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September 8, 2011

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Martin
Regional Administrator
U.S. Environmental Protection Agency
Region 8
1595 Wynkoop
Denver, CO 80202

RECEIVED Regional Office SEP 2011

Re: Clean Air Act Title V Concerns Over Deseret Generation & Transmission Cooperative's Bonanza Power Plant, Uintah County, Utah

Dear Regional Administrator Martin:

We are writing to express our concerns over the fact that Deseret Generation and Transmission Cooperative's 500 megawatt Bonanza coal-fired power plant in Uintah County, Utah is operating without a valid Clean Air Act Title V Operating Permit under 40 C.F.R. § 71. We understand that the U.S. Environmental Protection Agency received a Title V Permit application in 2001 from Deseret and in 2002, circulated a draft permit for public review and comment. Since that time, a Title V Permit has yet to be issued or denied by the EPA with regards to the operation of this coal-fired power plant.

We understand that circumstances surrounding the Bonanza power plant have likely spurred delay in issuing a Title V Permit. For example, Deseret's planned modification of the power plant led EPA to process a Prevention of Significant Deterioration ("PSD") permit for the facility, likely postponing efforts to finalize a Title V Permit. However, the Environmental Appeals Board remanded that PSD permit in 2008. *See In re: Deseret Power Cooperative*, 14 E.A.D.___ (EAB 2008).

The lack of a Title V Permit for the Bonanza power plant raises concerns over whether the facility is being appropriately regulated under the Clean Air Act, and in turn whether its emissions are being appropriately scrutinized—both by the public and by EPA. A Title V Permit serves to ensure that emissions are adequately monitoring, recorded, and reported, and that all applicable requirements under the Clean Air Act are met.

Under the Clean Air Act, permitting authorities must issue or deny Title V Permits within 18 months of receiving a complete application. *See* 42 U.S.C. 7661b(c). It concerns us that it

has been 10 years since EPA received an application from Deseret for a Title V Permit, and that it could be even longer before a final Title V Permit is issued or denied.

We understand EPA Region 8's Air and Radiation Program is working extremely hard and effectively to meet many high priorities. We urge you to ensure that issuing or denying the Title V Permit for the Bonanza power also becomes a priority. Thank you.

Sincerely,

Jeremy Nichols
Climate and Energy Program Director
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cc: Carl Daly, Director, EPA Region 8 Air and Radiation Program