality Division, Cheyenne, Wyoming, Nancy Vehr, Attorney General's Office, Cheyenne, Wyoming, Lee Gribovicz, Air Quality Division, Lander, Wyoming, Mike Warren, Air Quality Division, Sheridan, Wyoming, Tanner Shatto, Air Quality Division, Sheridan, Wyoming, Brad Steidley, Air Quality Division, Sheridan, Wyoming, Ken Hamilton, WY Farm Bureau, Laramie, Wyoming, Heather Bleile, PacifiCorp/Dave Johnston Plant, Glenrock, Wyoming, Tim Rogers, Black Hills Corporation, Rapid City, SD, Fernando Roman, Wind River Environmental Quality Commission, Fort Washakie, Wyoming, Bob Dundas, Belle Fourche Pipeline, Casper, Wyoming, Doug Cooper, 7 L Livestock Company, Casper, Wyoming, Michelle Barlow, Wyoming Outdoor Council, Laramie, Wyoming, Brian Lovett, DEQ Administration, Cheyenne, Wyoming.

**[Begin Excerpt of Oral Comment from AQAB Meeting Minutes]**

**Ronn Smith:** Okay, why don't we open it up to the public. Then after they speak, the Board can give their comments and then we can take action. We would appreciate it if you would use the microphone and identify yourself so that we can capture everything you say for the record. Would anyone like to speak?

**Michelle Barlow:** I am Michelle Barlow, Wyoming Outdoor Council. I have a quick question before I make my comments. Does anybody have an extra copy of the December 12 proposed regulation? I didn't bring my copy. I just need to look at some final proposed language before I make my comments.

**Ronn Smith:** Anyone else?

**Tim Rogers:** Chairman, Board Members. My name is Tim Rogers, I am with Black Hills Corporation out of Rapid City. My comments are going to be around the applicability level of tons per day that you are looking at as related to the Smoke Management Plan I and II and the ability to assess buyers impacts at Class I areas. A specific concern to us, and as I go through this it will make a little more sense to you, is in South Dakota the Badlands and Wind Cave National Parks. To show you a relationship with my concern of this, we have facilities in South Dakota, Wyoming, Colorado, Idaho, Nevada and California in generating facilities and also natural gas and oil production wells throughout the West. I have two main concerns about the rules today. I am going to basically read though the letter that I have and a few comments that I sent to you.

We have concerns that raising the threshold level between SMP-I and SMP-II (2 tons a day to 5 tons a day) as adopted by the Environmental Quality Council on December 16, 2003 for Chapter 10 emergency rulemaking for prescribed burning will not allow for government and non government entities to adequately assess and evaluate air pollution and visibility impacts from prescribed burning.

Secondly, we believe that wildfire, prescribed wildfire, and prescribed burning have a significant impact on visibility to National Parks (Class I areas). The higher threshold will also eliminate the implementation of common sense prescribed burning practices designed to reduce air pollution and visibility impacts from these activities.

Equity in implementing the Regional Haze Rule. Our new power plants, listed below, have already undergone visibility review under the PSD permitting program and will have to comply with extensive emission inventory reporting under the Regional Haze Rule for the SO<sub>2</sub> Market Trading Backstop Program, which you approved not too long ago, and the ramifications of the trading program if it is implemented.

We have six new facilities. Two natural gas combustion turbines in Gillette, 40 megawatts a piece. Neil Simpson II, 80 megawatt coal fired plant in Gillette. WYGEN I, 80 megawatt coal fired plant in Gillette and WYGEN II, 500 megawatt plant in Gillette. The Lange Combustion Turbine is natural gas and Western Turbine in Rapid City. All of these facilities had a visibility permit review and those reviews included air pollution control evaluation, ambient air quality impact analysis, which is air dispersion modeling, visibility modeling impact analysis (Calpuff), acid deposition analysis, and emission inventories that relate to assessing our air quality impacts to Class I areas in South Dakota, Badlands and Wind Cave National Park. These requirements were dictated partly by law and regulation, the Clean Air Act and the PSD rules under 40 CFR Part 52.21, and mostly by policy under the Federal Land Managers FLAG document.

Our coal-fired power plants will emit, on an average, 5 to 6 tons of PM a year and the natural gas turbines will emit 1 to 2 tons a year of PM<sub>10</sub>, refer to the Wyoming emissions inventories that are submitted to the DEQ. The threshold being proposed to be adopted by the Environmental Council on December 16 for Chapter 10 emergency rulemaking was 5 tons per day of PM<sub>10</sub>. The daily emission rate from one of our coal-fired units is approximately 0.016 tons per day. If

the analysis that we conducted for these facilities under the Calpuff modeling indicate that there is a visibility impact at an emission rate of 0.016 tons per day then the Board should be concerned about the visibility impact from sources of prescribed fire that are emitting 1 to 5 tons a day. My point is, when you do the Calpuff analysis you looked at every day, 365 days and you look at the deciview impact to those areas and if we had impacts at 0.016, my point is 1 to 5 tons per day is going to have an impact on those too. There are two different ways on how you look at that, ours go out at 200 - 300 foot stacks, the burning is lower to the ground, but you still have the dispersion and those emissions.

If the Regional Haze Rule is to be complied with to improve visibility at the Class I areas, all sources impacting visibility need to be assessed and regulated accordingly. I used to work for the South Dakota Department of Environment of Natural Resources in the Air Quality Program prior to joining Black Hills Corporation. My position the last few years was to develop South Dakota's Regional Haze Program. In this position I also served on the WRAP's Fire Emission Forum with Darla and some other regional haze development programs under WESTAR. So I do have a little knowledge of the smoke, fire and all of that fun stuff.

One of my last duties was to identify the impacts to South Dakota's Class I areas. I ran through quite a few different analyses to try to figure out where the impacts were coming from. The Regional Haze Rule focuses on improving the 20 percent worst days and maintaining the 20 percent best days. Some of the analyses that I conducted were to look at wind patterns to see if there is a particular industry center where visibility was being impacted from and found that this was probably coming from the South from Denver or Rapid City or from Wyoming on those wind patterns. After going through several years of wind data and also the IMPROVE data, I really couldn't come up with anything very conclusive on determining that. My next approach was to plot prescribed fire and wildfires in the Black Hills. I knew a person in the State Forestry Department in Rapid City that maintained records of all of the prescribed fires and all of the wildfires in the Black Hills. I plotted this data along with the IMPROVE data with the PM10 and there was a pretty good relationship with the high days correlation. I guess my point here is, if you increase that threshold to 5 tons, you are going to eliminate getting data from these burners and you are not going to be able to assess their impacts. I was very fortunate that this gentlemen keep this data. He wasn't required to. He just did. I got it and plotted it and it showed distinct relationship. It somewhat protects us and also gives us something to look at as we develop the Regional Haze Rule in South Dakota and in Wyoming.

My concluding comment would be that I hope that you look, I know that your thresholds are 2 and 5 tons, I would suggest maybe going down to 1 ton. I understand that the private landowners got drug into this and it is kind of a Federal Land Manager thing, state and industry thing and they got drug in. But if you are going to look at impacts to regional haze you need to look as low as you can go and get that assessment so everybody can look at that and make a judgement on what we need to do with visibility. Thank you for your time. If you have any questions, I will try to answer those.

**Ronn Smith:** Any questions for Tim?

**Jeff Snider:** I am just wondering about the 5 tons per day. That is not very much compared to the total load for the State. In the presentation that Darla gave, that we're at 40,000 tons per year or something like that for point sources within the State of Wyoming. So your emissions pale in comparison to the total for example State of Wyoming emissions as an aggregate, is that right? Five tons per year, excuse me.

**Tim Rogers:** Yes, one of our coal fired plants emits about 5 to 6 tons of PM a year. Are you trying to make a relationship between -

**Jeff Snider:** No, I am not I am just trying to clarify a graph that Darla showed where she is showing that point sources, if that is correct, within the State of Wyoming are 32,000 tons per year. Is that right?

**Ronn Smith:** Yes, the power plants are not a major contributor to particulates.

**Jeff Snider:** So what are the point sources then that are contributing to that total?

**Lee Gribovicz:** Soda Ash plants are particulate emitters. Bentonite Plants. Gypsum plants are point source emitters. Teepee burners, lumber mills are particulate emitters.

**Jeff Snider:** I am sympathetic to your cause because you seem like a flea on the back of an elephant compared to the total load for the region I would presume.

**Tim Rogers:** My point is, I am not so much concerned at what type of requirements that you put on them as long as you get enough information that can be assessed later. As we continue to go on, the main focus at the federal and EPA level has been to hit industry sources. That is fine but you can only go down so far and the intent of the Regional Haze Rule is to get a decline and a glide path to have a reduction. At some point, you are going to have a lot fire and if you don't have an assessment on what that is, you are going to start from scratch again in 10 years when you need to address that.

**Ronn Smith:** Any other questions? Tim, thank you for your comments. Who else would like to speak?

**Ken Hamilton:** Thank you Mr. Chairman. My name is Ken Hamilton. I work for the Wyoming Farm Bureau Federation. I have some comments here. For some reason I was organized enough to make copies. I am just going to summarize some of my written comments here.

Before that, I would like to mention that I was visiting with a county commissioner from Fremont County who is also an agriculture producer that is concerned about these regulations specifically with Section 2. He was wondering if there would be a possibility of having a

meeting up in Fremont County because he feels that this is a fairly important thing for those people there and the impact of their livelihoods will be fairly significant and it would be a good idea to get input from those folks up there. I told him I would be happy to pass that information along. His name is Gary Jennings. So before I forget that I wanted to bring that up.

I think one of the things about Section 2 that kind of surprised me, and I was on the Development Team as Darla mentioned for Section 4, it appears like they just kind of picked up the Section 4 stuff and put them down into Section 2. I am not sure that is an appropriate thing to do. When we developed Section 4, we talked about what the impact is going to be on agriculture producers. Certain aspects of their operation. Agriculture producers will be burning stubble. We will also have some burning of sagebrush for range land improvements and things like that. The stubble burning is something that will take place probably in the SMP-I category most generally. Not all of the time, but most generally. The other aspect of the agriculture community that this is going to impact the ditch burning. We were told that this is probably going to be covered under the OBRs. Well, the ditch burning is a fairly different aspect and it is fairly important for agriculture producers to get those water ways cleared out in the Spring in a timely manner in order to get their operation going and make sure that their yields are up. So, when we started transposing the SMP-I stuff into the opening burning stuff, I think maybe we are going overboard. One of the things that I think that we need to look at very carefully are some of the requirements that you are wanting on vegetative burning.

Now before I get to that, I would like to go over some of the things and perhaps with the Environmental Quality Council's suggestions some of this would be taken care of. But in the definition of prohibited materials, you talk about wood wastes, and lumber. Can't burn that, it is in definition a prohibited material. I don't know what a wood waste, the definition of that is. I don't know whether that is in Section 3 of Chapter 1 or not, but an example that I have in comments is, if a rancher uses old fence posts for his branding fire that could be considered to be a wood waste and that is a prohibited material. I don't think that is what the Department means when they want to prohibit the wood waste. Lumber is another prohibited material. So a rancher or a farmer that is building a shed has some end pieces that they want to get rid of and he lights a fire and burns them, according to the definition I think that is a prohibited material and wouldn't be allowed. So I think there is some areas there that we need to look at fairly closely.

The other aspect of it is the refuse burning. Under the rule that is proposed you have to have a 600-foot setback. Agriculture producers and the rural folks in general burn their garbage. Put it in a 55-gallon drum or something and burn it. Under the proposed rules, as written, you have to have that thing 600 feet from your dwelling. I have a hard time getting my son to carry the garbage out to the curb in town. You are going to be requiring the rural resident to pack their garbage 600 feet. So they put it in there and burn the garbage and comply with the 600-foot setback restriction that is in these rules and regulations. I don't know that is necessarily what this body wants to do, but as the rules are written that is how it would be required.

It also allows the Department of Environmental Quality, Air Quality Division person to come

and inspect that property. So if the rural resident is burning the garbage out there, that is an open burn as defined on these rules. That also gives the Division authorization to come and inspect those. I don't know if that is necessary. I am not sure that most rural residents would particularly approve of that. I think the private property rights are fairly significant to these folks. Darla is right, we had some fairly significant discussions in the SMP-I about allowing Division people to come onto your property and what kinds of conditions you could have that. This would even be, I guess, less of an excuse. The other aspect of it is, and it is both in the SMP-I and this Section, there is no time limit. The Division representative can come on your property to investigate a burn or where there was a burn. So if you burned something, some hay stubble, or some old bales three months ago, the Division employee has the authorization under this Section to come and check to see if you complied with the provisions. Again, I don't know if that is exactly what this Division wants to do or the Department.

Vegetative burning Section, as I talked about earlier, one of the requirements when we discussed the SMP-I, Section 4 was we wanted to keep fire as a management tool. But when you transpose those down into the open burning restrictions I think that you are starting to remove the ability of an agriculture producer to use fire as a management tool. For example, under the proposed regulations, if I am going to burn a ditch or I am going to burn some old hay that the livestock doesn't want or burn some fox tail or some weeds, I would have to notify the Division when the process is going to take place and the next step would be, the way that I understand it, is to determine whether the wind is blowing more than 3 miles an hour and if it is half of a mile from the closest population or if it is an eighth of a mile from any residence then I can go ahead and burn. The requirement in SMP-I for a lot of that stuff was based on the amount of smoke generated. I am not sure the half mile restriction is necessary in this. I think if you are burning ditches you are going to greatly restrict the ability of an agriculture producer in some instances to adequately burn the ditches to get the vegetation out of there if you are requiring an eighth of a mile setback. I think perhaps the 300-foot setback that was mentioned would be a lot better. I am not quite sure, if I am an agriculture producer and I am going to burn my ditches I think that I am going to wait until I think the conditions are right and I am going to get a hold of the jurisdictional fire authority and say hey I am going to be burning my ditches today if everything goes right and that is what is going to be the extent of a lot of the agriculture producers as what they feel is necessary to comply. One of the requirements that you added in there in the SMP-I would be to notify the Department about the name of the contact person and the location and other stuff as determined by the administrator. I am a little bit unsure of what this other stuff is going to be. I hope we can get that nailed down a little bit before we go forward on this.

We have some time here. One we adopted these emergency rules, I think we have some time. I think the big thing about Section 2 regulations, I think the public out there needs more time to look at this. There is going to be a lot of unintended consequences out there. I think what is going to happen is, the Department is going to be out there responding to neighbors mad at neighbors and by gosh you didn't burn in compliance with the Air Quality regulations so you come and check on this. You are going to have to, I think, look at some of these other things and see if we can bring back some reasonableness to this.

Section 4 comments that I have are fairly general. I think they are standard complaints that you have heard already. One of them is the quick time period that we have. I don't like developing regulations that are this extensive, this fast. I understand the necessity of it, I just don't like it. Having said that, I think we need to be willing to work with the agricultural community out there when some of these problems arise. Now I think we also, at some point, can come back and revisit this issue because the State of Utah exempted agricultural burning because they felt that it wasn't a significant contributor to regional haze. Darla explained to me that just by me saying that isn't going to get EPA to agree to it. I realize that, but I do think that given the amount of burning that occurs in agriculture production, especially in the irrigated areas of the State of Wyoming, I think that you are going to find in the future that it is a fairly small amount. I think the chart that Darla puts up there, I would agree with that because agricultural burning isn't one of those things that people do lightly. It is not one of those things that they say of gee it is fun to burn lets go do it. It is a management practice. It is done for specific reasons. I think that it is important that we keep that in mind. The bigger burns, the SMP-II burns when you try and find a private property owner that would fall into that category, it is fairly difficult to find those. Those would be what I consider to be your prescribed burns, the larger areas. Or unless somebody's field gets totally away from them. But by in large anything over your 100 acres or so, if you are going to do a burn of vegetative matter, it seems a lot times there is other agencies involved. Federal agencies and things like that. However, I have been able to locate two or three individuals that do their own private prescribed burns, five or six thousand acres. After having them review these regulations, their response back to me was, they didn't like them. They felt that this was going to restrict their ability to burn that vegetation in a timely enough manner that they could get a good burn and get it done when it needs to be done. So, that is why I think that it is important that we be prepared to work with some of these folks just because it is not one of these things that I was able to bring to the table as far as what the impact is going to be to those people. I think there will be some impacts on them but we will have to wait and see. So with that, I would be happy to answer any questions.

**Ronn Smith:** Any questions from the Board Members? Ken, I believe one of your comments on the setback for refuse burning, that was addressed, was it not Darla, with the addition or qualification of the burners property being exempt from -

**Darla Potter:** Yes.

**Ronn Smith:** So I think that has been taken care of.

**Ken Hamilton:** Mr. Chairman, I am not certain that it has been 100 percent taken care of. I think that it has gone a long way and I think that the Environmental Quality Council is headed in the right direction. But, for instance, if you have an agricultural operation with three or four families on it and you have a central location where garbage is burned or whatever, burner "A" that day may be exempt but the other people surrounding it may not necessarily be exempt. You would not be far enough away to comply with these regulations. I come off of an agricultural operation and we don't have as many options as the urban environment for disposal of trash. It is

especially true in a lot of these rural areas where some of the more restrictions of the solid waste people is that the dumps be covered every day. I know some little towns that had kind of a central dump that people brought their trash to, but they had to close those dumps down once they had to have the trash covered every day because there was nobody there. They didn't have the equipment that was necessary. They didn't have the ability to do that so they closed the dump down. Well, when that happened agricultural producers that were doing to that central location started going back to their own individual ones. In the urban environment you have a population that can take care of the trash in a different manner and it gives you a lot more flexibility. So I think that EQC is headed in the right direction. I would like to look at that a little more.

**Ronn Smith:** Okay. Thank you for your comments.

**Darla Potter:** I would like to offer the Board a point of clarification in terms of the definition of prohibited materials. In respect to wood, wood waste or lumber being a prohibited material, the beginning of that section after the semicolon is "painted or chemically treated wood, wood waste, or lumber." So it specifically is that wood, wood waste, or lumber that is painted or chemically treated. It is not just any wood, wood waste, or lumber. It is specifically that that is chemically treated because of the emissions that produces.

**Ronn Smith:** Thank you Darla. Okay, who else would like to comment?

**Doug Cooper:** Thank you Mr. Chairman. My name is Doug Cooper. I am President of Seven L Livestock Company Wyoming Corporation. I hope that I can ad-lib my comments enough to correct the moving target that I have been trying to comment on here. Darla had significant changes from the proposed regulations that I saw a few days ago. I did participate on the Review Team on the SMP-4 and I am a little disappointed with the whole process.

As I read the regulations the other day, I noticed that they had basically outlawed campfires because you couldn't burn after dark for any reason. I am glad to see that the recreational people can warm their hands now. I would like to point out, as I see on these regulations, you have banned fireworks because you cannot burn explosives and you can't burn them after dark. So that will make for a lot less enjoyable Fourth of July. I assume that you can't use treated wood waste to make an effigy and burn someone as a political expression or a treated wood cross if you are Klu Klux Klan.

One of most onerous sections of these regulations establish that by asking permission to burn that the burner surrenders his right to privacy, and that the WDEQ then can come on his property to inspect the burn. This concept would be analogous to requiring drivers to give up their protection from unlawful search and seizure in order to receive a driver's license. The Wyoming Constitution requires that no person shall lose life, liberty or property without due process of law. Furthermore, the constitution prohibits the taking or damage of private property for a public or private use without just compensation. I see no provision in this regulation that would



compensate a landowner for the use of his property or any damage that might occur in those inspections, and no provision that places any limit on the time of day of inspections, the number of inspections, or the length of time from when a burn takes place to when an inspection could occur. If the inspections come without prior notice to the landowner then the WDEQ may be forced to cut fences or remove locks to gain access to the burned area. It also raises the question of hazards and dangerous situations that may exist where a burn takes place. I don't know if DEQ staff are trained and certified as fire fighters and have the proper protective equipment. I would hate to have a situation where you had a DEQ employee out there and they got hit by a snag and killed. The simple act of burning something one time allows WDEQ to come on private property even many years later. The right to exclude the public from one's property is a well established property right. WDEQ removes that right without providing for due process or just compensation. The WDEQ should have to show probable cause of a violation in order to enter private property without permission.

The cumulative effect of the Open Burning Regulations and the Smoke Management Regulations taken together will be to discourage the use of prescribed fire. In most cases, only government agencies will have the time and resources to comply with the regulations. My company has utilized fire as a tool to enhance and improve rangeland throughout its 115-year history. The typical vegetation burns were small in size, conducted during the early Spring or very late Fall and resulted in minor impacts to the air quality. There is a very narrow window of opportunity for a prescribed fire to be successful. Safety and favorable weather are the primary limiting factors to burning. The imposition of another regulatory layer over that already imposed by fire authorities will make the use of fire very limited. While the benefit of controlling smoke and burning can be readily imagined what is harder for the public to see is the degradation to rangeland habitat from the exclusion of fire in the ecosystem. The result will be increasing fuel loads and higher intensity wildland fires, which will have a great impact on air quality. Agricultural burning below 10 acres per day should be excluded from regulation on rangeland sites that are more than a half mile from a population. It should also be possible to burn at night if that time of day is safest for the particular project.

The requirement for burners to publish notices is another example of an exercise that will do little to provide any real benefit except to the employees of newspapers paid to publish such worthless information. A notice published in the Wall Street Journal would satisfy the regulatory requirement but would rarely warn those who could be effected by smoke in Wyoming. The public notice could even be published in a foreign language newspaper and still meet the requirements. It would seem more logical to have WDEQ establish on their website a place where all proposed burning could be entered so that individuals with respiratory problems could have a single place to look in order to determine if they might be effected by smoke in their area. This type of service has worked well with road and travel information and would be accessible even to people from out of state planning to visit Wyoming.

Another shortcoming in the regulations is that no exemption exists to provide for the use of fire for firefighting training and I am speaking specifically about burn houses and burn towers. You

might be able to get the exemption to do a wildland burn by these regulations but I do not believe that you can get an exemption to burn at night in a burn house. I think that needs to be dealt with. The fires set in such training buildings are deliberately designed to create smoke and simulate structural fires. Training in such facilities should not be limited to just daylight hours. Other facilities in Wyoming use propane fired devices to simulate oilfield fires and such burning would be prohibited by these regulations as propane and waste oil and such things are prohibited articles of open burning. The aircraft crash and rescue training conducted at Natrona County International Airport would be effected in a similar manner. There is also no exemption to allow public health officials to burn in cases where structures are a threat to human health or to stop the spread of contagious diseases in animals.

I would predict, with a high degree of accuracy, that if these regulations are adopted as written that they will be enforced only in cases where businesses are involved. Individuals probably have little to worry about because WDEQ will simply ignore them in order to concentrate enforcement actions on agriculture and industry. Urban residents no longer have a need for or an understanding of fire, but the impact of these regulations to agriculture will be burdensome. The jurisdictional fire authorities will stress safety while the WDEQ will stress smoke dispersal, two goals that are often at odds with each other. Implied in the permit by the rule concept is the ability of the Department to delay or deny burn projects. Much of the regulations seem to be providing a framework for further regulation in the future as in the requirement for people burning household refuse to note the direction and dispersal of the smoke. The real solution is that WDEQ should not try to regulate the burning of natural materials unless they truly contribute to measurable air quality problems. I urge you not to adopt the proposed open burning regulations and instead create a reasonable threshold where burning can take place without the involvement of multiple layers of government. Thank you.

**Ronn Smith:** Thank you sir. Any questions? Were your comments directed more to Section 2 or to the entire Chapter?

**Doug Cooper:** I think what happened is, when we did Section 4 a lot of the things there we assumed that they would be allowed for, we have kind of a patty cake situation if you do the Section 4 and say that is okay if you are only going to burn a little bit it is going to be an OBR, but when you go over to the OBRs they are commensurate with Section 4, there is little difference. If I want to burn 5 acres of sagebrush it is not any different then if I want to burn 10 because I still have to notify. It is a practical matter. There are still places in Wyoming where they don't have telephones. We don't have cell phones and we don't have the capability for e-mail. I am in a situation where I don't have a normal telephone and have to use a satellite to e-mail. Some of these things may not be as workable and I think you are going to have quite an educational problem to get people to understand that they are to comply to this. I would also like to add a little more about, in discussion with requiring volunteer fire departments to fill out your forms and comply that way. I see that as basically slavery. You are telling someone who is volunteering his time that they have to spend their time and resources filling out your paperwork and they are not compensated. I would like every employee of the Wyoming Department of

Environmental Quality here that works for nothing to raise their hand.

**Ronn Smith:** Thank you for your comments. Anybody? Michelle are you ready?

**Michelle Barlow:** Michelle Barlow, Wyoming Outdoor Council. I was pleased to serve on the Smoke Management Program Development Team. In fact, I was the lone representative of Wyoming's environmental community. Just by way of brief background, my work schedule allowed me to attend two out of the three team meetings and to develop and submit comments during all three review periods. I really don't have too much to say, and I only want to direct my brief comments at Section 4. Essentially, the Wyoming Outdoor Council endorses the December 12 version of the proposed rules.

Specifically, we do not endorse EQC's proposed changes to Section 4(e) that is specifically the 2 ton PM emissions per day current or former December 12 proposed threshold to 5 tons PM emissions per day. We do not endorse the EQC's suggestion to delete Section 4(d)(ii) which has to do with eliminating DEQ's ability to inspect and enforce the regulations. We would like to have those submitted on the record. So that is all that I have. Are there any questions? I would like to add one quick note. I would like very much to commend Darla Potter and Rebecca Reynolds for their, in my view, excellent facilitation of the Development Team. Specifically, I was pleased because they submitted to the team ample background material. In fact, I have a notebook that is this thick (indicating approximately 1½ inches with fingers), in a timely and efficient updates and they were really good people to work with. So, on behalf of the Wyoming Outdoor Council thanks to DEQ and especially Darla and Rebecca for their good work.

**Ronn Smith:** Thank you Michelle.

**Bob Dundas:** Good afternoon. I am Bob Dundas. I work for Belle Fourche Pipeline Company. I faxed Dan some comments late Friday. I apologize if they were late. I hope you received them and that you were able to take a look at them. I won't go through the entire comments. I represent both Belle Fourche Pipeline and then we also have a fairly significant ranching operation with True Ranches. So we kind of have two hats. Many of the comments Ken brought up are in our comments as well. I wanted to specifically just mention one area that Belle Fourche Pipeline is very concerned about and that is the ability to continue to receive burn permits for emergency response activities in a timely and virtually immediate manner. As you read the regulation right now, it is unclear whether or not we can continue up our District Engineer and ask for a burn permit and receive that verbally over the phone. Quite often we have a really short window of opportunity to effectively remediate a spill and our ability to work with the District Engineers to get that verbal authorization to do the burn is imperative to us for performing our job. We are very concerned that as written it is unclear if we are going to be able to continue to receive the verbals or if we are going to have to submit a written notification form and go through that process, which would be very difficult to us and really effect our ability to respond. That is spoken to in our comments. Anyway, that is all. I just wanted to make sure that is considered. Thank you.

**Ronn Smith:** Thank you Bob. How are we doing. Anybody else that wants to make a comment?

**Fernando Roman:** I am Fernando Roman the Air Quality Coordinator for Wind River Environmental Quality Commission for the Wind River Indian Reservation. First of all I want to thank Darla and Dan and everyone for developing these regulations. I see a clear need for it. The one issue I have is, addressing the geographic limitations that we have within Wyoming. I know that Wyoming is sparsely populated and population centers are far and few between and probably a majority of these cases the regulations wouldn't have much of an effect in terms of the basins airsheds. If we have that window of opportunity that is very small. I understand, being a rancher myself, it is important to get that stubble burned and those ditches cleaned. The one area that I do have concern with is the number of people burning within a small airshed. For example, if you have a situation where, say for the City of Lander, where it is a fairly enclosed basin area there and if you have a number of people burning then it would contribute significantly to that basins airshed and the haze that is being caused in that area. I am not sure how to go about addressing that situation. That is just an area that I am kind of concerned with. I guess to a larger extent within the exterior boundaries of the Wind River Reservation when people do burn off the reservation, for example the Forest Service and others, it does contribute significantly to the haze on the reservation. That is a corridor for the wind direction coming out of the northwest and then coming down into the valley. That is an issue I think that needs to be looked at. I don't have any other comments. Thank you very much.

**Ronn Smith:** Thank you. Anyone else? Any discussion from the Board?

**[End Excerpt of Oral Comment from AQAB Meeting Minutes]**