

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF:)
BASIN ELECTRICAL POWER COOPERATIVE)
DRY FORK STATION,)
AIR PERMIT CT-4631)

Docket No. 07-2801

**AFFIDAVIT OF KEN RAIRIGH 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)

Ken Rairigh, 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 received a phone call from Mr. Chad Schlichtemeier. Mr. Schlichtemeier was traveling to Casper in order to attend the Environmental Quality Council (EQC) hearing in regard to the Dry Fork permit appeal.
4. Mr. Schlichtemeier wanted to discuss DEQ's use of Class I significant impact levels (SILs) on air quality permits prior to the Dry Fork permit.
5. During the course of our discussion, there was a miscommunication which led Mr. Schlichtemeier to believe that DEQ had not used Class I SILs to allow a source to demonstrate it had insignificant impacts when there were modeled exceedences of a Class I increment such as at Dry Fork.

6. It is my understanding that during the September 29, 2008 EQC hearing, Assistant Attorney General for the State of Wyoming, Luke J. Esch correctly 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 exceedences of a Class I increment.

7. It is my understanding that when the EQC recessed for the day of September 29, 2008, Mr. Schlichtemeier relayed the miscommunication about the use of Class I SILs prior to Dry Fork to Mr. Esch.

8. It is my understanding that when the EQC returned from recess on September 30, 2008, Mr. Esch made a statement to the EQC in which he mistakenly stated that DEQ had not used Class I SILs to allow a source to demonstrate it had insignificant impacts when there were modeled exceedences of a Class I increment prior to Dry Fork permit.

9. The statement by Mr. Esch to the EQC was not correct. Prior to the Dry Fork permit, DEQ had used Class I SILs to allow a source to demonstrate it had insignificant impacts when there were modeled exceedences of a Class I increment. DEQ used Class I SILs previously for the WyGen 2 permit application in the same way they were applied to Dry Fork. See Schlichtemeier Aff., Ex. V.

[INTENTIONALLY LEFT BLANK]

Dated this 29TH day of October, 2008.

Ken Rairigh
Ken Rairigh
TITLE: Air Quality Engineer

STATE OF WYOMING)
)ss.
County of Laramie)

Subscribed and sworn before me by Ken Rairigh on this 29th day of October, 2008.

Witness my hand and official seal.

[Signature]
Notary Public

My commission expires: July 1, 2011

