

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In re:)	
)	
Deseret Power Electric Cooperative)	PSD Appeal No. 07-03
)	
)	

NOTIFICATION OF PUBLIC NOTICE OF GRANT OF REVIEW

In accordance with the November 21, 2007 Order Granting Review in this matter, Region VIII of the Environmental Protection Agency (EPA) hereby notifies the Board that it has provided public notice of the grant of review of the permitting decision for the Prevention of Significant Deterioration Permit issued to Deseret Power Electric Cooperative (PSD Permit No. PSD-OU-0002-04.00).

In accordance with 40 CFR §§ 124.10(c)(1) and 124.19(c), the attached notice was mailed on December 13, 2007, to all persons to whom Region 8 provided notice of the draft Deseret PSD permit in June 2006 and/or the final Deseret PSD permit in August 2007.¹

In accordance with 40 CFR §§ 124.10(c)(2) and 124.19(c), the notice was also published in the following newspapers on the dates indicated:²

Rio Blanco Herald Times - December 13, 2007

Salt Lake Tribune - December 17, 2007

Uintah Basin Standard - December 18, 2007

¹ Attachment A – Letter to the interested parties in this matter dated December 13, 2007, includes copy of public notice of Grant of Review and addressee list of letter.

² Attachment B – Public Notice proofs from each Newspaper Agency

Vernal Express - December 19, 2007

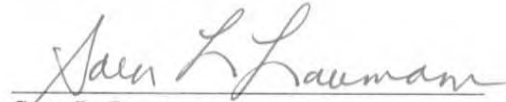
Grand Junction Daily Sentinel - December 19, 2007

The Rio Blanco Herald Times and Grand Junction Daily Sentinel are distributed in Colorado, and the other three newspapers are distributed in Utah. These are the same newspapers that Region 8 used to announce availability of the draft Deseret PSD permit for public comment in June 2006.

Date:

12/18/07

Respectfully submitted,



Sara L. Laumann

Office of Regional Counsel (R8-ORC)
Environmental Protection Agency, Region 8
1595 Wynkoop St.
Denver, CO 80202-1129
Telephone: (303) 312-6443
Facsimile: (303) 312-6859

Brian L. Doster
Kristi M. Smith
Elliott Zenick
Air and Radiation Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460
Telephone: (202) 564-7606
Facsimile: (202) 564-5603

IN THE MATTER OF DESERET POWER ELECTRIC COOPRATIVE
PSD APPEAL NO.: 07-03

CERTIFICATE OF SERVICE

I certify that the forgoing **NOTIFICATION OF PUBLIC NOTICE OF GRANT OF REVIEW** dated December 18, 2007, was sent this day in the following manner to the addressees listed below.

ELECTRONICALLY AND FEDERAL EXPRESS:

U. S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, DC 20005

First Class Mail and facsimile:

David Bookbinder
Sierra Club
400 C Street, N. E.
Washington, DC 20002
Facsimile: 202-547-6009

James H. Russell
35 W. Wacker Drive
Chicago, IL 60601
Facsimile: 312-558-5700

Steffen N. Johnson
Susan A. MacIntyre
Luke Goodrich
Washington, DC 20006
Facsimile: 202-282-5100

December 18, 2007
DATE

Tina Artemis
Tina Artemis, Paralegal
U. S. EPA – Region 8

ATTACHMENT A



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 13 2007

Ref: 8P-AR

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Interested Party¹:

Enclosed for your information is a public notice announcing opportunity for any interested person to file an amicus brief in the pending challenge by the Sierra Club to a Federal Clean Air Act permit issued by the U.S. Environmental Protection Agency, Region 8, on August 30, 2007. The permit was issued to Deseret Power Electric Cooperative, to allow construction of a new 110-megawatt waste coal fired electrical generating unit at Deseret's existing Bonanza power plant, located near Bonanza, Utah. This letter and enclosure are being provided to all parties who were notified of issuance of the final permit. The enclosed public notice will be published in the following newspapers on the following dates:

Rio Blanco Herald Times (Colorado)	December 13, 2007
Salt Lake Tribune (Utah)	December 17, 2007
Uintah Basin Standard (Utah)	December 18, 2007
Vernal Express (Utah)	December 19, 2007
Grand Junction Daily Sentinel (Colorado)	December 19, 2007

If you have any questions about this letter or the enclosure, please contact Mr. Mike Owens, Permit Contact, Air & Radiation Program, US EPA Region 8, at 303-312-6440, or at mike.owens@epa.gov.

Sincerely,

Melanie Pallman, Leader
Air Technical Assistance Unit

Enclosures

¹ List of addressees and mailing addresses enclosed.

PUBLIC NOTICE
OF GRANT OF REVIEW OF A PERMIT WHICH REGULATES
THE EMISSIONS OF AIR POLLUTANTS

The Region 8 office of the United States Environmental Protection Agency (EPA) hereby announces grant of review by the U.S. EPA's Environmental Appeals Board of a Federal Clean Air Act permit regarding one issue: whether the prevention of significant deterioration (PSD) permit at issue is required to contain a Best Available Control Technology (BACT) limit for carbon dioxide (CO₂) emissions. Any interested person may file an amicus brief in the pending permit challenge with regard to that issue.

Submit Briefs to:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

For Hand delivery:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). The Clerk can be reached by telephone at (202) 233-0122 during office hours.

BACKGROUND: On August 30, 2007, the U.S. EPA Region 8 office (Region) issued a PSD permit (number PSD-OU-0002-04.00) to Deseret Power Electric Cooperative (Deseret), for the construction of a new waste-coal-fired electric generating unit at Deseret's existing Bonanza Power Plant, located near Bonanza, Utah. The final permit and supporting documents, including the Response to Public Comments, are available at:

<http://www.epa.gov/region8/air/permitting/deseret.html>

On October 1, 2007, Sierra Club filed a petition, pursuant to 40 CFR 124.19(a), requesting that the Board review the Region's decision to issue the PSD permit. On November 2, 2007, the Region filed a response to Sierra Club's petition for review. On November 16, 2007, Deseret filed a motion requesting authorization to file a brief in response to Sierra Club's petition. On November 21, 2007, the Board issued an Order granting Deseret's motion to participate and granting review of one issue addressed in the petition – whether the Deseret permit must contain a BACT limit for control of CO₂ emissions.

The Board's Order establishes the following **Briefing Schedule**:

Briefs from Sierra Club and any amicus in support of Sierra Club's contention that the permit must contain a CO₂ BACT limit are due on or before **Thursday, January 31, 2008**. Sierra Club is not required to file a brief and may instead file notice that it is relying on the arguments presented in its petition for review.

Responses from the Region, Deseret, and any amicus opposing Sierra Club's contention that the permit must contain a CO₂ BACT limit are due on or before **Thursday, February 21, 2008**. The Region and Deseret are not required to file a brief and may instead file notice that they are relying on the arguments presented in their briefs already on file with the Board.

Reply to the responses filed by the Region, Deseret, and any amicus opposing Sierra Club's contention that the permit must contain a CO₂ BACT limit are due on or before **Thursday, March 6, 2008**. Replies may be filed only by persons who file a brief or notice before the January 31 deadline, shall not exceed 20 pages, and are limited to arguments presented in the responses filed by the February 21 deadline.

No further briefing shall be permitted except by order of the Board. Briefs or notices filed pursuant to the Order shall be served on all other persons who have filed motions, briefs, and/or memoranda in this matter as a party or amicus.

Copies of filings with the EAB, including those for the Deseret permit appeal (Appeal Number PSD 07-03), are generally available for viewing and printing from the Board's internet-docket, available at: http://yosemite.epa.gov/eab/Web_Docket.asp?Active+Dockets?OpenView.

ADDRESSEE LIST FOR APPEAL NOTIFICATION LETTER
DESERET POWER – WASTE COAL FIRED UNIT

Permittee:

Ed Thatcher
Vice-President, Engineering
Deseret Power
10714 South Jordan Gateway
South Jordan, UT 84095

Ute Indian Tribe:

Shaun Chapoose, Director
Land Use Department
Ute Indian Tribe
P.O. Box 460
Fort Duchesne, UT 84026

R. Ed Kurip
Air Program Coordinator
Ute Indian Tribe
P.O. Box 279
Fort Duchesne, UT 84026

Curtis Cesspooch, Chairman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Ronald Groves, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Irene Cuch, Vice-Chairwoman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Steven Cesspooch, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Phillip Chimburas, Councilman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Frances Poowegup, Councilwoman
Uintah & Ouray Business Committee
P.O. Box 190
Fort Duchesne, UT 84026

Commenters (environmental groups):

John Barth
Western Clean Energy Campaign
P.O. Box 409
Hygiene, CO 80533

John Nielson/Joro Walker
Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, CO 80302

Tim Wagner
Utah Chapter of Sierra Club
2120 South 1300 East, Suite 204
Salt Lake City, UT 84105

Scott Groene
Executive Director
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, UT 84111

Robert M. Bradway
Executive Director
Western Colorado Congress
P.O. Box 1931
Grand Junction, CO 81501

Vickie Patton
Senior Attorney
Environmental Defense
2334 N. Broadway
Boulder, CO 80304

Kathy Van Dame
Wasatch Clean Air Coalition
1148 East 6600 South, #7
Salt Lake City, UT 84121

Vanessa Pierce
HEAL Utah
68 S. Main, 400
Salt Lake City, UT 84101

Commenters (municipalities):

Gary Esplin, City Manager
City of St. George
175 East 200 North
St. George, UT 84770

J. Lane Henderson, Mayor
City of Salem
30 West 100 South
P.O. Box 901
Salem, UT 84653

Joe L. Thomas, Mayor
City of Spanish Fork
40 South Main Street
Spanish Fork, UT 84660

Lewis K. Billings, Mayor
City of Provo
351 West Center Street
P.O. Box 1849
Provo, UT 84603

Natasha R. Madsen, Mayor
Manti City
50 South Main Street, Suite #1
Manti, UT 84642

Mark R. Jones, Mayor
Nephi City Corporation
21 East 100 North
Nephi, UT 84648

Robert B. Shepherd, Mayor
Town of Levan
20 North Main
P.O. Box 40
Levan, UT 84639-0040

Local agencies:

Michael W. Wilkins
Uintah County Clerk
147 East Main Street
Vernal, UT 84078

Darrin Brown
Environmental Health Division
Tri-County Health Department
147 East Main Street
Vernal, UT 84078

Federal agencies:

John Bunyak, Chief
Policy, Planning and Permit Review
Air Resources Division
National Park Service
P.O. Box 25287
Denver, Colorado 80225

Liana Reilly
Policy, Planning and Permit Review
Air Resources Division
National Park Service
P.O. Box 25287
Denver, Colorado 80225

Don Shepherd
Policy, Planning & Permit Review
Air Resources Division
National Park Service
P.O. Box 25287
Denver, CO 80225

Jeff Sorkin
USDA Forest Service
Rocky Mountain Region
P.O. Box 25127
Denver, CO 80225

Bud Tolofson
USDA Forest Service
Rocky Mountain Region
P.O. Box 25127
Denver, Colorado 80225

Laura Romin
Utah Field Office
Fish & Wildlife Service
U.S. Dept of the Interior
2369 West Orton Circle, Suite 50
West Valley City, UT 84119

ATTACHMENT B

Public Notices

PUBLIC NOTICE

OF GRANT OF REVIEW OF A PERMIT WHICH REGULATES THE EMISSIONS OF AIR POLLUTANTS

The Region 8 office of the United States Environmental Protection Agency (EPA) hereby announces grant of review by the U.S. EPA's Environmental Appeals Board of a Federal Clean Air Act permit regarding one issue: whether the prevention of significant deterioration (PSD) permit at issue is required to contain a Best Available Control Technology (BACT) limit for carbon dioxide (CO2) emissions. Any interested person may file an amicus brief in the pending permit challenge with regard to that issue.

Submit Briefs to:
U.S. Environmental Protection Agency
Clerk of the Board,
Environmental Appeals Board (MC 110311)

Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

For Hand delivery:
U.S. Environmental Protection Agency
Clerk of the Board,
Environmental Appeals Board 1541 G Street, N.W., Suite 600
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). The Clerk can be reached by telephone at (202) 233-0122 during office hours.

BACKGROUND. On August 30, 2007, the U.S. EPA Region 8 office (Region) issued a PSD permit (number PSD-01-0002-04.00) to Deseret Power Electric Cooperative (Deseret), for the construction of a new waste-coal-fired electric generating unit at Deseret's existing Bonanza Power Plant, located near Bonanza, Utah. The final permit and supporting documents, including the Response to Public Comments, are available at <http://www.epa.gov/region8/air-permitting/deseret.html>. On October 1, 2007, Sierra Club filed a petition, pursuant to 40 CFR 124.19(a), requesting that the Board review the Region's decision to issue the PSD permit. On November 2, 2007, the Region filed a response to Sierra

Club's petition for review. On November 16, 2007, Deseret filed a motion requesting authorization to file a brief in response to Sierra Club's petition. On November 21, 2007, the Board issued an Order granting Deseret's motion to participate and granting review of one issue addressed in the petition - whether the Deseret permit must contain a BACT limit for control of CO2 emissions.

The Board's Order establishes the following Briefing Schedule: Briefs from Sierra Club and any amicus in support of Sierra Club's contention that the permit must contain a CO2 BACT limit are due on or before Thursday, January 31, 2008. Sierra Club is not required to file a brief and may instead file notice that it is relying on the arguments presented in its petition for review.

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 Clerk of the Board, Environmental Appeals Board (MC 1103B)
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 Washington, D.C. 20460-0001

For Hand delivery:

U.S. Environmental Protection Agency
 Clerk of the Board, Environmental Appeals Board
 1341 G Street, N.W., Suite 600
 Washington, D.C. 20005

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Published: Rio Blanco Herald Times
 December 13, 2007

303-312-6064

Attn: Christopher Razzarian

US EPA, Region 8

Cost: \$57.60
 Dec. 13, 2007

Thanks!

Christopher Razzarian

Rio Blanco Herald Times
 P.O. Box 720
 Meeker, CO 81641-0720
 Phone: (970)878-4017
 Fax: (970)878-4016

PROOF COPY

I have read this copy and
 approve it as follows ...
 OK to print OK to print
 w/ changes

PUBLIC NOTICE
OF GRANT OF REVIEW OF A PERMIT WHICH REGULATES
THE EMISSIONS OF AIR POLLUTANTS

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Clerk of the Board, Environmental Appeals Board
(MC-1103B)
Ariel Rios Building, 1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460-0001

For Hand delivery:
U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

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200227 UPAxLP

SALT LAKE TRIBUNE

(1,1) -1- 9576199 12/6/07, 3:02:19 PM

PUBLIC NOTICE OF GRANT OF REVIEW OF A PERMIT WHICH REGULATES THE EMISSIONS OF AIR POLLUTANTS

The Region 8 office of the United States Environmental Protection Agency (EPA) hereby announces grant of review by the U.S. EPA's Environmental Appeals Board of a Federal Clean Air Act permit regarding one issue: whether the prevention of significant deterioration (PSD) permit at issue is required to contain a Best Available Control Technology (BACT) limit for carbon dioxide (CO2) emissions. Any interested person may file an amicus brief in the pending permit challenge with regard to that issue. Submit Briefs to: U.S. Environmental Protection Agency, Clerk of the Board, Environmental Appeals Board (MC 1103B) Ariel Rios Building 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-0001. For Hand delivery: U.S. Environmental Protection Agency Clerk of the Board, Environmental Appeals Board 1341 G Street, N.W., Suite 600 Washington, D.C. 20005. Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays). The clerk can be reached by telephone at (202) 233-0122 during office hours. **BACKGROUND:** On August 30, 2007, the U.S. EPA region 8 office (Region) issued a PSD permit (number PSD-00-0002-04.00) to Deseret Power Electric Cooperative (Deseret) for the construction of a new waste-coal-fired electric generating unit at Deseret's existing Bonanza Power Plant, located near Bonanza, Utah. The final permit and supporting documents, including the Response to Public Comments, are available at <http://www.epa.gov/region8/air/p/permits/psd-deseret.html>. On October 1, 2007, Sierra Club filed a petition, pursuant to 40 CFR 124.19(a), requesting that the Board review the Region's decision to issue the PSD permit. On November 2, 2007, the Region filed a response to Sierra Club's petition for review. On November 16, 2007, Deseret filed a motion requesting authorization to file a brief in response to Sierra Club's petition. On November 21, 2007, the Board issued an Order granting Deseret's motion to participate and granting review of one issue addressed in the petition - whether the Deseret permit must contain a BACT limit for control of CO2 emissions. The Board's Order establishes the following Briefing Schedule: Briefs from Sierra Club and any amicus in support of Sierra Club's contention that the permit must contain a CO2 BACT limit are due on or before Thursday, January 31, 2008. Sierra Club is not required to file a brief and may instead file notice that it is relying on the arguments presented in its petition for review. Responses from the Region, Deseret, and any amicus opposing Sierra Club's contention that the permit must contain a CO2 BACT limit are due on or before Thursday, February 21, 2008. The Region and Deseret are not required to file a brief and may instead file notice that they are relying on the arguments presented in their briefs already on file with the Board. Reply to the responses filed by the Region, Deseret, and any amicus opposing Sierra Club's contention that the permit must contain a CO2 BACT limit are due on or before Thursday, March 6, 2008. Replies may be filed only by persons who file a brief or notice before the January 31 deadline, shall not exceed 20 pages, and are limited to arguments presented in the responses filed by the February 21 deadline. No further briefing shall be permitted except by order of the Board. Briefs or notices filed pursuant to the Order shall be served on all other persons who have filed motions, briefs, and/or memoranda in this matter as a party or amicus.

Attn: Chris Revised



Sorry - I forgot to quote your cost - which is 40⁹⁶.

Scheduled for Publication on 12/12/07.

Thank You. Terry

(1,2) -1- 9576199 12/6/07, 3:02:19 PM

The contention that the permit
 does not contain a CO2 limit
 is due on or before Thursday,
 March 8, 2008. Replies may be
 filed only by persons who file a
 brief or notice before the Janu-
 ary 31 deadline, shall not ex-
 ceed 25 pages, and are limited
 to arguments presented in the
 responses filed by the February
 24 deadline. No further briefs
 shall be permitted except by or-
 der of the Board. Briefs or no-
 tices filed pursuant to the Order
 shall be served on all other per-
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 briefs, and/or memoranda in this
 matter as a party of amicus.
 Copies of filings with the EAB,
 including those for the General
 permit appeal (Appeal Number
 PSD 07-03), are generally avail-
 able for viewing and printing
 from the Board's
 internet docket, available at
<http://yoemite.epa.gov/eab>
 Web Docket.nsf/Active+Docks-
 ets?OpenView.
 Published: December 12, 2007.

9576199 12/6/07, 3:02:19 PM