



December 15, 2021

Michael Regan, Administrator
United States Environmental Protection Agency
Office of the Administrator
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Regional Haze 309(g) SIP revision for PacifiCorp Jim Bridger Power Plant

Administrator Regan:

I appreciated greatly the opportunity to finally speak with you about this significant matter last week. However, I am disappointed that our conversation was not more productive. It appears from our discussion and follow-up discussions between our respective staff, that EPA is intent on forcing the unplanned, unnecessary shutdown of Jim Bridger Unit 2. That outcome will result in jobs lost, incomes wrecked, and careers terminated at the plant and the associated coal mine. In good faith, I cannot be a party to that kind of callous indifference to the employees, their families, and the communities that rely on this facility. Nor will the State endorse EPA's forced conversion of Jim Bridger Units 1 and 2 which will still likely reduce jobs both at the power plant and at the mine that supplies them.

As I explained in my recent letter notifying you of the State of Wyoming's intent to sue, EPA can easily avoid these harms and improve visibility by simply approving Wyoming's Regional Haze 309(g) State Implementation Plan (SIP) revision immediately. To date, we have not received any information from your agency explaining why the data and technical analysis submitted in support of the SIP revision approved by the previous Region 8 Administrator in 2020 does not meet both the spirit and letter of the regional haze program.

This SIP revision was carefully developed over many months in close cooperation with EPA, and it is very difficult to understand how an agency that claims to base its decisions on science can change course so dramatically immediately after an election. I am not aware of any groundbreaking developments in the science of regional haze occurring in conjunction with the change in administrations. If EPA wants to foster strong partnerships with the states, it must be a strong partner. It must be trustworthy, credible, and guided by the science and the law not by shifting political winds. Most of all it needs to play fair and follow the law, not use regional haze as leverage to force climate change goals that have nothing to do with visibility.

You mentioned during our call that EPA's decision to discard the prior Regional Administrator's signed approval of the SIP revision was based solely on regional haze concerns and not climate change goals. I am not inclined to believe that assertion, particularly in light of EPA's failure to this point to issue a proposed disapproval explaining why the very same technical/science staff at EPA were wrong

when they quite recently concluded the SIP revision met the requirements of the Clean Air Act. But if your assertion that this is indeed about regional haze is true, then I look forward to reviewing EPA's explanation. I would note that even here, EPA has ample authority to avoid a catastrophic shutdown of Unit 2, by issuing a Federal Implementation Plan (FIP) in conjunction with its disapproval of the State's SIP revision. If it is your intent to go down this road, then the least you can do is issue a FIP that builds a bridge to the imminent conversion of Unit 2 to natural gas.

During our call you also mentioned that Wyoming has approved the Integrated Resource Plan (IRP) submitted by Rocky Mountain Power earlier this year. Not so. The filing of an IRP with the Wyoming Public Service Commission (PSC) does not equate to Wyoming approval. The PSC does not approve IRPs. These plans just provide information to the PSC and the public. In that regard, the 2021 IRP was the first notice the public had that Rocky Mountain Power planned to convert Units 1 and 2 to natural gas. I do not believe this plan was based on economics, system reliability, or even compliance with the Clean Air Act, but instead was prompted by EPA's desire to cease burning coal at all costs. I suggest that it would have been better for all if EPA had instead explored with the company the opportunity to deploy carbon capture equipment on these units. At a minimum, that opportunity still exists at Units 3 and 4.

You also mentioned recent efforts by your agency to identify and support funding for communities in Wyoming as coal declines as a source of fuel for electricity. Thank you for those efforts. However, I understand that EPA does not have significant funding available for such purposes and the programs under your purview are small grants centered around environmental justice. We did understand that EPA would be supportive of Wyoming and our communities as they seek other funds for planning, research and deployment of other energy-related projects. Unfortunately, just this week, the federal Economic Development Administration denied grant funding for planning assistance to all coal communities. Being the largest coal producing state in the country, this decision casts doubt on the federal government's commitment to assist Wyoming workers and coal communities. I hear a lot of talk from this administration, but I have yet to see action.

At this time, it appears we are at an impasse, but should you be willing to explain why the plan in our revised SIP does not meet regional haze goals, or be willing to consider another option, I am happy to engage, perhaps while fishing on a stream in Wyoming. In the meantime, I will do everything in my power to avoid the needless shutdown of Unit 2 and the accompanying devastating economic impacts to Wyoming employees, families and communities. In the coming days I intend to use my authority under 42 U.S.C. § 7410(g) to issue a temporary emergency suspension of the existing SIP compliance deadline and to file suit against EPA. Even so, I have directed my staff to continue being open to discussing and proposing solutions. I do hope we are able to reach an agreement on this important matter.

Sincerely,



Mark Gordon
Governor

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Senator John Barrasso
Senator Cynthia Lummis
Representative Liz Cheney
Governor Brad Little
Dan Dockstader, President, Wyoming Senate
Eric Barlow, Speaker, Wyoming House of Representatives
Christopher Petrie, Chairman, Wyoming Public Service Commission
Michael Robinson, Deputy Chairman, Wyoming Public Service Commission
Mary Throne, Commissioner, Wyoming Public Service Commission
Todd Parfitt, Director, Wyoming Department of Environmental Quality
Robin Cooley, Director, Wyoming Department of Workforce Services
Brenda Hensen, Director, Wyoming Department of Revenue
Randy (Doc) Wendling, Chair, Sweetwater County Commissioners
Tim Kaumo, Mayor, City of Rock Springs
Pete Rust, Mayor, City of Green River
Jim Willox, President, Wyoming County Commissioners Association
Deb Thomas, Acting Administrator for Region 8
Gary Hooegeveen, President and CEO, Rocky Mountain Power
Lisa A. Grow, President and CEO, IDACORP, Inc. and Idaho Power