

In Re: Deseret Power Electric Cooperative,  
Bonanza Power Plant,

Permit # V-UO-000004-2019.00

## ATTACHMENT 8



## REGION 8

DENVER, CO 80202

December 4, 2023

Ref: 8ARD-PM

Tyler Esplin  
Environmental Superintendent  
Deseret Generation and Transmission Co-operative  
12500 East 25500 South  
Vernal, Utah 84078  
[tesplin@deseretpower.com](mailto:tesplin@deseretpower.com)

Re: Final Part 71 Operating Permit, Permit #V-UO-000004-2019.00, Deseret Generation and Transmission Co-operative, Bonanza Power Plant

Dear Tyler Esplin:

This is regarding renewal of the 40 CFR part 71 title V operating permit (Part 71 permit) for Deseret Generation and Transmission Co-operative's (Deseret) Bonanza Power Plant. The public comment period for the draft of this permit action ended on March 11, 2021. The U.S. Environmental Protection Agency received one comment letter, which was yours, during the public comment period on February 28, 2021.

During the permit renewal process, the EPA met with members of the Ute Business Committee on September 22, 2020. As follow-up to that meeting, the Ute Business Committee requested in a letter dated October 14, 2020, that the EPA hold a public hearing regarding the permit renewal. The EPA met with Tribal representatives on January 12, 2021, and held a public meeting on the permit renewal on March 11, 2021. While Tribal representatives did not attend the public meeting, the Tribe submitted a comment letter on March 22, 2021 (March 22<sup>nd</sup> letter). The EPA prepared a draft response to comments (RTC) document to address the comments raised in the Ute Business Committee's March 22<sup>nd</sup> letter. On August 30, 2023, the EPA met with Tribal representatives to consult on the title V permit renewal and a minor New Source Review (MNSR) permit for a modification to add natural gas-fired peaking engines to the facility. Prior to the meeting on August 30<sup>th</sup>, the EPA provided an electronic copy of the RTC to the Tribe for review on August 29, 2023. The EPA transmitted a second copy of the draft RTC document to the Tribe on September 11, 2023, seeking recommendations by September 22, 2023. Additionally, on September 20, 2023, the EPA had a follow-up consultation on the title V permit renewal and proposed MNSR permit. On October 10, 2023, the Tribe submitted a letter with comments regarding the draft RTC document (October 10<sup>th</sup> letter).


We have reviewed your comments and provided responses in “Enclosure 1 – Response to Comments Document.” We have made revisions to the permit in response to your comments. We have also enclosed a comprehensive RTC document to address the Tribe’s March 22<sup>nd</sup> and October 10<sup>th</sup> letters.

Based on the information provided in Deseret’s Part 71 permit renewal application, subsequent application updates and public comments on the draft permit, the EPA hereby issues the enclosed final renewed Part 71 permit for the Bonanza Power Plant. The new permit number is #V-UO-000004-2019.00.

Please review each condition carefully and note any restrictions placed on this source. Procedures for appealing this permit can be found in 40 CFR 71.11(l). A petition to the Environmental Appeals Board (EAB) must be filed within 30 days of receipt of this final permit action. The permit will be effective on January 4, 2024, provided there are no appeals filed with the EAB.

If you have any questions concerning the enclosed final permit, please contact Suman Kunwar, of my staff, at (303) 312-6095 or at [kunwar.suman@epa.gov](mailto:kunwar.suman@epa.gov).

Sincerely,

 Recoverable Signature

X Adrienne Sandoval

Signed by: Environmental Protection Agency

**Adrienne Sandoval**

**Director**

**Air and Radiation Division**

Enclosures

1. Response to Comments Document
2. Deseret Bonanza Title V Response to Tribe Comments Document

cc:

## Enclosure 1 – Response to Comments Document

### EPA Responses to Public Comments on the Draft Air Quality Operating Permit for the Bonanza Power Plant Pursuant to the title V Operating Permit Program at 40 CFR Part 71

#### Comments Raised in Tyler Esplin of Deseret’s February 28, 2021 Letter

##### Section I.A – Facility Information

**Comment #1:** “Paragraph 1, 9th sentence; ...The unit at full load bums... should be burns.”

*EPA Response:* We have revised the permit to correct this inadvertent typographical error.

**Comment #2:** “Change paragraph title “Low-NOx Burners” to “Low-NOx Burners and Over Fire Air (LNB/OFA)”. Propose changing the paragraph to the following: “In 2016, new Low-NOx burners and an Over-Fire Air combustion control system was installed on the main boiler to reduce NOx emissions. The LNB/OFA system was designed by DTE Energy’s Power & Industrial Group.”

*EPA Response:* We have revised the permit as requested.

##### Section I.B – Facility Emissions Points

**Comment #3:** “Would LNB/OFA be considered control equipment for Emission unit 1-1? If so, add to table.”

*EPA Response:* The EPA agrees that the LNB/OFA is considered control equipment for Emissions Unit 1-1. The use of LNB/OFA is legally and practicably enforceable with the issuance of the MNSR permit (permit number MNSR-UO-000004-2015.004). The use of LNB/OFA is mandatory at the source to support compliance with the emissions unit-specific limits. We have revised the permit to incorporate “LNB/OFA” as control equipment for Emission Unit 1-1 in Table X.

##### Section I.B – Table 2 – Emissions Units and Emissions-Generating Activities

**Comment #4:** “2 Fly Ash Silos – should be 1 Fly Ash Silo.”

*EPA Response:* We have revised the permit to accurately reflect the number of Fly Ash Silos at the Bonanza Power Plant (Bonanza).

**Comment #5:** “Coal Conveyors 1, 2, & 8: Control Equipment should be ‘As Required in Permit Section XII.’”

*EPA Response:* We have revised the permit to accurately reflect the Coal Conveyers 1, 2 and 8 control equipment.

### **Section III.D.5.b – Continuous Operation and Frequency of Monitoring**

**Comment #6:** “Text error: ...for each successive 5-minute period... should be 15-minute period.”

EPA Response: *We have revised the permit to correct this inadvertent typographical error.*

### **Section IV.B.1.c – Sulfur Dioxide Emission Limitations**

**Comment #7:** “We believe this sentence should end with or (like the original) and not and.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

### **Section V.D – Notification, Reports and Records**

**Comment #8:** “Section 63.10031 has recently been significantly revised. Suggest replacing all subsection text to reflect changes in current CFR.”

EPA Response: *We have revised the permit to incorporate the updated subsection text to reflect changes in the CFR.*

### **Section VIII.A – Particulate Matter Emission Limitations, Testing and Monitoring**

**Comment #9:** “[The] referenced section is (ii) should be 2.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

#### **Section VIII.A.7.a.ii**

**Comment #10:** “[There is] no period after ...shall be no less.”

EPA Response: *We have revised the permit to correct this inadvertent typographical error.*

#### **Section – VIII.A.7.b.vii:**

**Comment #11:** “[There is extra] space above and below paragraph.”

EPA Response: *We have revised the permit to correct the extra spacing between paragraphs.*

### **Section X – Federal Phase II Acid Rain Program**

**Comment #12:** “[The] referenced section is II.A.8 should be X.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

### **Section XI.F.1.a – Reporting Requirements**

**Comment #13:** “[The] referenced section is 9(a)(ii) should be XI.A.2.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

**Section – XI.F.1.b.ii:**

**Comment #14:** “[The] referenced section is 9(a)(iv) should be XI.A.4.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

**Section – XI.F.4:**

**Comment #15:** “[The] referenced section is 9(f) should be XI.F.”

EPA Response: *We have revised the permit to correct this inadvertent error.*

**Section XIII.G.1.d – Stratospheric Ozone and Climate Protection**

**Comment #16:** “Reference to recordkeeping requirement 40 CFR 82.166(i) is invalid since this section does not exist. Should be referencing 40 CFR 82.156(3) for appliances and 82.42(b) for MVACs (motor vehicle air conditioners) and MVAC-like appliances?”

EPA Response: *The EPA agrees that the reference to recordkeeping requirement 40 CFR 82.166(i) is an improper regulatory citation. The correct reference for recordkeeping requirements of small appliances, MVACs and MVAC-like appliances should be 40 CFR 82.152, specifically the recordkeeping requirements for the disposal of small appliances, MVACs and MVAC-like appliances according to 40 CFR 82.155(c) or 82.42(b) as applicable. We have updated the subsection to reflect these changes.*

**Section Attachment 1 – Fugitive Emissions Dust Control Plan – Bonanza Plant**

**Comment #17:** “Draft omitted original sections 2 and 3. In the context of the permit these sections are repetitive; however they are part of the current Fugitive Dust Control Plan (FDCP); Does EPA want the Permittee to update and resubmit the plan without these sections or keep these sections in the attachment so they are harmonious with the submitted plan?”

EPA Response: *We have revised the permit to correct the inadvertent omission of original sections 2 and 3 from the current Fugitive Emissions Dust Control Plan. The EPA is not requiring the Permittee to resubmit a Fugitive Emissions Dust Control Plan.*

**Summary of Comments Raised in Ute Business Committee’s March 22<sup>nd</sup> Letter**

**Comment #18:** The Tribe stated that its members continue to experience serious health issues attributable to poor Reservation air quality, and that Bonanza emissions have had deleterious impacts on vegetation and wildlife on Tribal lands in the surrounding area. The Tribe asserted that federal law requires the EPA to protect the Tribe from having to shoulder a disproportionate share of the adverse environmental impacts caused by Bonanza. Furthermore, the Tribe stated that the EPA is obligated to mitigate and prevent harmful impacts pursuant to the federal trust responsibility and Executive Order

12898. In its March 22, 2021 comment letter, the Tribe restated their comments submitted in 2015 when the EPA proposed to resolve WildEarth Guardians' and Sierra Club's claims through a settlement agreement. In those comments, the Tribe specifically raised concerns about Bonanza's nitrogen oxides (NO<sub>x</sub>) emissions and the contribution of those emissions to ozone formation in the Uinta Basin. The comments assert that Bonanza emits more than 3.5 million tons of air pollution from a 600-foot smokestack, including approximately one-third of the NO<sub>x</sub> in the Uinta Basin, and that ground-level ozone is a major health concern on the Reservation, leading to asthma attacks, lung tissue scarring in children, Tribal elders having to go to the emergency room, and premature death. The Tribe's 2015 comments asserted that Deseret should be required by the settlement agreement to take mitigation measures, such as tree planting, contributions to a fund to address health impacts on Tribal members, and other actions to address its impacts on air quality in the Uinta Basin and on the Reservation. The Tribe further stated that another way to redress environmental injustice is to establish a trust fund to promote cleaner air for Tribal members. The Tribe then stated that it stands behind the 2015 comments and continues to look to its federal trustee to ensure critical protections are implemented, including establishing a trust fund.

*EPA Response: We have prepared and enclosed a comprehensive analysis document in response to the Tribe's comments and concerns. In summary, The EPA's EJScreen information indicates that there is no population reported as residing within a five-mile or ten-mile radius of the facility. Thus, the EPA did not identify a potentially impacted community in the immediate vicinity of the facility. To more broadly consider the Tribe's concerns and better understand the surrounding community, the EPA expanded its screening to the full census block group in which Bonanza is located (blockgroup FIPS code 490479402011) which covers approximately 2,626 square miles around the facility. The analysis indicated communities within the entire census block group in which Bonanza is located may be disproportionately impacted by total pollution, non-pollution, and climate change burdens. However, air quality analysis shows that air pollutant emissions from this facility are not expected to impact air quality in the localized area, including in the census block area. The air emissions from the facility would not significantly contribute to wintertime ozone formation in the Basin due to the relatively minimal volatile organic compound emissions, the inversion layer height in the Uinta Basin, and the stack height of the boiler at Bonanza where NO<sub>x</sub> is emitted above the inversion layer. The EPA also reviewed the permit requirements in the title V renewal permit regarding testing, monitoring, recordkeeping, reporting, and other provisions, and found them to be sufficiently adequate to assure compliance with applicable requirements. Monitored emissions data from Bonanza can be accessed online at: <https://campd.epa.gov/>.*

#### **Comments raised in Ute Business Committee's October 10<sup>th</sup> Letter**

**Comment #19:** The Tribe reiterated the issues raised in its March 22, 2021 comment letter which restated their comments submitted in 2015 when the EPA proposed to resolve WildEarth Guardians' and Sierra Club's claims through a settlement agreement. The Tribe stated that Bonanza is responsible for air quality issues that continue to afflict the Uinta Basin and despite flouting regulatory requirements, Bonanza underwent substantial modifications in 2000 as part of a project to increase the facility's capacity and extend its life. The Tribe demanded that EPA follow through on Tribal priorities pursuant to its trust responsibility and the federal policy of environmental justice. The Tribe alleges the EPA's draft RTC marginalizes the concerns of the Tribe and instead recites a methodology for quantifying environmental justice that was applied without government-to-government

consultation with the Tribe. The RTC fails and inadequately addresses potential impacts to air quality, groundwater, vegetation, and wildlife on the reservation. Regarding air quality, the Tribe specifically asserts the EPA's reliance on a decade-old ozone study to analyze air quality impacts with no accompanying emissions data specific to Bonanza is not adequate to support its sweeping conclusion that there will be no impacts to wintertime ozone on the Reservation. Regarding groundwater the Tribe asserted that the EPA must investigate the plant's status as a zero-discharge facility further to ascertain the nature and scope of any discharge that may impact groundwater on the Reservation. Regarding vegetation and wildlife, the Tribe wrote that the vegetation and wildlife in the area of the facility and the priorities of the Tribe in relation to the conservation and protection of its vegetation and wildlife should be identified in consultation with the Ute Business Committee.

*EPA Response: Regarding the Tribe's concerns about Bonanza's past Clean Air Act (CAA) violations, the EPA has reviewed all available records and determined that Bonanza is currently in compliance with the federally enforceable requirements of their applicable air permit conditions and the CAA. To our knowledge, Deseret made no changes to Bonanza since the previous Part 71 permit was issued to trigger further regulatory or alternative air permitting requirements; therefore, we believe that the proposed renewal permit contains the appropriate applicable requirements. We believe that the proposed Part 71 permit renewal will continue to address CAA applicable requirements, including but not limited to, federal requirements for acid rain prevention, electric generating units, coal-fired boilers, engines, and the existing Prevention of Significant Deterioration (PSD) and New Source Review (NSR) permits with their associated limits on air emissions and operations at Bonanza. The EPA entered into a settlement agreement with Sierra Club and WildEarth Guardians which limited air emissions at Bonanza including installation of LNB/OFA for the boiler and establishing a coal consumption cap as specified in the MNSR permit in effect. Neither the settlement agreement or the CAA permitting regulations, however, grant the EPA Region 8's Air and Radiation Division broad authority to address other potential media concerns or impose mitigation measures such as a trust fund. Regarding the concerns that the Tribe bears a disproportionate share of Bonanza's adverse environmental impacts, environmental justice is one of the EPA's highest priorities. Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy of environmental justice and directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA defines environmental justice as providing fair treatment and meaningful participation in environmental decision making. We believe that our ongoing consultation and the public hearing and comment process for the proposed title V permit renewal provided the Tribe opportunities for meaningful participation in environmental decision making. Regarding the Tribe's assertion that the EPA's reliance on a decade-old ozone study to analyze air quality impacts with no accompanying emissions data specific to Bonanza is not adequate to support its sweeping conclusion that there will be no impacts to wintertime ozone on the Reservation, while the intensive field studies were conducted a decade ago in 2013 and 2014, the meteorological conditions that cause high ozone episodes have not changed, and it is expected that the plume from the Bonanza continues to remain above the inversion layer during the persistent, strong inversion layers that cause ozone episodes in the Uinta Basin. Regarding the Tribe's concerns with groundwater and vegetation impacts, we have determined that the comment is materially unrelated to our proposed permit action and referred the issues raised to other appropriate media programs within Region 8.*



**Enclosure 2 – Deseret Bonanza Title V Response to Tribe Comments Document**