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CLEAN AIR ACT TITLE V OPERATING PERMIT

for

**Deseret Power Electric Cooperative
Bonanza Power Plant**

**UINTAH AND OURAY RESERVATION (UTE TRIBE)
Utah Public Hearings**

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

3 June 2014

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

**JUDGE ELAYNA SUTIN,
Hearing Officer**

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

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P R O C E E D I N G S

JUDGE SUTIN: Good afternoon, everyone.

We'll get started in a few minutes.

There's still some people coming in, so I want to give everybody the opportunity to sign in and we'll get started in maybe five minutes or so.

(Whereupon, a break was taken.)

JUDGE SUTIN: If you walked in at the registration table, there were no cards. There are some cards now.

So if anybody wishes to speak, please sign in so that we know to call your name.

And even if you don't want to speak, if you could sign the card, just so that we know you were here in attendance, that would be really helpful.

Thank you.

(Whereupon, a break was taken.)

JUDGE SUTIN: Good afternoon, everyone. Can you hear me?

Okay. I think we're going to get started. There's still some people coming in, but we want to ensure that there's -- we want to make sure that everyone has the opportunity to speak, so I think we'll -- we'll get started now.

I am Judge Sutin. I'm the Regional Judicial

13:01:52
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13:08:44
13:08:47
13:08:53
13:08:56
13:08:58

1 Officer from EPA Region 8 in Denver. And thank you all 13:09:03
2 for coming this afternoon. I will be presiding over 13:09:08
3 the hearing today. 13:09:11

4 Also on the panel with me today is Deirdre 13:09:13
5 Rothery to my right. And she is the unit supervisor in 13:09:16
6 the air program for EPA's Denver office. 13:09:20

7 This hearing is now in session. 13:09:23

8 Before we get started, I also want to 13:09:29
9 introduce Alfreda, who is out. I will introduce her 13:09:32
10 later. She is the woman who was walking around passing 13:09:38
11 out the registration cards. She'll be here with us 13:09:41
12 today too, so feel free, if you have any questions, to 13:09:45
13 approach one of us after the hearing, if we can help. 13:09:48

14 We are here today to listen to and receive 13:09:51
15 your comments on EPA's proposed air quality operating 13:09:57
16 permit for Deseret Power Electric Cooperative, Bonanza 13:10:01
17 Power Plant, on the Uintah and Ouray Reservation. 13:10:06

18 The Federal Clean Air Act Title V permit 13:10:09
19 controls air emissions at this coal-fired electric 13:10:13
20 utility. We announced the proposed permit in four 13:10:16
21 local newspapers in late April 2014. The comment 13:10:20
22 period started on May 1st, and it ends on June 16, 13:10:25
23 2014. 13:10:30

24 In a moment, Ms. Rothery will explain in 13:10:30
25 more detail what was proposed in that notice. 13:10:33

1 But before I turn it over to her, let me 13:10:36
2 explain a bit about how today's hearing will work. 13:10:40

3 There will be two sessions today: One this 13:10:44
4 afternoon from 1:00 to 4:00 p.m., and one this evening 13:10:46
5 from 6:00 to 8:00 p.m., both in this auditorium. 13:10:49

6 I will call the registered speakers to the 13:10:54
7 microphone. 13:10:57

8 We are going to be using this microphone to 13:10:58
9 my left, to your right. When it is your turn to speak, 13:11:02
10 please state your name, and spell your name if it is an 13:11:08
11 unusual spelling, so that the court reporter can 13:11:11
12 correctly get your name in the record. 13:11:16

13 And please also state your affiliation 13:11:19
14 before you begin your testimony. 13:11:22

15 In order to ensure that everyone has the 13:11:23
16 opportunity to speak and to ensure fairness, please 13:11:27
17 limit your testimony to five minutes. 13:11:31

18 We will signal to you when you have one 13:11:33
19 minute left to speak. When five minutes have passed, I 13:11:36
20 will ask you to complete your testimony. 13:11:40

21 If I find that you are straying from the 13:11:42
22 topic at hand, I will ask you to come back and speak 13:11:47
23 specifically to what we are -- to why we are here 13:11:51
24 today. 13:11:55

25 After you finish your testimony, members of 13:11:56

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

1 to do so, please sign up at the registration table. 13:13:24

2 Now I will turn it over to Ms. Rothery, who 13:13:29

3 will summarize the proposed permit. 13:13:31

4 MS. ROTHERY: Good afternoon. 13:13:35

5 As you heard from Judge Sutin, this hearing 13:13:37

6 concerns EPA's proposed air quality operating permit 13:13:39

7 for Deseret Power Electric Cooperative/Bonanza Power 13:13:44

8 Plant on the Uintah and Ouray Reservation. 13:13:50

9 This Federal Clean Air Act Title V permit 13:13:52

10 controls air emissions at this coal-fired electric 13:13:55

11 utility. 13:13:59

12 This source is required to obtain a Clean 13:13:59

13 Air Act Title V permit to operate in accordance with 13:14:03

14 Part 71 of Title 40 of the Code of Federal Regulations. 13:14:07

15 The EPA issues Clean Air Act Title V 13:14:16

16 operating permits in indian country where EPA has not 13:14:19

17 approved a tribe to implement the Title V operating 13:14:23

18 permits program. The Ute Tribe does not have this 13:14:27

19 approval. 13:14:33

20 The Bonanza Power Plant is located in indian 13:14:34

21 country within the Uintah and Ouray Reservation. 13:14:38

22 The Bonanza plant is an estimated 13:14:40

23 500-megawatt coal-fired electric utility consisting of 13:14:43

24 a single dry bottom wall-fired main boiler rated at 13:14:46

25 about 4,578 million BTU per hour heat input capacity. 13:14:51

1 Air pollutant emissions are virtually all from the main 13:14:57
2 boiler stack, which is approximately 600 feet tall. 13:15:00

3 Washed bituminous coal is supplied from the 13:15:04
4 nearby Deserado mine. 13:15:08

5 As Ms. Sutin mentioned, we'll accept public 13:15:11
6 comments through this public hearing and through 13:15:15
7 e-mail, fax, or mail, during this public comment 13:15:17
8 period. The comment period will end on June 16th, 13:15:20
9 2014. 13:15:25

10 Members of the public may view a copy of the 13:15:26
11 draft permit prepared by the EPA, the statement of 13:15:28
12 basis for the draft permit, the application, and all 13:15:32
13 supporting materials submitted by the source, at the 13:15:36
14 Uintah County Clerk's Office in Vernal, Utah; the Ute 13:15:39
15 Indian's -- Indian Tribe's Energy and Minerals Office 13:15:43
16 in Fort Duchesne, Utah, and at the U.S. EPA Region 13:15:47
17 Office in Denver. 13:15:52

18 Electronic copies of the draft permit 13:15:53
19 statement of basis and the application and all 13:15:57
20 supporting materials are also available for review at 13:15:59
21 EPA's Web site. 13:16:02

22 A link to this Web site can be found on the 13:16:03
23 fact sheet at the back of the room. 13:16:07

24 If you believe any condition of the draft 13:16:09
25 permit is inappropriate, or that our initial decision 13:16:11

1 to prepare a draft permit is inappropriate, you must 13:16:16
2 raise all reasonable issues and submit all arguments 13:16:19
3 supporting your position by the end of the comment 13:16:22
4 period. 13:16:24

5 JUDGE SUTIN: Our first speaker will be 13:16:27
6 Chairman Gordon Howell, with some opening remarks. 13:16:32

7 CHAIRMAN GORDON HOWELL: Good afternoon, 13:16:35
8 everybody. 13:16:44

9 First of all, we'd like to welcome all of 13:16:45
10 you that come from Bonanza. Welcome to our 13:16:47
11 reservation. 13:16:50

12 And to our Tribal members, thank you for 13:16:50
13 attending. 13:16:53

14 What I wanted to do is basically kind of go 13:16:53
15 into and explain, as far as what the tribe's stand is 13:16:56
16 on this. 13:17:00

17 And that -- you've got to understand that, 13:17:02
18 as far as the numbers and information that we're 13:17:05
19 getting, is coming from EPA. So it's not numbers that 13:17:08
20 have just been drawn up or also that has been pulled 13:17:11
21 out of the air. 13:17:14

22 So we're getting feedback that we're being 13:17:16
23 in cahoots with the EPA, to shut you down. That's 13:17:21
24 not -- that's not true. We're not doing that. 13:17:24

25 This power plant that we're trying to build 13:17:27

1 is -- it's going to be clean. It's going to be gas. 13:17:29

2 Natural gas. 13:17:32

3 We're just going to be using our resources 13:17:33

4 that we have as far as our -- 13:17:35

5 And it will also be beneficial to the oil 13:17:37

6 companies here, that they could sell their gas to us. 13:17:41

7 And then also is -- you've got to 13:17:44

8 understand, as the council, we got to definitely look 13:17:46

9 at the well-being of our tribal members. 13:17:50

10 And as far as this numbers and all of the 13:17:52

11 information we get from the EPA, is that the plant does 13:17:56

12 contribute to some of the health problems and the air 13:18:01

13 quality here in the Basin. 13:18:05

14 So we just want to let you know that, that 13:18:07

15 there's not a personal vendetta against you. 13:18:09

16 So I know we're hearing a lot of feedback 13:18:13

17 that it is -- a lot of people saying that the tribe is 13:18:15

18 here to shut you down. It's not that. 13:18:20

19 But also, we wanted to -- you've got to 13:18:22

20 understand, too, the council, which I praise them for, 13:18:25

21 is they also wanted to have this meeting, this open 13:18:28

22 meeting here, and also to hear your concerns on this 13:18:31

23 too, and also to express our side of it. So that you 13:18:34

24 guys will get all of the information you guys may need. 13:18:39

25 So as I conclude, I'll go ahead and give 13:18:43

1 this to our representative, Tony Small. He wants to 13:18:46
2 make some comments. 13:18:50

3 TONY SMALL: I'd like to welcome everyone 13:18:53
4 here from Bonanza. 13:18:59

5 And like our Chairman said, you know, we're 13:19:01
6 not here to shut you down. The numbers we get and 13:19:04
7 everything is from EPA. 13:19:08

8 I'd like to read this into the record. 13:19:10

9 JUDGE SUTIN: Please do. 13:19:14

10 TONY SMALL: The Ute Indian Tribe of the 13:19:16
11 Uintah and Ouray Reservation thanks the United States 13:19:21
12 Environmental Protection Agency Region 8 EPA for 13:19:23
13 housing the public hearing on the proposed Bonanza 13:19:27
14 Power Plant. The Title V federal operating permit, 13:19:30
15 (the permit.) 13:19:33

16 The tribe also thanks the EPA for the 13:19:34
17 opportunity to comment on this permit. 13:19:38

18 The Bonanza Power Plant has been operating 13:19:57
19 without a Title V operating permit for over 14 years. 13:19:59
20 It is imperative that the EPA issue a Title V operating 13:20:04
21 permit to Bonanza to ensure that it complies with the 13:20:08
22 Clean Air Act, or the CAA, and stays within the 13:20:11
23 federally-mandated emission limit. 13:20:17

24 The tribe has made known its concerns for 13:20:19
25 over ten -- tens of thousands of violations of the CAA 13:20:21

1 by Bonanza, and its Bonanza coal-fired power plant near 13:20:26
2 Vernal, Utah. The tribe is concerned that the power 13:20:31
3 plant does -- poses unacceptable public health impacts 13:20:33
4 due to the air pollution. It is impacting tribal 13:20:38
5 members and tribal lands, and it is inappropriately 13:20:46
6 contributing to regional air quality problems that have 13:20:49
7 the potential to adversely affect the economy of the 13:20:53
8 tribe. 13:20:56

9 However, prior to issuing this permit, EPA 13:20:57
10 must ensure that Bonanza also complies with all 13:21:01
11 applicable federal air permitting regimes and 13:21:03
12 regulations for coal-fired power plants. 13:21:07

13 For example, the Bonanza plant needs to 13:21:11
14 comply with the tribal NSR for minor source fuel 13:21:13
15 stations for its fleets, if it applies to any portion 13:21:18
16 of the facility. 13:21:20

17 Bonanza must comply with the current new 13:21:21
18 applicable regulations affecting coal-fired power 13:21:25
19 plants. 13:21:28

20 The Bonanza Power Plant must be retrofitted, 13:21:29
21 if necessary, to comply with the EPA's well-known MATs, 13:21:33
22 for mercury and air toxins. 13:21:38

23 Bonanza must also comply with clean -- the 13:21:41
24 Clean Water Act and regulations promulgated thereunder 13:21:44
25 that apply to the plant. 13:21:50

1 Its underground and above-ground storage 13:21:51
2 tanks for fuel must be inspected and tested. 13:21:55

3 Under the Clean Air Act, EPA established a 13:21:58
4 national ambient air quality standards, NAAQS, to 13:22:02
5 protect human health and environment for seven criteria 13:22:05
6 air pollutants, including nitrogen dioxide, ground 13:22:09
7 level ozone, and particulate matter, including 13:22:15
8 particulate matter less than ten microns in diameter, 13:22:19
9 (PM10), and particulate matter less than 2.5 microns 13:22:22
10 diameter, (PM 2.5) 40 CFR 50.1 et seq, an area that 13:22:27
11 meets the NAAQS criteria pollutant is deemed to be in 13:22:38
12 attainment for the pollutants see 40 USC 7407(D)(1). 13:22:43

13 The region where the plant is located is 13:22:47
14 often referred to as the Uinta Basin, and more 13:22:51
15 particularly is located within the Uintah and Ouray 13:22:53
16 Reservation. 13:22:58

17 It has been and is currently in attainment 13:22:59
18 of all national ambient air quality standards, NAAQS. 13:23:03

19 However, air pollution levels are on the 13:23:07
20 rise, and the region is now closing -- close to 13:23:09
21 violation -- violating NAAQS or ground level ozone and 13:23:13
22 particulate matter less than 2.5 microns in diameter, 13:23:18
23 (PM 2.5). 13:23:22

24 Given that NO_x emissions can form ozone and 13:23:24
25 both NO_x and SO₂ can form PM 2.5, there is increasing 13:23:28

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

1 over the standard set by EPA at 70 PPB. 13:24:48

2 Ground level ozone is a major health concern 13:24:52

3 on the reservation. Ozone can trigger asthma attacks, 13:24:55

4 scar the lungs of children, send elders to the 13:24:59

5 emergency room, and even cause premature death. 13:25:02

6 The tribe is concerned that the Bonanza 13:25:05

7 Plant may be a huge contributor to the ozone problem in 13:25:08

8 the Uinta Basin. 13:25:11

9 The tribe wishes to express our concern over 13:25:13

10 what we see as failed regulatory oversight by the EPA 13:25:17

11 of the Bonanza plant for well over a decade. There are 13:25:22

12 numerous alleged violations of the CAA falling 13:25:25

13 to -- into three specific categories: 13:25:32

14 One: Violations associated with 13:25:33

15 modifications to the plant made in 2000, that fail to 13:25:34

16 comply with the CAA's prevention of significant 13:25:39

17 determination PSD program; 13:25:44

18 Two, violations of the plant's existing PSD 13:25:45

19 permit; 13:25:49

20 And three, violations of federal limitations 13:25:50

21 on opacity continued in the New Source Performance 13:25:52

22 Standards, NSPS. 13:25:57

23 The first and most significant of the 13:25:59

24 alleged violations involves construction at the Bonanza 13:26:03

25 Plant in approximately 2000, as part of a project to 13:26:07

1 increase the capacity of the facility and to extend its 13:26:10
2 life. Under the federal PSD program, central physical 13:26:14
3 modifications of major source of pollutants that are 13:26:18
4 known to be adverse to human health by particulate 13:26:22
5 matter, (PM10), nitrogen oxides, (NO_x), and sulfur oxide 13:26:26
6 (SO_x), are required to go through special permitting 13:26:31
7 processes. 13:26:36

8 This, known as PSD, is intended to ensure 13:26:36
9 that increases in air pollution are offset by the 13:26:41
10 facility through various regulatory means, primarily 13:26:45
11 the installation of air pollution controls known as 13:26:48
12 Best Available Control Technology, (BACT). 13:26:52

13 With regards to Bonanza, the record is quite 13:26:57
14 clear that 2000 modifications to -- the 2000 13:26:59
15 modifications resulted in actual significant increase 13:27:04
16 of air pollution, that not only exceeded regulatory 13:27:07
17 limits, but pose a real threat to human health and the 13:27:11
18 environment. 13:27:14

19 Emission of NO_x increases somewhere between 13:27:15
20 365 to 1,124 tons per year. 13:27:19

21 Similarly, emissions of SO_x increased that 13:27:24
22 upwards of 1,171 tons per year, and the emissions of 13:27:27
23 PM10 increased upwards of 686 tons per year. 13:27:33

24 These increases are quite large and 13:27:38
25 undoubtedly present, and an increased risk of harm to 13:27:42

1 human health such as respiratory illnesses like the 13:27:45
2 asthma lung disease, cardiovascular illness, and 13:27:49
3 possibly even brain cancer. 13:27:54

4 The impacts on health are particularly hard 13:27:55
5 on children and elderly living on tribal lands. 13:27:58

6 The second set of alleged violations 13:28:01
7 involves the violations of the existing PSD permit for 13:28:07
8 Bonanza, which was issued in 1981 by EPA. 13:28:11

9 This permit limited both the maximum heat 13:28:15
10 input rate of the plant as well as a maximum emission 13:28:18
11 of NO_x. 13:28:22

12 There were at least 23,413 exceedances of 13:28:23
13 heat input at rate limitations and 315 exceedances of 13:28:30
14 NO_x limit between 2007 and 2012. 13:28:37

15 The final set of alleged violations involve 13:28:40
16 excess opacity from the plants' 600-foot-high emissions 13:28:46
17 stack. 13:28:50

18 Under federal NSPS, the facility opacity 13:28:51
19 emission level -- that is the density of a smoke 13:28:55
20 emitted from its operation -- is generally limited to 13:28:58
21 20 percent, except in certain defined situations. 13:29:02

22 These accepted situations primarily involve 13:29:06
23 start up, shut down, and qualifying malfunctions. 13:29:10

24 In addition, the facility is allowed to 13:29:13
25 exceed 20 percent opacity, but not exceed 27 percent 13:29:15

1 opacity for one 6-minute period in an hour. 13:29:19

2 Even taking these exceptions into account, 13:29:24

3 the plant has violated the 20 percent opacity limit on 13:29:27

4 540 occasions. 431 of these occasions also exceeded 13:29:33

5 the 27 percent limitation. 13:29:38

6 The tribe is concerned as to how the permit 13:29:41

7 for continued operation of Bonanza will affect the air 13:29:46

8 designation of the Uinta Basin. The tribe is concerned 13:29:51

9 that the continued operation of Bonanza will ultimately 13:29:54

10 lead to a designation of non-attainment for the Uinta 13:29:58

11 Basin. 13:30:03

12 A designation of non-attainment for the 13:30:03

13 Uinta Basin will negatively affect the reservation and 13:30:05

14 the development of the tribe's natural resources. 13:30:08

15 The EPA has jurisdiction over Bonanza via 13:30:12

16 the tribe. 13:30:19

17 The tribe terminated the disclaimer of civil 13:30:20

18 regulatory authority on May 9th, 2011, thus any prior 13:30:24

19 disclaimer over tribal civil regulatory jurisdiction 13:30:29

20 over Bonanza is no longer in effect. 13:30:32

21 As a matter of federal law and tribal law, 13:30:34

22 the tribe has asserted and continues to assert civil 13:30:38

23 regulatory jurisdiction over Bonanza. 13:30:41

24 The tribe supports the use of natural gas as 13:30:45

25 an alternative fuel source to coal. Coal plants like 13:30:48

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

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

1 witnessed Deseret Power to always choose the high road 13:34:06
2 in policies, decisions, and efforts to keep Bonanza on 13:34:09
3 the forefront of clean energy production. Rather than 13:34:16
4 ham string and burdened Deseret's Bonanza plant with 13:34:19
5 additional unnecessary regulation which could result in 13:34:22
6 the loss of jobs and dim the bright future that Bonanza 13:34:26
7 represents, hundreds of families and thousands of 13:34:30
8 homeowners expect and even respectfully demand that the 13:34:33
9 EPA issue Bonanza a Title V permit as it is currently 13:34:39
10 written. 13:34:44

11 I believe the Bonanza plant should be viewed 13:34:44
12 as an American asset that can serve to bridge a time of 13:34:48
13 developing and perfecting other sustainable forms of 13:34:53
14 energy, not as an errant delinquent that needs tighter 13:34:56
15 and tighter regulation. 13:35:01

16 If all power plants around the world could 13:35:02
17 live up to the high standards that Bonanza plant 13:35:06
18 represents, we truly would have a clean, bright future. 13:35:09

19 Thank you for your time. 13:35:13

20 JUDGE SUTIN: Thank you, Mr. Merkley. 13:35:15

21 Okay. Next, if we could have Sam Tolley? 13:35:26

22 And again, please remember to spell your 13:35:37
23 name for the court reporter. 13:35:39

24 SAM TOLLEY: Hello. My name is Sam Tolley. 13:35:42
25 S-A-M, T-O-L-L-E-Y. 13:35:43

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

1 ones, and it says here that "... the plume does not 13:36:45
2 appear to contribute any significant amount of nitrogen 13:36:49
3 oxides or other contaminants to the polluted boundary 13:36:52
4 layer during ozone episodes; the thermally buoyant 13:36:56
5 Bonanza plume rises upwards from the 600-foot stack and 13:36:59
6 penetrates through the temperature inversion layer. 13:37:02

7 "As a result, emission from the Bonanza
8 plant are effectively isolated from the boundary layer 13:37:06
9 in which the high ozone concentrations occur." 13:37:16

10 So anyway, it's saying here that the study 13:37:16
11 was prepared by researchers and the air quality 13:37:18
12 managers at Utah State University, the University of 13:37:21
13 Utah, the National Oceanic and Atmospheric 13:37:23
14 Administration, ENVIRON, University of Colorado, the 13:37:27
15 Utah Department of Environmental Quality, and the EPA. 13:37:30

16 And I'm sure there are a lot of different 13:37:32
17 studies, but what I would -- what I wanted to say, 13:37:34
18 basically, is I urge us to use some sound science, and 13:37:37
19 look at the whole big picture, because this is going to 13:37:40
20 affect a lot of people. 13:37:42

21 And I also realize, you know, that there's 13:37:43
22 vested interest. Everybody in here has a vested 13:37:45
23 interest. Whether the tribe would like to, you know, 13:37:47
24 obviously have natural gas resources, they would like 13:37:50
25 to be able to utilize those. We've got a lot of coal 13:37:52

1 miners here. We've got people from the power plant. 13:37:55

2 But the bigger rule, we have thousands of 13:37:58

3 people that depend on this low cost power that we enjoy 13:37:59

4 around here. And because of the Moon Lake Electrical 13:38:02

5 Association and this coop that our forefathers formed 13:38:05

6 30 years ago, 40 years ago, we enjoy that here. 13:38:09

7 And without that, it would be hard for a lot 13:38:11

8 of us to -- to be -- not me so much, but a lot of the 13:38:13

9 retired people and people on fixed income, that it 13:38:15

10 would be a hard -- a real hardship for them. When it's 13:38:18

11 35, 40 below here, you know, they depend on that cheap 13:38:20

12 power. 13:38:23

13 So I would just urge that we don't penalize 13:38:24

14 an older plant, that was trying to use the best 13:38:26

15 available pollution controls at the time it was built, 13:38:29

16 by the new standards that are constantly coming down 13:38:31

17 the pike. 13:38:34

18 And, I mean, five years from now we'll 13:38:35

19 probably have new and better ways of doing things, but 13:38:36

20 I think it's unfair to penalize a plant or any -- any 13:38:38

21 organization that was trying to do the best that they 13:38:45

22 did at the time it was built. 13:38:47

23 So that's pretty much all I've got. 13:38:48

24 I also represent the -- I sit on the Board 13:38:51

25 of Education in Rangely, and also on the college board 13:38:54

1 there in Rangely as well. 13:38:57

2 And, you know, the families we have, when 13:38:59

3 we're looking at this, the numbers, I think around 300 13:39:01

4 people between the coal mine and the power plant, but 13:39:03

5 that doesn't also include the bakers and the 13:39:07

6 candlestick makers and everybody else that depends on 13:39:10

7 those people buying goods, as you well know. 13:39:12

8 So there's a lot of people that have a very 13:39:14

9 big vested interest in this. And especially us. 13:39:16

10 I mean, we -- you know, we struggle as a 13:39:18

11 school district to have enough kids in the seats. And 13:39:20

12 with the limited amount of funding to go around, it's 13:39:23

13 pretty tough. 13:39:25

14 So I would urge the EPA to take a strong 13:39:26

15 look at that when they make their decision. Thank you. 13:39:28

16 JUDGE SUTIN: Thank you, Mr. Tolley. 13:39:31

17 Next, if we can have JoLynn Help. 13:39:41

18 JENNIFER HILL: I'm assuming you meant me. 13:39:52

19 My name is Jennifer Hill. 13:39:54

20 JUDGE SUTIN: I am so sorry. 13:39:56

21 JENNIFER HILL: No, you're fine. 13:39:56

22 UNIDENTIFIED SPEAKER: No, we have one right 13:40:02

23 here. 13:40:03

24 JUDGE SUTIN: I didn't think I had screwed 13:40:04

25 that up too badly. 13:40:06

1 JENNIFER HILL: Oh, never mind. 13:40:09

2 JOLYNN HILL: Hi. My name is JoLynn Hill. 13:40:13

3 It's J-O capital L-Y-N-N, last name Hill. 13:40:14

4 I am a consumer accounting supervisor for 13:40:18

5 Moon Lake Electric, as well as a consumer of Moon Lake 13:40:21

6 Electric. 13:40:25

7 I'm concerned that if Deseret is forced to 13:40:25

8 make expensive new controls that are going to increase 13:40:28

9 the power rates by as much as 40 percent, what kind of 13:40:32

10 an effect or impact that's going to have on our 13:40:35

11 consumers of Moon Lake Electric. 13:40:37

12 With the oil and gas industry as it is right 13:40:39

13 now, there are a lot of people that are gainfully 13:40:42

14 employed and are able to pay their power bills. But 13:40:45

15 not everyone works for the oil and gas industry. We 13:40:49

16 still have a lot of people who have jobs in the 13:40:52

17 community, the school districts, that type of thing. 13:40:56

18 And if we take -- if they have a 40 percent increase in 13:41:00

19 their power bills, they're already struggling. They're 13:41:04

20 going to have an even harder time paying their bills. 13:41:08

21 I think it would have an impact on our 13:41:10

22 senior citizens who are on fixed incomes. Our school 13:41:14

23 teachers, our young couples who are trying to support 13:41:18

24 new families, raise young children. It's going to 13:41:21

25 impact our consumers, our businesses, our irrigators, 13:41:27

1 our farmers, our senior citizens, our tribal members, 13:41:31
2 as well as the oil and gas industry itself. 13:41:36

3 Right now we have a lot of people who depend 13:41:38
4 on assistance from the government heat programs and 13:41:41
5 other assistant programs to pay their bills. 13:41:47

6 That money is not going to be increased. 13:41:50
7 The amount of money that they get, that's allocated 13:41:52
8 towards those programs, is not going to increase. 13:41:56

9 If we have a 40 percent increase in power 13:41:58
10 rates, the money that those people are receiving is 13:42:01
11 still going to be the same. So the amount that -- the 13:42:04
12 good that it does now is going to be a lot less, 13:42:08
13 because the power -- 13:42:13

14 If they're increased -- that much of an 13:42:14
15 increase is going to be greatly diminished as far as 13:42:17
16 how much -- of what goes on their power bills. 13:42:20

17 I've worked for Moon Lake for over 30 years, 13:42:22
18 and during that period of time Moon Lake has prided 13:42:26
19 themselves through Deseret in keeping our rates low. 13:42:30
20 Making it affordable for our consumers. 13:42:32

21 I'm afraid that an increase of this 13:42:34
22 proportion would have a devastating impact in our area. 13:42:37

23 The amount of consumers that we have that 13:42:42
24 are delinquent right now is substantial. If we have 13:42:45
25 that type of an increase, and that many more people are 13:42:49

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

1 buying groceries, or much-needed medications? 13:44:19

2 If the oil and gas industry is hit with this 13:44:21

3 kind of an increase in their power bills -- because a 13:44:25

4 lot of their pumps are electric -- how many of them are 13:44:29

5 going to shut down? 13:44:32

6 And if they shut down, how many people are 13:44:33

7 going to be put out of work? How many jobs are going 13:44:35

8 to be lost? How many businesses are going to close? 13:44:39

9 How many homes are going to be lost? 13:44:42

10 Same thing with the impact in Rangely. The 13:44:43

11 amount of jobs of the people in Rangely, with the 13:44:48

12 power -- with the power plant and with the Deserado 13:44:51

13 mine. I think it would be a devastating thing for our 13:44:55

14 community if we are put -- if these stringent controls 13:44:57

15 are put on Deseret. 13:45:00

16 Thank you. 13:45:03

17 JUDGE SUTIN: Thank you. 13:45:04

18 Next, Alan Haslem. 13:45:10

19 ALAN HASLEM: Good afternoon. It's A-L-A-N, 13:45:14

20 H-A-S-L-E-M. 13:45:22

21 And I'm the manager of finance for Moon Lake 13:45:24

22 Electric. Have worked there for over 33 years. 13:45:30

23 I appreciate this opportunity, Judge Sutin, 13:45:32

24 and I appreciate the Ute Tribe's willingness to allow 13:45:36

25 us this venue today. 13:45:40

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

1 but it will impact the businesses greatly, particularly 13:47:01
2 the oil and gas industry in this area. 13:47:05

3 You know, if we raise the -- their rates 13:47:08
4 again by the 40 or 50 percent, how many of those wells 13:47:11
5 will no longer be feasible to pump? In fact, I 13:47:15
6 understand, in the Rangely area, electricity is the 13:47:18
7 largest single operating cost that they have. 13:47:21

8 And by raising that, that would severely 13:47:23
9 harm them. Maybe even cause them to -- to pull their 13:47:27
10 business. 13:47:31

11 As far as the tribe's proposed gas plant, we 13:47:31
12 applaud that. We encourage that. We realize that they 13:47:38
13 have a valuable resource, and I think there is an 13:47:41
14 opportunity for sale of that power in -- in areas 13:47:43
15 that -- 13:47:50

16 And we certainly wish them well in their 13:47:50
17 endeavors in doing that. 13:47:53

18 One other comment. I understand that a lot 13:47:54
19 of this process is brought on by WildEarth Guardians 13:47:58
20 and other environmental groups. WildEarth Guardians do 13:48:02
21 not live here. They don't work here. In fact, I don't 13:48:06
22 think they work anywhere. 13:48:10

23 (LAUGHTER) 13:48:12

24 But I feel that our -- our air is clean, and 13:48:13
25 that we need -- you need to continue to let Deseret 13:48:19

1 operate as they have been, under their existing 13:48:23
2 permits, and -- and I think everyone here will be 13:48:27
3 better off. 13:48:31

4 Thank you. 13:48:32

5 JUDGE SUTIN: Thank you, Mr. Haslem. 13:48:34

6 Next, Robert Lee. 13:48:36

7 ROBERT LEE: Robert Lee. It's L-E-E. 13:48:47

8 I've been with Deserado for about eight 13:48:51
9 years. Helped build the power plant back in the early 13:48:55
10 '80s. 13:48:57

11 After that, went to build other power plants 13:49:00
12 in California. And I've got 12 grandkids here. I 13:49:03
13 can't add much in fancy numbers and stuff, but what 13:49:07
14 Dwight Merkley said, I'd add my list to that list, to 13:49:12
15 that talk, because that's exactly how I feel. 13:49:16

16 I do know that I'm proud to be behind these 13:49:20
17 lights that are on in here. I'm proud to have all of 13:49:22
18 my grandkids here. I'm proud to live in the Basin. 13:49:25

19 I also can say that, on the Deserado mine 13:49:28
20 side, I know they take the high road every time. They 13:49:34
21 go far and beyond any kind of legal or federal 13:49:37
22 mandates. They -- 13:49:42

23 It's incredible to me. I'm proud to work 13:49:43
24 there. 13:49:46

25 I'm even trying to get my sons involved in 13:49:47

1 it. 13:49:49

2 All I can say is I'm proud to be in the coal 13:49:52

3 mining industry. I'm proud of our heritage. 13:49:54

4 We've -- we're far in advancement and technology 13:49:58

5 because of us, and I think it needs to be appreciated. 13:50:01

6 And that's all I've got. Thank you. 13:50:04

7 JUDGE SUTIN: Thank you, Mr. Lee. 13:50:07

8 Next, Dan McClendon. 13:50:09

9 DAN McCLENDON: Judge Sutin, can I ask a 13:50:19

10 question? 13:50:42

11 I've got some personal comments from who I 13:50:42

12 represent. Also, I have been asked by three county 13:50:46

13 commissioners to hand deliver some letters for them, 13:50:49

14 who were not able to come. 13:50:53

15 They'd also like if I could read those. I 13:50:56

16 can do all of this, I think, within five minutes or so, 13:50:58

17 if that's okay. 13:51:00

18 JUDGE SUTIN: That's great. 13:51:01

19 DAN McCLENDON: Thank you. 13:51:02

20 The three letters, one letter is represented 13:51:02

21 by Wayne County. This is in Central Utah. 13:51:06

22 And this is signed by the Commissioners 13:51:12

23 DeRae Fillmore, Robert Williams, and Newell Harward. 13:51:17

24 These letters will be sent and are addressed 13:51:20

25 to Mr. Michael Owens, and they'll be sent there. 13:51:24

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

1 cleanest running generation plants that exist. 13:52:51

2 Respectively, we ask that you seriously 13:52:54

3 consider the consequences of forcing unwarranted, 13:52:58

4 additional costs upon the Bonanza plant. We hope 13:53:01

5 this -- help us retain our livelihood and existence. 13:53:03

6 Signed by commissioners. 13:53:06

7 The next letter is letters from the Sevier 13:53:07

8 County. Also signed by the commissioners, Gordon 13:53:10

9 Topham, Gary Mason, and Garth Ogden. 13:53:14

10 Dear Mr. Owens: As elected officials of 13:53:17

11 Sevier County, we are seriously concerned over the 13:53:24

12 proposal to reverse a 15-year-old permit at the Bonanza 13:53:26

13 Power Plant. We find it incredulous that agency 13:53:31

14 personnel believe they can impose severe consequences 13:53:33

15 on sensitive populations. Such impositions will cause 13:53:37

16 a loss of respect and credibility for EPA as they deal 13:53:41

17 with the future permits. 13:53:45

18 Sevier County has residents and businesses 13:53:47

19 that are served by Garkane Energy. The proposed action 13:53:49

20 would increase power rates to the point of being 13:53:53

21 unbearable. 13:53:56

22 To be specific, we submit the following 13:53:56

23 reasons for maintaining the existing permit: 13:53:59

24 Sevier County has residents and businesses 13:54:02

25 served by Garkane Energy, and these residents would 13:54:04

1 suffer the financial consequences of onerous and 13:54:07
2 unnecessary regulations. 13:54:10

3 We already have struggling economies, and 13:54:11
4 increasing power rates by up to 40 percent, it would be 13:54:15
5 unbearable and likely force some business closures. 13:54:18

6 The ironic consequences would be that most 13:54:23
7 people would turn to burning wood to heat their homes 13:54:25
8 during winter hours rather than rely on electrical 13:54:28
9 systems. What evidence exists that air quality-related 13:54:31
10 problems are present? 13:54:35

11 To undo a 15-year-old -- 15-year -- years 13:54:37
12 after its issuance injects so much uncertainty into 13:54:41
13 capital markets that financing plants would become very 13:54:46
14 difficult. Who would invest money into generation 13:54:50
15 facilities knowing that the operation could stop 13:54:52
16 whenever the EPA employees decided it had made a 13:54:55
17 mistake? 13:54:59

18 This appears to be more arbitrary and 13:54:59
19 capricious than based on any evidence or problems. 13:55:03
20 Permits are issued under the assumption that the rule 13:55:06
21 of law governs governmental actions. 13:55:08

22 This is another incident of EPA's "war on 13:55:11
23 coal," as previously demonstrated with other permits 13:55:15
24 the EPA has reversed for coal-related projects. 13:55:17

25 Minority populations would be adversely 13:55:22

1 affected. 13:55:25

2 This action is simply unnecessary and 13:55:25

3 imposes undue burdens on economically-sensitive 13:55:28

4 populations and communities. 13:55:31

5 Finally, the final letter from the Kane 13:55:33

6 County commissioners. 13:55:36

7 Dear Mr. Owens: Kane County would like to 13:55:37

8 provide comments and stress our concerns regarding 13:55:39

9 additional EPA requirements that seem to be unwarranted 13:55:42

10 regarding New Source Performance Standards. 13:55:46

11 This plant supplies much of the power for 13:55:49

12 rural counties in Utah, and any changes in the 13:55:51

13 operational procedures will have a significant impact 13:55:54

14 on power reliability, rates, and jobs. 13:55:56

15 We believe that the Bonanza plant has shown 13:55:59

16 tremendous environmental responsibility in its 13:56:02

17 operations, with 100 percent scrubbed emissions and 13:56:05

18 filtering systems. We would also welcome information 13:56:07

19 from the EPA regarding plant operations. 13:56:10

20 We would like to raise the following 13:56:12

21 ascertainable issues: 13:56:17

22 Is that my five-minute notice? 13:56:21

23 JUDGE SUTIN: No. Keep going. 13:56:25

24 DAN McCLELAND: And by the way, I put in 13:56:26

25 four slots, so each of these -- 13:56:27

1 Okay. So we're good. 13:56:29

2 The EPA decisions should be coordinated with 13:56:30

3 local county and state governmental agencies for 13:56:32

4 consistency to local desires and plans. 13:56:35

5 It seems that the factors -- the factors 13:56:38

6 motivating consideration for this change are 13:56:41

7 from -- are from threatened litigation from extreme 13:56:44

8 environmental organizations rather than from scientific 13:56:46

9 analysis and monitoring. 13:56:49

10 We understand that there is a significant 13:56:51

11 social movement against all coal power regardless of 13:56:53

12 the details of operation, and we would like to see more 13:56:56

13 analytical analysis before decisions are made, that 13:56:58

14 consider environmental impacts along with power 13:57:02

15 reliability and rate trade-offs as part of the 13:57:04

16 analysis. 13:57:08

17 Rates and reliability for power 13:57:09

18 significantly affects the health, safety, and welfare 13:57:12

19 of our county residents; therefore, any unplanned and 13:57:14

20 unmanaged disruption in power delivery or rates must be 13:57:17

21 reviewed and planned with the county. 13:57:19

22 The EPA action is in conflict with the 13:57:21

23 National Association of Counties Policy National 13:57:24

24 Association of Counties 2014 Interim Policy 13:57:27

25 Resolutions. 13:57:31

1 We own them. 13:58:57

2 There are five other owners that own 13:58:58

3 Deseret. 13:59:01

4 We're unlike for-profit transmission and 13:59:02

5 generation companies that pocket and line the pockets 13:59:06

6 of folks, stockholders, et cetera. And so it's not 13:59:10

7 that we can -- if we add additional costs to the plant 13:59:14

8 that we own, it's not spread by -- to thousands of 13:59:17

9 people that make money. It all comes back down to the 13:59:21

10 local people. 13:59:24

11 And we've already heard the comments about 13:59:25

12 the economy that it hurts. So that's important to 13:59:27

13 know. 13:59:30

14 And with that, any of these kinds of changes 13:59:31

15 will most definitely have a significant detrimental 13:59:35

16 effect in South Central and Central Utah, for our 13:59:40

17 members. 13:59:44

18 We have probably a distinction in our 13:59:44

19 cooperative that's different than other coops in the 13:59:47

20 country: 90 percent of our service territory serves 13:59:50

21 federal-controlled properties, with four national 13:59:54

22 parks, monuments, forests, and BLM. Only ten percent 14:00:00

23 of our service is not controlled by the federal 14:00:04

24 government. 14:00:07

25 And so those folks that are left, if there 14:00:07

1 were truly a 40 percent increase in our -- in our 14:00:10
2 retail rates, our communities in South Central Utah and 14:00:14
3 Southern Utah would be devastated. 14:00:18

4 I don't -- I don't think it would be 14:00:21
5 something that could be -- something we could overcome. 14:00:22

6 We love our land. We love our environment. 14:00:27
7 All of us want to maintain that. And I think it's 14:00:31
8 important, though, as was mentioned, there -- there are 14:00:34
9 ways that we can grandfather these things in and plan 14:00:38
10 them together so that we don't immediately turn our 14:00:41
11 thing -- our life up-side down. 14:00:45

12 And finally, as an example, 7th grade, 14:00:47
13 college, and high school, we learned about chemistry 14:00:52
14 formulas, and how you balance them. And as long as the 14:00:55
15 elements on both sides are properly balanced, 14:00:58
16 everything is okay. 14:01:01

17 But if you pull an element that -- that is 14:01:02
18 not -- a portion of that element is not in balance, or 14:01:04
19 if you add an element that isn't in balance, you come 14:01:07
20 up with a violent reaction. Sometimes, a very violent. 14:01:10
21 And the concern here is that if we add a component of 14:01:14
22 cost to these people, it would be violent in terms of 14:01:18
23 the economic situation. Particularly in light of what 14:01:23
24 we find is -- is the environmental effects from Bonanza 14:01:28
25 plant are very, very small. 14:01:32

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

1 Chairman Howell. 14:02:30

2 Next if we can have Tyler Barlow? 14:02:31

3 TYLER BARLOW: My name is Tyler Barlow. 14:02:45

4 That's T-Y-L-E-R, B-A-R-L-O-W. 14:02:50

5 I'm one of the directors on Garkane Energy's 14:02:53

6 board, so I'm with Dan McClelland. 14:02:57

7 And I come from a couple of small 14:02:59

8 communities on the Utah-Arizona border, so I'm a little 14:03:03

9 ways away from home. 14:03:07

10 A few years ago, a few of the politicians in 14:03:08

11 our area got together and decided they wanted to build 14:03:12

12 their own power plant and separate themselves from 14:03:14

13 Garkane Cooperative, which they did. And because of 14:03:18

14 the fluctuation in the gas market, that project failed, 14:03:20

15 and so they were left with a situation where they were 14:03:25

16 basically at the mercy of the coop again, to have 14:03:28

17 power. 14:03:32

18 Well, the result of that is, when you borrow 14:03:32

19 money from a bank, and something fails or you don't 14:03:37

20 have a permit any more to run, the bank ain't going to 14:03:41

21 forgive a debt. Somebody's got to figure out how 14:03:45

22 to -- how to pay the piper, so to speak, and make a 14:03:48

23 project finish out. 14:03:51

24 As a result of this, our little community 14:03:52

25 has been paying a 40 percent increase in power, 14:03:55

1 based -- you know, from our neighbors. From the other 14:03:59
2 members in our cooperative. Our district pays 14:04:02
3 40 percent more. 14:04:06

4 And when this happened, I've seen companies 14:04:07
5 leave our town. I've seen the actual devastation that 14:04:10
6 happens when you raise the power rate up 40 percent on 14:04:14
7 a small community that's already struggling to exist. 14:04:17

8 Just recently, I was successful -- or we 14:04:20
9 were successful in convincing one of those 14:04:25
10 companies -- 14:04:28

11 And we lost probably 500 jobs out of a small 14:04:28
12 town, because of this and other reasons. 14:04:31

13 But one of the companies came back, strictly 14:04:34
14 because I was able to convince them that our power 14:04:37
15 rates now are going to be stable, or go down over time, 14:04:41
16 as we work out our relationship with the coop again, as 14:04:45
17 they will get our rates down. 14:04:49

18 But I can testify to all that a 40 percent 14:04:51
19 increase in your power rate is not something to do. It 14:04:56
20 does affect people. Jobs leave. People leave. Houses 14:05:00
21 quit running. 14:05:05

22 We have the advantage of a natural gas in 14:05:07
23 our community, and without that I don't think that 14:05:10
24 there would be a community there. I don't think that 14:05:13
25 we could afford to heat our homes with the electrical 14:05:16

1 as much as it is, because the economy is just not 14:05:23
2 there. There's no jobs. 14:05:26

3 And so I urge the EPA to consider the 14:05:27
4 ramifications of what happens. You change the deal 14:05:33
5 halfway through, not only are the people with -- the 14:05:36
6 coop members going to have to pay, there's -- the 14:05:40
7 residual amount of debt that's owed, but they are also 14:05:43
8 going to have to go out and find a new source of clean 14:05:46
9 power. 14:05:50

10 And I agree with Mr. Mclendon and with all 14:05:51
11 of you, that there are cleaner ways to get power, and 14:05:53
12 we should be exploring all of those ways. 14:05:56

13 And I think that the managers of Deseret 14:05:58
14 Power, the managers of the coops are interested in 14:06:01
15 finding better, cleaner ways to -- to provide for our 14:06:04
16 members, but we have to do it so that we don't drive 14:06:09
17 people out of town. 14:06:13

18 Thank you. 14:06:15

19 JUDGE SUTIN: Thank you. 14:06:16

20 Next, if we could have Gene Harvey. 14:06:16

21 GENE HARVEY: Gene Harvey. G-E-N-E, 14:06:26
22 H-A-R-V-E-Y. 14:06:32

23 I applaud the tribe for using their 14:06:32
24 resources in any manner that they can do it, because it 14:06:36
25 just adds to the economy of the area. But a 40 percent 14:06:38

1 rate increase is simply too much. The individuals 14:06:42
2 cannot handle it. Thanks. 14:06:45

3 JUDGE SUTIN: Thank you, Mr. Harvey. 14:06:47
4 Next, if we can have Judd Rudden. 14:06:50

5 JUDD RUDDEN: Judd Rudden from Lyman, 14:06:58
6 Wyoming. J-U-D-D. R-U-D-D-E-N. 14:07:09

7 I am the manager of Bridgerland Electric 14:07:13
8 Local Coop, one of the coop owners of Deseret Power. 14:07:16
9 And I thank you for the opportunity to come and comment 14:07:19
10 today. It's quite a drive over here, but it's 14:07:22
11 beautiful. 14:07:25

12 We live in rural America, and our coop 14:07:25
13 serves rural America. 14:07:29

14 Rural America doesn't have the economic 14:07:30
15 opportunities that urban America has. We struggle with 14:07:32
16 jobs. Many people in our community drive 60 to 14:07:36
17 100 miles a day, one way, to find jobs. 14:07:41

18 We struggle when we have input costs. 14:07:43
19 Transportation costs are more expensive. We just have 14:07:46
20 limited opportunities. 14:07:49

21 As a manager of the coop -- and it's been 14:07:50
22 mentioned before today -- I see many people who come 14:07:54
23 who don't have the resources to pay their power bill, 14:07:57
24 to keep their lights on, to keep their heat on. That's 14:07:59
25 a terrible struggle. 14:08:02

1 Forcing changes at Deseret would greatly 14:08:03
2 increase the burden on rural America. 14:08:08

3 Many years ago, the people that live in our 14:08:11
4 system were faced with a choice. They had to find 14:08:14
5 additional power. Together, they decided that they 14:08:20
6 would join with other coops and -- and form the Deseret 14:08:23
7 Generation Transmission, and build the Bonanza plant. 14:08:28

8 That decision was based on many, many 14:08:31
9 things, but one of them was that, together, we could 14:08:35
10 work to solve our solution -- or our problems. Find a 14:08:37
11 solution to keeping power costs down, so that our local 14:08:42
12 economies might thrive instead of suffer. It was based 14:08:45
13 on a decision that we would obtain the necessary 14:08:48
14 permits and comply and build a very nice, very clean 14:08:51
15 plant. We did the best we could at the time. 14:08:55

16 Then to come back in, years later, and say 14:08:57
17 we did it wrong, we should have done something 14:09:01
18 different, that's like Monday morning quarterbacking. 14:09:03
19 That doesn't solve anybody's problems. 14:09:06

20 We have many opportunities to do things 14:09:08
21 right, to do things well, and I think Bonanza's plant 14:09:10
22 does those in a major fashion. 14:09:14

23 I appreciate the work, that the employees 14:09:17
24 take a lot of pride in that plant. I've been there 14:09:18
25 many times. 14:09:20

1 I take people through there. They comment 14:09:21
2 on how clean it is, and how -- how much the employees 14:09:23
3 like to work there, because they take pride in the work 14:09:27
4 that they do. 14:09:29

5 I hope the EPA will consider the effect that 14:09:30
6 a dramatic rate increase would have on rural America. 14:09:34
7 It is really difficult to survive and thrive, and we 14:09:37
8 are a critical part of America. 14:09:41

9 I know we're not as big, we don't have as 14:09:43
10 many votes as the East Coast and the West Coast, but 14:09:46
11 Central America, center of America, the rural America, 14:09:50
12 is really an important part of our country, and I hope 14:09:53
13 you'll consider what change that would effect -- that 14:09:55
14 change would effect on rural America. 14:10:01

15 Thank you. 14:10:03

16 JUDGE SUTIN: Thank you, Mr. Rudden. 14:10:03
17 Next, if we could have Andy Hewitt. 14:10:05

18 ANDY HEWITT: I'm Andy Hewitt, A-N-D-Y, 14:10:13
19 H-E-W-I-T-T. 14:10:23

20 I'd like to thank the EPA for letting us 14:10:24
21 have the opportunity to comment here today. 14:10:27

22 I'm here today representing a community that 14:10:29
23 is served by Bridger Valley Electric, the town of 14:10:34
24 Lyman, Wyoming, and I serve as their mayor. 14:10:39

25 We're a community of about 2,000 people, 14:10:42

1 and -- and part of a community that is bigger than 14:10:45
2 that, of around 6,000. And everybody there is served 14:10:49
3 by Bridger Valley Electric, which is one of the six 14:10:52
4 coops that make up Deseret Power. 14:10:56

5 A 40 percent increase in their electric 14:11:02
6 rates affects every single person. It affects every 14:11:06
7 single person in this room. It affects every single 14:11:11
8 person in my community. 14:11:14

9 And when we have low, affordable, and 14:11:16
10 reliable electric rates, that makes us more 14:11:23
11 economically productive. We're more productive when we 14:11:27
12 don't have to worry about a 40 percent increase. We're 14:11:30
13 more productive when we can start new businesses, when 14:11:34
14 we don't have to worry about that extra added cost. 14:11:37

15 I think the people in my community would ask 14:11:39
16 the question, Why are you taxing me 40 percent? And I 14:11:44
17 don't have anything to say about it. 14:11:51

18 I think they take offense to that. I think 14:11:53
19 the people in our community hear about the talk around 14:11:59
20 as this being the war on coal, and I think they would 14:12:02
21 tell you that we need to really call it what it is, and 14:12:04
22 it's a war on prosperity and economic freedom. 14:12:07

23 And I once again would like to thank the 14:12:11
24 EPA, and I would encourage them to allow Deseret Power 14:12:13
25 to continue to operate under the permit that they have. 14:12:17

1 Thank you. 14:12:21

2 JUDGE SUTIN: Thank you, Mr. Hewitt. 14:12:23

3 Next, if we could have Dale Madsen. 14:12:24

4 DALE MADSEN: Good afternoon. My name is 14:12:35
5 Dale Madsen. M-A-D-S-E-N. 14:12:40

6 I work for Bridger Valley Electric in 14:12:44
7 Southwest Wyoming. I appreciate the EPA letting 14:12:47
8 us -- giving us a chance to voice our concerns over 14:12:50
9 proposed changes to Deseret's permit. 14:12:55

10 And I would just like to state, from the 14:13:02
11 beginning, when we first heard one of our tribal 14:13:03
12 members talk about "this," and "may," and some of the 14:13:06
13 words that were used in that, because we already know 14:13:10
14 that Deseret's one of the cleanest coal-fired 14:13:13
15 generation plants in the country. They went beyond 14:13:16
16 that on their own. 14:13:19

17 Restrictions weren't imposed by someone 14:13:24
18 else. They did that on their own. And to try and come 14:13:25
19 in, midway through a stream of their being able to 14:13:30
20 produce energy, doesn't seem quite right. 14:13:38

21 Where I live in Southwest Wyoming, you've 14:13:41
22 got to realize, as they talk about members, as a coop, 14:13:45
23 we're not producing energy and delivering that energy 14:13:50
24 for people to try and make money on. Any money that we 14:13:54
25 make goes back into our customers. And that's the 14:14:00

1 cooperative principle, and a non-profit organization. 14:14:03

2 So when you start to think about, you're 14:14:07

3 going to raise taxes, basically. This is a tax. It's 14:14:12

4 not a 40 percent rate increase, it's a 40 percent tax 14:14:16

5 increase on those customers. 14:14:19

6 And the EPA needs to really think about what 14:14:20

7 it's going to do with rural America. 14:14:24

8 You talk about high gas prices, gasoline 14:14:25

9 prices, it's another tax. 14:14:28

10 I was at a recent conference where we heard 14:14:30

11 a symposium where they talked about clean energy, and 14:14:36

12 solar and wind generation is going to try and replace 14:14:41

13 the 200 to 300 gigawatts of electricity produced by our 14:14:45

14 coal-fired power plants. It's not feasible. There's 14:14:49

15 no way you have a storage program where you can produce 14:14:52

16 that and keep that, especially for industrial 14:14:55

17 customers. 14:14:57

18 This isn't just going to affect just rural 14:14:58

19 America and a home. It's going to affect more jobs 14:15:01

20 than just the Uinta Basin, just those jobs at the coal 14:15:05

21 mine and at the Deseret Power plant. All of those 14:15:10

22 industrial customers that produce gas to get it from 14:15:15

23 Southwest Wyoming to all across America, to Southern 14:15:18

24 Utah, to Nevada, Colorado, all of those customers, 14:15:22

25 you've got to take into account, we're taking the -- in 14:15:25

1 the fact that those customers produce energy and send 14:15:28
2 it to you where you live. 14:15:33

3 If you think you're not going to be affected 14:15:34
4 by this, it's not going to happen. 14:15:36

5 We have a wind generation plant, wind 14:15:38
6 generation farm on our system. And the most efficient 14:15:44
7 wind generation farm will run about 28, 30 percent of 14:15:49
8 the time the most efficient. And what you need to 14:15:53
9 understand, and you're not going to replace 100 percent 14:15:55
10 coal-fired energy with a 28 percent efficient wind 14:16:00
11 farm. 14:16:04

12 If you're okay with your computer, your 14:16:04
13 refrigerator, your freezer, your air conditioner 14:16:08
14 running 28 percent of the time, it's not going to work. 14:16:11
15 So you have to take into effect, or take into account, 14:16:15
16 coal-fired power plants run America. They run the East 14:16:17
17 Coast and the West Coast. 14:16:23

18 If you remember when deregulation was trying 14:16:24
19 to get started and get going, the reason it didn't get 14:16:27
20 any traction is before that, California tried to go on 14:16:30
21 spot market and buy their power as it came. 14:16:34

22 And what happened? Governor Brown was at 14:16:37
23 the podium all the time talking about Brown-outs. And 14:16:40
24 that's exactly what's going to happen if you start to 14:16:43
25 impose these restrictions on our coal-fired power 14:16:46

1 plants. 14:16:49

2 They're already meeting or exceeding those 14:16:49

3 EPA requirements. And you've got to remember that 14:16:55

4 Bonanza did it on their own, before anybody else made 14:16:57

5 them. 14:17:00

6 And so I just would like you to take into 14:17:01

7 that account, with all of our customers. Not just the 14:17:04

8 rural customers, not just the tribe, but it's going to 14:17:08

9 affect you. It's going to affect the rest of America. 14:17:10

10 So thank you. 14:17:14

11 JUDGE SUTIN: Thank you, Mr. Madsen. 14:17:14

12 Mark Anderson? 14:17:16

13 MARK ANDERSON: Good afternoon. My name is 14:17:28

14 Mark Anderson. That's Mark with a K and Anderson with 14:17:35

15 an O. 14:17:38

16 I represent Deseret Power. I serve on their 14:17:39

17 board of directors. I also represent Flow Electric, a 14:17:44

18 small rural cooperative in Central Utah. I serve on 14:17:47

19 their board of directors as well. 14:17:51

20 And I guess I represent Anderson Farms. My 14:17:52

21 wife and I have a small family farm there in Central 14:17:56

22 Utah. 14:17:59

23 Back in the late '70s/early '80s, we were 14:18:01

24 told that we had to acquire our own source of power. 14:18:04

25 We had the MX Missile that was supposedly coming into 14:18:07

1 the western U.S., we had the oil shale that was being 14:18:10
2 developed, and we were told we had to have our own 14:18:13
3 power plant. It could not be gas, it had to be coal or 14:18:17
4 nuclear. 14:18:21

5 That's when these six coops got together and 14:18:23
6 formed Deseret Power. And we put it in as a coal unit, 14:18:25
7 because that's the option we were told we had. 14:18:29

8 These small coops took on a lot of financial 14:18:31
9 obligations in order to build this plant. And by the 14:18:37
10 time the plant was actually built and ready to go, MX 14:18:40
11 Missile had gone away, the oil shale boom had gone 14:18:44
12 away, and the plant was almost 100 percent excess 14:18:47
13 capacity. And it made for a very difficult financial 14:18:49
14 time for all of the cooperative, and all of the members 14:18:53
15 of them. 14:18:55

16 We applaud the tribe for looking into the 14:18:56
17 possibility of using the natural resources that God has 14:19:00
18 given them to try to make life better for the people 14:19:04
19 here in the Uinta Basin and people in the Western 14:19:08
20 United States. And it would appear to me that there's 14:19:11
21 an opportunity to schedule that type of a development, 14:19:14
22 so that you don't end up with a plant that you've got 14:19:16
23 built that's excess capacity. 14:19:18

24 Deseret's about half way through its life 14:19:20
25 expectancy. I would think that, with a little bit of 14:19:23

1 planning, it would be possible to integrate your 14:19:27
2 resources so that they come on-line about the time that 14:19:30
3 our resources reached its end of its useful life. 14:19:33

4 I've been farming down in Central Utah for 14:19:36
5 almost 30 years now. After 30 years, I still think, 14:19:41
6 Well, if I can just get through this year, I know next 14:19:45
7 year will be better. 14:19:48

8 I often tell people it's a good life and a 14:19:49
9 poor living. 14:19:51

10 One of my biggest expenses on my farm is the 14:19:53
11 power that it takes to pump the water out of the ground 14:19:56
12 so that we can irrigate. As you've traveled into this 14:19:58
13 part of the Uinta Basin, you've seen many examples of 14:20:01
14 the difference it makes between the land that's 14:20:06
15 irrigated and the land that's not. Nothing grows 14:20:07
16 without extra water in this part of the country. 14:20:10

17 A significant rate increase to me would be 14:20:13
18 devastating. 14:20:17

19 And one thing that people often forget is 14:20:17
20 that no matter what type of an increase you put on a 14:20:21
21 company, whether it be a coop or even an 14:20:24
22 investor-owned, when it comes right down to it, it's 14:20:27
23 the people at the end of the line that pay for 14:20:29
24 everything. 14:20:31

25 And I would encourage the EPA to consider 14:20:31

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

1 Ely, McGill, and Ruth. 14:22:02

2 Garrison, a small town of Garrison and Lund, 14:22:04

3 generated their own power. They would shut it off at 14:22:06

4 10:00 at night, and at six o'clock in the morning 14:22:09

5 they'd start it back up. And Eureka Light & Power 14:22:12

6 served Eureka and Diamond Valley. 14:22:15

7 In 1971, Sierra Pacific constructed a 14:22:17

8 transmission line across the state of Nevada, with 14:22:19

9 approximately 300 miles, and we took service at both 14:22:23

10 Ely and Eureka. 14:22:26

11 Mt. Wheeler had power contracts at that time 14:22:28

12 with Western Area Power Administration and Sierra 14:22:32

13 Pacific. And then, when we became a member of Deseret, 14:22:35

14 in 1978, when the -- with the completion of the 14:22:39

15 Hunter II plant. 14:22:44

16 Our service territory includes seven 14:22:45

17 counties in two states. We serve in parts of three 14:22:48

18 counties in Western Utah: Tooele, Juab, and Millard 14:22:51

19 counties. In these counties we -- they're very small 14:22:55

20 communities like Callao and Trout Creek, which has the 14:22:59

21 West Desert School K through 12, with an enrollment of 14:23:02

22 22 students. Ibapah and the Goshute Indian 14:23:06

23 Reservation, which is also a small -- which also serves 14:23:11

24 in the small portion of Nevada, has an elementary 14:23:13

25 school up to sixth grade with 22 students. Seven of 14:23:15

1 those students drove 69 miles to Wendover to school. 14:23:19

2 Last year, our -- we -- we served 209 14:23:24

3 residents -- residential consumers in Utah. 45 of 14:23:30

4 those are irrigation accounts. And that's about 379 14:23:33

5 consumers, and that's about 1.72 miles per consumer. 14:23:38

6 In Nevada, we serve all of White Pine 14:23:41

7 County, parts of Eureka, Nye, and Elko counties, and 14:23:44

8 eastern Nevada, eastern part of the state. We served 14:23:47

9 approximately 16,000 square miles. Last year we served 14:23:51

10 7,381 consumers. 14:23:56

11 And that's about 3.44 customers per mile. 14:23:58

12 In Nevada, we serve the Great Basin National 14:24:02

13 Park, the only national park in Nevada. Two indian 14:24:04

14 reservations, Shoshone and the Duckwater. Duckwater 14:24:07

15 has an elementary school up to K-8, with 15 students. 14:24:11

16 Four of those students have to travel 40 miles -- or 14:24:15

17 excuse me, 60 miles to Eureka, 40 of those miles on a 14:24:19

18 dirt road. 14:24:22

19 And, of course, Ely is our largest town. 14:24:23

20 Lund and Preston, 35 miles south of Ely, a 14:24:27

21 small farming community, they also are K through 12, 14:24:31

22 with about 97 students. 14:24:35

23 Jackson, age nine, and Makenna, age seven, 14:24:36

24 my grandchildren, attend the Lund Elementary School. 14:24:41

25 Two of my son-in-laws work for Carter Agri 14:24:45

1 Systems, a family-owned business, selling and servicing 14:24:47
2 farm equipment, with a large cattle ranch and with 14:24:51
3 several irrigations accounts. 14:24:53

4 Currant and Railroad Valley serves oil wells 14:24:55
5 and irrigation aaccounts. 14:24:58

6 Eureka services many mining operations, and 14:24:59
7 Diamond -- and also in Diamond Valley. The switch is 14:25:02
8 about half of our irrigation accounts. 14:25:05

9 The Goshute and Duckwater Indian 14:25:08
10 Reservations have been working with us to install a 14:25:10
11 solar farm. 14:25:13

12 In 1986, when Deseret began their operation, 14:25:15
13 Mt. Wheeler sold approximately 126 million kilowatt 14:25:19
14 hours. Last year we sold 562 million kilowatt hours. 14:25:22
15 That's an increase of 346 percent. 14:25:26

16 In 1993, Deseret implemented a pass-through 14:25:29
17 heat rate, which we passed on to our residential and 14:25:34
18 commercial consumers. 14:25:37

19 The sales began with about 3 million 14:25:38
20 kilowatt hours, and last year we sold over 25 million 14:25:41
21 kilowatt hours. 14:25:44

22 Our residential has increased 147 percent, 14:25:45
23 and irrigation increased 144 percent. 14:25:50

24 If Deseret was required to install a new 14:25:53
25 emissions restrictions, the impact of a 40 percent 14:25:56

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

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

1 and Eastern Nevada, before that time and while I worked 14:28:45
2 out there in the summers as a teenager, we used 14:28:48
3 engine-driven pumps, wood stoves, and kerosene lamps. 14:28:53
4 I have seen nights where there was not a single light 14:28:57
5 visible in a community for 30 miles because there was 14:29:01
6 no electricity to use. 14:29:04

7 Mt. Wheeler receives its electricity from 14:29:06
8 the Bonanza Power Plant, and the non-profit nature of 14:29:06
9 our cooperative has kept our rates reasonable so that 14:29:09
10 they can support our agricultural-based economy. 14:29:12

11 One of the significant characteristics of 14:29:15
12 our area, and it's been mentioned by others, is that we 14:29:17
13 have no affordable alternative fuel as a heating 14:29:20
14 source. 14:29:24

15 Unlike the Basin and the urban areas of 14:29:25
16 Utah, our closest natural gas is 90 miles away, and our 14:29:27
17 propane supplier is 75 miles away, and our propane 14:29:31
18 costs average about \$3.50 a gallon. 14:29:35

19 Electric heat for my home and my shop 14:29:38
20 building last winter cost approximately \$1,500. Using 14:29:42
21 propane would have cost over \$5,000, more than three 14:29:47
22 times the cost of electric heat. 14:29:51

23 And electric heat is 100 percent efficient 14:29:53
24 in its use, as opposed to propane, which is not. 14:29:55

25 This example represents just my personal 14:29:58

1 situation, and there are dozens of families similarly 14:30:02
2 affected in the area of Snake Valley. 14:30:05

3 The Bonanza Power Plant is a critical 14:30:08
4 resource for our economy, and I'm concerned that the 14:30:10
5 EPA may impose additional requirements and lower permit 14:30:13
6 limits on the Bonanza that will result in significant 14:30:17
7 power costs -- power cost increases to the businesses 14:30:20
8 and families in Snake Valley. 14:30:24

9 Some estimates of these increases, cost 14:30:27
10 increases, are upwards of 40 percent. Using that 14:30:31
11 number, my personal costs for just heating, which is 14:30:34
12 essential in our climate, would increase by over \$600 14:30:37
13 per year, and my personal electrical costs would 14:30:42
14 increase, total costs, by well over \$1,000. 14:30:44

15 Just that increase exceeds my annual 14:30:47
16 property taxes in the area where I live. 14:30:53

17 Agricultural profits are small, if they 14:30:56
18 exist at all, and the overall impact in our valley 14:30:59
19 would be to reduce our ability to develop a strong 14:31:02
20 economy and provide a future for our families. 14:31:05

21 One of the characteristics of Great Basin 14:31:08
22 National Park is it's one of the few dark site areas in 14:31:12
23 the country. A place that has minimal light pollution 14:31:15
24 and minimal air pollution, and it's prized for 14:31:18
25 stargazing. There are a lot of events during the 14:31:22

1 summertime where people come out to the park for just 14:31:24
2 that purpose. 14:31:26

3 And one of the things that having electric 14:31:26
4 heat available to us has done is it's reduced the 14:31:30
5 amount of wood burning, and the air pollution that goes 14:31:33
6 with it, in our area. 14:31:35

7 So as it's been mentioned before, if we see 14:31:37
8 significant rate increases for electric heat, we'll 14:31:40
9 also see significant air pollution in a very pristine 14:31:42
10 airshed. 14:31:46

11 Bonanza currently operates within the 14:31:47
12 requirements of its operating permit, and I urge EPA 14:31:50
13 not to impose additional high-cost control systems at 14:31:53
14 Bonanza, which will have significant effects on 14:31:57
15 people's lives in other places. For those who depend 14:31:59
16 on the Bonanza Power Plant, the future is as stake. 14:32:03

17 Thank you. 14:32:07

18 JUDGE SUTIN: Thank you, Mr. Anderson. 14:32:07

19 Next, if I can have Rick Morrell. 14:32:09

20 RICK MORRELL: Good afternoon. My name is 14:32:25
21 Rick Morrell. I'm the president of United Mine Workers 14:32:28
22 local 1984. 14:32:31

23 Our work force, or our membership supplies 14:32:33
24 the workforce for Deserado Mine. Myself, I've worked 14:32:36
25 in the coal industry since 1981. I've been employed at 14:32:41

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

1 Bitter Creek in the Book Cliffs. 14:34:25

2 My great grandfather came into an area south 14:34:28
3 of here in 1873. It's called -- it's now called Hill 14:34:33
4 Creek. And that -- and in about 1880 there, the 14:34:38
5 government came and -- and told him, and everybody 14:34:42
6 else, to get out. That they were dissolving the Ute 14:34:46
7 Reservation on the western slope of Colorado and moving 14:34:51
8 it over here. 14:34:54

9 So he then, him and six other guys from this 14:34:57
10 area, went over and started the town of Rangely. 14:34:59

11 And he started a trading post there, and 14:35:02
12 then a few years later moved to Bitter Creek, which is 14:35:05
13 why I mentioned that. Right along the Utah State line 14:35:08
14 in the Book Cliffs. And on that ranch there, my 14:35:12
15 grandkids will -- or are, right now, the sixth 14:35:16
16 generation to live on that ranch. 14:35:22

17 When I was a kid growing up, they were 14:35:26
18 dependent on a generator for electricity, and -- and 14:35:29
19 then on propane, which was unreliable, as has been 14:35:34
20 mentioned before. 14:35:40

21 And a lot of times we'd be sitting in the 14:35:40
22 dark, waiting for my dad to get home, because my mother 14:35:42
23 couldn't start the generator and that. 14:35:45

24 And so in 1968, that is when we first got 14:35:48
25 electricity on the ranch. Moon Lake Electric brought 14:35:54

1 it in. And now we have water wells, and lots of other 14:35:57
2 facilities that run on electricity on the place. 14:36:00

3 And others contemplated that we could put it 14:36:07
4 together, but . . . 14:36:09

5 Anyway, I would certainly hate to see our 14:36:11
6 rates go up by 40 percent and stuff, because that 14:36:15
7 would -- that would have a tendency to shut down any 14:36:19
8 further development that we might do out there, such as 14:36:21
9 irrigation pumps or whatever like that, but . . . 14:36:25

10 And that's me personally there. 14:36:29

11 Now, as a county commissioner, we're having 14:36:32
12 a real hard time with the idea of the -- of that same 14:36:35
13 thing, of potentially 40 percent rates going up for our 14:36:40
14 citizens, or that the power plant and/or coal mine 14:36:44
15 might be shut down, and that -- and the representative 14:36:51
16 loss of jobs. 160, I believe is the number of direct 14:36:55
17 jobs in the town of Rangely itself. 14:37:00

18 And then -- and then the loss of \$12 million 14:37:02
19 approximately of tax money, in all of Northwest 14:37:07
20 Colorado and that. 14:37:11

21 And so that has a tendency, you know, to 14:37:12
22 stifle the work that we can do as a county for services 14:37:18
23 for our people too. 14:37:22

24 So I would like to urge that the EPA allow 14:37:23
25 Deseret to continue to operate with the permit that 14:37:30

1 they have now and that. 14:37:32

2 And if the tribe builds a new generator, 14:37:34

3 then we'd have competition, and have more electricity, 14:37:39

4 and everything will be better for everybody around, I 14:37:45

5 believe. 14:37:48

6 So thank you. 14:37:48

7 JUDGE SUTIN: Thank you, Mr. Hill. 14:37:50

8 Next, Jennifer Hill. 14:37:51

9 JENNIFER HILL: Round two. 14:37:57

10 Again, Jennifer Hill. H-I-L-L. I am 14:37:59

11 president of the Rangely RE4 school board, and I am 14:38:04

12 here on behalf of them, to make sure the EPA 14:38:07

13 understands the long-reaching effects that this will 14:38:10

14 have, not just on the communities but on our schools as 14:38:13

15 well. 14:38:16

16 As most people know, most of our funding 14:38:16

17 comes from property taxes. If and when this kills all 14:38:19

18 of our local economies and puts us into a pretty good 14:38:24

19 depression, property taxes are going to plummet, and 14:38:27

20 our schools will no longer be able to function at the 14:38:30

21 level we are now. We will not be able to provide the 14:38:34

22 education and the teachers that we can now, and it will 14:38:36

23 really hurt that generation coming up through our 14:38:40

24 schools right now. 14:38:42

25 On a personal note, if the Ute Tribe wants 14:38:43

1 to build a natural gas plant, I'm all for that. 14:38:47

2 Competition is always great. 14:38:51

3 However, the federal government and the EPA 14:38:53

4 should not be in the business of picking winners and 14:38:55

5 losers, and of revoking a permanent -- or a permit that 14:38:58

6 is currently issued in order to make that easier for 14:39:02

7 another competition coming in. 14:39:05

8 Thank you. 14:39:08

9 JUDGE SUTIN: Thank you, Miss Hill. 14:39:10

10 Next, if we could have Justin Sweep? 14:39:14

11 JUSTIN SWEEP: I'm Justin Sweep. 14:39:24

12 J-U-S-T-I-N, S-W-E-E-P. 14:39:28

13 And I am a manager of finance and officer of 14:39:29

14 Bridger Valley Electric up to Southwest Wyoming. 14:39:33

15 Just over the last few years, I've come in 14:39:36

16 as an accountant, to kind of do a number as you balance 14:39:38

17 everything, make it all work. 14:39:40

18 Part of my job now is to oversee the billing 14:39:41

19 and collections side of that. And specifically, I'm 14:39:44

20 referring to the collections in the last little bit, 14:39:46

21 getting to know that and see kind of the human element 14:39:48

22 of how this all ties in. 14:39:51

23 I am probably about a week and a half away, 14:39:52

24 I got a call from one of our members named Brian, about 14:39:54

25 two hours out from our headquarters. And he had a 14:39:57

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

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

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

1 There have been a lot of changes since those 14:44:08
2 days in the '50s. We now have a very good, reliable 14:44:10
3 source of electricity from the Bonanza power plant, 14:44:13
4 which has made it possible for our valley to grow and 14:44:16
5 prosper. 14:44:18

6 We have a large population of senior 14:44:19
7 citizens. People who have lived their whole life in 14:44:21
8 Bridger Valley and are now retired. I'd like to 14:44:24
9 mention two of them, if I may for just a minute. 14:44:26

10 My Aunt Blanche Bradshaw is age 93, and my 14:44:29
11 stepfather -- and she is widowed. And my stepfather, 14:44:32
12 who is Gene Zadra, who is 92. He's also widowed. 14:44:36

13 They live kitty-corner across from each 14:44:42
14 other in Lyman, Wyoming. My Aunt Blanche had two 14:44:44
15 brothers killed in World War II, and her husband was a 14:44:49
16 veteran of World War II. 14:44:50

17 Gene Zadra fought three years in 14:44:50
18 World War II. His best friend was killed right beside 14:44:52
19 him by an attacking aircraft. 14:44:55

20 Both families have served their country with 14:44:58
21 pride and honor, and paid a high price for the freedoms 14:45:00
22 we all enjoy. 14:45:04

23 Since then, their stories are fairly 14:45:05
24 similar. 25 years ago, when they both retired, they 14:45:06
25 would have been considered rich by standards in Bridger 14:45:09

1 Valley. 14:45:11

2 However, today, due to inflation and rising 14:45:12

3 prices on everything that they consume, they spend much 14:45:17

4 of their time worrying about every penny as they wait 14:45:19

5 to die. 14:45:22

6 My stepfather, Gene, spends much of his time 14:45:23

7 sitting in the -- in a small -- or sitting next to a 14:45:26

8 small gas stove in his living room, with the lights out 14:45:29

9 and the curtains drawn, so he can conserve energy and 14:45:31

10 not have to pay the high price. 14:45:35

11 Sometimes he does watch TV, but usually when 14:45:37

12 he does it's only when the Broncos are playing. 14:45:39

13 As a society -- 14:45:42

14 This is the part I'd like to stress. As a 14:45:46

15 society, we should be ashamed of ourselves to even 14:45:49

16 consider increasing electrical rates, when it is not 14:45:51

17 necessary, just to impede -- just to appease an 14:45:54

18 environmental group that opposes coal. 14:45:57

19 The Bonanza Power Plant is a very good asset 14:46:00

20 to this area. It's continually operated within the 14:46:03

21 limits of its permit. 14:46:06

22 I support the Bonanza Power Plant. I also 14:46:08

23 support every man and woman who get up and pulls on a 14:46:11

24 pair of boots every day and goes out and goes to work 14:46:14

25 in the coal mine or the power plant. They're the 14:46:17

1 backbone of this country. They produce all of the 14:46:20
2 revenue that the United States Government uses, and we 14:46:23
3 shouldn't harm them or their jobs either. 14:46:26

4 Thank you very much. 14:46:28

5 I also have with me 57 letters, comments for 14:46:30
6 the EPA. They include the Chamber of Commerce of 14:46:36
7 Bridger Valley. They include many different businesses 14:46:43
8 in Bridger Valley. They include the mayor in Bridger 14:46:46
9 Valley -- another mayor in the town of Mountain View in 14:46:50
10 Bridger Valley. 14:46:52

11 They also include -- let's see. Who else 14:46:53
12 gave me a letter? 14:46:58

13 Oh, the senior citizens group gave me a 14:46:59
14 bunch of letters. 14:47:01

15 So I would like to submit all of them at 14:47:02
16 this time, plus my comments right here. Thank you. 14:47:05

17 JUDGE SUTIN: Thank you, Mr. Charles. 14:47:07
18 Next, Robert Mackey? 14:47:09

19 ROBERT MACKEY: Hi. Thank you for letting 14:47:26
20 me talk. 14:47:27

21 My name is Robert Mackey. M-A-C-K-E-Y. 14:47:27
22 I am a coal miner. Very proud to be a coal 14:47:30
23 miner, to provide electricity for our country. My son 14:47:34
24 is also a coal miner. 14:47:38
25 I am also a -- I'm not also, I was, until 14:47:39

1 last week, a board member on the local hospital board 14:47:42
2 in Rangely. 14:47:47

3 The impact of the coal mine shutting down in 14:47:47
4 Rangely, to the hospital and to other tax districts, 14:47:54
5 would be phenomenal. 14:47:58

6 The 165 jobs off the top, then the other 14:48:00
7 jobs that we'd lose in the community on top of that, to 14:48:06
8 support that mine -- that the mine supports, 14:48:09
9 would -- would devastate the community as a whole. 14:48:13

10 The schools, as previously mentioned, 14:48:15
11 property values, tax monies for the rec district and 14:48:18
12 the water districts, the possible health impacts on 14:48:24
13 western Rio Blanco County would be severe. 14:48:30

14 And we are a hospital that is 14:48:34
15 roughly -- nearest hospital is 54 miles away, roughly? 14:48:37
16 From us? That's a long ambulance ride, by any means. 14:48:40

17 We would have no prenatal, no -- no 14:48:44
18 healthcare whatsoever. 14:48:48

19 So the tax monies at the mine and the other 14:48:52
20 jobs generated by the mine are crucial to our -- to the 14:48:56
21 operation of the hospital. Although I'm no longer a 14:49:01
22 board member, I believe this to be true, and always 14:49:03
23 have, and I'm -- I believe later on there will be other 14:49:07
24 people from the hospital here to say this also. 14:49:10

25 Other businesses in the community probably 14:49:13

1 would also cease to exist. At risk, I believe is a 14:49:19
2 college and Chevron's operations. 14:49:23

3 A comment before I leave is, I believe the 14:49:25
4 WildEarth Guardians to be anti-coal. We all know that. 14:49:32
5 They're also anti-nuclear, and anti-gas and oil, by 14:49:34
6 their own publications. In short, they're anti 14:49:38
7 everything, and we would all be in the dark, freezing 14:49:42
8 to death. 14:49:44

9 Don't be fooled, they're not your friends. 14:49:45
10 Thank you for your time. 14:49:49

11 JUDGE SUTIN: Thank you. 14:49:50
12 Thank you, Mr. Mackey. 14:49:52
13 Next, if we could have Gary Nix. 14:49:53

14 G-A-R-Y N-I-X: Gary Nix. It's N-I-X. 14:50:09
15 Hello. My name is Gary Nix, and I live in 14:50:11
16 Southwest Wyoming. 14:50:16

17 First, I wanted to thank you for listening 14:50:17
18 to and considering our comments. 14:50:19

19 I'm a director for Bridger Valley Electric 14:50:21
20 Coop, that serves a lot of the southwest corner of the 14:50:26
21 state. 14:50:29

22 Any more regulation on Deseret, our power 14:50:30
23 supplier, will only further damage our economy, our 14:50:34
24 private consumers, and the commercial businesses we 14:50:37
25 serve. 14:50:41

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

1 served by Bonanza. 14:52:12

2 I hope and pray that you will realize the 14:52:13

3 magnitude of the effects that more regulations and 14:52:17

4 higher electric rates would impose on every man, woman, 14:52:21

5 and child in our communities. 14:52:26

6 Thank you for your compassionate 14:52:27

7 consideration and your decision. 14:52:30

8 JUDGE SUTIN: Thank you, Mr. Nix. 14:52:32

9 Next, if we could have Shane Aplanalp? I am 14:52:33

10 sorry if I'm butchering that. 14:52:41

11 SHANE APLANALP: There's only a handful of 14:52:45

12 people in the state that can say that right, so . . . 14:52:48

13 It's Shane, S-H-A-N-E. Last name, Aplanalp, 14:52:50

14 A-P-L-A-N-A-L-P. 14:52:53

15 I'm employed at the Deserado mine, and I 14:52:55

16 would like to talk about the type of jobs that will be 14:53:00

17 affected. 14:53:03

18 As a financial secretary for the local union 14:53:04

19 there, one of the honors and responsibilities that I 14:53:06

20 have is I get to do the orientations of the new hires. 14:53:10

21 And I can honestly say that probably nine out of ten of 14:53:13

22 the new hires that come in, when I ask them, Why did 14:53:16

23 you leave that other coal mine? Why did you leave the 14:53:18

24 oil and gas industry to come to Deserado? Nine out of 14:53:20

25 ten of them say because they have families, and they 14:53:25

1 want something stable. And that's what we have here. 14:53:27

2 A lot of them say they want to go to a safer 14:53:29

3 mine. As Rick talked about earlier, we have a very 14:53:32

4 safe mine. Our workers take pride in the safety record 14:53:35

5 that we have. 14:53:39

6 And being a captive mine, we are dependent 14:53:41

7 on this power plant. 14:53:43

8 Our railroad is not anywhere close to being 14:53:46

9 able to be tied into a main line. So we couldn't sell 14:53:48

10 our coal in the open market realistically, even if we 14:53:51

11 wanted to. We exist because the power plant exists. 14:53:54

12 Issue or denial of the permit would not just 14:53:58

13 affect our workers, but their families that have set 14:54:02

14 down deep roots in our communities. We are not 14:54:04

15 transient workers that will move easily. Our families 14:54:07

16 would gut the social infrastructures of towns like 14:54:10

17 Rangely and Vernal if forced to leave after losing 14:54:14

18 their jobs. 14:54:16

19 My mentor, hero, slash grandfather used to 14:54:17

20 say, If it isn't broke, don't fix it. And we have a 14:54:20

21 clean coal mine. Clean source of power that is 14:54:23

22 affordable. It isn't broke. I don't think there's 14:54:27

23 anything that needs fixed here. 14:54:30

24 On behalf of these communities, I would like 14:54:31

25 to urge the EPA to issue this permit and allow us to 14:54:33

1 keep making clean and affordable power. 14:54:39

2 Thank you. 14:54:41

3 JUDGE SUTIN: Thank you. 14:54:42

4 Next, if we could have Brad Rouse? 14:54:42

5 BRAD ROUSE: Brad Rouse. It's B-R-A-D, 14:54:48

6 R-O-U-S-E. 14:55:04

7 I've worked for Blue Mountain 14:55:05

8 Energy/Deserado mine. I'm a -- I'm on the board for 14:55:08

9 the local union there, Local 1984. 14:55:13

10 I was born and raised in Rangely. Went to 14:55:16

11 school in Rangely. Had counseling, you know, as a high 14:55:21

12 schooler, getting ready to graduate, as to what I 14:55:26

13 wanted to be in life. Where I wanted to go. And I 14:55:29

14 didn't want to go nowhere. I wanted to be in Rangely. 14:55:33

15 That's my town. It's where I want to be. It's where I 14:55:36

16 want to raise my kids. 14:55:39

17 And I've had the honor to work out there now 14:55:40

18 for 17 years. I've been there everywhere from 14:55:44

19 underground to the Trent plant where they wash the 14:55:48

20 coal. I currently work on the railroad, where we 14:55:52

21 deliver the coal to the power plant. 14:55:54

22 I'd have to say Deseret Power is a 14:55:56

23 fine-tuned machine, that's ran by good people, who will 14:56:01

24 implement any technology to make it a better place, and 14:56:05

25 I believe they do. 14:56:09

1 That's about all I've got to say. 14:56:12

2 JUDGE SUTIN: Thank you, Mr. Rouse. 14:56:14

3 Okay. I'm going to apologize up front for 14:56:21

4 butchering this. Boudicca? Joseph? 14:56:27

5 Did I get that wrong? I apologize. 14:56:31

6 BOUDICCA JOSEPH: That's okay. I'm used to 14:56:33

7 it. 14:56:35

8 Boudicca Joseph. And that's spelled 14:56:36

9 B-O-U-D-I-C-C-A, and then Joseph, J-O-S-E-p-H. 14:56:42

10 I live in Big Water, Utah, which is near the 14:56:46

11 Utah-Arizona border near Lake Powell. Drove nine hours 14:56:51

12 to come up, and I appreciate the opportunity to be 14:56:55

13 heard today. 14:56:58

14 I serve on the board of directors for 14:56:58

15 Garkane Energy, and we're very, very grateful for the 14:57:03

16 Bonanza and the Deserado mine, for the low utility 14:57:05

17 rates that we enjoy. 14:57:09

18 I've been a real estate broker in the little 14:57:11

19 town of Big Water, 430 population. And most people 14:57:14

20 that live there are there because they can't afford to 14:57:17

21 live anywhere else. There's a lot of single-wide 14:57:19

22 mobile homes. 14:57:22

23 My neighbor -- neighbors, Kay and Marie, I 14:57:23

24 was talking to them about coming here to testify, and I 14:57:28

25 said, So, Kay, what percentage of your income is your 14:57:30

1 power bill? And even as low as our rates are, it's 14:57:34
2 25 percent of his Social Security income. 14:57:38

3 Now, his wife, Marie, got breast cancer, and 14:57:41
4 they have to drive all the way to St. George, which is 14:57:46
5 a 130-mile drive, to get medical treatments. Her pain 14:57:49
6 medication is \$100 a month. Now, a 40 percent increase 14:57:54
7 in the power bill is devastating. They would not be 14:57:58
8 able to afford that pain medication. 14:58:02

9 You know, Garkane Energy spent a lot of 14:58:04
10 money on environmental impact statements to build a new 14:58:08
11 power line, and we spared no expense to protect the 14:58:10
12 life of a single gopher/prairie dog. And sometimes I 14:58:14
13 wonder -- 14:58:18

14 You know, Environmental Protection Agency, 14:58:18
15 you know, it makes me think about being in biology 14:58:23
16 class and studying ecosystems. You know, and 14:58:27
17 ecosystems are a very delicate balance. And somehow it 14:58:29
18 seems that the human element is being completely 14:58:32
19 ignored when we talk about clean air quality. 14:58:34

20 And granted, there is a risk. I hear what 14:58:39
21 the tribe is saying about the, you know, potential 14:58:43
22 risks of asthma. Well, if you can't buy food today, 14:58:47
23 the fact that you might get asthma in 10, 15, 20 years, 14:58:50
24 is pretty insignificant. 14:58:54

25 The cost of poverty is huge. And when you 14:58:56

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

1 I have five children ranging in age from 15 15:00:15
2 to a one-year-old. My 15-year-old, my 12-year-old, and 15:00:18
3 my 10-year-old, have all been diagnosed with asthma. 15:00:21

4 The air quality in the Vernal area is much 15:00:25
5 better than most of the other areas of Utah, especially 15:00:27
6 the Logan area and the Salt Lake area, where we were at 15:00:31
7 before we moved down here. My children's asthma 15:00:34
8 symptoms have been less since we've been in the Vernal 15:00:36
9 area than they were in any of the other areas in which 15:00:39
10 we lived. 15:00:42

11 I do not think that the air quality is 15:00:42
12 causing problems with their asthma. 15:00:45

13 Using that as an excuse to have people look 15:00:47
14 at higher, stricter regulations on our power plant, 15:00:50
15 doesn't hold water with me. I can see what it does to 15:00:54
16 my children and their asthma, and what they deal with 15:00:56
17 on a daily basis. 15:00:59

18 The Bonanza Power Plant has been running 15:01:00
19 under the permits that they have for the last 14, 15:01:03
20 15 years. They haven't made a significant increase in 15:01:06
21 the pollutants that they put into the air, yet we've 15:01:08
22 seen a continual rise in the pollution in the area. 15:01:13

23 It can be attributed to the growth of the 15:01:16
24 oil and gas field in the area. The number of trucks 15:01:19
25 that are on the road. The diesel particulate that's 15:01:22

1 put into our low area comes from those. 15:01:26

2 The stack at the Bonanza is 600 feet high. 15:01:27

3 It's putting most of the stuff that it puts into the 15:01:30

4 air above the inversion zone that we get in the 15:01:32

5 wintertime here. 15:01:35

6 If you look at photographs of that plume 15:01:36

7 during the winter inversion, you can see where the air 15:01:38

8 sits low, and where the emissions from that stack go 15:01:40

9 way above that zone. 15:01:45

10 There's been several studies that prove that 15:01:47

11 the Bonanza plant does not significantly increase the 15:01:49

12 pollution in the area during our winter inversion 15:01:52

13 months. I don't think that it would be reasonable for 15:01:55

14 the EPA to impose stricter regulations on the Bonanza 15:01:57

15 plant at this time, when there are other things that 15:02:00

16 are causing more significant pollution in our air. 15:02:03

17 Thank you. 15:02:06

18 JUDGE SUTIN: Thank you, Mr. Larson. 15:02:06

19 Next, if we could have Allen -- I think it's 15:02:12

20 Hillard? 15:02:18

21 ALLEN HILLARD: Allen Hillard. 15:02:27

22 H-I-L-L-A-R-D. I'm going to read a statement, because 15:02:33

23 I'd talk to much if I didn't. 15:02:37

24 My name is Allen Hillard, and I have been 15:02:39

25 the mine manager at the Deserado mine the last 15:02:42

1 18 years. 15:02:44

2 We supply all of the fuel to the Bonanza 15:02:45

3 Power Plant. If the Bonanza Power Plant is shut down 15:02:50

4 or converted to a gas fuel, the mine will close. This 15:02:54

5 will eliminate 161 jobs at the mine, as well as 15:02:58

6 numerous other jobs associated and supporting the mine. 15:03:00

7 This is a very complex issue, and it is 15:03:04

8 difficult to develop the best solution for all parties 15:03:07

9 to accept. 15:03:10

10 The WildEarth Guardians' approach to 15:03:11

11 solutions for this problem are expressed on their Web 15:03:15

12 page as stated in part of their vision statement. 15:03:18

13 "We need to continue to intensify our 15:03:21

14 efforts to prevent oil and gas drilling, shutter 15:03:24

15 coal-fired plants, and tackle new coal mining plants 15:03:30

16 throughout the West." 15:03:33

17 This simplistic, uninformed approach is 15:03:34

18 great for public consumption, but it does not take into 15:03:38

19 consideration the overall impact of these decisions on 15:03:41

20 people. 15:03:44

21 I have recently moved from a home in 15:03:45

22 Rangely, Colorado in preparation for retirement. 15:03:49

23 Rangely is supplied power by the Bonanza Power Plant, 15:03:53

24 and the power is very reliable and one of the lowest 15:03:57

25 cost sources of power in the country. 15:04:00

1 I now live 70 miles away, and my source of 15:04:02
2 power is from a company that is in the process of 15:04:06
3 increasing the percentage of renewable sources and 15:04:09
4 converting coal-fired power plants to gas, as ordered 15:04:14
5 by the state of Colorado. 15:04:18

6 The costs for my power has now not increased 15:04:19
7 by 40 percent, but is exactly doubled, on a per 15:04:24
8 kilowatt hour basis. I'm okay with that, because I can 15:04:27
9 afford that financially. I'm in the situation where I 15:04:32
10 can afford it. 15:04:34

11 If I think about my children, who are 15:04:35
12 starting careers, or my 82-year-old mother-in-law, or 15:04:37
13 friends who are struggling, I feel bad because they 15:04:41
14 will not be able to afford this kind of power cost. 15:04:43

15 Is it right to put people in a position to 15:04:46
16 have to make decisions of putting food on their table 15:04:49
17 or paying the power bill? 15:04:52

18 New regulations continue flying out of 15:04:54
19 Washington, and for us, the state of Colorado, on an 15:04:58
20 almost weekly basis. And I am sure, living in the 15:05:02
21 country we live in, solutions can be developed that 15:05:06
22 help everyone without destroying the life we enjoy as a 15:05:09
23 nation, and also not destroying the middle class 15:05:15
24 America with extra financial burdens. Thank you. 15:05:17

25 JUDGE SUTIN: Thank you, Mr. Hillard. 15:05:20

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

1 My name is Stewart Sanderson, and I'm the 15:06:45
2 president of the Colorado Mining Association. 15:06:50

3 We have more than 1,000 members engaged in 15:06:53
4 the mining industry, in the mining of coal and other 15:06:59
5 minerals throughout Colorado and the West, and I'm very 15:07:01
6 proud to say that many are in the audience here today. 15:07:05

7 Before I begin my brief statement, I would 15:07:08
8 like to submit a copy of the 2012 coal production 15:07:12
9 report prepared by the Colorado Mining Association, 15:07:18
10 along with my contact information. 15:07:20

11 Coal mining has been a part of Colorado's 15:07:25
12 economy since the 1860s. It is, by far, our nation's 15:07:33
13 most abundant energy source. 15:07:40

14 27 percent of the world's coal is located 15:07:45
15 right here in the United States. That's more coal than 15:07:49
16 any other -- than in any other nation on the face of 15:07:51
17 the earth, and that is more energy than is represented 15:07:56
18 by all of the oil in the Middle East. 15:07:59

19 It is vital to continue to harness this 15:08:01
20 plentiful, as well as affordable and reliable energy 15:08:05
21 source. 15:08:11

22 A couple of other facts about coal. It is 15:08:11
23 roughly one-half the cost of natural gas. It is by far 15:08:15
24 the most affordable fuel for electricity generation. 15:08:19
25 When low income families, which often spend 15:08:22

1 more than a quarter of their income in paying their 15:08:25
2 energy bills, get their power bill each month, coal is 15:08:28
3 part of what helps keep energy within reach for many of 15:08:33
4 these people. 15:08:38

5 The front of this coal report shows 15:08:38
6 something else. Coal is a pathway to prosperity, and 15:08:44
7 the world is turning to coal. It is, by far, the 15:08:50
8 fastest growing major source of energy in the world. 15:08:56
9 It is because nations like China, and India, and the 15:09:00
10 developing world, even developed nations in Europe, 15:09:06
11 realize that they need a secure and affordable source 15:09:11
12 of electricity. 15:09:13

13 Coal use corresponds with so many things: 15:09:15
14 access to clean drinking water, lower infant mortality 15:09:18
15 rates, greater longevity. 15:09:24

16 It's really important, but I'd like to talk 15:09:25
17 a little about what it means to Colorado. 15:09:28

18 We have only nine mines in Colorado, and 15:09:31
19 they account for the bulk of the 65 percent of the 15:09:34
20 electricity that is generated in this state, from coal, 15:09:38
21 ,in the state of Colorado. It is a very, very 15:09:43
22 important energy source. 15:09:46

23 Clean Colorado coal helps keep that energy 15:09:50
24 affordable, and our coal in Colorado, as well as in 15:09:55
25 Utah and the West, is very low in emissions. It's low 15:09:58

1 in sulfur, exceptionally low in mercury. And it is, 15:10:02
2 actually over the past 30 to 40 years, although coal 15:10:07
3 use for electricity generation has nearly tripled the 15:10:13
4 emission criteria, pollutants have dropped by nearly 15:10:18
5 90 percent. 15:10:20

6 So I would respectfully take issue with the 15:10:23
7 notion that coal is a dirty fuel. It is going to be 15:10:23
8 part of a clean and prosperous energy future. 15:10:26

9 It is important that emission controls on 15:10:28
10 the Bonanza plant remain reasonable, and that the coal 15:10:31
11 remain a part of this energy mix. 15:10:39

12 I'd like to talk about what it means to 15:10:41
13 local communities. The coal mines, and the people that 15:10:43
14 they employ, become a part of the community. The coal 15:10:46
15 mines are often the largest taxpayer, supporting rural 15:10:49
16 economies. They are the largest employer in many 15:10:54
17 cases, and there are only nine of them throughout 15:10:57
18 the -- throughout the state. 15:11:00

19 The clear skies over Northwest Colorado, I 15:11:00
20 think belie the notion that these power plants are not 15:11:04
21 under adequate supervision and adequate controls. 15:11:08

22 Our mines produce \$1 billion in value for 15:11:11
23 the state, and average mine wages and benefits are 15:11:16
24 among the highest paid to industrial workers anywhere 15:11:22
25 in the West. 15:11:25

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

1 guarantee that we will get through everyone who came 15:26:41
2 this afternoon. We'll see how far we get. 15:26:44

3 We are going to be back here from 6:00 to 15:26:47
4 8:00, so if we do not get to you, please feel free to 15:26:52
5 come back from 6:00 to 8:00. 15:26:55

6 We also will accept your written comments as 15:26:57
7 well. 15:27:00

8 So we just did not anticipate the number of 15:27:00
9 folks that were going to be here today. 15:27:04

10 So with that, our -- we're going to start up 15:27:06
11 again. We're back on the record. 15:27:10

12 And our first speaker will be Mike McKee. 15:27:11

13 MIKE MCKEE: Thank you very much. 15:27:24
14 Appreciate being able to take a couple of minutes. 15:27:29

15 I would like to acknowledge and compliment 15:27:32
16 the -- Chairman Howell and the tribal council committee 15:27:39
17 for hosting this event. That is appreciated, and the 15:27:39
18 transparency and making this event possible. 15:27:44

19 And also for you to be taking the time to be 15:27:47
20 able to listen to this. 15:27:49

21 Just real quickly. I am the chairman of the 15:27:50
22 Uintah County Commission, and we do support the Ute 15:27:54
23 Tribe and their desire to build the 1,000 megawatt 15:28:02
24 power plant. We also are supportive of DG&T, and we've 15:28:05
25 been very supportive of what -- of what they're doing. 15:28:11

1 And, you know, one of the -- one of the
2 things that happens, there is always new and better
3 technologies that come forward.

15:28:14
15:28:17
15:28:21

4 As county commissioners, we -- we
5 continually have new building and zoning regulations,
6 for example. When a new home is built and constructed,
7 the people built -- going to that home, they are
8 required to meet the latest standards of the state
9 building codes.

15:28:24
15:28:27
15:28:31
15:28:33
15:28:36
15:28:42

10 But certainly, people that have been living
11 in their homes for generations and for years, they are
12 under a different standard. They are what's called
13 grandfathered in. They're able to continue to live in
14 their homes and to be able to go by the standards of
15 the time when that house was built.

15:28:43
15:28:44
15:28:47
15:28:49
15:28:53
15:28:57

16 And we feel that this should be the same way
17 with the DG&T. DG&T, when it was built, when it was
18 constructed, was -- and has operated under certain
19 standards, and we'd like to see them to be able to
20 continue to operate.

15:28:59
15:29:01
15:29:05
15:29:09
15:29:12

21 Certainly the economy of our area definitely
22 is very important, and the jobs, it's been well stated
23 over and over again. We do appreciate, you know, the
24 many good jobs that are -- that we have because
25 of -- of DG&T. We do appreciate the fact that we can

15:29:13
15:29:17
15:29:21
15:29:25
15:29:27

1 have clean, affordable power, and we'd like that to be 15:29:32
2 able to continue. 15:29:36

3 And so I will be brief with that, and would 15:29:37
4 urge that we are able to continue with permits and the 15:29:39
5 way DG&T has operated in the past. 15:29:44

6 Thank you very much. 15:29:47

7 JUDGE SUTIN: Thank you, Mr. McKee. 15:29:48

8 Next, if we could have Helen Wash? 15:29:51

9 HELEN WASH: My name is Helen Wash. 15:30:05

10 W-A-S-H. 15:30:17

11 People have a tendency to put an L between 15:30:17
12 the A-S. So it's not Walsh, it's Wash. 15:30:22

13 Anyway, I'm here as a lotee, an individual 15:30:25
14 member of the Ute Indian Tribe. 15:30:33

15 You know, the Bonanza plant has been here 15:30:39
16 35 years, and I'm going on 72 years. So look how long 15:30:44
17 that's been. 15:30:48

18 And I was born here in Fort Duchesne, at the 15:30:49
19 hospital. 15:30:56

20 It's an old building. It should be made 15:30:56
21 into a historic place, because it was built by the 15:31:00
22 black soldiers to the fort. And anyway, I was born 15:31:06
23 here, and then I lived in Ouray. 15:31:12

24 And -- but Bonanza was there half of my 15:31:15
25 life. You know, it certainly didn't, you know, pollute 15:31:22

1 the air our way, because it would have caused a lot of 15:31:26
2 sickness, and it didn't. 15:31:32

3 And I'm retired. I worked for 37 and a half 15:31:36
4 years. I didn't quite make it to 40 years, but anyway. 15:31:41

5 All of the injuries that I ever did to 15:31:49
6 myself caused me to have arthritis real bad, but I 15:31:54
7 learned to, you know, live with it. 15:31:59

8 And about electricity. We have some new 15:32:04
9 homes, and they're heated, electrical. You know, 15:32:09
10 it's -- my niece has a home. She had a trailer before 15:32:16
11 that, and it was all electrical heating. And the house 15:32:19
12 that she lives in now is the same. It's electrical 15:32:23
13 heating. 15:32:26

14 My house is heated with natural gas. And so 15:32:28
15 wintertime, or the times that it's really -- you know, 15:32:33
16 the cost of fuel goes up, the electricity goes up, and 15:32:39
17 we have to look at light heat to pay for our bills. 15:32:43
18 And sometimes they don't have the money. They ran out. 15:32:49

19 And so I'm not sure when electricity came to 15:32:54
20 the reservation, but when it did, you know, it was 15:33:00
21 something that, you know, we could see at night. We 15:33:05
22 could look at pay -- you know, books or magazines at 15:33:09
23 the time. And we're thankful for that energy that -- 15:33:14
24 you know, that gave us light, but we don't have any 15:33:20
25 indoor plumbing, no water. We had to go to certain 15:33:25

1 place to get water. Or to a neighbor's that had water, 15:33:28
2 and brought hot water back to the homes. 15:33:36

3 And, you know, Bonanza has been there. And 15:33:38
4 it's like if this is coming from D.C., Washington D.C., 15:33:43
5 they need -- they need to come out here and talk to the 15:33:48
6 people. They don't know anything about us. 15:33:50

7 And all they know is they have -- Bonanza is 15:33:55
8 polluting. What about the oil wells? 15:34:00

9 You know, we making them rich. You know, 15:34:02
10 they make a lot of money. 15:34:06

11 But, you know, they give us what, \$20? 15:34:11
12 \$12? Maybe \$100? Or oil and gas is not -- doesn't 15:34:18
13 have that monetary value. And the oil companies are 15:34:25
14 the ones that are getting rich. 15:34:30

15 Southwest of our reservation, oil wells 15:34:32
16 there. West of us, there's oil wells there. North of 15:34:37
17 us, there's oil wells there. And going down south, 15:34:40
18 there's oil wells all over. And what makes you think 15:34:45
19 they don't pollute the area too? 15:34:50

20 They pollute the groundwater. And animals 15:34:53
21 eat all the plants. There's edible plants, and the oil 15:35:01
22 companies come and pollute the areas. You know, 15:35:08
23 contaminate the underground water. 15:35:11

24 And animals have to survive too. And even 15:35:14
25 the plants, the trees. 15:35:17

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

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

1 to -- to -- to do anything with the towns. 15:39:50

2 We are boycotting Roosevelt, but it is very 15:39:55

3 minor. 15:39:58

4 And, you know, the city of -- I mean the 15:40:00

5 communities of Tridell and LaPoint, you know, the last 15:40:04

6 fall they come to us and they asked for water. Well, 15:40:07

7 we're still a good neighbor, and we supplied them with 15:40:10

8 water. You know, if we don't do that, the elementary 15:40:13

9 school would have no water at LaPoint. So it's very 15:40:17

10 important to understand the tribe's position here. 15:40:20

11 What we want to do is create economic 15:40:23

12 development. Maybe, by generate -- by doing this power 15:40:26

13 plant, maybe we're just going to bypass and ship it 15:40:30

14 down to Vegas. You know? 15:40:33

15 We have a lot of options here, you know? 15:40:36

16 There is a lot of people talking to us. 15:40:39

17 And there's a lot of interested parties that 15:40:41

18 want us to -- to do this. 15:40:45

19 And so, you know, I -- I just wanted to 15:40:46

20 let -- to let the people know at Bonanza Power Plant, 15:40:50

21 and especially the miners and whatnot, if anybody's 15:40:52

22 going to shut you down, it's going to be EPA. You 15:40:56

23 know? 15:41:00

24 And so we -- we have our concerns, because, 15:41:00

25 you know, when -- on the news about a month ago, you 15:41:02

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

1 generate revenue for our people. 15:42:21

2 And with that I just want to say that and 15:42:23

3 say thank you. 15:42:27

4 (APPLAUSE) 15:42:29

5 JUDGE SUTIN: Thank you, Vice Chair Wopsock. 15:42:31

6 Next, if we could have LaDel Lamb. 15:42:34

7 LADEL LAUB: It's LaDel. L-A capital D-E-L, 15:42:54

8 and Laub, L-A-U-B. 15:43:00

9 You're not the first one to make that 15:43:02

10 mistake. 15:43:04

11 I drove six hours to be here. And I'm 15:43:05

12 missing my son's baseball game today, and I love 15:43:11

13 baseball. So it's kind of a sacrifice to be here, but 15:43:13

14 I am one of 18,000 consumer owners of Dixie Power, and 15:43:19

15 I represent them here today, from Southwest Utah. 15:43:23

16 And we invested, in good faith, in Deseret 15:43:27

17 and the Bonanza Power Plant, to provide electricity and 15:43:34

18 affordable electricity to all of our businesses and 15:43:37

19 homes and community. 15:43:40

20 And we just want to make sure the EPA 15:43:42

21 understands that we made a good faith investment. We 15:43:46

22 followed the rules. We followed the regulations. And 15:43:53

23 we need to make sure that we maintain those 15:43:56

24 regulations, and not impose new regulations. 15:44:00

25 It kind of reminds me of -- of a person who 15:44:02

1 would go out and build a home, get a mortgage on it, 15:44:05
2 live in it for 15 years under a 30-year mortgage, and 15:44:09
3 then have the federal government come and say, Oh, 15:44:12
4 you've got to improve your home and spend new money and 15:44:14
5 get a new mortgage. And so we -- we already have a 15:44:17
6 mortgage. We need to live out the life expectancy of 15:44:21
7 that mortgage before we have new costs and new 15:44:23
8 regulations. 15:44:26

9 Thank you. 15:44:26

10 JUDGE SUTIN: Thank you, Mr. Laub. Sorry 15:44:27
11 for saying your name wrong. 15:44:30

12 Next, if we could have Durand Robison. 15:44:31

13 DURAND ROBINSON: Thank you. It's Durand, 15:44:42
14 D-U-R-A-N-D, Robison, R-O-B-I-S-O-N. 15:44:54

15 Thank you for letting me have a few moments 15:44:57
16 today. 15:45:01

17 I am Durand Robison from a little town 15:45:02
18 called Flowell, Utah, in Central Utah. I represent 15:45:06
19 Flowell Electric Association. We are one of the six 15:45:10
20 members of Deseret Power. We're the smallest of the 15:45:13
21 six. We have -- 80 percent of our business is 15:45:16
22 agriculture. It's irrigation pumping. 15:45:22

23 We have about 600-meters, 550-meters on our 15:45:25
24 system, so we're very small. 15:45:30

25 We do have some work that we do for the 15:45:32

1 surrounding municipalities, so we are able to keep a 15:45:34
2 crew and to operate. 15:45:38

3 I have with me, before I -- I just want to 15:45:39
4 make a couple of comments, but before I make mine, I 15:45:45
5 have a letter from the Millard County commissioners, 15:45:49
6 that I think I ought to read. I told him I'd read it 15:45:53
7 today. 15:45:57

8 And this is addressed to Michael B. Owens. 15:45:57
9 I think that's correct, where it needs to go to. 15:45:59

10 It says, As Millard County, Utah 15:46:01
11 commissioners, we are concerned about the notice of 15:46:04
12 intent to issue Clean Air Act Title V federal operating 15:46:06
13 permit. We are afraid this action will significantly 15:46:11
14 impact the economic stability of all of the farmers in 15:46:13
15 our county whose power source is derived from Deseret 15:46:17
16 Power Cooperative, Bonanza Power Plant in Vernal, Utah. 15:46:22

17 We understand that this could create as much 15:46:24
18 as a 40 percent rate increase for those affected. As 15:46:27
19 our county is largely agricultural, we believe this 15:46:31
20 would create a profound economic ripple effect for our 15:46:34
21 entire area. 15:46:37

22 We certainly appreciate the United States 15:46:38
23 Environmental Protection Agency in its efforts to 15:46:41
24 protect the health and welfare of the citizens of the 15:46:43
25 United States; however, we feel that in the current 15:46:46

1 economy, this is not an appropriate time to issue a 15:46:49
2 permit of this kind. 15:46:52

3 We feel that it would have a significant 15:46:54
4 detrimental affect, not only on our county, but on 15:46:56
5 other rural counties in our state. 15:47:00

6 We appreciate Flowell Electric being a part 15:47:01
7 of our county economy, and support them in their 15:47:03
8 concerns. We respectfully ask for your thoughtful 15:47:06
9 consideration in this matter. 15:47:09

10 And it's signed by our three county 15:47:11
11 commissioners. 15:47:12

12 They also -- by the way, you heard from a 15:47:13
13 couple of gentlemen from Mt. Wheeler Power. They serve 15:47:16
14 in the west side of Millard County, so these -- these 15:47:20
15 gentlemen represent them as well. 15:47:24

16 So that's what they're talking about. The 15:47:25
17 agriculture, that's part of what we're talking about. 15:47:28
18 And I'll just leave this here. 15:47:31

19 And a couple of comments. In order to be 15:47:34
20 brief, I would just state that we, as I said, we're 15:47:38
21 largely agricultural. 15:47:41

22 In recent years, we've seen a lot of our 15:47:43
23 farmers make significant investments in their water, 15:47:48
24 irrigation systems. And one reason why they can do 15:47:54
25 that is because they have a stable source of power that 15:47:57

1 they -- that we think that we can project that the 15:48:01
2 rates are going to stay somewhat level. 15:48:04

3 That they have risen somewhat over the last 15:48:06
4 few years, but when you make a long-term investment in 15:48:11
5 large irrigation equipment, you're doing so under the 15:48:14
6 assumption that your -- your costs are going to stay 15:48:17
7 somewhat stable. 15:48:25

8 So they're making large investments to be 15:48:26
9 more efficient in their occupations as farmers. 15:48:29

10 I'm a farmer as well. I've done the same 15:48:33
11 thing. 15:48:35

12 We put in these center pivot irrigation 15:48:35
13 systems that cost a lot of money. But they're so much 15:48:39
14 more efficient, they do so much better job of farming, 15:48:42
15 irrigating our farms, that it's been worth it to do 15:48:45
16 that. 15:48:49

17 However, as stated early by Mark Anderson, 15:48:51
18 who is also in my cooperative, it's in the top three or 15:48:54
19 four biggest costs that most of our farmers have, and 15:48:58
20 that's electric power to pump this water. So if 15:49:00
21 you -- if you look at an increase of 40 or 50 percent, 15:49:03
22 or whatever the number is, it changes significantly the 15:49:06
23 ability of people to farm and to -- to do what they 15:49:11
24 need to do to stay in business. 15:49:14

25 So standing in support of Bonanza Power 15:49:15

1 Station, I would just say that I would encourage the 15:49:21
2 EPA to take a look at that, and realize that changes 15:49:26
3 that would require additional regulation on the power 15:49:31
4 plant would be detrimental to many people in the state 15:49:36
5 of Utah, particularly in my county. 15:49:39

6 I also want to say that I live a few miles 15:49:41
7 away from the Intermountain Power Project. I have done 15:49:45
8 so since its inception. It's four times the size of 15:49:47
9 the Deseret Power station/Bonanza power station, about 15:49:51
10 1,800 megawatts. It's a coal-fired plant. Built about 15:49:55
11 the same time. Fully scrubbed, like Bonanza is. And I 15:49:58
12 don't know of any ill health problems that we have in 15:50:02
13 our county. 15:50:07

14 Thank you for your time. 15:50:08

15 JUDGE SUTIN: Thank you, Mr. Robison. 15:50:09

16 So I'm going to start calling two names at a 15:50:12
17 time, so we can have the next speaker set and ready. 15:50:15
18 Hopefully that will speed things up a little bit. 15:50:20

19 So our next two speakers will be Aaron 15:50:22
20 Weight and Doug Wooten. 15:50:27

21 AARON WEIGHT: Thank you for the 15:50:33
22 opportunity. It's Aaron Weight. A-A-R-O-N, 15:50:39
23 W-E-I-G-H-T. 15:50:42

24 And I'm representing Roosevelt City Council 15:50:42
25 today. We'd like to voice our support for Deseret. 15:50:46

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

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

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

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

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

1 and I'm on Deseret's board of directors. And we serve 15:57:00
2 down in the St. George area. 15:57:04

3 And everybody looks at St. George and says, 15:57:06
4 Hey, that would be a great place to live. That's a 15:57:09
5 booming economy. But it's a retirement community, and 15:57:11
6 the things that boom there are the service industry and 15:57:16
7 home building for retired people who are living on 15:57:19
8 fixed incomes. 15:57:21

9 And we -- we -- everybody's already heard 15:57:22
10 about people that are living on fixed incomes, and how 15:57:28
11 much 40 percent would mean to them. 15:57:30

12 But we also developed an industrial park 15:57:32
13 down there, to try and bring in businesses, with the 15:57:35
14 state of Utah and a private developer in the city of 15:57:38
15 St. George, to bring in businesses. And we brought in 15:57:41
16 some big businesses. We brought in Blue Bunny, 15:57:45
17 Birocon, Fire Distribution Center. 15:57:49

18 And three of those businesses gave one of 15:57:50
19 the major reasons that they located in St. George was 15:57:53
20 because of the reasonable power rates. 15:57:56

21 And had we not had those rates, that -- the 15:57:58
22 results of the Deseret plants operation and the Dixie 15:58:03
23 power coops delivering power, those industries wouldn't 15:58:06
24 have come into the St. George area, and our kids that 15:58:09
25 grew up around that area wouldn't have been able to 15:58:12

1 stay there and have better paying jobs, instead of 15:58:15
2 either building homes -- which we all know what 15:58:17
3 happened to the building industry in the last little 15:58:22
4 while -- and/or service industry jobs. And so it is 15:58:23
5 very important that industrial park is to the city of 15:58:27
6 St. George. 15:58:30

7 So I want to thank you, Judge, for extending 15:58:31
8 a hearing, because I did drive, with LaDel, only 15:58:34
9 I -- we must have been in different vehicles. It was 15:58:38
10 about five hours and 20 minutes, I thought, not six, 15:58:39
11 but . . . 15:58:43

12 Anyway, we got here at the same time. I'd 15:58:43
13 just like to thank you for extending the hearing and 15:58:45
14 for listening to me. And thank you. 15:58:47

15 JUDGE SUTIN: Thank you. 15:58:49

16 ROBYN SERAGE: My name is Robyn Serage. 15:59:00
17 It's Robyn with a Y, and S-E-R-A-G-E. 15:59:03

18 Never heard that one before? 15:59:06

19 I'm just here to be a face of the common 15:59:09
20 woman and the common housewife. I'm a housewife in 15:59:14
21 St. George. I have seven kids. 15:59:18

22 Almost called them prairie dogs. Hard to 15:59:20
23 tell the difference sometimes. 15:59:22

24 But I recently, along with raising my 15:59:23
25 children, we purchased a small business there in 15:59:28

1 St. George, a little pizza shop. 15:59:32

2 You know, it was a big, big risk for us 15:59:34

3 to -- big venture to take on. One of the things that 15:59:38

4 made it a possibility was our stable and low rates down 15:59:41

5 there in St. George. 15:59:47

6 And, you know, it would absolutely devastate 15:59:50

7 that opportunity and chance. It would be over for us 15:59:53

8 if we were to have to pay higher electricity rates, 15:59:57

9 particularly along the lines that we're talking about 16:00:00

10 here, 40 percent and whatever. 16:00:03

11 I'm not an expert on those kind of things, 16:00:04

12 but it's -- it would be devastating to my family and to 16:00:07

13 our future. 16:00:12

14 JUDGE SUTIN: Thank you, Ms. Serage. 16:00:13

15 The next two speakers are Grant Earl and 16:00:20

16 Kevin Garlick. 16:00:22

17 GRANT EARL: Judge Sutin, my name is Grant 16:00:27

18 Earl. G-R-A-N-T, E-A-R-L. 16:00:34

19 I live in Duchesne County, near Roosevelt. 16:00:38

20 Have done for most of my life. 16:00:42

21 I am also a general manager of Moon Lake 16:00:44

22 Electric. And just as usual, I'm the last of the six 16:00:49

23 general managers to speak on behalf of Deseret, 16:00:52

24 so . . . 16:01:01

25 I want Mr. Wopsock, to let him know that I 16:01:01

1 feel his pain. When he talked about being regulated to 16:01:04
2 the max, our industry is regulated heavily. And 16:01:07
3 probably for good reasons, but we -- we believe that we 16:01:10
4 play by the rules. 16:01:14

5 Also, he made the comment that a couple of 16:01:16
6 members are good neighbors, and I want to echo that and 16:01:21
7 agree with him on that. I have -- I have friends in 16:01:24
8 the Ute Tribe, and I appreciate their friendship too. 16:01:27

9 I also want to be one to stand and say, 16:01:32
10 I -- I personally support the tribe in looking at 16:01:34
11 alternatives to improve your business community and 16:01:37
12 your jobs and so forth by building, or at least 16:01:43
13 studying the building of a power plant. 16:01:46

14 I also respect Mr. Small's comments that 16:01:48
15 were read into the record. And I want you to know that 16:01:53
16 there will be written comments that address most of 16:01:56
17 those issues, if not all of them. 16:01:59

18 I also want the record to show that this 16:02:04
19 particular hearing conflicts with the governor's 16:02:07
20 conference that is going on right now in Salt Lake 16:02:11
21 City. We had a number of commissioners, city council 16:02:14
22 members, mayors, and such, that wanted to be here to 16:02:19
23 speak to this issue. And I suspect that you will also 16:02:22
24 receive written comments from those individual groups 16:02:25
25 also. 16:02:29

1 I'd like to take just a couple of seconds to 16:02:29
2 kind of connect the dots with the individual members 16:02:32
3 that we've talked about within the coops. All -- all 16:02:36
4 but maybe one or two of the people who have spoke 16:02:41
5 today, and probably the vast majority who are here 16:02:45
6 today in this audience, are members of a coop being 16:02:48
7 served by the -- by the system. And as such, we call 16:02:53
8 those member owners. They actually own a part of these 16:02:59
9 systems. 16:03:03

10 Ultimately, they own a part of the Bonanza 16:03:04
11 power station and, as a result, they have been 16:03:06
12 benefitted greatly over the years by that membership. 16:03:09

13 At Moon Lake, we have had very stable rates 16:03:15
14 over the years because of the power that comes out of 16:03:17
15 Bonanza, and we believe that that's enabled our -- our 16:03:20
16 industry in this area to prosper. 16:03:26

17 We return any margins back to these 16:03:28
18 individual members, including our tribal friends. And 16:03:33
19 so they have -- all of us, living in the Uinta Basin, 16:03:36
20 other than Vernal City, have benefitted greatly by the 16:03:40
21 Bonanza power station being located in this area. 16:03:44

22 You know, we're called rural cooperatives 16:03:46
23 for a reason, and that is because we are rural. And as 16:03:50
24 a result, we don't have some of the services that 16:03:54
25 cities have. And one of those services is natural gas. 16:03:57

1 So as a result, around 20 percent of the
2 members of the Uinta Basin, heat their homes with
3 electricity, where, on average, in the state of Utah,
4 about ten percent heat their homes with electricity,
5 because they have natural gas service.

16:04:01
16:04:05
16:04:10
16:04:12
16:04:15

6 The sizable increase that you've heard
7 about today in this hearing, 40 percent, actually has a
8 double impact on the members of these rural communities
9 because of that arrangement of lack of natural gas.

16:04:17
16:04:21
16:04:26
16:04:29

10 Agriculture and oil and gas is the primary
11 mover of our communities. I have been in communication
12 with many of these oil companies. A 40 percent rate
13 increase will have a dramatic impact on the production
14 and the drilling activity within our communities, which
15 will dramatically impact jobs.

16:04:31
16:04:41
16:04:45
16:04:49
16:04:53
16:04:57

16 And finally, I want to just say that we
17 should all play by the rules. Judge Sutin, that
18 is -- that's something that Deseret holds very highly,
19 playing by the rules.

16:05:01
16:05:03
16:05:08
16:05:10

20 We believe that we have been playing by the
21 rules. But to change -- arbitrarily change a permit
22 that was issued 15 years ago is not playing by the
23 rules. Thank you.

16:05:11
16:05:13
16:05:19
16:05:22

24 JUDGE SUTIN: Thank you, Mr. Earl.

16:05:23

25 KEVIN GARLICK: Thank you, Judge Sutin. My

16:05:28

1 name is Kevin Garlick. K-E-V-I-N, G-A-R-L-I-C-K. 16:05:35

2 I am the power resource manager of the Utah 16:05:40

3 Municipal Power Agency, or UMPA. Our office is located 16:05:44

4 in Spanish Fork, Utah. 16:05:49

5 I am pleased to testify today on behalf of 16:05:51

6 UMPA and its member cities in support of the Title V 16:05:56

7 federal operating permit for the Bonanza Power Plant. 16:06:01

8 The agency was formed in 1980, as a 16:06:04

9 non-profit joint action agency under the state of 16:06:09

10 Utah's Interlocal Cooperative Act for the purpose of 16:06:11

11 developing a reliable and economic power supply program 16:06:14

12 to meet all of its energy needs for its member 16:06:18

13 municipalities. UMPA member cities are Levan, Manti, 16:06:22

14 Nephi, Provo, Salem, and Spanish Fork. 16:06:27

15 The agency is governed by a six-member board 16:06:31

16 represented by elected official from each member city. 16:06:35

17 The role of the UMPA board is to make energy decisions 16:06:39

18 in the best interests of their utilities and its 16:06:42

19 customers. 16:06:45

20 Our utilities are non-profit, and their 16:06:46

21 shareholders are the same as the customers that they 16:06:50

22 serve. 16:06:53

23 UMPA serves the electrical needs of about 16:06:53

24 55,000 retail customers in these six cities, or a 16:06:58

25 population area of about 170,000. 16:07:01

1 Currently, UMPA receives power and energy 16:07:05
2 from a variety of resources, including a contract for 16:07:09
3 hydroelectric generation from the Colorado River 16:07:14
4 Storage Project managed by the Department of Energy's 16:07:17
5 Western Area Power Administration. We also are owners 16:07:21
6 of a thermal generation plant, Hunter Unit I, operated 16:07:24
7 by PacifiCorp, and other smaller generation resources. 16:07:30

8 UMPA is part owner with Deseret Power of the 16:07:34
9 Bonanza Power Plant. UMPA owns 3.75 percent interest 16:07:39
10 along with a contract, that expires in 2025 for an 16:07:48
11 additional 3.5 percent for a total of 7.25 percent of 16:07:52
12 the 600 -- 465-megawatt plant capacity. 16:07:58

13 UMPA is able to schedule 34 megawatts of 16:08:02
14 capacity from the Bonanza plant. 16:08:07

15 In May of 2003, UMPA entered into a 16:08:10
16 wholesale power contract with Deseret Power for the 16:08:14
17 purchase of 80 megawatts of power and energy. 16:08:17

18 The term of the contract is extended until 16:08:20
19 the end of 2019. Another 56 megawatts of power comes 16:08:23
20 from the Bonanza unit, with the remainder of 16:08:28
21 24 megawatts coming from Deseret's ownership into 16:08:32
22 Hunter Unit No. II. 16:08:36

23 Therefore, the Bonanza Power Plant is the 16:08:37
24 primary supply of UMPA's energy resources. 16:08:40

25 We support the efforts and the findings by 16:08:45

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

1 communities to ratify these operations that should be 16:10:19
2 considered. 16:10:22

3 We appreciate the dedicated employees that 16:10:22
4 run the -- that keep the lights on from the Bonanza 16:10:25
5 Power Plant, and effectively operate the environmental 16:10:29
6 clean technology there. 16:10:34

7 The Bonanza Power Plant is one of the 16:10:35
8 cleanest coal fire plants. We commend EPA for its 16:10:38
9 foresight in clean air. 16:10:42

10 There is much uncertainty with the 16:10:44
11 forecoming -- forthcoming greenhouse gas regulations 16:10:47
12 and increasing operating costs for coal plants that 16:10:50
13 need to be taken into consideration by EPA. 16:10:53

14 We strongly support the issuance of a Title 16:10:55
15 V federal operating permit for the Bonanza Power Plant, 16:10:59
16 and not undo the work that has already been done at 16:11:03
17 this plant. 16:11:07

18 Thank you. 16:11:08

19 JUDGE SUTIN: Okay. The next two speakers 16:11:12
20 are Michael Griffiths and Randall Thompson. 16:11:17

21 PUBLIC COMMENT: Hi. My name is Michael 16:11:23
22 Griffiths. That's M-I-C-H-A-E-L, last name is 16:11:38
23 G-R-I-F-F-I-T-H-S. 16:11:43

24 Sorry for the confusion. Most people know 16:11:44
25 me as Jared. I go by my middle name, but my legal name 16:11:48

1 is Michael. 16:11:51

2 I wanted to thank the tribe for listening to 16:11:52

3 us here. I'm new to the community here in Roosevelt, 16:11:58

4 and I live just outside of -- of Roosevelt City, since 16:12:02

5 July. I'm from the Denver area. 16:12:07

6 And we came here in search of a great 16:12:10

7 opportunity for our children. Our -- my employment 16:12:14

8 over on the -- in the Denver area, we didn't feel like 16:12:19

9 it was sufficient to -- to ensure that our children 16:12:25

10 could go to college, or that we could assist in that. 16:12:29

11 And, you know, the economy here has been a 16:12:33

12 great benefit, with the -- with the economy here, to 16:12:37

13 help ensure their future. 16:12:41

14 There's been a lot of talk here 16:12:43

15 about -- from Grant, supporting the tribe in their 16:12:50

16 effort to build a gas-fired generator here, and I -- I 16:12:54

17 fully support that also. 16:12:59

18 I'm the engineering manager for Moon Lake, 16:13:00

19 and we -- we applaud their efforts. 16:13:05

20 And just wanted to let them know that there 16:13:12

21 is -- there's great opportunities with some major 16:13:14

22 transmission lines planned for the area. There's a 16:13:19

23 Western area power, a zephyr project, a Transwest 16:13:23

24 express, and also a Gateway project that would 16:13:28

25 support -- that would support their desires to develop. 16:13:30

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

1 commitments, and they're still accountable for those 16:15:14
2 commitments. 16:15:19

3 I think that if a mistake was made by the 16:15:21
4 EPA, that the EPA ought to have to foot the costs or 16:15:25
5 any mitigation of that problem. I think that would 16:15:30
6 only be fair. 16:15:35

7 It certainly would be unfair to expect the 16:15:36
8 people in this area to take care of that oversight, or 16:15:40
9 mistake, or whatever it was. 16:15:43

10 And the other concerns that I had have 16:15:45
11 already been addressed. Thank you. 16:15:49

12 JUDGE SUTIN: Thank you, Mr. Thompson. 16:15:51

13 All right. The next two speakers, I think 16:15:56
14 it's Roff Groves? Sorry if I got that wrong. Ron. 16:16:00
15 Ron, excuse me. And then Dwight Blackwell. 16:16:06

16 RON GROVES: Good afternoon, Your Honor, and 16:16:16
17 people of the Basin. 16:16:22

18 As it says, I represent the human race, 16:16:23
19 there on the piece of paper. 16:16:29

20 Why I say that is because some 20 years ago, 16:16:31
21 15 years ago, the exclusionary rule was come 16:16:35
22 apart -- come together with Bonanza, whatever it was 16:16:40
23 called before that. 16:16:42

24 The tribe and the Interior Department, and 16:16:45
25 the governor of the State of Utah signed that 16:16:50

1 agreement. That compact. 16:16:52

2 Nothing was pulled. Nothing was done 16:16:55

3 illegally. 16:16:59

4 This exclusion said, Until that day that 16:17:00

5 other ordinances or rules or regulations by the EPA are 16:17:04

6 admitted, the tribe isn't off the hook. 16:17:11

7 When the tribe makes this plant, this gas 16:17:14

8 plant, it has to follow the same rules, even more 16:17:18

9 stringent, because he has to make his own rules that is 16:17:21

10 comparable to EPA. 16:17:25

11 Those kind of things. 16:17:28

12 The other thing that really makes me wonder, 16:17:30

13 why the governor would send the lieutenant governor out 16:17:34

14 here. He's -- his office is the one that signed the 16:17:38

15 agreement with the two other entities and that. 16:17:42

16 So when -- when Bonanza people that's 16:17:46

17 affected by that, and they get mad at these groups who 16:17:52

18 are saying that they're tree huggers and all of that, 16:17:55

19 well I'm glad that you don't like them. 16:17:58

20 But it truly -- the people that you elect, 16:18:01

21 county commissioners, can't say anything, because they 16:18:05

22 don't have solemn immunity. They have to tow the line 16:18:08

23 to the legislature, and the legislature runs all of the 16:18:12

24 communities within the state of Utah. Your counties. 16:18:16

25 So you really have to look. You have to see 16:18:24

1 what the agreement says. 16:18:29

2 As Mr. Wopsack means, we, as Native 16:18:30

3 Americans, wherever you go in America, you're 16:18:34

4 regulated. How much money you can have. What kind of 16:18:37

5 permits you can get. 16:18:39

6 We have to ask the state of Utah if we want 16:18:40

7 to make a -- a liquor establishment that makes -- 16:18:45

8 provides liquor, or create it. That's one of the 16:18:51

9 backgrounds of not being an American. You, as 16:18:56

10 individuals, you can be an entrepreneur and do that. 16:19:00

11 Whatever you want. 16:19:06

12 On the other hand, EPA Region 8, has an 16:19:08

13 office there for Native Americans of the Intermountain 16:19:13

14 West. They do a very poor job. 2005, 2007, they said 16:19:19

15 we're hitting the maximum for air pollution. What are 16:19:27

16 you guys going to do about it, Ute Tribe? 16:19:31

17 Did they send any assistance? No. They 16:19:34

18 penalized us. They spanked their hands. You guys 16:19:38

19 don't follow the rules. 16:19:42

20 So all of the data that's collected by the 16:19:44

21 tribe belongs to the tribe, because they funded it out 16:19:47

22 of their own pockets. 16:19:52

23 We were invited to be with the study, and we 16:19:55

24 can be -- the University of Utah State, but they were 16:20:02

25 addressing the wrong rules and regulations with oil and 16:20:07

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

1 support them. 16:22:05

2 The mine employs 161 miners. They pay a lot 16:22:06

3 of taxes: royalty taxes, state and use taxes. They 16:22:13

4 support the hospital. Property taxes, excise taxes, 16:22:21

5 severance taxes, and reclamation taxes last year 16:22:25

6 totaled \$12,838,000. 16:22:31

7 Bonanza needs to be able to continue its 16:22:35

8 operations up to the life of the plant. New 16:22:40

9 restrictions to that could jeopardize jobs, taxes, and 16:22:50

10 quality of life. Please consider that there's jobs and 16:22:55

11 the economic impact of your actions. 16:23:03

12 Thank you. 16:23:05

13 JUDGE SUTIN: Thank you. Thank you, 16:23:06

14 Mr. Blackwell. 16:23:09

15 Next two speakers, Colin Jack and Leslie 16:23:12

16 Jack. 16:23:16

17 COLIN JACK: My name is Colin Jack. 16:23:28

18 C-O-L-I-N, J-A-C-K. And I'm from St. George Utah. We 16:23:38

19 drove up 400 miles this morning to be here with you 16:23:43

20 today. I'm a member of Dixie Power. We're a 16:23:45

21 non-profit electric cooperative. Dixie Power is one of 16:23:49

22 the six cooperatives that owns Deseret Power, which is 16:23:52

23 also a cooperative that owns the Bonanza Power Plant. 16:23:56

24 And the Bonanza Power Plant is one of the 16:23:59

25 cleanest burning power plants in the United States, 16:24:03

1 that always meets or exceeds the EPA air quality 16:24:06
2 regulations. 16:24:09

3 I'm a professional engineer, specializing in 16:24:10
4 electric power systems. I've worked for nearly 16:24:14
5 30 years in the power field, both on staff at utilities 16:24:17
6 and as a consultant. At power systems all over the 16:24:21
7 world, and including Dixie Power. 16:24:25

8 I've lived in, worked in, worked for, or 16:24:26
9 traveled through 50 countries. Most recently, in May 16:24:30
10 of this year, I was working on a project in Ghana, 16:24:33
11 Africa, where I observed the bureaucratic red tape, 16:24:36
12 governmental incompetency, and greed and corruption 16:24:41
13 that caused rates of electricity in that country to 16:24:44
14 raise to the point where people were choosing to use 16:24:46
15 wood and coal as their fuel instead of electricity, 16:24:48
16 which was creating a serious ecological problem, which 16:24:52
17 affected the watershed for -- of the Volta River, which 16:24:57
18 was creating the hydroelectric electricity that they 16:25:00
19 couldn't afford to use, as well as the air quality. 16:25:04

20 So if the EPA retroactively forces our 16:25:08
21 cooperative to spend \$200 million to address an 16:25:12
22 imaginary environmental problem, they will certainly 16:25:15
23 create a real, a legitimate ecological problem, as 16:25:18
24 Utahns switch to other fuels. 16:25:24

25 People here have talked about going back to 16:25:26

1 burning wood, but I can tell you, from my years working 16:25:27
2 in the deforested countries, like Bangladesh, 16:25:30
3 Nicaragua, and Uganda, that the trees eventually run 16:25:35
4 out. 16:25:37

5 I worked in an area of Nicaragua, that we 16:25:38
6 were surveying to bring in electricity, and they hadn't 16:25:42
7 had any trees for miles around. I remember working in 16:25:43
8 an area in Uganda, where I saw a man carrying an ax and 16:25:47
9 two women carrying bundles of wood on their head. 16:25:52
10 They'd been miles away to harvest wood to bring back 16:25:55
11 home to burn. 16:25:59

12 And I asked my guide and driver, I said, So 16:26:00
13 how come the guy gets to only carry the ax, and the two 16:26:03
14 women have to carry these big bundles of wood? 16:26:06

15 And they told me it was because the guy has 16:26:08
16 to protect the women, so they don't get robbed on the 16:26:10
17 way home for their firewood. 16:26:13

18 Also worked in Bangladesh, where they've run 16:26:15
19 out of trees so long ago, that to find wood to burn and 16:26:18
20 cook with, they have to scrape up the ox dung and 16:26:22
21 squeeze it onto reeds, and that's what they use to cook 16:26:26
22 with. 16:26:31

23 In fact, their trees are so gone, my boy was 16:26:31
24 a Boy Scout. Several of us fathers took our sons up to 16:26:33
25 a special national forest where they could camp up in 16:26:37

1 the trees, the last few trees of Bangladesh. 16:26:40

2 And while we were out there, we almost got 16:26:43

3 run over in the middle of the night by poachers that 16:26:44

4 were stealing trees out of the last national forest in 16:26:48

5 Bangladesh. 16:26:52

6 Anyway, I can tell you from personal 16:26:52

7 experience, that this baseless attack on the Bonanza 16:26:55

8 Power Plant will, in fact, lead us on the road to the 16:26:58

9 third world. 16:26:59

10 Thank you. 16:27:00

11 JUDGE SUTIN: Thank you, Mr. Jack. 16:27:00

12 LESLIE JACK: Hi. I'm Leslie Jack. 16:27:01

13 L-E-S-L-I-E, J-A-C-K. 16:27:08

14 And I'm a school teacher in St. George, 16:27:09

15 Utah. I'm also the daughter of school teachers. Five 16:27:11

16 brothers and sisters, we learned pretty young to live 16:27:14

17 on a modest income, to make our resources last. So we 16:27:17

18 learned to fix it up, use it up, make it do, or do 16:27:20

19 without. 16:27:23

20 And that's something that I think that 16:27:23

21 provident living and good environmentalism demands. 16:27:27

22 I own a 20-year-old washing machine. And 16:27:31

23 it's a little dinged and it's a little dented, but I'm 16:27:34

24 not ready to throw out a good machine that still 16:27:37

25 functions well to get a shiny bright one that's a 16:27:39

1 pretty color, because that doesn't make economic sense, 16:27:42
2 it doesn't make environmental sense. 16:27:45

3 Well, our Bonanza Power Plant is a treasure 16:27:47
4 beyond my old Rival washing machine. It still provides 16:27:50
5 efficient, effective clean energy. It has years to go 16:27:54
6 on the life span. 16:27:58

7 And some day my old Rival washing machine 16:28:00
8 will give up the ghost and I'll have to shop around for 16:28:03
9 a new one. 16:28:06

10 And sadly, some day Bonanza will reach the 16:28:07
11 end of its life, but we shouldn't legislate, out of 16:28:09
12 existence, a power plant that's providing clean, 16:28:12
13 affordable energy before it has to happen. It doesn't 16:28:14
14 make economic sense, it doesn't make environmental 16:28:18
15 sense, and it doesn't make ethical sense. 16:28:20

16 JUDGE SUTIN: Thank you, Ms. Jack. 16:28:24

17 Next two speakers, Rhiannon Jack and Mark 16:28:26
18 Raymen. 16:28:33

19 RHIANNON JACK: Hi, my name is Rhiannon 16:28:47
20 Jack. R-H-I-A-N-N-O-N J-A-C-K. I think I'm probably 16:28:49
21 the only one here representing my demographic, which is 16:28:55
22 I'm a college student. I'm from St. George. 16:28:58

23 I think I can speak on behalf of the college 16:29:01
24 students, is that making -- meeting bills, you know, 16:29:04
25 paying bills is already hard enough as it is, trying to 16:29:10

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

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

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

1 They wouldn't run the lines. They wouldn't
2 run the transmission. They wouldn't run the
3 distribution lines. But these guys had a will. And
4 when there was a will, there was a way.

16:33:05
16:33:07
16:33:10
16:33:13

5 So they were able to put this together so
6 that they could provide power for these small farms,
7 for these small ranches. And they are still
8 struggling, but they are determined.

16:33:14
16:33:17
16:33:19
16:33:23

9 I'm also, and I'll confess, a past employee
10 of Deseret Generation. I was 23 years there. I worked
11 in the chemistry lab. I worked in the ENC Department.
12 I worked in Human Resources. It's a great company.

16:33:24
16:33:27
16:33:30
16:33:34

13 And I can tell you that the people who work
14 there have not worked there for two or three years and
15 then moved on to other jobs. This is a place where a
16 person goes to work and spends their life there.

16:33:37
16:33:39
16:33:42
16:33:45

17 There are many, many people who have worked
18 there 20, 25, 30 years. It's a great place to work.
19 They take great pride in their company.

16:33:48
16:33:50
16:33:55

20 You may be familiar with what's called unit
21 equivalent availability? And that is the -- the
22 opportunity or the ability of a power plant to stay
23 on-line.

16:33:59
16:34:01
16:34:05
16:34:09

24 And the goal for most companies is to be
25 on-line for about 60, 65, 70 percent of the time. So

16:34:09
16:34:13

1 out of a month, out of 30, 31 days, they hope to be 16:34:17
2 on-line for about 20 days. 16:34:20

3 And then, for whatever reason, a pump trips, 16:34:21
4 or, you know, the burners go down or whatever happens. 16:34:25
5 A unit will trip and go off-line, or it will -- if it 16:34:30
6 has the ability to produce 500 megawatts, maybe they 16:34:33
7 have to drop it down to 300 megawatts, because 16:34:36
8 something is going wrong with the system. 16:34:39

9 Deseret Generation is -- their unit 16:34:43
10 equivalent availability is greater and -- Ken help me 16:34:45
11 out here, but I believe it's around 95 percent. Is 16:34:51
12 that close? 16:34:55

13 They have one of the very best availability 16:34:56
14 rates in the whole United States, which is -- 16:34:59

15 Oh, my. Time goes by fast. You can tell 16:35:02
16 I'm a politician. 16:35:06

17 But they take great pride in their power 16:35:07
18 plant. They're one of the very best in the United 16:35:10
19 States.

20 And not in just one area, or two areas, in 16:35:13
21 all areas. 16:35:16

22 And so their Title V permit, that is a -- a 16:35:16
23 source of pride to them. And they try to meet those. 16:35:20
24 They're environmental engineers. 16:35:24

25 I think back to some of the folks that have 16:35:26

1 served in that capacity -- they try very hard to 16:35:27
2 maintain their -- the discharges that come out of that 16:35:30
3 power plant, whether it's the PM 2.5s or the bag house, 16:35:34
4 or the absorbers, the SO_x, the NO_x, all of that, they 16:35:37
5 try extremely hard. 16:35:41

6 And so when they find out that they're not 16:35:42
7 in compliance, it's -- they take it very personally. 16:35:45

8 So I hope you would understand that they 16:35:50
9 try, that we try, very hard, to be in compliance and 16:35:53
10 follow the rules and regulations that are given. 16:35:56

11 This kind of a curve ball to them, you know, 16:35:58
12 they're hurt by it. So I would hope that you would 16:36:02
13 take the opportunity to say, Do you know what? These 16:36:05
14 folks are in compliance. They are trying. 16:36:08

15 Thank you very much. 16:36:10

16 JUDGE SUTIN: Thank you, Mr. Raymond. 16:36:11

17 Our last speaker, Adrian Tull? 16:36:14

18 ADRIAN TULL: Adrian Tull. T-U-L-L. 16:36:28

19 I didn't prepare a statement. I didn't 16:36:33
20 expect to speak. 16:36:39

21 I'm from the West. It's all lumber 16:36:40
22 industry. And the effects of losing all of them jobs 16:36:43
23 during this economic downturn, it's dramatic. I mean, 16:36:46
24 you're talking just 100 -- or 161 jobs? The 16:36:51
25 trickle-down effect from that is going to be three 16:36:56

1 times that. 16:36:59

2 I mean, you're taking single family incomes 16:37:00

3 to double incomes. Loss of jobs, revenue, taxes. 16:37:03

4 Crime rate goes up. 16:37:14

5 I mean, a lot of things come into effect by 16:37:15

6 shutting us down. Sorry, I'm extremely nervous. 16:37:21

7 I'm not a scientist, I don't know the 16:37:25

8 numbers, the facts. I'm not paid to be here. I'm here 16:37:29

9 trying to save our jobs. Supporting our power plant. 16:37:32

10 I had more I wanted to say, but I've lost it 16:37:36

11 all. Sorry. Thanks. 16:37:44

12 JUDGE SUTIN: Thank you. Thank you, 16:37:45

13 Mr. Tull. 16:37:48

14 Okay. Amazingly we have finished all of the 16:37:48

15 speakers that registered and wanted to speak this 16:37:54

16 afternoon. 16:37:57

17 Thank you all for your cooperation and for 16:37:57

18 your willingness to stick it out with us this 16:37:59

19 afternoon. 16:38:02

20 We will be here again from 6:00 to 8:00 this 16:38:02

21 evening, so if you thought of something that you didn't 16:38:05

22 say earlier and you'd like to come back and make a 16:38:09

23 comment, by all means please do. 16:38:13

24 And we -- as I said, will be accepting 16:38:15

25 written comments through June 16th. You can submit 16:38:21

1 those to EPA, either by mailing them, faxing them, or 16:38:23
2 e-mailing them. 16:38:29
3 And those -- that information is on the 16:38:30
4 facts sheet. 16:38:33
5 So thank you again everybody, and have a 16:38:35
6 nice afternoon and evening. 16:38:37
7 The hearing is officially closed. 16:38:42
8 (Whereupon, the hearing 16:38:44
9 was concluded at 4:38 p.m.)
10 * * *
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REPORTERS CERTIFICATE

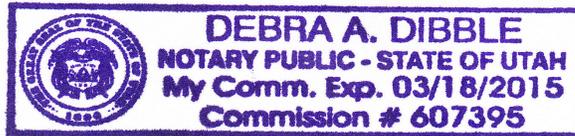
THIS IS TO CERTIFY that the foregoing proceeding was taken before me, DEBRA A. DIBBLE, a Registered Merit Reporter and Certified Realtime Reporter.

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

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

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

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



* * *

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**

* * *

P R O C E E D I N G S

18:00:41

JUDGE SUTIN: Good evening everyone. We're going to get started.

18:00:41

18:02:40

I am Judge Sutin. I'm the regional judicial officer from EPA Region 8 in Denver, Colorado.

18:02:42

18:02:46

Welcome to the second hearing for the permit for the Bonanza Power Plant. Thank you all for coming.

18:02:51

18:02:57

I will be presiding over the hearing today.

18:03:01

Also on the panel with me, to my right, is Deirdre Rothery. She's the unit supervisor in the air program for EPA's Denver office.

18:03:03

18:03:06

18:03:10

Also with us today are Alfreda Mitre and Jodi Ostendorf. They're outside presently helping people sign in.

18:03:12

18:03:19

18:03:22

But if you have any questions, of any of us, we can try and answer those after the hearing, as it relates to the process of the hearing.

18:03:23

18:03:27

18:03:31

This hearing is now in session.

18:03:36

We are here today to listen to and receive your comments on EPA's proposed air quality operating permit for Deseret Power Electric Cooperative/Bonanza Power Plant on the Uintah and Ouray Reservation.

18:03:37

18:03:39

18:03:43

18:03:48

This Federal Clean Air Act Title V permit controls air emissions of this coal-fired electric utility. We announced the proposed permit in four

18:03:50

18:03:54

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 cooperative 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 O₃ 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 O₃ 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 precursor 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 lobbyists 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 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 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 CO₂ 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 dominant 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
2 those windmills into the power grid, because when he
3 shut down that -- that coal-fired power plant enough
4 that the wind generators were taking over, all of a
5 sudden something happens to your wind generator, it
6 takes four or five hours to get that grid back up to
7 where you're providing adequate power.

19:18:20
19:18:23
19:18:27
19:18:31
19:18:34
19:18:36
19:18:39

8 The thing with solar is you have to have a
9 huge footprint of solar panels to provide enough power
10 to power anything.

19:18:41
19:18:48
19:18:54

11 And the problem that the EPA has with that
12 is all of these environmental groups that are out here,
13 you look down across the solar power field, and to
14 birds, it looks like a big field of water that they're
15 going to land on.

19:18:55
19:18:59
19:19:04
19:19:09
19:19:12

16 The surface area of those solar panels is
17 450 degrees, three feet above the solar panel. So as
18 soon as that bird's coming down to land on that solar
19 panel, he's instantly microwaved.

19:19:12
19:19:15
19:19:19
19:19:21

20 But right now, our best option is coal-fired
21 power plants. And the coal industry has done a lot on
22 their own, plus with the government. And if the EPA
23 would work with the power plants, you know, quit --
24 quit starving us out and just, you know, work with us
25 to develop the technology, to make it cleaner, then,

19:19:24
19:19:32
19:19:35
19:19:39
19:19:42
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 Rejuvinarie, 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 eyes 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 Co₂ 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 environmentalist. 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

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REPORTERS CERTIFICATE

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

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

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

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

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

