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BEFORE THE AIR QUALITY DIVISION  
STATE OF WYOMING

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QUARTERLY HEARING AND PROPOSED CHANGES TO THE DEPARTMENT  
OF ENVIRONMENTAL QUALITY'S RULES OF PRACTICE AND  
PROCEDURE, CHAPTER 3  
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TRANSCRIPT OF HEARING PROCEEDINGS

Transcript of Hearing Proceedings in the above-  
entitled matter before the Air Quality Division  
commencing on the 8th day of December, 2020, at  
9:02 a.m., Nancy Vehr, administrator, presiding via  
videoconferencing, with Board Members Chris Fare, Milford  
Lockwood, Collin Baldacci and Robert Short also in  
attendance via videoconferencing.

Also present via videoconferencing were  
Colin McKee, DEQ senior policy adviser, Amber Potts, SIP  
rules section supervisor, Bobbie Helvig, administrative  
assistant, Callie Papoulas, Air Quality Division  
attorney, and Keith Guille, public information officer.

1 P R O C E E D I N G S

2 (Hearing proceedings commenced

3 9:02 a.m., December 8, 2020.)

4 MR. GUILLE: Welcome to the Air Quality  
5 Advisory Board meeting. Today is December 8, 2020. My  
6 name is Keith Guille. I am the public information  
7 officer for the Wyoming Department of Environmental  
8 Quality. Also joining me today from the Air Quality  
9 Division is Nancy Vehr, Air Quality administrator, Amber  
10 Potts, SIP rules section supervisor for Air Quality, and  
11 Colin McKee, DEQ senior policy adviser.

12 Before we begin, I want to remind all public  
13 members that their microphone is automatically on mute.  
14 To participate during the public comment period, you will  
15 need to raise your hand by clicking on the hand icon  
16 located on the GoToWebinar menu options. That should be  
17 on the right side of your screen. Additionally, video  
18 camera capabilities will not be made available for the  
19 public.

20 Without further delay, let's get started. I'm  
21 going to hand this over to the air quality administrator,  
22 Nancy Vehr.

23 MS. VEHR: Thank you, Keith. And welcome  
24 to the Air Quality -- I just got a message, "The network  
25 connection might be too slow to support webcams." So I'm

1 not sure. I know Amber is frozen on my screen, a couple  
2 other people. Keith. I'll click ignore and see what  
3 happens.

4 But welcome to the Air Quality Advisory Board  
5 meeting today, December 8th, 2020. And it looks like  
6 9:04 a.m. we're starting. The first thing that we'll do  
7 is do a roll call of the Air Quality Advisory Board  
8 members. And so I'm going to just do that in order I see  
9 you on the screen.

10 Chris Fare.

11 MR. FARE: Present.

12 MS. VEHR: Milford Lockwood.

13 MR. LOCKWOOD: Here.

14 MS. VEHR: Collin Baldacci.

15 MR. BALDACCI: Here.

16 MS. VEHR: And Robert Short.

17 MR. SHORT: Present. Thank you.

18 MS. VEHR: And my apologies. Like many of  
19 you, I'm not the best at pronouncing names. And my last  
20 name is Vehr. Some people pronounce it Vehr, and I go  
21 with that. So, as we go forward, I'll learn better  
22 pronunciation.

23 John Heyneman is notified as -- he's not going  
24 to be present today. So we have four members of the  
25 board present today. So we've got a quorum and can go

1 ahead and move forward.

2           The next item we've got on our agenda is,  
3 because you're new board members, this is your first  
4 opportunity to meet each other, as well as introduce  
5 yourself to the Air Quality Division and the public. So,  
6 if you want to go in that same order of introductions,  
7 we'll start first with you, Chris.

8           MR. FARE: All right. Thank you. Good  
9 morning, everyone. My name is Chris Fare, as Nancy said.  
10 Happy to serve on the advisory board. My history, born  
11 and raised in Gillette, Wyoming. Graduated from the  
12 University of Wyoming in 2008 with a degree in rangeland  
13 ecology, watershed management.

14           My intention in life was to be a coal miner.  
15 So I've been mining coal from 2005 to 2018. During  
16 college, I was an operator. After college, I served as  
17 environmental engineer for, at the time, Rio Tinto Energy  
18 America, then into Cloud Peak Energy, environmental  
19 engineer for all three operations. Did a short stint as  
20 a mining engineer. And then lastly, before I left mining  
21 in 2018, I was environmental manager at Antelope Mine.

22           Since then, I've been serving for Melgaard  
23 Construction here based in Gillette in noncoal as  
24 environmental manager and business development. So I've  
25 been working with the Air Quality Division and members of

1 Nancy's team since 2008, primarily in coal, then in  
2 noncoal, but yes, the regulation is broad. It  
3 transitions across those entities, whether it be from  
4 sand-and-gravel operations up to 56-million-ton surface  
5 coal operation permitting exercises.

6 So happy to serve and look forward to getting  
7 to meet everyone in a new safe space someday.

8 MS. VEHR: Thank you very much, Chris.

9 And then Milford.

10 MS. POTTS: This is Amber. Chris is  
11 serving as our industrial representative.

12 MS. VEHR: Thank you. And that would be  
13 great, Amber, after each introduction, to do that. Thank  
14 you.

15 Milford.

16 MR. LOCKWOOD: Yeah. This is Milford  
17 Lockwood. I'm honored to serve on the board. I spent 31  
18 years with an oil and gas company as an electrical  
19 superintendent for them. I retired in 2015. And my wife  
20 and I run a ranch in western Wyoming along the Green  
21 River near Big Piney. It's her family's ranch. And due  
22 to a death in the family, we ended up in the ranching  
23 business. And we've really enjoyed that. I found out  
24 that retirement is a lot of work.

25 MS. VEHR: Great. Thank you for your

1 introduction.

2 MS. POTTS: Milford is our agricultural  
3 representative.

4 MS. VEHR: Wonderful. And Collin.

5 MR. BALDACCI: Make sure I can get myself  
6 off mute here. My name is Collin Baldacci. I'm a  
7 firefighter here in Natrona County with Evansville Fire  
8 and EMS. I'm also a hazmat technician with Regional  
9 Response Team 2 based out of Natrona County here with  
10 Casper Fire Department. The other thing that I've done  
11 for work quite a bit in the past has been on the  
12 emergency management side on health care, most recently  
13 working with Casper/Natrona County Public Health  
14 Department this summer doing a lot of air quality work  
15 for them, which is how I got involved working with the  
16 Casper office with DEQ quite a bit on air quality through  
17 our fires, everything we had going on there.

18 I grew up in Gillette and Casper, kind of  
19 splitting time between the two. Graduated from the  
20 University of Wyoming with a degree actually in business  
21 management. I'm looking forward to working with  
22 everybody on the board.

23 MS. VEHR: Great. Thank you.

24 MS. POTTS: And Collin is our  
25 public-at-large representative.

1 MS. VEHR: And Robert.

2 MR. SHORT: I'm Robert Short. I currently  
3 serve as the chairman of the county commission in  
4 Converse County. This past summer I decided to have a  
5 vacation that I never took and ran for U.S. Senate. It  
6 was quite an experience. I got to visit my most favorite  
7 place on the entire planet, which is 97,000 square miles  
8 that we call Wyoming.

9 In addition to that, I have a background in  
10 nuclear science. I have exposures to oil, gas, uranium,  
11 coal, renewable energy. I've worked in pharmaceuticals  
12 and real estate and hospitality and transportation, a  
13 vast array. I'm kind of a Heinz 57, I guess, of the  
14 professional world.

15 My formal education is in electrical  
16 engineering and computer sciences. I've been graced with  
17 the opportunity to spend a great deal of time in the past  
18 years working with Milford Lockwood, believe it or not,  
19 in his role in O and G. And that's how we kind of  
20 developed a great friendship, I think. He hasn't shot at  
21 me when I was on their ranch, so I guess we're still on  
22 reasonable terms. And currently my wife and I have the  
23 historic hotel in Glenrock, Wyoming, that doubles as a  
24 money pit.

25 Beyond that, I am pleased to be able to serve

1 on this council and look forward to the opportunity to  
2 serve our great state.

3 MS. VEHR: Great. Thank you.

4 MS. POTTS: And Robert is our political  
5 subdivision representative.

6 MS. VEHR: And then the other member we  
7 have is John Heyneman. And John has served, Amber, I  
8 think two terms on the board, so for a number of years.  
9 And we won't spoil his introduction. We'll let him make  
10 his introduction so you can all pepper him with questions  
11 at the next meeting.

12 And, Amber, what role does John serve?

13 MS. POTTS: Public at large. So we have  
14 two public at large.

15 MS. VEHR: Great. So that's the  
16 introductions. I didn't know if you guys have any  
17 questions or anything at this point.

18 (No response.)

19 MS. VEHR: Okay. Well, we'll move now to  
20 the next item, which is Air Quality Division  
21 introductions. And I'll start, and then Amber. And I  
22 know we have some members of the Air Quality Division on  
23 the phone. We've got Bobbie here. So we'll go myself,  
24 Amber, Bobbie. And then on the phone, on the  
25 GoToMeeting, I guess I'll just have to acknowledge that



1 we have some Air Quality Division staff present. But  
2 because it's a virtual meeting, we'll save their  
3 introductions for another time.

4 One of the best things about the Air Quality  
5 Division is, by far, the staff that we've got. It's  
6 great staff and wonderful resources, and they love to  
7 share their information. And you will find them a  
8 pleasure when you get to meet and hear their  
9 presentations, answer questions. I think a number of you  
10 have mentioned your interactions with them, whether it's  
11 in the permitting context or working on smoke or  
12 whatever. We've got great staff.

13 I'm Nancy Vehr. I'm the Air Quality  
14 administrator. Been in this role since 2015. Back  
15 before that, kind of the 2003 to 2013 time frame, I  
16 represented the Air Quality Division. I'd known nothing  
17 about air quality before. And the first several meetings  
18 I went to, they talked about NOx and SOx, and it sounded  
19 like Dr. Seuss. And I needed an acronym chart. And it  
20 was -- it baffled me. It was like a rope, and I hoped  
21 there were knots along the way so I don't slip down in  
22 terms of my knowledge. But it was fascinating to me, and  
23 I truly am impressed with the quality of the individuals  
24 working in the Air Quality Division.

25 My background, I was a nurse initially and for

1 about fifteen years. I still have my -- retain my  
2 nursing license. Once a nurse, always a nurse. And  
3 that's how I view things, is from the health perspective.  
4 And then I went on and got my law degree and represented  
5 the State of Wyoming. It is an absolute pleasure to be  
6 working for and representing the State of Wyoming and its  
7 citizens and advancing Wyoming's efforts.

8 With that, I'll turn it over to Amber.

9 MS. POTTS: I'm Amber Potts. And I think  
10 I've chatted with all of you, but good to see your faces.  
11 I've been with the Division since 2001. So I grew up in  
12 Nebraska, went to school in Oklahoma, made my way back  
13 closer to home and got on with the Air Quality Division.  
14 I started as an NSR permitter, and then I moved into  
15 monitoring, and then I moved into the SIP, which is the  
16 state implementation plan and rulemaking section. And we  
17 call ourselves, lovingly, team rules, because SIP and  
18 rulemaking and planning section is just too big.

19 So there's three of us in team rules, and  
20 they're also on the call. So, if you're hearing from  
21 myself, if you're hearing from Mike Morris or Leah  
22 McKinley, we're all working with the board, and  
23 we're your life support. If you ever have any questions,  
24 give us a call, and we'll definitely take care of you.

25 MS. VEHR: And thank you, Amber. And when

1 Amber is saying "team rules" is so that they can shorten  
2 the mouthful, it's also very much a team concept. And  
3 that's what you'll find working with the Division.

4 Bobbie.

5 MS. HELVIG: My name is Bobbie Helvig.  
6 I'm the admin assistant. I've been here with Air Quality  
7 for about three years now. And I do the Doodle polls  
8 that you guys receive, answer all the phone calls. And  
9 just whatever you need done, let me know. I get it done.

10 MS. VEHR: Bobbie also -- she makes it  
11 sound like there's not much behind the scenes, but she is  
12 responsible for keeping all of us running. We have had  
13 to transition from having folks in the office to working  
14 virtually and teleworking. And Bobbie, you can count on  
15 her. She answers the phones. She processes paper that  
16 still comes into the office. She's responsible for  
17 scanning umpteen documents that make it out there so the  
18 public can have access to it and you all can have access  
19 to information. When we have meetings that are in  
20 person, Bobbie does the processing of travel vouchers and  
21 all of that.

22 So she covers the whole, entire division. We  
23 have two other administrative support folks that -- one  
24 works in the permitting for stationary sources, and one  
25 works on Title V. And Bobbie handles the rest. So she's

1 a little bit less verbose about all that she does, but we  
2 couldn't run without her.

3 MS. HELVIG: Thank you.

4 MS. VEHR: Thank you, Bobbie.

5 And then we've got Colin and Matt.

6 So, Colin.

7 MR. McKEE: Good morning. I'm not used to  
8 having two Colins in one meeting, so this is new, but  
9 it's good. It's very nice to meet all of you this  
10 morning. My name is Colin McKee, the senior policy  
11 adviser at DEQ. I've been here for a couple of years  
12 now. Best way I know how to describe my job is if  
13 there's something that doesn't necessarily fit neatly  
14 within one of the divisions, then it usually lands in my  
15 desk. So I work on sage grouse issues and migration  
16 corridors and do oversee the NEPA review for the  
17 Department.

18 The reason I'm on here today is the -- and  
19 we'll get into this more later. But the director asked  
20 me to move through some rulemaking that needed to go  
21 through each one of the advisory boards. So I've been  
22 working on that and be happy to chat with you later on in  
23 the call.

24 MS. VEHR: Thank you, Colin.

25 Matt.

1                   MR. VANWORMER: Yes. Good morning. I'm  
2 Matt VanWormer with the Wyoming Attorney General's  
3 Office. I represent the Land Quality, Abandoned Mine  
4 Lands, Industrial Siting and Solid and Hazardous Waste  
5 divisions. You'll notice I didn't mention Air. We do  
6 have a great Air Quality attorney at the AG's office,  
7 Callie Papoulas. I think she's on the meeting but just  
8 not on screen right now.

9                   I worked with Colin on the Chapter 3 rules of  
10 practice and procedure, so I'm on for that portion of the  
11 meeting, which we'll get to later. Thank you.

12                   MS. VEHR: Thank you, Matt. And then  
13 folks that are on the call, you may notice Randy. He's  
14 our court reporter that's transcribing this meeting.

15                   So those are the introductions. Does anybody  
16 have any questions or anything at this point?

17                   (No response.)

18                   MS. VEHR: We'll go to the next item.  
19 And, Keith, I'll need you to pull it up on the screen.  
20 And that's the -- let's see. I believe it's the Air  
21 Quality Division introduction. We thought before we go  
22 on to doing the elections, that we give you an overview  
23 of what Air Quality does. This is a pretty high-level  
24 overview. And as we bring matters before you, it will  
25 help -- this overview will help you put those matters

1 into context.

2           So, with that, if you can go to the next slide.  
3 Just going to give you -- highlight our organization and  
4 authority, go through our programs and highlight some of  
5 how we dovetail with the Attorney General's Office. Feel  
6 free, along the presentation, if you have questions, some  
7 people hold those until the end, and some people need to  
8 ask a question right as it goes along. I am happy to  
9 have this as a dialogue and take questions as we're  
10 moving through. So don't hesitate if there's something I  
11 cover that you want to ask a question. You might signal  
12 or something like that if I can't hear you.

13           Next slide. Just to let you know how DEQ --  
14 how the Air Quality Division fits within DEQ, of course  
15 we start off with the governor, and then we have the  
16 director of DEQ, Todd Parfitt. And there's -- deputy  
17 director is Luke Esch. And then we have the various  
18 programs within the Department, in the Air Quality  
19 Division, and then we receive advice from the Air Quality  
20 Advisory Board. We're headquartered in Cheyenne but have  
21 some district offices throughout the state.

22           Next slide. Specifically within the Air  
23 Quality Division, we're made up of five programs. You  
24 met Amber. Her team rules, the SIP and rulemaking. We  
25 have a new source review, or construction permitting

1 program for stationary sources; our Title V, also known  
2 as the operating permits program; compliance, which also  
3 includes enforcement and asbestos; and air quality  
4 resource management.

5 One of the key things is our mission statement.  
6 And this is the DEQ mission statement, is to protect,  
7 conserve and enhance the quality of Wyoming's environment  
8 for the benefit of current and future generations. And  
9 that pretty well sums it up there.

10 Next slide. Our Air Quality Division  
11 authority, the legal authority for us comes from both the  
12 Clean Air Act and the Wyoming Environmental Quality Act.  
13 Under the Clean Air Act, Congress said that states and  
14 local governments have primary responsibility for air  
15 pollution control. That concept you'll hear is primacy.  
16 And it's a very, very important concept. It allows the  
17 State of Wyoming to make decisions that are beneficial to  
18 the state of Wyoming. We're different from Florida, or  
19 go to the West Coast or wherever. And so this allows us  
20 to create programs and implement air quality in a manner  
21 that best meets Wyoming's need.

22 There are statutes that are federal statutes,  
23 Clean Air Act statutes. There are EPA regulations and  
24 guidance. And then there's state implementation plans.  
25 And those state implementation plans become federally





1 Go to the Air Quality Division tab. And then you'll see  
2 on the top left-hand side a bunch of categories and then  
3 specific resources. When you click on a category,  
4 specific resources relevant to that category pop up. But  
5 that's a great way of finding information. Bobbie also  
6 is a great resource, and Amber, because sometimes you  
7 don't know where to start on getting information, and we  
8 pride ourselves in trying to get everybody, including  
9 yourselves, a timely response of information. But this  
10 is a way, if you want to self-serve, to go out there.

11 Next slide. When we start talking about the  
12 different programs, our state implementation plan  
13 program, it's really important to have state  
14 implementation plans. That's what gives us primacy. If  
15 we don't have a state plan, then EPA is the one we have  
16 to follow, their rules and regulations. A plan is not  
17 just one document. It's made up of lots of bits and  
18 pieces and parts that have been adopted over the years.  
19 And so there's a collection of these documents. And  
20 because it's federal once it gets approved, EPA has a  
21 website that you can go to listed there at the bottom  
22 that has that whole collection.

23 Again, Amber is the best resource, and her  
24 team, for finding out and answering questions about state  
25 plans.

1 Amber, anything else on this particular --

2 MS. POTTS: (Shakes head.)

3 MS. VEHR: Next slide. Her section -- as  
4 new federal items come out, her section takes a look and  
5 develops plans that will allow Wyoming to maintain  
6 primacy. There's a plan we're working on now, for  
7 example, on regional haze. And, again, the words on the  
8 paper don't indicate the level of staff and resources  
9 that go into developing these plans.

10 We're on what's called Round 2 of regional  
11 haze. It started with an EPA rule in 1999. Before that,  
12 in the 1980s, there were some congressional statutes that  
13 were enacted. And it basically started in the 1990s with  
14 a certain level of requirements, with a goal towards  
15 2064. So, for anybody that needs a career path, there's  
16 a career path out to 2064. The requirements are stepwise  
17 in fashion, and these plans get developed periodically.

18 We're working on our second plan, so about  
19 every ten years. And literally, once one plan finishes,  
20 the work is already starting on the next plan. Very  
21 resource-intensive. Lots of technical work behind all of  
22 these.

23 Then there are certain items we have that are  
24 delegated to us by EPA. For those of you that have  
25 worked in industry, you might have heard of new source

1 performance standards. Those are technology-based  
2 standards. They apply to sources whether the State  
3 adopts them or not. But when the State adopts those and  
4 incorporates them into our rules, then we get to be the  
5 lead for implementation. That really helps Wyoming  
6 sources so that they can come to the Air Quality Division  
7 instead of having to go down the road to EPA Region 8 in  
8 Denver.

9 I think that's all I've got on there. Any  
10 questions?

11 (No response.)

12 MS. VEHR: The process -- next slide,  
13 there's rulemaking SIP process. So a lot of our rules  
14 that we do will eventually end in our state  
15 implementation plan. There are certain state  
16 implementation plan components that don't have to go  
17 through the rulemaking process. We still have public  
18 input when we take something that's just purely a state  
19 implementation plan. But it's a little bit different  
20 process. It doesn't involve decision-making by the Air  
21 Quality Advisory Board. But sometimes we try to  
22 coordinate Air Quality Advisory Board meetings with a  
23 state implementation plan public hearing so we can have a  
24 larger audience. And some of the board members have  
25 appreciated being able to participate that way.

1           But on the state rulemaking process, this is a  
2 flow chart we can refer to generally on kind of what that  
3 process looks like. You can see the gold stars. There's  
4 lots of opportunities for public input. That's where,  
5 when we start with the rulemaking, again, it may be that  
6 there's a federal requirement. We develop a framework.  
7 We take input on it. We come before the board, get  
8 advice, and then it moves on to the Environmental Quality  
9 Council.

10           Amber's team, again, this is -- has flow-  
11 charted it out nicely. There's a lot of behind-the-  
12 scenes work as we go through on rulemaking. Today, with  
13 Colin McKee, this is part of the process here. We're  
14 taking a rule through the process that's gone through  
15 other advisory boards.

16           Next slide continues that process and shows --  
17 once it kind of comes out and gets adopted at the EQC,  
18 then it gets distributed. If it's related to our state  
19 implementation plan, it will go down to EPA as part of  
20 our state implementation plan. So just a reference of  
21 kind of how it flows through.

22           Next thing we'll talk about is -- next slide is  
23 our new source review construction permitting program.  
24 And some people refer to it as stationary source  
25 construction permitting. There's a lot of different

1 words or phrases that describe the same thing. That was  
2 one of the things I learned in Air Quality. And some of  
3 the acronyms are used more than once and mean different  
4 things.

5           So, when you're learning about different  
6 concepts, don't worry if they meld together, mesh  
7 together, and you think it means one thing, and it turns  
8 out to mean something different. I went through that a  
9 number of years ago. I still go through it. We will do  
10 our best to explain. And if you have any questions at  
11 all or any comments, just raise your hand. Our goal is  
12 not to make this technically complicated or so confusing  
13 that individuals can't understand it. It's better if we  
14 can explain it as plainly and simply as possible. And  
15 that's where we've gotten great input from advisory board  
16 members and the public, is how to make what we do make  
17 sense.

18           So new source review permitting is technical in  
19 its nature. We have engineers and environmental  
20 scientists that work on permitting. Air pollution is a  
21 science-based field, and so the purpose of going through  
22 permitting is to ensure environmental protection while  
23 also allowing industry to move forward and have economic  
24 growth. It's a balancing on items.

25           Each state, under the state plan approach, gets

1 to do things differently. So we often hear from industry  
2 that come from other states. Oh, in South Dakota, they  
3 do it different. Or Texas, they do it different. Or  
4 Massachusetts, they do it different. And that's because  
5 each state designed their own program to fit their needs  
6 under this framework. And the framework on the federal  
7 level requires permitting of big, major sources.

8           On the state level, we've chosen in Wyoming to  
9 require permitting of all sources that emit pollutants.  
10 And that's Wyoming's new source review permitting  
11 program. So it requires new or modified sources to get  
12 permits prior to construction. We take a look and make  
13 sure that they're using state-of-the-art controls to  
14 control emissions.

15           And then we look and see what kind of impacts  
16 those sources -- different from a NEPA. This is just on  
17 pollution. We want to make sure that emissions that come  
18 out from that source won't prevent the attainment or  
19 maintenance of any ambient air standard. And there's  
20 some other requirements in our permitting regulations.  
21 But those are the high-level ones.

22           Next slide. When we look in terms of  
23 construction permitting, I mentioned that we do it for  
24 stationary sources. There are some stationary sources  
25 that are fixed location on a plot of land. There are

1 other sources that are considered stationary, but they  
2 move from location to location. You might think of an  
3 asphalt plant. A gravel crusher could move. Those kinds  
4 of things. But they're considered stationary because  
5 they have to be located at a fixed location in order to  
6 operate, what they refer to as portable.

7           What we don't have are mobile sources  
8 authority. Air Quality does not do anything with cars or  
9 trucks. That's regulated by EPA. So, when we look at  
10 construction, we're not looking at how to build a car or  
11 truck. We're looking at construction of fixed locations.  
12 And you've got to get a permit first.

13           And then for certain sources -- Wyoming has  
14 lots of oil and gas sources. And our legislature allowed  
15 those kind of sources to install equipment if they --  
16 before they get a permit if they follow our presumptive  
17 best available control technology, or PBACT, guidance.  
18 So there are some situations where the legislature has  
19 made exceptions. Under our rules and regs, we're allowed  
20 to move forward with those. And the PBACT guidance has  
21 allowed -- because of the nature of oil and gas and  
22 needing to do samples of different items in order to get  
23 a permit, they've allowed this to move forward if  
24 companies follow our PBACT guidance. So this is one of  
25 those balancing of environmental protection with economic

1 development.

2           Next slide. Again, a resource for -- our  
3 rules, some of them are fairly lengthy. But this is just  
4 a resource on where you'll find some of our rules for  
5 permitting. Chapter 6, Section 2 is basically our  
6 general. Anything that comes in through permitting kind  
7 of follows those rules. It also applies to minor  
8 sources. So, when we say "minor" and "major," there's  
9 different pollutant thresholds, and they might be  
10 different for the different air pollutants. And  
11 depending on what amount you anticipate emitting, that  
12 can put you in a category of whether you're a minor  
13 source or whether you're considered a major source.

14           Our Chapter 6, Section 4 are for those  
15 stationary sources that are considered major. They emit  
16 higher levels of pollutants. Their permitting  
17 requirements are greater, and the length of time to get a  
18 permit takes longer because there's more information that  
19 needs to get analyzed. And that's in Chapter 6,  
20 Section 4.

21           And then for air quality there's -- when I  
22 mentioned about ambient standards, there's certain levels  
23 of pollution in the air. And ambient air is the air  
24 outside of buildings that we all breathe. It's air  
25 accessible to the general public. And EPA has set levels



1 for different pollutants. And we have monitors in the  
2 state that measure those levels of pollutants. When it's  
3 at a level that's determined safe for the general public,  
4 that threshold, if we exceed that, then they call that  
5 area a nonattainment area. And there's certain  
6 regulatory requirements that apply. We have one  
7 nonattainment area that has been designated nonattainment  
8 in the state of Wyoming, and that's what we call the  
9 Upper Green River Basin, the UGRB, and it was designated  
10 as nonattainment for the 2008 ozone standard.

11 And there's a process that we have to go  
12 through to get that redesignated back into attainment.  
13 Until we go through that formal process, it's known and  
14 referred to as a nonattainment area. The good news is  
15 that particular area, the Upper Green River Basin, is  
16 meeting the 2008 ozone standard, so EPA recognizes that  
17 we have attained the standard. We just haven't gone  
18 through all the work that it takes to redesignate it.

19 So, if we had a source that wanted to -- a  
20 major source located in the Upper Green River Basin, we  
21 had to develop a chapter, get it into our state plan so  
22 that we could allow development. So that's what that one  
23 chapter is. And we have not had to utilize it since it's  
24 been developed. But that's kind of our permitting  
25 regulations for stationary sources.

1 Any questions on that?

2 (No response.)

3 MS. VEHR: It's pretty dense material, but  
4 use it as a resource. And then talking to our permitting  
5 program is probably the best way to move through it,  
6 because they can explain it much better than I can.

7 Next slide. The permitting process for  
8 stationary sources -- and these are general time frames.  
9 There's some statutory -- or, excuse me -- regulatory  
10 bumper rails on this. But generally, we talk about a  
11 120-day process. There's a public comment period of 30  
12 days. And that's -- we post something out once we've  
13 completed our analysis, get public comment and then  
14 analyze that and then issue permits. There are some that  
15 have taken longer, and there are some that take shorter.  
16 If you're interested in getting notices, you can  
17 self-serve, or you can sign up for e-notices.

18 We are going to be -- with COVID, we publish  
19 our notices in the newspaper. And then making sure that  
20 we get public comment, we have -- not everybody in the  
21 state has a computer. We work with our public libraries  
22 to make sure that we could get access, and then we can  
23 have people fax us comments, mail us comments. And we're  
24 working right now on setting up electronic commenting.  
25 So that, you'll see in the next few months.

1           We have our permits also posted on something  
2 called OpenAir. I forgot to include that link. But we  
3 referred to it in our public notices. And that allows  
4 the public to be able to access everything in a variety  
5 of media.

6           Oh, one of the things I wanted to talk about  
7 also on this slide is, when I mentioned that the  
8 permitting time frames can be longer or shorter, about  
9 five years ago every permit was submitted on paper.  
10 Bigger permits might have had some files that had to be  
11 submitted electronically. And we implemented an online  
12 permitting system that we refer to under the nomenclature  
13 IMPACT, inventory, monitoring, permitting and compliance  
14 tracking. And what we found is when companies submit  
15 their permits online, that shortens the time frame  
16 because we don't have to do the manual processing and  
17 data entry of all of that information. So that's --  
18 again, it's still achieving the environmental protections  
19 but helping economic development.

20           Any questions on NSR permitting?

21           Oh, got one more slide. Sorry.

22           Next slide. Just to give you an idea on this  
23 particular division on our workload, historically, we get  
24 between 1,300 and 1,500 applications. With COVID, some  
25 of the economic downturn in the mineral industry, we're

1 probably about at 800 permit applications this year.  
2 You'll see there's been some fluctuation on that. But we  
3 will be down this year compared to historic levels.

4 That gives some information about the kind of  
5 things that we do in the permitting. And then the staff  
6 that works in permitting, again, being engineers and  
7 environmental scientists, they participate with Amber  
8 when we're doing rule development. They take a look and  
9 review some federal rules or state rules as they go  
10 through the process. And I just mentioned a couple of  
11 them, new source performance standard and what is  
12 referred to as quad OA, because there's four zeros and an  
13 A. EPA started out with the letter A and B and worked to  
14 double As, double Bs and to triple As, triple Cs. I  
15 think there are six letters in a row now, six letters in  
16 a row, as they label their rules. So we shortened them  
17 up to quad OA.

18 ACE is the affordable clean energy. It was the  
19 replacement for what have been referred to as the clean  
20 power plan. So, because we need technical review on some  
21 of our rules and all of that, the staff in new source  
22 review permitting participate.

23 And then we have a lot of multidisciplinary  
24 teams. We're organized by programs which kind of silos  
25 us to expertise, and then we share that expertise as we

1 work through issues. Ozone is a very good example that's  
2 been in place. Again, since 2008, we've been working  
3 through that.

4 Collin, to let you know, the exceptional  
5 events, the smoke that you saw, those ambient monitors  
6 record the data. And it has a direct health impact at  
7 certain levels. And then EPA sets up regulations that  
8 say if you're over a certain threshold, is it caused by  
9 an anthropogenic source? Is it caused by industry, or is  
10 it a naturally occurring kind of event that is beyond our  
11 ability to prevent and control? A lot of the smoke  
12 impacts from wildfires are beyond our control when the  
13 fire is going on, and so -- but we record data above  
14 levels.

15 And so, this exceptional event process is a way  
16 we can say, hey, EPA, don't designate us as nonattainment  
17 and bring a whole host of regulations that only apply to  
18 industry into this situation. Recognize that these kind  
19 of events, while they do have health impacts, are  
20 exceptional.

21 And that's a very intense process governed by  
22 EPA regulations. It's very expensive. But, again, we  
23 have -- we bring forward compliance to look at the  
24 industry side, our monitoring folks and others.

25 We have about -- a program manager, a

1 supervisor. I mentioned one administrative support  
2 person. And we have eight technical staff that do all of  
3 that permitting and multidisciplinary work. You may have  
4 noticed from the supplemental budget request, we've gone  
5 down a position in this area. So, even though a number  
6 of applications have gone down, we've right-sized, but  
7 they are still an extremely busy group of folks.

8 That's the last slide on NSR permitting. Any  
9 questions on that?

10 (No response.)

11 MS. VEHR: I think I'm doing an  
12 information overload, so I'm going to try and keep it  
13 high level going forward.

14 Title V operating -- oh, I should say, on NSR  
15 permitting, Andrew Keyfauver is our program manager, and  
16 Nick Meeker is the supervisor for that program. And,  
17 again, you'll get to meet these individuals and their  
18 staff as we bring things forward to the board.

19 The next slide starts our Title V operating  
20 permit program. So we have those big, major sources or  
21 certain sources designated by EPA, like certain  
22 landfills. And EPA says these ones have to get a Title V  
23 operating permit program. It's a newer program, 1990.  
24 And it's got three purposes. To consolidate and  
25 streamline requirements. There's requirements that come

1 from rules. You might have seen on the previous slide  
2 like the quad OA. That's an example of a rule. There's  
3 requirements that come from permits, our new source  
4 review permitting program. And there may be other what  
5 they term applicable requirements.

6           It takes all of those. Some of them conflict  
7 with each other or overlap. And it streamlines it into  
8 one document so that it helps sources comply. It helps  
9 the public understand what are the requirements for a  
10 particular source. And it helps the Division with  
11 compliance assistance as well as assuring the facility  
12 complies.

13           The other purpose is compliance assurance that  
14 I just mentioned and then emission inventory. These big  
15 sources have to report every year how much pollution they  
16 emit. And then the Division charges a fee by the ton for  
17 that amount of pollution. So it's kind of a pay-as-you-  
18 pollute program that EPA started. It's an absolute  
19 requirement under the Clean Air Act to have these. And  
20 the requirements and fees, all of that, it has to be a  
21 self-funding program.

22           So it's very important for the Division. We  
23 look and make sure that -- our funding stream comes from  
24 our variety of sources. One of them is from the  
25 operating permit program emissions.

1           Over the years, I believe, when this program  
2 started in Wyoming, we had 145 or so Title V sources. I  
3 think we're roughly now at about 114. We have sources  
4 that have decreased emissions, and so they've been able  
5 to get out from this program because it is costly to be  
6 under an operating permit. And then we've had some  
7 facilities that have gotten out because they've shut  
8 down. We have new facilities that come in as they get  
9 constructed.

10           Next slide. This just gives an idea of some of  
11 the types of sources that are currently in the program.  
12 Compressor stations, for example, there have been an  
13 increase as we had oil and gas development in the last  
14 few years. But they're what you'd consider the larger  
15 sources of emissions EPA has designated, specifically  
16 items like the landfills.

17           Next slide. The permit process is a little bit  
18 different. There are different rules that apply to the  
19 operating permit program under Title V. The time frame  
20 is different as well. This just gives you an idea that  
21 these are permits that we issue for five years. It  
22 takes, from the start of an application to the end, about  
23 eighteen months. So it's on -- the new source review is  
24 about 120 days. This is on a completely different time  
25 scale. Given the requirements, there's several months



1 that are involved with public comment, EPA review,  
2 notices to other states, et cetera.

3           And then when the permit gets issued, even  
4 though the State is issuing the permit, there is a  
5 process where citizens or others can file a petition or  
6 the company petition EPA to review what got issued. And  
7 so it's a very time-intensive process.

8           Several years ago in front of the Air Quality  
9 Advisory Board meeting in Laramie -- and I think John was  
10 on the board at the time -- we had a permit backlog that  
11 had grown over the years. Again, I said it was an  
12 eighteen-month process. And we had permits that were  
13 taking much, much longer than eighteen months to go  
14 through the process. And so Melissa Meares, who is now  
15 the program manager, had put together something she  
16 called the permit basis state. That is a strategy to  
17 reduce our backlog.

18           And the staff in the operating permit program  
19 have done an amazing job of basically reducing our  
20 backlog by half in about two years or thereabouts. So we  
21 still have some permits in the backlog, but we're working  
22 through those. And as sources now apply for permits,  
23 they're being issued within that time frame. So, again,  
24 great service to the State of Wyoming because this helps  
25 sources comply and helps the Division assure compliance

1 and the public to be able to know what the requirements  
2 are.

3 Any questions on the Title V operating permit  
4 program?

5 (No response.)

6 MS. VEHR: Go next to compliance. And  
7 this is a color-coded map. Like I said, we have an  
8 office here in Cheyenne for lots of the policy pieces,  
9 but we have on the compliance side folks located  
10 throughout the state in district offices. Collin  
11 mentioned he worked with folks in District 2, or Casper  
12 office. And I think we've got a couple of those staff on  
13 today's call, Brent and Bryce.

14 And we have district engineers. Their phone  
15 numbers are color-coded to the map here. So we have five  
16 district offices. And that's the first contact and first  
17 line that most companies have. They just do an amazing  
18 job, all of our district offices, with working with the  
19 public. They handle complaints. I see smoke. I smell  
20 this. I saw this. Wanted to let you know this. All of  
21 those kind of things.

22 And staff will go out and take a look, help  
23 educate the public on rules and regulations and  
24 requirements. We'll have new industry come into the  
25 state, and they're not sure what to do. We have found

1 that if we can make that link with a company to their  
2 district staff, they have better compliance. They're  
3 more satisfied with what's going on. And we have a level  
4 of comfort in knowing what those facilities are doing  
5 besides just looking and reviewing the reports and  
6 results of different inspections.

7           So the district compliance staff do an amazing  
8 job in our first line. Some of you may -- Robert, you  
9 mentioned being on the county commissioners. We have  
10 staff that have come out and talked about dust control on  
11 roads, funds that might be available, what to do with  
12 smoke, all sorts of things. They cover the gamut of  
13 everything and just do a fantastic job on a wide variety  
14 with respect to both major sources and minor sources.

15           So, getting to know your district engineer, if  
16 you wanted a homework assignment, there's a phone list  
17 right there, and just calling them up and introducing  
18 yourself. Don't be shy. A great wealth of information  
19 for you. And they can tell you specifically what's going  
20 on in their neck of the woods.

21           We have 26 staff in this. I didn't put the  
22 phone numbers on. They also -- it's part of compliance.  
23 We have an enforcement program and an asbestos program.  
24 And I didn't put their phone numbers, but we can  
25 certainly get that to you.

1           Next slide gives another list of items that  
2 they do. And I think I already covered this.

3           On the enforcement side, next slide, we look  
4 at -- again, we do inspections. We do receive complaints  
5 that might lead to an investigation. We take a look at  
6 reports, and we review information when we get permits.  
7 And all of that kind of funnels up through our -- mainly  
8 to enforcement. And then we -- it has different levels.  
9 We're not known for being someone that just comes in and  
10 takes the hammer and smash. We have found if we can  
11 start with compliance assistance and having folks be  
12 educated about what the requirements are, then people  
13 want to comply. Nobody likes to be at the receiving end  
14 of an action.

15           A lot of times companies are embarrassed. It  
16 goes against their particular requirements for their  
17 company. And some things are inadvertent. And we found  
18 a lot of times there's a whole host of different reasons  
19 that can lead to noncompliance and items that may result  
20 in enforcement action.

21           Our goal written down there is straight out of  
22 the statute. It's to eliminate the cause, the source of  
23 the noncompliance and get companies back into compliance  
24 so that they can keep operating. And then, again, that  
25 helps that balance of environmental protection. Then we

1 use a variety of tools. Enforcement is a last resort.

2 We do have available on -- it mentions reports.  
3 We do have available through our public-facing website  
4 OpenAir. The public can access the compliance reports  
5 that companies submit. So it's all -- it's all public  
6 information out there, quite a bit of it.

7 Next slide. Another tool that we use and the  
8 legislature has given us is environmental audits. This  
9 tool was not really used a whole lot until about 2018.  
10 It had been on the books for over ten years, but it  
11 wasn't really used. And that's because there's a -- EPA  
12 has oversight of the clean air. Remember, it's a  
13 federal-state partnership. We have primacy, but EPA can  
14 also bring an independent action.

15 And companies were a little bit leery of  
16 bringing forward information and saying, "Hey, we've got  
17 this situation, and how do we address it?" The  
18 environmental audit is a mechanism that the legislature  
19 has enacted that allows a company to say, "Hey, we're  
20 going to take a look at our own business." And it can be  
21 multimedia. It can involve air, water, land, or it can  
22 be single media, air. Our experience has been in the air  
23 arena.

24 And a company can take a look and say, "Hey,  
25 we're not sure if our facilities have been permitted or

1 we're following" -- well, whatever it is they want to do  
2 in their environmental audit. How companies have bought  
3 and sold property has evolved over the years in terms of  
4 the due diligence. We learned that for some kinds of  
5 facilities, there's kind of an option market out there,  
6 and that doesn't allow for a whole lot of due diligence  
7 just because of the pace that those facilities were  
8 changing hands.

9           There's also companies that go through  
10 bankruptcy or other mechanisms. So business has changed  
11 over the years. The environmental audit allows someone  
12 to purchase something if it's out of compliance to get it  
13 back into compliance, or if you're an existing facility,  
14 to take a look at what's going on and improve your  
15 compliance. Some companies have found that they're doing  
16 things right, which is another great thing. It waives  
17 some penalties and keeps information, as the word says,  
18 privileged. But it allows us to have reduced air  
19 emissions in the state. And that's been a good thing.  
20 We report on this every two years to the Joint Minerals  
21 Committee.

22           So this is another tool that allows companies  
23 to come back in compliance. It saves the Air Quality  
24 Division from devoting resources. And it all came about  
25 in terms of active use back in 2018 when EPA established

1 a memorandum of understanding with the Division. And  
2 that's been modeled in other states throughout the United  
3 States. So it's on our website, our DEQ website.

4 Any questions on compliance or enforcement?

5 (No response.)

6 MS. VEHR: Okay. We'll turn to the next  
7 program, which is our next slide, of air quality resource  
8 management. And this program, again, handles emissions  
9 inventory, the ambient monitoring and planning. And it's  
10 a rather large program. I think it was 20 staff we have  
11 in that program right now.

12 Next slide. On emissions inventory, like I  
13 said, the major sources have to report annually their  
14 emissions that we then assess a fee. But other sources  
15 also have to submit different inventory reports. We  
16 have -- in the Upper Green River Basin, that  
17 nonattainment area, we have a winter ozone inventory that  
18 we do for those sources every year. And then those minor  
19 sources in the rest of the state have a three-year.  
20 Every three years, we do a triennial inventory. 2020 is  
21 a triennial year. So we will get a lot of reports on  
22 inventories from sources.

23 The inventory in addition for the major sources  
24 of looking at fees, it also forms the basis for other  
25 planning and requirements. Amber, on the team rules,

1 like I mentioned, of regional haze, we have to take a  
2 look at all of our different inventories. That  
3 information feeds into modeling that then comes out with  
4 nationwide or state modeling results that kind of give a  
5 snapshot of what these models say is air quality looking  
6 like across the nation or the state.

7 That information starts with the inventory. So  
8 it's only as good as what information flows up. We fact-  
9 checked different items with ambient monitors. But those  
10 tools are used. They're the best way of predicting  
11 forward what strategies that we implement, what the  
12 effect of those strategies are. So it's a foundational  
13 concept for air quality. It is resource-intensive.

14 We have a staff member, Ben Way, who's in  
15 charge of the emission inventory program -- emission  
16 inventory section. And he's working with EPA federal and  
17 some other states to see about streamlining. Because  
18 sources have to report some things directly to EPA, some  
19 to the State, and sometimes it's both places. And we're  
20 trying to work so people can input information just once.

21 The smoke management program is also under the  
22 emissions inventory. So those of you that live in  
23 communities that come forward and they do an annual burn  
24 of different material, that smoke management program, our  
25 compliance staff give burn permits. Our smoke management



1 program works with some of the larger federal partners,  
2 you know, Forest Service and others that might have  
3 burning, so that we reduce the health impacts to  
4 individuals.

5 In the emissions inventory section, one of the  
6 new things that we're doing is the -- this year, an  
7 improvement in terms of production sites. So anybody in  
8 oil and gas, this is a new one.

9 Okay. Next slide is monitoring. Our  
10 monitoring program has ambient air monitors. So those  
11 standards -- those federal standards that EPA sets, we  
12 have monitors throughout the state. And I'll show you a  
13 slide in a second that identifies those. EPA has  
14 different classifications of the types of monitors, and  
15 those are listed there.

16 We do have some mobile monitors in the state  
17 that we can deploy around the state. So, when the  
18 smoke -- fires were going on, we deployed some of those  
19 monitors. And we have some that are multi-pollutant. We  
20 just located one up -- I believe it was in Riverton.  
21 That area hadn't had a monitor. I think from Air  
22 Quality, we hadn't done a monitor up there.

23 So very good information. It is expensive, but  
24 we have from the public lots of interest because it gives  
25 them the information that they need to make decisions

1 about what they want to do, when they want to do it or  
2 how they want to do it. And that's all from the ambient  
3 monitoring that's done. We do have some sources,  
4 industrial sources, those big sources that we have  
5 requirements that they monitor pollution that's leaving  
6 their facilities.

7           Continuous emissions monitoring, those are  
8 systems that facilities deploy. They might have a probe  
9 in a stack, and they monitor emissions on a continual  
10 basis. Mark Gagen does a lot of that work on continuous  
11 emissions monitoring.

12           Next slide. This I just did a screenshot this  
13 morning on. This is our WyVisNet system. And you can  
14 see that air quality numbers on this particular one. I  
15 believe it's the ozone, eight-hour ozone. It has a  
16 number inside with a green box. That's the actual  
17 monitored value for that standard. To the right, there's  
18 an air quality index health effects level. So you can  
19 just kind of take a look. Green is good. That means  
20 everything is below the ambient standard.

21           But we have a lot of information here on our  
22 WyVisNet site. You will see there is a disclaimer there  
23 in the red box, or a notice. We're switching our site.  
24 It's currently on a platform that was developed -- I  
25 think it was about 20 years ago. And it doesn't have all

1 the functionality we need, and it's very costly to  
2 maintain. So we're going to an off-the-shelf  
3 customizable solution. It will still be @WyVisNet.com,  
4 but it's referred to as Agile Air. So this is going to  
5 change over time. And that might be a future meeting.  
6 We can go through and show you some of the ambient  
7 monitoring that we do.

8           There's health effects and links at this. So  
9 very useful information. We get a lot of interest from  
10 the public. It's kind of like the WYDOT cameras that are  
11 out there. This is a place they go to for air quality.  
12 And if you actually click on some of these, you can see  
13 what it looks like in Pinedale or Casper or wherever we  
14 have cameras at some of these sites. So it augments your  
15 WYDOT view of the state.

16           Next slide is our planning section. This is  
17 different than the team rules type of planning. This we  
18 do -- it has NEPA, so the National Environmental Policy  
19 Act. So, if there is something going through that's a  
20 NEPA project, this planning section takes a look. And if  
21 State of Wyoming is a cooperator agency, then we  
22 participate that way.

23           And it does our inventory monitoring,  
24 permitting and compliance tracking. That's that database  
25 that allows us to be able to do our work electronically.

1 And then we have staff that are meteorologists and do  
2 forecasting. If you are in the Upper Green River Basin  
3 and it's wintertime, sometimes we issue what's called an  
4 ozone alert. And that's to companies to say, "Hey, do  
5 what you can to reduce your emissions because we're  
6 forecasting that the conditions are suitable for the  
7 formation of ozone in the wintertime."

8           When we did the smoke this summer with all of  
9 that, that was our meteorologists on staff in this  
10 planning section. And they worked with the National  
11 Weather Service and the Department of Health to do the  
12 smoke forecasting. So a variety of things in this  
13 planning section.

14           Next slide. The Attorney General's Office.  
15 This isn't part of the Division. It's a separate  
16 division. But as Matt mentioned, Callie, that's on the  
17 call, she's our designated air quality attorney from the  
18 AG's Office that does air quality work, provides general  
19 legal advice, represents the State of Wyoming when we're  
20 involved in litigation and then is our lead attorney when  
21 we have enforcement, whether it's brought by the State or  
22 we're participating with something from EPA.

23           I've got to say, Matt, those are wonderful  
24 divisions that you represent, but the Air Quality  
25 Division is the funnest and best division to represent.

1 We find it fascinating. So there's a lot of work. And  
2 Callie is extremely busy. But we have great advice from  
3 the Attorney General's Office on a variety of matters.

4 And that's all I had. My apologies for going a  
5 little bit over time, but wanted to give you an overview  
6 of the work that we do. You will learn about this as we  
7 roll items and bring them before you. Just wanted you to  
8 have this as a reference so that if questions come up,  
9 you at least have some contact names or items that you  
10 can point to.

11 So that's the overview. Any questions?

12 (No response.)

13 MS. VEHR: Great. Okay.

14 MR. GUILLE: Hey, Nancy, this is Keith.  
15 Do you want me to move Callie over to the side so she  
16 can -- she's on the public side.

17 MS. VEHR: Oh, that would be great, yeah.  
18 She can do that. I didn't know that's something --

19 MR. GUILLE: There was something I  
20 probably didn't do correctly, so I'll move her over here.

21 MS. VEHR: And she might not be able to be  
22 video'd in. I don't know. But she can at least hear our  
23 voice.

24 MR. GUILLE: She can. She does have a  
25 video camera.

1           Additionally, Callie, you are on mute, but you  
2 can unmute yourself. And I do apologize for that.

3           MS. PAPOULAS: Hi, Keith. This is Callie.  
4 I appreciate that. I'm going to keep my camera off. I'm  
5 currently working from home, so I don't know if everyone  
6 wants to see that. But I appreciate being moved over to  
7 the group. Thank you.

8           MR. GULLLE: Certainly.

9           MS. VEHR: Callie, do you want to give a  
10 brief introduction of yourself?

11          MS. PAPOULAS: Sure, Nancy.

12           Hi, everyone. My name is Callie Papoulas. I  
13 currently represent the Air Quality Division of the State  
14 of Wyoming. I started at the AG's Office last August  
15 after graduating from the University of Wyoming law  
16 school. I originally started in Solid and Hazardous  
17 Waste, representing Solid and Hazardous Waste. And I  
18 moved over to Air Quality this summer. And it's been a  
19 very exciting and challenging move. But I love working  
20 with Nancy and the whole Air Quality group. And it's  
21 really nice to meet you all today. So thank you.

22          MS. VEHR: Thanks, Callie.

23           Okay. I think one thing we didn't talk about  
24 was if anybody needs a break. So, usually when we have  
25 board meetings, someone will say, "Hey, I need a break."

1 So, on the virtual meeting, if we need a break, we can  
2 make those arrangements as well.

3 But if there's no questions, we'll move on to  
4 the next item on the agenda, which is election of  
5 chairman and vice chairman. And once you all elect your  
6 chairman and vice chairman, you won't hear as much from  
7 me, which is probably a welcome relief for everybody. My  
8 dad was a professor of civil engineering. I went to a  
9 class one time, and I fell asleep in his class because he  
10 droned on in his monotone voice. I've inherited that.  
11 So I figure, heck, if someone needed a rest, this helps  
12 them relax.

13 Anyways, so, for election of chairman -- I  
14 haven't gone through an almost completely new board  
15 before, so this is a learning process for me as well.  
16 But what I would suggest is that for election of  
17 chairman, if there's anybody that's interested in being  
18 chairman, to put your name forward. And if there's more  
19 than one of you, if you want to give more of a background  
20 and why you want to be chairman, that's great, or if you  
21 want to do that as you put your name forward. And then  
22 do the same thing for vice chairman.

23 My suggestion would be we do the chairman and  
24 then do the -- get those names and then do the vice  
25 chairman and get those names. And then you can move for

1 a vote on those. If someone else has a different  
2 suggestion, happy to hear that.

3 Okay. Well, we'll go, then, and I'll ask the  
4 board members, if there is anyone that would be  
5 interested in serving the role as chairman of the board,  
6 that that particular role is someone that leads the  
7 meeting. So, when we do the roll call and call to order  
8 and move items through the agenda, generally, that  
9 individual moves those items through and then gets input  
10 from the other board members, much as you would on any  
11 other kind of board, before making motions and the like,  
12 works with Amber in terms of coordinating agenda or  
13 bringing items, kind of that single point of contact that  
14 helps with communication and alerts us to items that we  
15 might need to consider in future meetings.

16 The vice chairman role, generally our  
17 experience in the past has been that the vice chairman  
18 serves as chairman when the chairman isn't there. But  
19 other than that, there hasn't been any kind of formal  
20 role.

21 And then the remainder of the board, again,  
22 when there's no vice chairman or chairman, there's still  
23 the possibility of having a quorum, and someone will say,  
24 "Well, I'll do it," is kind of the rest of the board  
25 members. But everybody's voice, our past experience has



1 been, receives equal attention and import at the  
2 meetings. It's been a very collegial teamwork  
3 atmosphere. So don't be frightened by saying, hey, being  
4 chairman or vice chairman, that you're taking on a  
5 horrendous workload or have to have certain expertise.

6 So, with that, I'll open it up if anybody is  
7 interested as serving as chairman. Don't be shy.

8 MR. FARE: Nancy, it's Chris Fare. I'd be  
9 happy to nominate myself for chairman, my lone deficiency  
10 being I am not fully educated in the Robert's Rules of  
11 Order. However, I'm well versed in the workings of the  
12 Agency.

13 MS. VEHR: Great. Thank you, Chris. Is  
14 there any other nominations?

15 MR. SHORT: I would second that motion  
16 from Mr. Fare.

17 MS. VEHR: Any other nominations?

18 (No response.)

19 MS. VEHR: Okay. We'll close the  
20 nominations for chairman. Is there anybody that's  
21 interested in being nominated or nominating themselves for  
22 vice chairman?

23 MR. LOCKWOOD: This is Milford Lockwood.  
24 I would like to nominate Robert Short for vice chairman.

25 MR. SHORT: I was going to nominate

1 Milford, given his experience in the Upper Green River  
2 Basin, all of the ozone experience he has, obviously. It  
3 would make him a beautiful candidate for this. But I  
4 appreciate that, Milford.

5 MR. LOCKWOOD: No problem.

6 MS. POTTS: I thought you all were going  
7 to nominate John Heyneman.

8 MR. SHORT: Usually those who are absent  
9 are volunteered.

10 MS. VEHR: So, Robert, do you accept that  
11 nomination as vice chairman?

12 MR. SHORT: I will humbly back Mr. Fare's  
13 position as chairman if it's the will of the board, yes,  
14 ma'am.

15 MS. VEHR: Are there any other nominations  
16 for vice chairman?

17 (No response.)

18 MS. VEHR: Hearing none, we'll close the  
19 nominations for vice chairman. And is there any member  
20 of the board that would like to make a motion to move the  
21 nominations forward of Chris Fare as chairman and Robert  
22 Short as vice chairman?

23 MR. LOCKWOOD: I so move.

24 MR. BALDACCI: Second.

25 MS. VEHR: Second? Is there a second?

1 MR. BALDACCI: Yeah. I second.

2 MS. VEHR: Oh, thanks, Collin.

3 Okay. The motion has been moved and seconded.

4 Is there any discussion?

5 (No response.)

6 MS. VEHR: We're waiting for a vote and

7 can do a -- since everybody is on the screen, I guess,

8 let's do a roll call vote so we have it for the record.

9 And we'll start, Collin, with you.

10 MR. BALDACCI: Aye.

11 MS. VEHR: Milford.

12 MR. LOCKWOOD: Aye.

13 MS. VEHR: And Robert?

14 MR. SHORT: Aye.

15 MS. VEHR: Chris. Couldn't hear you,

16 Chris.

17 MR. FARE: Aye.

18 MS. VEHR: Okay. Thank you.

19 MR. FARE: I muted myself, but I vote aye.

20 MS. VEHR: Thanks.

21 So, with that, we've got our new board. Chris,

22 welcome to your role as chairman, and Robert, welcome to

23 your role as vice chairman. And no worries about

24 Robert's Rules of Orders. We'll work through things as

25 we move items through. And we can help sometimes draft

1 proposed language for motions. In fact, I believe that  
2 we've got -- when we get to the rules portion, that  
3 particular piece will require a motion to be brought  
4 forward. And as you heard me move through it, it wasn't  
5 the smoothest, but it got the job done. So don't worry  
6 about Roberts Rules of Orders. We'll work through  
7 things.

8           So, with that, we'll go ahead and turn it over  
9 to you, Chris and Robert, to run the remainder of the  
10 meeting, which there's an agenda. The next item on the  
11 agenda is the approval of meeting minutes for April 15,  
12 2019.

13           And, Amber, I believe you sent those out to the  
14 board.

15           MS. POTTS: Yes. They were in the e-mail.  
16 And I'm sure they all know exactly what went on and how  
17 it all laid out. So they have a lot of experience on  
18 that rule about eight months ago or so.

19           MS. VEHR: Yeah. So we'll just have  
20 formal adoption of the meeting minutes so that we can  
21 recognize that they were adopted by the board. In future  
22 meetings, you'll be able to be familiar with them.

23           MR. FARE: Okay. So has everyone received  
24 and reviewed the meeting minutes from the April --  
25 April --

1 MS. POTTS: April 15th.

2 MR. FARE: -- 2019. Need a motion to  
3 approve the minutes as reviewed.

4 MR. LOCKWOOD: I move that we approve the  
5 minutes as reviewed.

6 MR. SHORT: Second.

7 MR. FARE: If everyone is in favor, we'll  
8 just vote aye -- or, vote and move forward.

9 Mr. Short.

10 MR. SHORT: Aye.

11 MR. FARE: Mr. Lockwood.

12 MR. LOCKWOOD: Aye.

13 MR. FARE: Mr. Baldacci.

14 MR. BALDACCI: Aye.

15 MR. FARE: I vote aye as well. So the  
16 meeting minutes from April 15th, 2019, are approved.

17 Following the agenda as received, move down to  
18 new business, rulemaking. And I'll turn it over to  
19 Mr. McKee.

20 MR. McKEE: Okay. Thank you. You're  
21 doing a stellar job as chairman.

22 MR. FARE: Thank you.

23 MR. McKEE: Mr. Chairman, members, thank  
24 you.

25 So I will go off of the House Enrolled Act 33

1 that was done and then the strike-and-underline changes  
2 to the rules. And you'll forgive me. I can tell I had  
3 too much coffee this morning. I can already feel some  
4 jitters in my fingers. So we'll get through this. But I  
5 should have moderated a little bit more. If there are  
6 any questions as I'm going through this, please let me  
7 know, and we can chat about that more.

8           So the reason we're before you today with this  
9 rule package is, in 2018, the legislature required the  
10 Department of Environmental Quality and the Environmental  
11 Quality Council to do a review of their processes and  
12 functions. I think a primary reason for the legislature  
13 requesting that is, at the time, the Environmental  
14 Quality Council was administratively housed under DEQ.  
15 And since its independent review, or for DEQ, there was  
16 just a perception that there -- well, for perception  
17 purposes, it would be better if those two -- if the two  
18 agencies were not housed under the same roof. So that  
19 really prompted the discussion.

20           During 2018, I believe there were two members  
21 from DEQ and two members from EQC that got together and  
22 just did a full review of how all the things function.  
23 And in November of 2018, they submitted a report to the  
24 minerals committee at the state legislature. And that  
25 report had an overview of the current function of the

1 EQC, how the Department and the Council interact with  
2 each other, and it made a number of recommendations to  
3 the legislature for things to change to make things work  
4 more effectively.

5 Those changes were drafted in two different  
6 bills that were presented and discussed and ultimately  
7 passed during the 2019 legislative session. One of the  
8 bills was House Bill 111, which provided some additional  
9 clarification to voting of the Environmental Quality  
10 Council. The bill that I had sent to you -- or, that  
11 Amber had sent to you earlier that we're discussing today  
12 is that House Enrolled Act 33. And I'll go through that  
13 bill, you know, a few of the changes that the legislature  
14 made. I'll go through that at a high level. And then  
15 towards the end of the bill is the purpose that we're  
16 here today. And we'll discuss a little bit more length.

17 So does everyone have that bill in front of  
18 them?

19 So, on page 1, Section 9-2-1003, that new  
20 language in there reflects the move from -- the  
21 Environmental Quality Council moving from DEQ to another  
22 state agency, the Department of Administration and  
23 Information. A and I is kind of a catchall division.  
24 It's kind of our general services division for the state.  
25 And they house a number of other boards and commissions

1 that don't have a real formal house. So A and I now  
2 oversees the administrative functions, the accounting,  
3 time sheets, travel, things like that, for Environmental  
4 Quality Council.

5 So, moving -- we'll skip down to page 2. So  
6 the second paragraph in there, another change that the  
7 legislature made was to stipulate that the director must  
8 consult with advisory boards when going through the  
9 rulemaking process, which that is not necessarily a new  
10 change. But we'll get to that further on down.

11 Section D on page 2, this is -- these are some  
12 changes the legislature made to specify that  
13 Environmental Quality Council can employ an executive  
14 officer and other staff. It detailed some of the duties  
15 of the staff. And then going down on to page 3, it  
16 discusses a little bit more about Environmental Quality  
17 Council transitioning from DEQ over to the Department of  
18 Administration and Information.

19 So there are a number of changes that the  
20 legislature made. And, again, it was really just to kind  
21 of improve the process of, you know, function of EQC and  
22 its interaction with DEQ.

23 So the purpose we're here for today and that's  
24 reflected in the proposed rules changes we have before  
25 you is at the bottom of page 3. It's 35-11-114,



1 Part (b). So the language that was in statute prior to  
2 2019, essentially, it required divisions to take proposed  
3 rules, regulations and other work to an advisory board,  
4 and it had to receive an affirmative recommendation from  
5 an advisory board to proceed to the Environmental Quality  
6 Council.

7           During the course of the review in 2018, both  
8 DEQ and EQC had done a review of how other states  
9 function as far as primarily for promulgating rules. And  
10 they found that Wyoming was fairly unique in the way it  
11 was set up with having advisory boards that divisions had  
12 to go through that ultimately led to an Environmental  
13 Quality Council. Oklahoma was the only other state that  
14 had that kind of system. The majority of the other  
15 states only have one primary board. And so they either  
16 have one board that oversees the entire department for  
17 approval of rules or there's one board that oversees each  
18 division for approval of rules, and that's it. So many  
19 other states don't have this kind of two-step process.

20           The legislature obviously finds that the  
21 process is very beneficial. Having the advisory  
22 boards -- and Nancy covered this really well at the start  
23 of her discussion. But having the advisory boards allows  
24 the divisions to kind of bounce their ideas and give more  
25 clarification on what's more appropriate or good ways to

1 move forward with rules. And to have the diverse  
2 perspectives from the members on the board is something  
3 that is really needed by the Division and is beneficial.

4           The reason they made this change is there  
5 were -- I think very few. But there are some instances  
6 in the past where an advisory board didn't agree with  
7 legislation that the legislature had passed, and so there  
8 was kind of a requirement that an advisory board approve  
9 some changes to rules that the Division had to make  
10 because of a change in statute. And because there was  
11 some difficulty with that in the past, the legislature  
12 changed the language from the Division needing a positive  
13 recommendation to move forward to the Environmental  
14 Quality Council to requiring that the administrator  
15 consult with and receive the advice of the advisory  
16 council.

17           So I think that was the intent behind it.  
18 We've brought -- so, since this change in statute affects  
19 all the advisory boards across DEQ, we've already brought  
20 this to the other two advisory boards, the Water and  
21 Waste Advisory Board and the Land Quality Advisory Board.  
22 I think it was very clear in the discussion with both of  
23 them -- or, with both of those boards that the divisions  
24 don't see this as necessarily changing the function or  
25 the interaction with advisory boards.



1 MR. FARE: Go ahead.

2 MR. McKEE: Thank you.

3 And so now we can go to the Chapter 3. And I'm  
4 going off the page that has the underlined new language  
5 and the stricken old language, so if everyone gets that.  
6 And so, to implement the changes in statute through the  
7 rules, it didn't take a whole lot of work. So it's  
8 not -- there's not a whole lot to go over here.

9 So, if we go to Section 4 on page 3.3 and then  
10 subsection (b), so, again, in here we just -- we tried to  
11 make these as simple as possible and just really changing  
12 language. So you can see we struck language that  
13 required that the Division receive securing a  
14 recommendation to adopt rules. So we took out the  
15 recommendation language and pretty much simply put the  
16 language that the legislature put in in saying  
17 "consulting with and receiving the advice of the affected  
18 advisory board."

19 And I'm sorry. So Section -- Section 4 deals  
20 with, again, the interaction between the Division and an  
21 advisory board and moving rules through the process. So,  
22 again, we tried to make it simple to what the legislature  
23 had intended.

24 And then the portions under Section (b), the  
25 (i), (ii), (iii), those were, again, just to kind of make

1 that portion read a little better. Roman Numeral Number  
2 IV under there, we added that new language, so that was a  
3 result of our meeting with the Water and Waste Advisory  
4 Board. So the three Romanettes before were already in  
5 the rules. And the Water and Waste Advisory Board found  
6 that those three Roman numerals provided some direction  
7 to an advisory board on when a division brings proposed  
8 rules to an advisory board, what actions can an advisory  
9 board take?

10 So, I mean, that's essentially -- you can  
11 either say things look good or you can say, "Division, we  
12 think you probably need to take this back and think it  
13 over a little bit more or go back out for public comment  
14 because you missed something." So the first three  
15 Romanettes provided some structure to the advisory boards  
16 on how to -- what action to take or what to recommend or  
17 whatever is going forward.

18 We added that fourth Romanette. There just  
19 seemed to be -- we didn't want the advisory boards to  
20 feel as if they were confined to only being able to take  
21 three actions after talking to a division. So we just  
22 kind of put a catchall sentence in there that said if  
23 there's something else an advisory board comes up with  
24 through a discussion, then it's their prerogative to talk  
25 with the Division about that and go along those lines.

1           So that's the part for interaction with the  
2 Division and the board. The only other change we made is  
3 in Section 5. And so this is moving the rules after  
4 receiving advice and consultation from the board. This  
5 is the next steps in the process of getting it to the  
6 Environmental Quality Council.

7           And so, in Section A, Romanette (v), at the top  
8 of page 4, again, we just -- we changed the language in  
9 there from inferring that the director needs to receive a  
10 positive recommendation in order to move rules through to  
11 simply saying that the director acknowledges that  
12 consultation with the board had occurred and that they  
13 will -- the director will put kind of a recap of what the  
14 discussion was. So, again, kind of hopefully targeted  
15 changes to the rules here.

16           If there are questions on any of this, I'm  
17 happy to go through it. As Mr. VanWormer said, he had --  
18 he sat in on the first -- the meetings with the other  
19 advisory boards. And then if you have any questions,  
20 Amber is obviously your point of contact with the  
21 advisory board. So she has much greater understanding of  
22 kind of how the interaction has worked in the past and  
23 expectations for in the future. But that's what we're  
24 here to discuss today.

25           MR. FARE: Thank you. So, Colin, mine is

1 a question, and it falls in line with reviewing the notes  
2 from the previous minutes. We don't need to take a vote  
3 on this. We just look to move this forward. Is that --  
4 or just approval or agreement? I guess may be  
5 "agreement" would be the proper language.

6 MR. McKEE: Yeah. So, Mr. Chairman, what  
7 we had discussed with the other advisory boards is,  
8 again, we don't want this to feel as if we're changing  
9 the function of the advisory board. So we still believe  
10 that the board taking a vote does show its support or  
11 opposition to what a division is proposing.

12 So, in the very limited instance where the  
13 Department had to push something through because the  
14 legislature required it and if a division -- or, if the  
15 advisory board didn't agree, then the Division could  
16 decide to continue on with the rulemaking process if it  
17 wanted to. Again, it would have to justify why it is --  
18 why it's appropriate to do that in the event that the  
19 advisory board doesn't support it.

20 But I think that the advisory board still  
21 voting on whatever comes before you is appropriate to  
22 show your support or opposition or whatever to what's  
23 before you. So that would be my recommendation for this  
24 and anything in the future. You still vote on it as you  
25 would otherwise.

1 MR. FARE: Okay. Thank you.

2 To the board, are there any other questions to  
3 Mr. McKee or Mr. VanWormer in regards to the new  
4 business, Chapter 3, Section 4 and Chapter 3, Section 5  
5 rulemaking revision?

6 (No response.)

7 MR. FARE: Okay. Seeing none, shall we  
8 call a vote?

9 MR. SHORT: Mr. Chairman, I would move  
10 that the board support the language as amended in  
11 Chapter 3.

12 MR. FARE: Is there a second?

13 MR. LOCKWOOD: I'll second it.

14 MR. FARE: So we'll call a roll call vote  
15 on the motion from vice chair, Mr. Short.

16 Mr. Lockwood.

17 MR. LOCKWOOD: Aye.

18 MR. FARE: Mr. Baldacci.

19 MR. BALDACCI: Aye.

20 MR. FARE: Mr. Short.

21 MR. SHORT: Aye.

22 MR. FARE: And I vote aye as well. So,  
23 seeing approval, we will move forward.

24 MR. McKEE: Thank you.

25 MR. FARE: Yes, sir. Thank you.



1           Hey, Nancy, question. I made a couple notes  
2 through the discussion, and I didn't ask them during your  
3 presentation, but would it be appropriate to talk to you  
4 about it now, or does the schedule -- schedule the  
5 meeting and then talk to them at the end?

6           MS. VEHR: Whatever your pleasure is. I'm  
7 happy to answer any questions now if that works for you.

8           MR. FARE: I just wanted to -- from my  
9 perspective, I was thinking let's get through your  
10 presentation and get through getting everything  
11 established and then discuss them, I guess, as a formal  
12 matter, so to speak.

13           Items coming -- rules packages coming through  
14 in this next -- in this next season, I made note that  
15 we're working on regional haze Round 2. Is that a line  
16 item we need to look to discuss before the legislature  
17 or -- and then the second part of that is are there items  
18 that we need to review and discuss before we get through  
19 the legislature session?

20           MS. VEHR: So you're in a really good  
21 position right now that we don't have anything that needs  
22 a deadline in terms of taking action on. So there's  
23 nothing before the legislative session that we  
24 anticipate. The slides that I gave were examples of  
25 items that have come before the board previously. We

1 don't have any rulemaking with respect to regional haze  
2 at this point. I believe Amber is working on what we do,  
3 a standard incorporation by reference of EPA rules that  
4 get updated periodically. And I think we're working on  
5 that.

6 But, Amber, if I'm not mistaken, there's not a  
7 deadline that we need that one.

8 MS. POTTS: Nope. In fact, just so the  
9 board's aware, the regional haze does not have any  
10 rulemaking, you know, aspect to it. And it doesn't go  
11 before the legislature. So regional haze is more of a  
12 project that's just in shop. And then we have to do a  
13 state implementation plan hearing that, you know, if it  
14 doesn't line up with the board meeting, we can have that  
15 separately. We do try to keep them, you know, about the  
16 same time frame so you guys can stay plugged in and our  
17 public knows that we are working with you and you know  
18 what's going on with the Division.

19 So regional haze, I'm not anticipating that it  
20 would be coming before the board for any rulemaking or  
21 necessary movement from you guys on that. But yeah, the  
22 incorporation by reference rulemaking, usually we try to  
23 do that after July because the Federal Register gets  
24 incorporated into the Code of Federal Regulations on  
25 July 1. So they'll incorporate the previous year in.

1 And so, if we do it early in the year, we'll miss the  
2 latest Code of Federal Regulations. So we try to do that  
3 towards the end of the year so everything is  
4 incorporated.

5 MR. FARE: Nancy, another question I had  
6 is you had mentioned the revised budget. What impact --  
7 are there impacts that you're seeing on the Division's  
8 ability to turn out permits or reviews or compliance  
9 items? Because, as I've seen with COVID, at present,  
10 we're down in applications, yet at the same time, I think  
11 we all hope that and look forward to being back up to  
12 where we were to show the industry is continuing. What  
13 impact, if any, are you seeing with the revised budget?

14 MS. VEHR: Appreciate that opportunity. I  
15 want to start off first by saying we at the Division  
16 really appreciated -- and I can't speak for the  
17 Department. I can just speak for the Division. But we  
18 at the Division really appreciated the approach that we  
19 were given through the Department of taking a look and  
20 making a recommendation instead of it being an  
21 across-the-board anything.

22 We always talk about we appreciate flexibility  
23 working with federal rules and requirements to tailor  
24 something that meets our needs. And so that's the  
25 approach that we were given to come up with a

1 recommendation. We looked at, in terms of forming our  
2 recommendation, what areas we could make adjustments to  
3 that would have the least impact in terms of helping  
4 stand today with a forecast going forward of up or down.  
5 We understand that there may be other ways of approaching  
6 it that could have achieved that same objective that  
7 might differ from what we came up with.

8           But looking at the work that we do, you can see  
9 that we have a number of staff, that there is a lot of  
10 analysis that needs to be done. So one of our key  
11 important items that we do and have in terms of resources  
12 is the people. We have great staff with great knowledge,  
13 and it's challenging to replace that knowledge when  
14 someone leaves.

15           So, in framing our budget recommendation, we  
16 look to see if there was a vacancy that was not currently  
17 filled and what it meant if we didn't fill that vacancy  
18 and if we could continue forward.

19           And so, when you look at the governor's  
20 supplemental budget request that he put forward, you will  
21 see that Air Quality Division had four positions that we  
22 gave up. There was the position that I mentioned for the  
23 new source review permitting. And there was a decline in  
24 that, but we also had some efficiencies that allowed us  
25 to continue to move forward.

1           We anticipate that if there was a sudden  
2 uptick -- and we've experienced this before. Like CBM  
3 days, a sudden uptick. All of a sudden, you kind of get  
4 overwhelmed. We bring that forward to the legislature,  
5 and we've been able to get positions. So I would  
6 anticipate a similar process if there was a change. I  
7 know state government gets criticized sometimes for not  
8 being nimble, but it can be nimble when those occasions  
9 arise.

10           Another position we reduced was in the Upper  
11 Green River Basin. The legislature last year had  
12 graciously given us a position. We have two staff in the  
13 Pinedale office, and they -- the legislature had given us  
14 a third position so that we could have a wider coverage  
15 within the Upper Green River Basin. That was a position,  
16 again, that had not been filled, and so we reduced that  
17 position. We have two experienced inspectors in the  
18 Pinedale area that have been there. Stafford Polk is our  
19 most recent, and Cindi Etcheverry has been there for  
20 several years. But they have worked really well with  
21 folks.

22           So we feel that one is one that it will have,  
23 like I said, less coverage. But we have folks from the  
24 Lander office that we might be able to have travel down  
25 there. There's less activity going on. And we think

1 we'll be able to get coverage adequately.

2           Then we had Amber, the team rules section. We  
3 had four people total in that section. And we had a  
4 gentleman that left that was working on regional haze,  
5 another lady, Leah, that come on board and was learning  
6 regional haze. And so we made that transition there.  
7 Again, it's hard to forecast what we'll need with  
8 rulemakings and what happens at the federal level.  
9 There's usually a time lag. So Amber has been pulling  
10 resources from other programs within the Division to  
11 cover those kind of items. So we think we'll be able to  
12 continue to move those forward. Again, there might be  
13 slight time lags if another program within the Division  
14 cycles up.

15           And then the fourth reduction right now, Amber,  
16 do you recall what that is? I'm drawing a blank right  
17 now.

18           MS. POTTS: It was the administrative  
19 staff, I believe, in the Sheridan office.

20           MS. VEHR: Yeah. That's correct. So we  
21 have the district offices around the state. And usually  
22 the administrative support provides coverage for multiple  
23 programs funded by different -- we funded one of the  
24 administrative staff positions in the Sheridan office.  
25 Thanks for reminding me of that. Again, felt that there

1 could be adequate coverage.

2           So we understand that there's -- reductions  
3 don't go without impacts, but we tried to minimize the  
4 impacts and make the recommendations the best we could.  
5 We did make some reductions in adjustments as we get  
6 inputs. We do that all the time. And sometimes we have  
7 resources available at the end because it's a pretty lean  
8 operation, and we try to just utilize the resources that  
9 we need.

10           So thanks for asking about that, Chris.

11           MR. FARE: Yes, ma'am. Thank you.

12           Those are the questions that I had. I'd open  
13 it up to the board if there's any. I know we didn't have  
14 questions at the time. But if there's any other  
15 questions before we move on to scheduling, laying out the  
16 schedule for a meeting.

17           (No response.)

18           MS. VEHR: If there's no other questions,  
19 Chris, if I could just have an opportunity to express one  
20 item the board might want to consider for future  
21 meetings. We did a high-level overview at the Division,  
22 and we found that the diverse background of the board  
23 members, you each will have your own individual in Air  
24 Quality. And we hope you love it and you'll find that  
25 this is a great way to get to know an area if you're not

1 familiar with it before.

2 But we try to also serve what your needs and  
3 interests are by providing educational opportunities.  
4 And I know right now with COVID, on-site, going out to a  
5 power plant, for example, they have restrictions because  
6 of making sure that they can keep things operating.

7 But thinking down the road, if there are  
8 educational opportunities that the board would like,  
9 they're interested in learning how something works, what  
10 a particular program within Air Quality does, we do air  
11 quality awareness week in the spring, so we can educate  
12 our citizens about air quality. I can tell you, speaking  
13 from personal experience, until I started representing  
14 the Division, I knew there was air quality, but I didn't  
15 have any clue what an air quality program did.

16 And so we are happy if it's on education and  
17 training on being a board member, if it's specific to air  
18 quality, if it's how we work with other -- call it  
19 cross-media things. Just express your ideas.

20 Amber, probably you're the best contact or up  
21 through the chairman, however you want to do that. We  
22 are happy to provide those. So, just as you think down  
23 the road for board meetings, if you give Amber enough  
24 lead time, we can get something put together on that.

25 MR. FARE: Excellent. Thank you, Nancy.



1           So I guess where we sit, if I understand the  
2 schedule correctly, we're looking at scheduling meetings  
3 for this next season, targeting quarterly. The boards  
4 need to meet four times a year -- that's my  
5 understanding -- at a minimum and can request specialty  
6 meetings from there.

7           Would it be best -- and I'll open this up for  
8 general questions or discussion. Would it be best to go  
9 through and have, as we did, a Doodle poll or best to  
10 simply propose a date at present for what to schedule to?

11           MR. LOCKWOOD: Mr. Chairman, I would like  
12 to do the Doodle poll because that gives people more of a  
13 chance to look through their schedules and see what other  
14 things they have going on. I know it works better for  
15 me. I'm on the Sublette County Conservation District  
16 Board of Supervisors, so I've got that going, and then  
17 I'm active in our local search and rescue organization,  
18 so I've got meetings involved there.

19           MR. FARE: I appreciate that. And I'm in  
20 agreement as well. Vice Chair, Mr. Baldacci, what do you  
21 guys think?

22           MR. BALDACCI: I would agree with that. I  
23 also like Doodle because it gives you the -- it can give  
24 you the second, third, fourth options, and you can kind  
25 of go down through, rather than us all sitting here with

1 our calendars right now trying to figure things out.

2 MR. SHORT: Mr. Chairman, serving as a  
3 county commissioner, of course, the first contiguous  
4 Tuesday, Wednesday of every month, as well as the third  
5 Tuesday of every month, I'm currently disposed. I also,  
6 like Milford, sit on multiple boards. So, yes, obviously  
7 looking at a Doodle is very, very useful to kind of  
8 juggle all those different constraints and make this work  
9 the best it can for the benefit of the folks.

10 MR. FARE: Excellent.

11 So, Amber, is that something I guess we can get  
12 communicated and we'll go from there?

13 MS. POTTS: Absolutely.

14 MR. FARE: Thank you.

15 Other items. Oh, scheduling-wise, do we --  
16 Nancy, is the tradition to meet somewhere close to the  
17 legislature and -- we'll just communicate those items and  
18 make sure we add the most benefit that we can to the  
19 Agency?

20 MS. VEHR: Yeah. And so we've -- so far,  
21 in terms of coordinating meetings with the legislative  
22 session, every now and then we'll have a bill that has  
23 gone through. Like Joint Minerals is generally the  
24 entity that has a committee bill affecting Air Quality.  
25 So, if we saw something like that and that was a forum

1 that you guys wanted, we'd bring that to your attention.

2 We don't have any bills right now. So, in  
3 terms of legislative action, I think they're working on  
4 their schedule or when they'll convene and when they'll  
5 remeet. But we can certainly communicate. If there's  
6 something that gets put on there, we'll bring it -- Amber  
7 will bring it to your attention, and that way you can  
8 decide if that affects a particular meeting that you want  
9 to have.

10 Generally, we get affected after there's  
11 legislation if we have to do our rulemaking, kind of that  
12 stepwise fashion.

13 MR. FARE: Okay. And lastly, is there  
14 any -- my question of Mr. VanWormer, is there any reason  
15 to have a public comment to this meeting?

16 MR. VANWORMER: Mr. Chairman, I think  
17 public comment -- the rules were published for public  
18 comment, and none were provided. That said, if there are  
19 members of the public participating, I don't see any harm  
20 opening it up and welcoming public comment.

21 MR. FARE: Would that be something as a  
22 board that we would -- for this meeting as an intro?

23 MS. VEHR: I think -- Chris, I think in  
24 terms of what Matt said about opening it up for public  
25 comment, Keith, I think, would be able to see if

1 anybody's got their hands up if you would like to open it  
2 up for public comment.

3 MR. FARE: Keith, I guess we're in an  
4 opportunity -- I don't see any reason -- and I think the  
5 board, as I can see on the screen, is agreeable. If  
6 there's any member of the public that has a comment, we  
7 would be open to receiving that before we close.

8 MR. GUILLE: Okay. Great. I'll keep  
9 track here and see if anybody raises their hand.

10 Doesn't appear anybody has raised their hand,  
11 Chairman.

12 MR. FARE: Thank you.

13 All right. We are in a position to close the  
14 meeting. Do we have a motion to adjourn?

15 MR. LOCKWOOD: I move that we adjourn the  
16 meeting.

17 MR. SHORT: And seconded.

18 MR. FARE: Have a motion with a second.  
19 And do we need to roll call that, or do we just move  
20 forward?

21 (No response.)

22 MR. FARE: Okay. Thank you, everyone. I  
23 appreciate that and look forward to meeting face to face  
24 and continuing to help advance the interests of the State  
25 of Wyoming.

1 MR. SHORT: Thank you all.

2 MS. VEHR: Thank you.

3 MR. FARE: Take care.

4 (Hearing proceedings concluded  
5 11:05 a.m., December 8, 2020.)

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C E R T I F I C A T E

I, RANDY A. HATLESTAD, a Registered Merit Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein constituting a full, true and correct transcript.

Dated this 29th day of December, 2020.

  
*Randy A Hatlestad*  
RANDY A. HATLESTAD  
Registered Merit Reporter