

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF: )  
BASIN ELECTRICAL POWER COOPERATIVE )  
DRY FORK STATION, ) Docket No. 07-2801  
AIR PERMIT CT-4631 )

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**RESPONDENT DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
MEMORANDUM IN SUPPORT OF MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

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**Schlichtemeir Affidavit**

**EXHIBIT Q**

# PUBLISHER'S AFFIDAVIT

STATE OF WYOMING }  
County of Campbell } ss.

**STATE OF WYOMING**  
**Department of**  
**Environmental Quality/**  
**Division of Air Quality**  
**Notice of Public Hearing**  
**and Extension of Public**  
**Comment Period**

Chapter 6, Section 2(m) of the Wyoming Air Quality Standards and Regulations provides that prior to final determination on an application to construct a new source, opportunity be given for public comment and/or public hearing on the information submitted by the owner or operator and on the analysis underlying the proposed approval or disapproval. The regulation further requires that such information be made available in at least one location in the affected air quality control region, and that the public be allowed a period of thirty (30) days in which to submit comments.

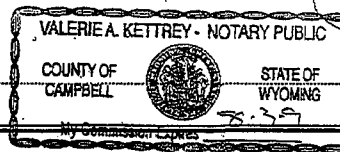
On February 26, 2007, the State of Wyoming, Department of Environmental Quality, Division of Air Quality (WDEQ-AQD), published notice that it proposed to approve a request by Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, ND 58501, to construct a new source in Campbell County, Wyoming, invited the public to submit comments and afforded the public an opportunity to request a public hearing. The proposed source is a coal fired power generating station consisting of one pulverized coal (PC) boiler rated at 385 MW (net) with associated handling and auxiliary equipment adjacent to the Dry Fork Mine on Highway 59, approximately 7 miles north northeast of Gillette, Campbell County, Wyoming (the Dry Fork Plant).

to before me this

4th day of June, 2007.

*Valerie A. Kettrey*  
Notary Public

My Commission expires



, 2006

DEQ/AQD 001052

AP-3546

Plant).

The Dry Fork Plant is subject to Prevention of Significant Deterioration regulations. The anticipated degree of increment consumption for sulfur dioxide (SO<sub>2</sub>), particulate matter (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>) is as follows:

The Class II increment consumption attributable to the Dry Fork plant is estimated to be 16%, 5%, 3%, 4% and 2% of the allowable increments for 24-hour PM<sub>10</sub>, annual PM<sub>10</sub>, annual NO<sub>2</sub>, 3-hour SO<sub>2</sub> and annual SO<sub>2</sub>, respectively. The 24-hour SO<sub>2</sub> impact attributable to the Dry Fork Plant is above the Class II significance level and the cumulative 24-hour increment consumption is estimated to be 58 percent of the allowable increment.

At Wind Cave National Park and Badlands National Park, Class I increment consumption attributable to the Dry Fork Plant is estimated to be 0.1%, 0.01%, 0.2%, 2%, 3% and 0.6% of the allowable increments for 24-hour PM<sub>10</sub>, annual PM<sub>10</sub>, annual NO<sub>2</sub>, 3-hour SO<sub>2</sub>, 24-hour SO<sub>2</sub> and annual SO<sub>2</sub>, respectively.

At the Northern Cheyenne Indian Reservation, Class I increment consumption attributable to the Dry Fork Plant is estimated to be 0.2%, 0.01%, 0.1%, 3% and 0.5% of the allowable increments for 24-hour PM<sub>10</sub>, annual PM<sub>10</sub>, annual NO<sub>2</sub>, 3-hour SO<sub>2</sub> and annual SO<sub>2</sub>, respectively. The estimated 24-hour SO<sub>2</sub> impact attributable to the Dry Fork Plant is above the EPA proposed Class I significance level and cumulative impact modeling was conducted that indicated a potential exceedance of the Class II 24-hour SO<sub>2</sub> increment. Additional modeling analysis estimated that the Dry Fork Plant's contribution to any potential exceedance was less than 4% of the allowable increment, which is below the EPA proposed Class I significance level.

Pursuant to the provisions of the Wyoming Environmental Quality Act and the Wyoming Air Quality Standards and Regulations, a public hearing relative to the requested issuance of an air quality

permit for the proposed construction will be held by the Administrator of the Air Quality Division, Department of Environmental Quality at 6:00 pm, Thursday, June 28, 2007, in the Wyoming Room at the Campbell County Library, located at 2101 South 4-J Road, Gillette, Wyoming.

The hearing will be conducted pursuant to the provisions of Chapter III of the Rules of Practice and Procedure adopted by the Environmental Quality Council, and therefore, will not be conducted as a contested case. The purpose of the hearing is to gather information concerning the emissions of air pollutants into the atmosphere and the impact of such pollutants on the ambient air quality. The scope of the hearing will be limited to such issues in order for the Department of Environmental Quality to determine whether or not the applicable Air Quality Standards and Regulations will be violated as a result of the construction and/or operation of the facility.

All persons desiring to be heard on this matter are hereby notified to appear at the designated time and place. Oral statements will be accepted at the time of the hearing, but for accuracy of the record, written statements are encouraged and will be accepted at the time of the hearing or prior thereto.

Comments may be directed to David A. Finley, Administrator, Division of Air Quality, Department of Environmental Quality, 122 W. 25th St., Cheyenne, Wyoming 82002. All comments received during the public hearing or received in the Cheyenne Office by 5:00 p.m. June 28, 2007, will be considered in the final determination on this application.

A copy of the permit application and the agency's analysis is available for public inspection at the Campbell County Clerk's Office, Gillette, Wyoming. In accordance with the Americans with Disabilities Act, special assistance or alternate formats will be made available upon request for individuals with disabilities.

June 4, 2007