

# The Salt Lake Tribune

## Advocates sue EPA over lack of action on permit for Utah coal-fired plant

Energy » WildEarth Guardians says the agency has missed a mandatory deadline to act on the plant's permit request.

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The Salt Lake Tribune  
December 23 2013

An advocacy group filed a lawsuit Monday against the U.S. Environmental Protection Agency for what it claims is inadequate oversight of pollution coming from a Uinta Basin coal-fired power plant.

The nonprofit WildEarth Guardians says the EPA is long overdue in issuing or denying an operating permit to the Bonanza power plant in northeastern Utah, leaving room for pollution violations. WildEarth filed the lawsuit in federal court in Denver.

Jeremy Nichols, WildEarth climate and energy director, said such operating permits outline exactly what individual power plants must do to comply with the Clean Air Act.

"It's a very important document both for regulators and the public," Nichols said. "As it operates and spews out pollution from its smokestack, we can be assured it is meeting all the requirements under the Clean Air Act."

Richard Mylott, a spokesman for the EPA in Denver, did not immediately comment but said the agency will review the lawsuit.

According to the group, the plant on the Uintah-Ouray Indian Reservation emits more than 3.5 million tons of pollution each year, including carbon dioxide, sulfur dioxide, nitrogen oxides, and other toxic compounds such as mercury.

It's a particular problem in the Uinta Basin, which already suffers from high ozone levels, Nichols said. Ground-level ozone can lead to asthma, scarred lungs and premature death.

"If we don't have the right checks, the right permits in place, we can't be assured public health is protected," Nichols said.

The lawsuit claims the EPA missed a mandatory October deadline to resolve a permit application filed by the plant's owner, Deseret Power, in 2012. It asks the court to order the EPA to issue or deny the permit within 30 days.

The group also claims that there is mounting evidence the plant is not operating in compliance with the Clean Air Act, and says it notified Deseret Power of violations in 2012.

Deseret Power, based in South Jordan, did not immediately return a call seeking comment Monday afternoon.

Deseret Power and federal regulators reached a settlement earlier this year in which the company was required to pay \$35,000 in penalties, install new controls during startup and shutdown, and cover the cost of replacing at least five fleet vehicles with natural gas models.

Nichols said his group would like to see the terms of that settlement incorporated into the permit to be sure the company is following through.