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CLEAN AIR ACT TITLE V OPERATING PERMIT

for

Deseret Power Electric Cooperative
Bonanza Power Plant

UINTAH AND OURAY RESERVATION (UTE TRIBE)
Utah Public Hearings

Held at:
Utah Uintah & Ouray Reservation
Ute Tribal Office - Auditorium
6964 East 1000 East
Fort Duchesne, Utah

3 June 2014

1:00 P.M. to 4:00 P.M.

JUDGE ELAYNA SUTIN,
Hearing Officer

DEIRDRE ROTHERY,
Air Permitting, Monitoring,and Modeling, Unit Chief

* * *

1 P R O C E E D I N G S
2 JUDGE SUTIN: Good afternoon, everyone. 13:01:52
3 We'll get started in a few minutes. 13:01:56
4 There's still some people coming in, so I 13:01:58
5 want to give everybody the opportunity to sign in and 13:02:01
6 we'll get started in maybe five minutes or so. 13:02:04
7 (Whereupon, a break was taken.) 13:02:09
8 JUDGE SUTIN: If you walked in at the 13:03:16
9 registration table, there were no cards. There are 13:03:20
10 some cards now. 13:03:23
11 So if anybody wishes to speak, please sign 13:03:24
12 in so that we know to call your name. 13:03:27
13 And even if you don't want to speak, if you 13:03:30
14 could sign the card, just so that we know you were here 13:03:33
15 in attendance, that would be really helpful. 13:03:36
16 Thank you. 13:03:41
17 (Whereupon, a break was taken.) 13:03:49
18 JUDGE SUTIN: Good afternoon, everyone. Can 13:08:36
19 you hear me? 13:08:39
20 Okay. I think we're going to get started. 13:08:40
21 There's still some people coming in, but we want to 13:08:44
22 ensure that there's -- we want to make sure that 13:08:47
23 everyone has the opportunity to speak, so I think 13:08:53
24 we'll -- we'll get started now. 13:08:56
25 I am Judge Sutin. I'm the Regional Judicial 13:08:58

1 Officer from EPA Region 8 in Denver. And thank you all 13:09:03
2 for coming this afternoon. I will be presiding over 13:09:08
3 the hearing today. 13:09:11
4 Also on the panel with me today is Deirdre 13:09:13
5 Rothery to my right. And she is the unit supervisor in 13:09:16
6 the air program for EPA's Denver office. 13:09:20
7 This hearing is now in session. 13:09:23
8 Before we get started, I also want to 13:09:29
9 introduce Alfreda, who is out. I will introduce her 13:09:32
10 later. She is the woman who was walking around passing 13:09:38
11 out the registration cards. She'll be here with us 13:09:41
12 today too, so feel free, if you have any questions, to 13:09:45
13 approach one of us after the hearing, if we can help. 13:09:48
14 We are here today to listen to and receive 13:09:51
15 your comments on EPA's proposed air quality operating 13:09:57
16 permit for Deseret Power Electric Cooperative, Bonanza 13:10:01
17 Power Plant, on the Uintah and Ouray Reservation. 13:10:06
18 The Federal Clean Air Act Title V permit 13:10:09
19 controls air emissions at this coal-fired electric 13:10:13
20 utility. We announced the proposed permit in four 13:10:16
21 local newspapers in late April 2014. The comment 13:10:20
22 period started on May 1st, and it ends on June 16, 13:10:25
23 2014. 13:10:30
24 In a moment, Ms. Rothery will explain in 13:10:30
25 more detail what was proposed in that notice. 13:10:33

1 But before I turn it over to her, let me 13:10:36
2 explain a bit about how today's hearing will work. 13:10:40
3 There will be two sessions today: One this 13:10:44
4 afternoon from 1:00 to 4:00 p.m., and one this evening 13:10:46
5 from 6:00 to 8:00 p.m., both in this auditorium. 13:10:49
6 I will call the registered speakers to the 13:10:54
7 microphone. 13:10:57
8 We are going to be using this microphone to 13:10:58
9 my left, to your right. When it is your turn to speak, 13:11:02
10 please state your name, and spell your name if it is an 13:11:08
11 unusual spelling, so that the court reporter can 13:11:11
12 correctly get your name in the record. 13:11:16
13 And please also state your affiliation 13:11:19
14 before you begin your testimony. 13:11:22
15 In order to ensure that everyone has the 13:11:23
16 opportunity to speak and to ensure fairness, please 13:11:27
17 limit your testimony to five minutes. 13:11:31
18 We will signal to you when you have one 13:11:33
19 minute left to speak. When five minutes have passed, I 13:11:36
20 will ask you to complete your testimony. 13:11:40
21 If I find that you are straying from the 13:11:42
22 topic at hand, I will ask you to come back and speak 13:11:47
23 specifically to what we are -- to why we are here 13:11:51
24 today. 13:11:55
25 After you finish your testimony, members of 13:11:56

1 the panel may ask clarifying questions. We are not 13:11:59
2 here today to answer questions about the proposed 13:12:03
3 permit. If you have questions about the process, 13:12:06
4 please find one of the EPA representatives after the 13:12:09
5 hearing. 13:12:12
6 We have a court reporter to my left who will 13:12:12
7 prepare a written transcript of the hearing. The 13:12:19
8 transcript for the hearing will be available as part of 13:12:22
9 the official record. If you have any written comments 13:12:24
10 that you would like to submit as part of your 13:12:29
11 testimony, please provide them to the court reporter 13:12:31
12 when you are finished. 13:12:34
13 You also may submit your written comments 13:12:35
14 directly to the docket for the proposed permit through 13:12:42
15 June 16th, 2014. Comments must be received by 13:12:45
16 5:00 p.m. on June 16th. Instructions for submitting 13:12:49
17 comments are included in the fact sheets on the 13:12:53
18 proposed permit, and you can pick up a copy of that at 13:12:56
19 the table as you walked in. 13:13:00
20 EPA will consider your comments as we move 13:13:01
21 forward in completing the final permit, which we 13:13:05
22 anticipate issuing at the end of August of this year. 13:13:07
23 Today's public hearing is scheduled to end 13:13:10
24 once the last registered speaker has provided comments, 13:13:17
25 so if you would like to testify but have not registered 13:13:21

1 to do so, please sign up at the registration table. 13:13:24
2 Now I will turn it over to Ms. Rothery, who 13:13:29
3 will summarize the proposed permit. 13:13:31
4 MS. ROTHERY: Good afternoon. 13:13:35
5 As you heard from Judge Sutin, this hearing 13:13:37
6 concerns EPA's proposed air quality operating permit 13:13:39
7 for Deseret Power Electric Cooperative/Bonanza Power 13:13:44
8 Plant on the Uintah and Ouray Reservation. 13:13:50
9 This Federal Clean Air Act Title V permit 13:13:52
10 controls air emissions at this coal-fired electric 13:13:55
11 utility. 13:13:59
12 This source is required to obtain a Clean 13:13:59
13 Air Act Title V permit to operate in accordance with 13:14:03
14 Part 71 of Title 40 of the Code of Federal Regulations. 13:14:07
15 The EPA issues Clean Air Act Title V 13:14:16
16 operating permits in indian country where EPA has not 13:14:19
17 approved a tribe to implement the Title V operating 13:14:23
18 permits program. The Ute Tribe does not have this 13:14:27
19 approval. 13:14:33
20 The Bonanza Power Plant is located in indian 13:14:34
21 country within the Uintah and Ouray Reservation. 13:14:38
22 The Bonanza plant is an estimated 13:14:40
23 500-megawatt coal-fired electric utility consisting of 13:14:43
24 a single dry bottom wall-fired main boiler rated at 13:14:46
25 about 4,578 million BTU per hour heat input capacity. 13:14:51

1 Air pollutant emissions are virtually all from the main 13:14:57
2 boiler stack, which is approximately 600 feet tall. 13:15:00
3 Washed bituminous coal is supplied from the 13:15:04
4 nearby Deserado mine. 13:15:08
5 As Ms. Sutin mentioned, we'll accept public 13:15:11
6 comments through this public hearing and through 13:15:15
7 e-mail, fax, or mail, during this public comment 13:15:17
8 period. The comment period will end on June 16th, 13:15:20
9 2014. 13:15:25
10 Members of the public may view a copy of the 13:15:26
11 draft permit prepared by the EPA, the statement of 13:15:28
12 basis for the draft permit, the application, and all 13:15:32
13 supporting materials submitted by the source, at the 13:15:36
14 Uintah County Clerk's Office in Vernal, Utah; the Ute 13:15:39
15 Indian's -- Indian Tribe's Energy and Minerals Office 13:15:43
16 in Fort Duchesne, Utah, and at the U.S. EPA Region 13:15:47
17 Office in Denver. 13:15:52
18 Electronic copies of the draft permit 13:15:53
19 statement of basis and the application and all 13:15:57
20 supporting materials are also available for review at 13:15:59
21 EPA's Web site. 13:16:02
22 A link to this Web site can be found on the 13:16:03
23 fact sheet at the back of the room. 13:16:07
24 If you believe any condition of the draft 13:16:09
25 permit is inappropriate, or that our initial decision 13:16:11

1 to prepare a draft permit is inappropriate, you must 13:16:16
2 raise all reasonable issues and submit all arguments 13:16:19
3 supporting your position by the end of the comment 13:16:22
4 period. 13:16:24
5 JUDGE SUTIN: Our first speaker will be 13:16:27
6 Chairman Gordon Howell, with some opening remarks. 13:16:32
7 CHAIRMAN GORDON HOWELL: Good afternoon, 13:16:35
8 everybody. 13:16:44
9 First of all, we'd like to welcome all of 13:16:45
10 you that come from Bonanza. Welcome to our 13:16:47
11 reservation. 13:16:50
12 And to our Tribal members, thank you for 13:16:50
13 attending. 13:16:53
14 What I wanted to do is basically kind of go 13:16:53
15 into and explain, as far as what the tribe's stand is 13:16:56
16 on this. 13:17:00
17 And that -- you've got to understand that, 13:17:02
18 as far as the numbers and information that we're 13:17:05
19 getting, is coming from EPA. So it's not numbers that 13:17:08
20 have just been drawn up or also that has been pulled 13:17:11
21 out of the air. 13:17:14
22 So we're getting feedback that we're being 13:17:16
23 in cahoots with the EPA, to shut you down. That's 13:17:21
24 not -- that's not true. We're not doing that. 13:17:24
25 This power plant that we're trying to build 13:17:27

1 is -- it's going to be clean. It's going to be gas. 13:17:29
2 Natural gas. 13:17:32
3 We're just going to be using our resources 13:17:33
4 that we have as far as our -- 13:17:35
5 And it will also be beneficial to the oil 13:17:37
6 companies here, that they could sell their gas to us. 13:17:41
7 And then also is -- you've got to 13:17:44
8 understand, as the council, we got to definitely look 13:17:46
9 at the well-being of our tribal members. 13:17:50
10 And as far as this numbers and all of the 13:17:52
11 information we get from the EPA, is that the plant does 13:17:56
12 contribute to some of the health problems and the air 13:18:01
13 quality here in the Basin. 13:18:05
14 So we just want to let you know that, that 13:18:07
15 there's not a personal vendetta against you. 13:18:09
16 So I know we're hearing a lot of feedback 13:18:13
17 that it is -- a lot of people saying that the tribe is 13:18:15
18 here to shut you down. It's not that. 13:18:20
19 But also, we wanted to -- you've got to 13:18:22
20 understand, too, the council, which I praise them for, 13:18:25
21 is they also wanted to have this meeting, this open 13:18:28
22 meeting here, and also to hear your concerns on this 13:18:31
23 too, and also to express our side of it. So that you 13:18:34
24 guys will get all of the information you guys may need. 13:18:39
25 So as I conclude, I'll go ahead and give 13:18:43

1 this to our representative, Tony Small. He wants to 13:18:46
2 make some comments. 13:18:50
3 TONY SMALL: I'd like to welcome everyone 13:18:53
4 here from Bonanza. 13:18:59
5 And like our Chairman said, you know, we're 13:19:01
6 not here to shut you down. The numbers we get and 13:19:04
7 everything is from EPA. 13:19:08
8 I'd like to read this into the record. 13:19:10
9 JUDGE SUTIN: Please do. 13:19:14
10 TONY SMALL: The Ute Indian Tribe of the 13:19:16
11 Uintah and Ouray Reservation thanks the United States 13:19:21
12 Environmental Protection Agency Region 8 EPA for 13:19:23
13 housing the public hearing on the proposed Bonanza 13:19:27
14 Power Plant. The Title V federal operating permit, 13:19:30
15 (the permit.) 13:19:33
16 The tribe also thanks the EPA for the 13:19:34
17 opportunity to comment on this permit. 13:19:38
18 The Bonanza Power Plant has been operating 13:19:57
19 without a Title V operating permit for over 14 years. 13:19:59
20 It is imperative that the EPA issue a Title V operating 13:20:04
21 permit to Bonanza to ensure that it complies with the 13:20:08
22 Clean Air Act, or the CAA, and stays within the 13:20:11
23 federally-mandated emission limit. 13:20:17
24 The tribe has made known its concerns for 13:20:19
25 over ten -- tens of thousands of violations of the CAA 13:20:21

1 by Bonanza, and its Bonanza coal-fired power plant near 13:20:26
2 Vernal, Utah. The tribe is concerned that the power 13:20:31
3 plant does -- poses unacceptable public health impacts 13:20:33
4 due to the air pollution. It is impacting tribal 13:20:38
5 members and tribal lands, and it is inappropriately 13:20:46
6 contributing to regional air quality problems that have 13:20:49
7 the potential to adversely affect the economy of the 13:20:53
8 tribe. 13:20:56
9 However, prior to issuing this permit, EPA 13:20:57
10 must ensure that Bonanza also complies with all 13:21:01
11 applicable federal air permitting regimes and 13:21:03
12 regulations for coal-fired power plants. 13:21:07
13 For example, the Bonanza plant needs to 13:21:11
14 comply with the tribal NSR for minor source fuel 13:21:13
15 stations for its fleets, if it applies to any portion 13:21:18
16 of the facility. 13:21:20
17 Bonanza must comply with the current new 13:21:21
18 applicable regulations affecting coal-fired power 13:21:25
19 plants. 13:21:28
20 The Bonanza Power Plant must be retrofitted, 13:21:29
21 if necessary, to comply with the EPA's well-known MATs, 13:21:33
22 for mercury and air toxins. 13:21:38
23 Bonanza must also comply with clean -- the 13:21:41
24 Clean Water Act and regulations promulgated thereunder 13:21:44
25 that apply to the plant. 13:21:50

1 Its underground and above-ground storage 13:21:51
2 tanks for fuel must be inspected and tested. 13:21:55
3 Under the Clean Air Act, EPA established a 13:21:58
4 national ambient air quality standards, NAAQS, to 13:22:02
5 protect human health and environment for seven criteria 13:22:05
6 air pollutants, including nitrogen dioxide, ground 13:22:09
7 level ozone, and particulate matter, including 13:22:15
8 particulate matter less than ten microns in diameter, 13:22:19
9 (PM10), and particulate matter less than 2.5 microns 13:22:22
10 diameter, (PM 2.5) 40 CFR 50.1 et seq, an area that 13:22:27
11 meets the NAAQS criteria pollutant is deemed to be in 13:22:38
12 attainment for the pollutants see 40 USC 7407(D)(1). 13:22:43
13 The region where the plant is located is 13:22:47
14 often referred to as the Uinta Basin, and more 13:22:51
15 particularly is located within the Uintah and Ouray 13:22:53
16 Reservation. 13:22:58
17 It has been and is currently in attainment 13:22:59
18 of all national ambient air quality standards, NAAQS. 13:23:03
19 However, air pollution levels are on the 13:23:07
20 rise, and the region is now closing -- close to 13:23:09
21 violation -- violating NAAQS or ground level ozone and 13:23:13
22 particulate matter less than 2.5 microns in diameter, 13:23:18
23 (PM 2.5). 13:23:22
24 Given that NOx emissions can form ozone and 13:23:24
25 both NO_X and SO2 can form PM 2.5, there is increasing 13:23:28

1 concern that emissions from the Bonanza plant are 13:23:33
2 fueling the region's growing air pollution problems. 13:23:36
3 Every year the plant spews more than 13:23:39
4 3.5 million tons of air pollution from a 600-foot smoke 13:23:44
5 stack. At the same time, the region around the power 13:23:49
6 plant has been choked with high air pollution. 13:23:52
7 Monitors located on the reservation have 13:23:55
8 registered concentrates at ground level ozone. 13:23:58
9 They -- and key ingredients of urban smog that have 13:24:03
10 frequently surpassed health standards in the last three 13:24:06
11 years. 13:24:10
12 JUDGE SUTIN: Mr. Small, I'm sorry to 13:24:10
13 interrupt. 13:24:12
14 We really encourage people of all ages to be 13:24:13
15 here, but I do want to make sure that it's not 13:24:17
16 interrupting people's ability to hear and the testimony 13:24:19
17 that's being given, so I -- I respectfully ask that if 13:24:22
18 you can't have children quiet, that they need to be 13:24:27
19 outside the auditorium. 13:24:31
20 Thank you. 13:24:33
21 I apologize, Mr. Small. Please continue. 13:24:33
22 MR. TONY SMALL: You're fine. 13:24:36
23 Ozone levels during certain periods of time 13:24:37
24 are higher than those reported in Los Angeles. In 13:24:39
25 Los Angeles, ozone levels frequently reach 75 PPB, well 13:24:42

1 over the standard set by EPA at 70 PPB. 13:24:48
2 Ground level ozone is a major health concern 13:24:52
3 on the reservation. Ozone can trigger asthma attacks, 13:24:55
4 scar the lungs of children, send elders to the 13:24:59
5 emergency room, and even cause premature death. 13:25:02
6 The tribe is concerned that the Bonanza 13:25:05
7 Plant may be a huge contributor to the ozone problem in 13:25:08
8 the Uinta Basin. 13:25:11
9 The tribe wishes to express our concern over 13:25:13
10 what we see as failed regulatory oversight by the EPA 13:25:17
11 of the Bonanza plant for well over a decade. There are 13:25:22
12 numerous alleged violations of the CAA falling 13:25:25
13 to -- into three specific categories: 13:25:32
14 One: Violations associated with 13:25:33
15 modifications to the plant made in 2000, that fail to 13:25:34
16 comply with the CAA's prevention of significant 13:25:39
17 determination PSD program; 13:25:44
18 Two, violations of the plant's existing PSD 13:25:45
19 permit; 13:25:49
20 And three, violations of federal limitations 13:25:50
21 on opacity continued in the New Source Performance 13:25:52
22 Standards, NSPS. 13:25:57
23 The first and most significant of the 13:25:59
24 alleged violations involves construction at the Bonanza 13:26:03
25 Plant in approximately 2000, as part of a project to 13:26:07

1 increase the capacity of the facility and to extend its 13:26:10
2 life. Under the federal PSD program, central physical 13:26:14
3 modifications of major source of pollutants that are 13:26:18
4 known to be adverse to human health by particulate 13:26:22
5 matter, (PM10), nitrogen oxides, ($NO_{x)}$, and sulfur oxide 13:26:26
6 ($SO_{X)}$, are required to go through special permitting 13:26:31
7 processes. 13:26:36
8 This, known as PSD, is intended to ensure 13:26:36
9 that increases in air pollution are offset by the 13:26:41
10 facility through various regulatory means, primarily 13:26:45
11 the installation of air pollution controls known as 13:26:48
12 Best Available Control Technology, (BACT). 13:26:52
13 With regards to Bonanza, the record is quite 13:26:57
14 clear that 2000 modifications to -- the 2000 13:26:59
15 modifications resulted in actual significant increase 13:27:04
16 of air pollution, that not only exceeded regulatory 13:27:07
17 limits, but pose a real threat to human health and the 13:27:11
18 environment. 13:27:14
19 Emission of NO_x increases somewhere between 13:27:15
20 365 to 1,124 tons per year. 13:27:19
21 Similarly, emissions of SO_X increased that 13:27:24
22 upwards of 1,171 tons per year, and the emissions of 13:27:27
23 PM10 increased upwards of 686 tons per year. 13:27:33
24 These increases are quite large and 13:27:38
25 undoubtedly present, and an increased risk of harm to 13:27:42

1 human health such as respiratory illnesses like the 13:27:45
2 asthma lung disease, cardiovascular illness, and 13:27:49
3 possibly even brain cancer. 13:27:54
4 The impacts on health are particularly hard 13:27:55
5 on children and elderly living on tribal lands. 13:27:58
6 The second set of alleged violations 13:28:01
7 involves the violations of the existing PSD permit for 13:28:07
8 Bonanza, which was issued in 1981 by EPA. 13:28:11
9 This permit limited both the maximum heat 13:28:15
10 input rate of the plant as well as a maximum emission 13:28:18
11 of NO_x. 13:28:22
12 There were at least 23,413 exceedances of 13:28:23
13 heat input at rate limitations and 315 exceedances of 13:28:30
14 NO_x limit between 2007 and 2012. 13:28:37
15 The final set of alleged violations involve 13:28:40
16 excess opacity from the plants' 600-foot-high emissions 13:28:46
17 stack. 13:28:50
18 Under federal NSPS, the facility opacity 13:28:51
19 emission level -- that is the density of a smoke 13:28:55
20 emitted from its operation -- is generally limited to 13:28:58
21 20 percent, except in certain defined situations. 13:29:02
22 These accepted situations primarily involve 13:29:06
23 start up, shut down, and qualifying malfunctions. 13:29:10
24 In addition, the facility is allowed to 13:29:13
25 exceed 20 percent opacity, but not exceed 27 percent 13:29:15

1 opacity for one 6-minute period in an hour. 13:29:19
2 Even taking these exceptions into account, 13:29:24
3 the plant has violated the 20 percent opacity limit on 13:29:27
4 540 occasions. 431 of these occasions also exceeded 13:29:33
5 the 27 percent limitation. 13:29:38
6 The tribe is concerned as to how the permit 13:29:41
7 for continued operation of Bonanza will affect the air 13:29:46
8 designation of the Uinta Basin. The tribe is concerned 13:29:51
9 that the continued operation of Bonanza will ultimately 13:29:54
10 lead to a designation of non-attainment for the Uinta 13:29:58
11 Basin. 13:30:03
12 A designation of non-attainment for the 13:30:03
13 Uinta Basin will negatively affect the reservation and 13:30:05
14 the development of the tribe's natural resources. 13:30:08
15 The EPA has jurisdiction over Bonanza via 13:30:12
16 the tribe. 13:30:19
17 The tribe terminated the disclaimer of civil 13:30:20
18 regulatory authority on May 9th, 2011, thus any prior 13:30:24
19 disclaimer over tribal civil regulatory jurisdiction 13:30:29
20 over Bonanza is no longer in effect. 13:30:32
21 As a matter of federal law and tribal law, 13:30:34
22 the tribe has asserted and continues to assert civil 13:30:38
23 regulatory jurisdiction over Bonanza. 13:30:41
24 The tribe supports the use of natural gas as 13:30:45
25 an alternative fuel source to coal. Coal plants like 13:30:48

1 Bonanza should be phased out or subject to more 13:30:52
2 stringent regulations to control air emissions, given 13:30:57
3 availability of more clean technology by natural gas 13:31:02
4 plants that emit few pollutants. Natural gas burns 13:31:06
5 cleaner and is more environmentally friendly than coal. 13:31:10
6 Again, thank you for the opportunity to 13:31:14
7 provide comments on Bonanza. 13:31:17
8 JUDGE SUTIN: Thank you, Mr. Small. 13:31:20
9 Okay. We will get started with the 13:31:35
10 registered speakers. 13:31:37
11 Again, please limit your testimony to five 13:31:38
12 minutes, and if you can come to this microphone so the 13:31:42
13 court reporter can hear you better. 13:31:45
14 The first speaker I'd like to call is Dwight 13:31:47
15 Merkley. M-E-R-K-L-E-Y. 13:31:51
16 DWIGHT MERKLEY: I'm not sure if getting to 13:31:56
17 go first is a win or a lose, but . . . 13:32:06
18 My name's Dwight Merkley. I've been 13:32:08
19 employed by Deseret Power for over 29 years. 13:32:12
20 In the 1970s there were two major energy 13:32:16
21 crises in which potentially unfriendly countries in the 13:32:19
22 Middle East held the rest of the world hostage to 13:32:23
23 exorbitant energy prices and petroleum shortages 13:32:28
24 leading to stagnant economic growth as oil prices 13:32:32
25 climbed. 13:32:37

1 Due to this environment of energy 13:32:37
2 uncertainty, a group of electric coops serving rural 13:32:40
3 Utah, Nevada, Wyoming, and Colorado, got together, 13:32:47
4 pooled their resources, and built a modern power plant 13:32:50
5 using high quality/low sulfur coal from the Deserado 13:32:54
6 coal mine, located near the small town of Rangely, 13:33:00
7 Colorado. 13:33:03
8 Out of this partnership of rural communities 13:33:04
9 was born the Bonanza Power Plant. 13:33:07
10 Bonanza was built at a time when providing 13:33:09
11 affordable, reliable, clean power to rural communities 13:33:12
12 across America was considered a noble venture. I was 13:33:16
13 there when Bonanza plant came on-line in December of 13:33:22
14 1985. 13:33:25
15 This new modern clean power plant was 13:33:26
16 welcomed by the local and surrounding communities, 13:33:29
17 where it delivered a brighter future for those who 13:33:34
18 benefitted from its reliable, affordable electricity 13:33:37
19 and over 300 jobs in an area where the boom and bust 13:33:41
20 cycle of the petroleum economy had taken its toll. 13:33:45
21 Today, 29 years later, Bonanza is still 13:33:49
22 welcomed in the local communities and is even more an 13:33:51
23 essential source of clean energy to the thousands of 13:33:56
24 homes it serves. 13:34:00
25 During my career at Deseret, I have 13:34:01

1 witnessed Deseret Power to always choose the high road 13:34:06
2 in policies, decisions, and efforts to keep Bonanza on 13:34:09
3 the forefront of clean energy production. Rather than 13:34:16
4 ham string and burdened Deseret's Bonanza plant with 13:34:19
5 additional unnecessary regulation which could result in 13:34:22
6 the loss of jobs and dim the bright future that Bonanza 13:34:26
7 represents, hundreds of families and thousands of 13:34:30
8 homeowners expect and even respectfully demand that the 13:34:33
9 EPA issue Bonanza a Title V permit as it is currently 13:34:39
10 written. 13:34:44
11 I believe the Bonanza plant should be viewed 13:34:44
12 as an American asset that can serve to bridge a time of 13:34:48
13 developing and perfecting other sustainable forms of 13:34:53
14 energy, not as an errant delinquent that needs tighter 13:34:56
15 and tighter regulation. 13:35:01
16 If all power plants around the world could 13:35:02
17 live up to the high standards that Bonanza plant 13:35:06
18 represents, we truly would have a clean, bright future. 13:35:09
19 Thank you for your time. 13:35:13
20 JUDGE SUTIN: Thank you, Mr. Merkley. 13:35:15
21 Okay. Next, if we could have Sam Tolley? 13:35:26
22 And again, please remember to spell your 13:35:37
23 name for the court reporter. 13:35:39
24 SAM TOLLEY: Hello. My name is Sam Tolley. 13:35:42
25 S-A-M, T-O-L-L-E-Y. 13:35:43

1 And I've been a resident of Rangely all my 13:35:45
2 adult life, the past 30 something years. I know a lot 13:35:49
3 of the coal miners. I actually work in the energy 13:35:53
4 industry, so. 13:35:56
5 A lot of people say we're at odds with each 13:35:56
6 other. We're not. The power plant and I -- like he 13:35:58
7 just said, I was there when they built the power plant, 13:36:00
8 I was there when it first fired up, and I've been 13:36:02
9 through the boom and bust cycles of the energy 13:36:03
10 industry. 13:36:06
11 But the bigger good here is that power plant 13:36:06
12 provides us with low cost power in this area, in which 13:36:09
13 we're talking about rate hikes of possibly 40 percent. 13:36:12
14 The people in this area, especially the ones 13:36:16
15 on fixed income, could not survive that. That was -- 13:36:18
16 Because of the forward thinking of some of 13:36:21
17 our -- the ones that went before us, some parents, 13:36:23
18 grandparents, was the reason they built the power 13:36:28
19 plant. 13:36:31
20 And while it is coal-fired, I -- I listened 13:36:31
21 to the gentleman earlier. He used a lot of the words 13:36:34
22 like "may," and "possibly." 13:36:36
23 But from what I was reading on the -- on the 13:36:37
24 signs that they have, from the university, I think 13:36:39
25 there's one from the University of Utah, a couple other 13:36:43

1 ones, and it says here that "... the plume does not 13:36:45
2 appear to contribute any significant amount of nitrogen 13:36:49
3 oxides or other contaminants to the polluted boundary 13:36:52
4 layer during ozone episodes; the thermally buoyant 13:36:56
5 Bonanza plume rises upwards from the 600-foot stack and 13:36:59
6 penetrates through the temperature inversion layer. 13:37:02
7 "As a result, emission from the Bonanza
8 plant are effectively isolated from the boundary layer 13:37:06
9 in which the high ozone concentrations occur." 13:37:16
10 So anyway, it's saying here that the study 13:37:16
11 was prepared by researchers and the air quality 13:37:18
12 managers at Utah State University, the University of 13:37:21
13 Utah, the National Oceanic and Atmospheric 13:37:23
14 Administration, ENVIRON, University of Colorado, the 13:37:27
15 Utah Department of Environmental Quality, and the EPA. 13:37:30
16 And I'm sure there are a lot of different 13:37:32
17 studies, but what I would -- what I wanted to say, 13:37:34
18 basically, is I urge us to use some sound science, and 13:37:37
19 look at the whole big picture, because this is going to 13:37:40
20 affect a lot of people. 13:37:42
21 And I also realize, you know, that there's 13:37:43
22 vested interest. Everybody in here has a vested 13:37:45
23 interest. Whether the tribe would like to, you know, 13:37:47
24 obviously have natural gas resources, they would like 13:37:50
25 to be able to utilize those. We've got a lot of coal 13:37:52

1 miners here. We've got people from the power plant. 13:37:55
2 But the bigger rule, we have thousands of 13:37:58
3 people that depend on this low cost power that we enjoy 13:37:59
4 around here. And because of the Moon Lake Electrical 13:38:02
5 Association and this coop that our forefathers formed 13:38:05
6 30 years ago, 40 years ago, we enjoy that here. 13:38:09
7 And without that, it would be hard for a lot 13:38:11
8 of us to -- to be -- not me so much, but a lot of the 13:38:13
9 retired people and people on fixed income, that it 13:38:15
10 would be a hard -- a real hardship for them. When it's 13:38:18
11 35, 40 below here, you know, they depend on that cheap 13:38:20
12 power. 13:38:23
13 So I would just urge that we don't penalize 13:38:24
14 an older plant, that was trying to use the best 13:38:26
15 available pollution controls at the time it was built, 13:38:29
16 by the new standards that are constantly coming down 13:38:31
17 the pike. 13:38:34
18 And, I mean, five years from now we'll 13:38:35
19 probably have new and better ways of doing things, but 13:38:36
20 I think it's unfair to penalize a plant or any -- any 13:38:38
21 organization that was trying to do the best that they 13:38:45
22 did at the time it was built. 13:38:47
23 So that's pretty much all I've got. 13:38:48
24 I also represent the -- I sit on the Board 13:38:51
25 of Education in Rangely, and also on the college board 13:38:54

1 there in Rangely as well. 13:38:57
2 And, you know, the families we have, when 13:38:59
3 we're looking at this, the numbers, I think around 300 13:39:01
4 people between the coal mine and the power plant, but 13:39:03
5 that doesn't also include the bakers and the 13:39:07
6 candlestick makers and everybody else that depends on 13:39:10
7 those people buying goods, as you well know. 13:39:12
8 So there's a lot of people that have a very 13:39:14
9 big vested interest in this. And especially us. 13:39:16
10 I mean, we -- you know, we struggle as a 13:39:18
11 school district to have enough kids in the seats. And 13:39:20
12 with the limited amount of funding to go around, it's 13:39:23
13 pretty tough. 13:39:25
14 So I would urge the EPA to take a strong 13:39:26
15 look at that when they make their decision. Thank you. 13:39:28
16 JUDGE SUTIN: Thank you, Mr. Tolley. 13:39:31
17 Next, if we can have JoLynn Help. 13:39:41
18 JENNIFER HILL: I'm assuming you meant me. 13:39:52
19 My name is Jennifer Hill. 13:39:54
20 JUDGE SUTIN: I am so sorry. 13:39:56
21 JENNIFER HILL: No, you're fine. 13:39:56
22 UNIDENTIFIED SPEAKER: No, we have one right 13:40:02
23 here. 13:40:03
24 JUDGE SUTIN: I didn't think I had screwed 13:40:04
25 that up too badly. 13:40:06

1 JENNIFER HILL: Oh, never mind. 13:40:09
2 JOLYNN HILL: Hi. My name is JoLynn Hill. 13:40:13
3 It's J-O capital L-Y-N-N, last name Hill. 13:40:14
4 I am a consumer accounting supervisor for 13:40:18
5 Moon Lake Electric, as well as a consumer of Moon Lake 13:40:21
6 Electric. 13:40:25
7 I'm concerned that if Deseret is forced to 13:40:25
8 make expensive new controls that are going to increase 13:40:28
9 the power rates by as much as 40 percent, what kind of 13:40:32
10 an effect or impact that's going to have on our 13:40:35
11 consumers of Moon Lake Electric. 13:40:37
12 With the oil and gas industry as it is right 13:40:39
13 now, there are a lot of people that are gainfully 13:40:42
14 employed and are able to pay their power bills. But 13:40:45
15 not everyone works for the oil and gas industry. We 13:40:49
16 still have a lot of people who have jobs in the 13:40:52
17 community, the school districts, that type of thing. 13:40:56
18 And if we take -- if they have a 40 percent increase in 13:41:00
19 their power bills, they're already struggling. They're 13:41:04
20 going to have an even harder time paying their bills. 13:41:08
21 I think it would have an impact on our 13:41:10
22 senior citizens who are on fixed incomes. Our school 13:41:14
23 teachers, our young couples who are trying to support 13:41:18
24 new families, raise young children. It's going to 13:41:21
25 impact our consumers, our businesses, our irrigators, 13:41:27

1 our farmers, our senior citizens, our tribal members, 13:41:31
2 as well as the oil and gas industry itself. 13:41:36
3 Right now we have a lot of people who depend 13:41:38
4 on assistance from the government heat programs and 13:41:41
5 other assistant programs to pay their bills. 13:41:47
6 That money is not going to be increased. 13:41:50
7 The amount of money that they get, that's allocated 13:41:52
8 towards those programs, is not going to increase. 13:41:56
9 If we have a 40 percent increase in power 13:41:58
10 rates, the money that those people are receiving is 13:42:01
11 still going to be the same. So the amount that -- the 13:42:04
12 good that it does now is going to be a lot less, 13:42:08
13 because the power -- 13:42:13
14 If they're increased -- that much of an 13:42:14
15 increase is going to be greatly diminished as far as 13:42:17
16 how much -- of what goes on their power bills. 13:42:20
17 I've worked for Moon Lake for over 30 years, 13:42:22
18 and during that period of time Moon Lake has prided 13:42:26
19 themselves through Deseret in keeping our rates low. 13:42:30
20 Making it affordable for our consumers. 13:42:32
21 I'm afraid that an increase of this 13:42:34
22 proportion would have a devastating impact in our area. 13:42:37
23 The amount of consumers that we have that 13:42:42
24 are delinquent right now is substantial. If we have 13:42:45
25 that type of an increase, and that many more people are 13:42:49

1 having a hard time paying their bills, that's going to 13:42:52
2 mean more write-offs. That means more people -- bills 13:42:55
3 that are not paid. That's going to make it harder for 13:42:58
4 Moon Lake to keep their rates down for their consumers. 13:43:01
5 Right now, the average power bill for a 13:43:04
6 home -- that's not all electric -- is around $80 a 13:43:06
7 month. A 40 percent increase would make that bill $112 13:43:10
8 per month, which amounts to about $384 a year increase. 13:43:15
9 The average power bill for an all electric 13:43:19
10 home is anywhere from 155 to $195 a month. A 13:43:24
11 40 percent increase for those people would mean 217 to 13:43:32
12 $273 more a year -- or a month, I'm sorry -- for 750 to 13:43:35
13 $900 more per year that those people are paying. 13:43:41
14 That's going to be hard for these people to 13:43:47
15 do. 13:43:48
16 How many of these people who are, right now, 13:43:49
17 heating with all electric, which is a cleaner heat, are 13:43:51
18 going to go back to burning wood-burning stoves? 13:43:54
19 And we all know that the wood-burning stoves 13:43:56
20 puts a lot more emissions and particulate matter into 13:44:00
21 our air and causes more of the problem during the 13:44:04
22 wintertime than what our coal from -- the gas -- or 13:44:06
23 what the Bonanza Power Plant does. 13:44:10
24 How many of our senior citizens are going to 13:44:11
25 have to decide between paying for their power bill, 13:44:15

1 buying groceries, or much-needed medications? 13:44:19
2 If the oil and gas industry is hit with this 13:44:21
3 kind of an increase in their power bills -- because a 13:44:25
4 lot of their pumps are electric -- how many of them are 13:44:29
5 going to shut down? 13:44:32
6 And if they shut down, how many people are 13:44:33
7 going to be put out of work? How many jobs are going 13:44:35
8 to be lost? How many businesses are going to close? 13:44:39
9 How many homes are going to be lost? 13:44:42
10 Same thing with the impact in Rangely. The 13:44:43
11 amount of jobs of the people in Rangely, with the 13:44:48
12 power -- with the power plant and with the Deserado 13:44:51
13 mine. I think it would be a devastating thing for our 13:44:55
14 community if we are put -- if these stringent controls 13:44:57
15 are put on Deseret. 13:45:00
16 Thank you. 13:45:03
17 JUDGE SUTIN: Thank you. 13:45:04
18 Next, Alan Haslem. 13:45:10
19 ALAN HASLEM: Good afternoon. It's A-L-A-N, 13:45:14
20 H-A-S-L-E-M. 13:45:22
21 And I'm the manager of finance for Moon Lake 13:45:24
22 Electric. Have worked there for over 33 years. 13:45:30
23 I appreciate this opportunity, Judge Sutin, 13:45:32
24 and I appreciate the Ute Tribe's willingness to allow 13:45:36
25 us this venue today. 13:45:40

1 As JoLynn mentioned, many of our customers 13:45:41
2 have a very difficult time paying their utilities. 13:45:45
3 Not everyone in this area has a lot of 13:45:49
4 money. I've seen that over the years. 13:45:52
5 Many times customers come in, and they're 13:45:53
6 crying, they're sobbing, because they have -- they're 13:45:56
7 having a hard time paying their bill. And this 13:45:58
8 includes tribal members as well. 13:46:01
9 And that's a hard thing to take. And we 13:46:03
10 don't like those situations. 13:46:06
11 And I feel the best thing that we can do to 13:46:07
12 avoid that is by making electricity affordable and not 13:46:10
13 raising the price. 13:46:14
14 Now, as JoLynn mentioned, if these stringent 13:46:15
15 controls are required by Deseret to be installed, it's 13:46:19
16 estimated that the cost -- the retail costs will rise 13:46:23
17 probably 40 percent or more. And I -- I feel that that 13:46:28
18 is too much for people to pay, and that they'll have a 13:46:31
19 very difficult time doing that. 13:46:35
20 I feel that Bonanza is a clean power plant. 13:46:37
21 They've always done their very best. They've complied 13:46:42
22 with their -- with their regulations that they were 13:46:44
23 under, and they do operate a very efficient and a clean 13:46:46
24 power plant. 13:46:49
25 This cost will not only hurt the residents, 13:46:51

1 but it will impact the businesses greatly, particularly 13:47:01
2 the oil and gas industry in this area. 13:47:05
3 You know, if we raise the -- their rates 13:47:08
4 again by the 40 or 50 percent, how many of those wells 13:47:11
5 will no longer be feasible to pump? In fact, I 13:47:15
6 understand, in the Rangely area, electricity is the 13:47:18
7 largest single operating cost that they have. 13:47:21
8 And by raising that, that would severely 13:47:23
9 harm them. Maybe even cause them to -- to pull their 13:47:27
10 business. 13:47:31
11 As far as the tribe's proposed gas plant, we 13:47:31
12 applaud that. We encourage that. We realize that they 13:47:38
13 have a valuable resource, and I think there is an 13:47:41
14 opportunity for sale of that power in -- in areas 13:47:43
15 that -- 13:47:50
16 And we certainly wish them well in their 13:47:50
17 endeavors in doing that. 13:47:53
18 One other comment. I understand that a lot 13:47:54
19 of this process is brought on by WildEarth Guardians 13:47:58
20 and other environmental groups. WildEarth Guardians do 13:48:02
21 not live here. They don't work here. In fact, I don't 13:48:06
22 think they work anywhere. 13:48:10
23 (LAUGHTER) 13:48:12
24 But I feel that our -- our air is clean, and 13:48:13
25 that we need -- you need to continue to let Deseret 13:48:19

1 operate as they have been, under their existing 13:48:23
2 permits, and -- and I think everyone here will be 13:48:27
3 better off. 13:48:31
4 Thank you. 13:48:32
5 JUDGE SUTIN: Thank you, Mr. Haslem. 13:48:34
6 Next, Robert Lee. 13:48:36
7 ROBERT LEE: Robert Lee. It's L-E-E. 13:48:47
8 I've been with Deserado for about eight 13:48:51
9 years. Helped build the power plant back in the early 13:48:55
10 '80s. 13:48:57
11 After that, went to build other power plants 13:49:00
12 in California. And I've got 12 grandkids here. I 13:49:03
13 can't add much in fancy numbers and stuff, but what 13:49:07
14 Dwight Merkley said, I'd add my list to that list, to 13:49:12
15 that talk, because that's exactly how I feel. 13:49:16
16 I do know that I'm proud to be behind these 13:49:20
17 lights that are on in here. I'm proud to have all of 13:49:22
18 my grandkids here. I'm proud to live in the Basin. 13:49:25
19 I also can say that, on the Deserado mine 13:49:28
20 side, I know they take the high road every time. They 13:49:34
21 go far and beyond any kind of legal or federal 13:49:37
22 mandates. They -- 13:49:42
23 It's incredible to me. I'm proud to work 13:49:43
24 there. 13:49:46
25 I'm even trying to get my sons involved in 13:49:47

1 it. 13:49:49
2 All I can say is I'm proud to be in the coal 13:49:52
3 mining industry. I'm proud of our heritage. 13:49:54
4 We've -- we're far in advancement and technology 13:49:58
5 because of us, and I think it needs to be appreciated. 13:50:01
6 And that's all I've got. Thank you. 13:50:04
7 JUDGE SUTIN: Thank you, Mr. Lee. 13:50:07
8 Next, Dan McClendon. 13:50:09
9 DAN McCLENDON: Judge Sutin, can I ask a 13:50:19
10 question? 13:50:42
11 I've got some personal comments from who I 13:50:42
12 represent. Also, I have been asked by three county 13:50:46
13 commissioners to hand deliver some letters for them, 13:50:49
14 who were not able to come. 13:50:53
15 They'd also like if I could read those. I 13:50:56
16 can do all of this, I think, within five minutes or so, 13:50:58
17 if that's okay. 13:51:00
18 JUDGE SUTIN: That's great. 13:51:01
19 DAN McCLENDON: Thank you. 13:51:02
20 The three letters, one letter is represented 13:51:02
21 by Wayne County. This is in Central Utah. 13:51:06
22 And this is signed by the Commissioners 13:51:12
23 DeRae Fillmore, Robert Williams, and Newell Harward. 13:51:17
24 These letters will be sent and are addressed 13:51:20
25 to Mr. Michael Owens, and they'll be sent there. 13:51:24

1 Dear Mr. Owens: As representatives of Wayne 13:51:29
2 County, we are writing to express our concern that 13:51:32
3 additional costs forced upon the Bonanza generation 13:51:35
4 plant would be a devastating blow to our area in Wayne 13:51:39
5 County, Utah. We're already struggling to keep our 13:51:42
6 rural economy viable. If unexpected additional 13:51:46
7 environmental costs are imposed upon Deseret Generation 13:51:48
8 and Transmission Cooperative and upon its distribution 13:51:52
9 members, you can be sure that much of the Utah rural 13:51:55
10 landscape will be severely and negatively affected. 13:51:59
11 Wayne County does not have access to natural 13:52:02
12 gas; therefore, many citizens are dependent on 13:52:05
13 electricity. 13:52:08
14 It is not in the best interests of Wayne 13:52:09
15 County, or the state of Utah, or our nation, to change 13:52:12
16 the rules midstream. We should keep our promises and 13:52:17
17 maintain the simple value of integrity and honor our 13:52:20
18 agreements. The EPA granted a permit for Bonanza 13:52:24
19 almost 15 years ago. If -- the lights are out -- 13:52:26
20 If EPA made a "mistake" when it granted 13:52:31
21 Bonanza the permit years ago, our local residents and 13:52:35
22 businesses should not have to pay for the "error." 13:52:39
23 In addition, if Bonanza were running as a 13:52:41
24 "dirty" plant, perhaps some changes would be in order, 13:52:46
25 but that is not the case. Bonanza is one of the 13:52:49

1 cleanest running generation plants that exist. 13:52:51
2 Respectively, we ask that you seriously 13:52:54
3 consider the consequences of forcing unwarranted, 13:52:58
4 additional costs upon the Bonanza plant. We hope 13:53:01
5 this -- help us retain our livelihood and existence. 13:53:03
6 Signed by commissioners. 13:53:06
7 The next letter is letters from the Sevier 13:53:07
8 County. Also signed by the commissioners, Gordon 13:53:10
9 Topham, Gary Mason, and Garth Ogden. 13:53:14
10 Dear Mr. Owens: As elected officials of 13:53:17
11 Sevier County, we are seriously concerned over the 13:53:24
12 proposal to reverse a 15-year-old permit at the Bonanza 13:53:26
13 Power Plant. We find it incredulous that agency 13:53:31
14 personnel believe they can impose severe consequences 13:53:33
15 on sensitive populations. Such impositions will cause 13:53:37
16 a loss of respect and credibility for EPA as they deal 13:53:41
17 with the future permits. 13:53:45
18 Sevier County has residents and businesses 13:53:47
19 that are served by Garkane Energy. The proposed action 13:53:49
20 would increase power rates to the point of being 13:53:53
21 unbearable. 13:53:56
22 To be specific, we submit the following 13:53:56
23 reasons for maintaining the existing permit: 13:53:59
24 Sevier County has residents and businesses 13:54:02
25 served by Garkane Energy, and these residents would 13:54:04

1 suffer the financial consequences of onerous and 13:54:07
2 unnecessary regulations. 13:54:10
3 We already have struggling economies, and 13:54:11
4 increasing power rates by up to 40 percent, it would be 13:54:15
5 unbearable and likely force some business closures. 13:54:18
6 The ironic consequences would be that most 13:54:23
7 people would turn to burning wood to heat their homes 13:54:25
8 during winter hours rather than rely on electrical 13:54:28
9 systems. What evidence exists that air quality-related 13:54:31
10 problems are present? 13:54:35
11 To undo a 15-year-old -- 15-year -- years 13:54:37
12 after its issuance injects so much uncertainty into 13:54:41
13 capital markets that financing plants would become very 13:54:46
14 difficult. Who would invest money into generation 13:54:50
15 facilities knowing that the operation could stop 13:54:52
16 whenever the EPA employees decided it had made a 13:54:55
17 mistake? 13:54:59
18 This appears to be more arbitrary and 13:54:59
19 capricious than based on any evidence or problems. 13:55:03
20 Permits are issued under the assumption that the rule 13:55:06
21 of law governs governmental actions. 13:55:08
22 This is another incident of EPA's "war on 13:55:11
23 coal," as previously demonstrated with other permits 13:55:15
24 the EPA has reversed for coal-related projects. 13:55:17
25 Minority populations would be adversely 13:55:22

1 affected. 13:55:25
2 This action is simply unnecessary and 13:55:25
3 imposes undue burdens on economically-sensitive 13:55:28
4 populations and communities. 13:55:31
5 Finally, the final letter from the Kane 13:55:33
6 County commissioners. 13:55:36
7 Dear Mr. Owens: Kane County would like to 13:55:37
8 provide comments and stress our concerns regarding 13:55:39
9 additional EPA requirements that seem to be unwarranted 13:55:42
10 regarding New Source Performance Standards. 13:55:46
11 This plant supplies much of the power for 13:55:49
12 rural counties in Utah, and any changes in the 13:55:51
13 operational procedures will have a significant impact 13:55:54
14 on power reliability, rates, and jobs. 13:55:56
15 We believe that the Bonanza plant has shown 13:55:59
16 tremendous environmental responsibility in its 13:56:02
17 operations, with 100 percent scrubbed emissions and 13:56:05
18 filtering systems. We would also welcome information 13:56:07
19 from the EPA regarding plant operations. 13:56:10
20 We would like to raise the following 13:56:12
21 ascertainable issues: 13:56:17
22 Is that my five-minute notice? 13:56:21
23 JUDGE SUTIN: No. Keep going. 13:56:25
24 DAN McCLELAND: And by the way, I put in 13:56:26
25 four slots, so each of these -- 13:56:27

1 Okay. So we're good. 13:56:29
2 The EPA decisions should be coordinated with 13:56:30
3 local county and state governmental agencies for 13:56:32
4 consistency to local desires and plans. 13:56:35
5 It seems that the factors -- the factors 13:56:38
6 motivating consideration for this change are 13:56:41
7 from -- are from threatened litigation from extreme 13:56:44
8 environmental organizations rather than from scientific 13:56:46
9 analysis and monitoring. 13:56:49
10 We understand that there is a significant 13:56:51
11 social movement against all coal power regardless of 13:56:53
12 the details of operation, and we would like to see more 13:56:56
13 analytical analysis before decisions are made, that 13:56:58
14 consider environmental impacts along with power 13:57:02
15 reliability and rate trade-offs as part of the 13:57:04
16 analysis. 13:57:08
17 Rates and reliability for power 13:57:09
18 significantly affects the health, safety, and welfare 13:57:12
19 of our county residents; therefore, any unplanned and 13:57:14
20 unmanaged disruption in power delivery or rates must be 13:57:17
21 reviewed and planned with the county. 13:57:19
22 The EPA action is in conflict with the 13:57:21
23 National Association of Counties Policy National 13:57:24
24 Association of Counties 2014 Interim Policy 13:57:27
25 Resolutions. 13:57:31

1 And they've listed those, and they refer to 13:57:32
2 that policy. 13:57:36
3 The Bonanza Power had a permit that was 13:57:37
4 issued in accordance to the plant construction and 13:57:40
5 operating procedures. It would seem to be a serious 13:57:43
6 breach of contract and trust, as well as a significant 13:57:46
7 legal matter to consider rescinding this permit. 13:57:49
8 We request a statement of reasons for 13:57:52
9 changes made to the draft permit, and responses to 13:57:54
10 comments as mentioned in the notice of intent, signed 13:57:58
11 by Dick Clayson, County Commissioner. 13:58:02
12 As far as my comments, my name is Dan 13:58:05
13 McClendon. I am the general manager/CEO of Garkane 13:58:08
14 Energy Cooperative, headquarters in Loa, Utah, with 13:58:12
15 offices in Hatch and also in Kanab. 13:58:15
16 I represent basically 14,000 meters, 13:58:17
17 approximately 20 to -- depends on the season -- 30,000 13:58:25
18 members, who -- that we deliver electric energy to, and 13:58:29
19 also propane. 13:58:33
20 It has already been stated, but I think it's 13:58:37
21 important to know, that rural electric cooperatives, 13:58:40
22 and in this situation Bonanza -- 13:58:45
23 Our cooperative, our distribution 13:58:48
24 cooperative owns Bonanza. Bonanza is also -- I'm 13:58:51
25 sorry, Deseret Generation Transmission, Deseret Power. 13:58:54

1 We own them. 13:58:57
2 There are five other owners that own 13:58:58
3 Deseret. 13:59:01
4 We're unlike for-profit transmission and 13:59:02
5 generation companies that pocket and line the pockets 13:59:06
6 of folks, stockholders, et cetera. And so it's not 13:59:10
7 that we can -- if we add additional costs to the plant 13:59:14
8 that we own, it's not spread by -- to thousands of 13:59:17
9 people that make money. It all comes back down to the 13:59:21
10 local people. 13:59:24
11 And we've already heard the comments about 13:59:25
12 the economy that it hurts. So that's important to 13:59:27
13 know. 13:59:30
14 And with that, any of these kinds of changes 13:59:31
15 will most definitely have a significant detrimental 13:59:35
16 effect in South Central and Central Utah, for our 13:59:40
17 members. 13:59:44
18 We have probably a distinction in our 13:59:44
19 cooperative that's different than other coops in the 13:59:47
20 country: 90 percent of our service territory serves 13:59:50
21 federal-controlled properties, with four national 13:59:54
22 parks, monuments, forests, and BLM. Only ten percent 14:00:00
23 of our service is not controlled by the federal 14:00:04
24 government. 14:00:07
25 And so those folks that are left, if there 14:00:07

1 were truly a 40 percent increase in our -- in our 14:00:10
2 retail rates, our communities in South Central Utah and 14:00:14
3 Southern Utah would be devastated. 14:00:18
4 I don't -- I don't think it would be 14:00:21
5 something that could be -- something we could overcome. 14:00:22
6 We love our land. We love our environment. 14:00:27
7 All of us want to maintain that. And I think it's 14:00:31
8 important, though, as was mentioned, there -- there are 14:00:34
9 ways that we can grandfather these things in and plan 14:00:38
10 them together so that we don't immediately turn our 14:00:41
11 thing -- our life up-side down. 14:00:45
12 And finally, as an example, 7th grade, 14:00:47
13 college, and high school, we learned about chemistry 14:00:52
14 formulas, and how you balance them. And as long as the 14:00:55
15 elements on both sides are properly balanced, 14:00:58
16 everything is okay. 14:01:01
17 But if you pull an element that -- that is 14:01:02
18 not -- a portion of that element is not in balance, or 14:01:04
19 if you add an element that isn't in balance, you come 14:01:07
20 up with a violent reaction. Sometimes, a very violent. 14:01:10
21 And the concern here is that if we add a component of 14:01:14
22 cost to these people, it would be violent in terms of 14:01:18
23 the economic situation. Particularly in light of what 14:01:23
24 we find is -- is the environmental effects from Bonanza 14:01:28
25 plant are very, very small. 14:01:32

1 And so let's not -- let's not choose to have 14:01:35
2 a huge effect, when we can work this out over time, and 14:01:38
3 then continue to improve our environment over time. 14:01:42
4 We're all in favor of doing that, but let's 14:01:44
5 just do it in a wise way and not a way that would just 14:01:46
6 blow us up, so to speak. 14:01:49
7 So thank you very much. 14:01:51
8 JUDGE SUTIN: Thank you, Mr. McClendon. 14:01:52
9 CHAIRMAN GORDON HOWELL: Excuse me. Can I 14:01:54
10 say something? 14:01:55
11 To our tribal members, you guys want 14:01:57
12 something to say, if you guys want to express 14:01:59
13 yourselves, you have to sign up in the back. I know 14:02:01
14 that was not told to our members, so I need to let you 14:02:03
15 guys know. If you have comments, especially our 14:02:08
16 elders, we want to hear what you guys have to say on 14:02:10
17 this. 14:02:13
18 So if you guys are interested in expressing 14:02:13
19 yourself, you have to sign up in the front. 14:02:16
20 And if the elders, if you all don't want to 14:02:18
21 go out, we can bring it down to you guys. There's a 14:02:20
22 form to fill out. 14:02:23
23 Just in order to let them express 14:02:25
24 themselves, too. To make it fair. Okay? 14:02:26
25 JUDGE SUTIN: Absolutely. Thank you, 14:02:28

1 Chairman Howell. 14:02:30
2 Next if we can have Tyler Barlow? 14:02:31
3 TYLER BARLOW: My name is Tyler Barlow. 14:02:45
4 That's T-Y-L-E-R, B-A-R-L-O-W. 14:02:50
5 I'm one of the directors on Garkane Energy's 14:02:53
6 board, so I'm with Dan McClelland. 14:02:57
7 And I come from a couple of small 14:02:59
8 communities on the Utah-Arizona border, so I'm a little 14:03:03
9 ways away from home. 14:03:07
10 A few years ago, a few of the politicians in 14:03:08
11 our area got together and decided they wanted to build 14:03:12
12 their own power plant and separate themselves from 14:03:14
13 Garkane Cooperative, which they did. And because of 14:03:18
14 the fluctuation in the gas market, that project failed, 14:03:20
15 and so they were left with a situation where they were 14:03:25
16 basically at the mercy of the coop again, to have 14:03:28
17 power. 14:03:32
18 Well, the result of that is, when you borrow 14:03:32
19 money from a bank, and something fails or you don't 14:03:37
20 have a permit any more to run, the bank ain't going to 14:03:41
21 forgive a debt. Somebody's got to figure out how 14:03:45
22 to -- how to pay the piper, so to speak, and make a 14:03:48
23 project finish out. 14:03:51
24 As a result of this, our little community 14:03:52
25 has been paying a 40 percent increase in power, 14:03:55

1 based -- you know, from our neighbors. From the other 14:03:59
2 members in our cooperative. Our district pays 14:04:02
3 40 percent more. 14:04:06
4 And when this happened, I've seen companies 14:04:07
5 leave our town. I've seen the actual devastation that 14:04:10
6 happens when you raise the power rate up 40 percent on 14:04:14
7 a small community that's already struggling to exist. 14:04:17
8 Just recently, I was successful -- or we 14:04:20
9 were successful in convincing one of those 14:04:25
10 companies -- 14:04:28
11 And we lost probably 500 jobs out of a small 14:04:28
12 town, because of this and other reasons. 14:04:31
13 But one of the companies came back, strictly 14:04:34
14 because I was able to convince them that our power 14:04:37
15 rates now are going to be stable, or go down over time, 14:04:41
16 as we work out our relationship with the coop again, as 14:04:45
17 they will get our rates down. 14:04:49
18 But I can testify to all that a 40 percent 14:04:51
19 increase in your power rate is not something to do. It 14:04:56
20 does affect people. Jobs leave. People leave. Houses 14:05:00
21 quit running. 14:05:05
22 We have the advantage of a natural gas in 14:05:07
23 our community, and without that I don't think that 14:05:10
24 there would be a community there. I don't think that 14:05:13
25 we could afford to heat our homes with the electrical 14:05:16

1 as much as it is, because the economy is just not 14:05:23
2 there. There's no jobs. 14:05:26
3 And so I urge the EPA to consider the 14:05:27
4 ramifications of what happens. You change the deal 14:05:33
5 halfway through, not only are the people with -- the 14:05:36
6 coop members going to have to pay, there's -- the 14:05:40
7 residual amount of debt that's owed, but they are also 14:05:43
8 going to have to go out and find a new source of clean 14:05:46
9 power. 14:05:50
10 And I agree with Mr. Mclendon and with all 14:05:51
11 of you, that there are cleaner ways to get power, and 14:05:53
12 we should be exploring all of those ways. 14:05:56
13 And I think that the managers of Deseret 14:05:58
14 Power, the managers of the coops are interested in 14:06:01
15 finding better, cleaner ways to -- to provide for our 14:06:04
16 members, but we have to do it so that we don't drive 14:06:09
17 people out of town. 14:06:13
18 Thank you. 14:06:15
19 JUDGE SUTIN: Thank you. 14:06:16
20 Next, if we could have Gene Harvey. 14:06:16
21 GENE HARVEY: Gene Harvey. G-E-N-E, 14:06:26
22 H-A-R-V-E-Y. 14:06:32
23 I applaud the tribe for using their 14:06:32
24 resources in any manner that they can do it, because it 14:06:36
25 just adds to the economy of the area. But a 40 percent 14:06:38

1 rate increase is simply too much. The individuals 14:06:42
2 cannot handle it. Thanks. 14:06:45
3 JUDGE SUTIN: Thank you, Mr. Harvey. 14:06:47
4 Next, if we can have Judd Rudden. 14:06:50
5 JUDD RUDDEN: Judd Rudden from Lyman, 14:06:58
6 Wyoming. J-U-D-D. R-U-D-D-E-N. 14:07:09
7 I am the manager of Bridgerland Electric 14:07:13
8 Local Coop, one of the coop owners of Deseret Power. 14:07:16
9 And I thank you for the opportunity to come and comment 14:07:19
10 today. It's quite a drive over here, but it's 14:07:22
11 beautiful. 14:07:25
12 We live in rural America, and our coop 14:07:25
13 serves rural America. 14:07:29
14 Rural America doesn't have the economic 14:07:30
15 opportunities that urban America has. We struggle with 14:07:32
16 jobs. Many people in our community drive 60 to 14:07:36
17 100 miles a day, one way, to find jobs. 14:07:41
18 We struggle when we have input costs. 14:07:43
19 Transportation costs are more expensive. We just have 14:07:46
20 limited opportunities. 14:07:49
21 As a manager of the coop -- and it's been 14:07:50
22 mentioned before today -- I see many people who come 14:07:54
23 who don't have the resources to pay their power bill, 14:07:57
24 to keep their lights on, to keep their heat on. That's 14:07:59
25 a terrible struggle. 14:08:02

1 Forcing changes at Deseret would greatly 14:08:03
2 increase the burden on rural America. 14:08:08
3 Many years ago, the people that live in our 14:08:11
4 system were faced with a choice. They had to find 14:08:14
5 additional power. Together, they decided that they 14:08:20
6 would join with other coops and -- and form the Deseret 14:08:23
7 Generation Transmission, and build the Bonanza plant. 14:08:28
8 That decision was based on many, many 14:08:31
9 things, but one of them was that, together, we could 14:08:35
10 work to solve our solution -- or our problems. Find a 14:08:37
11 solution to keeping power costs down, so that our local 14:08:42
12 economies might thrive instead of suffer. It was based 14:08:45
13 on a decision that we would obtain the necessary 14:08:48
14 permits and comply and build a very nice, very clean 14:08:51
15 plant. We did the best we could at the time. 14:08:55
16 Then to come back in, years later, and say 14:08:57
17 we did it wrong, we should have done something 14:09:01
18 different, that's like Monday morning quarterbacking. 14:09:03
19 That doesn't solve anybody's problems. 14:09:06
20 We have many opportunities to do things 14:09:08
21 right, to do things well, and I think Bonanza's plant 14:09:10
22 does those in a major fashion. 14:09:14
23 I appreciate the work, that the employees 14:09:17
24 take a lot of pride in that plant. I've been there 14:09:18
25 many times. 14:09:20

1 I take people through there. They comment 14:09:21
2 on how clean it is, and how -- how much the employees 14:09:23
3 like to work there, because they take pride in the work 14:09:27
4 that they do. 14:09:29
5 I hope the EPA will consider the effect that 14:09:30
6 a dramatic rate increase would have on rural America. 14:09:34
7 It is really difficult to survive and thrive, and we 14:09:37
8 are a critical part of America. 14:09:41
9 I know we're not as big, we don't have as 14:09:43
10 many votes as the East Coast and the West Coast, but 14:09:46
11 Central America, center of America, the rural America, 14:09:50
12 is really an important part of our country, and I hope 14:09:53
13 you'll consider what change that would effect -- that 14:09:55
14 change would effect on rural America. 14:10:01
15 Thank you. 14:10:03
16 JUDGE SUTIN: Thank you, Mr. Rudden. 14:10:03
17 Next, if we could have Andy Hewitt. 14:10:05
18 ANDY HEWITT: I'm Andy Hewitt, A-N-D-Y, 14:10:13
19 H-E-W-I-T-T. 14:10:23
20 I'd like to thank the EPA for letting us 14:10:24
21 have the opportunity to comment here today. 14:10:27
22 I'm here today representing a community that 14:10:29
23 is served by Bridger Valley Electric, the town of 14:10:34
24 Lyman, Wyoming, and I serve as their mayor. 14:10:39
25 We're a community of about 2,000 people, 14:10:42

1 and -- and part of a community that is bigger than 14:10:45
2 that, of around 6,000. And everybody there is served 14:10:49
3 by Bridger Valley Electric, which is one of the six 14:10:52
4 coops that make up Deseret Power. 14:10:56
5 A 40 percent increase in their electric 14:11:02
6 rates affects every single person. It affects every 14:11:06
7 single person in this room. It affects every single 14:11:11
8 person in my community. 14:11:14
9 And when we have low, affordable, and 14:11:16
10 reliable electric rates, that makes us more 14:11:23
11 economically productive. We're more productive when we 14:11:27
12 don't have to worry about a 40 percent increase. We're 14:11:30
13 more productive when we can start new businesses, when 14:11:34
14 we don't have to worry about that extra added cost. 14:11:37
15 I think the people in my community would ask 14:11:39
16 the question, Why are you taxing me 40 percent? And I 14:11:44
17 don't have anything to say about it. 14:11:51
18 I think they take offense to that. I think 14:11:53
19 the people in our community hear about the talk around 14:11:59
20 as this being the war on coal, and I think they would 14:12:02
21 tell you that we need to really call it what it is, and 14:12:04
22 it's a war on prosperity and economic freedom. 14:12:07
23 And I once again would like to thank the 14:12:11
24 EPA, and I would encourage them to allow Deseret Power 14:12:13
25 to continue to operate under the permit that they have. 14:12:17

1 Thank you. 14:12:21
2 JUDGE SUTIN: Thank you, Mr. Hewitt. 14:12:23
3 Next, if we could have Dale Madsen. 14:12:24
4 DALE MADSEN: Good afternoon. My name is 14:12:35
5 Dale Madsen. M-A-D-S-E-N. 14:12:40
6 I work for Bridger Valley Electric in 14:12:44
7 Southwest Wyoming. I appreciate the EPA letting 14:12:47
8 us -- giving us a chance to voice our concerns over 14:12:50
9 proposed changes to Deseret's permit. 14:12:55
10 And I would just like to state, from the 14:13:02
11 beginning, when we first heard one of our tribal 14:13:03
12 members talk about "this," and "may," and some of the 14:13:06
13 words that were used in that, because we already know 14:13:10
14 that Deseret's one of the cleanest coal-fired 14:13:13
15 generation plants in the country. They went beyond 14:13:16
16 that on their own. 14:13:19
17 Restrictions weren't imposed by someone 14:13:24
18 else. They did that on their own. And to try and come 14:13:25
19 in, midway through a stream of their being able to 14:13:30
20 produce energy, doesn't seem quite right. 14:13:38
21 Where I live in Southwest Wyoming, you've 14:13:41
22 got to realize, as they talk about members, as a coop, 14:13:45
23 we're not producing energy and delivering that energy 14:13:50
24 for people to try and make money on. Any money that we 14:13:54
25 make goes back into our customers. And that's the 14:14:00

1 cooperative principle, and a non-profit organization. 14:14:03
2 So when you start to think about, you're 14:14:07
3 going to raise taxes, basically. This is a tax. It's 14:14:12
4 not a 40 percent rate increase, it's a 40 percent tax 14:14:16
5 increase on those customers. 14:14:19
6 And the EPA needs to really think about what 14:14:20
7 it's going to do with rural America. 14:14:24
8 You talk about high gas prices, gasoline 14:14:25
9 prices, it's another tax. 14:14:28
10 I was at a recent conference where we heard 14:14:30
11 a symposium where they talked about clean energy, and 14:14:36
12 solar and wind generation is going to try and replace 14:14:41
13 the 200 to 300 gigawatts of electricity produced by our 14:14:45
14 coal-fired power plants. It's not feasible. There's 14:14:49
15 no way you have a storage program where you can produce 14:14:52
16 that and keep that, especially for industrial 14:14:55
17 customers. 14:14:57
18 This isn't just going to affect just rural 14:14:58
19 America and a home. It's going to affect more jobs 14:15:01
20 than just the Uinta Basin, just those jobs at the coal 14:15:05
21 mine and at the Deseret Power plant. All of those 14:15:10
22 industrial customers that produce gas to get it from 14:15:15
23 Southwest Wyoming to all across America, to Southern 14:15:18
24 Utah, to Nevada, Colorado, all of those customers, 14:15:22
25 you've got to take into account, we're taking the -- in 14:15:25

1 the fact that those customers produce energy and send 14:15:28
2 it to you where you live. 14:15:33
3 If you think you're not going to be affected 14:15:34
4 by this, it's not going to happen. 14:15:36
5 We have a wind generation plant, wind 14:15:38
6 generation farm on our system. And the most efficient 14:15:44
7 wind generation farm will run about 28, 30 percent of 14:15:49
8 the time the most efficient. And what you need to 14:15:53
9 understand, and you're not going to replace 100 percent 14:15:55
10 coal-fired energy with a 28 percent efficient wind 14:16:00
11 farm. 14:16:04
12 If you're okay with your computer, your 14:16:04
13 refrigerator, your freezer, your air conditioner 14:16:08
14 running 28 percent of the time, it's not going to work. 14:16:11
15 So you have to take into effect, or take into account, 14:16:15
16 coal-fired power plants run America. They run the East 14:16:17
17 Coast and the West Coast. 14:16:23
18 If you remember when deregulation was trying 14:16:24
19 to get started and get going, the reason it didn't get 14:16:27
20 any traction is before that, California tried to go on 14:16:30
21 spot market and buy their power as it came. 14:16:34
22 And what happened? Governor Brown was at 14:16:37
23 the podium all the time talking about Brown-outs. And 14:16:40
24 that's exactly what's going to happen if you start to 14:16:43
25 impose these restrictions on our coal-fired power 14:16:46

1 plants. 14:16:49
2 They're already meeting or exceeding those 14:16:49
3 EPA requirements. And you've got to remember that 14:16:55
4 Bonanza did it on their own, before anybody else made 14:16:57
5 them. 14:17:00
6 And so I just would like you to take into 14:17:01
7 that account, with all of our customers. Not just the 14:17:04
8 rural customers, not just the tribe, but it's going to 14:17:08
9 affect you. It's going to affect the rest of America. 14:17:10
10 So thank you. 14:17:14
11 JUDGE SUTIN: Thank you, Mr. Madsen. 14:17:14
12 Mark Anderson? 14:17:16
13 MARK ANDERSON: Good afternoon. My name is 14:17:28
14 Mark Anderson. That's Mark with a K and Anderson with 14:17:35
15 an O. 14:17:38
16 I represent Deseret Power. I serve on their 14:17:39
17 board of directors. I also represent Flow Electric, a 14:17:44
18 small rural cooperative in Central Utah. I serve on 14:17:47
19 their board of directors as well. 14:17:51
20 And I guess I represent Anderson Farms. My 14:17:52
21 wife and I have a small family farm there in Central 14:17:56
22 Utah. 14:17:59
23 Back in the late '70s/early '80s, we were 14:18:01
24 told that we had to acquire our own source of power. 14:18:04
25 We had the MX Missile that was supposedly coming into 14:18:07

1 the western U.S., we had the oil shale that was being 14:18:10
2 developed, and we were told we had to have our own 14:18:13
3 power plant. It could not be gas, it had to be coal or 14:18:17
4 nuclear. 14:18:21
5 That's when these six coops got together and 14:18:23
6 formed Deseret Power. And we put it in as a coal unit, 14:18:25
7 because that's the option we were told we had. 14:18:29
8 These small coops took on a lot of financial 14:18:31
9 obligations in order to build this plant. And by the 14:18:37
10 time the plant was actually built and ready to go, MX 14:18:40
11 Missile had gone away, the oil shale boom had gone 14:18:44
12 away, and the plant was almost 100 percent excess 14:18:47
13 capacity. And it made for a very difficult financial 14:18:49
14 time for all of the cooperative, and all of the members 14:18:53
15 of them. 14:18:55
16 We applaud the tribe for looking into the 14:18:56
17 possibility of using the natural resources that God has 14:19:00
18 given them to try to make life better for the people 14:19:04
19 here in the Uinta Basin and people in the Western 14:19:08
20 United States. And it would appear to me that there's 14:19:11
21 an opportunity to schedule that type of a development, 14:19:14
22 so that you don't end up with a plant that you've got 14:19:16
23 built that's excess capacity. 14:19:18
24 Deseret's about half way through its life 14:19:20
25 expectancy. I would think that, with a little bit of 14:19:23

1 planning, it would be possible to integrate your 14:19:27
2 resources so that they come on-line about the time that 14:19:30
3 our resources reached its end of its useful life. 14:19:33
4 I've been farming down in Central Utah for 14:19:36
5 almost 30 years now. After 30 years, I still think, 14:19:41
6 Well, if I can just get through this year, I know next 14:19:45
7 year will be better. 14:19:48
8 I often tell people it's a good life and a 14:19:49
9 poor living. 14:19:51
10 One of my biggest expenses on my farm is the 14:19:53
11 power that it takes to pump the water out of the ground 14:19:56
12 so that we can irrigate. As you've traveled into this 14:19:58
13 part of the Uinta Basin, you've seen many examples of 14:20:01
14 the difference it makes between the land that's 14:20:06
15 irrigated and the land that's not. Nothing grows 14:20:07
16 without extra water in this part of the country. 14:20:10
17 A significant rate increase to me would be 14:20:13
18 devastating. 14:20:17
19 And one thing that people often forget is 14:20:17
20 that no matter what type of an increase you put on a 14:20:21
21 company, whether it be a coop or even an 14:20:24
22 investor-owned, when it comes right down to it, it's 14:20:27
23 the people at the end of the line that pay for 14:20:29
24 everything. 14:20:31
25 And I would encourage the EPA to consider 14:20:31

1 the lives that are affected by the proposed rule 14:20:35
2 makings, and that Deseret would be allowed to continue 14:20:38
3 to operate throughout the remainder of the mine and 14:20:42
4 also the life expectancy of the plant. 14:20:46
5 Thank you very much. 14:20:48
6 JUDGE SUTIN: Thank you, Mr. Anderson. 14:20:49
7 Next, if we can have Randy Ewell? 14:20:51
8 RANDY EWELL: Thank you. 14:21:12
9 JUDGE SUTIN: Did I pronounce that correctly? 14:21:12
10 RANDY EWELL: Pretty close. 14:21:13
11 My name is Randy Ewell. E-W-E-L-L. 14:21:15
12 And I'm the general manager, and I represent 14:21:20
13 Mt. Wheeler Power. 14:21:25
14 And we're one of the six coops that is 14:21:26
15 served by Deseret Power. And I've been employed there 14:21:28
16 for 33 years. 14:21:31
17 We're headquartered in Ely, Nevada, which is 14:21:32
18 approximately 390 miles west of here, and we also have 14:21:35
19 an area office in Eureka, Nevada. 14:21:38
20 Mt. Wheeler Power was incorporated in 1963, 14:21:41
21 and in February of 1970 it purchased Ely Light & Power 14:21:45
22 and became a functioning electric utility. 14:21:49
23 Before Mt. Wheeler began their operation, 14:21:51
24 Kennecott Copper generated power for their operation, 14:21:54
25 and also sold power to Ely Light & Power, that served 14:21:58

1 Ely, McGill, and Ruth. 14:22:02
2 Garrison, a small town of Garrison and Lund, 14:22:04
3 generated their own power. They would shut it off at 14:22:06
4 10:00 at night, and at six o'clock in the morning 14:22:09
5 they'd start it back up. And Eureka Light & Power 14:22:12
6 served Eureka and Diamond Valley. 14:22:15
7 In 1971, Sierra Pacific constructed a 14:22:17
8 transmission line across the state of Nevada, with 14:22:19
9 approximately 300 miles, and we took service at both 14:22:23
10 Ely and Eureka. 14:22:26
11 Mt. Wheeler had power contracts at that time 14:22:28
12 with Western Area Power Administration and Sierra 14:22:32
13 Pacific. And then, when we became a member of Deseret, 14:22:35
14 in 1978, when the -- with the completion of the 14:22:39
15 Hunter II plant. 14:22:44
16 Our service territory includes seven 14:22:45
17 counties in two states. We serve in parts of three 14:22:48
18 counties in Western Utah: Tooele, Juab, and Millard 14:22:51
19 counties. In these counties we -- they're very small 14:22:55
20 communities like Callao and Trout Creek, which has the 14:22:59
21 West Desert School K through 12, with an enrollment of 14:23:02
22 22 students. Ibapah and the Goshute Indian 14:23:06
23 Reservation, which is also a small -- which also serves 14:23:11
24 in the small portion of Nevada, has an elementary 14:23:13
25 school up to sixth grade with 22 students. Seven of 14:23:15

1 those students drove 69 miles to Wendover to school. 14:23:19
2 Last year, our -- we -- we served 209 14:23:24
3 residents -- residential consumers in Utah. 45 of 14:23:30
4 those are irrigation accounts. And that's about 379 14:23:33
5 consumers, and that's about 1.72 miles per consumer. 14:23:38
6 In Nevada, we serve all of White Pine 14:23:41
7 County, parts of Eureka, Nye, and Elko counties, and 14:23:44
8 eastern Nevada, eastern part of the state. We served 14:23:47
9 approximately 16,000 square miles. Last year we served 14:23:51
10 7,381 consumers. 14:23:56
11 And that's about 3.44 customers per mile. 14:23:58
12 In Nevada, we serve the Great Basin National 14:24:02
13 Park, the only national park in Nevada. Two indian 14:24:04
14 reservations, Shoshone and the Duckwater. Duckwater 14:24:07
15 has an elementary school up to K-8, with 15 students. 14:24:11
16 Four of those students have to travel 40 miles -- or 14:24:15
17 excuse me, 60 miles to Eureka, 40 of those miles on a 14:24:19
18 dirt road. 14:24:22
19 And, of course, Ely is our largest town. 14:24:23
20 Lund and Preston, 35 miles south of Ely, a 14:24:27
21 small farming community, they also are K through 12, 14:24:31
22 with about 97 students. 14:24:35
23 Jackson, age nine, and Makenna, age seven, 14:24:36
24 my grandchildren, attend the Lund Elementary School. 14:24:41
25 Two of my son-in-laws work for Carter Agri 14:24:45

1 Systems, a family-owned business, selling and servicing 14:24:47
2 farm equipment, with a large cattle ranch and with 14:24:51
3 several irrigations accounts. 14:24:53
4 Currant and Railroad Valley serves oil wells 14:24:55
5 and irrigation aaccounts. 14:24:58
6 Eureka services many mining operations, and 14:24:59
7 Diamond -- and also in Diamond Valley. The switch is 14:25:02
8 about half of our irrigation accounts. 14:25:05
9 The Goshute and Duckwater Indian 14:25:08
10 Reservations have been working with us to install a 14:25:10
11 solar farm. 14:25:13
12 In 1986, when Deseret began their operation, 14:25:15
13 Mt. Wheeler sold approximately 126 million kilowatt 14:25:19
14 hours. Last year we sold 562 million kilowatt hours. 14:25:22
15 That's an increase of 346 percent. 14:25:26
16 In 1993, Deseret implemented a pass-through 14:25:29
17 heat rate, which we passed on to our residential and 14:25:34
18 commercial consumers. 14:25:37
19 The sales began with about 3 million 14:25:38
20 kilowatt hours, and last year we sold over 25 million 14:25:41
21 kilowatt hours. 14:25:44
22 Our residential has increased 147 percent, 14:25:45
23 and irrigation increased 144 percent. 14:25:50
24 If Deseret was required to install a new 14:25:53
25 emissions restrictions, the impact of a 40 percent 14:25:56

1 increase to our residential consumers would be $445. 14:25:59
2 All of our -- most of our growth has come because our 14:26:04
3 residential consumers have converted from propane, oil 14:26:08
4 fuels, wood-burning stoves to electricity, and I am 14:26:13
5 sure that most of those would go back to wood-burning 14:26:17
6 stoves. 14:26:19
7 Irrigation has increased by $3,400 -- would 14:26:20
8 be increased by $3,400. And most of those, they would 14:26:24
9 have to take on that increase because they need the 14:26:28
10 amount of water to do what they need to do. 14:26:32
11 JUDGE SUTIN: I apologize, Mr. Ewell, but 14:26:36
12 five minutes is up. If you could wrap up, please. 14:26:37
13 RANDY EWELL: Thank you. 14:26:41
14 Increases like these would be devastating on 14:26:42
15 our economy, and would cause many people to lose their 14:26:44
16 jobs, so we would please have you consider the impact 14:26:46
17 this would cause. 14:26:50
18 Thank you. 14:26:51
19 JUDGE SUTIN: Thank you, Mr. Ewell, And I 14:26:52
20 apologize for that. 14:26:53
21 Next, if we can have Gerald Anderson. 14:26:58
22 GERALD ANDERSON: My name is Gerald 14:27:19
23 Anderson. G-E-R-A-L-D, Anderson, S-O-N. 14:27:22
24 Not related to Mark. 14:27:25
25 My name is Gerald Anderson, and I live in 14:27:31

1 Snake Valley, Utah. It's fortuitous that I'm following 14:27:34
2 Randy Ewell, because I'm also a member of Mountain 14:27:37
3 Wheeler Power in Nevada. Snake Valley is almost in 14:27:41
4 Nevada. In fact, the Utah-Nevada state line runs 14:27:44
5 through it. 14:27:46
6 Our area is notable, as Randy said, for 14:27:47
7 Great Basin National Park, and for the fact that 14:27:50
8 Las Vegas wants to take our groundwater to feed their 14:27:53
9 economy. 14:27:58
10 One thing I would point out, or maybe help 14:27:58
11 you understand, is that Snake Valley represents a place 14:28:01
12 that's not just rural, it's remote. We have no 14:28:03
13 Wal-mart. In fact, we have no grocery store within 14:28:07
14 75 miles. 14:28:11
15 We have mail delivery three days a week, and 14:28:12
16 we just have roaming cell service that started a month 14:28:15
17 ago. 14:28:18
18 So these are areas that don't have access to 14:28:19
19 the kinds of resources that most people take for 14:28:22
20 granted, and assume will always be there. 14:28:24
21 As a member of Mt. Wheeler Power, our rural 14:28:27
22 electric cooperative, that cooperative was formed by 14:28:30
23 local ranchers to provide electricity, to pump water 14:28:34
24 for livestock, and for irrigation. 14:28:38
25 For those who make a living in Western Utah 14:28:41

1 and Eastern Nevada, before that time and while I worked 14:28:45
2 out there in the summers as a teenager, we used 14:28:48
3 engine-driven pumps, wood stoves, and kerosene lamps. 14:28:53
4 I have seen nights where there was not a single light 14:28:57
5 visible in a community for 30 miles because there was 14:29:01
6 no electricity to use. 14:29:04
7 Mt. Wheeler receives its electricity from 14:29:06
8 the Bonanza Power Plant, and the non-profit nature of 14:29:06
9 our cooperative has kept our rates reasonable so that 14:29:09
10 they can support our agricultural-based economy. 14:29:12
11 One of the significant characteristics of 14:29:15
12 our area, and it's been mentioned by others, is that we 14:29:17
13 have no affordable alternative fuel as a heating 14:29:20
14 source. 14:29:24
15 Unlike the Basin and the urban areas of 14:29:25
16 Utah, our closest natural gas is 90 miles away, and our 14:29:27
17 propane supplier is 75 miles away, and our propane 14:29:31
18 costs average about $3.50 a gallon. 14:29:35
19 Electric heat for my home and my shop 14:29:38
20 building last winter cost approximately $1,500. Using 14:29:42
21 propane would have cost over $5,000, more than three 14:29:47
22 times the cost of electric heat. 14:29:51
23 And electric heat is 100 percent efficient 14:29:53
24 in its use, as opposed to propane, which is not. 14:29:55
25 This example represents just my personal 14:29:58

1 situation, and there are dozens of families similarly 14:30:02
2 affected in the area of Snake Valley. 14:30:05
3 The Bonanza Power Plant is a critical 14:30:08
4 resource for our economy, and I'm concerned that the 14:30:10
5 EPA may impose additional requirements and lower permit 14:30:13
6 limits on the Bonanza that will result in significant 14:30:17
7 power costs -- power cost increases to the businesses 14:30:20
8 and families in Snake Valley. 14:30:24
9 Some estimates of these increases, cost 14:30:27
10 increases, are upwards of 40 percent. Using that 14:30:31
11 number, my personal costs for just heating, which is 14:30:34
12 essential in our climate, would increase by over $600 14:30:37
13 per year, and my personal electrical costs would 14:30:42
14 increase, total costs, by well over $1,000. 14:30:44
15 Just that increase exceeds my annual 14:30:47
16 property taxes in the area where I live. 14:30:53
17 Agricultural profits are small, if they 14:30:56
18 exist at all, and the overall impact in our valley 14:30:59
19 would be to reduce our ability to develop a strong 14:31:02
20 economy and provide a future for our families. 14:31:05
21 One of the characteristics of Great Basin 14:31:08
22 National Park is it's one of the few dark site areas in 14:31:12
23 the country. A place that has minimal light pollution 14:31:15
24 and minimal air pollution, and it's prized for 14:31:18
25 stargazing. There are a lot of events during the 14:31:22

1 summertime where people come out to the park for just 14:31:24
2 that purpose. 14:31:26
3 And one of the things that having electric 14:31:26
4 heat available to us has done is it's reduced the 14:31:30
5 amount of wood burning, and the air pollution that goes 14:31:33
6 with it, in our area. 14:31:35
7 So as it's been mentioned before, if we see 14:31:37
8 significant rate increases for electric heat, we'll 14:31:40
9 also see significant air pollution in a very pristine 14:31:42
10 airshed. 14:31:46
11 Bonanza currently operates within the 14:31:47
12 requirements of its operating permit, and I urge EPA 14:31:50
13 not to impose additional high-cost control systems at 14:31:53
14 Bonanza, which will have significant effects on 14:31:57
15 people's lives in other places. For those who depend 14:31:59
16 on the Bonanza Power Plant, the future is as stake. 14:32:03
17 Thank you. 14:32:07
18 JUDGE SUTIN: Thank you, Mr. Anderson. 14:32:07
19 Next, if I can have Rick Morrell. 14:32:09
20 RICK MORRELL: Good afternoon. My name is 14:32:25
21 Rick Morrell. I'm the president of United Mine Workers 14:32:28
22 local 1984. 14:32:31
23 Our work force, or our membership supplies 14:32:33
24 the workforce for Deserado Mine. Myself, I've worked 14:32:36
25 in the coal industry since 1981. I've been employed at 14:32:41

1 Deserado since 1985. I came to Deserado because I 14:32:46
2 hoped it would be a long-term opportunity and a much 14:32:49
3 safer mine than where I came from, and it has worked 14:32:55
4 out very well on both counts. 14:32:58
5 On the crew I work on, there is a young man, 14:33:00
6 19 years old. I would like to think that this will be 14:33:03
7 a long-term opportunity for him as well. 14:33:05
8 At the mine, we have one -- total of 165 14:33:07
9 hourly and salaried people, and 105 at the power plant. 14:33:16
10 That's 270 families that are depending on the future of 14:33:21
11 this mine and power plant. 14:33:26
12 I think it goes without question that to see 14:33:28
13 these one -- 270 jobs disappear would have a 14:33:31
14 devastating effect on these communities, and I hope 14:33:35
15 that the EPA would stop and consider all of this in 14:33:38
16 making their decision. 14:33:41
17 Thank you. 14:33:42
18 JUDGE SUTIN: Thank you, Mr. Morrell. 14:33:42
19 Next, if I could have Jon Hill. 14:33:44
20 JON HILL: Thank you, Judge Sutin. 14:33:52
21 My name's Jon D. Hill. That's J-O-N, D, 14:34:01
22 H-I-L-L. I'm chairman of the Board of County 14:34:06
23 Commissioners in Rio Blanco County, Colorado. 14:34:09
24 My legal address is 18680 Rio Blanco County 14:34:13
25 Road 23, but my actual place of residence is called 14:34:20

1 Bitter Creek in the Book Cliffs. 14:34:25
2 My great grandfather came into an area south 14:34:28
3 of here in 1873. It's called -- it's now called Hill 14:34:33
4 Creek. And that -- and in about 1880 there, the 14:34:38
5 government came and -- and told him, and everybody 14:34:42
6 else, to get out. That they were dissolving the Ute 14:34:46
7 Reservation on the western slope of Colorado and moving 14:34:51
8 it over here. 14:34:54
9 So he then, him and six other guys from this 14:34:57
10 area, went over and started the town of Rangely. 14:34:59
11 And he started a trading post there, and 14:35:02
12 then a few years later moved to Bitter Creek, which is 14:35:05
13 why I mentioned that. Right along the Utah State line 14:35:08
14 in the Book Cliffs. And on that ranch there, my 14:35:12
15 grandkids will -- or are, right now, the sixth 14:35:16
16 generation to live on that ranch. 14:35:22
17 When I was a kid growing up, they were 14:35:26
18 dependent on a generator for electricity, and -- and 14:35:29
19 then on propane, which was unreliable, as has been 14:35:34
20 mentioned before. 14:35:40
21 And a lot of times we'd be sitting in the 14:35:40
22 dark, waiting for my dad to get home, because my mother 14:35:42
23 couldn't start the generator and that. 14:35:45
24 And so in 1968, that is when we first got 14:35:48
25 electricity on the ranch. Moon Lake Electric brought 14:35:54

1 it in. And now we have water wells, and lots of other 14:35:57
2 facilities that run on electricity on the place. 14:36:00
3 And others contemplated that we could put it 14:36:07
4 together, but . . . 14:36:09
5 Anyway, I would certainly hate to see our 14:36:11
6 rates go up by 40 percent and stuff, because that 14:36:15
7 would -- that would have a tendency to shut down any 14:36:19
8 further development that we might do out there, such as 14:36:21
9 irrigation pumps or whatever like that, but . . . 14:36:25
10 And that's me personally there. 14:36:29
11 Now, as a county commissioner, we're having 14:36:32
12 a real hard time with the idea of the -- of that same 14:36:35
13 thing, of potentially 40 percent rates going up for our 14:36:40
14 citizens, or that the power plant and/or coal mine 14:36:44
15 might be shut down, and that -- and the representative 14:36:51
16 loss of jobs. 160, I believe is the number of direct 14:36:55
17 jobs in the town of Rangely itself. 14:37:00
18 And then -- and then the loss of $12 million 14:37:02
19 approximately of tax money, in all of Northwest 14:37:07
20 Colorado and that. 14:37:11
21 And so that has a tendency, you know, to 14:37:12
22 stifle the work that we can do as a county for services 14:37:18
23 for our people too. 14:37:22
24 So I would like to urge that the EPA allow 14:37:23
25 Deseret to continue to operate with the permit that 14:37:30

1 they have now and that. 14:37:32
2 And if the tribe builds a new generator, 14:37:34
3 then we'd have competition, and have more electricity, 14:37:39
4 and everything will be better for everybody around, I 14:37:45
5 believe. 14:37:48
6 So thank you. 14:37:48
7 JUDGE SUTIN: Thank you, Mr. Hill. 14:37:50
8 Next, Jennifer Hill. 14:37:51
9 JENNIFER HILL: Round two. 14:37:57
10 Again, Jennifer Hill. H-I-L-L. I am 14:37:59
11 president of the Rangely RE4 school board, and I am 14:38:04
12 here on behalf of them, to make sure the EPA 14:38:07
13 understands the long-reaching effects that this will 14:38:10
14 have, not just on the communities but on our schools as 14:38:13
15 well. 14:38:16
16 As most people know, most of our funding 14:38:16
17 comes from property taxes. If and when this kills all 14:38:19
18 of our local economies and puts us into a pretty good 14:38:24
19 depression, property taxes are going to plummet, and 14:38:27
20 our schools will no longer be able to function at the 14:38:30
21 level we are now. We will not be able to provide the 14:38:34
22 education and the teachers that we can now, and it will 14:38:36
23 really hurt that generation coming up through our 14:38:40
24 schools right now. 14:38:42
25 On a personal note, if the Ute Tribe wants 14:38:43

1 to build a natural gas plant, I'm all for that. 14:38:47
2 Competition is always great. 14:38:51
3 However, the federal government and the EPA 14:38:53
4 should not be in the business of picking winners and 14:38:55
5 losers, and of revoking a permanent -- or a permit that 14:38:58
6 is currently issued in order to make that easier for 14:39:02
7 another competition coming in. 14:39:05
8 Thank you. 14:39:08
9 JUDGE SUTIN: Thank you, Miss Hill. 14:39:10
10 Next, if we could have Justin Sweep? 14:39:14
11 JUSTIN SWEEP: I'm Justin Sweep. 14:39:24
12 J-U-S-T-I-N, S-W-E-E-P. 14:39:28
13 And I am a manager of finance and officer of 14:39:29
14 Bridger Valley Electric up to Southwest Wyoming. 14:39:33
15 Just over the last few years, I've come in 14:39:36
16 as an accountant, to kind of do a number as you balance 14:39:38
17 everything, make it all work. 14:39:40
18 Part of my job now is to oversee the billing 14:39:41
19 and collections side of that. And specifically, I'm 14:39:44
20 referring to the collections in the last little bit, 14:39:46
21 getting to know that and see kind of the human element 14:39:48
22 of how this all ties in. 14:39:51
23 I am probably about a week and a half away, 14:39:52
24 I got a call from one of our members named Brian, about 14:39:54
25 two hours out from our headquarters. And he had a 14:39:57

1 little concern. His bill was a little bit high, and he 14:40:00
2 explained to me that he'd had -- you know, a few years 14:40:03
3 ago he had a motorcycle accident. He was on a fixed 14:40:06
4 income. Kind of in a tough spot. 14:40:08
5 He was on his own. It's not -- doesn't 14:40:11
6 sound like it's very up to standards for most of us, 14:40:13
7 but his power bill is really high. He said he had 14:40:16
8 closed off two of his bedrooms. He opens his windows 14:40:20
9 during the day. Never lets his temperature get above 14:40:23
10 60 degrees. He'll go down to 60 degrees before he 14:40:26
11 heats his house. 14:40:28
12 So he's in a really tough spot. And I 14:40:29
13 say -- to me, it just -- it really kind of brought the 14:40:31
14 whole human element into it. You know, kind of -- like 14:40:33
15 you see the numbers, you see how things work, but you 14:40:36
16 also see it affects peoples lives. 14:40:39
17 And some of us, maybe a 40 percent increase 14:40:41
18 wouldn't devastate us, and other people it really 14:40:44
19 would. 14:40:46
20 I just really want you to take into 14:40:46
21 consideration, you know, the people that are at the end 14:40:48
22 of the line. Those who ultimately give us all of our 14:40:49
23 jobs and help -- you know, help us maintain what we 14:40:53
24 can. 14:40:56
25 Thank you. 14:40:56

1 JUDGE SUTIN: Thank you, Mr. Sweep. 14:40:56
2 Next, if we could have John Kinkaid. 14:41:01
3 JOHN KINKAID: John Kinkaid. J-O-H-N, 14:41:05
4 K-I-N-K-A-I-D. 14:41:24
5 I'm a Moffatt County commissioner from 14:41:25
6 Moffett County, Colorado. I'm here in support of our 14:41:32
7 neighbors in Rio Blanco County, Colorado, and also our 14:41:35
8 neighbors in the Vernal area. 14:41:39
9 We, in Moffatt County, have a power plant 14:41:42
10 and two coal mines. 14:41:48
11 The Deserado mine is in our -- just across 14:41:50
12 the county line in Rio Blanco, and we have another 14:41:54
13 power plant and a coal mine in the adjacent county of 14:42:01
14 Routt County, which is Steamboat Springs. 14:42:05
15 The EPA's actions, I would have to agree 14:42:07
16 with the gentleman who spoke earlier, it's the war on 14:42:13
17 prosperity, really. And that's what it's coming down 14:42:16
18 to. 14:42:23
19 The -- not to get too general, because 14:42:27
20 you're talking about a Title V permit here for Bonanza. 14:42:29
21 I would say changing the rules in the middle of the 14:42:33
22 game is not fair, and it's going to cause an undue 14:42:37
23 burden on the rate payers. 14:42:41
24 And fuel switching is something that the 14:42:42
25 free market should decide. 14:42:47

1 I believe in free markets, and I believe in 14:42:49
2 competition. And if the tribe wants to build its own 14:42:53
3 power plant and fuel it with natural gas, that's 14:42:56
4 awesome, but don't penalize -- don't use the government 14:42:59
5 to penalize the free market decisions that others have 14:43:04
6 made. 14:43:08
7 And I guess that's about all I have to say. 14:43:09
8 Thank you. 14:43:13
9 JUDGE SUTIN: Thank you, Mr. Kinkaid. 14:43:15
10 Next, if we could have Kim Charles. 14:43:20
11 KIM CHARLES: Thank you for allowing me some 14:43:29
12 time today. My name Kim Charles. I have lived in 14:43:33
13 Mountain View, Wyoming. C-H-A-R-L-E-S. 14:43:36
14 I'm just going to read a brief narrative 14:43:39
15 that I have. My name is Kim Charles. I have lived in 14:43:42
16 the Bridger Valley Area of Wyoming all my life. 14:43:44
17 When I was growing up, I could swim in the 14:43:47
18 canal beside the power plant. Water was very cold, so 14:43:49
19 we'd get out of the water, stand by the stacks that 14:43:52
20 come out of the power plant, and get warm. 14:43:54
21 The problem is that plant would go down at 14:43:56
22 least two or three times a week, a lot of times, and 14:43:59
23 all of the lights in Bridger Valley would go out at 14:44:02
24 that time. So it was a very undependable source of 14:44:05
25 energy. 14:44:08

1 There have been a lot of changes since those 14:44:08
2 days in the '50s. We now have a very good, reliable 14:44:10
3 source of electricity from the Bonanza power plant, 14:44:13
4 which has made it possible for our valley to grow and 14:44:16
5 prosper. 14:44:18
6 We have a large population of senior 14:44:19
7 citizens. People who have lived their whole life in 14:44:21
8 Bridger Valley and are now retired. I'd like to 14:44:24
9 mention two of them, if I may for just a minute. 14:44:26
10 My Aunt Blanche Bradshaw is age 93, and my 14:44:29
11 stepfather -- and she is widowed. And my stepfather, 14:44:32
12 who is Gene Zadra, who is 92. He's also widowed. 14:44:36
13 They live kitty-corner across from each 14:44:42
14 other in Lyman, Wyoming. My Aunt Blanche had two 14:44:44
15 brothers killed in World War II, and her husband was a 14:44:49
16 veteran of World War II. 14:44:50
17 Gene Zadra fought three years in 14:44:50
18 World War II. His best friend was killed right beside 14:44:52
19 him by an attacking aircraft. 14:44:55
20 Both families have served their country with 14:44:58
21 pride and honor, and paid a high price for the freedoms 14:45:00
22 we all enjoy. 14:45:04
23 Since then, their stories are fairly 14:45:05
24 similar. 25 years ago, when they both retired, they 14:45:06
25 would have been considered rich by standards in Bridger 14:45:09

1 Valley. 14:45:11
2 However, today, due to inflation and rising 14:45:12
3 prices on everything that they consume, they spend much 14:45:17
4 of their time worrying about every penny as they wait 14:45:19
5 to die. 14:45:22
6 My stepfather, Gene, spends much of his time 14:45:23
7 sitting in the -- in a small -- or sitting next to a 14:45:26
8 small gas stove in his living room, with the lights out 14:45:29
9 and the curtains drawn, so he can conserve energy and 14:45:31
10 not have to pay the high price. 14:45:35
11 Sometimes he does watch TV, but usually when 14:45:37
12 he does it's only when the Broncos are playing. 14:45:39
13 As a society -- 14:45:42
14 This is the part I'd like to stress. As a 14:45:46
15 society, we should be ashamed of ourselves to even 14:45:49
16 consider increasing electrical rates, when it is not 14:45:51
17 necessary, just to impede -- just to appease an 14:45:54
18 environmental group that opposes coal. 14:45:57
19 The Bonanza Power Plant is a very good asset 14:46:00
20 to this area. It's continually operated within the 14:46:03
21 limits of its permit. 14:46:06
22 I support the Bonanza Power Plant. I also 14:46:08
23 support every man and woman who get up and pulls on a 14:46:11
24 pair of boots every day and goes out and goes to work 14:46:14
25 in the coal mine or the power plant. They're the 14:46:17

1 backbone of this country. They produce all of the 14:46:20
2 revenue that the United States Government uses, and we 14:46:23
3 shouldn't harm them or their jobs either. 14:46:26
4 Thank you very much. 14:46:28
5 I also have with me 57 letters, comments for 14:46:30
6 the EPA. They include the Chamber of Commerce of 14:46:36
7 Bridger Valley. They include many different businesses 14:46:43
8 in Bridger Valley. They include the mayor in Bridger 14:46:46
9 Valley -- another mayor in the town of Mountain View in 14:46:50
10 Bridger Valley. 14:46:52
11 They also include -- let's see. Who else 14:46:53
12 gave me a letter? 14:46:58
13 Oh, the senior citizens group gave me a 14:46:59
14 bunch of letters. 14:47:01
15 So I would like to submit all of them at 14:47:02
16 this time, plus my comments right here. Thank you. 14:47:05
17 JUDGE SUTIN: Thank you, Mr. Charles. 14:47:07
18 Next, Robert Mackey? 14:47:09
19 ROBERT MACKEY: Hi. Thank you for letting 14:47:26
20 me talk. 14:47:27
21 My name is Robert Mackey. M-A-C-K-E-Y. 14:47:27
22 I am a coal miner. Very proud to be a coal 14:47:30
23 miner, to provide electricity for our country. My son 14:47:34
24 is also a coal miner. 14:47:38
25 I am also a -- I'm not also, I was, until 14:47:39

1 last week, a board member on the local hospital board 14:47:42
2 in Rangely. 14:47:47
3 The impact of the coal mine shutting down in 14:47:47
4 Rangely, to the hospital and to other tax districts, 14:47:54
5 would be phenomenal. 14:47:58
6 The 165 jobs off the top, then the other 14:48:00
7 jobs that we'd lose in the community on top of that, to 14:48:06
8 support that mine -- that the mine supports, 14:48:09
9 would -- would devastate the community as a whole. 14:48:13
10 The schools, as previously mentioned, 14:48:15
11 property values, tax monies for the rec district and 14:48:18
12 the water districts, the possible health impacts on 14:48:24
13 western Rio Blanco County would be severe. 14:48:30
14 And we are a hospital that is 14:48:34
15 roughly -- nearest hospital is 54 miles away, roughly? 14:48:37
16 From us? That's a long ambulance ride, by any means. 14:48:40
17 We would have no prenatal, no -- no 14:48:44
18 healthcare whatsoever. 14:48:48
19 So the tax monies at the mine and the other 14:48:52
20 jobs generated by the mine are crucial to our -- to the 14:48:56
21 operation of the hospital. Although I'm no longer a 14:49:01
22 board member, I believe this to be true, and always 14:49:03
23 have, and I'm -- I believe later on there will be other 14:49:07
24 people from the hospital here to say this also. 14:49:10
25 Other businesses in the community probably 14:49:13

1 would also cease to exist. At risk, I believe is a 14:49:19
2 college and Chevron's operations. 14:49:23
3 A comment before I leave is, I believe the 14:49:25
4 WildEarth Guardians to be anti-coal. We all know that. 14:49:32
5 They're also anti-nuclear, and anti-gas and oil, by 14:49:34
6 their own publications. In short, they're anti 14:49:38
7 everything, and we would all be in the dark, freezing 14:49:42
8 to death. 14:49:44
9 Don't be fooled, they're not your friends. 14:49:45
10 Thank you for your time. 14:49:49
11 JUDGE SUTIN: Thank you. 14:49:50
12 Thank you, Mr. Mackey. 14:49:52
13 Next, if we could have Gary Nix. 14:49:53
14 G-A-R-Y N-I-X: Gary Nix. It's N-I-X. 14:50:09
15 Hello. My name is Gary Nix, and I live in 14:50:11
16 Southwest Wyoming. 14:50:16
17 First, I wanted to thank you for listening 14:50:17
18 to and considering our comments. 14:50:19
19 I'm a director for Bridger Valley Electric 14:50:21
20 Coop, that serves a lot of the southwest corner of the 14:50:26
21 state. 14:50:29
22 Any more regulation on Deseret, our power 14:50:30
23 supplier, will only further damage our economy, our 14:50:34
24 private consumers, and the commercial businesses we 14:50:37
25 serve. 14:50:41

1 These kind of cost increases, that would be 14:50:42
2 a result of more regulation, would affect our consumers 14:50:46
3 four fold. 14:50:50
4 It raises the cost of goods our consumers 14:50:51
5 buy. It reduces the revenue our local employers can 14:50:55
6 pay their employees. Our consumers would have to also 14:50:59
7 pay more of their own electric bill, pay more on their 14:51:03
8 own electric bill, and our entire local economy would 14:51:06
9 suffer because of the trickle-down effect of a power 14:51:11
10 rate increase that would result from more regulation. 14:51:15
11 A lot of our consumers are already on a 14:51:18
12 tight fixed income, and cannot afford higher utility 14:51:22
13 bills in these hard economic times. 14:51:26
14 Higher electric costs will also affect our 14:51:29
15 gas bills, our water bills, sewer bills, garbage bills, 14:51:32
16 grocery bills and every other expenditure out of our 14:51:37
17 budget. 14:51:40
18 I am also a construction contractor in our 14:51:41
19 community, and I know that increased electricity rates 14:51:43
20 would damage my customers, my own business, all of my 14:51:48
21 employees, all their families, and every future 14:51:53
22 generation to come. 14:51:59
23 Our electric rates would have a huge 14:52:00
24 devastating effect on all of our local economy, as well 14:52:04
25 as all of the other communities that we -- that are 14:52:08

1 served by Bonanza. 14:52:12
2 I hope and pray that you will realize the 14:52:13
3 magnitude of the effects that more regulations and 14:52:17
4 higher electric rates would impose on every man, woman, 14:52:21
5 and child in our communities. 14:52:26
6 Thank you for your compassionate 14:52:27
7 consideration and your decision. 14:52:30
8 JUDGE SUTIN: Thank you, Mr. Nix. 14:52:32
9 Next, if we could have Shane Aplanalp? I am 14:52:33
10 sorry if I'm butchering that. 14:52:41
11 SHANE APLANALP: There's only a handful of 14:52:45
12 people in the state that can say that right, so . . . 14:52:48
13 It's Shane, S-H-A-N-E. Last name, Aplanalp, 14:52:50
14 A-P-L-A-N-A-L-P. 14:52:53
15 I'm employed at the Deserado mine, and I 14:52:55
16 would like to talk about the type of jobs that will be 14:53:00
17 affected. 14:53:03
18 As a financial secretary for the local union 14:53:04
19 there, one of the honors and responsibilities that I 14:53:06
20 have is I get to do the orientations of the new hires. 14:53:10
21 And I can honestly say that probably nine out of ten of 14:53:13
22 the new hires that come in, when I ask them, Why did 14:53:16
23 you leave that other coal mine? Why did you leave the 14:53:18
24 oil and gas industry to come to Deserado? Nine out of 14:53:20
25 ten of them say because they have families, and they 14:53:25

1 want something stable. And that's what we have here. 14:53:27
2 A lot of them say they want to go to a safer 14:53:29
3 mine. As Rick talked about earlier, we have a very 14:53:32
4 safe mine. Our workers take pride in the safety record 14:53:35
5 that we have. 14:53:39
6 And being a captive mine, we are dependent 14:53:41
7 on this power plant. 14:53:43
8 Our railroad is not anywhere close to being 14:53:46
9 able to be tied into a main line. So we couldn't sell 14:53:48
10 our coal in the open market realistically, even if we 14:53:51
11 wanted to. We exist because the power plant exists. 14:53:54
12 Issue or denial of the permit would not just 14:53:58
13 affect our workers, but their families that have set 14:54:02
14 down deep roots in our communities. We are not 14:54:04
15 transient workers that will move easily. Our families 14:54:07
16 would gut the social infrastructures of towns like 14:54:10
17 Rangely and Vernal if forced to leave after losing 14:54:14
18 their jobs. 14:54:16
19 My mentor, hero, slash grandfather used to 14:54:17
20 say, If it isn't broke, don't fix it. And we have a 14:54:20
21 clean coal mine. Clean source of power that is 14:54:23
22 affordable. It isn't broke. I don't think there's 14:54:27
23 anything that needs fixed here. 14:54:30
24 On behalf of these communities, I would like 14:54:31
25 to urge the EPA to issue this permit and allow us to 14:54:33

1 keep making clean and affordable power. 14:54:39
2 Thank you. 14:54:41
3 JUDGE SUTIN: Thank you. 14:54:42
4 Next, if we could have Brad Rouse? 14:54:42
5 BRAD ROUSE: Brad Rouse. It's B-R-A-D, 14:54:48
6 R-O-U-S-E. 14:55:04
7 I've worked for Blue Mountain 14:55:05
8 Energy/Deserado mine. I'm a -- I'm on the board for 14:55:08
9 the local union there, Local 1984. 14:55:13
10 I was born and raised in Rangely. Went to 14:55:16
11 school in Rangely. Had counseling, you know, as a high 14:55:21
12 schooler, getting ready to graduate, as to what I 14:55:26
13 wanted to be in life. Where I wanted to go. And I 14:55:29
14 didn't want to go nowhere. I wanted to be in Rangely. 14:55:33
15 That's my town. It's where I want to be. It's where I 14:55:36
16 want to raise my kids. 14:55:39
17 And I've had the honor to work out there now 14:55:40
18 for 17 years. I've been there everywhere from 14:55:44
19 underground to the Trent plant where they wash the 14:55:48
20 coal. I currently work on the railroad, where we 14:55:52
21 deliver the coal to the power plant. 14:55:54
22 I'd have to say Deseret Power is a 14:55:56
23 fine-tuned machine, that's ran by good people, who will 14:56:01
24 implement any technology to make it a better place, and 14:56:05
25 I believe they do. 14:56:09

1 That's about all I've got to say. 14:56:12
2 JUDGE SUTIN: Thank you, Mr. Rouse. 14:56:14
3 Okay. I'm going to apologize up front for 14:56:21
4 butchering this. Boudicca? Joseph? 14:56:27
5 Did I get that wrong? I apologize. 14:56:31
6 BOUDICCA JOSEPH: That's okay. I'm used to 14:56:33
7 it. 14:56:35
8 Boudicca Joseph. And that's spelled 14:56:36
9 B-O-U-D-I-C-C-A, and then Joseph, J-O-S-E-p-H. 14:56:42
10 I live in Big Water, Utah, which is near the 14:56:46
11 Utah-Arizona border near Lake Powell. Drove nine hours 14:56:51
12 to come up, and I appreciate the opportunity to be 14:56:55
13 heard today. 14:56:58
14 I serve on the board of directors for 14:56:58
15 Garkane Energy, and we're very, very grateful for the 14:57:03
16 Bonanza and the Deserado mine, for the low utility 14:57:05
17 rates that we enjoy. 14:57:09
18 I've been a real estate broker in the little 14:57:11
19 town of Big Water, 430 population. And most people 14:57:14
20 that live there are there because they can't afford to 14:57:17
21 live anywhere else. There's a lot of single-wide 14:57:19
22 mobile homes. 14:57:22
23 My neighbor -- neighbors, Kay and Marie, I 14:57:23
24 was talking to them about coming here to testify, and I 14:57:28
25 said, So, Kay, what percentage of your income is your 14:57:30

1 power bill? And even as low as our rates are, it's 14:57:34
2 25 percent of his Social Security income. 14:57:38
3 Now, his wife, Marie, got breast cancer, and 14:57:41
4 they have to drive all the way to St. George, which is 14:57:46
5 a 130-mile drive, to get medical treatments. Her pain 14:57:49
6 medication is $100 a month. Now, a 40 percent increase 14:57:54
7 in the power bill is devastating. They would not be 14:57:58
8 able to afford that pain medication. 14:58:02
9 You know, Garkane Energy spent a lot of 14:58:04
10 money on environmental impact statements to build a new 14:58:08
11 power line, and we spared no expense to protect the 14:58:10
12 life of a single gopher/prairie dog. And sometimes I 14:58:14
13 wonder -- 14:58:18
14 You know, Environmental Protection Agency, 14:58:18
15 you know, it makes me think about being in biology 14:58:23
16 class and studying ecosystems. You know, and 14:58:27
17 ecosystems are a very delicate balance. And somehow it 14:58:29
18 seems that the human element is being completely 14:58:32
19 ignored when we talk about clean air quality. 14:58:34
20 And granted, there is a risk. I hear what 14:58:39
21 the tribe is saying about the, you know, potential 14:58:43
22 risks of asthma. Well, if you can't buy food today, 14:58:47
23 the fact that you might get asthma in 10, 15, 20 years, 14:58:50
24 is pretty insignificant. 14:58:54
25 The cost of poverty is huge. And when you 14:58:56

1 get rid of jobs, like, for example, where I live, we 14:59:01
2 were looking forward to the Parowitz Coal Mine being 14:59:05
3 developed, that would have provided some good jobs. 14:59:09
4 Well, the Grand Staircase National Monument 14:59:11
5 was formed instead. 14:59:14
6 So where I live, there is a -- there are 14:59:16
7 some good jobs on the Navajo Indian Reservation, with 14:59:17
8 the Navajo generating plant, but other than that, 14:59:21
9 there's service industry jobs and there's seasonal. 14:59:23
10 So most of the people there are living on 14:59:25
11 very small income from the service industry. 14:59:27
12 So we depend on this low-powered, low-priced 14:59:30
13 power, just to be able to buy groceries and to be able 14:59:35
14 to subsist. 14:59:39
15 So I hope that the EPA will remember, as 14:59:40
16 they're considering this, that, you know, humans are at 14:59:44
17 least as important as prairie dogs. 14:59:48
18 Thank you. 14:59:50
19 JUDGE SUTIN: Thank you, Ms. Joseph. 14:59:50
20 Next, if we could have Erik Larson. 14:59:52
21 ERIK LARSON: My name is Erik Larson. 14:59:57
22 E-R-I-K, L-A-R-S-O-N. 15:00:04
23 I've lived in Vernal for about six years 15:00:06
24 now, and for the last four years I've worked for Blue 15:00:09
25 Mountain Energy at the Deserado coal mine. 15:00:12

1 I have five children ranging in age from 15 15:00:15
2 to a one-year-old. My 15-year-old, my 12-year-old, and 15:00:18
3 my 10-year-old, have all been diagnosed with asthma. 15:00:21
4 The air quality in the Vernal area is much 15:00:25
5 better than most of the other areas of Utah, especially 15:00:27
6 the Logan area and the Salt Lake area, where we were at 15:00:31
7 before we moved down here. My children's asthma 15:00:34
8 symptoms have been less since we've been in the Vernal 15:00:36
9 area than they were in any of the other areas in which 15:00:39
10 we lived. 15:00:42
11 I do not think that the air quality is 15:00:42
12 causing problems with their asthma. 15:00:45
13 Using that as an excuse to have people look 15:00:47
14 at higher, stricter regulations on our power plant, 15:00:50
15 doesn't hold water with me. I can see what it does to 15:00:54
16 my children and their asthma, and what they deal with 15:00:56
17 on a daily basis. 15:00:59
18 The Bonanza Power Plant has been running 15:01:00
19 under the permits that they have for the last 14, 15:01:03
20 15 years. They haven't made a significant increase in 15:01:06
21 the pollutants that they put into the air, yet we've 15:01:08
22 seen a continual rise in the pollution in the area. 15:01:13
23 It can be attributed to the growth of the 15:01:16
24 oil and gas field in the area. The number of trucks 15:01:19
25 that are on the road. The diesel particulate that's 15:01:22

1 put into our low area comes from those. 15:01:26
2 The stack at the Bonanza is 600 feet high. 15:01:27
3 It's putting most of the stuff that it puts into the 15:01:30
4 air above the inversion zone that we get in the 15:01:32
5 wintertime here. 15:01:35
6 If you look at photographs of that plume 15:01:36
7 during the winter inversion, you can see where the air 15:01:38
8 sits low, and where the emissions from that stack go 15:01:40
9 way above that zone. 15:01:45
10 There's been several studies that prove that 15:01:47
11 the Bonanza plant does not significantly increase the 15:01:49
12 pollution in the area during our winter inversion 15:01:52
13 months. I don't think that it would be reasonable for 15:01:55
14 the EPA to impose stricter regulations on the Bonanza 15:01:57
15 plant at this time, when there are other things that 15:02:00
16 are causing more significant pollution in our air. 15:02:03
17 Thank you. 15:02:06
18 JUDGE SUTIN: Thank you, Mr. Larson. 15:02:06
19 Next, if we could have Allen -- I think it's 15:02:12
20 Hillard? 15:02:18
21 ALLEN HILLARD: Allen Hillard. 15:02:27
22 H-I-L-L-A-R-D. I'm going to read a statement, because 15:02:33
23 I'd talk to much if I didn't. 15:02:37
24 My name is Allen Hillard, and I have been 15:02:39
25 the mine manager at the Deserado mine the last 15:02:42

1 18 years. 15:02:44
2 We supply all of the fuel to the Bonanza 15:02:45
3 Power Plant. If the Bonanza Power Plant is shut down 15:02:50
4 or converted to a gas fuel, the mine will close. This 15:02:54
5 will eliminate 161 jobs at the mine, as well as 15:02:58
6 numerous other jobs associated and supporting the mine. 15:03:00
7 This is a very complex issue, and it is 15:03:04
8 difficult to develop the best solution for all parties 15:03:07
9 to accept. 15:03:10
10 The WildEarth Guardians' approach to 15:03:11
11 solutions for this problem are expressed on their Web 15:03:15
12 page as stated in part of their vision statement. 15:03:18
13 "We need to continue to intensify our 15:03:21
14 efforts to prevent oil and gas drilling, shutter 15:03:24
15 coal-fired plants, and tackle new coal mining plants 15:03:30
16 throughout the West." 15:03:33
17 This simplistic, uninformed approach is 15:03:34
18 great for public consumption, but it does not take into 15:03:38
19 consideration the overall impact of these decisions on 15:03:41
20 people. 15:03:44
21 I have recently moved from a home in 15:03:45
22 Rangely, Colorado in preparation for retirement. 15:03:49
23 Rangely is supplied power by the Bonanza Power Plant, 15:03:53
24 and the power is very reliable and one of the lowest 15:03:57
25 cost sources of power in the country. 15:04:00

1 I now live 70 miles away, and my source of 15:04:02
2 power is from a company that is in the process of 15:04:06
3 increasing the percentage of renewable sources and 15:04:09
4 converting coal-fired power plants to gas, as ordered 15:04:14
5 by the state of Colorado. 15:04:18
6 The costs for my power has now not increased 15:04:19
7 by 40 percent, but is exactly doubled, on a per 15:04:24
8 kilowatt hour basis. I'm okay with that, because I can 15:04:27
9 afford that financially. I'm in the situation where I 15:04:32
10 can afford it. 15:04:34
11 If I think about my children, who are 15:04:35
12 starting careers, or my 82-year-old mother-in-law, or 15:04:37
13 friends who are struggling, I feel bad because they 15:04:41
14 will not be able to afford this kind of power cost. 15:04:43
15 Is it right to put people in a position to 15:04:46
16 have to make decisions of putting food on their table 15:04:49
17 or paying the power bill? 15:04:52
18 New regulations continue flying out of 15:04:54
19 Washington, and for us, the state of Colorado, on an 15:04:58
20 almost weekly basis. And I am sure, living in the 15:05:02
21 country we live in, solutions can be developed that 15:05:06
22 help everyone without destroying the life we enjoy as a 15:05:09
23 nation, and also not destroying the middle class 15:05:15
24 America with extra financial burdens. Thank you. 15:05:17
25 JUDGE SUTIN: Thank you, Mr. Hillard. 15:05:20

1 Okay. I think we are going to take a 15:05:23
2 ten-minute break, just to let everybody have a moment 15:05:26
3 to regroup. 15:05:29
4 STUART SANDERSON: I have a flight to catch, 15:05:38
5 and I think I'm the next speaker. Can I indulge? 15:05:39
6 JUDGE SUTIN: Yes. We'll take your 15:05:43
7 comments. 15:05:44
8 Just quickly, before we do that, we will 15:05:45
9 take Mr. Sanderson's comments and then we will take a 15:05:47
10 ten-minute break. 15:05:52
11 I'm going to read the names of the folks 15:05:52
12 that filled out a card but they did not indicate 15:05:54
13 whether they wanted to make a statement. So during the 15:05:57
14 break, if you could let us know whether you'd like to 15:06:00
15 make a statement so that we can ensure that we have the 15:06:02
16 time for that, or how to handle the time. 15:06:05
17 So the names are Brent Todd, Adrian Tue, 15:06:09
18 Mira Young, Yankten Johnson, Renee Thompson -- Irene 15:06:15
19 Thompson, excuse me. 15:06:26
20 Margie Whitaplume? 15:06:27
21 Eldora Renunc, Brandon Chandler, and Kent 15:06:32
22 Williams. 15:06:39
23 Okay. Mr. Sanderson, if you'd like to come 15:06:40
24 up. 15:06:42
25 STEWART SANDERSON: Thank you very much. 15:06:43

1 My name is Stewart Sanderson, and I'm the 15:06:45
2 president of the Colorado Mining Association. 15:06:50
3 We have more than 1,000 members engaged in 15:06:53
4 the mining industry, in the mining of coal and other 15:06:59
5 minerals throughout Colorado and the West, and I'm very 15:07:01
6 proud to say that many are in the audience here today. 15:07:05
7 Before I begin my brief statement, I would 15:07:08
8 like to submit a copy of the 2012 coal production 15:07:12
9 report prepared by the Colorado Mining Association, 15:07:18
10 along with my contact information. 15:07:20
11 Coal mining has been a part of Colorado's 15:07:25
12 economy since the 1860s. It is, by far, our nation's 15:07:33
13 most abundant energy source. 15:07:40
14 27 percent of the world's coal is located 15:07:45
15 right here in the United States. That's more coal than 15:07:49
16 any other -- than in any other nation on the face of 15:07:51
17 the earth, and that is more energy than is represented 15:07:56
18 by all of the oil in the Middle East. 15:07:59
19 It is vital to continue to harness this 15:08:01
20 plentiful, as well as affordable and reliable energy 15:08:05
21 source. 15:08:11
22 A couple of other facts about coal. It is 15:08:11
23 roughly one-half the cost of natural gas. It is by far 15:08:15
24 the most affordable fuel for electricity generation. 15:08:19
25 When low income families, which often spend 15:08:22

1 more than a quarter of their income in paying their 15:08:25
2 energy bills, get their power bill each month, coal is 15:08:28
3 part of what helps keep energy within reach for many of 15:08:33
4 these people. 15:08:38
5 The front of this coal report shows 15:08:38
6 something else. Coal is a pathway to prosperity, and 15:08:44
7 the world is turning to coal. It is, by far, the 15:08:50
8 fastest growing major source of energy in the world. 15:08:56
9 It is because nations like China, and India, and the 15:09:00
10 developing world, even developed nations in Europe, 15:09:06
11 realize that they need a secure and affordable source 15:09:11
12 of electricity. 15:09:13
13 Coal use corresponds with so many things: 15:09:15
14 access to clean drinking water, lower infant mortality 15:09:18
15 rates, greater longevity. 15:09:24
16 It's really important, but I'd like to talk 15:09:25
17 a little about what it means to Colorado. 15:09:28
18 We have only nine mines in Colorado, and 15:09:31
19 they account for the bulk of the 65 percent of the 15:09:34
20 electricity that is generated in this state, from coal, 15:09:38
21 ,in the state of Colorado. It is a very, very 15:09:43
22 important energy source. 15:09:46
23 Clean Colorado coal helps keep that energy 15:09:50
24 affordable, and our coal in Colorado, as well as in 15:09:55
25 Utah and the West, is very low in emissions. It's low 15:09:58

1 in sulfur, exceptionally low in mercury. And it is, 15:10:02
2 actually over the past 30 to 40 years, although coal 15:10:07
3 use for electricity generation has nearly tripled the 15:10:13
4 emission criteria, pollutants have dropped by nearly 15:10:18
5 90 percent. 15:10:20
6 So I would respectfully take issue with the 15:10:23
7 notion that coal is a dirty fuel. It is going to be 15:10:23
8 part of a clean and prosperous energy future. 15:10:26
9 It is important that emission controls on 15:10:28
10 the Bonanza plant remain reasonable, and that the coal 15:10:31
11 remain a part of this energy mix. 15:10:39
12 I'd like to talk about what it means to 15:10:41
13 local communities. The coal mines, and the people that 15:10:43
14 they employ, become a part of the community. The coal 15:10:46
15 mines are often the largest taxpayer, supporting rural 15:10:49
16 economies. They are the largest employer in many 15:10:54
17 cases, and there are only nine of them throughout 15:10:57
18 the -- throughout the state. 15:11:00
19 The clear skies over Northwest Colorado, I 15:11:00
20 think belie the notion that these power plants are not 15:11:04
21 under adequate supervision and adequate controls. 15:11:08
22 Our mines produce $1 billion in value for 15:11:11
23 the state, and average mine wages and benefits are 15:11:16
24 among the highest paid to industrial workers anywhere 15:11:22
25 in the West. 15:11:25

1 Ratcheting down with additional requirements 15:11:26
2 will only create energy scarcity. It will not lead to 15:11:30
3 better air quality. 15:11:35
4 And I would encourage everyone to question 15:11:38
5 the assurances that may be provided about natural gas. 15:11:42
6 In Western Colorado, we had legislation 15:11:47
7 called the Clean Air/Clean Jobs Act, to shut down coal 15:11:49
8 plants. They said it would jump-start western slope 15:11:53
9 economies. It did. Ask Mesa County and other western 15:11:58
10 slope counties what happened. Drilling actually went 15:12:03
11 down and, of course, emissions from natural gas 15:12:03
12 development along the front range increased. 15:12:06
13 It's important that we continue to rely upon 15:12:08
14 all energy sources here in this country in order to 15:12:12
15 maintain our standard of living. I want to thank you 15:12:15
16 for your time and attention. 15:12:17
17 JUDGE SUTIN: Thank you, Mr. Sanderson. 15:12:20
18 Okay. We will take a ten-minute break. A 15:12:21
19 few minutes after 3:20 we will start again. 15:12:26
20 Thank you. 15:12:29
21 (Whereupon, a break was taken.) 15:12:30
22 JUDGE SUTIN: Okay everyone. We're going to 15:26:26
23 get started again. 15:26:29
24 Due to the people who wanted to comment 15:26:32
25 today, we are going to go until 4:45. I can not 15:26:37

1 guarantee that we will get through everyone who came 15:26:41
2 this afternoon. We'll see how far we get. 15:26:44
3 We are going to be back here from 6:00 to 15:26:47
4 8:00, so if we do not get to you, please feel free to 15:26:52
5 come back from 6:00 to 8:00. 15:26:55
6 We also will accept your written comments as 15:26:57
7 well. 15:27:00
8 So we just did not anticipate the number of 15:27:00
9 folks that were going to be here today. 15:27:04
10 So with that, our -- we're going to start up 15:27:06
11 again. We're back on the record. 15:27:10
12 And our first speaker will be Mike McKee. 15:27:11
13 MIKE McKEE: Thank you very much. 15:27:24
14 Appreciate being able to take a couple of minutes. 15:27:29
15 I would like to acknowledge and compliment 15:27:32
16 the -- Chairman Howell and the tribal council committee 15:27:39
17 for hosting this event. That is appreciated, and the 15:27:39
18 transparency and making this event possible. 15:27:44
19 And also for you to be taking the time to be 15:27:47
20 able to listen to this. 15:27:49
21 Just real quickly. I am the chairman of the 15:27:50
22 Uintah County Commission, and we do support the Ute 15:27:54
23 Tribe and their desire to build the 1,000 megawatt 15:28:02
24 power plant. We also are supportive of DG&T, and we've 15:28:05
25 been very supportive of what -- of what they're doing. 15:28:11

1 And, you know, one of the -- one of the 15:28:14
2 things that happens, there is always new and better 15:28:17
3 technologies that come forward. 15:28:21
4 As county commissioners, we -- we 15:28:24
5 continually have new building and zoning regulations, 15:28:27
6 for example. When a new home is built and constructed, 15:28:31
7 the people built -- going to that home, they are 15:28:33
8 required to meet the latest standards of the state 15:28:36
9 building codes. 15:28:42
10 But certainly, people that have been living 15:28:43
11 in their homes for generations and for years, they are 15:28:44
12 under a different standard. They are what's called 15:28:47
13 grandfathered in. They're able to continue to live in 15:28:49
14 their homes and to be able to go by the standards of 15:28:53
15 the time when that house was built. 15:28:57
16 And we feel that this should be the same way 15:28:59
17 with the DG&T. DG&T, when it was built, when it was 15:29:01
18 constructed, was -- and has operated under certain 15:29:05
19 standards, and we'd like to see them to be able to 15:29:09
20 continue to operate. 15:29:12
21 Certainly the economy of our area definitely 15:29:13
22 is very important, and the jobs, it's been well stated 15:29:17
23 over and over again. We do appreciate, you know, the 15:29:21
24 many good jobs that are -- that we have because 15:29:25
25 of -- of DG&T. We do appreciate the fact that we can 15:29:27

1 have clean, affordable power, and we'd like that to be 15:29:32
2 able to continue. 15:29:36
3 And so I will be brief with that, and would 15:29:37
4 urge that we are able to continue with permits and the 15:29:39
5 way DG&T has operated in the past. 15:29:44
6 Thank you very much. 15:29:47
7 JUDGE SUTIN: Thank you, Mr. McKee. 15:29:48
8 Next, if we could have Helen Wash? 15:29:51
9 HELEN WASH: My name is Helen Wash. 15:30:05
10 W-A-S-H. 15:30:17
11 People have a tendency to put an L between 15:30:17
12 the A-S. So it's not Walsh, it's Wash. 15:30:22
13 Anyway, I'm here as a lotee, an individual 15:30:25
14 member of the Ute Indian Tribe. 15:30:33
15 You know, the Bonanza plant has been here 15:30:39
16 35 years, and I'm going on 72 years. So look how long 15:30:44
17 that's been. 15:30:48
18 And I was born here in Fort Duchesne, at the 15:30:49
19 hospital. 15:30:56
20 It's an old building. It should be made 15:30:56
21 into a historic place, because it was built by the 15:31:00
22 black soldiers to the fort. And anyway, I was born 15:31:06
23 here, and then I lived in Ouray. 15:31:12
24 And -- but Bonanza was there half of my 15:31:15
25 life. You know, it certainly didn't, you know, pollute 15:31:22

1 the air our way, because it would have caused a lot of 15:31:26
2 sickness, and it didn't. 15:31:32
3 And I'm retired. I worked for 37 and a half 15:31:36
4 years. I didn't quite make it to 40 years, but anyway. 15:31:41
5 All of the injuries that I ever did to 15:31:49
6 myself caused me to have arthritis real bad, but I 15:31:54
7 learned to, you know, live with it. 15:31:59
8 And about electricity. We have some new 15:32:04
9 homes, and they're heated, electrical. You know, 15:32:09
10 it's -- my niece has a home. She had a trailer before 15:32:16
11 that, and it was all electrical heating. And the house 15:32:19
12 that she lives in now is the same. It's electrical 15:32:23
13 heating. 15:32:26
14 My house is heated with natural gas. And so 15:32:28
15 wintertime, or the times that it's really -- you know, 15:32:33
16 the cost of fuel goes up, the electricity goes up, and 15:32:39
17 we have to look at light heat to pay for our bills. 15:32:43
18 And sometimes they don't have the money. They ran out. 15:32:49
19 And so I'm not sure when electricity came to 15:32:54
20 the reservation, but when it did, you know, it was 15:33:00
21 something that, you know, we could see at night. We 15:33:05
22 could look at pay -- you know, books or magazines at 15:33:09
23 the time. And we're thankful for that energy that -- 15:33:14
24 you know, that gave us light, but we don't have any 15:33:20
25 indoor plumbing, no water. We had to go to certain 15:33:25

1 place to get water. Or to a neighbor's that had water, 15:33:28
2 and brought hot water back to the homes. 15:33:36
3 And, you know, Bonanza has been there. And 15:33:38
4 it's like if this is coming from D.C., Washington D.C., 15:33:43
5 they need -- they need to come out here and talk to the 15:33:48
6 people. They don't know anything about us. 15:33:50
7 And all they know is they have -- Bonanza is 15:33:55
8 polluting. What about the oil wells? 15:34:00
9 You know, we making them rich. You know, 15:34:02
10 they make a lot of money. 15:34:06
11 But, you know, they give us what, $20? 15:34:11
12 $12? Maybe $100? Or oil and gas is not -- doesn't 15:34:18
13 have that monetary value. And the oil companies are 15:34:25
14 the ones that are getting rich. 15:34:30
15 Southwest of our reservation, oil wells 15:34:32
16 there. West of us, there's oil wells there. North of 15:34:37
17 us, there's oil wells there. And going down south, 15:34:40
18 there's oil wells all over. And what makes you think 15:34:45
19 they don't pollute the area too? 15:34:50
20 They pollute the groundwater. And animals 15:34:53
21 eat all the plants. There's edible plants, and the oil 15:35:01
22 companies come and pollute the areas. You know, 15:35:08
23 contaminate the underground water. 15:35:11
24 And animals have to survive too. And even 15:35:14
25 the plants, the trees. 15:35:17

1 So I'm saying that I'm for competition, but 15:35:19
2 if that is there, you know, tribe can go ahead and, you 15:35:26
3 know, serve the tribal members and see how far that 15:35:30
4 goes with the natural gas-fired plant. 15:35:35
5 And maybe my -- maybe my natural gas will go 15:35:38
6 up, but I might be ripped off too by the tribe, by the 15:35:43
7 oil companies. 15:35:51
8 You know, go they -- our neighbors think 15:35:51
9 that we make a lot of money, but we don't. It's the 15:35:54
10 oil companies. They're the ones. 15:35:57
11 Sometimes they take off and leave all of 15:35:59
12 their equipment, and then the tribe goes and cleans it 15:36:02
13 up. And they should take them to court. 15:36:08
14 JUDGE SUTIN: Ms. Wash, your five minutes is 15:36:11
15 up. 15:36:13
16 HELEN WASH: Oh, okay. 15:36:14
17 JUDGE SUTIN: If you'd like to wrap up. 15:36:15
18 HELEN WASH: One more. And on umcompahgre 15:36:16
19 land, that belongs to the umcompahgre band through 15:36:21
20 executive order, and the judgement money that was given 15:36:25
21 to the umcompahgre race. And we were forced over here. 15:36:28
22 You know? So that's why people, our neighbors, they 15:36:32
23 say it's been diminished. No. It belongs to me. It 15:36:38
24 belongs to the umcompahgre. So just thought I'd let 15:36:41
25 you know. 15:36:46

1 But, you know, Bonanza, like I said, you 15:36:48
2 know, D.C. needs to come out here and talk with the 15:36:51
3 people. They don't know anything about us. 15:36:54
4 And today, I just got a little bit of 15:37:00
5 information that this was going on. EP -- EPA's okay, 15:37:02
6 because they monitor the pollution, but, you know, all 15:37:07
7 parts of us need to work together, for the good of the 15:37:14
8 people, Uintah and Duchesne County, and the tribe. 15:37:17
9 Thank you. 15:37:21
10 JUDGE SUTIN: Thank you very much. 15:37:21
11 Next, if we could have Council Member Ron 15:37:26
12 Wopsock? 15:37:30
13 RON WOPSOCK: Good afternoon. Ron 15:37:35
14 W-O-P-S-O-C-K, vice chair of our tribal council. 15:37:43
15 You know, it seems like, you know, I'm 15:37:46
16 hearing that EPA and the tribe is teaming up together 15:37:54
17 to -- to phase out Bonanza Power Plant. 15:37:57
18 You know -- you know, we have an opportunity 15:38:02
19 here. And that's not the case. So the opportunity for 15:38:05
20 us to do something positive here, for our people. 15:38:12
21 We -- the only thing we've ever done is oil and gas. 15:38:15
22 And that's been -- we've been doing that for over 15:38:18
23 70 years. That's our bread and butter. 15:38:21
24 You know, 75 percent of our water is gone. 15:38:23
25 The state of Utah has taken that. 15:38:26

1 And so we're at a point where we -- we're 15:38:27
2 trying to do economic development more and more. And 15:38:33
3 it's very important. 15:38:37
4 EPA regulates us. You know, we get 15:38:40
5 regulated to the max. From endangered species to all 15:38:43
6 of the above. 15:38:48
7 And, you know, we have an abundance -- the 15:38:49
8 resources that we have here, the sky is the limit here. 15:38:57
9 And we are venturing into more areas to 15:39:00
10 generate more revenues. 15:39:04
11 We're not a casino tribe. We're not. 15:39:05
12 That's very important to remember. 15:39:08
13 But, you know, some day, you know, we're 15:39:10
14 going to open that door so that we will become a casino 15:39:13
15 tribe. We're not giving up. 15:39:16
16 So -- so I just want to share some of 15:39:18
17 the -- some of the things that this tribe has done. 15:39:21
18 And we've always been a good neighbor here. 15:39:23
19 You know, when -- when our water -- Central 15:39:26
20 Utah Project took our water, everything was developed 15:39:31
21 for the non-tribal member. Nothing was developed for 15:39:33
22 us. No storage. So we're trying to get -- to create 15:39:37
23 storage. 15:39:42
24 And so, you know, we do nothing to really 15:39:42
25 harm, or nothing really totally outrageous 15:39:46

1 to -- to -- to do anything with the towns. 15:39:50
2 We are boycotting Roosevelt, but it is very 15:39:55
3 minor. 15:39:58
4 And, you know, the city of -- I mean the 15:40:00
5 communities of Tridell and LaPoint, you know, the last 15:40:04
6 fall they come to us and they asked for water. Well, 15:40:07
7 we're still a good neighbor, and we supplied them with 15:40:10
8 water. You know, if we don't do that, the elementary 15:40:13
9 school would have no water at LaPoint. So it's very 15:40:17
10 important to understand the tribe's position here. 15:40:20
11 What we want to do is create economic 15:40:23
12 development. Maybe, by generate -- by doing this power 15:40:26
13 plant, maybe we're just going to bypass and ship it 15:40:30
14 down to Vegas. You know? 15:40:33
15 We have a lot of options here, you know? 15:40:36
16 There is a lot of people talking to us. 15:40:39
17 And there's a lot of interested parties that 15:40:41
18 want us to -- to do this. 15:40:45
19 And so, you know, I -- I just wanted to 15:40:46
20 let -- to let the people know at Bonanza Power Plant, 15:40:50
21 and especially the miners and whatnot, if anybody's 15:40:52
22 going to shut you down, it's going to be EPA. You 15:40:56
23 know? 15:41:00
24 And so we -- we have our concerns, because, 15:41:00
25 you know, when -- on the news about a month ago, you 15:41:02

1 know, you come off Parleys and you go down to Salt 15:41:06
2 Lake. Well, the Uinta Basin was being blamed for being 15:41:09
3 Salt Lake, because -- because you could see the smog 15:41:12
4 and everything there. You know? 15:41:15
5 That was on the news. 15:41:16
6 And so I'm sitting back there and saying, 15:41:18
7 Wow, that's misinformation. 15:41:21
8 And it's important. And our EPA department, 15:41:23
9 under Minnie Grant, I give them all of the credit in 15:41:30
10 the world for what she's done. She's really coming up 15:41:33
11 to speed. She's done a hell of a good job. And it 15:41:36
12 hadn't been for that, you know, the 15:41:39
13 non-entertainment -- the part of it, you know, it 15:41:42
14 would really be hurting us right now, because all we 15:41:45
15 are and all we've done a lot of is oil and gas, 15:41:50
16 so -- so it is really important to us. 15:41:53
17 And despite, you know, all of the rumors out 15:41:54
18 there, you know, eventually, you know, should Bonanza 15:41:58
19 Power Plant shut down for some reason, you know, 15:42:05
20 we -- we want to be there and to -- to help pick up 15:42:07
21 some of the pieces, I guess. 15:42:10
22 And so I -- I just -- I just want to say 15:42:11
23 that. 15:42:13
24 You know, we're not the total bad guy. And 15:42:14
25 for them to make the attempt to do something, to help 15:42:18

1 generate revenue for our people. 15:42:21
2 And with that I just want to say that and 15:42:23
3 say thank you. 15:42:27
4 (APPLAUSE) 15:42:29
5 JUDGE SUTIN: Thank you, Vice Chair Wopsock. 15:42:31
6 Next, if we could have LaDel Lamb. 15:42:34
7 LADEL LAUB: It's LaDel. L-A capital D-E-L, 15:42:54
8 and Laub, L-A-U-B. 15:43:00
9 You're not the first one to make that 15:43:02
10 mistake. 15:43:04
11 I drove six hours to be here. And I'm 15:43:05
12 missing my son's baseball game today, and I love 15:43:11
13 baseball. So it's kind of a sacrifice to be here, but 15:43:13
14 I am one of 18,000 consumer owners of Dixie Power, and 15:43:19
15 I represent them here today, from Southwest Utah. 15:43:23
16 And we invested, in good faith, in Deseret 15:43:27
17 and the Bonanza Power Plant, to provide electricity and 15:43:34
18 affordable electricity to all of our businesses and 15:43:37
19 homes and community. 15:43:40
20 And we just want to make sure the EPA 15:43:42
21 understands that we made a good faith investment. We 15:43:46
22 followed the rules. We followed the regulations. And 15:43:53
23 we need to make sure that we maintain those 15:43:56
24 regulations, and not impose new regulations. 15:44:00
25 It kind of reminds me of -- of a person who 15:44:02

1 would go out and build a home, get a mortgage on it, 15:44:05
2 live in it for 15 years under a 30-year mortgage, and 15:44:09
3 then have the federal government come and say, Oh, 15:44:12
4 you've got to improve your home and spend new money and 15:44:14
5 get a new mortgage. And so we -- we already have a 15:44:17
6 mortgage. We need to live out the life expectancy of 15:44:21
7 that mortgage before we have new costs and new 15:44:23
8 regulations. 15:44:26
9 Thank you. 15:44:26
10 JUDGE SUTIN: Thank you, Mr. Laub. Sorry 15:44:27
11 for saying your name wrong. 15:44:30
12 Next, if we could have Durand Robison. 15:44:31
13 DURAND ROBINSON: Thank you. It's Durand, 15:44:42
14 D-U-R-A-N-D, Robison, R-O-B-I-S-O-N. 15:44:54
15 Thank you for letting me have a few moments 15:44:57
16 today. 15:45:01
17 I am Durand Robison from a little town 15:45:02
18 called Flowell, Utah, in Central Utah. I represent 15:45:06
19 Flowell Electric Association. We are one of the six 15:45:10
20 members of Deseret Power. We're the smallest of the 15:45:13
21 six. We have -- 80 percent of our business is 15:45:16
22 agriculture. It's irrigation pumping. 15:45:22
23 We have about 600-meters, 550-meters on our 15:45:25
24 system, so we're very small. 15:45:30
25 We do have some work that we do for the 15:45:32

1 surrounding municipalities, so we are able to keep a 15:45:34
2 crew and to operate. 15:45:38
3 I have with me, before I -- I just want to 15:45:39
4 make a couple of comments, but before I make mine, I 15:45:45
5 have a letter from the Millard County commissioners, 15:45:49
6 that I think I ought to read. I told him I'd read it 15:45:53
7 today. 15:45:57
8 And this is addressed to Michael B. Owens. 15:45:57
9 I think that's correct, where it needs to go to. 15:45:59
10 It says, As Millard County, Utah 15:46:01
11 commissioners, we are concerned about the notice of 15:46:04
12 intent to issue Clean Air Act Title V federal operating 15:46:06
13 permit. We are afraid this action will significantly 15:46:11
14 impact the economic stability of all of the farmers in 15:46:13
15 our county whose power source is derived from Deseret 15:46:17
16 Power Cooperative, Bonanza Power Plant in Vernal, Utah. 15:46:22
17 We understand that this could create as much 15:46:24
18 as a 40 percent rate increase for those affected. As 15:46:27
19 our county is largely agricultural, we believe this 15:46:31
20 would create a profound economic ripple effect for our 15:46:34
21 entire area. 15:46:37
22 We certainly appreciate the United States 15:46:38
23 Environmental Protection Agency in its efforts to 15:46:41
24 protect the health and welfare of the citizens of the 15:46:43
25 United States; however, we feel that in the current 15:46:46

1 economy, this is not an appropriate time to issue a 15:46:49
2 permit of this kind. 15:46:52
3 We feel that it would have a significant 15:46:54
4 detrimental affect, not only on our county, but on 15:46:56
5 other rural counties in our state. 15:47:00
6 We appreciate Flowell Electric being a part 15:47:01
7 of our county economy, and support them in their 15:47:03
8 concerns. We respectfully ask for your thoughtful 15:47:06
9 consideration in this matter. 15:47:09
10 And it's signed by our three county 15:47:11
11 commissioners. 15:47:12
12 They also -- by the way, you heard from a 15:47:13
13 couple of gentlemen from Mt. Wheeler Power. They serve 15:47:16
14 in the west side of Millard County, so these -- these 15:47:20
15 gentlemen represent them as well. 15:47:24
16 So that's what they're talking about. The 15:47:25
17 agriculture, that's part of what we're talking about. 15:47:28
18 And I'll just leave this here. 15:47:31
19 And a couple of comments. In order to be 15:47:34
20 brief, I would just state that we, as I said, we're 15:47:38
21 largely agricultural. 15:47:41
22 In recent years, we've seen a lot of our 15:47:43
23 farmers make significant investments in their water, 15:47:48
24 irrigation systems. And one reason why they can do 15:47:54
25 that is because they have a stable source of power that 15:47:57

1 they -- that we think that we can project that the 15:48:01
2 rates are going to stay somewhat level. 15:48:04
3 That they have risen somewhat over the last 15:48:06
4 few years, but when you make a long-term investment in 15:48:11
5 large irrigation equipment, you're doing so under the 15:48:14
6 assumption that your -- your costs are going to stay 15:48:17
7 somewhat stable. 15:48:25
8 So they're making large investments to be 15:48:26
9 more efficient in their occupations as farmers. 15:48:29
10 I'm a farmer as well. I've done the same 15:48:33
11 thing. 15:48:35
12 We put in these center pivot irrigation 15:48:35
13 systems that cost a lot of money. But they're so much 15:48:39
14 more efficient, they do so much better job of farming, 15:48:42
15 irrigating our farms, that it's been worth it to do 15:48:45
16 that. 15:48:49
17 However, as stated early by Mark Anderson, 15:48:51
18 who is also in my cooperative, it's in the top three or 15:48:54
19 four biggest costs that most of our farmers have, and 15:48:58
20 that's electric power to pump this water. So if 15:49:00
21 you -- if you look at an increase of 40 or 50 percent, 15:49:03
22 or whatever the number is, it changes significantly the 15:49:06
23 ability of people to farm and to -- to do what they 15:49:11
24 need to do to stay in business. 15:49:14
25 So standing in support of Bonanza Power 15:49:15

1 Station, I would just say that I would encourage the 15:49:21
2 EPA to take a look at that, and realize that changes 15:49:26
3 that would require additional regulation on the power 15:49:31
4 plant would be detrimental to many people in the state 15:49:36
5 of Utah, particularly in my county. 15:49:39
6 I also want to say that I live a few miles 15:49:41
7 away from the Intermountain Power Project. I have done 15:49:45
8 so since its inception. It's four times the size of 15:49:47
9 the Deseret Power station/Bonanza power station, about 15:49:51
10 1,800 megawatts. It's a coal-fired plant. Built about 15:49:55
11 the same time. Fully scrubbed, like Bonanza is. And I 15:49:58
12 don't know of any ill health problems that we have in 15:50:02
13 our county. 15:50:07
14 Thank you for your time. 15:50:08
15 JUDGE SUTIN: Thank you, Mr. Robison. 15:50:09
16 So I'm going to start calling two names at a 15:50:12
17 time, so we can have the next speaker set and ready. 15:50:15
18 Hopefully that will speed things up a little bit. 15:50:20
19 So our next two speakers will be Aaron 15:50:22
20 Weight and Doug Wooten. 15:50:27
21 AARON WEIGHT: Thank you for the 15:50:33
22 opportunity. It's Aaron Weight. A-A-R-O-N, 15:50:39
23 W-E-I-G-H-T. 15:50:42
24 And I'm representing Roosevelt City Council 15:50:42
25 today. We'd like to voice our support for Deseret. 15:50:46

1 As many of you know, Duchesne and Uintah 15:50:50
2 counties bolster one of the highest economies in Utah, 15:50:52
3 and one of the highest economies in the United States. 15:50:56
4 That is largely in part to the stable energy 15:50:59
5 rates that we enjoy here in the county. 15:51:02
6 As has been indicated already through other 15:51:04
7 comments, this is much more than just a local issue. 15:51:07
8 It is a regional or even a western United States issue. 15:51:11
9 We would encourage the EPA to continue to let Deseret 15:51:15
10 continue to operate under their current permit. 15:51:19
11 Thank you. 15:51:21
12 JUDGE SUTIN: Thank you, Mr. Weight. 15:51:21
13 Doug Wooten? 15:51:23
14 Is he here? Oh, thank you. 15:51:25
15 DOUG WOOTEN: I'll try to be brief, Your 15:51:30
16 Honor. 15:51:32
17 I'm a registered licensed environmental 15:51:32
18 health scientist. I work for the tribe. 15:51:36
19 To get down to the, I guess the health 15:51:39
20 facts, there's other things besides just the economic 15:51:42
21 facts in this. 15:51:45
22 Coal will basically -- if you go to natural 15:51:45
23 gas, it will cut your emissions by 70 percent. That's 15:51:51
24 just a fact. 15:51:55
25 I think, when you stick to facts on the 15:51:55

1 decision, not just economic, we've got one of the 15:51:57
2 shortest death rates in the whole state of Utah. Our 15:52:03
3 air quality now is as bad or worse than LA. 15:52:06
4 Our mortality rate on infants is going up, 15:52:08
5 and our mortality rate on adults is going up. 15:52:12
6 The amount of mercury which comes from coal 15:52:15
7 and lead, both being emitted, you can't eat the fish 15:52:17
8 out here. 15:52:22
9 Those aren't my numbers, those are the 15:52:22
10 state's. I've worked for several health -- different 15:52:24
11 health departments and the EPA. 15:52:26
12 I think we need to make those decisions on 15:52:30
13 that. If you're going to make it on economic, we ought 15:52:33
14 to throw away the coal and the gas and go to nuclear, 15:52:36
15 because that is your cheapest source of energy. 15:52:40
16 You look at Hanford in Washington 15:52:42
17 tri-cities. They're basically $0.03 a kilowatt hour. 15:52:45
18 There's nobody that can compete with them. 15:52:48
19 And nobody wants to do that. 15:52:52
20 I think we have to look at what coal is. 15:52:53
21 Coal is nothing but the same as wood. It's basically 15:52:56
22 an old plant that's been buried for centuries, for who 15:52:59
23 only knows how long. You're digging it up and burning 15:53:03
24 it, and they want us to pay for it so they can burn it. 15:53:05
25 Our -- the electric companies aren't exactly 15:53:08

1 clean in this whole thing either. I remember when they 15:53:14
2 got rid of everybody's coal soakers out here in the 15:53:15
3 '60s, and said, Well, you need to go to electric in the 15:53:18
4 early '70s. They said you need to go to electric. 15:53:22
5 Everybody did. As soon as they do, price went up. 15:53:24
6 Nobody died, nobody rolled over, and the 15:53:27
7 prices all went up. 15:53:30
8 Prices go up every day. I remember when I 15:53:32
9 went to the movies, you've got $0.15 to go. I don't 15:53:34
10 know how high it -- much higher that is. I'm still 15:53:36
11 alive. 15:53:39
12 I think we need to -- to look at it that 15:53:42
13 way. 15:53:45
14 If you can cut your emissions by 70 percent, 15:53:45
15 I think we ought to have to adjust to it. 15:53:48
16 And we're sitting on an ocean of gas. If 15:53:50
17 you want jobs -- and if it's true that we're sitting on 15:53:53
18 an ocean of gas, I don't know. But if it is, I urge 15:53:56
19 the county commissioners to start laying pipelines all 15:53:59
20 through here. All of our cars ought to be on natural 15:54:02
21 gas. Our pivots. Everything out here ought to be on 15:54:04
22 natural gas, just so we can use our own natural 15:54:08
23 resource. 15:54:11
24 I commend the people from Wyoming and stuff 15:54:11
25 that are here, but they're not the ones sitting in this 15:54:14

1 bad air. They're all sitting somewhere else, where 15:54:16
2 it's nice and clean, like the Great Basin. We're not. 15:54:18
3 We're sitting in a toilet. 15:54:21
4 If you don't believe me, go to Rangely. 15:54:23
5 Take a -- and just get out of your car and smell it. 15:54:26
6 That's all you've got to do. From the gas and all of 15:54:30
7 the pollutants there. 15:54:32
8 But do like President Clinton, Your Honor, 15:54:33
9 don't inhale. 15:54:35
10 (LAUGHTER) 15:54:38
11 Thank you. 15:54:39
12 (APPLAUSE) 15:54:43
13 JUDGE SUTIN: Thank you, Mr. Wooten. 15:54:44
14 All right. The next two speakers, Michael 15:54:47
15 Brown and Robyn Serage. 15:54:49
16 PUBLIC COMMENT: Michael Brown, from Beryl, 15:55:05
17 Utah. M-I-C-H-A-E-L. B-R-O-W-N. 15:55:12
18 I am here representing Brown Farms. My son 15:55:15
19 and I have a farm. We have four full-time employees, 15:55:19
20 Brian, Mark, Pedro, and Jamie, that live on our family 15:55:25
21 farm. 15:55:29
22 And we're located -- they say I'm from 15:55:30
23 Beryl. Beryl is not a town. Beryl is a mailing 15:55:33
24 address. It's a railroad siding that the rail used to 15:55:35
25 come to. We all live on our farms. 15:55:40

1 We have a nice valley like this valley that 15:55:41
2 we live in, but we have nothing but agriculture. 15:55:42
3 That's our economy. That's our total economy, unless 15:55:45
4 people travel to St. George or Cedar. We live west of 15:55:48
5 Cedar about 50 miles, north of St. George about 15:55:51
6 50 miles, out on the Nevada border. 15:55:55
7 And agriculture is our livelihood in our 15:55:57
8 valley, and our farms. And for -- for the EPA to go 15:56:00
9 back in and look at Deseret's PSD and require today's 15:56:05
10 technology is where the number 40 percent's coming up. 15:56:09
11 For Brown Farms, a 40 percent power increase would be 15:56:14
12 $40,000 a year. 15:56:17
13 And we have very few controllable costs at 15:56:18
14 Brown Farms, and one of the ones that we can control is 15:56:23
15 our labor. And so I don't know which one of those 15:56:26
16 families, four or five or six families that live off 15:56:30
17 our farm, we would have to change, or the five to ten 15:56:33
18 part-time employees we hired in the summer, but 15:56:37
19 that -- that -- that's one of the controllabe costs. 15:56:41
20 And that -- that's what I'm afraid that effect could 15:56:43
21 be, would be a devastating economic impact out on our 15:56:46
22 valley where all there is is farming. There is no 15:56:50
23 industry. 15:56:53
24 And I'm also on Dixie Power's board of 15:56:53
25 directors, I'm on the Iron County Planning Commission, 15:56:57

1 and I'm on Deseret's board of directors. And we serve 15:57:00
2 down in the St. George area. 15:57:04
3 And everybody looks at St. George and says, 15:57:06
4 Hey, that would be a great place to live. That's a 15:57:09
5 booming economy. But it's a retirement community, and 15:57:11
6 the things that boom there are the service industry and 15:57:16
7 home building for retired people who are living on 15:57:19
8 fixed incomes. 15:57:21
9 And we -- we -- everybody's already heard 15:57:22
10 about people that are living on fixed incomes, and how 15:57:28
11 much 40 percent would mean to them. 15:57:30
12 But we also developed an industrial park 15:57:32
13 down there, to try and bring in businesses, with the 15:57:35
14 state of Utah and a private developer in the city of 15:57:38
15 St. George, to bring in businesses. And we brought in 15:57:41
16 some big businesses. We brought in Blue Bunny, 15:57:45
17 Birocon, Fire Distribution Center. 15:57:49
18 And three of those businesses gave one of 15:57:50
19 the major reasons that they located in St. George was 15:57:53
20 because of the reasonable power rates. 15:57:56
21 And had we not had those rates, that -- the 15:57:58
22 results of the Deseret plants operation and the Dixie 15:58:03
23 power coops delivering power, those industries wouldn't 15:58:06
24 have come into the St. George area, and our kids that 15:58:09
25 grew up around that area wouldn't have been able to 15:58:12

1 stay there and have better paying jobs, instead of 15:58:15
2 either building homes -- which we all know what 15:58:17
3 happened to the building industry in the last little 15:58:22
4 while -- and/or service industry jobs. And so it is 15:58:23
5 very important that industrial park is to the city of 15:58:27
6 St. George. 15:58:30
7 So I want to thank you, Judge, for extending 15:58:31
8 a hearing, because I did drive, with LaDel, only 15:58:34
9 I -- we must have been in different vehicles. It was 15:58:38
10 about five hours and 20 minutes, I thought, not six, 15:58:39
11 but . . . 15:58:43
12 Anyway, we got here at the same time. I'd 15:58:43
13 just like to thank you for extending the hearing and 15:58:45
14 for listening to me. And thank you. 15:58:47
15 JUDGE SUTIN: Thank you. 15:58:49
16 ROBYN SERAGE: My name is Robyn Serage. 15:59:00
17 It's Robyn with a Y, and S-E-R-A-G-E. 15:59:03
18 Never heard that one before? 15:59:06
19 I'm just here to be a face of the common 15:59:09
20 woman and the common housewife. I'm a housewife in 15:59:14
21 St. George. I have seven kids. 15:59:18
22 Almost called them prairie dogs. Hard to 15:59:20
23 tell the difference sometimes. 15:59:22
24 But I recently, along with raising my 15:59:23
25 children, we purchased a small business there in 15:59:28

1 St. George, a little pizza shop. 15:59:32
2 You know, it was a big, big risk for us 15:59:34
3 to -- big venture to take on. One of the things that 15:59:38
4 made it a possibility was our stable and low rates down 15:59:41
5 there in St. George. 15:59:47
6 And, you know, it would absolutely devastate 15:59:50
7 that opportunity and chance. It would be over for us 15:59:53
8 if we were to have to pay higher electricity rates, 15:59:57
9 particularly along the lines that we're talking about 16:00:00
10 here, 40 percent and whatever. 16:00:03
11 I'm not an expert on those kind of things, 16:00:04
12 but it's -- it would be devastating to my family and to 16:00:07
13 our future. 16:00:12
14 JUDGE SUTIN: Thank you, Ms. Serage. 16:00:13
15 The next two speakers are Grant Earl and 16:00:20
16 Kevin Garlick. 16:00:22
17 GRANT EARL: Judge Sutin, my name is Grant 16:00:27
18 Earl. G-R-A-N-T, E-A-R-L. 16:00:34
19 I live in Duchesne County, near Roosevelt. 16:00:38
20 Have done for most of my life. 16:00:42
21 I am also a general manager of Moon Lake 16:00:44
22 Electric. And just as usual, I'm the last of the six 16:00:49
23 general managers to speak on behalf of Deseret, 16:00:52
24 so . . . 16:01:01
25 I want Mr. Wopsock, to let him know that I 16:01:01

1 feel his pain. When he talked about being regulated to 16:01:04
2 the max, our industry is regulated heavily. And 16:01:07
3 probably for good reasons, but we -- we believe that we 16:01:10
4 play by the rules. 16:01:14
5 Also, he made the comment that a couple of 16:01:16
6 members are good neighbors, and I want to echo that and 16:01:21
7 agree with him on that. I have -- I have friends in 16:01:24
8 the Ute Tribe, and I appreciate their friendship too. 16:01:27
9 I also want to be one to stand and say, 16:01:32
10 I -- I personally support the tribe in looking at 16:01:34
11 alternatives to improve your business community and 16:01:37
12 your jobs and so forth by building, or at least 16:01:43
13 studying the building of a power plant. 16:01:46
14 I also respect Mr. Small's comments that 16:01:48
15 were read into the record. And I want you to know that 16:01:53
16 there will be written comments that address most of 16:01:56
17 those issues, if not all of them. 16:01:59
18 I also want the record to show that this 16:02:04
19 particular hearing conflicts with the governor's 16:02:07
20 conference that is going on right now in Salt Lake 16:02:11
21 City. We had a number of commissioners, city council 16:02:14
22 members, mayors, and such, that wanted to be here to 16:02:19
23 speak to this issue. And I suspect that you will also 16:02:22
24 receive written comments from those individual groups 16:02:25
25 also. 16:02:29

1 I'd like to take just a couple of seconds to 16:02:29
2 kind of connect the dots with the individual members 16:02:32
3 that we've talked about within the coops. All -- all 16:02:36
4 but maybe one or two of the people who have spoke 16:02:41
5 today, and probably the vast majority who are here 16:02:45
6 today in this audience, are members of a coop being 16:02:48
7 served by the -- by the system. And as such, we call 16:02:53
8 those member owners. They actually own a part of these 16:02:59
9 systems. 16:03:03
10 Ultimately, they own a part of the Bonanza 16:03:04
11 power station and, as a result, they have been 16:03:06
12 benefitted greatly over the years by that membership. 16:03:09
13 At Moon Lake, we have had very stable rates 16:03:15
14 over the years because of the power that comes out of 16:03:17
15 Bonanza, and we believe that that's enabled our -- our 16:03:20
16 industry in this area to prosper. 16:03:26
17 We return any margins back to these 16:03:28
18 individual members, including our tribal friends. And 16:03:33
19 so they have -- all of us, living in the Uinta Basin, 16:03:36
20 other than Vernal City, have benefitted greatly by the 16:03:40
21 Bonanza power station being located in this area. 16:03:44
22 You know, we're called rural cooperatives 16:03:46
23 for a reason, and that is because we are rural. And as 16:03:50
24 a result, we don't have some of the services that 16:03:54
25 cities have. And one of those services is natural gas. 16:03:57

1 So as a result, around 20 percent of the 16:04:01
2 members of the Uinta Basin, heat their homes with 16:04:05
3 electricity, where, on average, in the state of Utah, 16:04:10
4 about ten percent heat their homes with electricity, 16:04:12
5 because they have natural gas service. 16:04:15
6 The sizable increase that you've heard 16:04:17
7 about today in this hearing, 40 percent, actually has a 16:04:21
8 double impact on the members of these rural communities 16:04:26
9 because of that arrangement of lack of natural gas. 16:04:29
10 Agriculture and oil and gas is the primary 16:04:31
11 mover of our communities. I have been in communication 16:04:41
12 with many of these oil companies. A 40 percent rate 16:04:45
13 increase will have a dramatic impact on the production 16:04:49
14 and the drilling activity within our communities, which 16:04:53
15 will dramatically impact jobs. 16:04:57
16 And finally, I want to just say that we 16:05:01
17 should all play by the rules. Judge Sutin, that 16:05:03
18 is -- that's something that Deseret holds very highly, 16:05:08
19 playing by the rules. 16:05:10
20 We believe that we have been playing by the 16:05:11
21 rules. But to change -- arbitrarily change a permit 16:05:13
22 that was issued 15 years ago is not playing by the 16:05:19
23 rules. Thank you. 16:05:22
24 JUDGE SUTIN: Thank you, Mr. Earl. 16:05:23
25 KEVIN GARLICK: Thank you, Judge Sutin. My 16:05:28

1 name is Kevin Garlick. K-E-V-I-N, G-A-R-L-I-C-K. 16:05:35
2 I am the power resource manager of the Utah 16:05:40
3 Municipal Power Agency, or UMPA. Our office is located 16:05:44
4 in Spanish Fork, Utah. 16:05:49
5 I am pleased to testify today on behalf of 16:05:51
6 UMPA and its member cities in support of the Title V 16:05:56
7 federal operating permit for the Bonanza Power Plant. 16:06:01
8 The agency was formed in 1980, as a 16:06:04
9 non-profit joint action agency under the state of 16:06:09
10 Utah's Interlocal Cooperative Act for the purpose of 16:06:11
11 developing a reliable and economic power supply program 16:06:14
12 to meet all of its energy needs for its member 16:06:18
13 municipalities. UMPA member cities are Levan, Manti, 16:06:22
14 Nephi, Provo, Salem, and Spanish Fork. 16:06:27
15 The agency is governed by a six-member board 16:06:31
16 represented by elected official from each member city. 16:06:35
17 The role of the UMPA board is to make energy decisions 16:06:39
18 in the best interests of their utilities and its 16:06:42
19 customers. 16:06:45
20 Our utilities are non-profit, and their 16:06:46
21 shareholders are the same as the customers that they 16:06:50
22 serve. 16:06:53
23 UMPA serves the electrical needs of about 16:06:53
24 55,000 retail customers in these six cities, or a 16:06:58
25 population area of about 170,000. 16:07:01

1 Currently, UMPA receives power and energy 16:07:05
2 from a variety of resources, including a contract for 16:07:09
3 hydroelectric generation from the Colorado River 16:07:14
4 Storage Project managed by the Department of Energy's 16:07:17
5 Western Area Power Administration. We also are owners 16:07:21
6 of a thermal generation plant, Hunter Unit I, operated 16:07:24
7 by PacifiCorp, and other smaller generation resources. 16:07:30
8 UMPA is part owner with Deseret Power of the 16:07:34
9 Bonanza Power Plant. UMPA owns 3.75 percent interest 16:07:39
10 along with a contract, that expires in 2025 for an 16:07:48
11 additional 3.5 percent for a total of 7.25 percent of 16:07:52
12 the 600 -- 465-megawatt plant capacity. 16:07:58
13 UMPA is able to schedule 34 megawatts of 16:08:02
14 capacity from the Bonanza plant. 16:08:07
15 In May of 2003, UMPA entered into a 16:08:10
16 wholesale power contract with Deseret Power for the 16:08:14
17 purchase of 80 megawatts of power and energy. 16:08:17
18 The term of the contract is extended until 16:08:20
19 the end of 2019. Another 56 megawatts of power comes 16:08:23
20 from the Bonanza unit, with the remainder of 16:08:28
21 24 megawatts coming from Deseret's ownership into 16:08:32
22 Hunter Unit No. II. 16:08:36
23 Therefore, the Bonanza Power Plant is the 16:08:37
24 primary supply of UMPA's energy resources. 16:08:40
25 We support the efforts and the findings by 16:08:45

1 Deseret Power in operating a clean coal-fired project. 16:08:48
2 As part owner with Deseret Power and UMPA, we've 16:08:54
3 followed the EPA rules and have made upgrades in 16:09:00
4 promoting efficiencies and environmental improvements. 16:09:04
5 UMPA has paid its fair share of these systems upgrades 16:09:07
6 and environmental controls over the years with higher 16:09:11
7 costs. 16:09:14
8 Changing the rules would be unfair as a 16:09:14
9 burden to the owners of the plant. The consequences 16:09:20
10 would have unfair impacts to the retail customers 16:09:22
11 within our member cities. 16:09:25
12 Given that the Bonanza plant was built with 16:09:26
13 the best available control technology at the time, we 16:09:29
14 continue to pay for those original environmental 16:09:33
15 control costs through our funding. 16:09:36
16 Adding new modernized environmental control 16:09:38
17 standards and equipment will simply create an unfair 16:09:43
18 cost burden on UMPA as owners of the plant. 16:09:46
19 Competitive electric rates are essential to 16:09:50
20 our economic livelihood and our communities. Higher 16:09:53
21 electric rates will have a negative impact in an 16:09:58
22 already distressed and delicate market. 16:10:03
23 The Bonanza plant, and the employees of the 16:10:05
24 Deserado Coal Mine are important to the jobs in the 16:10:10
25 area. There are economic benefits in these rural 16:10:13

1 communities to ratify these operations that should be 16:10:19
2 considered. 16:10:22
3 We appreciate the dedicated employees that 16:10:22
4 run the -- that keep the lights on from the Bonanza 16:10:25
5 Power Plant, and effectively operate the environmental 16:10:29
6 clean technology there. 16:10:34
7 The Bonanza Power Plant is one of the 16:10:35
8 cleanest coal fire plants. We commend EPA for its 16:10:38
9 foresight in clean air. 16:10:42
10 There is much uncertainty with the 16:10:44
11 forecoming -- forthcoming greenhouse gas regulations 16:10:47
12 and increasing operating costs for coal plants that 16:10:50
13 need to be taken into consideration by EPA. 16:10:53
14 We strongly support the issuance of a Title 16:10:55
15 V federal operating permit for the Bonanza Power Plant, 16:10:59
16 and not undo the work that has already been done at 16:11:03
17 this plant. 16:11:07
18 Thank you. 16:11:08
19 JUDGE SUTIN: Okay. The next two speakers 16:11:12
20 are Michael Griffiths and Randall Thompson. 16:11:17
21 PUBLIC COMMENT: Hi. My name is Michael 16:11:23
22 Griffiths. That's M-I-C-H-A-E-L, last name is 16:11:38
23 G-R-I-F-F-I-T-H-S. 16:11:43
24 Sorry for the confusion. Most people know 16:11:44
25 me as Jared. I go by my middle name, but my legal name 16:11:48

1 is Michael. 16:11:51
2 I wanted to thank the tribe for listening to 16:11:52
3 us here. I'm new to the community here in Roosevelt, 16:11:58
4 and I live just outside of -- of Roosevelt City, since 16:12:02
5 July. I'm from the Denver area. 16:12:07
6 And we came here in search of a great 16:12:10
7 opportunity for our children. Our -- my employment 16:12:14
8 over on the -- in the Denver area, we didn't feel like 16:12:19
9 it was sufficient to -- to ensure that our children 16:12:25
10 could go to college, or that we could assist in that. 16:12:29
11 And, you know, the economy here has been a 16:12:33
12 great benefit, with the -- with the economy here, to 16:12:37
13 help ensure their future. 16:12:41
14 There's been a lot of talk here 16:12:43
15 about -- from Grant, supporting the tribe in their 16:12:50
16 effort to build a gas-fired generator here, and I -- I 16:12:54
17 fully support that also. 16:12:59
18 I'm the engineering manager for Moon Lake, 16:13:00
19 and we -- we applaud their efforts. 16:13:05
20 And just wanted to let them know that there 16:13:12
21 is -- there's great opportunities with some major 16:13:14
22 transmission lines planned for the area. There's a 16:13:19
23 Western area power, a zephyr project, a Transwest 16:13:23
24 express, and also a Gateway project that would 16:13:28
25 support -- that would support their desires to develop. 16:13:30

1 I wanted to thank the tribe. They've been 16:13:36
2 good to work with in my time here. They're -- they're 16:13:42
3 great people, and I look forward to working with them 16:13:49
4 in the future. 16:13:51
5 Again, I support the Bonanza plant. I think 16:13:51
6 it's a -- it's a great source of energy for this 16:13:55
7 economy. 16:14:00
8 I -- there haven't been any nights here 16:14:02
9 where I -- where I've stayed up late worrying about my 16:14:05
10 children, whether they're going to be harmed by the 16:14:09
11 Bonanza plant. My concerns are for their future, in 16:14:14
12 being able to support them as they grow and go to 16:14:18
13 college and advance in life, so . . . 16:14:21
14 I -- I ask you to -- to let Deseret keep 16:14:24
15 their air permit. Thank you. 16:14:28
16 JUDGE SUTIN: Thank you, Mr. Griffiths. 16:14:33
17 RANDALL THOMPSON: I'm Randall Thompson. 16:14:36
18 R-A-N-D-A-L-L, T-H-O-M-P-S-O-N. 16:14:42
19 And I'm retired. I was born in the Basin 16:14:46
20 here, over 70 years ago. I've been here all my life, 16:14:50
21 except the time to get an education and serve 16:14:55
22 Uncle Sam. 16:14:58
23 I'm concerned about this permit that was 16:14:59
24 allegedly mistakenly given to Deseret. In good faith, 16:15:03
25 Deseret made a lot of long-term and expensive 16:15:11

1 commitments, and they're still accountable for those 16:15:14
2 commitments. 16:15:19
3 I think that if a mistake was made by the 16:15:21
4 EPA, that the EPA ought to have to foot the costs or 16:15:25
5 any mitigation of that problem. I think that would 16:15:30
6 only be fair. 16:15:35
7 It certainly would be unfair to expect the 16:15:36
8 people in this area to take care of that oversight, or 16:15:40
9 mistake, or whatever it was. 16:15:43
10 And the other concerns that I had have 16:15:45
11 already been addressed. Thank you. 16:15:49
12 JUDGE SUTIN: Thank you, Mr. Thompson. 16:15:51
13 All right. The next two speakers, I think 16:15:56
14 it's Roff Groves? Sorry if I got that wrong. Ron. 16:16:00
15 Ron, excuse me. And then Dwight Blackwell. 16:16:06
16 RON GROVES: Good afternoon, Your Honor, and 16:16:16
17 people of the Basin. 16:16:22
18 As it says, I represent the human race, 16:16:23
19 there on the piece of paper. 16:16:29
20 Why I say that is because some 20 years ago, 16:16:31
21 15 years ago, the exclusionary rule was come 16:16:35
22 apart -- come together with Bonanza, whatever it was 16:16:40
23 called before that. 16:16:42
24 The tribe and the Interior Department, and 16:16:45
25 the governor of the State of Utah signed that 16:16:50

1 agreement. That compact. 16:16:52
2 Nothing was pulled. Nothing was done 16:16:55
3 illegally. 16:16:59
4 This exclusion said, Until that day that 16:17:00
5 other ordinances or rules or regulations by the EPA are 16:17:04
6 admitted, the tribe isn't off the hook. 16:17:11
7 When the tribe makes this plant, this gas 16:17:14
8 plant, it has to follow the same rules, even more 16:17:18
9 stringent, because he has to make his own rules that is 16:17:21
10 comparable to EPA. 16:17:25
11 Those kind of things. 16:17:28
12 The other thing that really makes me wonder, 16:17:30
13 why the governor would send the lieutenant governor out 16:17:34
14 here. He's -- his office is the one that signed the 16:17:38
15 agreement with the two other entities and that. 16:17:42
16 So when -- when Bonanza people that's 16:17:46
17 affected by that, and they get mad at these groups who 16:17:52
18 are saying that they're tree huggers and all of that, 16:17:55
19 well I'm glad that you don't like them. 16:17:58
20 But it truly -- the people that you elect, 16:18:01
21 county commissioners, can't say anything, because they 16:18:05
22 don't have solemn immunity. They have to tow the line 16:18:08
23 to the legislature, and the legislature runs all of the 16:18:12
24 communities within the state of Utah. Your counties. 16:18:16
25 So you really have to look. You have to see 16:18:24

1 what the agreement says. 16:18:29
2 As Mr. Wopsack means, we, as Native 16:18:30
3 Americans, wherever you go in America, you're 16:18:34
4 regulated. How much money you can have. What kind of 16:18:37
5 permits you can get. 16:18:39
6 We have to ask the state of Utah if we want 16:18:40
7 to make a -- a liquor establishment that makes -- 16:18:45
8 provides liquor, or create it. That's one of the 16:18:51
9 backgrounds of not being an American. You, as 16:18:56
10 individuals, you can be an entrepreneur and do that. 16:19:00
11 Whatever you want. 16:19:06
12 On the other hand, EPA Region 8, has an 16:19:08
13 office there for Native Americans of the Intermountain 16:19:13
14 West. They do a very poor job. 2005, 2007, they said 16:19:19
15 we're hitting the maximum for air pollution. What are 16:19:27
16 you guys going to do about it, Ute Tribe? 16:19:31
17 Did they send any assistance? No. They 16:19:34
18 penalized us. They spanked their hands. You guys 16:19:38
19 don't follow the rules. 16:19:42
20 So all of the data that's collected by the 16:19:44
21 tribe belongs to the tribe, because they funded it out 16:19:47
22 of their own pockets. 16:19:52
23 We were invited to be with the study, and we 16:19:55
24 can be -- the University of Utah State, but they were 16:20:02
25 addressing the wrong rules and regulations with oil and 16:20:07

1 gas companies. They weren't asked to mitigate for the 16:20:11
2 exclusion which was signed by your previous governors. 16:20:16
3 So when you sit here, I feel for you, 16:20:25
4 because these are jobs that may walk away because 16:20:28
5 nobody did a study, why that Title V, how did it come 16:20:34
6 about. 16:20:40
7 You can blame EPA all you want, but you 16:20:41
8 don't represent yourselves. You are represented by 16:20:46
9 state officials. Where is the EPA for the state of 16:20:49
10 Utah here? Thank you. 16:20:54
11 JUDGE SUTIN: Thank you, Mr. Groves. 16:21:02
12 DWIGHT BLACKWELL: Dwight Blackwell. 16:21:08
13 D-W-I-G-H-T, B-L-A-C-K-W-E-L-L. 16:21:12
14 I'm the mine superintendent at Deserado 16:21:16
15 Mine. I've been a coal miner there for 29 years now, 16:21:23
16 so coal does pay my bills. 16:21:27
17 I'm proud to be a part that contributes 16:21:29
18 affordable electricity to many families and businesses. 16:21:33
19 Coal power is important to working families. Less 16:21:37
20 money spent on electricity means more to spend on other 16:21:42
21 household necessities. 16:21:48
22 For businesses, providing a reliable supply 16:21:49
23 of affordable electricity is key to getting our economy 16:21:53
24 back on track and maintain existing jobs. 16:21:58
25 I need my job. My family needs me to 16:22:01

1 support them. 16:22:05
2 The mine employs 161 miners. They pay a lot 16:22:06
3 of taxes: royalty taxes, state and use taxes. They 16:22:13
4 support the hospital. Property taxes, excise taxes, 16:22:21
5 severance taxes, and reclamation taxes last year 16:22:25
6 totaled $12,838,000. 16:22:31
7 Bonanza needs to be able to continue its 16:22:35
8 operations up to the life of the plant. New 16:22:40
9 restrictions to that could jeopardize jobs, taxes, and 16:22:50
10 quality of life. Please consider that there's jobs and 16:22:55
11 the economic impact of your actions. 16:23:03
12 Thank you. 16:23:05
13 JUDGE SUTIN: Thank you. Thank you, 16:23:06
14 Mr. Blackwell. 16:23:09
15 Next two speakers, Colin Jack and Leslie 16:23:12
16 Jack. 16:23:16
17 COLIN JACK: My name is Colin Jack. 16:23:28
18 C-O-L-I-N, J-A-C-K. And I'm from St. George Utah. We 16:23:38
19 drove up 400 miles this morning to be here with you 16:23:43
20 today. I'm a member of Dixie Power. We're a 16:23:45
21 non-profit electric cooperative. Dixie Power is one of 16:23:49
22 the six cooperatives that owns Deseret Power, which is 16:23:52
23 also a cooperative that owns the Bonanza Power Plant. 16:23:56
24 And the Bonanza Power Plant is one of the 16:23:59
25 cleanest burning power plants in the United States, 16:24:03

1 that always meets or exceeds the EPA air quality 16:24:06
2 regulations. 16:24:09
3 I'm a professional engineer, specializing in 16:24:10
4 electric power systems. I've worked for nearly 16:24:14
5 30 years in the power field, both on staff at utilities 16:24:17
6 and as a consultant. At power systems all over the 16:24:21
7 world, and including Dixie Power. 16:24:25
8 I've lived in, worked in, worked for, or 16:24:26
9 traveled through 50 countries. Most recently, in May 16:24:30
10 of this year, I was working on a project in Ghana, 16:24:33
11 Africa, where I observed the bureaucratic red tape, 16:24:36
12 governmental incompetency, and greed and corruption 16:24:41
13 that caused rates of electricity in that country to 16:24:44
14 raise to the point where people were choosing to use 16:24:46
15 wood and coal as their fuel instead of electricity, 16:24:48
16 which was creating a serious ecological problem, which 16:24:52
17 affected the watershed for -- of the Volta River, which 16:24:57
18 was creating the hydroelectric electricity that they 16:25:00
19 couldn't afford to use, as well as the air quality. 16:25:04
20 So if the EPA retroactively forces our 16:25:08
21 cooperative to spend $200 million to address an 16:25:12
22 imaginary environmental problem, they will certainly 16:25:15
23 create a real, a legitimate ecological problem, as 16:25:18
24 Utahns switch to other fuels. 16:25:24
25 People here have talked about going back to 16:25:26

1 burning wood, but I can tell you, from my years working 16:25:27
2 in the deforested countries, like Bangladesh, 16:25:30
3 Nicaragua, and Uganda, that the trees eventually run 16:25:35
4 out. 16:25:37
5 I worked in an area of Nicaragua, that we 16:25:38
6 were surveying to bring in electricity, and they hadn't 16:25:42
7 had any trees for miles around. I remember working in 16:25:43
8 an area in Uganda, where I saw a man carrying an ax and 16:25:47
9 two women carrying bundles of wood on their head. 16:25:52
10 They'd been miles away to harvest wood to bring back 16:25:55
11 home to burn. 16:25:59
12 And I asked my guide and driver, I said, So 16:26:00
13 how come the guy gets to only carry the ax, and the two 16:26:03
14 women have to carry these big bundles of wood? 16:26:06
15 And they told me it was because the guy has 16:26:08
16 to protect the women, so they don't get robbed on the 16:26:10
17 way home for their firewood. 16:26:13
18 Also worked in Bangladesh, where they've run 16:26:15
19 out of trees so long ago, that to find wood to burn and 16:26:18
20 cook with, they have to scrape up the ox dung and 16:26:22
21 squeeze it onto reeds, and that's what they use to cook 16:26:26
22 with. 16:26:31
23 In fact, their trees are so gone, my boy was 16:26:31
24 a Boy Scout. Several of us fathers took our sons up to 16:26:33
25 a special national forest where they could camp up in 16:26:37

1 the trees, the last few trees of Bangladesh. 16:26:40
2 And while we were out there, we almost got 16:26:43
3 run over in the middle of the night by poachers that 16:26:44
4 were stealing trees out of the last national forest in 16:26:48
5 Bangladesh. 16:26:52
6 Anyway, I can tell you from personal 16:26:52
7 experience, that this baseless attack on the Bonanza 16:26:55
8 Power Plant will, in fact, lead us on the road to the 16:26:58
9 third world. 16:26:59
10 Thank you. 16:27:00
11 JUDGE SUTIN: Thank you, Mr. Jack. 16:27:00
12 LESLIE JACK: Hi. I'm Leslie Jack. 16:27:01
13 L-E-S-L-I-E, J-A-C-K. 16:27:08
14 And I'm a school teacher in St. George, 16:27:09
15 Utah. I'm also the daughter of school teachers. Five 16:27:11
16 brothers and sisters, we learned pretty young to live 16:27:14
17 on a modest income, to make our resources last. So we 16:27:17
18 learned to fix it up, use it up, make it do, or do 16:27:20
19 without. 16:27:23
20 And that's something that I think that 16:27:23
21 provident living and good environmentalism demands. 16:27:27
22 I own a 20-year-old washing machine. And 16:27:31
23 it's a little dinged and it's a little dented, but I'm 16:27:34
24 not ready to throw out a good machine that still 16:27:37
25 functions well to get a shiny bright one that's a 16:27:39

1 pretty color, because that doesn't make economic sense, 16:27:42
2 it doesn't make environmental sense. 16:27:45
3 Well, our Bonanza Power Plant is a treasure 16:27:47
4 beyond my old Rival washing machine. It still provides 16:27:50
5 efficient, effective clean energy. It has years to go 16:27:54
6 on the life span. 16:27:58
7 And some day my old Rival washing machine 16:28:00
8 will give up the ghost and I'll have to shop around for 16:28:03
9 a new one. 16:28:06
10 And sadly, some day Bonanza will reach the 16:28:07
11 end of its life, but we shouldn't legislate, out of 16:28:09
12 existence, a power plant that's providing clean, 16:28:12
13 affordable energy before it has to happen. It doesn't 16:28:14
14 make economic sense, it doesn't make environmental 16:28:18
15 sense, and it doesn't make ethical sense. 16:28:20
16 JUDGE SUTIN: Thank you, Ms. Jack. 16:28:24
17 Next two speakers, Rhiannon Jack and Mark 16:28:26
18 Raymen. 16:28:33
19 RHIANNON JACK: Hi, my name is Rhiannon 16:28:47
20 Jack. R-H-I-A-N-N-O-N J-A-C-K. I think I'm probably 16:28:49
21 the only one here representing my demographic, which is 16:28:55
22 I'm a college student. I'm from St. George. 16:28:58
23 I think I can speak on behalf of the college 16:29:01
24 students, is that making -- meeting bills, you know, 16:29:04
25 paying bills is already hard enough as it is, trying to 16:29:10

1 provide for our current situation, trying to plan for 16:29:13
2 the future. It's something that is of particular 16:29:17
3 interest for those of us who are trying to create our 16:29:20
4 own professions, trying to get into our businesses. 16:29:24
5 And I know, being from St. George, there's a 16:29:28
6 saying that goes back before electricity came to Utah, 16:29:31
7 that someone said that if they had a house in 16:29:36
8 St. George and a ranch in hell, they would sell the 16:29:40
9 house and move to the ranch. That's the quality of 16:29:42
10 living you have in St. George without electricity, 16:29:46
11 without the benefit of air conditioning and water that 16:29:48
12 we get from electricity pumps. 16:29:53
13 And it's some -- it's the quality of life 16:29:55
14 that we have to expect if we can't -- we can't make our 16:29:58
15 bills, if we can't pay our electricity. And it's 16:30:01
16 something that, as a college student, it's something we 16:30:04
17 have to look for is the quality of life that we're 16:30:09
18 expecting. That we have to look forward to. 16:30:12
19 So when we talk about raising electricity 16:30:14
20 rates beyond what we're already struggling to pay, it's 16:30:16
21 when we start thinking about moving out. 16:30:20
22 And I -- I love St. George. I love Utah. 16:30:23
23 It's not something I'd want to voluntarily just go off 16:30:25
24 to find a new place, but with -- when I'm looking for a 16:30:28
25 quality of life, a situation to settle down in, 16:30:33

1 it's -- this is something that I'm looking for, and 16:30:37
2 something that I believe other college students are 16:30:40
3 looking for. And I think that it -- it's an issue that 16:30:43
4 really needs to be taken into consideration, when we 16:30:47
5 talk about these sorts of issues. 16:30:50
6 And thank you for your consideration. 16:30:51
7 JUDGE SUTIN: Thank you, Ms. Jack. 16:30:53
8 MARK RAYMOND: I'm Mark Raymond, M-A-R-K, 16:30:56
9 R-A-Y-M-O-N-D. I am one of the Uintah County 16:31:03
10 commissioners. 16:31:08
11 I also thank the Ute Tribe for hosting this 16:31:09
12 event, for the opportunity to speak on behalf of the 16:31:12
13 Blue Mountain Energy/Deserado Coal Mine and the Deseret 16:31:16
14 Generation Power Plant. 16:31:21
15 I'm sure that I'm not telling anything to 16:31:21
16 you that you don't know, but this rural electric 16:31:25
17 cooperative here in the state of Utah, Wyoming, 16:31:29
18 Colorado, New Mexico, Nevada, and Utah, is the rural of 16:31:32
19 rural. 16:31:39
20 You've heard folks give comment today who 16:31:39
21 have traveled hundreds of miles. 16:31:42
22 And just a small brief history, when this 16:31:45
23 electric cooperative was put together, it was because 16:31:49
24 even the big electric systems, like Utah Power & Light 16:31:52
25 and Rocky Mountain Power, would not provide power to 16:31:56

1 these ranches and these very rural areas where you'd 16:31:59
2 have to string poles for 20 miles, and you're still on 16:32:03
3 the same ranch. They needed power. They needed the 16:32:06
4 opportunity to have electricity in their homes and in 16:32:09
5 their ranches and in their businesses. 16:32:11
6 And so they started getting together and 16:32:14
7 said, Maybe if two of us got together, or three of us, 16:32:18
8 we could do this. 16:32:21
9 And so they started talking to some of these 16:32:21
10 real small systems and said, What do we have to do to 16:32:23
11 get power? 16:32:27
12 They're the poorest of the poor, the rural 16:32:27
13 of the rural, even in the whole United States. 16:32:30
14 If you do some of your homework, you'll find 16:32:32
15 that the number of people per square mile in some of 16:32:34
16 these areas is less than one. Very, very rural. 16:32:37
17 And so they did this so that they could have 16:32:41
18 power. And they decided to do it right the first time, 16:32:44
19 so they got together and they put together this rural 16:32:48
20 electric cooperative. 16:32:51
21 In fact, we have Dom Peterson today, who was 16:32:53
22 a representative from the Utah Rural Electric 16:32:55
23 Cooperative, who tried so hard to provide power for 16:32:58
24 these rural areas of Utah, where the big people would 16:33:01
25 not provide power for. 16:33:04

1 They wouldn't run the lines. They wouldn't 16:33:05
2 run the transmission. They wouldn't run the 16:33:07
3 distribution lines. But these guys had a will. And 16:33:10
4 when there was a will, there was a way. 16:33:13
5 So they were able to put this together so 16:33:14
6 that they could provide power for these small farms, 16:33:17
7 for these small ranches. And they are still 16:33:19
8 struggling, but they are determined. 16:33:23
9 I'm also, and I'll confess, a past employee 16:33:24
10 of Deseret Generation. I was 23 years there. I worked 16:33:27
11 in the chemistry lab. I worked in the ENC Department. 16:33:30
12 I worked in Human Resources. It's a great company. 16:33:34
13 And I can tell you that the people who work 16:33:37
14 there have not worked there for two or three years and 16:33:39
15 then moved on to other jobs. This is a place where a 16:33:42
16 person goes to work and spends their life there. 16:33:45
17 There are many, many people who have worked 16:33:48
18 there 20, 25, 30 years. It's a great place to work. 16:33:50
19 They take great pride in their company. 16:33:55
20 You may be familiar with what's called unit 16:33:59
21 equivalent availability? And that is the -- the 16:34:01
22 opportunity or the ability of a power plant to stay 16:34:05
23 on-line. 16:34:09
24 And the goal for most companies is to be 16:34:09
25 on-line for about 60, 65, 70 percent of the time. So 16:34:13

1 out of a month, out of 30, 31 days, they hope to be 16:34:17
2 on-line for about 20 days. 16:34:20
3 And then, for whatever reason, a pump trips, 16:34:21
4 or, you know, the burners go down or whatever happens. 16:34:25
5 A unit will trip and go off-line, or it will -- if it 16:34:30
6 has the ability to produce 500 megawatts, maybe they 16:34:33
7 have to drop it down to 300 megawatts, because 16:34:36
8 something is going wrong with the system. 16:34:39
9 Deseret Generation is -- their unit 16:34:43
10 equivalent availability is greater and -- Ken help me 16:34:45
11 out here, but I believe it's around 95 percent. Is 16:34:51
12 that close? 16:34:55
13 They have one of the very best availability 16:34:56
14 rates in the whole United States, which is -- 16:34:59
15 Oh, my. Time goes by fast. You can tell 16:35:02
16 I'm a politician. 16:35:06
17 But they take great pride in their power 16:35:07
18 plant. They're one of the very best in the United 16:35:10
19 States.
20 And not in just one area, or two areas, in 16:35:13
21 all areas. 16:35:16
22 And so their Title V permit, that is a -- a 16:35:16
23 source of pride to them. And they try to meet those. 16:35:20
24 They're environmental engineers. 16:35:24
25 I think back to some of the folks that have 16:35:26

1 served in that capacity -- they try very hard to 16:35:27
2 maintain their -- the discharges that come out of that 16:35:30
3 power plant, whether it's the PM 2.5s or the bag house, 16:35:34
4 or the absorbers, the SO_x, the NO_x, all of that, they 16:35:37
5 try extremely hard. 16:35:41
6 And so when they find out that they're not 16:35:42
7 in compliance, it's -- they take it very personally. 16:35:45
8 So I hope you would understand that they 16:35:50
9 try, that we try, very hard, to be in compliance and 16:35:53
10 follow the rules and regulations that are given. 16:35:56
11 This kind of a curve ball to them, you know, 16:35:58
12 they're hurt by it. So I would hope that you would 16:36:02
13 take the opportunity to say, Do you know what? These 16:36:05
14 folks are in compliance. They are trying. 16:36:08
15 Thank you very much. 16:36:10
16 JUDGE SUTIN: Thank you, Mr. Raymond. 16:36:11
17 Our last speaker, Adrian Tull? 16:36:14
18 ADRIAN TULL: Adrian Tull. T-U-L-L. 16:36:28
19 I didn't prepare a statement. I didn't 16:36:33
20 expect to speak. 16:36:39
21 I'm from the West. It's all lumber 16:36:40
22 industry. And the effects of losing all of them jobs 16:36:43
23 during this economic downturn, it's dramatic. I mean, 16:36:46
24 you're talking just 100 -- or 161 jobs? The 16:36:51
25 trickle-down effect from that is going to be three 16:36:56

1 times that. 16:36:59
2 I mean, you're taking single family incomes 16:37:00
3 to double incomes. Loss of jobs, revenue, taxes. 16:37:03
4 Crime rate goes up. 16:37:14
5 I mean, a lot of things come into effect by 16:37:15
6 shutting us down. Sorry, I'm extremely nervous. 16:37:21
7 I'm not a scientist, I don't know the 16:37:25
8 numbers, the facts. I'm not paid to be here. I'm here 16:37:29
9 trying to save our jobs. Supporting our power plant. 16:37:32
10 I had more I wanted to say, but I've lost it 16:37:36
11 all. Sorry. Thanks. 16:37:44
12 JUDGE SUTIN: Thank you. Thank you, 16:37:45
13 Mr. Tull. 16:37:48
14 Okay. Amazingly we have finished all of the 16:37:48
15 speakers that registered and wanted to speak this 16:37:54
16 afternoon. 16:37:57
17 Thank you all for your cooperation and for 16:37:57
18 your willingness to stick it out with us this 16:37:59
19 afternoon. 16:38:02
20 We will be here again from 6:00 to 8:00 this 16:38:02
21 evening, so if you thought of something that you didn't 16:38:05
22 say earlier and you'd like to come back and make a 16:38:09
23 comment, by all means please do. 16:38:13
24 And we -- as I said, will be accepting 16:38:15
25 written comments through June 16th. You can submit 16:38:21

1 those to EPA, either by mailing them, faxing them, or 16:38:23
2 e-mailing them. 16:38:29
3 And those -- that information is on the 16:38:30
4 facts sheet. 16:38:33
5 So thank you again everybody, and have a 16:38:35
6 nice afternoon and evening. 16:38:37
7 The hearing is officially closed. 16:38:42
8 (Whereupon, the hearing 16:38:44
was concluded at 4:38 p.m.)
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1
REPORTERS CERTIFICATE
2

3 THIS IS TO CERTIFY that the foregoing
proceeding was taken before me, DEBRA A. DIBBLE, a
4 Registered Merit Reporter and Certified Realtime
Reporter.
5

6 That the proceeding was reported by me in
Stenotype, and thereafter caused by me to be
7 transcribed into typewriting, and that a full, true and
correct transcription of said testimony so taken and
8 transcribed is set forth in the foregoing annexed
transcript.
9

10 I further certify that I am not of kin or
otherwise associated with any of the parties to said
11 cause of action, and that I am not interested in the
event thereof.
12

13 IN WITNESS WHEREOF, I have hereunto set
my hand this 12th day of, 2014.
14

_____
18 Debra A. Dibble; RDR, CRR, CBC, CCP, SCC
19

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