

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

**AFFIDAVIT OF CHAD SCHLICHTEMEIER TO CORRECT STATEMENTS MADE
BEFORE THE
WYOMING ENVIRONMENTAL QUALITY COUNCIL IN THE HEARINGS ON THE
MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

STATE OF WYOMING)
)ss.
County of Laramie)

Chad E. Schlichtemeier, being first duly sworn, deposes and says as follows:

1. I am over the age of 21 and am competent to make this affidavit.
2. The facts and matters stated herein are within my personal knowledge, and are true and correct.
3. On the morning of September 29, 2008, I made a phone call to Mr. Ken Rairigh, one of the air quality modelers for DEQ. I was traveling to Casper in order to attend the Environmental Quality Council (EQC) hearing in regard to the Dry Fork permit appeal and wanted to ask Mr. Rairigh a few questions regarding DEQ's use of Class I significant impact levels (SILs) prior to their use for the Dry Fork air quality modeling. Specifically, my question to Mr. Rairigh was has the Division used the Class I SILs in a previous permitting action to determine if a proposed facility will be considered to cause or contribute to a violation when modeling shows an exceedance of the increment standard in a Class I area.

4. During the course of our discussion, there was a misunderstanding concerning the air quality modeling which led me to believe that DEQ had not used Class I SILs to determine if a proposed facility will be considered to cause or contribute to a violation when modeling shows an exceedance of the increment standard in a Class I area.

5. During the September 29, 2008 EQC hearing, Assistant Attorney General for the State of Wyoming, Luke J. Esch stated in front of the EQC that, prior to their use at Dry Fork, Class I SILs had been used by DEQ to allow a source to demonstrate it had insignificant impacts when there were modeled exceedances of a Class I increment. Based on my earlier conversation with Mr. Rairigh, I thought that this statement was incorrect and the Dry Fork permit was the first time the Division had used Class I SILs to determine if a proposed facility will be considered to cause or contribute to a violation when modeling shows an exceedance of the increment standard in a Class I area. *See* Transcript pgs. 130-131, 152-153.

6. When the EQC recessed from hearings for the day of September 29, 2008, I relayed my misunderstanding about the use of Class I SILs prior to Dry Fork to Mr. Esch.

7. The following day, when the EQC returned to hear the remaining issues at hearing on September 30, 2008, Mr. Esch made a statement to the EQC in which he stated that, prior to Dry Fork, DEQ had not used Class I SILs to allow a source to demonstrate it had insignificant impacts when there were modeled exceedances of a Class I increment.

8. After the conclusion of the hearing, I spoke to Mr. Rairigh again regarding the use of Class I SILs and learned that my statement to Mr. Esch and his subsequent statement to the EQC were not correct. DEQ has used Class I SILs to determine if a proposed facility will be considered to cause or contribute to a violation when modeling shows an exceedance of the

increment standard in a Class I area in the final decision for Air Quality Permit CT-3030 issued September 25, 2002 to Black Hills Corporation for a 500 MW Power Plant (WYGEN 2).

9. DEQ used Class I SILs to determine if the Dry Fork Station will be considered to cause or contribute to a violation when modeling showed an exceedance of the increment standard in the Northern Cheyenne Indian Reservation, a Class I area. The use of the Class I SILs follows the same protocol used for the WYGEN 2 Air Quality Permit CT-3030. See Ex. V, attached to my previous affidavit.

Dated this 29th day of October, 2008.

Chad Schlichtemeier

Chad Schlichtemeier
NSR Program Manager
DEQ/AQD

State of Wyoming)
)
County of Laramie)

Subscribed and sworn before me by Chad Schlichtemeier on this 29 day of October, 2008.

Witness my hand and official seal.

Donna Behounek

Notary Public

My commission expires: April 28, 2012

