



State of Utah

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Environmental Quality

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DIVISION OF AIR QUALITY
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MEMORANDUM

To: Sevier Power Company Source File (Source ID 12529)

Through: Marty Gray, New Source Review (NSR) Section Manager, DAQ

Through: John Jenks, Engineer, NSR Section, DAQ

From: Jon L. Black, Engineer, NSR Section, DAQ

Date: October 23, 2012

Subject: Response to Public Comments

The Utah Division of Air Quality (DAQ) proposed an Approval Order (AO) for Sevier Power Company (SPC), with a public comment period running from April 11 thru May 11, 2012. The DAQ extended the public comment period through June 7, 2012 in response to a new law, Utah Code Ann. §19-1-301.5, which changed the adjudicative proceedings for permits, and became effective on May 8, 2012. In addition, as requested by the public, the DAQ held a public hearing on May 31, 2012 pursuant to R307-401-7, Public Notice. The hearing began at 6:00 P.M. on Thursday May 31, 2012 in the Sevier County Administration Building, located at 250 N. Main Street, Richfield, Utah.

The comments received, both written and those made orally at the hearing, are identified below along with the Division of Air Quality's (DAQ's) response to the comment. As required by R307-401-7(3), each comment received was considered and evaluated before final issuance of the AO.

Oral Comments

A total of 62 people attended the hearing, including DAQ staff (an attendance list is attached to this memo). Twenty-eight (28) people provided oral comment on the permit. The following comments are paraphrased and combined where different individuals provided the same comment.

1) Seven persons commented on the need for a baseline study which would show the current air quality conditions of the Sevier Valley, with two persons requesting five additional years of study prior to the AO being issued:

The commenters stated that they were very concerned that a baseline study of pollution in the Sevier Valley had not been performed. Comments were stated in various forms and were all similar to the following statements:

“Nothing has ever been measured or actually studied. How can additional increments of pollution be assigned without having a known baseline?”

“Our community has the right to expect a baseline study to determine the current level of air pollution before you make any decision.”

Additionally, one commenter stated that one year of studying weather conditions was not enough to determine the actual current conditions of the air quality in the Sevier Valley, and two people requested that five additional years of an air pollution study be performed prior to allowing the power plant to construct and operate. Comments stated:

“...with no baseline study and a year of studying weather for a permit that could last a hundred years, seems like a narrow view. So I would request that the Air Quality both take a look at that and maybe it’s time to look at a five year study.”

“I do not understand why we do not have a baseline study here. Five years, one year isn’t long enough, gentlemen. I think we need a baseline study and it is my request that one be done. An accredited baseline study done first”

“So I would request that the Air Quality... look at a five year study.”

DAQ Response – Although a requirement for a study is not referenced by the commenter, R307-405-14, which incorporates by reference 40 CFR 52.21(m)(1) titled ‘Air Quality Analysis,’ requires a source to “gather one year of air quality data that represents at least the year preceding receipt of the application.” This rule only requires that one year of data be collected, not five years as requested by the commenter. Also, as identified in 40 CFR 52.21(i)(5), SPC is exempt from the requirement for gathering one year of preconstruction air quality monitoring data because the increase in pollutants from the new source result in air quality impacts less than the significant monitoring levels listed in 40 CFR 52.21(i)(5).

Regardless of the exemption, ambient air quality data representative of the site was collected for one year in 2001-2002. The data was collected using a meteorological tower and two co-located PM10 monitors located near the site. To determine representativeness, the DAQ conducted a growth study by reviewing the emission inventory for the Sevier valley area over the last decade. The DAQ determined that limited growth over the past 10 years does not negate the ambient data collected in 2001-2002 from being representative of the current air quality in the Sevier Valley area (see Modeling Memo DAQE-MN125290003-12).

2) Four persons requested additional air quality monitoring:

Commenters requested that additional monitoring take place in the Sevier Valley area to gather data for the comparison to the health standards. The commenters requested that monitoring data be gathered prior to the project startup. Comments were all similar to the following:

“So I would like to see some actual, physical monitoring done before this permit’s ever issued.”

“I would like Sevier Power or the state, whatever it takes and I will buck it to the end, but I would like to have extra monitor on this...”

It was also requested that this monitoring data be made available to the people of the community.

“And so my thing that I would ask is that we have a monitoring system and that we know along with the Wasatch Front, what is going on.”

DAQ Response – For existing (preconstruction) air quality data, please see response to comment #1.

R307-405-14, which incorporates by reference 40 CFR 52.21(m)(2), ‘Post Construction Monitoring,’ only requires the collection of post construction data if necessary to determine the effect the source is having on air quality in any area. In this case, the air quality analysis has already demonstrated that the combined emissions will not cause a violation of any of the NAAQS in the local airshed (DAQE-MN125290003-12). Therefore, post-construction monitoring is not required, and the commenters do not identify any regulatory requirement to the contrary.

However, despite having no regulatory obligation to do so, SPC has agreed to conduct post-construction PM_{2.5} ambient air monitoring for a period of no less than three years or until the Director determines that ambient monitoring for PM_{2.5} is no longer warranted. SPC will submit a post-construction PM_{2.5} ambient air quality monitoring plan for approval by the Director no less than 180 days prior to the start of operations.

Post-construction PM_{2.5} monitoring will begin within 30 days of the start of the SPC operations. SPC will provide post-construction monitoring reports to the DAQ on a schedule outlined in the plan approved by the Director. These reports may be posted on the DAQ’s web page or made available for viewing as requested through the Government Records Access and Management Act (GRAMA). The requirement for post-construction monitoring will be included as new condition II.B.1.e in the final AO document.

3) Two persons commented on inversion periods in the valley:

The commenters stated that operation of this power plant will create more harmful pollution in the Sevier Valley. One commenter asked if inversions were taken into account in the model.

Comments were stated as:

“Our valley has inversions events year round which will concentrate harmful PM₁₀ and PM_{2.5} forcing us all to breathe these dangerous power plant generated byproducts.”

“Were these inversions accounted for in this model?”

DAQ Response – Inversions have been accounted for in the modeling for this project. In accordance with standards found in Appendix W of 40 CFR 51, SPC utilized one year of representative meteorological data obtained from a 100 meter (m) tower located adjacent to the proposed site (see NOI sections 6.2, 6.4 and 6.5). Air temperatures were measured at 2m, 10m, and 100m. Wind speed and wind direction were measured at 10m and 100m. The temperature data is used to develop a vertical temperature gradient in the model for calculation of the vertical expansion of the plume.

The wind speed and direction data, combined with other parameters related to atmospheric turbulence, are used to determine the direction of transport and its horizontal expansion. The monitors recorded hourly averages for each meteorological parameter for use in the dispersion

modeling analyses, for a total of 8,760 hourly samples per year. Therefore, any inversion periods that occurred in the Sevier Valley during the one-year monitoring period were recorded by the monitor and simulated in the dispersion model analysis (see Modeling Memo DAQE-MN125290003-12).

4) Two persons commented that the size of the power plant should be scaled back:

The commenters requested that the size of the plant be scaled back to 270 MW. In 2003, SPC had proposed constructing a coal-fired power plant in the same location as their current proposal. That request was withdrawn in early 2010. The original proposal was for a power plant producing a nominal 270 MW, which is where the value referenced by the commenters comes from. Commenters stated that this new proposal of 580 MW would not be significantly lower in emissions than that of the original proposed coal-fired power plant. Commenters also questioned whether the County Commission had received valid information about the planned size of the proposed project.

One commenter stated, "Before approving any conditional use permit our County, our County Commissioners had and still has a legal obligation to the people to consider the pollution output of the 580MW gas power plant in our valley as compared to the lesser pollution output of a 270MW operation.....If you can't delay a decision or if the applicant Sevier Power Company fails to voluntarily change their proposal to a 270MW operating facility after this public hearing after hearing all of these testimonies have been heard and recorded and you research and investigate it and find it to be true, then please honor your duty, honor your duty to Utahans and reject this application rather than subject our community to known unreasonable risks to our health, welfare and safety."

A second commenter stated that, "Discussions were held first with the Sevier County Planning Commission and later with the Sevier County Commission, culminating with the issuance of a planned unit development permit on or about December 1, 2010.... Absent from the discussion was a proposal to increase the generating output of the proposed plant from 270 megawatts to 580 megawatts. This change definitely changed the math on computing emissions.....The size of the plant should at least be scaled back"

DAQ Response – The DAQ does not take a position on the accuracy of the information related to the proceedings of the Sevier County Planning Commission and the Sevier County Commission as stated in the comments. In addition, the commenters do not identify any regulatory requirement for adjusting the size of a project either up or down. The DAQ must process, assess and analyze each Notice of Intent (permit application) it receives pursuant to 40 CFR 52.21, R307-401, R307-405, R307-406(2), R307-410(3), R307-410(4), and R307-410(5).

The proposed project has undergone a thorough review and been processed in accordance with these regulations. The review evaluated the proposed 580 MW power plant, its associated emissions, impacts, and requirements. As the 580 MW proposal met all of the required criteria, the DAQ concluded that this proposed project will comply with all NAAQS and all associated requirements at the proposed 580 MW operating level. Therefore, the DAQ has no basis to require SPC to lower its potential power output, and the comments fail to articulate or even identify any legal or technical basis for such a change. Any concerns about planning and zoning should be referred to local government.

5) Three persons commented on monitoring the local animals, soils and vegetation:

Commenters wanted to know if this study was done, where it was done, and what type of monitoring will take place regarding the animals, soils and vegetation. One commenter was also concerned about future soil conditions. One comment stated that:

“the data supports the connection between burning fossil fuels and contamination of the air, water and soil.”

Another commenter questioned if the dirt will be fit to grow crops in the future.

DAQ Response –The soils and vegetation analysis was conducted by MWH Americas, Inc. of Salt Lake City, Utah. Because this project is subject to the Federal PSD regulation (40 CFR 52.21(o), incorporated by reference into R307-405-16), SPC conducted an analysis of Air Quality Related Values including impairment to soils, vegetation and wildlife that would occur from the installation of a gas-fired power plant. MWH conducted the analysis on July 26, 2011, in the proposed project vicinity. The analysis can be found at section 8.0 of the NOI. With respect to the comment that “the data supports the connection between burning fossil fuels and contamination of the air, water and soil,” the commenter does not identify or provide the data referenced in the comment or explain any role it might play in the soils and vegetation analysis, or explain how such information would change the proposal.

Because the power plant is to be gas-fired, deposition of particulate pollutants is not expected and the primary pathway of concern is direct contact with airborne pollutants. EPA has established the exposure limits to protect animals, agronomic crops, and native vegetation against damage from direct and indirect exposure pathways. Although agricultural areas are located in close proximity to the proposed project, the impacts analysis and modeling indicate potential pollutant ground level concentrations from the proposed project are below the NAAQS for PM_{2.5}, PM₁₀, NO₂, and CO (see DAQ modeling memo DAQE-MN125290003-12). As stated in the analysis mentioned above, impacts to wildlife species are caused more by deposition than direct exposure, so those impacts are considered to be minimal. Since deposition is expected to be minimal, no adverse impacts to soils, vegetation, or wildlife are expected.

- 6) **One person commented that wind and solar power should be evaluated before this plant is allowed.**

Commenter stated that before another power plant is installed, the State should follow a State commissioned study which recommends we should replace the polluting power plants with wind and solar power.

DAQ Response –The state and federal regulations governing this permitting action (as stated above in response to comment #4) do not require the use of alternative energy sources nor do they disallow a natural gas-fired power plant. The SPC ITA meets all state and federal regulations and therefore the DAQ Director must issue an Approval Order for construction and operation of the proposed gas-fired power plant (R307-401-8). Moreover, the comment refers to a “State commissioned study,” but does not provide it for the DAQ’s review and consideration, quote any relevant parts, or even identify it by name.

U.C.A. 19-1-301.5(4)(b) requires a commenter to support its comments with sufficient information or documentation to enable the director to fully consider the substance and significance of the issue. As this comment does not, the comment is noted and no changes were made to the ITA.

- 7) **One person commented that the plant was not in the margin of safety to the public health required by the Clean Air Act (CAA).**

Commenter stated that because the Clean Air Act has a mandate to provide an adequate margin of safety for public health, the commenter concludes that this plant is not within the CAA mandate.

DAQ Response – The commenter did not identify any relevant provision of the Clean Air Act and thus the DAQ is uncertain as to the context of the statement. The DAQ evaluated this power plant under current state and federal regulations as required in 40 CFR 52.21, R307-401, R307-405, R307-406(2), R307-410(3), R307-410(4), and R307-410(5). These regulations were promulgated in compliance with the Clean Air Act and approved by EPA.

Although unclear, the margin of safety stated by the commenter appears to refer to the process of establishing ambient air quality standards, such as the NAAQS. These standards, established by the EPA, are health-based standards (see <http://www.epa.gov/apti/bces/module7/title1/title1.htm> - an EPA webpage that addresses the history and bases for the establishment of NAAQS). Concerns about the adequacy of those standards should be addressed to the EPA.

Establishment of the NAAQS is a wholly different process and is not at issue in this permitting action. The analysis for the SPC project determines only whether the project as proposed meets current requirements. The DAQ has concluded that it does (see DAQ Source Plan Review, RN125290003-12).

- 8) **Persons commented that health journals, medical science reports, and studies have all shown that there are no safe levels of air pollution. Requests were made to not allow this plant due to a variety of health related statistics and concerns including a reference to the Clean Air Scientific Advisory Committee recommendation to EPA:**

One commenter stated that EPA was instructed to set more stringent standards for PM_{2.5} but has not done so. Multiple commenters cited studies reported in health journals and medical science reports which concluded that air pollution is not safe.

DAQ Response –As stated in response to comment 6, U.C.A. 19-1-301.5(4)(b) requires a commenter to support its comments with sufficient information or documentation to enable the director to fully consider the substance and significance of the issue. In these comments, the generic references to studies and statistics fall short of the specificity needed to allow the DAQ to meaningfully consider the comments. Additionally, the commenters did not supply the DAQ the studies to which the comments refer, or at a minimum provide specific references.

In any event, the NAAQS are established by the United States Environmental Protection Agency (EPA) under authority of the Clean Air Act (42 U.S.C. 7401). Primary standards are designed to protect human health, with an adequate margin of safety, including sensitive populations such as children, the elderly, and individuals suffering from respiratory diseases. EPA considers health journals, medical science reports, academic studies, scientific groups, task forces, etc., when establishing the NAAQS.

Because EPA established the current NAAQS values and is charged with the development and regulation of these values, the studies cited by the commenters should be presented to EPA. The comment is otherwise noted.

- 9) **Six persons commented they were against the plant due to reduced economic development and health and welfare of the community due to the emissions from SPC increasing the pollution in the valley.**

DAQ Response – Please see response to Comments #5 and #7 regarding health and welfare concerns. Also see response to Comment #25 related to economics.

- 10) **One person commented on the attainment/nonattainment status of the area.**

Commenter was concerned with the future status of the area and stated the following:

“...the issuance of a permit for the 580 megawatt plant may actually put Sevier County over the National Ambient Air Quality Standards limit [sic] and into a non-attainment status.”

DAQ Response – Nonattainment areas are regions where the concentration of one or more criteria pollutants exceeds the federal air quality standards set by EPA (see response to Comment #8). As part of the PSD air permitting process, the emissions from the SPC plant are modeled using EPA-approved air dispersion models to determine if the emissions from the proposed source would result in a violation of the NAAQS. In making this determination, the cumulative impact from the ambient conditions, nearby industrial sources, and SPC’s projected contributions are evaluated under worst-case meteorological conditions (see R307-405-12, 40 CFR 52.21(k) and 40 CFR 51, Appendix W).

In this case, the air quality analysis showed that the combined emissions will not cause a violation of any of the NAAQS in the local airshed (DAQE-MN125290003-12). Accordingly, the proposed SPC plant is not expected to cause a nonattainment area in the Sevier Valley.

- 11) **Fifteen persons stated their general disapproval of the plant and its pollution and requested the DAQ to not allow the permit to be issued:**

These commenters requested that the plant should not be allowed and that the DAQ should not approve the permit.

DAQ Response – These non-technical comments do not address the permit conditions as proposed and are therefore noted for the record.

- 12) **Six persons commented on their approval of the Sevier Power Project:**

These commenters all stated a need for the Sevier Power Project. It was recorded that jobs were needed in this area and the employment would be welcome. The last commenter supplied DAQ officials with a petition containing several hundred signatures stating they were in favor of the Sevier Power plant.

DAQ Response - These non-technical comments do not address permit conditions as proposed and are therefore noted for the record. The petition with signatures is attached to this memorandum for the record.

This concludes the oral comments portion of the public hearing. The remaining comments were submitted to the DAQ in written form.

Written Comments

DAQ received a total of 41 e-mail and written comments regarding the SPC project. The comments submitted are addressed below, followed by DAQ's response to the comment. The comments have been categorized by issue, and therefore may not appear in the same order as in each original submission. A copy of each e-mail and written comment is attached to this memorandum.

13) Written comment received regarding the proposed Best Available Control Technology (BACT) emission limit:

Commenter stated:

"The proposed limit is 1,926,425 metric tons of carbon dioxide (CO₂) per rolling 12-month period, with compliance to be determined through the use of CO₂ continuous emission monitoring system (CEMS). The State's "Reviewer Comments" for this permit action indicate, however, that two non-CO₂ GHGs (methane and nitrous oxide) will also be emitted. Please be aware that under the definition of "Subject to regulation" in the GHG tailoring rule at 40 CFR 52.21(b) (49) (i), and under the definition of "Regulated NSR pollutant" at 40 CFR 52.21(b) (50) (iv), both of which are incorporated by reference into State rules at R307-405-3, the pollutant that is subject to regulation, and is therefore a regulated NSR pollutant, is defined as GHG, not CO₂. Therefore, the BACT emission limit should be expressed in terms of total GHG emissions, as CO₂-equivalent (CO_{2e}), and the permit record should indicate how compliance will be demonstrated for the two non-CO₂ GHGs to be emitted."

DAQ Response – The DAQ agrees with the comment regarding the designation of GHG and will amend AO condition II.B.2.f to read as follows:

Emissions of GHG from both CT/HRSG units combined shall not exceed 1,958,552.1 metric tons of CO_{2e} per rolling 12-month period. Compliance with the rolling 12-month period shall be determined through use of the CO₂ CEM as outlined in condition II.B.1.b above. Non-CO₂ GHGs shall use Emission factors from Table C-2 of 40 CFR Part 98 and global warming potentials from Table A-1 of 40 CFR part 98, along with the actual measured heat input to the combustion turbines. [R307-170, R307-401-8]

The emissions of CO₂ represent more than 98% of the total GHG emissions from the turbines. DAQ states that direct monitoring of CO₂ emissions is sufficient and representative of the total GHG emissions expected from the proposed SPC plant. The non-CO₂ GHG emissions will be calculated as designated in AO condition II.B.2.f as stated above.

14) Written comment received regarding air monitoring data for Sevier Valley:

Commenter stated: *"Air monitoring data for Sevier Valley is older than the one year called for in regulations. Utah titles R307-405-12 (incorporates CFR 52.21(k))."*

Commenter also stated: *"The data in the NOI submitted by SPC is from the years 2001-2002 as noted in the NOI, section 6.4. The NOI is incomplete if data is not from the year preceding submittal to UDAQ." [Reference 40 CFR 52.21(m) (IV)]*

DAQ Response – Please see response to comment #1.

15) Written comments received regarding future mining, trucking, agricultural and economic development:

Comments received were stated as follows:

“After allotment of pollution increments to SPC, there will be little left for future economic development. Does allotment of pollution credits unduly tie up future development?”

“Mining, trucking, and agriculture are important economic activities in Sevier County. A power plant will go a long way toward using up any ‘clean air reserve’ that might exist in the valley, which would seriously curtail these economic activities (see Utah titles R307-405-6).”

DAQ Response – A review of the SPC Class II increment analysis (DAQE-MN125290003-12) indicates that based on the plant's maximum potential to emit (PTE), SPC would consume no more than between 22% and 77% of the available increment at the locations showing the highest potential impact, and that these impacts are very local to the plant.

The air quality permitting process does not require consideration of unknown future economic activity, and the commenter does not identify any such requirement.

16) Written comments received regarding prevailing winds in Sevier Valley and the impact on the Salt Lake and Utah County non-attainment areas:

Comments were stated as follows:

“The prevailing and dominant, southerly winds in Sevier Valley will impact Utah County disproportionately. Utah County is already “non-attainment.”

“The prevailing winds in Sevier County come from the south and blow toward the north. This means that pollutants generated by the proposed power plant will impact Juab and Utah Counties, both of which are already “non-attainment” areas. Conversely, when the wind is from the north, the air pollutants from Utah County, added to the pollution from SPC’s power plant will increase Sevier Valley’s total airborne pollution to “non-attainment status”

“This plant is upwind of Utah and Salt Lake Counties which is an issue for the SIP (State Implementation Plan). This analysis needs to include real-time data in addition to modeling. The DAQ practice of relying on modeling is inadequate at this time because of the existing SIP issues.”

DAQ Response - As part of SPC dispersion modeling analysis, the applicant must construct the model so that it will produce concentration predictions out to a range where the pollutant no longer results in a significant impact to the evaluation area (40 CFR 51, Appendix W). The SPC dispersion modeling indicated that the proposed source would have a less than significant impact on the Utah County nonattainment area, and therefore would not negatively impact the Utah County area (DAQ modeling memo DAQE-MN125290003-12). The proposed PM_{2.5} SIP does not include SPC’s potential emissions as the proposed SPC plant does not lie within the SIP modeling domain.

The DAQ used meteorological data gathered on-site as inputs for the modeling analysis. The parameters collected on-site included wind speed and direction, temperature, and solar radiation. The EPA–AERMOD dispersion modeling system was used to predict air pollutant concentrations in the near field (within 50 kilometers of the source). The EPA – CALPUFF –

Version 5.8 model was used to predict concentrations in the far field (long range transport conditions beyond 50 kilometers). In both cases the predicted concentrations demonstrated no significant impact in the non-attainment areas (DAQ modeling memo DAQE-MN125290003-12).

Please see response to comment #2 above regarding post-construction PM_{2.5} monitoring and response to comment #10 regarding the attainment status of the Sevier Valley.

17) Written comments regarding inversion conditions and requirements in Sevier Valley:

Comments were stated as follows:

“Frequent, and persistent, inversion conditions in Sevier Valley will cause entrapment of air borne pollutants.”

“The air quality in Sevier valley is frequently exacerbated by persistent inversions.”

“to require that Sevier Power Company compile more extensive data....on inversions in the valley”, and; “DAQ scrutinize and analyze this data with the objective of requiring every bit of reduction of airborne pollutants that is achievable.”

“we request that the control systems utilized will force reductions of emissions to at least one-half of those permitted for the Current [sic] Creek plant in Mona.”

DAQ Response – In regards to inversion periods, see response to comment #3 above.

In regards to the comment about restricting SPC to half of the emission limits for the Currant Creek Power Plant, the comment identifies no regulatory basis for such an arbitrary restriction, and DAQ is aware of none.

The DAQ thoroughly reviewed the Top-Down BACT analysis performed by SPC, which evaluated the best available control technologies for this type and size of source (R307-401-8). The control technologies for this plant represent BACT (RN125290003-12). The selected control technologies limit SPC to the proposed emission rates which are at least as stringent as any known gas-powered power plant in the nation (see BACT section of RN125290003-12 and NOI section 5.0).

As the comment itself does not take issue with any particular aspect of the BACT analysis, no changes were made to the ITA.

18) Written comments regarding residents with heart and breathing disorders:

Commenter’s statements were all similar in nature to the following:

“There are already an above average number of residents with heart and breathing disorders and a large number of people on oxygen. It will only get worse.”

“Persons with breathing and heart problems are adversely affected by these inversions. A power plant located in the middle of the valley will only magnify these health related problems.”

DAQ Response: Please see response to comment #7 above regarding health issues.

19) Written comment regarding Rocky Mountain Power’s Integrated Resource Plan:

The comment stated the following:

“Rocky Mountain Power, a subsidiary of PacifiCorp, is the primary generator and distributor of electrical power to the State of Utah. Since the start of the recession in 2008, RMP has continually revised downwards, its requirements for additional electrical generation capacity. This makes the application by Sevier Power Company redundant in that there may be no customer for its capacity. Why should air pollution increments be assigned to a company that may have no use for them?”

The comment concluded with:

“The preceding paragraph points out that regulations are changing rapidly. Issuance of a permit in 2012, when no need is shown for electrical generation, could be a folly. The permit would be obsolete prior to commencing construction. The proposed plant must be in compliance with all current – and known future – regulations to minimize adverse impact upon the enclosed Sevier Valley.”

DAQ Response: The DAQ reviews applications based upon current state and federal regulations. This includes an analysis of BACT, which evaluates the best control options and equipment available at the time of the permit issuance. The DAQ cannot issue an approval order based upon unknown and unwritten future regulations, and the commenter identifies no requirement to the contrary. As AOs are modified, additional requirements from new regulations are incorporated.

The DAQ evaluates a proposed source solely to determine compliance with air quality rules and regulations, and not on need or market conditions. As this comment does not pertain to or directly affect the permit conditions as proposed it is therefore noted for the record.

20) Written comment regarding increased power production in Central Utah:

Commenter states the following:

“Again, referring to RMP’s IRP, there is no demand shown for central Utah. According to RMP, the projected growth is elsewhere. Therefore the proposed SPC plant should be located closer to the projected use to minimize fuel delivery costs and transmission of generated power.”

Other commenters state in general terms that there is no need to provide more electricity to this region.

DAQ Response: The DAQ does not designate or oversee the placement of business in the State of Utah, and the commenter does not identify any provision of law that would require DAQ to consider such matters as part of the permitting process. Permit applications propose plant locations which are then evaluated by the DAQ under state and federal law. This comment does not pertain to or directly affect the permit conditions as presented and is therefore noted for the record.

21) Written comment regarding Civil Rights Act of 1964:

Commenter states the following:

“...challenges the issuance of this permit to Sevier Power Company under the terms of the Civil Rights Act of 1964, its extensions and revisions, and its adjudication to date. Approximately 800 citizens of Sevier County are currently living with oxygen assist for a combination of respiratory, pulmonary and other diseases making it very difficult for them to breathe even under current conditions. The pollution added by granting this right to Sevier Power Company would force them to remain indoors even more so than at present further isolating them from the community. The right to breathe clean air is an inalienable right under the terms of the Civil Rights Act and the fourteenth amendment to the United States Constitution, and may not be taken away from the citizens.”

DAQ Response –The DAQ reviews permit applications and issues approval orders pursuant to relevant state and federal regulations, which are developed in accordance with the Clean Air Act and approved by EPA. As specified above, the proposed SPC permit meets all of these stated requirements. Please see response to comment #7 above regarding health issues.

Pursuant to U.C.A. 19-1-301.5(4), a commenter must make comments with specificity sufficient to allow the agency to thoroughly consider the comment. The comment makes a general reference to the Civil Rights Act (CRA) but does not identify any particular provision of the act that it believes the DAQ has violated. The comment also does not tie its comment to any particular term or condition of the ITA or to the DAQ’s compliance with the permitting process. Accordingly, the comment provides insufficient context for the DAQ to respond, and is therefore noted for the record.

22) Written comments regarding no baseline study:

Comments received stated that there is no data to establish a baseline for air pollution, specifically particulate or ozone pollution in the Richfield area. Many comments were received regarding this topic and a few examples are as follows:

“The applicant states that Sevier County is classified as “attainment” for all criteria pollutants. This can only be viewed as completely arbitrary and capricious for there is no basis for this classification. The DAQ should require current monitoring data to be generated before a major source of pollution is permitted in a county with 21,000 people.”

“I implore you to hold the issuance of any permit until additional work can be accomplished and the following issues addressed by you and your department:

- a) Baseline/benchmark study for factual information about the specific locale and entire valley of locus.*
- b) Specific air and related effects to the town of Sigurd and its 183 single-family dwellings.*
- c) Inversion frequency as relates to the proposed site.*
- d) Airborne particulate matter currently in evidence in the site’s valley, encircled with higher elevation terrain.*
- e) Number of locus of County residents currently prescribed supplemental oxygen by medical authority for pulmonary compromise.*
- f) Independent airshed studies that would accurately predict the effects of this proposal and its scope.”*

DAQ Response: The attainment/non-attainment status of a particular airshed is determined by EPA. Sevier County is classified as attainment or non-classifiable for all pollutants. Please see response to comments #1, #2, #3, #7, #8 and #10 above regarding baseline studies, post

construction monitoring, inversions, general health, health studies, and attainment designations.

23) Written comments regarding medical science, journals, and studies:

Commenters all made similar comments and a few representative comments are as follows:

“The state of Utah already has the HIGHEST incidence of AUTISM in the USA. The Salt Lake Tribune recently published an article with studies from Stanford University and the Centers for Disease Control which state that POLLUTION definitely contributes to the cause of this terrible abnormality in our children.”

“Expected health effects which could be directly attributable to the proposed 580 MW, combined-cycle, natural gas-fired power plant located near Sigurd, Utah: Deep Vein Thrombosis. Increase risk: 560%, all causes mortality rate: 10.6% annually, lung cancer increase of 30%, lung cancer mortality increase of 48%, breast cancer increase of 140%, childhood leukemia increases of 20%, sudden infant death increase of 80%, 126% increase in diabetes, 98% increase in hypertension, increase risk of mental retardation in babies, autism have been shown to double, children and IQ effect, and cognitive decline in older women about 8 years early.”

DAQ Response: Please see response to comments #7 and #8 above regarding the CAA, health journals, medical science reports, and studies.

24) Written comments regarding lowering the PM_{2.5} NAAQS:

The commenters stated the following:

“It is the CASAC’s consensus scientific opinion that the decision to retain without change the annual PM_{2.5} standard does not provide an “adequate margin of safety...requisite to protect the public health” (as required by the Clean Air Act), leaving parts of the population of this country at significant risk of adverse health effects from exposure to fine PM....Indeed, to our knowledge there is no science, medical or public health group that disagrees with this very important aspect of the CASAC’s recommendations.”

“CASAC stated emphatically there is “clear and convincing scientific evidence that significant adverse human-health effects occur in response to short term and chronic PM_{2.5} at and below the current standards.”

“...standards be updated as reflected by the new evidence before permit(s) are issued.”

DAQ Response: Please see response to comment #7 and #8 above regarding general health, the CAA, and health studies.

With respect to the possible updating of standards, the DAQ reviews applications based on existing law, not on the basis of speculative changes that may occur. Therefore, no changes were made to the ITA.

25) Written comments regarding requirements, funding, engineered plans and fuel source:

Comments stated the following or similar:

“SPC has not met any of the requirements to build such a plant, they have no financing, they have no engineered plans, they don’t even have a local source of natural gas. They have not provided the county with any viable reasons why they should be allowed to pollute our community.”

DAQ Response: The requirements and conditions for obtaining an AO are outlined in R307-401. Similarly, R307-401-5 identifies the elements required to be included in the permit application (Notice of Intent). Neither rule requires a source to have obtained financing or secured a specific source of fuel, and the commenter does not identify any such requirement.

Rather, R307-401-5(2)(a) specifically and only requires that the source identify the “type and quantity of fuels employed.” Further, DAQ disagrees that SPC has not provided “engineered plans.” SPC has provided all the information required in R307-401-5 (please see SPC’s NOI dated September 8, 2011). The permitting process does not require a proposed source to provide an analysis of the economic viability of a particular project, whether a particular project is needed or wanted, or whether specific county ordinances have been met. If a source meets the requirements of R307-401-8, then the Director will issue an AO to the source as outlined in R307-401-5(1). Therefore, these comments, which do not pertain to or directly affect the permit conditions as proposed, are noted for the record.

26) Written comment regarding Model Predicted NAAQS Concentrations in the Intent to Approve Document:

The comment states:

“the proposed emissions of NO_x and PM₁₀ and PM_{2.5} from the plant exceed emission thresholds. These emissions will be exceeded 24 hours a day 7 days a week. Since the emissions are exceeded then deny the permit.”

DAQ Response – The emission thresholds referenced by the commenter are outlined in R307-405-14 (which incorporates by reference 40 CFR 52.21(m)(1)(i)) and R307-410-4. These thresholds trigger whether an air quality impact analysis (AQIA) is required. As SPC’s proposed emissions of NO_x, PM₁₀ and PM_{2.5} exceeded those emission thresholds, an AQIA of the proposed project’s impact on federal air quality standards was required. That analysis, noted in the DAQ modeling memo (DAQE-MN125290003-12), demonstrated compliance with the NAAQS for all criteria pollutants, including those referenced in the comment above. Therefore, there are no predicted violations of the NAAQS.

27) Written comment regarding the funding of the project and allocated air emissions.

The commenter stated the following:

“There are a few problems with the DAQ’s policy of not knowing and, more so, not considering if the project is financed or has customers.

1. The project should not be approved until the DAQ knows the project is funded. The time and other resources the dept is using for a potentially unfunded project is wasteful in dept time and resources. The fact that the project does not have customers should alert you to the potential for wasting your time. I understand this project is unfunded and without commitments for customers.

2. *You are allocation [sic] precious air emissions to a potentially unfunded project. This is not fair to others who may need the allocations for funded projects.*

The ITA should be delayed for these reasons.”

DAQ Response –Please see response to comment #25 regarding economics and funding. The commenter does not identify any rule or regulation requiring consideration of the funding of a project in the air permitting process, and the DAQ is unaware of any such requirement. Therefore, the comment is noted for the record.

28) Three written comments regarding Approval of the Sevier Power Project:

These commenters all stated they were in support of the Sevier Power project. It was recorded that jobs were needed in this area and the employment would be welcome.

DAQ Response - These comments do not pertain to or directly affect the permit conditions as proposed and are therefore noted for the record.

This concludes the written comments for the Sevier Power Company’s power plant project proposal (DAQE-IN125290003-12).