

**BEFORE THE WASHINGTON  
UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

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DOCKET UG-230393

**CROSS-EXAMINATION EXHIBIT OF RONALD J. ROBERTS  
ON BEHALF OF THE  
PUYALLUP TRIBE OF INDIANS**

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**EXHIBIT RJR-\_\_X**

Excerpt of Testimony of Steven Van Slyke, PSCAA Director of Compliance. PCHB  
No. P19-087C (Apr. 22, 2021)

**October 31, 2023**

POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

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ADVOCATES FOR A CLEANER TACOMA;	)	
SIERRA CLUB; WASHINGTON	)	
ENVIRONMENTAL COUNCIL; WASHINGTON	)	
PHYSICIANS FOR SOCIAL	)	PCHB NO. P19-087C
RESPONSIBILITY; STAND.EARTH; and	)	
THE PUYALLUP TRIBE OF INDIANS,	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
PUGET SOUND CLEAN AIR AGENCY, PUGET	)	
SOUND ENERGY,	)	
	)	
Respondents.	)	

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VIDEOCONFERENCE HEARING

DAY 8

Pages 1751 - 2048

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OLYMPIA, WASHINGTON

April 22, 2021

8:46 a.m.

REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR 2121

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1 VIDEOCONFERENCE HEARING  
2 DAY 8  
3 April 22, 2021

4	Witnesses:	Page
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9	By Ms. Dold	1822
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10	By Ms. Dold	1981
	By Board Chair Wise	1982
11	By Board Member Gonzalez	1986
	By Ms. Dold	1987
12	By Mr. Frank	1988
13	MATTHEW STOBART	
14	By Mr. Frank	1990

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1 MS. DOLD: Yes.

2 MR. THOMAS: Thank you.

3 THE WITNESS: Okay.

4 BY MS. DOLD:

5 Q. And when you get there, please turn to PDF  
6 page 6.

7 A. Okay.

8 Q. This is the definition section of WAS 173-400.  
9 I'm going to have you read for the Board the definition  
10 at 73, "potential to emit."

11 A. Potential to emit means the maximum capacity of  
12 a source to emit a pollutant under its physical and  
13 operational design, any physical or operational  
14 limitation on the capacity of the source to emit a  
15 pollutant, including air pollution control equipment and  
16 restriction on hours of operation or on the type of  
17 amount of material combusted, stored, or processed shall  
18 be treated as a part of its design only if the  
19 limitation of the affect it would have on emissions is  
20 enforceable. Secondary emissions do not count in  
21 determining the potential to emit of a source.

22 Q. And so is this the definition of potential to  
23 emit applicable to the Agency's NOC process?

24 A. Yes, it is.

25 Q. So I want to make sure I understand. So for

1 purposes of processing an NOC application and issuing an  
2 order of approval, does it mean that you evaluate  
3 emissions without considering emission controls?

4 A. No.

5 Q. Why not?

6 A. Because the emission controls are required by  
7 the permit approval. And there's a -- there's emission  
8 limits in there, but there's also other conditions in  
9 the permit that also prohibit emission.

10 As an example, there's been discussion about  
11 bypasses or upsets, and the Agency permit conditions  
12 prohibit those. The fact that they may happen doesn't  
13 make them compliant with the permit.

14 So to actually consider approving those as a  
15 part of this discussion would actually lead to the  
16 notion that the Agency is authorizing a certain amount  
17 or a certain size of upsets, which the Agency absolutely  
18 did not do with this permit.

19 Q. Thank you. I'm going to move on to another  
20 topic that we've heard a lot about in this case. And  
21 that -- these are the terms "modeling" and "air  
22 dispersion modeling."

23 Can you describe for us the term "air dispersion  
24 modeling" for the Board? What is it?

25 A. An air dispersion model is a mathematical