

Rocky Mountain Power
Exhibit RMP___(CSW-2SR)
Docket No. 12-035-92
Witness: Cathy S. Woollums

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF UTAH

ROCKY MOUNTAIN POWER

Exhibit Accompanying Surrebuttal Testimony of Cathy S. Woollums

Documents Received in Response to the FOIA Request from EPA

February 2013



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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

FEB 21 2013

Ref: 8P-AR

Blaine Rawson
Ray Quinney & Nebeker, P.C.
P.O. Box 45385
Salt Lake City, UT 84145-0385

RE: RIN EPA-R08-00299

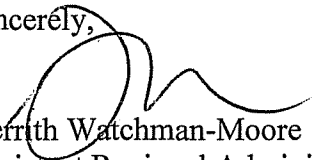
Dear Mr. Rawson:

This is in response to your Freedom of Information Act (FOIA) request dated January 17, 2013, regarding Wyoming's Regional Haze 309(g) State Implementation Plan (SIP). As was agreed, the first phase of EPA's initial response to this FOIA was to produce documents pertaining to the modification of the consent decree for EPA to take action on Wyoming's 309(g) SIP (the first three bullets of your FOIA request). This letter and the enclosed disc constitute the first phase of our initial response, which includes EPA's release of 41 documents. The files are provided as pdfs and attachments can be opened by double clicking on the document icon. We are unable to provide you with the documents, or portions of documents, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C.555(b) (Exemption 2-High, and Exemption 5 - Deliberative Process, Attorney Work Product, and Attorney Client Privilege). An index summarizing the 336 documents withheld, along with the basis for withholding, is provided as an enclosure to this letter.

You may appeal this partial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the RIN listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact Laurel Dygowski at (303) 312-6144 or Sara Laumann at (303) 312-6443.

Sincerely,



Deirith Watchman-Moore
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

Enclosure

Description of Withholdings and Volume Estimate

FOIA Exemption	No. of Documents ¹	Description
5 U.S.C. § 552(b)(5) – Attorney Client Privilege	58	Confidential attorney client communications, within EPA consisting of emails and other documents such as analyses and other materials. These records mostly pertain to the extension of the consent decree deadline on Wyoming’s RH SIP.
5 U.S.C. § 552(b)(5) – Attorney Work Product Privilege	126	Emails, analyses, and other documents prepared by an attorney, at an attorney’s direction, or under an attorney’s supervision. These records mostly pertain to the extension of the consent decree deadline on Wyoming’s RH SIP.
5 U.S.C. § 552(b)(5) – Deliberative Process Privilege	152	Internal emails, memos, and communications, as well as drafts of various documents. These records mostly pertain to the extension of the consent decree deadline on Wyoming’s RH SIP.

¹ Please note that more than one FOIA exemption may apply to some documents.

Re: Wildearth Guardians v EPA: Wyoming RH deadline

Reed Zars to: Greenberg, Alan (ENRD)

09/06/2012 02:24 PM

From: Reed Zars <reedzars@gmail.com>

To:

Cc: Ashley Wilmes <ashleywilmes@gmail.com>, Ashley Wilmes <awilmes@wildearthguardians.org>, "rzars@lariat.org" <rzars@lariat.org>, Laumann.Sara@epamail.epa.gov

Alan,

I feel so omnipotent, thank you. Hows about 1:30 pm?

Reed

On Sep 6, 2012, at 12:35 PM, "Greenberg, Alan (ENRD)" <Alan.Greenberg@usdoj.gov> wrote:

Sara and I are available on Monday.

Reed – you pick the time.

Alan

From: Ashley Wilmes [mailto:ashleywilmes@gmail.com]

Sent: Thursday, September 06, 2012 1:31 PM

To: Greenberg, Alan (ENRD)

Cc: Ashley Wilmes; rzars@lariat.org; Sara Laumann

Subject: Re: Wildearth Guardians v EPA: Wyoming RH deadline

I am unavailable until Monday, but could do a call anytime then.

Sent from my iPhone

On Sep 6, 2012, at 12:36 PM, "Greenberg, Alan (ENRD)" <Alan.Greenberg@usdoj.gov> wrote:

Ashley, Reed:

EPA would like to discuss with you an extension of the October 15, 2012 deadline for the Wyoming regional haze decision. Sara Laumann and I are available this afternoon at 2:00 or anytime tomorrow (Friday) except noon to 1:00. Please let us know when you are available and I will set up a conference call.

Thank you.

Alan

RE: WY RH

Carl Daly to: Jim Martin

09/27/2012 08:32 AM

From: Carl Daly/R8/USEPA/US
To: Jim Martin/R8/USEPA/US
Cc: Callie Videtich/P2/R8/USEPA/US@EPA, Scott Jackson/R8/USEPA/US@EPA, Laurel Dygowski/R8/USEPA/US@EPA

Update - WY DEQ staff called us yesterday and told us that they heard we had gotten an extension. We assume that they heard about it from the env groups. We told WY that the extension was in the works but not yet final.

Carl Daly 303-312-6416

Jim Martin---09/26/2012 11:44:43 AM---Great. Thanks Sent with Good (www.good.com)

From: Jim Martin/R8/USEPA/US
To: Carl Daly/R8/USEPA/US
Date: 09/26/2012 11:44 AM
Subject: RE: WY RH

Great. Thanks

Sent with Good (www.good.com)

----- Original Message -----

From : Carl Daly/R8/USEPA/US
To : Jim Martin/R8/USEPA/US@EPA
Cc : Callie Videtich/P2/R8/USEPA/US@EPA
Sent on : 09/26/2012 01:37:47 PM
Subject : Re: WY RH

Not yet. Just talked to ORC and we are waiting to get final concurrence from the env groups' attorneys on the CD stipulation. The stipulation should be filed by the end of the week.

I was planning to call WY then and let them know.

Carl Daly 303-312-6416

Jim Martin---09/26/2012 10:43:25 AM---Have we told DEQ that we have an extension? Jim

From: Jim Martin/R8/USEPA/US
To: Callie Videtich/P2/R8/USEPA/US, Carl Daly/R8/USEPA/US
Date: 09/26/2012 10:43 AM
Subject: WY RH

Have we told DEQ that we have an extension?

Jim

Sent with Good (www.good.com)

Fw: WildEarth Guardians; regional haze

Sara Laumann to: Lea Anderson, Sara Schneeberg

11/29/2012 09:59 AM

From: Sara Laumann/R8/USEPA/US

To: Lea Anderson/DC/USEPA/US, Sara Schneeberg/DC/USEPA/US

FYI

Sara Laumann
Associate Regional Counsel
EPA Region 8
Office of Regional Counsel
1595 Wynkoop
Denver, CO 80202-1129
Phone: 303-312-6443

----- Forwarded by Sara Laumann/R8/USEPA/US on 11/29/2012 09:58 AM -----

From: Ashley Wilmes <awilmes@wildearthguardians.org>
To: Sara Laumann/R8/USEPA/US@EPA, "Greenberg, Alan (ENRD)" <alan.greenberg@usdoj.gov>,
Date: 11/28/2012 04:27 PM
Subject: Re: WildEarth Guardians; regional haze
Sent by: ashleywilmes@gmail.com

Alan and Sara:

I'm glad we could resolve WY with new dates acceptable to all parties. However, Guardians does want to express its concern regarding EPA's request for several extensions in this case (and others we are a party to). Although this extension for WY is somewhat unique, we brought this action because deadlines do matter. In the future, if EPA requests an extension on a deadline under a consent decree (including these new WY dates), we will expect attorneys' fees for our time coming back to the table for repeated extensions.

Thanks,
Ashley

On Wed, Nov 28, 2012 at 3:50 PM, <Laumann.Sara@epamail.epa.gov> wrote:

All

I just heard from Alan and we are wondering if we can reconnect at 4:15 today....

Let us know.

Thanks
Sar

Sara Laumann
Associate Regional Counsel
EPA Region 8

Office of Regional Counsel
1595 Wynkoop
Denver, CO 80202-1129
Phone: [303-312-6443](tel:303-312-6443)

▼ "Greenberg, Alan (ENRD)" ---11/26/2012 10:41:46 AM---Confirming our 2:00 mountain call this afternoon - call in [303-844-1881](tel:303-844-1881). You will be placed directl

From: "Greenberg, Alan (ENRD)" <Alan.Greenberg@usdoj.gov>

To: "rzars@lariat.org" <rzars@lariat.org>, Ashley Wilmes <awilmes@wildearthguardians.org>,

Cc: Sara Laumann/R8/USEPA/US@EPA

Date: 11/26/2012 10:41 AM

Subject: WildEarth Guardians; regional haze

Confirming our 2:00 mountain call this afternoon – call in [303-844-1881](tel:303-844-1881). You will be placed directly into the call.

Alan

--

Ashley D. Wilmes
Staff Attorney
WildEarth Guardians
827 Maxwell Avenue, Suite L
Boulder, Colorado 80304
[505-988-9126](tel:505-988-9126) x1304
awilmes@wildearthguardians.org
www.wildearthguardians.org

BART timing

Reed Zars to: Alan Greenberg, laumann.sara

11/29/2012 01:33 PM

From: Reed Zars <reedzars@gmail.com>

To:

Cc: Ashley Wilmes <awilmes@wildearthguardians.org>

Alan and Sara,

Here's our proposed language:

"For each BART-eligible source in Wyoming, EPA shall re-determine the period of time that BART can be procured, installed and operated as expeditiously as possible."

Reed

Fw: BART timing

Sara Laumann to: Robert Ward

12/04/2012 12:34 PM

From: Sara Laumann/R8/USEPA/US

To: Robert Ward/R8/USEPA/US

Sara Laumann
Associate Regional Counsel
EPA Region 8
Office of Regional Counsel
1595 Wynkoop
Denver, CO 80202-1129
Phone: 303-312-6443

----- Forwarded by Sara Laumann/R8/USEPA/US on 12/04/2012 12:32 PM -----

From: Reed Zars <reedzars@gmail.com>

To: Alan Greenberg <Alan.Greenberg@usdoj.gov>, Sara Laumann/R8/USEPA/US@EPA,

Cc: Ashley Wilmes <awilmes@wildearthguardians.org>

Date: 11/29/2012 01:33 PM

Subject: BART timing

Alan and Sara,

Here's our proposed language:

"For each BART-eligible source in Wyoming, EPA shall re-determine the period of time that BART can be procured, installed and operated as expeditiously as possible."

Reed

**Information Update - There are multiple changes: Meeting with PacifiCorp (Cathy Woollums)
Re WY Regional Haze Plan**

Carl Daly to: Aaron Worstell, Laurel Dygowski, Sara Laumann

12/06/2012 09:09 AM

From: Carl Daly/R8/USEPA/US

To:

Cathy Woollums and Bill Lawson with PacifiCorp/Mid American Energy requested a meeting to discuss the inclusion of the Naughton Unit 3 natural gas conversion in the final EPA action on WY's Regional Haze plan. At the meeting we will need to offer some update on the plan to re-propose the WY RH plan based on the new cost/visibility data we generated after the original proposal's comment period concluded. WY DEQ will be calling in.

Re: BART timing

Reed Zars to: Greenberg, Alan (ENRD)

12/06/2012 09:37 AM

From: Reed Zars <reedzars@gmail.com>

To:

Cc: laumann.sara@epa.gov, Ashley Wilmes <awilmes@wildearthguardians.org>

Alan,

Thank you. How about this -- perhaps marginally clearer.

"In its reproposal, EPA will propose, for each source subject to BART, a period of time for BART compliance that is as expeditious as practicable, as required by 42 U.S.C. § 7491."

Reed

On Dec 5, 2012, at 1:26 PM, Greenberg, Alan (ENRD) wrote:

Reed, Ashley:

EPA proposes the following language:

In its reproposal, EPA will propose a determination for the period of time for BART compliance for each source subject to BART that is as expeditious as practicable, as required by 42 U.S.C. § 7491.

Please let us know if this will be satisfactory.

Alan

-----Original Message-----

From: Reed Zars [mailto:reedzars@gmail.com]

Sent: Thursday, November 29, 2012 1:34 PM

To: Greenberg, Alan (ENRD); Sara Laumann

Cc: Ashley Wilmes

Subject: BART timing

Alan and Sara,

Here's our proposed language:

"For each BART-eligible source in Wyoming, EPA shall re-determine the period of time that BART can be procured, installed and operated as expeditiously as possible."

Reed

Fw: BART timing

Sara Laumann to: Greenberg, Alan (ENRD)

12/06/2012 03:40 PM

From: Sara Laumann/R8/USEPA/US
To: "Greenberg, Alan (ENRD)" <Alan.Greenberg@usdoj.gov>

Alan

A couple minor edits from the Agency.

"In its reproposal, EPA will propose to determine, for each source subject to BART, ~~a~~ the period of time for BART compliance that is as expeditious as practicable, as required by 42 U.S.C. § 7491."

Sara Laumann
Associate Regional Counsel
EPA Region 8
Office of Regional Counsel
1595 Wynkoop
Denver, CO 80202-1129
Phone: 303-312-6443

----- Forwarded by Sara Laumann/R8/USEPA/US on 12/06/2012 03:39 PM -----

From: Reed Zars <reedzars@gmail.com>
To: "Greenberg, Alan (ENRD)" <Alan.Greenberg@usdoj.gov>,
Cc: Sara Laumann/R8/USEPA/US@EPA, Ashley Wilmes <awilmes@wildearthguardians.org>
Date: 12/06/2012 09:37 AM
Subject: Re: BART timing

Alan,

Thank you. How about this -- perhaps marginally clearer.

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To: Greenberg, Alan (ENRD); Sara Laumann
Cc: Ashley Wilmes
Subject: BART timing

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Reed