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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

6:00 P.M. to 8:00 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 18:00:41
2 JUDGE SUTIN: Good evening everyone. We're 18:00:41
3 going to get started. 18:02:40
4 I am Judge Sutin. I'm the regional judicial 18:02:42
5 officer from EPA Region 8 in Denver, Colorado. 18:02:46
6 Welcome to the second hearing for the permit 18:02:51
7 for the Bonanza Power Plant. Thank you all for coming. 18:02:57
8 I will be presiding over the hearing today. 18:03:01
9 Also on the panel with me, to my right, is 18:03:03
10 Deirdre Rothery. She's the unit supervisor in the air 18:03:06
11 program for EPA's Denver office. 18:03:10
12 Also with us today are Alfreda Mitre and 18:03:12
13 Jodi Ostendorf. They're outside presently helping 18:03:19
14 people sign in. 18:03:22
15 But if you have any questions, of any of us, 18:03:23
16 we can try and answer those after the hearing, as it 18:03:27
17 relates to the process of the hearing. 18:03:31
18 This hearing is now in session. 18:03:36
19 We are here today to listen to and receive 18:03:37
20 your comments on EPA's proposed air quality operating 18:03:39
21 permit for Deseret Power Electric Cooperative/Bonanza 18:03:43
22 Power Plant on the Uintah and Ouray Reservation. 18:03:48
23 This Federal Clean Air Act Title V permit 18:03:50
24 controls air emissions of this coal-fired electric 18:03:54
25 utility. We announced the proposed permit in four 18:03:57

1 local newspapers in April of this year. The comment 18:04:02
2 period started on May 1st, and it ends on June 16, 18:04:05
3 2014. 18:04:09
4 In a moment, Ms. Rothery will explain in 18:04:09
5 more detail what was proposed in that notice. 18:04:12
6 Before I turn it over to her, let me explain 18:04:14
7 a bit about how the hearing will work this evening. 18:04:19
8 I will call the registered speakers to the 18:04:21
9 microphone. This is on a first-come/first-serve basis. 18:04:24
10 When it is your turn to speak, please come 18:04:30
11 to this microphone standing here, and state your name, 18:04:32
12 spelling your first and last name for the court 18:04:37
13 reporter, and your affiliation, before you begin your 18:04:39
14 testimony. 18:04:42
15 In order to ensure everyone has the 18:04:42
16 opportunity to speak and to ensure fairness, please 18:04:46
17 limit your testimony to five minutes. 18:04:49
18 We will signal to you when you have one 18:04:50
19 minute left to speak. When five minutes has passed, I 18:04:53
20 will ask you to complete your testimony. 18:04:57
21 If I find that anyone is straying from the 18:04:58
22 topic at hand, I will ask you to please return to the 18:05:02
23 issue that is before us this evening. 18:05:05
24 After you finish your testimony, members of 18:05:07
25 the panel may ask clarifying questions. 18:05:11

1 We are not here today to answer questions 18:05:14
2 about the proposed permit. If you have questions about 18:05:16
3 the process, as I mentioned, please find one of the EPA 18:05:19
4 representatives after the hearing, and we will try and 18:05:23
5 answer your question. 18:05:25
6 To my left is a court reporter. She will be 18:05:26
7 preparing a written transcript of the hearing. 18:05:30
8 The transcript for the hearing will be 18:05:33
9 available as part of the official record. 18:05:35
10 If you have written copies of your 18:05:37
11 testimony, please provide it to the court reporter, and 18:05:40
12 this will be helpful for us in preparing the 18:05:43
13 transcript. 18:05:46
14 If you have any other comments or supporting 18:05:46
15 documentation that you would like to be included in the 18:05:49
16 record, you can also leave that with the court 18:05:51
17 reporter. 18:05:53
18 You may also submit written comments 18:05:54
19 directly to the docket for this proposed permit through 18:06:00
20 June 16th of 2014. 18:06:03
21 Comments must be received by 5:00 p.m. on 18:06:05
22 June 16th. Instructions for submitting comments are 18:06:09
23 included in the fact sheet on the proposed permit, and 18:06:13
24 you can pick up a fact sheet at the table -- the front 18:06:16
25 table when you came in. 18:06:19

1 EPA will consider your comments as we move 18:06:21
2 forward to complete the final permit, which we 18:06:25
3 anticipate issuing by the end of August of this year. 18:06:27
4 Today's hearing is scheduled to end once the 18:06:32
5 last registered speaker has provided comments. 18:06:34
6 So if you would like to testify but have not 18:06:37
7 yet registered to do so, please sign up at the 18:06:41
8 registration table in the entryway as you came in. 18:06:43
9 Now let me turn it over to Ms. Rothery, who 18:06:50
10 will summarize the proposed permit. 18:06:55
11 MS. ROTHERY: Good evening, everyone. 18:06:59
12 As you heard from Judge Sutin, this hearing 18:07:01
13 concerns EPA's proposed air quality operating permit 18:07:05
14 for Deseret Power Electric Cooperative/Bonanza Power 18:07:08
15 Plant on the Uintah and Ouray Reservation. 18:07:12
16 This Federal Clean Air Act Title V permit 18:07:15
17 controls air emissions at this coal-fired electric 18:07:18
18 utility. 18:07:21
19 This source is required to obtain a Clean 18:07:22
20 Air Act Title V permit to operate in accordance with 18:07:26
21 Part 71 of Title 40 of the Code of Federal Regulations. 18:07:30
22 The EPA issues Clean Air Act Title V 18:07:34
23 operating permits in indian country where EPA has not 18:07:38
24 approved a tribe to implement the Title V operating 18:07:42
25 permits program. 18:07:46

1 The Ute Indian Tribe does not have this 18:07:47
2 approval. Bonanza Power Plant is located in indian 18:07:52
3 country within the Uintah and Ouray Reservation. 18:07:55
4 Bonanza plant is an estimated 500-megawatt 18:07:58
5 coal-fired electric utility consisting of a single 18:08:03
6 dry-bottom wall-fired main boiler rated at about 4,578 18:08:07
7 million BTU per hour heat input capacity. Air 18:08:15
8 pollutant emissions are virtually all from the main 18:08:21
9 boiler tall stack, which is approximately 600 feet 18:08:24
10 tall. 18:08:28
11 Washed bituminous coal is provided by the 18:08:28
12 nearby Deserado mine. 18:08:36
13 As Judge Sutin mentioned, we'll accept 18:08:39
14 public comments through this public hearing, and 18:08:42
15 through e-mail, fax, or mail, through the public 18:08:44
16 comment period. The comment period will end on June 18:08:47
17 16, 2014. 18:08:52
18 Members of the public may review a copy of 18:08:52
19 the draft permit prepared by the EPA, the statement of 18:08:54
20 basis for the draft permit, the application, and all 18:08:58
21 supporting materials submitted by the source, at the 18:09:03
22 Uintah County Clerk's Office in Vernal, Utah; the Ute 18:09:06
23 Indian Tribe's Energy and Minerals Office in 18:09:10
24 Ft. Duchesne, Utah, and at the USEPA Region 8 office in 18:09:14
25 Denver, Colorado. 18:09:18

1 Electronic copies of the draft permit, 18:09:19
2 Statement of Basis, and the Application, and all 18:09:22
3 supporting materials, are also available for review at 18:09:24
4 EPA's Web site. 18:09:27
5 A link to this Web site can be found on the 18:09:29
6 fact sheet at the table when you walked in. 18:09:32
7 If you believe the conditional draft permit 18:09:36
8 is inappropriate, or that our initial decision to 18:09:39
9 prepare a draft permit is inappropriate, you must raise 18:09:41
10 all reasonable issues and submit all arguments 18:09:45
11 supporting your position by the end of the comment 18:09:48
12 period. 18:09:53
13 JUDGE SUTIN: Okay. Let's get started. 18:09:55
14 Our first speaker, Kimball Rasmussen. 18:09:57
15 PUBLIC COMMENT: Good evening. Kimball, 18:10:03
16 K-I-M-B-A-L-L; Rasmussen, R-A-S-M-U-S-S-E-N. 18:10:13
17 And I'm the president and CEO of Deseret 18:10:18
18 Power. Thank you for the chance to comment this 18:10:22
19 evening. 18:10:23
20 First of all, of course we'd like to 18:10:23
21 recommend EPA approve the Title V permit. And Deseret 18:10:26
22 will be submitting more detailed comments later, so I 18:10:30
23 won't get into that right now. 18:10:33
24 But I wanted to thank everybody for coming 18:10:35
25 tonight. This -- the support is amazing. And most of 18:10:37

1 what you see here tonight happened without Deseret's 18:10:43
2 hand being involved in it. 18:10:46
3 You will hear from the City of Rangely, from 18:10:47
4 commissioners and political leaders. These are people 18:10:50
5 that assembled their -- their people to come tonight, 18:10:54
6 out of their heart of what matters to them. I think 18:11:00
7 you'll hear about that later tonight. 18:11:03
8 Something else, if I can just stray for a 18:11:04
9 minute. Something that happened, very important, on 18:11:06
10 June 3rd, 1978. My wife agreed to marry me, so . . . 18:11:10
11 (APPLAUSE) 18:11:18
12 And she's embarrassed that I said that, but 18:11:20
13 we had a very, very nice dinner planned for tonight. 18:11:22
14 And when the EPA gave us this date, there was no 18:11:24
15 negotiation of the date. That's what I was told. So 18:11:28
16 happy anniversary, Shelly, and we had dinner in the 18:11:30
17 park. 18:11:34
18 (APPLAUSE) 18:11:35
19 Anyway, but speaking of 1978, I think it's 18:11:38
20 worth mention, that in 1978, Jimmy Carter, then 18:11:41
21 president of the United States, stood in front of the 18:11:47
22 nation and said that we were at war, and we had 18:11:49
23 something that was the moral equivalent of war to 18:11:52
24 balance the nation's energy security. 18:11:55
25 His quote was that too few utilities were 18:11:58

1 converting to coal, and he called for an all-out 18:12:01
2 escalation of coal development in America. And his 18:12:06
3 energy plan had a two-thirds increase in coal by the 18:12:11
4 year 1985, to over one billion tons of coal produced in 18:12:14
5 this country. 18:12:20
6 Bonanza was incubated, designed, and built 18:12:21
7 during that energy crisis. 18:12:26
8 And, in fact, it was built when the MX 18:12:28
9 Missile was being considered for national security. It 18:12:31
10 was built primarily to serve oil shale loads. 18:12:35
11 And Deseret Power was formed in about the 18:12:38
12 same timeframe, but at the time Deseret already had 18:12:41
13 resources, both the federal hydro power and with the 18:12:44
14 Hunter Unit II -- adequate to serve its member 18:12:48
15 requirements. 18:12:52
16 So the reason for the Bonanza plant was 18:12:52
17 strictly to serve oil shale load. And the federal 18:12:54
18 government had what they called the Synfuels 18:12:58
19 Corporation, that was set up to give a guaranteed floor 18:13:00
20 price for oil produced by oil shale. 18:13:03
21 And so many companies came into the Basin 18:13:06
22 planning to build this oil shale activity. And then 18:13:09
23 when the bottom fell out of the oil market, the federal 18:13:12
24 government reneged on its Synfuels Corporation. The 18:13:15
25 companies dried up, but the plant was already built and 18:13:19

1 committed. 18:13:21
2 So we ended up having a 450 midlock plant, 18:13:22
3 and no load. 18:13:26
4 It's taken Deseret nearly 30 years to 18:13:26
5 largely recover from that situation. 18:13:30
6 Today, of the 458 megawatts that we get out 18:13:32
7 of the plant, roughly 50 percent is held for member 18:13:36
8 needs and about 50 percent is sold off into the 18:13:40
9 wholesale market, much of that on long-term contracts 18:13:43
10 that had fixed prices. 18:13:46
11 And we entered into those contracts at 18:13:48
12 prices that were accretive to the financing of the 18:13:50
13 plant, so we could make good on our mortgage, but don't 18:13:53
14 have the opportunity to raise the cost of those 18:13:57
15 contracts, because they're long-term, fixed contracts, 18:13:59
16 going through between 2019 and 2025. 18:14:02
17 The reason I mention that is that when we 18:14:05
18 talk about the cost of the impact or possible 18:14:08
19 escalation of the rates to Deseret, the concern is, we 18:14:11
20 have to only recover those rates through the 18:14:14
21 rate-paying members, not through contracts that are 18:14:17
22 fixed in price, or through wholesale markets that don't 18:14:20
23 adjust to any new regulations that are promulgated 18:14:23
24 against the company. 18:14:27
25 So the portion of our load that is rate 18:14:27

1 sensitive is about 25 percent. And that means that 18:14:31
2 whatever happens to Deseret, it has a leveraging impact 18:14:34
3 of about four to one. 18:14:39
4 So when you consider what is done elsewhere, 18:14:40
5 other utilities, please don't assume that that's the 18:14:43
6 same impact on this particular utility. 18:14:45
7 We have been struggling for three decades to 18:14:48
8 grow into our plant, that should not have been built, 18:14:51
9 probably, but it was, for national security reasons. 18:14:54
10 Now we're there, we're making it run. What 18:14:57
11 we don't need now is a new reset that changes the game 18:14:59
12 and makes it unaffordable. 18:15:03
13 Thank you very much for a chance to comment. 18:15:04
14 (APPLAUSE) 18:15:06
15 And thank you, everybody, for coming. 18:15:07
16 JUDGE SUTIN: Thank you for your comment. 18:15:13
17 All right. Next if we could have Jodi 18:15:18
18 Crane. Is it John -- 18:15:21
19 JODI CRANE: Hi. I'm Jodi Crane, and I'm 18:15:27
20 with KBEL Radio. 18:15:33
21 And I just wanted a clarification. 18:15:34
22 In your opening statement, could you repeat 18:15:36
23 the portion of the -- I just want to make sure I get it 18:15:38
24 right -- about -- about the land line Deseret Power 18:15:40
25 within the tribe's exterior boundary? Can you read 18:15:47

1 that again, just for the record? 18:15:51
2 MS. ROTHERY: And please note, too, that 18:15:55
3 this is all being court reported. It will be part of 18:15:56
4 the official docket, so it's all public record. 18:15:59
5 JODI CRANE: Okay. I just want to record it 18:16:03
6 correctly. 18:16:05
7 MS. ROTHERY: Sure. 18:16:05
8 So I think this is the paragraph you're 18:16:05
9 referring to. 18:16:07
10 The EPA issues Clean Air Act Title V 18:16:07
11 operating permits in indian country where the EPA has 18:16:10
12 not approved a tribe to implement the Title V operating 18:16:14
13 permits program. Is that the paragraph? 18:16:17
14 JODI CRANE: No. And then it referred 18:16:18
15 to -- it's in -- within this area, the 18:16:21
16 jurisdictional -- 18:16:24
17 MS. ROTHERY: So the Ute Indian Tribe does 18:16:24
18 not have this approval. The Bonanza Power Plant is 18:16:26
19 located in indian country within the Uintah and Ouray 18:16:30
20 reservation. 18:16:36
21 JODI CRANE: And there is a difference 18:16:37
22 between the Ute and the exterior boundary. So I just 18:16:38
23 don't know if you knew that. 18:16:42
24 MS. ROTHERY: Mm-hmm. 18:16:43
25 JODI CRANE: Okay. 18:16:44

1 JUDGE SUTIN: Okay. Our next commenter, 18:16:48
2 Luke Duncan. 18:16:50
3 LUKE DUNCAN: Good evening. That's Luke, 18:16:52
4 L-U-K-E, D-U-N-C-A-N. 18:16:59
5 And I don't have a statement to leave you, 18:17:01
6 but I just wanted to say a few things. 18:17:05
7 I've worked in -- in your community over 18:17:09
8 there in Vernal. I'm a retiree of the 18:17:11
9 telecommunications for 40 years. 18:17:14
10 Also had served on the tribal council here 18:17:20
11 as a chairman and as a councilman. 18:17:22
12 And I've been sitting here all afternoon, 18:17:23
13 and listening to the comments. And I wanted to say a 18:17:26
14 few things, just for the record. 18:17:29
15 Number one, you know, talking about rate 18:17:31
16 hikes, and talking about people that are at the end of 18:17:35
17 the line that really is going to end up paying the 18:17:39
18 most. 18:17:41
19 Well, I'm one of those, because I live up by 18:17:42
20 White Rocks Canyon. And my bill right now is pretty 18:17:46
21 high anyway, so . . . 18:17:48
22 And also, the comments about possibly 18:17:48
23 getting laid off, people getting laid off, I feel for 18:17:52
24 you. And I've been there too, and I hope it doesn't 18:17:55
25 come to that. 18:17:58

1 But I think that, you know, what I wanted to 18:17:59
2 say was that we need to look at the overall picture. 18:18:01
3 As a Native American, you know, Mother Earth 18:18:04
4 means something to us. You know, we -- we sit on 18:18:07
5 Mother Earth. We pray with the dirt with Mother Earth. 18:18:10
6 It -- it's our mother. That's what it is. That's why 18:18:13
7 we try to take care of it. 18:18:16
8 And looking at the overall picture now, you 18:18:19
9 know, and the restrictions that are being applied now, 18:18:22
10 you know, and that's pertaining to the ozone layer. I 18:18:25
11 mean, they're not just doing that just to be doing 18:18:28
12 that. 18:18:30
13 And we do have a problem. Three months out 18:18:31
14 of the year, we have the worst air in the whole 18:18:33
15 country. I think it's in January, February, and March. 18:18:36
16 I've seen a map, and that map showed the Uinta Basin. 18:18:41
17 And that really concerns me. You know? 18:18:44
18 And earlier today, we talked about possibly 18:18:47
19 people that have asthma problems. We just buried one 18:18:50
20 of our tribal members yesterday from that. 18:18:54
21 And I just wanted to say that we should look 18:18:56
22 at the overall picture, and hopefully we can come up 18:18:59
23 with something. Because it really means something to 18:19:02
24 us. 18:19:05
25 And watching TV every night, every morning, 18:19:05

1 the floods, the tornados, the hurricanes, it's not a 18:19:09
2 joke. People are suffering because of that. We have 18:19:13
3 weather changes. The seasons are changing. It's not 18:19:16
4 the way it used to be. 18:19:19
5 And that really should concern all of us, 18:19:20
6 because what we're trying to do now, it's not just for 18:19:23
7 us, it's for our children. It's for our grandchildren. 18:19:26
8 And we must protect that. 18:19:29
9 And all I want to see, out of this whole 18:19:31
10 thing, is that we all work together. And the people 18:19:33
11 here. And this is our home. We all live here. 18:19:37
12 And -- and the EPA, work something out where 18:19:40
13 we can all live together with it. And we can look down 18:19:44
14 the road and feel good about what we've done. 18:19:47
15 Anyway, that's all I wanted to say. And I 18:19:49
16 thank you, and I thank all of you for being here. 18:19:51
17 Thank you. 18:19:53
18 (APPLAUSE) 18:19:55
19 JUDGE SUTIN: Thank you, Mr. Duncan. 18:19:58
20 Next, if we could have Lisa Piering? 18:20:00
21 Sorry if I got it wrong. 18:20:09
22 LISA PIERING: Good evening. My name is 18:20:14
23 Lisa Piering. P-I-E-R-I-N-G. 18:20:18
24 And I am the clerk and treasurer from the 18:20:22
25 town of Rangely. I also serve on the council of the 18:20:27

1 chamber board. 18:20:29
2 I just wanted to talk to you a little bit 18:20:30
3 about the impact of your decisions that will be made 18:20:32
4 for the Bonanza Power Plant on Rangely and Blue 18:20:35
5 Mountain Coal Mine. 18:20:39
6 I was born in Rangely. I'm a fourth 18:20:42
7 generation. 18:20:45
8 I was raised on a ranch. And even though we 18:20:46
9 were ranchers, we also worked in the energy industry, 18:20:48
10 and that includes coal. 18:20:52
11 I have come here of my own concerns for the 18:20:53
12 community, and also for the decisions that you may make 18:20:58
13 that will have an impact on our community. 18:21:02
14 We would like you to please consider the 18:21:04
15 impact of any decision that you make that would affect 18:21:07
16 Blue Mountain Energy and the Deseret Power Plant, our 18:21:11
17 individual lives, our community, and our future 18:21:15
18 generations. 18:21:17
19 The residents that live in Rangely are no 18:21:17
20 doubt a working-oriented community. We support 18:21:20
21 ourselves, we pay our taxes, and ask only in return 18:21:23
22 that our government is cautious in balancing regulation 18:21:28
23 with the economics of our livelihoods. 18:21:30
24 Blue Mountain Energy is one of the largest 18:21:32
25 employers in our community. The loss of that employer 18:21:36

1 would impact not only our community, but every special 18:21:39
2 district and each citizen as well. 18:21:42
3 We would most likely see families lose 18:21:44
4 employment, causing the trickling down effect of that 18:21:48
5 employment, loss in our local businesses, schools, and 18:21:51
6 government. 18:21:54
7 The loss of property sales tax, federal 18:21:54
8 severance, and mineral release funds could be 18:21:57
9 devastating to a community of our size. 18:22:01
10 Increased costs at the Deseret Power Plant 18:22:03
11 would be immediately felt at every community member and 18:22:05
12 companies in our cooperatve district, which 18:22:09
13 unfortunately could impact decisions on how they do 18:22:11
14 business negatively. 18:22:14
15 Thank you for the opportunity to speak 18:22:17
16 tonight, and I hope that our comments will give you an 18:22:19
17 appreciation of our community and our way of life. 18:22:23
18 JUDGE SUTIN: Thank you, Ms. Piering. 18:22:27
19 (APPLAUSE) 18:22:32
20 JUDGE SUTIN: Next, if we could have Howard 18:22:33
21 Gebhart. 18:22:36
22 HOWARD GEBHART: I have a written -- 18:22:36
23 Good evening. My name is Howard GeBhart. 18:22:46
24 H-O-W-A-R-D, G-E-B-H-A-R-T. 18:22:50
25 I'm the environmental compliance section 18:22:55

1 manager at Air Resource Specialist, Incorporated. I'm 18:22:57
2 appearing at the hearing on behalf of Deseret 18:23:00
3 Generation and Transmission Cooperative. 18:23:03
4 I have more than 30 years experience as a 18:23:07
5 practicing environmental professional, with expertise 18:23:08
6 in air quality matters, including environmental 18:23:11
7 permitting, compliance, data analysis, and 18:23:14
8 interpretation, and air quality dispersion model. 18:23:16
9 Earlier in my career, while employed at a 18:23:20
10 predecessor to what is now the Utah department -- 18:23:23
11 Division of Environmental Quality, I even worked on the 18:23:26
12 technical review for the original permit for this power 18:23:30
13 plant. 18:23:32
14 A resumé illustrating my credentials as an 18:23:32
15 expert in air quality matters is included in the 18:23:37
16 written comments that I've provided. 18:23:39
17 Deseret has asked me to discuss whether 18:23:41
18 Bonanza emissions are significant contributors to 18:23:44
19 elevated levels of ambient ozone that are observed at 18:23:47
20 times in the Uinta Basin, especially during the winter 18:23:51
21 months when strong temperature inversions occur. 18:23:53
22 I can report that the current scientific 18:23:56
23 evidence is that Bonanza's emissions are elevated above 18:24:00
24 the top of the surface-based inversions during periods 18:24:03
25 of maximum O_3 concentrations. Because the emissions are 18:24:06

1 decoupled from the inversion layer, the Bonanza 18:24:12
2 emissions do not contribute to the photochemical 18:24:14
3 reactions that produce ozone in the Uinta Basin. 18:24:18
4 Additional details supporting these findings 18:24:21
5 are provided later in my testimony and the written 18:24:23
6 comments. My findings are also supported by other 18:24:27
7 scientists. 18:24:30
8 In the Uinta Basin, ambient O_3 concentrations 18:24:31
9 have been observed at levels exceeding the National 18:24:33
10 Ambient Air Quality Standards. These levels of 18:24:36
11 elevated ozone occur in the wintertime, when snow cover 18:24:40
12 across the Basin allows strong temperature inversions 18:24:42
13 to develop. Without snow cover, the temperature 18:24:44
14 inversions are not as pronounced, and ozone readings in 18:24:47
15 excess of the NAAQS have not been observed in the 18:24:51
16 absence of snow cover. 18:24:54
17 During 2012, the Uinta Basin Ozone Study, or 18:24:55
18 UBOS, was initiated. The focus of this study is to 18:25:01
19 help identify the likely emission sources and unique 18:25:02
20 meteorological and photochemical processes that lead to 18:25:05
21 elevated wintertime ozone in the Uinta Basin. 18:25:08
22 During the 2012 winter time period, there 18:25:11
23 were no extended intervals of snow cover across the 18:25:15
24 Uinta Basin that allowed strong temperature inversions 18:25:18
25 to become established. As such, the ozone 18:25:21

1 concentrations did not exceed the NAAQS during that 18:25:24
2 time period. 18:25:26
3 However, the January to March 2013 winter 18:25:27
4 period did experience elevated occurrences of ozone, 18:25:31
5 where the NAAQS was exceeded. 18:25:35
6 Due to the nature of the NAAQS, however, 18:25:38
7 measured ozone concentrations in the Basin do not 18:25:41
8 necessarily denote an NAAQS violation. Additional 18:25:43
9 monitoring data is required before the appropriate 18:25:50
10 three-year average concentration for the NAAQS can be 18:25:52
11 calculated for direct comparison to the standard. 18:25:56
12 The Uinta Basin is where the majority of oil 18:25:58
13 and gas-related development activity occurs within 18:26:00
14 Utah. Based on the UDAQ 2011 inventory, which is on 18:26:03
15 Table 9-2 of the UBOS 2013 Technical Report, oil and 18:26:07
16 gas industry emissions for nitrogen oxides are about 18:26:13
17 three times the level of the NO_x released at Bonanza. 18:26:17
18 However, the NO_x and other pollutants 18:26:22
19 released from oil and gas sources occur at or near 18:26:24
20 ground level, and these emissions can be trapped during 18:26:28
21 periods of strong winter temperature inversions induced 18:26:30
22 by the presence of snow cover. 18:26:33
23 In contrast, Bonanza emissions are released 18:26:34
24 from an elevated 600-foot tall stack. Observations of 18:26:38
25 power plant plume collected during the UBOS studies 18:26:42

1 show that the Bonanza emissions reside above the top of 18:26:46
2 the inversion layer and are not mixed with the 18:26:50
3 surface-based emissions that are trapped. 18:26:53
4 And I have photographs in the written 18:26:55
5 testimony that show that. 18:26:58
6 Overall, the scientific evidence collected 18:26:59
7 during the 2013 UBOS demonstrates the emissions from 18:27:03
8 Bonanza do not participate in the photo chemical 18:27:07
9 reactions that lead to elevated ozone in the Uinta 18:27:10
10 Basin. 18:27:14
11 The UBOS study participants themselves also 18:27:14
12 reached these same conclusions, and I quote three 18:27:18
13 citations out of the 2013 UBOS report in my written 18:27:22
14 comments. 18:27:25
15 In conclusion, my professional opinion, 18:27:26
16 formed on the basis of the available scientific 18:27:31
17 evidence, is that emissions released from the Bonanza 18:27:33
18 Power Plant do not cause or contribute to the observed 18:27:37
19 occurrences of elevated ground-level ozone found during 18:27:40
20 periods of strong wintertime inversions in the Uinta 18:27:43
21 Basin. 18:27:46
22 On this basis, additional control of ozone 18:27:46
23 precurser emissions at Bonanza; i.e., NO_x control, will 18:27:50
24 not assist in reducing ozone levels within the Uinta 18:27:54
25 Basin. Thank you for your time. 18:27:58

1 (APPLAUSE) 18:28:01
2 JUDGE SUTIN: Thank you, Mr. Gebhart. 18:28:04
3 Next, if we can have Scott Wanstedt. 18:28:11
4 SCOTT WANSTEDT: I'm Scott Wanstedt. 18:28:21
5 S-C-O-T-T, W-A-N-S-T-E-D-T. 18:28:24
6 I'm the environmental engineer for Blue 18:28:27
7 Mountain Energy/Deserado Mine. 18:28:30
8 I can attest to what Howard was talking 18:28:34
9 about as far as the plume going much higher than the 18:28:37
10 inversion. 18:28:41
11 Quite often in the winter we would have the 18:28:42
12 inversion backed up clear into Rangely. If you went to 18:28:45
13 Rabbit Mountain, which is not too awfully far from the 18:28:49
14 power plant, just south of Rangely, you could see the 18:28:52
15 plume well above the inversion layer. 18:28:56
16 You know, whenever there was an inversion, 18:28:59
17 you'd just see the layer of clouds, but you'd always 18:29:02
18 see the plume going way above the clouds of the 18:29:06
19 inversion. 18:29:09
20 I'm sure you heard a lot of testimony of 18:29:09
21 what would happen to the economy of the local area, but 18:29:13
22 very little testimony of what would occur to the 18:29:17
23 economies of our member cooperatives. Not just Moon 18:29:20
24 Lake Electric, not just the Rangely and Vernal areas. 18:29:25
25 There are five member cooperatives. They 18:29:29

1 include areas of five different states: Utah, 18:29:33
2 Colorado, Wyoming, Arizona, Nevada. 18:29:36
3 And these areas, they're -- the economies 18:29:39
4 are based on agriculture, they're based on mining, 18:29:42
5 they're based on oil and gas. 18:29:46
6 You know, all of these economies are related 18:29:49
7 to energy, whether it's producing energy, but there's 18:29:56
8 also a demand for electrical power. 18:30:04
9 In the mining industry, especially over in 18:30:06
10 Nevada, they produce copper, gold, and there is also a 18:30:08
11 very large molybdenum deposit that is in the process of 18:30:12
12 being permitted and funded. 18:30:17
13 That one project, the capital costs are 18:30:22
14 estimated at around $780 million. It would include a 18:30:25
15 very high demand in electricity. And the cost for the 18:30:31
16 project would be much greater if -- with a higher 18:30:35
17 electric costs that more controls on the Bonanza 18:30:40
18 station would require. 18:30:45
19 Other rate users would be like the wind 18:30:47
20 farms up in Wyoming. You know, it -- it's somewhat 18:30:57
21 counter-intuitive. Why would a wind farm need 18:31:02
22 electrical power? But, however, they are one of our 18:31:04
23 biggest customers. 18:31:07
24 They require a lot of power when they are 18:31:09
25 not producing power. And it's my understanding they 18:31:12

1 only produce power about 18 or 19 percent of the time. 18:31:15
2 The other times, they're sucking power to 18:31:19
3 keep their boxes warm and so forth. So they will be 18:31:23
4 impacted. 18:31:28
5 The consequences of the higher rates, the 18:31:29
6 mining industry, which I'm most familiar with, you 18:31:33
7 know, they'll -- you'll be losing ore, or resources. 18:31:36
8 Your low-grade ores would not be processed. 18:31:43
9 With the wind power, wind turbulence would 18:31:48
10 be shut down or left in disrepair because they would 18:31:51
11 not be economical to service. 18:31:55
12 And the cattle ranching and farming 18:31:58
13 industries areas will be cut off from irrigation 18:32:03
14 because of the cost of running the pumps to be too 18:32:08
15 great. 18:32:11
16 What will happen is the economies will be 18:32:11
17 forced south of the border, into Mexico, Brazil, 18:32:16
18 Argentina. 18:32:21
19 Areas in Brazil, you'll probably see acreage 18:32:23
20 that, you know, in the rain forests that are cut 18:32:28
21 because of it. You may not be able to identify exactly 18:32:32
22 which acres it is, but, you know, when you increase the 18:32:36
23 costs, the industries go elsewhere. The demand is 18:32:40
24 still there. 18:32:45
25 And I'll conclude with that, and thank you. 18:32:45

1 JUDGE SUTIN: Thank you, Mr. Wanstedt. 18:32:51
2 I'm going to ask people to refrain from 18:32:56
3 clapping. 18:33:00
4 I know everyone is very passionate about 18:33:01
5 this issue, but we want to make sure that everyone has 18:33:04
6 the opportunity to comment. 18:33:06
7 And I don't want to deter anyone if they 18:33:07
8 will feel uncomfortable with the clapping, and also I 18:33:10
9 just wanted to make sure we have enough time to get 18:33:14
10 through all comments. 18:33:16
11 So thank you for honoring that. 18:33:17
12 Next, if we can have Vincent Wilczec? 18:33:22
13 Again, I apologize if I got that wrong. 18:33:28
14 VINCENT WILCZEC: Closer than most. 18:33:31
15 Vincent, V-I-N-C-E-N-T, Wilczec, 18:33:32
16 W-I-L-C-Z-E-C. 18:33:41
17 I want to be here, and am proud to show my 18:33:42
18 support for the Bonanza Power Plant and Deseret Coal 18:33:48
19 Mine. 18:33:52
20 I'm a fourth generation resident of Rio 18:33:53
21 Blanco County, Colorado, town of Rangely. I was born 18:33:56
22 and raised there. I worked with the town for 22 years 18:34:00
23 in law enforcement. I'm currently the chief of police. 18:34:04
24 My heritage dates back to the 1900s when my 18:34:07
25 great grandparents purchased a ranch on the outskirts 18:34:11

1 of Rangely. 18:34:14
2 If that sounds familiar, it's because Lisa's 18:34:14
3 my cousin. 18:34:17
4 And that's shows the effects of this has, in 18:34:17
5 how deeply rooted it is, is because of all of the 18:34:21
6 family. 18:34:23
7 I come from a family of six, two brothers 18:34:24
8 and three sisters. 18:34:26
9 We were raised by a single mom, after the 18:34:27
10 death of my father who worked in the oil field in
11 Redwash, Utah. 18:34:29
12 I have a brother. He's -- one of them is 18:34:34
13 employed by a gas company, the other employed by a coal 18:34:37
14 company. 18:34:40
15 My three sisters, their jobs are related to 18:34:40
16 the energy industry also in Northwest Colorado. 18:34:43
17 I was present when Deseret mine was built in 18:34:46
18 the '80s. Rangely went back to open arms for a coal 18:34:50
19 mine to be built. 18:34:52
20 I saw unemployment decline, and I saw good 18:34:53
21 jobs with good paying benefits could be attained with 18:34:56
22 the coal mine. 18:34:59
23 I saw housing and subdivisions built to 18:34:59
24 accommodate the work force. This stimulated the 18:35:02
25 economy of Rangely and Rio Blanco County. 18:35:04

1 People moved to Rangely, Meeks, and Vernal 18:35:08
2 and began a career with the mine and the power plant. 18:35:11
3 Rangely is a great community that I call 18:35:12
4 home, and have for over 50 years. We rely on the 18:35:16
5 fossil fuel industry, one being coal. 18:35:20
6 We have a low cost of living. Residents 18:35:21
7 have the benefit of low cost electricity coming from 18:35:24
8 the power plant. 18:35:27
9 People whose -- people who reside in Rangely 18:35:28
10 enjoy the lifestyle we have created that is now being 18:35:32
11 threatened and endangered by the WildEarth Guardians, 18:35:35
12 who don't even know anything about Rangely except that 18:35:39
13 we have a coal mine in our back yard that we embrace. 18:35:41
14 The federal government and the Obama 18:35:44
15 administration back and support WildEarth Guardians. 18:35:48
16 It's the Obama administration's ambition to get rid of 18:35:50
17 every coal power plant. This is trying to be 18:35:54
18 accomplished with the help of WildEarth Guardians, or 18:35:57
19 who are being paid by the federal government to file 18:35:59
20 lawsuits against the coal industry. Your tax dollars, 18:36:01
21 our tax dollars, are paying for WildEarth Guardians. 18:36:04
22 I'm tired of the federal government and 18:36:10
23 these lobbyests that are paid by the government to 18:36:11
24 threaten our way of life. I have several friends and 18:36:14
25 relatives that their livelihood would be lost if the 18:36:16

1 power plant or coal mine was shut down. 18:36:20
2 Population would decline. Our schools that 18:36:21
3 are in jeopardy would be impacted deeply. Every person 18:36:25
4 in our community would be affected with the loss of the 18:36:28
5 coal mine and power plant. 18:36:31
6 Our special districts, EMS, hospital, rec 18:36:32
7 district, fire departments, schools, junior college, 18:36:35
8 library, Rio Blanco water conservancy district, 9-1-1 18:36:38
9 communications, all funded by taxes. People leave, 18:36:42
10 less people, higher taxes to pay for the budget and to 18:36:46
11 provide services to this community. 18:36:49
12 This will deeply affect everyone's way of 18:36:51
13 life in Rangely. 18:36:53
14 Thank you. 18:36:54
15 JUDGE SUTIN: Mr. Wilczec, are you able to 18:37:01
16 give your notes to the court reporter? 18:37:07
17 VINCENT WILCZEC: Yes, I can. 18:37:10
18 JUDGE SUTIN: That would be great. 18:37:11
19 Next, if we can have Dustin Donovan. 18:37:17
20 DUSTIN DONOVAN: My name is Dustin Donovan. 18:37:25
21 I am a roof bolter at the Deserado Coal 18:37:29
22 Mine. I'm also the safety chairman at the local UMWA 18:37:32
23 1984. 18:37:35
24 I was present during the first meeting, and 18:37:36
25 there's a couple of things that I'd like to say about 18:37:39

1 that. 18:37:41
2 One comment really got to me about the first 18:37:41
3 meeting. 18:37:45
4 An individual said that this issue is not 18:37:46
5 personal. I think, to every coal miner here, and every 18:37:47
6 person involved in the power plant, and everybody else, 18:37:51
7 it is personal. We are a proud, proud workforce. 18:37:55
8 All a lot of us have known is coal mine. 18:38:00
9 Came to Rangely when I was about 13 years 18:38:04
10 old. My father was a coal miner. My uncle was a coal 18:38:06
11 miner. 18:38:09
12 This Title V, I thought it was the 18:38:11
13 government's job to protect us, and here they are 18:38:16
14 trying to take our jobs. It's basically what's going 18:38:18
15 on here. 18:38:21
16 A couple of other things. 18:38:22
17 One of the scientists, or so-called 18:38:24
18 scientists, they came up here earlier, explained 18:38:30
19 Rangely as a toilet bowl. Anybody that's lived in 18:38:32
20 Rangely knows how beautiful the land is. 18:38:35
21 He also stated that you cannot eat the fish 18:38:37
22 around here, which is a lie. 18:38:40
23 I happen to know, I'm a fisherman and a 18:38:42
24 hunter, and I eat all of them. Everything I can shoot, 18:38:44
25 everything I can catch, I eat, and I don't seem to have 18:38:49

1 any tumors or growths. 18:38:53
2 I also heard a lot of information that a 18:38:55
3 council member had addressed earlier. A lot of 18:39:00
4 numbers. And from what I gather, I think he was misled 18:39:04
5 on a lot of what his numbers represented. 18:39:07
6 The research that I have done, and from what 18:39:09
7 I've heard, what comes out of our stack at the Bonanza 18:39:14
8 Power Plant isn't significant. It is not a significant 18:39:19
9 pollutant to everybody around, like they will have you 18:39:23
10 believe. 18:39:25
11 I also want to mention that Mr. Haslem, from 18:39:25
12 the first meeting, he had said that the WildEarth 18:39:33
13 Guardians -- you know, he said some choice things, but 18:39:37
14 I understand that they're a major push in -- or major 18:39:41
15 force in pushing this issue. 18:39:43
16 I don't believe I see any of them here 18:39:46
17 today. 18:39:48
18 If so, please stand up. I'd like to 18:39:49
19 introduce myself. 18:39:52
20 No? Okay. 18:39:54
21 I want to make that painfully obvious that 18:39:55
22 the -- somebody with such push on this issue, didn't 18:39:57
23 find it necessary to show up. 18:40:01
24 I'm sure you've heard plenty about the 18:40:03
25 devastating factors in losing the Bonanza Power Plant 18:40:08

1 and the coal mine, so I'm not going to touch too much 18:40:12
2 on those, but just to -- just to reiterate, that coal 18:40:15
3 mine is a thriving source of this community and in 18:40:19
4 Vernal. We employ many, many people from Vernal. 18:40:23
5 I work with these guys. These are my 18:40:27
6 brothers. These are my sisters. Every one of them is 18:40:28
7 in fear for their job right now because of this issue. 18:40:31
8 I may not have numbers, I may not have any 18:40:34
9 facts for you. Unlike these other people that were 18:40:44
10 talk -- putting down our coal mine and our power plant, 18:40:50
11 I have yet to see any numbers to back them up. They 18:40:56
12 have absolutely no proof, which I've been watching for. 18:40:59
13 I have closely been watching for proof, and I have seen 18:41:01
14 none. 18:41:04
15 A couple of other things. 18:41:04
16 Earlier, a lot of people kept saying "fair." 18:41:12
17 This isn't fair, or that may not be fair. 18:41:16
18 I think we're all adults here, and we know 18:41:18
19 that fair does not exist in this world. 18:41:20
20 What we're going to have to look at with 18:41:22
21 this issue is what is right. Is it right to take 18:41:24
22 hundreds of jobs from Americans that work for a living? 18:41:27
23 We are the back of this community, and we 18:41:30
24 are the back of this nation. 18:41:32
25 This gentleman over here talked about Mother 18:41:34

1 Earth, and how she should mean something to all of us. 18:41:40
2 She does. She means plenty. She takes care of us 18:41:43
3 every day that we go into that coal mine and she 18:41:46
4 doesn't swallow us up whole. 18:41:48
5 We care very much about her, that our power 18:41:50
6 plant goes above and beyond what they need to as far as 18:41:53
7 regulations to make sure that everybody is safe. 18:41:55
8 In closing, I'd just like to say thank you 18:41:59
9 for your time and your comments. Have a good day. 18:42:01
10 JUDGE SUTIN: Mr. Donovan, how do you spell 18:42:12
11 your last name? 18:42:14
12 DUSTIN DONOVAN: D-O-N-O-V-A-N. 18:42:14
13 JUDGE SUTIN: Again, I please ask people to 18:42:19
14 refrain from clapping. 18:42:21
15 Next, if we can have Nyle Warburton? 18:42:22
16 NYLE WARBURTON: My name is Nyle Warburton. 18:42:33
17 N-Y-L-E, W-A-R-B-U-R-T-O-N. 18:42:38
18 Thank you for this opportunity. I 18:42:42
19 appreciate it. 18:42:45
20 I'm an employee Deseret Power plant, and I'd 18:42:46
21 like to address the issue of the current permit, and 18:42:53
22 also the revisiting of the previous PSD permit. 18:42:56
23 But I'd like to start out with a disclaimer, 18:43:02
24 that while I am an employee of Deseret, I represent 18:43:05
25 neither management nor labor, and have no right to do 18:43:10

1 so, and make this statement as my own opinion and take 18:43:11
2 full responsibility for it. 18:43:14
3 Since I was a child on the playground, I 18:43:15
4 observed those who had to win at all costs. When 18:43:17
5 playing cops and robbers, their imaginary guns always 18:43:21
6 managed to hit the target, while those of us who played 18:43:21
7 by the rules, well, our imaginary guns always seemed to 18:43:24
8 miss. 18:43:28
9 When I stepped out of bounds in basketball 18:43:29
10 or soccer, I accepted that I had created a turn-over. 18:43:31
11 But the win-at-all-costs crowd never seems to notice 18:43:34
12 when they stepped out of bounds. 18:43:38
13 They often changed the rules in the middle 18:43:39
14 of the game, when it was to their advantage to do so, 18:43:41
15 but never allowed the rest of us to make arbitrary 18:43:43
16 changes, even if we so desired, which we usually 18:43:46
17 didn't. 18:43:50
18 As an adult, I have seen this happen many 18:43:50
19 times, when it would create an economical or social or 18:43:53
20 political advantage. And it is often considered just 18:43:56
21 good business practice, but is not morally or ethically 18:43:59
22 right. 18:44:03
23 One would hope that within our government 18:44:03
24 and its agencies, we would be safe from such practices. 18:44:05
25 That the rule of law would trump special interest, and 18:44:10

1 that if you played by the rules you would be protected 18:44:13
2 from those who have more money or more political clout. 18:44:15
3 That Deseret Power has always played by the 18:44:18
4 rule is a well-documented fact. 18:44:21
5 It seems to me to be a miscarriage of 18:44:22
6 justice to go back and rewrite the rules so that those 18:44:26
7 strident voices claiming malfeasance can be proven 18:44:29
8 right. 18:44:33
9 I would like to state that I am adamantly 18:44:33
10 opposed to changing the rules of the PSD permitting 18:44:36
11 process after the fact. 18:44:40
12 This will cause great harm for Deseret 18:44:41
13 Power, its hundreds of employees and their families, 18:44:44
14 and to its tens of thousands of members who depend on 18:44:47
15 Deseret Power to supply dependable low-cost and clean 18:44:50
16 energy. 18:44:53
17 Thank you. 18:44:53
18 JUDGE SUTIN: Thank you, Mr. Warburton. 18:44:55
19 Next, if we could have Brad Casto? 18:45:00
20 BRAD CASTO: My name is Brad Casto. 18:45:05
21 B-R-A-D, C-A-S-T-O. 18:45:15
22 I am a small business owner in the town of 18:45:18
23 Rangely. I serve on the Moon Lake board, and I'm a 18:45:22
24 town trustee in our community. I'm really active in 18:45:25
25 the community. 18:45:29

1 I just want to say that I am for the Title V 18:45:30
2 permit, but I'm against any additions that could cause 18:45:33
3 extra costs to the coal mine or the power plant 18:45:35
4 directly. 18:45:39
5 If we lose any jobs in our communities, it's 18:45:39
6 already a very, very tough economic times over here. 18:45:44
7 It would be detrimental to my business and my 18:45:48
8 community. 18:45:50
9 You know, not only just the loss of jobs, 18:45:52
10 you know, we would lose tax benefits to all of our 18:45:55
11 special districts, our hospitals. I mean, we 18:45:58
12 just -- we just built a new hospital, you know, and 18:46:04
13 they're already struggling. 18:46:06
14 And you take that, and then if you add the 18:46:07
15 cost of power onto that, it's going to be really 18:46:09
16 catastrophic on our community. 18:46:12
17 You know what? I grew up over in the Basin, 18:46:14
18 and I moved to Rangely, and I have a family and kids, 18:46:17
19 and we just -- we want to stay in Rangely, and we love 18:46:19
20 our way of life. 18:46:21
21 And, you know, if we have any big changes 18:46:22
22 like that, we would maybe have to relocate or find 18:46:24
23 something else to do, and I just -- I think that that's 18:46:27
24 really wrong, that, you know, people that work hard, 18:46:30
25 all of us here that work hard to do our job and to go 18:46:33

1 to work, and somebody else has power over that, that 18:46:35
2 really really frustrates me. 18:46:38
3 And I just hope that you guys look at that 18:46:40
4 when you make your decision. Thank you. 18:46:42
5 JUDGE SUTIN: Thank you, Mr. Castro. 18:46:45
6 Next, if we can have Hank McKay. 18:46:49
7 HANK McKAY: My name is Hank McKay. 18:46:54
8 H-A-N-K, M-C capital KAY. 18:47:04
9 I'm an employee of the Deserado Mine/Blue 18:47:07
10 Mountain Energy. Most of what I was going to speak 18:47:12
11 about has already been touched upon. 18:47:14
12 Thanks for stealing my thunder. 18:47:18
13 One area I would like to press upon, we've 18:47:20
14 talked about the impact on the citizens and our 18:47:23
15 communities. 18:47:27
16 A little known fact I learned just today, 18:47:29
17 that the county that I'm from, Rio Blanco, enjoys 18:47:33
18 affordable power. And I think that's an attribute to 18:47:40
19 the burdens imposed upon us as taxpayers, with your 18:47:44
20 Leap Assistance programs. 18:47:49
21 The county Rio Blanco isn't the largest or 18:47:52
22 most populated county in the state, by any means, but 18:47:55
23 I've learned that they have a -- for the winter of 18:47:59
24 2013, had a total of 89 actual Leap applicants, about 18:48:03
25 half of which were served by government programs. 18:48:08

1 Here in the state of Utah, that would be the 18:48:12
2 equivalent of a SEAL program. 18:48:15
3 And I attribute that -- part of that to the 18:48:17
4 fact that we can afford our utilities. We can afford 18:48:20
5 to heat our homes. 18:48:23
6 If you look at the rates that are granted 18:48:25
7 qualified applicants for these assistance programs, and 18:48:30
8 you look in the areas that they generally live in, 18:48:33
9 their rates are prorated based on the actual cost of 18:48:38
10 the utilities. 18:48:42
11 Ours is a -- one of the lowest, as far as 18:48:42
12 demand on we, the taxpayer. And I think that's 18:48:46
13 a -- something that we need to consider, as well as 18:48:51
14 what a rate increase is going to do to this community. 18:48:55
15 I am for the Title V approval. I would ask 18:48:58
16 that you consider allowing the Bonanza Power Plant the 18:49:04
17 opportunity to recoup costs of mandates that they've 18:49:09
18 already succumbed to and revisit that at a later time. 18:49:12
19 I appreciate you allowing me to -- the 18:49:19
20 opportunity to comment here tonight. 18:49:21
21 Thank you. 18:49:23
22 JUDGE SUTIN: Thank you, Mr. McKay. 18:49:23
23 Next, if we could have Ralph Santos? 18:49:26
24 RALPH SANTOS: Evening. My name is Ralph 18:49:31
25 Santos. R-A-L-P-H, S-A-N-T-O-S. 18:49:37

1 I work in the oil and gas industry. I don't 18:49:41
2 have a dog in this fight, and I, unfortunately, don't 18:49:47
3 believe that anything anybody says here tonight is 18:49:51
4 going to make any difference. 18:49:54
5 I don't think this is about air pollution. 18:49:56
6 It's not about Mother Earth. It's not about title 18:49:58
7 anything. It's about control. 18:50:02
8 That the EPA will shut down not just these 18:50:05
9 plants and these mines, but they'll shut them down all 18:50:08
10 over this country, and we have nothing to replace that 18:50:12
11 energy with. 18:50:15
12 If you think pollution's bad here now, wait 18:50:16
13 until everybody is burning wood, paper, trash, and even 18:50:19
14 dried dung to keep warm, to keep their children fed, 18:50:24
15 and warm, the only thing I'm for is an end to the 18:50:28
16 federal EPA. 18:50:32
17 (APPLAUSE) 18:50:35
18 JUDGE SUTIN: Thank you, Mr. Santos. 18:50:37
19 Next, if we could have Tim Webber. 18:50:41
20 TIM WEBBER: Tim Webber. T-I-M, Webber, 18:50:50
21 W-E-B-B-E-R. 18:51:04
22 I represent -- I'm here representing three 18:51:05
23 organizations, and my family and I as a fourth. 18:51:09
24 The first one that I'm representing is 18:51:14
25 CLUB 20. And what CLUB 20 is, is an organization of 20 18:51:17

1 counties in Colorado. And those 20 counties are on 18:51:22
2 this side of the Continental Divide. 18:51:26
3 And CLUB 20 was developed, and -- years ago, 18:51:28
4 to help in situations like this. They meet twice a 18:51:33
5 year, spring and fall. They go through lots of 18:51:37
6 different resolutions, planning, talking, and 18:51:40
7 supporting oil, gas, water, education, hospital. The 18:51:43
8 list goes on. There's about ten different things that 18:51:48
9 we stand for. 18:51:50
10 I'm going to read the first paragraph of a 18:51:51
11 letter from the CLUB 20 executive director, Bonnie 18:51:54
12 Peterson. I won't read the whole letter. 18:51:58
13 This is a resolution that supports CLUB 20's 18:52:00
14 stance. And it says, "Dear Mr. Owens: CLUB 20 does 18:52:03
15 not support modification of the Bonanza Power Plant PSD 18:52:08
16 permit requiring substantial new technology through the 18:52:13
17 issuance of a Title V federal operating permit." 18:52:15
18 So I'll lay this on the -- over here, just 18:52:19
19 to save time here for everybody. 18:52:22
20 Secondly, I represent the Rangely Rural Fire 18:52:25
21 Protection District, which is a small district, but we 18:52:29
22 have a large county. 18:52:32
23 And what that means is half of western 18:52:33
24 Rio Blanco County. Rio Blanco County, the western 18:52:36
25 half. 18:52:41

1 If this is forced to go through, and the 18:52:41
2 mine and the power plant have to increase cost rates 18:52:44
3 over there, number one, we're going to lose a lot of 18:52:49
4 people. They just can't afford it. And I'll touch 18:52:52
5 that point here a little later. 18:52:54
6 The other thing is, if we lose jobs in 18:52:56
7 Rangely, Colorado, it will have a reverberating effect 18:52:59
8 throughout the whole state of Colorado, and throughout 18:53:04
9 this country. 18:53:07
10 Okay? 18:53:08
11 We have a small department, but a large area 18:53:09
12 to contend with: BLM lands, federal lands, the town of 18:53:13
13 Rangely itself. 18:53:17
14 And most of our firefighters, five or six of 18:53:18
15 them, 20, 25 years, and the rest, 20 -- 19 to 20 of 18:53:21
16 them is between the 18-year-old age and the 26-year-old 18:53:26
17 age. 18:53:29
18 Okay? 18:53:30
19 We will lose those folks, because there will 18:53:31
20 be no jobs in Rangely, Colorado for these folks. 18:53:33
21 So the next one that I represent is the 18:53:36
22 Western Rio Blanco Metropolitan Recreation and Park 18:53:41
23 District. I am an executive director of this district. 18:53:46
24 I moved here nine years ago from Michigan; 18:53:51
25 Kalamazoo, Michigan. And the reason I did is because 18:53:53

1 NAFTA was passed by President Bill Clinton and our 18:53:58
2 Congress. 18:54:01
3 All of the sudden, when NAFTA was passed, 18:54:03
4 all of the automotive jobs went north and south of the 18:54:05
5 border. Michigan is still trying to recover. 18:54:09
6 I loved Michigan. I loved the Midwest. I'm 18:54:13
7 from Minnesota, if you can't tell by my accent. Okay? 18:54:16
8 I didn't want to leave Michigan. Did not 18:54:20
9 want to leave it, but I had no choice because NAFTA was 18:54:23
10 passed. 18:54:26
11 I get it, but I don't. 18:54:26
12 I've moved 20 hours away from my family, in 18:54:28
13 Minnesota, to watch my mother-in-law of 60 years of age 18:54:32
14 fight a battle of Stage IV breast cancer and die, while 18:54:36
15 I'm 20 hours away, living in Rangely, Colorado. 18:54:41
16 I have driven probably over 15,000 miles, in 18:54:43
17 Colorado, Utah, and Wyoming, carting my kids and a 18:54:49
18 bunch of other kids from Rangely, to where their 18:54:54
19 parents can't afford to take them to programs or to 18:54:57
20 play baseball. That's what we did. We played 18:55:01
21 baseball. 18:55:04
22 We do this in Rangely, Colorado, because we 18:55:05
23 have these struggles. 18:55:08
24 Okay? 18:55:09
25 The struggles that we have, there are not 18:55:10

1 complaints. I was told when I moved there, people 18:55:14
2 usually cry when they move to Rangely, Colorado. 18:55:17
3 And a lot of times, if they don't like it, 18:55:21
4 they're still crying when they live there. But when 18:55:22
5 they leave there, they are crying. 18:55:25
6 Going back to what this gentleman said 18:55:28
7 earlier and what was addressed earlier about our world? 18:55:30
8 I believe in a God that made this world, and 18:55:34
9 this universe, for us to take care of. I want to be 18:55:36
10 the first one to point my finger at California for our 18:55:40
11 problems because, as far as I'm concerned, nothing ever 18:55:43
12 good comes out of California. 18:55:48
13 But there is a lot of things that come out 18:55:49
14 of California that are good. But our federal 18:55:51
15 government, and President Obama, need to put the same 18:55:54
16 rules, as well as WildEarth Guardians, over in China, 18:55:57
17 Iran, Russia, the whole ball of wax, because none of 18:56:03
18 them follow the same rules we are here. We're killing 18:56:09
19 our jobs. 18:56:11
20 And I'll finish up here real quick. 18:56:11
21 JUDGE SUTIN: Okay. 18:56:13
22 TIM WEBBER: Okay? 18:56:14
23 We're killing jobs here in America. To me, 18:56:16
24 it's the elitest mentality, where the rich get richer 18:56:20
25 and the poor go to prison. Okay? 18:56:25

1 If the rest of this world is not going to 18:56:26
2 play by these rules, why are we over-regulating 18:56:29
3 ourselves to the point where we're killing this 18:56:32
4 country? 18:56:35
5 I've read the Bible. Nowhere in history, in 18:56:35
6 the Bible, does it ever tell you that this is going to 18:56:40
7 win. 18:56:45
8 JUDGE SUTIN: Mr. Webber, I need you to wrap 18:56:46
9 up. 18:56:49
10 TIM WEBBER: Even though I'm representing 18:56:49
11 three organizations? 18:56:50
12 JUDGE SUTIN: Well, yeah. 18:56:51
13 TIM WEBBER: Just one more minute. 18:56:52
14 We are the only country in the history of 18:56:57
15 this world to regulate ourselves to the point where we 18:57:00
16 are destroying our country. 18:57:05
17 We were once the biggest, the brightest, and 18:57:08
18 the best. We send money and help everyone around this 18:57:10
19 world but our own country. 18:57:14
20 With that, thank you, Your Honor, for 18:57:16
21 allowing me the extra time. 18:57:18
22 Thank you, people, for being here. 18:57:20
23 And I hope that the passion that you see 18:57:23
24 here, and the representation of families, and the kids, 18:57:25
25 because that's what it's about for me, is the human 18:57:30

1 aspect. 18:57:33
2 So thank you, and thank you, ma'am. 18:57:34
3 And this book here is basically what's got 18:57:36
4 us to this point off the EPA's Web site, from the 18:57:39
5 "oops." Okay? 18:57:42
6 JUDGE SUTIN: Thank you. 18:57:43
7 TIM WEBBER: So you don't have to type that. 18:57:44
8 JUDGE SUTIN: Next, if we could have Lisa 18:57:50
9 Hatch. 18:57:52
10 LISA HATCH: Lisa Hatch. L-I-S-A, 18:57:54
11 H-A-T-C-H. 18:58:00
12 And thank you for -- for having this time 18:58:00
13 for us to speak. I appreciate that. 18:58:06
14 I'm also representing several organizations. 18:58:08
15 First off, I'm representing the Associated 18:58:12
16 Governments of Northwest Colorado. It is a 18:58:15
17 governmental association that also helps counties and 18:58:18
18 municipalities get through struggles, whether it be, 18:58:22
19 you know, water, energy, or whatever. And we are five 18:58:26
20 counties. 18:58:31
21 So Moffatt County, Routt County, Garfield 18:58:33
22 County, Rio Blanco County, and -- I missed one. 18:58:36
23 UNIDENTIFIED SPEAKER: Mesa. 18:58:40
24 LISA HATCH: Mesa County. 18:58:42
25 Okay. 18:58:43

1 And then I am also on the town council, or a 18:58:44
2 trustee for Rangely. 18:58:47
3 And -- and then I also want to just 18:58:50
4 represent myself as a business owner, and also a 18:58:54
5 resident of Rangely, Colorado. 18:58:57
6 So, you know, for -- for AGNC, we stand for 18:58:58
7 energy, and we're for all energy. 18:59:06
8 We state in our policy that energy 18:59:08
9 development in Colorado, in all of its forms, is 18:59:13
10 beneficial for the economic sustainability as a state, 18:59:16
11 the region, and local governments that make up this 18:59:19
12 association. 18:59:22
13 Development of these resources, renewable or 18:59:24
14 non-renewable, should always be done in a fashion that 18:59:26
15 promotes the greatest efficiency and exhibits the least 18:59:29
16 amount of environmental impact of the land. 18:59:32
17 And we believe that the counties that we 18:59:34
18 represent do a very good job at protecting the land and 18:59:37
19 the environment. 18:59:44
20 We believe in the multiple use of land, and 18:59:45
21 the association is also -- strongly advocates that. 18:59:47
22 That it is for the people, but it is also 18:59:51
23 for development. It is also for extracting and 18:59:54
24 developing of resources. 18:59:58
25 I, myself, strongly believe that this world 19:00:00

1 will need all resources, and coal being one of them. 19:00:03
2 You know, we'll probably run out of coal and 19:00:07
3 oil at some time. And maybe there will be something 19:00:10
4 else in the future, but I -- I strongly feel that 19:00:13
5 sometimes we cut ourselves short by attacking one to 19:00:17
6 pull another one forward, and I kind of feel that 19:00:22
7 that's what's happening here. I think this is an 19:00:25
8 attack against coal, and fossil fuels in general. And 19:00:27
9 that's my personal belief. 19:00:32
10 I'm -- I'm going to quickly go through some 19:00:33
11 other things, because so much has already been said, 19:00:35
12 but I do want to say that AGNC officially supports a 19:00:38
13 Title V permit, if the criteria of the original PSD 19:00:44
14 permit is the criteria that is used for the Title V. 19:00:53
15 So that we do not look at new requirements of today. 19:00:57
16 And I say that because they've already 19:01:00
17 passed that. They've already received the permit, in 19:01:02
18 2001, 2002, whenever that timeframe was. They were 19:01:06
19 built from the bottom up to be the cleanest coal 19:01:10
20 powered plant in this entire region, and they probably 19:01:14
21 still are one of the cleanest power plants in this 19:01:17
22 region, in Region 8. 19:01:21
23 They have these types of things. 19:01:23
24 Let's see. I've lost my notes here, 19:01:29
25 but . . . 19:01:34

1 I'll come back to that, because I made a 19:01:34
2 list of -- of all of the enhancements and all of the 19:01:37
3 things they had to put in just to -- to meet the 19:01:39
4 contractual agreement of the EPA to originally be 19:01:41
5 constructed about 15 years ago. 19:01:45
6 And then they've added new scrubbers and -- 19:01:48
7 Well, they were 100 percent scrubbing for 19:01:52
8 emissions to begin with. 19:01:55
9 So what I'm saying, I guess the bottom line 19:01:56
10 is -- 19:01:58
11 All of the numbers are in the -- at the EPA 19:01:59
12 Web site. You don't need me to quote those for you. 19:02:03
13 It's a clean power plant. There is no need 19:02:05
14 for further restrictions or further controls at this 19:02:08
15 point. 19:02:12
16 There is new regulation coming, and they'll 19:02:12
17 gladly meet those requirements as required. 19:02:17
18 Then the other side of it is I want to reach 19:02:20
19 on the social economics a little bit again. 19:02:23
20 Just to reiterate, that rural communities 19:02:26
21 and small communities are run off of special districts. 19:02:30
22 All of our programs are run off the tax-based programs. 19:02:35
23 So again, our hospital, our schools, our 19:02:41
24 firefighters, our ambulance, our libraries, our water 19:02:44
25 conservation districts, everything. Our 9-1-1 board. 19:02:47

1 Those are all special districts. 19:02:50
2 So any small change in our economic 19:02:52
3 environment means bad. 19:02:56
4 And I'll close with about 6,600 total 19:02:59
5 population for a large county, Rio Blanco County, two 19:03:02
6 small towns, both around 2,400 people. We love this 19:03:07
7 place. It is our life. It is our world. We fish, we 19:03:10
8 hunt, we four-wheel, we snowmobile, we do all of those 19:03:14
9 things, and we don't have to worry about all of the 19:03:18
10 traffic. That's why we're there. 19:03:21
11 And we love energy and extraction. We 19:03:23
12 believe we're performing a service that is great for 19:03:26
13 our country and for our community. 19:03:28
14 And if you'll look at the severance tax and 19:03:31
15 all of the -- that comes through that mineral mining 19:03:34
16 monies, that's what keeps Colorado running, that's what 19:03:39
17 keeps Utah running, and all of the northwestern states. 19:03:43
18 Thank you very much. 19:03:46
19 JUDGE SUTIN: Thank you, Ms. Hatch. 19:03:47
20 Next, if we could have Peter Brixus? 19:03:50
21 PETER BRIXUS: I am Peter, P-E-T-E-R, last 19:04:01
22 name, B-R-I-X-U-S. 19:04:10
23 I want to thank you for the opportunity to 19:04:13
24 speak tonight, and to voice our concerns about the 19:04:18
25 importance of the Bonanza Power Plant and the Deserado 19:04:22

1 mine. 19:04:25
2 I've lived in Rangely for six years. I'm 19:04:26
3 the town manager for Rangely, Colorado. 19:04:29
4 A number of people are here tonight because 19:04:31
5 they know how important these two operations are to our 19:04:33
6 way of life. 19:04:38
7 We can talk about the millions of dollars 19:04:38
8 that they generate in tax revenues, just for northwest 19:04:42
9 Colorado alone, which would be just under 13 million 19:04:45
10 for a small mining operation, for taxes that are 19:04:48
11 provided to the state and local entities. 19:04:53
12 That's a lot of money. It helps a lot to 19:04:55
13 sustain us. 19:04:59
14 These things are incredibly important to 19:05:00
15 support bond issues for our schools. Millions of 19:05:05
16 dollars go into property taxes, royalties, sales and 19:05:08
17 use taxes. 19:05:12
18 But in Rangely, we're a town of 2,400 19:05:13
19 people, with a community college. 19:05:16
20 The men and women that work at the mine 19:05:18
21 there, they're our neighbors. They attend our 19:05:19
22 churches, our schools. They serve on our boards. They 19:05:23
23 provide donations and benefits for many different 19:05:25
24 projects throughout our community. 19:05:28
25 There is no one in Rangely who does not 19:05:30

1 interact with someone from the mine. 19:05:32
2 A good portion of those miners live in 19:05:35
3 Vernal. Just over half, probably, live in Rio Blanco 19:05:39
4 County and Rangely. They have above average salaries. 19:05:43
5 Should the mine be shuttered because of 19:05:46
6 issues that are occurring right now with Bonanza at 19:05:50
7 some point in the future, we would see a ten percent 19:05:53
8 decline in our population overnight. 19:05:57
9 When people are out of work in Rangely, they 19:06:00
10 don't stay in Rangely. There's no opportunities beyond 19:06:03
11 the services and the businesses that exist there today. 19:06:07
12 I came there in 2008, to a robust and 19:06:10
13 vibrant community. The community is heavily dependent 19:06:16
14 on the success of companies like Deserado Mine, 19:06:20
15 Chevron, and Cannon, Enterprise, Williams. These are 19:06:26
16 the companies that we live with. 19:06:29
17 I came here because my wife and I could 19:06:31
18 contribute to the community. We could build a home. 19:06:34
19 We could enjoy an area with low crime and helpful 19:06:37
20 neighbors, and a place where there's a pristine 19:06:42
21 environment. 19:06:44
22 I don't know what you've heard, but the 19:06:45
23 operations there, the companies that operate are some 19:06:47
24 of the most environmentally conscious companies in the 19:06:49
25 world today. 19:06:51

1 The power plant and the mine are 19:06:52
2 state-of-the-art operations. They have a -- they have 19:06:55
3 an electric train that transports the coal from -- from 19:06:58
4 the mine to the power plant. 19:07:01
5 I mean, they -- they've thought of all of 19:07:04
6 these different aspects of their operation. It's 19:07:07
7 efficient. They're not transporting coal hundreds of 19:07:10
8 miles. It makes sense. It keeps the cost of power low 19:07:13
9 for its citizens. 19:07:16
10 The benefits of the potential upgrade to the 19:07:17
11 power plant would probably account for little benefit 19:07:22
12 to air quality, from everything I'm hearing, but a huge 19:07:25
13 expense, that will either translate in the massive 19:07:30
14 increases for the consumer or an intolerable situation 19:07:32
15 for the company resulting in a massive loss of jobs. 19:07:39
16 We think it makes sense to keep the plant 19:07:43
17 alive, and to offer them the Title V permit without the 19:07:46
18 additional upgrades. 19:07:50
19 We're here tonight to ask the EPA to honor 19:07:51
20 the agreement made between Deseret Power and the EPA, 19:07:54
21 and allow the company to retire some of its debts and 19:08:00
22 maintain the operations that are so vital to Rangely 19:08:02
23 and the areas that it serves. 19:08:05
24 I want to thank you for your time, and ask 19:08:06
25 you to put yourselves in our shoes and consider the 19:08:11

1 permit application for Deseret Power. 19:08:14
2 JUDGE SUTIN: Thank you. 19:08:16
3 Next, if we could have Ray Guerrero? 19:08:18
4 RAY GUERRERO: Hello. I am Ray Guerrero. 19:08:31
5 R-A-Y, G-U-E-R-R-E-R-O. 19:08:44
6 Well, first of all, I thank you for having 19:08:46
7 everybody here. 19:08:51
8 I'm kind of lost, because I've got to kind 19:08:52
9 of keep it mellow, I guess. 19:08:55
10 So I just want to say, all of that stink 19:08:57
11 about the future, let's bring America up before we 19:09:01
12 bring them down. 19:09:03
13 And that's the nicest thing to say, so 19:09:05
14 that's what I'm going to say. 19:09:08
15 Thank you. 19:09:10
16 JUDGE SUTIN: Thank you, Mr. Guerrero. 19:09:10
17 Next, if we could have Jonathan Walsh. 19:09:13
18 JONATHAN WELCH: Hi. Jonathan Welch. 19:09:19
19 J-O-N-A-T-H-A-N, W-E-L-C-H. 19:09:33
20 I don't really have too much to say, but I 19:09:37
21 wanted to orderly tell you that I support the power 19:09:41
22 plant, and I do not want an increase in my power bill. 19:09:43
23 That's it. Thank you. 19:09:47
24 JUDGE SUTIN: Thank you. 19:09:48
25 Next, if we could have Gary Hinaman? 19:09:53

1 GARY HINAMEN: My name's Gary, G-A-R-Y, 19:09:57
2 Hinaman, H-I-N-A-M-A-N. 19:10:10
3 I am a resident of Rangely, Colorado. I 19:10:12
4 would like to have the permit passed as it presently 19:10:16
5 stands, without a lot of additional environmental 19:10:20
6 problems. 19:10:23
7 I have a couple of comments. 19:10:24
8 I'm an independent oil and gas man. I own 19:10:25
9 an oil and gas company. We're primarily a natural gas 19:10:29
10 producer. We produce in five western states. 19:10:33
11 And obviously, you know, we're sitting now 19:10:35
12 in a -- kind of the great depression, because our 19:10:39
13 industry's just too darn efficient. I think we ought 19:10:43
14 to have a mix of coal, oil, uranium, plutonium, 19:10:46
15 whatever. Solar, wind. 19:10:49
16 I'm an oil and -- you know, I've been in the 19:10:51
17 oil and gas business for 44 years, and I have a 19:10:53
18 master's degree in geology. 19:10:56
19 When you look at the 400-million-year 19:10:57
20 timeframe, we are definitely sitting in a much cooler 19:11:01
21 period. Over the last 400 million years, $C0_2$ levels 19:11:04
22 have been far greater. 19:11:09
23 There's been virtually no ice on the earth 19:11:10
24 for a great majority of that time. So the debate over 19:11:12
25 global warming, it's -- you know, in the last, what, 19:11:16

1 15,000 years, we've gone from ice in Upstate New York 19:11:19
2 to the ice cap where it is. It just seems like a 19:11:23
3 little overkill. 19:11:26
4 And I don't understand why we have to have 19:11:28
5 more regulations if, in the last couple of years, we've 19:11:30
6 taken emissions and CO_2 back to 1991 levels, which is 19:11:33
7 what they all wanted us to do with the Kyoto Protocol. 19:11:38
8 And we, as the United States of America, are doing our 19:11:42
9 best to, you know, keep our situation under control. 19:11:44
10 I also don't understand the basic schoolboy 19:11:47
11 logic of, if we are living in Rio Blanco County and the 19:11:51
12 power plant sits on the western side of the Uinta 19:11:56
13 Basin, and we primarily have westerly winds, then all 19:11:58
14 of the pollutants should be in our back yard in 19:12:01
15 Rangely. 19:12:05
16 I think our air quality in Rangely is 19:12:05
17 probably one of the best in the world, so I don't 19:12:07
18 understand how the concept of the pollutants from the 19:12:10
19 power stack at the plant are a problem for the Uinta 19:12:15
20 Basin. They're all blowing -- 19:12:20
21 You know, if you look at the dominent wind 19:12:21
22 direction, Rio Blanco County should really be the 19:12:24
23 county you're testing, and our air quality is fabulous. 19:12:27
24 And then, I guess I finally just have moved 19:12:30
25 to Rangely in 1991. I came running the 64th largest 19:12:37

1 oil and gas business in the state of Colorado. I would 19:12:44
2 start every day from Denver on a Monday morning, and 19:12:48
3 drive over, and on Friday evening I would drive back 19:12:51
4 over to my family. And I did this for three years. 19:12:54
5 And as I would drive, coming off of 19:12:58
6 Evergreen, I would look down at Denver and see the 19:12:58
7 brown cloud, and saying, Why am I having my kids live 19:13:00
8 in this when they can live in Rangely? 19:13:04
9 And that has been the reason why we moved 19:13:06
10 there. We kind of moved over there because of the 19:13:08
11 quality of life. My children were in high school. 19:13:10
12 They're all graduates of the high school, and they 19:13:12
13 don't glow in the dark. They haven't been affected by 19:13:15
14 the pollution from the plant that's been there. 19:13:17
15 And, you know, I have a dentist who's a 19:13:19
16 daughter, a son who's an engineer. And, in fact, my 19:13:22
17 son was an engineer in the coal mine for two years, to 19:13:25
18 get enough money to continue his education. He has a 19:13:28
19 master's degree in engineering, and he loved that coal 19:13:31
20 mine. He definitely had a world class education. He 19:13:33
21 says it's the safest place, and they do a wonderful job 19:13:37
22 there. 19:13:40
23 And finally, I guess, you know, in 1968, I 19:13:40
24 volunteered from the Army. I was an infantry officer 19:13:45
25 in Vietnam. I served in combat, and have a pretty good 19:13:48

1 idea of what it's like to be in hell, because I've been 19:13:52
2 there. Our unit took over 82 percent casualties in a 19:13:55
3 five-day period. I live in Rangely because I have 19:13:59
4 PTSD, extremely bad. And Rangely is a wonderful small 19:14:02
5 town for me to live in, and to live out my life. 19:14:05
6 My children are gone now. I have a grandson 19:14:09
7 in town. But it is vitally important for me to support 19:14:11
8 this. 19:14:14
9 I'm not in the business they're in, but I 19:14:15
10 like the cheap power I have and I like the quality of 19:14:17
11 life I have, and it's a wonderful place. 19:14:20
12 And then finally, if you shut down that 19:14:22
13 power plant, we live -- you know, Rangely oilfield is 19:14:24
14 one of a billion barrel fields. Okay? If you shut 19:14:29
15 down that power plant, the amount of electricity it 19:14:32
16 takes to run that oilfield on a tertiary recovery is 19:14:35
17 astronomical. The prices will go up. That oilfield 19:14:38
18 will go down, and it will no longer be commercial. 19:14:42
19 And if we're looking for a multiple mix of 19:14:44
20 energy and independent, I suggest you let this power 19:14:47
21 plant stay open and to go forward. Thank you. 19:14:51
22 JUDGE SUTIN: Thank you, Mr. Hinamen. 19:14:53
23 Next, if we could have Adam Pilling? 19:14:55
24 ADAM PILLING: My name is Adam Pilling. 19:15:03
25 A-D-A-M, P-I-L-L-I-N-G. I'm a mechanic electrician at 19:15:13

1 Deserado Mine. 19:15:17
2 I have seen the other side. I have seen 19:15:19
3 mines closed down. 19:15:24
4 I'm from Carbon County, here in Utah. 19:15:25
5 Worked at mines at -- in Carbon and Emery County my 19:15:28
6 whole career. 19:15:31
7 I've seen the devastating results of mines 19:15:32
8 closing. 19:15:36
9 I was left in a situation where -- where I 19:15:37
10 had to say, Now what? 19:15:41
11 And I heard a rumor about a coal mine in 19:15:43
12 Colorado, and in a town I'd never heard of. And they 19:15:46
13 hired me, and welcomed me with open arms. And what a 19:15:52
14 great group of people, actually. 19:15:57
15 And, you know, a town the size of Rangely 19:15:59
16 would probably never recover from the loss of that 19:16:04
17 mine. 19:16:10
18 You know, I've seen a lot of friends move 19:16:10
19 away and never return because of something very similar 19:16:13
20 to this. 19:16:17
21 And I just hope, you know, I -- I really 19:16:17
22 hope that the power plant can move forward. Thank you. 19:16:23
23 JUDGE SUTIN: Thank you. Thank you, 19:16:27
24 Mr. Pilling. 19:16:29
25 Next, if we could have August Schuelke? 19:16:31

1 Shul-kee? I apologize. 19:16:42
2 AUGUST SCHUELKE: My name is August 19:16:47
3 Schuelke. A-U-G-U-S-T, S-C-H-U-E-L-K-E. I'm in the 19:16:59
4 energy industry overall. 19:17:06
5 I work oil and gas now. I've worked in the 19:17:08
6 coal mines before, a company in Gillette, Wyoming, 19:17:10
7 where there's 19 coal mines. 19:17:14
8 But the thing that I wanted to talk about 19:17:16
9 tonight is, you should pass this with no further 19:17:18
10 provisions for the power plant. 19:17:23
11 What we're looking at in this country, 19:17:25
12 40 percent -- 47 percent of our electricity comes from 19:17:30
13 coal-fired power plants. 19:17:33
14 The rest of it is made up by hydropower 19:17:35
15 plants, nuclear power plants, and somewhat wind and 19:17:39
16 solar. 19:17:44
17 The problem with nuclear power plants, Your 19:17:45
18 Honor, you don't want that nuclear waste going in your 19:17:51
19 back yard that's going to have a 300,000 year half 19:17:54
20 life. People out here don't want that waste in their 19:17:57
21 back yard. So a nuclear power plant is not efficient. 19:18:00
22 By far, I saw, in west Texas a few years 19:18:05
23 back, the T. Boone Pickens, who made all of his money 19:18:12
24 in the oilfield, put in all of these wind generators 19:18:16
25 across west Texas. It's an eye-sore. 19:18:18

1 The power company would not let him tie 19:18:20
2 those windmills into the power grid, because when he 19:18:23
3 shut down that -- that coal-fired power plant enough 19:18:27
4 that the wind generators were taking over, all of a 19:18:31
5 sudden something happens to your wind generator, it 19:18:34
6 takes four or five hours to get that grid back up to 19:18:36
7 where you're providing adequate power. 19:18:39
8 The thing with solar is you have to have a 19:18:41
9 huge footprint of solar panels to provide enough power 19:18:48
10 to power anything. 19:18:54
11 And the problem that the EPA has with that 19:18:55
12 is all of these environmental groups that are out here, 19:18:59
13 you look down across the solar power field, and to 19:19:04
14 birds, it looks like a big field of water that they're 19:19:09
15 going to land on. 19:19:12
16 The surface area of those solar panels is 19:19:12
17 450 degrees, three feet above the solar panel. So as 19:19:15
18 soon as that bird's coming down to land on that solar 19:19:19
19 panel, he's instantly microwaved. 19:19:21
20 But right now, our best option is coal-fired 19:19:24
21 power plants. And the coal industry has done a lot on 19:19:32
22 their own, plus with the government. And if the EPA 19:19:35
23 would work with the power plants, you know, quit -- 19:19:39
24 quit starving us out and just, you know, work with us 19:19:42
25 to develop the technology, to make it cleaner, then, 19:19:47

1 you know, we've got a viable source of energy for the 19:19:51
2 next 500 or 1,000 years, so . . . 19:19:53
3 But that's all I wanted to say, and, you 19:19:58
4 know, God bless this country, and let's rebuild it. 19:20:00
5 JUDGE SUTIN: Thank you, Mr. Schuelke. 19:20:03
6 Next, if we could have Shane Brady. 19:20:11
7 SHANE BRADY: Thank you very much. 19:20:18
8 Shane, S-H-A-N-E, B-R-A-D-Y, Brady. 19:20:28
9 Thank you, Tim Webber, for hauling my kid to 19:20:34
10 baseball, football, basketball, pingpong, badmitton, 19:20:41
11 and all of those chess tournaments, because I couldn't 19:20:46
12 afford to. 19:20:49
13 Thank goodness for people who serve one 19:20:50
14 another. 19:20:56
15 I come from a large family. That family has 19:20:56
16 well over 3,000 members. 19:21:07
17 My brothers and sisters are behind me 19:21:11
18 tonight. I used to work at the coal mine, so I'm not 19:21:13
19 as directly affected with this issue as those who are 19:21:23
20 employed by the coal mine or the power plant. 19:21:29
21 However, I represent Rio Blanco County, in 19:21:32
22 the roden bridge industry. 19:21:36
23 It's the taxes that the power plant and the 19:21:39
24 coal mine and those entities, that pay my salary. And 19:21:46
25 I love Rio Blanco County. I love Rangely. It's been 19:21:57

1 my home 95 percent of my life, of 52 years. 19:22:02
2 I have had the opportunity to leave, and 19:22:09
3 I've come back. I have had the opportunity to leave, 19:22:14
4 and I've come back. It's a great place to live. 19:22:19
5 And when the skunks and the wolves knock at 19:22:25
6 my door, I have a tendency to be a little bit fearsome, 19:22:31
7 or scared, or defensive. 19:22:38
8 There's been a lot of very, very good 19:22:42
9 comments made here tonight. Very good. I appreciate 19:22:47
10 them. 19:22:51
11 I'm not an educated individual, so I don't 19:22:52
12 have stats and figures. I just know that as a member 19:22:57
13 of Rangely, a member of Rio Blanco County, and a 19:23:02
14 participant and a supporter of our home, I have to be 19:23:06
15 here tonight. 19:23:12
16 And I'm sad that you had room for us 19:23:14
17 tonight, because I tried to get this many more people 19:23:20
18 here, to represent what means a great deal to us, as 19:23:23
19 Americans, as Christians, and as Mother Earth 19:23:30
20 guardians. 19:23:38
21 I love Mother Earth. Yes, I do. 19:23:39
22 There's 100,000 things I'd like to say, and 19:23:54
23 some of them I shouldn't, but coal is the original 19:23:57
24 black power, not Obama. 19:24:04
25 And I hope that -- 19:24:09

1 (APPLAUSE) 19:24:10
2 I pray that the skunks and the wolves don't 19:24:10
3 come knocking at anybody's door, because I was raised 19:24:17
4 that you do not want anything else but to have things 19:24:24
5 done unto you as you would have others done un -- you 19:24:31
6 know that saying? 19:24:37
7 Do unto others that you would have them do 19:24:39
8 unto you, and thank you very much. 19:24:42
9 JUDGE SUTIN: Thank you, Mr. Brady. 19:24:44
10 Next, if we could have Peggy Rector? 19:24:45
11 PEGGY RECTOR: My name is Peggy Rector. 19:24:55
12 P-E-G-G-Y, R-E-C-T-O-R. 19:25:07
13 I'm a proud Rangely-ite, and a proud Rio 19:25:09
14 Blanco resident. 19:25:16
15 I sent in a written comment from my terms on 19:25:17
16 elected boards, so those comments are in. 19:25:24
17 My comment tonight is to you as a business 19:25:26
18 person, as a business person that will be affected by 19:25:33
19 your decision, if it's negative, and the impacts that 19:25:36
20 it will do to all businesses in Rangely, Colorado. 19:25:40
21 I would also like to say I am very proud of 19:25:48
22 our fellow citizens who showed up tonight. 19:25:51
23 Normally, the average citizen -- usually 19:25:54
24 local elected people come and testify before something 19:25:57
25 like this, but I think you can feel the impacts that 19:25:59

1 everybody's feeling already, before a decision is even 19:26:05
2 made. 19:26:09
3 My comment to you is, the power plant was 19:26:09
4 approved in 2002. And I want to take you back to when 19:26:15
5 I was mayor of Rangely, Colorado, and later Rio Blanco 19:26:21
6 county commissioner. 19:26:28
7 I was mayor before the power plant and the 19:26:29
8 coal mine were ever built. I am 75 years old. I've 19:26:36
9 been in Rangely, Colorado for 52 years. 19:26:44
10 In our trips over to Vernal, many times, in 19:26:50
11 that time prior to the coal mine and the power plant, 19:26:55
12 the inversions in Vernal were terrible. That was 19:27:00
13 before those plants were ever, ever built. 19:27:06
14 I served with the county commissioners that 19:27:11
15 approved the Western Fuels Coal Mine. At that time, 19:27:16
16 that's what we called it. 19:27:21
17 They went through every permit possible. 19:27:22
18 They have lived up, and the power plant has lived up to 19:27:27
19 every agreement they made with the community. 19:27:31
20 The negative impacts that a negative 19:27:36
21 comment -- that a negative decision would do to this 19:27:41
22 community, the business community, the total community, 19:27:44
23 would be devastating. 19:27:48
24 We have worked our buns off -- and I'm going 19:27:51
25 to say worked our buns off -- for many years, to keep 19:27:53

1 this community going, and it's a -- it's a wonderful 19:27:58
2 community. I wouldn't live anyplace else. 19:28:03
3 And I came from someplace else, but I 19:28:05
4 wouldn't go back. 19:28:11
5 I want the opportunity for all of our people 19:28:12
6 to be able to stay there, have the great jobs that 19:28:14
7 they've had, make the income they make to be able to 19:28:18
8 afford to be there. 19:28:21
9 There are other jobs outside of energy that 19:28:25
10 do not pay and qualify people to be able to survive, 19:28:28
11 folks, so . . . 19:28:32
12 And our schools. I'm going to tell you 19:28:35
13 something. The state of Colorado, entry-level school 19:28:37
14 teachers, we need that tax money. 19:28:41
15 Our entry level school teachers all but 19:28:43
16 qualify for welfare. That's pretty sad. So we need to 19:28:47
17 work on those kinds of problems as opposed to what 19:28:51
18 we're working on now. 19:28:55
19 I ask you to please approve Deseret. And I 19:28:56
20 remind you that when we bid the coal mine, prior to the 19:29:03
21 coal mine, we talked about the clean coal in western 19:29:09
22 Colorado. Clean coal. 19:29:13
23 I want you to go back to those times and 19:29:14
24 check your records, because I think you'll find out 19:29:16
25 that we were the cleanest coal in the United States of 19:29:19

1 America. And I don't think anything's changed. 19:29:22
2 So with that, I thank you very much for 19:29:26
3 allowing us all to comment. 19:29:29
4 I am very proud of all of the people that 19:29:31
5 are here, and I hope, I hope and pray to God that 19:29:33
6 somebody takes all of this into serious consideration 19:29:38
7 and stops this foolishness. 19:29:42
8 And God bless America, and God bless Rangely 19:29:44
9 and Rio Blanco County. Thank you very much. 19:29:48
10 JUDGE SUTIN: Thank you, Ms. Rector. 19:29:51
11 I said thank you. 19:29:54
12 PEGGY RECTOR: Thank you 19:29:55
13 JUDGE SUTIN: Randy Vincent. 19:29:58
14 RANDY VINCENT: Hello. My name Randy 19:30:11
15 Vincent. R-A-N-D-Y, V, as in Victor, -I-N-C-E-N-T. 19:30:15
16 Thanks for this opportunity tonight. I've 19:30:20
17 lived in the Jensen area/Uinta Basin, for over 19:30:25
18 50 years. 19:30:29
19 I was there long before, I guess, the coal 19:30:29
20 mine and power plant was ever done. I even worked at 19:30:35
21 the coal mine. And we sent the first shafts on the 19:30:39
22 west main. It was a good place to work. 19:30:42
23 I am in support of the Deseret coal mine, 19:30:44
24 and the DG and T. 19:30:51
25 One -- and a lot of things have been 19:30:53

1 highlighted tonight. Many things have been 19:30:55
2 highlighted. Good things. But the -- the outcome of 19:30:59
3 the -- of our power plant, which was built years ago, 19:31:03
4 by coops forming together to build a source of power to 19:31:10
5 take care of their membership. 19:31:13
6 And they went through some tough times. And 19:31:16
7 that's been brought up tonight. They have struggled. 19:31:18
8 Had some real battles to keep that place running. 19:31:21
9 It's hard to keep imposing more and more 19:31:27
10 fees, but that doesn't just affect the power plant and 19:31:29
11 the coal miners. It does affect the coal miners 19:31:32
12 directly and the power plant employees, because that's 19:31:36
13 their job. That's how they feed their families, which 19:31:38
14 is very important. 19:31:40
15 But it's a trickling effect. Thousands -- I 19:31:41
16 don't know what the membership is today, of all of the 19:31:46
17 coops and all of the people that receive power from 19:31:48
18 that power plant. 19:31:51
19 And if the rates have to be increased to 40, 19:31:53
20 50 percent, things will have to change across America. 19:31:58
21 Not only with Deserado, or Deseret Power Plant, but 19:32:01
22 we're talking all of the power plants and coal mines. 19:32:07
23 We're going to raise the prices so high that 19:32:11
24 people are not going to be able to afford to use 19:32:13
25 electricity. 19:32:15

1 We have a ranch and farm there in the Jensen 19:32:17
2 area. And when you're a farm and ranching operation, 19:32:20
3 you have to watch your budget pretty close, because 19:32:25
4 there's not a lot of money in agriculture. Pumping 19:32:27
5 rates go up, farms are going to shut down. Eventually 19:32:31
6 the food chain in America's going to suffer. 19:32:34
7 This is not just in our area, this is just 19:32:38
8 the start of a whole United States trend. 19:32:41
9 Now, right now unemployment is close to an 19:32:46
10 all-time high across the nation. Sounds like we want 19:32:48
11 to add more unemployment. We must have more welfare 19:32:52
12 hidden somewhere, if the government's going to be able 19:32:56
13 to pay people. 19:32:59
14 A lot of consumers or senior citizens, they 19:33:01
15 live on fixed incomes. These raises are going to be 19:33:05
16 bad for them. 19:33:09
17 You have to have electricity. Not only 19:33:09
18 electricity, we have to have fuel. Electricity rates 19:33:15
19 go high, the oil companies are going to take a hit on 19:33:18
20 that. 19:33:21
21 These oil wells that are producing are 19:33:22
22 produced with electricity, that would pump that oil up 19:33:25
23 out of the ground. 19:33:28
24 When the well is marginal, and production, 19:33:29
25 the first thing they're going to cut is electricity. 19:33:33

1 They're going to shut them in. 19:33:36
2 Eventually the oil flow will show -- will 19:33:37
3 slow down. There will be less oil. Cost of oil will 19:33:41
4 raise. 19:33:44
5 It's going to affect everybody across 19:33:44
6 America. Not just here in the Basin, everybody. 19:33:47
7 Natural gas. I'm not saying natural gas 19:33:50
8 isn't a way to help clean up the air, but all the same, 19:33:54
9 natural gas has to have electricity to process it. 19:33:58
10 Those big ol' compressor stations, we have to build 19:34:02
11 that pressure up and move it across the country. 19:34:06
12 These things are all affected. It all has 19:34:08
13 to work together. 19:34:11
14 But by adding these extreme measures to the 19:34:12
15 power plant, it's not only affecting Rangely, Uinta 19:34:19
16 Basin, Roosevelt, Duchesne, it's state-wide, 19:34:22
17 nationwide. 19:34:27
18 Thank you. 19:34:27
19 JUDGE SUTIN: Thank you, Mr. Vincent. 19:34:28
20 Next, if we can have Tamara Vincent. 19:34:30
21 TAMARA VINCENT: I am Tamara Vincent, 19:34:46
22 T-A-M-A-R-A, V-I-N-C-E-N-T. 19:34:53
23 I would -- I don't think that I could add a 19:34:56
24 lot to what has been said here tonight, as far as we've 19:35:00
25 heard about numbers, we've heard about impacts. 19:35:03

1 And, yes, this will personally affect us, 19:35:06
2 because I am a resident of Jensen, Utah, which is just 19:35:09
3 north of the plant. 19:35:13
4 I grew up in the Uinta Basin, in the Vernal 19:35:15
5 area. 19:35:19
6 As a child, it was a beautiful place to 19:35:20
7 live, and it is still a beautiful place to live. 19:35:24
8 From certain areas on your ranch, you can 19:35:26
9 see the power plant, and through the -- throughout the 19:35:29
10 years, the plant has not affected those vistas, those 19:35:33
11 beautiful views. 19:35:39
12 I think that we're talking, the emissions 19:35:42
13 from the plant, is insignificant compared to the wide 19:35:46
14 picture of across the world, across the board, what is 19:35:51
15 being emitted today. 19:35:56
16 Yes, I -- as a ranching family, we have to 19:35:58
17 protect our land. We know what it is to be stewards of 19:36:01
18 the land. And we are not here to try and ruin 19:36:04
19 anything, or -- 19:36:10
20 You know, my children and my grandchildren 19:36:10
21 have grown up in the Basin. I've raised them here. 19:36:13
22 And like the gentleman said, they don't glow. 19:36:16
23 But we would like to -- you to please 19:36:20
24 consider this, the impacts, and, you know, that it's 19:36:23
25 not just going to affect a few people, it's going to 19:36:27

1 affect many people. 19:36:30
2 And I have a question. I would like to 19:36:31
3 know, you know, why are we here -- gathered here 19:36:33
4 tonight discussing the loss of jobs? Why can't we 19:36:36
5 discuss the -- you know, more jobs? To bring more 19:36:39
6 people and more lives to benefit instead of -- 19:36:44
7 We talked about all of the loss of these 19:36:48
8 jobs. There's got to be a better solution. Thank you. 19:36:50
9 (APPLAUSE) 19:36:54
10 JUDGE SUTIN: Thank you, Ms. Vincent. 19:36:55
11 Next, if we could have Kevin Rees. 19:36:57
12 KEVIN REES: My name is Kevin Rees. 19:37:11
13 I'm a journeyman/lineman for Moon Lake 19:37:17
14 Electric, and I'm also part of a farming/ranching 19:37:20
15 family and community of Lowell, Utah. 19:37:23
16 I would ask you to consider these things 19:37:25
17 while making your decision about the Bonanza Power 19:37:27
18 Plant. 19:37:30
19 The way of life of five states would be 19:37:31
20 affected, from the way of their jobs, to the way 19:37:33
21 they -- 19:37:39
22 The way of life in five states will be 19:37:39
23 affected, from the way of their jobs to the way they 19:37:42
24 recreate and go about their every-day lifestyles, 19:37:45
25 because not only will the cost of electricity go up, 19:37:47

1 but the cost of everything that we buy at stores, to 19:37:51
2 the gas that we put in our vehicles. 19:37:54
3 Every cost that is imposed on the Bonanza 19:37:55
4 Power Plant will be paid back -- will not be paid by 19:37:58
5 them, but will be passed on to the rural electric 19:38:00
6 companies, and they will be passed on to the families 19:38:04
7 and the people of these areas. 19:38:06
8 How is the American farmer of today supposed 19:38:07
9 to survive when everything that the federal government 19:38:10
10 is against their -- woops -- their way of life, from 19:38:12
11 taking their land that they grazed, to affecting the 19:38:25
12 cost of power they use to grow their crops and live 19:38:28
13 their lives. 19:38:30
14 Thank you. 19:38:38
15 JUDGE SUTIN: Next, if we could have Doug 19:38:38
16 LeFevre. 19:38:45
17 DOUG LEFEVRE: That's Doug LeFevre. L-E 19:38:45
18 capital F-E-V like in Victor, -R-E. 19:38:51
19 I am -- I am the president and part owner of 19:38:53
20 a company called Rejuvinaries, Incorporated, out of 19:38:58
21 Rangely, Colorado. And we have a small construction 19:39:01
22 company. I do -- I do employ people. And we're also 19:39:04
23 putting up a flooring store and a custom woodworking, 19:39:09
24 to be able to reach out of the area. 19:39:13
25 And so excuse my attire. I don't mean any 19:39:15

1 disrespect, but I am a small businessman, and I don't 19:39:19
2 have time to go home and change to come straight from a 19:39:23
3 job. I had to lay out a group. 19:39:26
4 And unlike Mr. Obama believes, I did grow 19:39:30
5 this business. 19:39:34
6 But I also am certified in mold mitigation. 19:39:35
7 I'm a member of the Colorado Straw Bail Association. 19:39:38
8 I am going to be picking up -- in November, 19:39:42
9 I'll be running five people through an asbestos class, 19:39:44
10 so I will be an asbestos certification. 19:39:48
11 I also do a lot of other things that are -- 19:39:52
12 they're what we call green. 19:39:57
13 And being a construction contractor, I can 19:39:58
14 tell you that building a house out of foam and putting 19:40:01
15 plywood on the other side is not green built. This is 19:40:05
16 a scam. 19:40:10
17 I grew up -- I'm fourth generation 19:40:10
18 Rio Blanco County, and I grew up in Carbondale, which 19:40:15
19 is another coal mining company -- or town, by its name, 19:40:17
20 obviously. It is now shut down. The economy is shut 19:40:20
21 down. 19:40:23
22 And you remember back then, the guys all 19:40:24
23 coming in, looked like they had mascara on in the coal 19:40:26
24 mine. Things have changed. 19:40:29
25 But now, that same town that I grew up in, 19:40:30

1 only one kid is allowed -- that still lives there, that 19:40:35
2 I went to high school with, because it's gotten so 19:40:38
3 expensive because of all of the nuts that came from 19:40:41
4 California. Okay. You know? 19:40:46
5 And they just spent $30,000 to make a light 19:40:47
6 for their dog park that you put poopoo in to light it 19:40:50
7 up. You know? This kind of stuff blows my mind. 19:40:54
8 We call fiberglass, they're putting mercury 19:40:58
9 light bulbs in. We're green now. 19:41:02
10 Do you realize you are sitting in the bottom 19:41:04
11 of what used to be the largest inland lake in the 19:41:07
12 United States? This is Lake Bonneville. This is the 19:41:11
13 bottom of the lake. The climate has been changing 19:41:14
14 forever. 19:41:17
15 Alaska has been a rainforest four times. 19:41:17
16 And it was long before we started. 19:41:23
17 So what was that, was it camp fires? 19:41:25
18 You know, this is -- there's logic here that 19:41:27
19 doesn't make any sense to me at all. 19:41:31
20 For closure, I'm also a member of the Tea 19:41:34
21 Party. So that's my political view of where I come 19:41:36
22 from. 19:41:40
23 But I'm also a person who does, you know, 19:41:41
24 rated -- look at how big my eves are when I build a 19:41:43
25 house, so that in the summertimes, the eve shade's will 19:41:46

1 use less. You know? 19:41:49
2 And I -- and then in the summertime -- in 19:41:51
3 the winter, when the sun goes down, it comes in, we put 19:41:53
4 tile there so it heats up the floor so you don't have 19:41:57
5 to heat so much of your house. I do true green. 19:41:59
6 I'm also a member of the Book Cliffs wild 19:42:04
7 horse. 19:42:08
8 And I'm talking to one of these 19:42:08
9 environmentalists one time, and he said, you know, Come 19:42:10
10 out here in the summertime, and see why we have to 19:42:12
11 gather horses. Because there isn't enough food. 19:42:15
12 Because they don't want the cows out there, because of 19:42:18
13 the food. Well, the cows come off in the winter. You 19:42:21
14 know? 19:42:24
15 And so we -- we brought these -- they said, 19:42:24
16 No, we don't want anything to color our perception. 19:42:26
17 These people who are doing this thing, 19:42:29
18 they're bullies. They don't live here. And they want 19:42:31
19 this war on oil and coal. 19:42:35
20 Well, this isn't just a war on oil and coal, 19:42:38
21 this is a war on people. 19:42:40
22 And we don't hear that on the news. No, we 19:42:42
23 hear how we've got a war on women. You know? But 19:42:46
24 guess what? A war on oil and coal is also a war on 19:42:50
25 people. 19:42:53

1 Okay. And this will affect us. My 19:42:54
2 business. 19:42:57
3 And guess what happens if I get not enough 19:42:57
4 business to work in Rangely? We're going to commute. 19:42:59
5 I have five trucks out there, with guys driving back 19:43:02
6 and forth for hours. How much Co_2 is that going to put 19:43:06
7 in the air? Because I'm not leaving Rangely. 19:43:10
8 That's the only town that Colorado used to 19:43:13
9 be like that I've been able to find, where I leave my 19:43:16
10 doors unlocked and the keys in my van. 19:43:17
11 Hell, I seen a Viper sitting outside the 19:43:20
12 store, with the music playing and the thing running, 19:43:22
13 and everybody left it alone. You can't do that 19:43:25
14 anywhere else. 19:43:27
15 So, you know, there's common sense here 19:43:27
16 that's just out of the window, and it's time to stop 19:43:30
17 these bullies. You know? 19:43:32
18 That's all this is. Out-of-towners coming 19:43:34
19 in and trying to come in and bully everybody around. 19:43:37
20 Thanks. 19:43:42
21 JUDGE SUTIN: Thank you, Mr. LeFevre. Next, 19:43:42
22 if we could have Tracy Potter. 19:43:45
23 TRACY RAY POTTER: My name is Tracy, 19:43:59
24 T-R-A-C-Y, Ray, R-A-Y, Potter, P-O-T-T-E-R. 19:44:03
25 I'm a small town southern Utah boy. I come 19:44:07

1 out of Wayne County. 19:44:11
2 And just by a show of hands -- don't make 19:44:12
3 noise, let's respect Her Honor's rules and wishes -- 19:44:15
4 please, how many of you are small town people here? 19:44:18
5 Okay. Let's respect her orders.we're proven 19:44:21
6 we're a workable people here. 19:44:25
7 How many of you believe in an honest day's 19:44:27
8 work for an honest day's pay. 19:44:28
9 Wow. This is good. 19:44:30
10 How many of you believe that the country 19:44:32
11 that our friends, our family, or forefather's spent 19:44:33
12 defending, should watch out for us? 19:44:36
13 So do I. 19:44:38
14 I think our nation should watch out for us. 19:44:40
15 That's why we came -- that's why our ancestors came 19:44:43
16 here, built this nation, and it's so they can have the 19:44:45
17 freedoms that we enjoy. 19:44:50
18 The small town I come from, we don't have a 19:44:51
19 power plant, we don't have a coal mine. We don't have 19:44:55
20 those luxuries to support our economy. 19:44:58
21 Most people make it off agriculture. Most 19:45:01
22 of you know how trying that is. 19:45:05
23 We don't have the large tax bases that come 19:45:06
24 from these things, but we get the effects of low cost 19:45:09
25 power, which is vibrant. 19:45:12

1 We have people that have worked their whole 19:45:17
2 lives and set aside the money they thought they needed 19:45:19
3 to retire, who are spending it about ten times today 19:45:22
4 off what they made. 19:45:26
5 These are people on fixed incomes, people 19:45:27
6 who don't have any more monies to -- to tap into, who 19:45:29
7 are proud people. They don't believe in welfare. 19:45:34
8 They're trying their best to get along, but they can't 19:45:37
9 afford to have their power bill increased 30, 40, and 19:45:40
10 50 percent. 19:45:45
11 How many out there believe that a man's 19:45:45
12 worth -- a man's word is worth something? The 19:45:47
13 handshake still means something today? 19:45:51
14 Good. This power plant was built on a -- on 19:45:54
15 a contract. It should mean something. 19:45:58
16 Right? 19:46:00
17 I -- I don't want to see our government be 19:46:01
18 the type of people who say, We'll do this, and then 19:46:04
19 change midstream and say, No, now we have to go this 19:46:08
20 way. 19:46:12
21 We need to honor our obligations. That's 19:46:12
22 what makes people want to stand up and believe in their 19:46:14
23 country. It's what makes them want to fight for their 19:46:16
24 country, is because it's honorable. 19:46:20
25 I have two very good friends that gave me a 19:46:23

1 little bit of information before I came here tonight. 19:46:27
2 One works for Chevron. He works worldwide. He designs 19:46:29
3 off-shore rigs. He's very instrumental in off-shore 19:46:32
4 drilling, and he's drilled in the United States 19:46:36
5 every -- all four corners of the world. 19:46:38
6 And he said, I don't really understand the 19:46:40
7 natural gas plant that is being proposed up there, 19:46:42
8 because the special interest groups from the United 19:46:45
9 States fight us all around the world every time we try 19:46:48
10 to drill for natural gas. So why would they be in 19:46:52
11 favor of a natural gas plant, when they oppose the 19:46:54
12 drilling and the exploration of more natural gas? 19:46:57
13 I have another good friend who works in 19:47:01
14 worldwide and equipment rentals. Right now, in China, 19:47:03
15 they're building coal-fired plants just as fast as they 19:47:07
16 can go. And, you know, they don't meet the emissions 19:47:10
17 standard we were required. So until it becomes a 19:47:13
18 worldwide effort, what good is it? 19:47:18
19 The other thing I want -- and I do 19:47:21
20 appreciate your time, and I'll make it quick. Just -- 19:47:25
21 Special interest groups in our area have 19:47:28
22 shut down logging completely, for the most part. We 19:47:31
23 have one lumber, pellet mill, still struggling to 19:47:33
24 survive. 19:47:36
25 Our farming and ranching community suffers 19:47:37

1 from the pressures of special interest groups daily. 19:47:39
2 Unless I'm mistaken, still the biggest form 19:47:41
3 of pollution comes from the cars we all drive, and we 19:47:45
4 drive a lot of them. 19:47:48
5 And it's easy to go down the freeway, in 19:47:49
6 your little car, and worry about things like Deseret, 19:47:51
7 things that you can put a target on, things that you 19:47:55
8 can attack and make you feel better, personally, about 19:47:57
9 the thing that you're doing to pollute the nation as 19:48:01
10 well. 19:48:04
11 It's easy to assign blame on somebody else. 19:48:04
12 So I say, instead of fighting, let's all 19:48:07
13 work together. 19:48:09
14 Grandma Rees told me that any two good 19:48:10
15 people can get along if each one will forget their 19:48:13
16 selfishness. 19:48:18
17 Being here, being workable, I think is a 19:48:19
18 sign on our side that we've forgotten our selfishness 19:48:21
19 to a point. I would invite the special interest groups 19:48:25
20 to do the same. 19:48:27
21 Thank you. 19:48:28
22 JUDGE SUTIN: Thank you, Mr. Potter. 19:48:29
23 Next, if we could have Stan Gordon. 19:48:31
24 STAN GORDAN: Hi. Stan Gordon S-T-A-N, 19:48:54
25 G-O-R-D-O-N. I'm -- I'm one of the senior citizens of 19:48:58

1 the area that will be affected. Live in Uintah County. 19:49:02
2 And I thought I put a no on there, but I'll just take 19:49:08
3 a -- a minute. 19:49:12
4 To me, it's interesting how all of this is 19:49:14
5 coming up. This permit issue. 19:49:20
6 It seems like Deseret has gone through the 19:49:25
7 hoops for years and years and years. They used to 19:49:29
8 report to the state. The state EPA, we could say. 19:49:38
9 And they went through all of the permitting 19:49:42
10 process. 19:49:44
11 And when Title Vs became required, they 19:49:47
12 worked through -- with the state to get the Title V 19:49:50
13 permit. 19:49:54
14 And about -- I'm not sure, just a couple of 19:49:55
15 days before the state was ready to issue that permit, 19:49:57
16 Region 8 says, Don't issue that permit, because there's 19:50:03
17 been a change in jurisdiction, and we're going to take 19:50:08
18 it over. We're going to take over jurisdiction. So 19:50:13
19 they had to go through the whole process again. 19:50:16
20 ESA, Title V, everything was reviewed. Of 19:50:18
21 course it was reviewed by the EPA initially, when they 19:50:26
22 were dealing with the state, and then everything had to 19:50:29
23 go through the EPA again. 19:50:31
24 And now, after doing everything that has 19:50:32
25 been required, over and over, and for years and years, 19:50:38

1 it -- it's become an issue again. 19:50:45
2 And so I guess I'm here supporting approval, 19:50:47
3 finally, of that permit that should have been issued by 19:50:51
4 the state years ago, and was redone, and should have 19:50:54
5 been issued by the EPA. 19:51:00
6 So thank you. 19:51:02
7 JUDGE SUTIN: Thank you, Mr. Gordon. 19:51:05
8 And yes, I apologize. I didn't see that you 19:51:06
9 said no. So thank you for commenting anyway. 19:51:08
10 Next, if we could have Bruce Sorenson? 19:51:17
11 BRUCE SORENSON: Bruce, B-R-U-C-E. 19:51:22
12 S-O-R-E-N-S-E-N. 19:51:34
13 I've listened to what everybody's said here, 19:51:36
14 and I see quite a few people that I know, you know. 19:51:40
15 And I sit and -- there's -- I jotted some notes down 19:51:45
16 here, and it's amazing. Why -- why are we talking 19:51:50
17 about the power plant? How it's going to affect 19:51:54
18 everybody? We -- we are -- 19:52:01
19 My -- my mother is going through some hard 19:52:02
20 times. Her retirement is not going to last. You know? 19:52:05
21 It just seems like every day it gets tougher 19:52:11
22 and tougher. 19:52:13
23 I work in the oil and gas industry. I wake 19:52:14
24 up at five o'clock in the morning. When it's 30 below 19:52:16
25 zero, do you have your heater running at five o'clock 19:52:19

1 in the morning? I do. 19:52:24
2 And I thank a coal miner and a power plant 19:52:26
3 worker every morning when it's 30 below zero. Those 19:52:30
4 people make that happen. 19:52:33
5 I tried to make my job and the people that 19:52:35
6 are relying on me by moving natural gas and moving 19:52:40
7 drilling rigs, so that the people in Wasatch -- in the 19:52:44
8 Wasatch Front and the other places in the country can 19:52:50
9 enjoy the fruits of my labor. 19:52:53
10 Now, if I'm not mistaken, we -- we live in a 19:52:57
11 representative government, do we not? 19:53:03
12 So right now, I'm kind of wanting to know 19:53:05
13 where my representatives are, because they're not 19:53:10
14 cutting it. 19:53:12
15 Because if they were here, I would tell them 19:53:13
16 to defund the EPA. I don't know where you guys get 19:53:18
17 your authority, but you have way too much power. 19:53:23
18 And I don't think you should be here telling 19:53:30
19 us, and telling my kids, You can't have this. You 19:53:34
20 can't have what my father worked for, or what my 19:53:39
21 grandfather worked for. 19:53:43
22 And they worked to make a life better for 19:53:45
23 me, but yet I can't do that for my kids. And that's 19:53:48
24 what I think of the EPA. 19:53:53
25 You people are telling me those times are 19:53:55

1 over. The good times in America are over. You'll do 19:54:00
2 what we tell you to do. 19:54:05
3 So I would say, going forward, we need to 19:54:07
4 look. Are we doing what's best for the country? Or 19:54:18
5 are we just making somebody feel good? 19:54:23
6 That's all I have to say. 19:54:27
7 JUDGE SUTIN: Thank you, Mr. Sorenson. 19:54:29
8 UNIDENTIFIED SPEAKER: I wish we could clap 19:54:32
9 right now. 19:54:34
10 JUDGE SUTIN: Our last registered speaker is 19:54:34
11 Duane Shepherd. If you could please come up. 19:54:40
12 There are more. I apologize. 19:54:46
13 Come on up. 19:54:48
14 UNIDENTIFIED SPEAKER: Can we clap after 19:54:51
15 he's done? 19:54:52
16 JUDGE SUTIN: We have a couple more 19:54:53
17 speakers. I will allow you to clap when we're all 19:54:54
18 done. 19:54:56
19 DUANE SHEPHARD: My name is Duane Shephard 19:54:58
20 I'm the Republican chairman for the Uintah County. 19:55:03
21 And, you know, I don't have a prepared 19:55:08
22 statement, but I -- I came out here in two 19:55:11
23 thousand -- I actually got here in April 2007, started 19:55:14
24 driving a water truck in 2008, and would have to 19:55:18
25 commute from Vernal to Canal Creek every day. 19:55:22

1 And stopping through Rangely every single 19:55:26
2 morning, trying to pick up a doughnut or stopping at 19:55:30
3 the Loaf 'n Jug, or the Come and Go or whatever. 19:55:33
4 And then also having to spend ten minutes 19:55:36
5 every -- once a year waiting for that 400 head of elk 19:55:38
6 to come through at 4:00 in the morning, trying not take 19:55:42
7 them out with the semi. 19:55:48
8 But I've gained an appreciation for Rangely. 19:55:49
9 And I didn't even know that a coal mine even 19:55:52
10 existed in Rangely for about six months, until one day 19:55:53
11 when the driver says, Hey, let's take this Deserado 19:55:57
12 Coal Mine shortcut. And I'm like, What the heck is 19:56:00
13 that? 19:56:02
14 And we went over this hill, and I was 19:56:03
15 like -- I discovered this coal mine. I didn't even 19:56:05
16 know the thing existed. There's no signs of it. It's 19:56:07
17 quiet. 19:56:10
18 And come to find out, there's hundreds of 19:56:11
19 people that work in this area for a coal mine. 19:56:14
20 I knew there was a power plant down there 19:56:16
21 somewhere, and I didn't know where it got its coal. 19:56:18
22 Found that those two were interconnected, 19:56:24
23 and so is their county, Rio Blanco County and Uintah 19:56:26
24 County. And all of the counties around us are 19:56:31
25 interconnected. It's a spider web, that if one breaks, 19:56:33

1 the whole rest of the counties feel it too. 19:56:36
2 In fact, in Rangely, there is a -- an 19:56:38
3 interest through the pipeline that runs directly to 19:56:42
4 Salt Lake City for the oil and gas. It's about 19:56:45
5 350 miles long. 19:56:47
6 That would be directly affected by 19:56:48
7 some -- by any increase or decrease or whatever in 19:56:52
8 production or prices. 19:56:55
9 So you're going to have -- you're going to 19:56:57
10 feel these effects all the way through the state: 19:56:59
11 Utah, Colorado. 19:57:01
12 My main point, though, that really ticked me 19:57:02
13 off and got me down here today, was there's this group, 19:57:09
14 WildEarth Guardians. And they have been filing 19:57:13
15 lawsuits here and there. 19:57:16
16 One of them, in fact, just got filed against 19:57:17
17 Berry Petroleum in Duchesne County, to try to stop all 19:57:20
18 of the drilling and production from Duchesne south, up 19:57:24
19 through Indian Canyon. 19:57:26
20 Well, now we've got WildEarth Guardians, who 19:57:27
21 are trying to control a coal mine and a power plant. 19:57:31
22 Well, I think these people, all they're 19:57:35
23 doing is throwing out the shotgun approach, to try to 19:57:39
24 make it so that we can -- so they can control what 19:57:42
25 we're doing out here. 19:57:44

1 And I think, when you're considering what's 19:57:45
2 happening in this county, what could happen, which is 19:57:49
3 devastating, could be devastating, potentially -- that 19:57:52
4 you need to look at their -- what's their motivation? 19:57:56
5 I'm a political guy. Unfortunately I got 19:58:01
6 thrown into the political scene about a year ago, but 19:58:04
7 it's -- but I have a link to it now. 19:58:07
8 And so I'm seeing, nation-wide, that while 19:58:10
9 these guardians -- this isn't just against us here in 19:58:15
10 Utah and Colorado, but they're against coal mines 19:58:17
11 across the nation, and coal mines across the world, and 19:58:21
12 I believe this administration is also against any coal 19:58:24
13 mine in the United States. 19:58:29
14 Yeah, there are alternatives. But if you're 19:58:31
15 going to pull out natural gas, you're going to have to 19:58:33
16 frac. They're against fracing. 19:58:35
17 If you're going to have to -- what comes out 19:58:37
18 of a byproduct from natural gas is condensate, which is 19:58:39
19 sweet crude. That's oil. 19:58:43
20 You're going to have to have these products 19:58:45
21 available, in order for them to exist. 19:58:49
22 So when you look at the motivation of all of 19:58:52
23 these people, I don't think they have all of their 19:58:54
24 ducks in a row, and I don't think that they have pure 19:58:56
25 intentions, of guarding Mother Earth. 19:58:58

1 You know, I'm the type of guy when I go 19:59:03
2 fishing, I walk around the lake and I pick up trash and 19:59:05
3 I put it in my tackle box. And I take -- when I get 19:59:07
4 home, I open up that tackle box and throw that trash 19:59:10
5 away. That's the type of guy I am. I've always been 19:59:12
6 doing that. 19:59:15
7 We brought our seven kids out here, you 19:59:16
8 know, back in 2007. But this is -- it's unbelievable 19:59:18
9 how much better I feel. The clean air, the clean 19:59:26
10 water. We had our in-laws out last week, and they 19:59:28
11 commented how good the water tasted. From Vernal. 19:59:31
12 So, you know, there's things out here that 19:59:33
13 we have a way of life. We're being attacked. That's 19:59:36
14 why we're being so passionate about this. 19:59:39
15 We are being attacked by WildEarth Guardians 19:59:41
16 and all of these other special interest groups. 19:59:44
17 And I would ask you to take into 19:59:46
18 consideration their motivation against the effects that 19:59:49
19 could happen to our community here. 19:59:53
20 Thank you. 19:59:56
21 JUDGE SUTIN: Thank you, Mr. Shephard. 19:59:56
22 Next, I have Dan McClendon. 20:00:00
23 DAN McCLENDON: My name is Dan McClendon. 20:00:13
24 That's Dan, M-C-C-L-E-N-D-O-N. 20:00:18
25 I live in Kanab, Utah. And, Judge Sutin, 20:00:22

1 thank you for opening the door. You said I could come 20:00:28
2 back again tonight. And I apologize for that, but I'm 20:00:30
3 representing myself tonight, not the company that I 20:00:33
4 represented earlier. 20:00:36
5 And just to make a quick comment. The 20:00:36
6 question was posed earlier tonight, Where are those 20:00:41
7 voices that would oppose the group that are being 20:00:45
8 represented here tonight? 20:00:49
9 And I was thinking of that, flipping through 20:00:51
10 my iPhone, and came upon a site that really annoyed me. 20:00:55
11 And so I just want to make that comment: 20:01:00
12 The reason those folks are not here is because they 20:01:02
13 don't have to be here. 20:01:05
14 I -- if you -- if you Google WildEarth 20:01:09
15 Guardians and go to Wikipedia, if -- it's demonstrated 20:01:14
16 there that that entity has approximately a $2 million 20:01:18
17 budget. And I would assume that that probably is -- is 20:01:25
18 more than that. 20:01:28
19 But really, what really annoyed me was to 20:01:29
20 find out that their success rate, with their efforts, 20:01:32
21 are approximately 77 percent of the interactions that 20:01:37
22 they involve themselves in. 20:01:42
23 Whereas, if you do the reverse math, then 20:01:44
24 that means that we, the people, are successful 20:01:47
25 23 percent of the time, so to speak. 20:01:50

1 But the $2 million budget, and probably more 20:01:52
2 extensive money than that, the most annoying thing was 20:01:55
3 I found, in 2010, and probably in the subsequent years, 20:01:59
4 they receive about a half a million dollars a year in 20:02:03
5 tax government grants and contracts to sue us, 20:02:07
6 basically. 20:02:17
7 So we pay them to sue us. They're 20:02:17
8 successful, we lose. What's wrong with this game? 20:02:21
9 They're better at it than we are. 20:02:24
10 We bring a knife to a gun fight, as we've 20:02:26
11 seen in that movie scene. 20:02:31
12 So it's frustrating. 20:02:32
13 I guess, again, the final comment that I 20:02:37
14 would say would be the passion is so high because of 20:02:40
15 that. We ask that you listen in a weighted, equal 20:02:45
16 manner, to the voice that we have. 20:02:52
17 We come, and we express our views in calm 20:02:55
18 and common tones. 20:03:01
19 They sue, they're successful. We go through 20:03:04
20 this process, we're not successful. Something is wrong 20:03:07
21 with the process. 20:03:10
22 Please listen to our voice. Please weight 20:03:12
23 it equally. 20:03:14
24 And the other question would be, 20:03:15
25 where -- where do we get the money? Where do we get 20:03:18

1 tax money to counter that when they do? It's not 20:03:21
2 fair. That's all I have to say. 20:03:26
3 JUDGE SUTIN: Thank you, Mr. McClendon. 20:03:27
4 Next, if we could have -- is it Arvalla? 20:03:29
5 Post? 20:03:37
6 Oh, great. 20:03:41
7 I apology if I got your name wrong. 20:03:44
8 ARVELLA POST: Oh, it's okay. 20:03:52
9 It's Arvella, A-R-V-E-L-L-A. Last name, 20:03:53
10 Post. 20:03:58
11 Okay. I'm a member of the Ute Indian Tribe. 20:03:58
12 So I've been listening to you guys talking, 20:04:08
13 and it frustrates me to hear you guys talk about being 20:04:10
14 cut back and the power plant being -- cutting back 20:04:19
15 everything, and yet he just said that the government 20:04:24
16 and the lawyers, they all say, No, and we need the 20:04:28
17 jobs. You guys need the -- you know, the money coming 20:04:32
18 in. 20:04:35
19 And I hear about this all the time, because 20:04:35
20 I am from Phoenix, and I just came here. 20:04:38
21 And I was living in Los Angeles before I 20:04:41
22 came here. 20:04:44
23 And I noticed that the people speak, but 20:04:45
24 basically the government really doesn't listen. 20:04:50
25 Because there's so much on the plate for the 20:04:54

1 government. 20:04:55
2 Look at how the VA hospital is. 20:04:56
3 And I've gone through the government system 20:05:00
4 all my life, and it's come with a lot of nays and few 20:05:03
5 yeas. 20:05:09
6 And it comes back to me to say that we need 20:05:09
7 to get together in numbers -- because there's a lot of 20:05:13
8 people, and you have other family members and people 20:05:16
9 out there -- to write your congressmen, e-mail them. 20:05:18
10 Put it out there. 20:05:23
11 Because together, as numbers, we have more 20:05:24
12 than the people in the -- in Congress and Senate. 20:05:27
13 But the only thing that really stops us is 20:05:31
14 the lobbyists, because the lobbyists are backed by the 20:05:33
15 big money, and the big money has the big lawyers. 20:05:37
16 Well, what, we have equal, if that. If we 20:05:40
17 can afford it. Because they're not going to help us. 20:05:46
18 It only goes so far. 20:05:49
19 So for numbers, we need to get together and 20:05:50
20 put it out there. E-mail. Even if you have to take a 20:05:53
21 couple of days and keep e-mailing them. That way you 20:05:56
22 flood them, because they have got to get up and answer 20:06:00
23 and take notice to everybody that's here. 20:06:03
24 And even if you're -- which I have to say, 20:06:05
25 the children are better at computers than I am. You 20:06:08

1 know? My phone goes off, I take it to my niece and 20:06:11
2 she says, What, ten? She goes, da da da. I'm like, 20:06:14
3 ten minutes, 30 minutes later. 20:06:17
4 Even if you get them to send an e-mail to 20:06:19
5 your congressman or senator, bombard them, because we 20:06:21
6 need the living. We need the money. 20:06:27
7 They already have the money, because they 20:06:30
8 have the big oil companies and the big money behind 20:06:32
9 them. We're just little people. 20:06:35
10 And I've written two letters to Bill Clinton 20:06:37
11 about things, and I got an answer. But -- it wasn't 20:06:44
12 thank you, but it was an answer. So what if it was his 20:06:47
13 secretary signing it, okay? At least they got it. 20:06:50
14 But with numbers, we have more power. 20:06:53
15 So please, everybody, put it down in 20:06:58
16 writing. Send it to your Congress and Senate. 20:07:01
17 And everybody does that, even three people 20:07:05
18 from everybody's family. That's how many people in 20:07:07
19 here? That's a lot of numbers. 20:07:10
20 Because they don't listen to people, 20:07:12
21 individuals. They listen to numbers. 20:07:15
22 And numbers are what they're going to abide 20:07:17
23 by. Because look at how many people it takes to vote 20:07:20
24 for them to accept the president? If we all put in 20:07:23
25 e-mails and bombarded them, at least we have a better 20:07:27

1 chance of them listening to us. Okay? 20:07:31
2 And I wanted to say to the EPA people, I'm 20:07:34
3 hitting a dead wall, because I just found out I have 20:07:39
4 radiation poisoning from radon, and that's caused by 20:07:43
5 the environment. 20:07:46
6 And I'm going to go get holistic homeopathic 20:07:48
7 treatment, and I'm going out of state. 20:07:53
8 But when I talk to people about certain 20:07:54
9 health issues, like what's in the water, and what 20:07:57
10 percentage of radiation is coming from the ground, not 20:08:01
11 from the companies, but natural radiation, because 20:08:06
12 there are things here that affect our health, and Utah 20:08:08
13 has one of the highest autistic health numbers. 20:08:14
14 Okay, thank you. 20:08:19
15 And I want more information out to the 20:08:20
16 public, because there's many things, environmental as 20:08:23
17 well as man-made. 20:08:29
18 And we need more information, because the 20:08:30
19 people that I talk to at the EPA have very little 20:08:32
20 information on like radiation poisoning, radon. 20:08:35
21 And I'd like to thank you, and everybody in 20:08:41
22 the field working, whatever company you're in, thank 20:08:44
23 you, because I like turning on my lights. And yes, I 20:08:47
24 like electricity and heat at 30 degrees minus below. 20:08:50
25 Thank you. Okay. Thank you very much. 20:08:54

1 JUDGE SUTIN: Thanks Ms. Post. 20:08:56
2 (APPLAUSE) 20:08:58
3 JUDGE SUTIN: Next, if we could have Susana 20:08:59
4 Field. 20:09:13
5 SUSANA FIELD: Hello. My name is Susana 20:09:13
6 S-U-S-A-N-A, last name Field, F-I-E-L-D. 20:09:17
7 I'm a business owner in Rangely. I'm a 20:09:20
8 realtor there. I see a lot of my clients in the 20:09:26
9 audience. 20:09:28
10 But mostly what I'm addressing, wanting to 20:09:28
11 address, I guess, is speaking as a professional, 20:09:32
12 educated woman, that's interested in the environment, 20:09:38
13 to you also. 20:09:41
14 I've got a master's degree. My 20:09:42
15 undergraduate degree was environmental studies. A 20:09:45
16 strong believer in protecting the environment. Always 20:09:50
17 considered myself, and still do, as a strong 20:09:52
18 environmentist. 20:09:54
19 I ended up leaving the urban area, which is 20:09:55
20 where I grew up, in an urban area. Started out with 20:10:00
21 hopes, in fact, of being an environmental lawyer, to 20:10:05
22 protect the earth, because I loved being outdoors so 20:10:08
23 much. Backpacking, kayaking, et cetera. 20:10:11
24 But moved from Seattle to Steamboat Springs, 20:10:15
25 then found that -- there, that economy and the land 20:10:20

1 just being dominated by tourism. And it was too 20:10:22
2 crowded and not able to spend much time in the outdoor. 20:10:28
3 I was in congestion, a lot of pollution just from all 20:10:31
4 of the automobiles. 20:10:35
5 I moved to Rangely, to where we could be in 20:10:36
6 the true outdoors. Where we could really be living 20:10:42
7 close to the earth and be able to make a living. 20:10:46
8 I found myself in a community that I would 20:10:48
9 have considered are not environmentalists, and 20:10:52
10 wondered, How am I going to fit in? 20:10:55
11 And then I discovered it. Is that these 20:10:57
12 folks are the closest to the earth than any of my urban 20:11:03
13 friends. All the rock climbers, all of the kayakers, 20:11:09
14 all of those that send their money in for the 20:11:13
15 environmental groups, which I still do myself. 20:11:16
16 And I would say that I very much want you to 20:11:24
17 do your job and to protect the environment. I think 20:11:28
18 everybody here wants you to do your job and protect the 20:11:30
19 environment. That's what we're paying you to do. 20:11:34
20 What I'd like you to consider -- and I never 20:11:39
21 considered it before myself. I'm guessing that you 20:11:42
22 live in urban environments. 20:11:45
23 I'm guessing that your friends and your 20:11:48
24 colleagues are, for lack of a better word, urban 20:11:51
25 yuppies, that love the outdoors, are very pro the 20:11:57

1 environment, but couldn't tell you what it's like to 20:12:01
2 live in the outdoors. Couldn't tell you what it's like 20:12:06
3 to get their hands dirty. To wake up at the crack of 20:12:11
4 dawn and return home in the dark, working seven days a 20:12:15
5 week, with the land, so that they can provide, to their 20:12:20
6 family, not just jobs, because everybody here could go 20:12:26
7 to the city. They can get jobs. We can join your 20:12:29
8 friends, your colleagues, congesting the large cities. 20:12:33
9 We don't need to be here. 20:12:39
10 But what I want you to consider, in your 20:12:42
11 protecting the environment, is the big, long-term 20:12:44
12 picture. What happens if these people become extinct? 20:12:47
13 What happens if they are no longer? If you don't have 20:12:55
14 the rural communities? If you don't have the farmers? 20:12:59
15 What other jobs are there for rural 20:13:02
16 communities, other than government jobs, state parks, 20:13:06
17 national parks? If it's not to actually work the land? 20:13:10
18 And if you get rid of us, who really knows 20:13:14
19 what the environment is like? Who can have the dreams 20:13:19
20 that I did, to actually be able to live somewhere and 20:13:23
21 support myself, if it wasn't for these folks and the 20:13:27
22 industries? 20:13:32
23 I want you to keep our air clean. I want 20:13:32
24 you to, as we all do, to keep our water clean. 20:13:36
25 But when you're thinking, Okay, exactly what 20:13:40

1 are we going to do with these regulations, what can we 20:13:44
2 impose now, what can we do in five, ten years from now, 20:13:47
3 remember, we're not just talking about our jobs, but 20:13:52
4 we're talking about people and a way of -- not just a 20:13:54
5 way of life either, but most importantly, the dream of 20:13:59
6 living on the land, with the land, and those people 20:14:05
7 being the true, true, true lovers of the earth, and the 20:14:11
8 true protectors of the environment. 20:14:17
9 Thank you. 20:14:20
10 JUDGE SUTIN: Thank you, Ms. Field. 20:14:21
11 (APPLAUSE) 20:14:24
12 JUDGE SUTIN: Okay. I believe this is our 20:14:25
13 last registered speaker. 20:14:29
14 Brett -- is it Day? 20:14:32
15 BRETT DAY: Hi, Your Honor. I came to this 20:14:36
16 meeting. I wasn't actually expecting to speak, but as 20:14:43
17 of yet I have not heard the issue spoken of that I 20:14:47
18 think is the real issue. And that's the legal 20:14:49
19 principle that's being questioned at this meeting. 20:14:51
20 I've heard a lot of people talking about it 20:14:54
21 being a personal issue, but to you and those who are 20:14:56
22 making the decision, I don't believe it is a personal 20:14:59
23 issue. It doesn't affect your life directly. You're 20:15:01
24 not a part of this community. 20:15:04
25 But as a legal professional, I'd like to 20:15:05

1 speak to you at that end. 20:15:08
2 A decision was made, back in the 2000 era, 20:15:09
3 to allow changes to the Deseret Power Plant. That was 20:15:12
4 made by people who had the legal authority to make 20:15:15
5 those decisions, and the permits were granted. 20:15:18
6 There's a legal principle of stare decisis. 20:15:21
7 That decision was made, and I believe that decision 20:15:24
8 should be allowed to stand. 20:15:26
9 Some of the greatest changes in our legal 20:15:27
10 system have come about from an abandonment of stare 20:15:30
11 decisis, but they were not made retroactively. 20:15:34
12 If a change needs to be made to the EPA laws 20:15:36
13 and the way they're regulated, make those changes. But 20:15:39
14 to make them retroactive, more than a decade in the 20:15:42
15 past, is a dangerous precedence, in my opinion. 20:15:45
16 And for those who don't know, stare decisis 20:15:50
17 is Latin for "let the decision stand." And it's a 20:15:53
18 legal principle that has been followed by many court 20:15:55
19 judges throughout the years. 20:15:58
20 As I said, some of the greatest changes have 20:16:00
21 come from abandoning stare decisis, but only at great 20:16:02
22 need. 20:16:05
23 But making those changes retroactive will 20:16:06
24 have massive consequences, and it will set a precedence 20:16:09
25 for the future that can be very dangerous. 20:16:13

1 And I would like you to take that into 20:16:14
2 consideration as you make this legal decision. Thank 20:16:16
3 you. 20:16:19
4 JUDGE SUTIN: Thank you. 20:16:21
5 I want to make sure we got your last name 20:16:24
6 right. Is it Day? 20:16:28
7 BRETT DAY: Day. D-A-Y. 20:16:29
8 JUDGE SUTIN: Great. Thank you. 20:16:30
9 Okay. We have allowed everyone who was 20:16:34
10 registered to speak, the opportunity to speak. 20:16:41
11 I thank you all for your cooperation and for 20:16:43
12 understanding and being respectful of your fellow 20:16:46
13 participants here today. 20:16:51
14 If you'd like to do a round of applause for 20:16:53
15 the whole group right now, please do. 20:16:56
16 (APPLAUSE) 20:16:58
17 Okay. Again, thank you all for coming. 20:17:05
18 As we mentioned earlier, the comment period 20:17:12
19 ends on June 16th, so if you did not say everything you 20:17:14
20 wanted to say, if you forgot something and would like 20:17:18
21 to make sure it gets into the record, please do so 20:17:21
22 before June 16th. 20:17:22
23 And with that, we will close the hearing. 20:17:24
24 Have a good night everyone, and thank you for coming. 20:17:27
25 (Whereupon, the deposition 20:17:30
was concluded at 8:18 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 testimony of said proceeding was
reported by me in Stenotype, and thereafter caused by
7 me to be transcribed into typewriting, and that a full,
true and correct transcription of said testimony so
8 taken and 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 June, 2014.
14

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

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