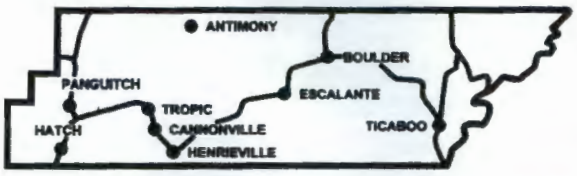
Owens, Mike

From: Brian Bremner <engineer@[redacted]
Sent: Tuesday, June 03, 2014 10:54 AM
To: Owens, Mike
Cc: Leland Pollock; 'Dan McClendon'
Subject: bonanza power plant
Attachments: bonanza power plant ltr.pdf

Please see attached letter from Garfield County, Utah

Brian Bremner
Garfield County Engineer
[redacted]

GARFIELD COUNTY



County Commissioners
Clare M. Ramsay
H. Dell LeFevre
Leland F. Pollock
Camille A. Moore,
Auditor/Clerk

55 South Main Street, P.O. Box 77 • Panguitch, Utah 84759
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Joe Thompson, Assessor
Jeannie Henrie, Treasurer
James D. Perkins, Sheriff
Barry L. Huntington, Attorney
A. Les Barker, Recorder
Russell Bulkley,
Justice Court Judge

June 2, 2014

Mr. Michael B Owens
Air Program (8P – AR), U.S. EPA Region 8
1595 WYNKOOP St.
Denver, CO 80202 – 1129

Re: Deseret Power Electric Cooperative / Bonanza Power Plant

Dear Mr. Owens:

Please consider this correspondence Garfield County's vehement objection and official comments associated with additional EPA requirements that seem to be unwarranted regarding new source performance standards for the Bonanza Power Plant. This plant supplies a significant amount of power for rural communities in Southern Utah; and changes in the operational procedures or performance standards will have a significant negative impact on our citizens. This decision has the potential to impact power reliability, increase rates by more than 40%, eliminate tenuous opportunities for growth in the area, and threaten the lives of many of our elderly and fixed income citizens.

We assert the Bonanza Power Plant has demonstrated responsible environmental stewardship, as evidenced by the implementation of their 100% scrubbed emissions and filtering systems. In addition to our extreme concern regarding the health safety and welfare of our citizens which will be threatened by implementation of EPA's additional requirements, we bring your attention to the following issues:

1. Federal agencies are required to comply with established law, including the Regulatory Flexibility Act. The Regulatory Flexibility Act requires that federal agencies analyze and disclose impacts of federal actions to small communities and entities. Each of the communities, businesses and Garfield County itself qualify as small entities. We assert the EPA has failed to comply with the Regulatory Flexibility Act, has failed to complete the required analysis, and has failed to disclose any such analysis. If we are mistaken please provide us the detailed record where impacts associated with the new EPA requirements have been applied to communities, businesses and governmental entities in Garfield County Utah.

2. Federal law requires that major federal action be coordinated with local governments impacted by the decisions and that it be consistent with local plans, programs and policies to the maximum extent allowed by law. No such coordination has taken place, and we request government to government coordination prior to implementation of the new requirements.

3. We request detailed verification that EPA has complied with the Data Quality Act (sometimes called the Information Quality Act). On the surface, it appears this requirement is driven by political pressure exerted from selfish interest groups. Air quality decisions are detailed and highly technical, so compliance with the Data Quality Act is imperative. We do not wish to reanalyze all of the technical information; however we do request specific, detailed verification of compliance with the Data Quality Act.

4. We request detailed documentation verifying compliance with Environmental Justice principles. Citizens in rural Utah impacted by this change may qualify as a minority community based on religion, lifestyle, economic conditions, access to alternate services, and other factors. Preliminary estimates indicate our citizens may be subject to rate increases that could be in excess of 40%. We believe this creates an unjustified burden for residents in our area and qualifies for environmental justice considerations.

5. Implementation of these new requirements will seriously threaten the viability of power cooperatives that currently serve our area. Their only recourse will be to raise rates an exorbitant amount. The threat to the cooperative's viability and the threat of exorbitant rate increases are deemed to be detrimental to the health, safety and welfare of residents in our area. Our area experiences extreme variability in temperatures. The Panguitch area often experiences winter temperatures 50 or more degrees below freezing. Summer temperatures in Ticaboo are often near 110°F. Power for heating and air-conditioning is essential for many of the elderly, the infirm, and those on minimal fixed incomes. It is not inconceivable that implementation of these additional requirements and associated rate increase may directly threaten the lives of at risk individuals. We request a detailed and specific risk-benefit analysis to demonstrate how the added requirements justify placing the lives of sensitive individuals at risk.

6. The EPA action is in conflict with national policies adopted by the National Association of Counties. In an action approved by its Board of Directors on March 3, 2014, the National Association of Counties urged Congress and federal agencies to reevaluate restrictions on the mining, transportation and burning of coal. The Association asserted the U.S. Environmental Protection Agency's Maximum Achievable Control Technology rules should receive additional study to determine the cost and benefit on electric utility operations, electricity reliability, and the economic & health impacts to communities, consumers and manufacturers. These are the same issues we state above and are affirmed by the vast majority of County governments in the nation. To completely ignore the request of such a large body of elected officials who are responsible for the health, safety and welfare of the public is irresponsible.

7. The Bonanza Power Plant has a valid permit and has operated to the benefit of the public for many years. It seems federal imposition of new requirements to the detriment of the power plant and the numerous people it serves is a serious breach of responsibility. Garfield County is appreciative of the conservation and preservation of air-quality. However it seems, in this case, federal regulation is being imposed from Washington DC where none of the impacts are felt; and the burden is being carried by those of us in the rural West who experience all the negative impacts. Surely the power plant and the public have some legal recourse to protect their lives and livelihoods.

We officially inform you that implementation of the requirements for the Bonanza Power Plant constitutes a significant threat to the health, safety and welfare of the citizens of Garfield County. We also demand in the strongest term possible that you place a 180 day minimum moratorium on any further implementation or movement of the project towards applying the standards to the Bonanza Power Plant. The purpose of the moratorium is to allow an opportunity for EPA to enter into government to government coordination with those communities that are impacted by the decisions and to provide the documentation and information requested above.

We also inform you this is a very serious issue, and Garfield County will consider any legal means at its disposal to protect its citizens. In addition, we request detailed documentation justifying the changes and the impacts to our citizens. We also request immediate personal contact from your representatives to discuss the significant issues cited above. Please contact me at (435) 616-2718 upon receipt of this correspondence to establish lines of communication.

We thank you in advance for your serious consideration, and we look forward to a rapid response.

Sincerely,

Leland F. Pollock
Garfield County Commission

Cc: Senator Orrin Hatch
Senator Mike Lee
Rep. Chris Stewart
Gov. Gary Herbert