

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)

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

Exhibit No. 5 – Tran Deposition excerpts

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

DEPOSITION OF: KHANH TRAN
EXAMINATION DATE: August 12, 2008

IN THE MATTER OF:)
BASIN ELECTRIC POWER) Docket No. 07-2801
COOPERATIVE, DRY FORK STATION,) Presiding Officer,
AIR PERMIT CT-4631) F. David Searle
)

PURSUANT TO NOTICE, the deposition of KHANH TRAN was taken at 11:04 a.m., on August 12, 2008, at 555 Seventeenth Street, Suite 3200, Denver, Colorado 80202, before Patricia S. Newton, Registered Professional Reporter and Notary Public in and for the State of Colorado, said deposition being taken pursuant to the Wyoming Rules of Civil Procedure.

Patricia S. Newton
Registered Professional Reporter



1 A Yes.

2 Q After your review, could you
3 determine whether or not there were any errors in
4 any of the modeling that was done?

5 A I didn't find any error, no.

6 Q You didn't find anything wrong
7 with the modeling?

8 A With the modeling, no.

9 Q Right. The modeling itself --

10 A No.

11 Q -- is what I'm talking about.

12 A Right.

13 Q So what CH2M Hill did for Basin
14 Electric, there were no errors or problems with
15 that modeling itself, as far as you could tell?

16 A For strictly the modeling, yes.
17 But, you know, I have some, you know, non- -- not
18 agree with, you know, some of the model input
19 assumption that they use, but, you know, as far
20 as running the models, you know, given the
21 inputs, no problem.

22 Q All right. And what about the
23 modeling that DEQ did for this permit
24 application: Any errors or mistakes that you
25 detected with the modeling itself?

1 A You know, I -- based on what --
2 you know, strictly the one that we used in
3 verification of these, you know, exceedances,
4 there's no problem.

5 Q Now, you indicated a moment ago
6 that you had some problem with the assumptions or
7 the inputs that went into the model. Can you
8 tell me about that, what those were, please.

9 A You know, some, like, I don't
10 agree, like, you know, like -- in that Wyoming
11 is complex terrain, you know, and using, you
12 know, like, the CALMET for the wind field, like,
13 4 kilometer, which I think is coarse, which, you
14 know, I feel that we should use a finer
15 resolution: you know, within 1 or 2 kilometer
16 because of the complex terrain issues.

17 Q And what was the model that was
18 used, or models that were used?

19 A The same thing, you know, we use
20 -- the PSD application use CALMET, but, you know,
21 the input --

22 Q Are you saying "CALMET"?

23 A CALMET, yes, the one that is
24 preprocessor to CALPUFF that generate the wind
25 field for the CALPUFF, C-A-L-P-U-F-F, model.



1 So

2 Q Maybe my question wasn't clear.

3 I'm asking if you reviewed this permit dated
4 October 15, 2007, anytime before you wrote this
5 e-mail on April 21, 2008.

6 A I must have, because I -- that
7 number 380.1 is familiar to me.

8 Q It seems like more than a
9 coincidence that that's the exact number in the
10 permit, right: 380.1?

11 A Yeah.

12 Q Is it possible that you just
13 didn't see that the startup limit is the same as
14 the regular emission limit when you reviewed the
15 permit?

16 A Yeah, could be, because -- you
17 know, because I remember that's the same rate
18 that they use in the normal operation.

19 Q All right. Let's talk about the
20 actual cumulative modeling that was done for the
21 NCIR.

22 Again, in terms of the modeling itself,
23 you detected no problems with that modeling?

24 A Just the mechanics, no.

25 Q Is it fair to say that really the

1 So

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4 October 15, 2007, anytime before you wrote this
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15 permit?

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18 that they use in the normal operation.

19 Q All right. Let's talk about the
20 actual cumulative modeling that was done for the
21 NCIR.

22 Again, in terms of the modeling itself,
23 you detected no problems with that modeling?

24 A Just the mechanics, no.

25 Q Is it fair to say that really the

1 only issue about the modeling or how it was done,
2 the issue is really the results of the modeling
3 and how to interpret them; is that fair?

4 A Yes.

5 Q And so your issue with the
6 modeling was how the cumulative modeling results
7 were applied and interpreted; am I right about
8 that?

9 A Yes.

10 Q All right. Now, you are aware
11 there were three rounds of modeling done here?

12 A From what I read, yes.

13 Q All right. And do you think you
14 understand what was done during those three
15 rounds of modeling from what you read?

16 A Yes.

17 Q The first and third rounds used
18 actual emissions from Colstrip Units 3 and 4; is
19 that your understanding?

20 A Yes.

21 Q And the second round used
22 permitted allowables from Colstrips 3 and 4; is
23 that also your understanding?

24 A Yes.

25 Q And that's based on Wyoming DEQ

1 Q 0.2?

2 A -- micrograms per cubic meters.

3 Q All right. So all of these
4 modeling rates are below that Class I proposed
5 SIL; is that correct?

6 A Yes.

7 Q And because the modeling shows
8 that all of the impacts by Dry Fork are below
9 this SIL value, then DEQ apparently concluded
10 that Dry Fork does not cause or contribute to the
11 increment exceedance model at the NCIR; is that
12 your understanding?

13 A That's what the PSD application
14 says, yes.

15 Q And, Mr. Tran, is that not a
16 typical approach by permitting agencies to use
17 SILs that way? In your experience.

18 A Most, but not all.

19 Q Most do do that, correct?

20 A Yes. Yes.

21 Q Can you name a state or a
22 permitting agency that does not do that?

23 A I have a letter here from the EPA
24 Region VIII to the State of North Dakota where
25 they show that any contribution beyond existing

1 violation is considered to be significant.

2 Q Anything else besides that letter
3 from EPA Region VIII?

4 A In the PSD regulations from both
5 EPA, the federal, and the state, it says that a
6 project or facility should not cause or
7 contribute to an exceedance, a violation of the
8 PSD increment. It didn't say anything of
9 "significance."

10 Q Well, let me state my question
11 again, since I don't think you answered it.

12 My question was: Earlier, when you
13 answered that the use of SILs to determine
14 whether or not a source is causing or
15 contributing to an increment exceedance is a
16 typical approach by permitting agencies, and you
17 said yes, for most, or words to that effect --
18 I'm not trying to change your words.

19 A No, no, that's right.

20 Q -- and I asked you which weren't,
21 and you cited for me a Region VIII letter to the
22 State of North Dakota, my question is: Are you
23 aware of any other permitting agency -- state, or
24 EPA, or region or any other permitting agency --
25 I know California, for example, has Air Pollution

1 Control Districts -- any other permitting agency
2 that does not follow that typical approach of
3 using SILs to determine "cause or contribute"?

4 A Not that I know of, no.

5 Q All right. So it is a standard
6 approach?

7 A It's -- depending on the agency,
8 really.

9 Q But based on the ones you're
10 aware of -- we got the one on the one side, and
11 we haven't talked about them; we apparently had
12 several on the other side -- it's a standard
13 approach for most agencies who have confronted
14 this issue to use SILs in determining whether or
15 not a source causes or contributes to an
16 increment violation, correct?

17 A But, you know, the -- the use of
18 the SIL to determine the significance is a
19 propose from the EPA. It has never been approved
20 or finalized.

21 Q All right. But, again, that's
22 not what I asked you, and we'll get into that
23 when we talk about what's been proposed. But I
24 asked about the practice and what is standard out
25 there.

