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Utah Public Service Commission
Heber M. Wells Building
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RE: Docket No. 25-R318-01
Proposed Rulemaking Concerning Utah Code §§ 54-26-101 to -901, Large-Scale Electric Service Requirements
Reply Comments of Western Resource Advocates

I. INTRODUCTION

Western Resource Advocates (WRA) hereby submits these reply comments pursuant to the August 21, 2025, Order Granting Joint Motion to Amend Scheduling Order. WRA appreciates the opportunity to submit comments on the Commission's rulemaking to implement Senate Bill 132 (SB 132).

WRA's comments at this time are limited in scope to rule language to implement Utah Code § 54-26-501(2)(e), which states that a large-scale generation provider shall submit to the commission "documentation of: (i) all required permits obtained for generating sources, including any environmental permits; and (ii) the estimated impact of generating sources on the state implementation plan for air quality."

WRA recommends that the rule incorporate language clarifying that a large-scale generation provider whose portfolio of qualifying generation resources emits criteria pollutants shall submit to the commission air quality modeling that estimates the impact of the generating sources on the state implementation plan.

II. BACKGROUND

On August 28, Rocky Mountain Power and other parties filed proposed rule language to implement Utah Code §§ 54-26-101 to -901 (Large-Scale Electric Service Requirements). With respect to registration requirements for Large-Scale Generation Providers, i.e. Utah Code § 54-26-501, the Company proposed the following language, which was mirrored in the proposed language of the Office of Consumer Services (OCS), the Utah Association of Energy Users (UAE), and Enyo Renewable Energy (Enyo):

(2) The Large-Scale Generation Provider's application to register shall provide all information identified in Utah Code Section 54-26-501.

(3) Upon the Commission’s review of an application to register, the Commission shall open a docket and establish a schedule to evaluate compliance with Utah Code Section 54-26-501.¹

With respect to the same section of code, Interwest Energy Alliance (Interwest) recommended the Commission adopt rules with less process² but explained in its comments that “the Commission should have a mechanism of rejecting a registration if it is deficient.”³

III. COMMENTS

In enacting 54-26-501(2)(e), the Legislature explicitly required that the Commission receive from any large scale generation provider documentation of *both* required environmental permits, including any air quality permits, for a generating source (54-26-501(2)(e)(i)) *and* an assessment of the impact of the generating source on Utah’s air quality state implementation plan (SIP) (54-26-501(2)(e)(ii)). Based on the plain text of the statutory provision, therefore, the Legislature requires analysis of the effects of a generating source on the SIP in addition to what is required by an air quality permit.

As the Utah Division of Air Quality (UDAQ) explains, Utah’s SIP sets forth how the state will “achieve, maintain, and enforce” the National Ambient Air Quality Standards (NAAQS) for the seven criteria pollutants: total suspended particulates (PM_{2.5} and PM₁₀), sulfur dioxide (SO₂), carbon monoxide, hydrocarbons, ozone, nitrogen dioxide (NO_x), and lead.⁴ To this end, the SIP must include legally enforceable procedures to prevent construction or modification of an industrial source that would violate any SIP control strategies or interfere with attainment or maintenance of the NAAQS). 42 U.S.C. § 7410(a)(2)(C), 40 C.F.R. § 51.160.

As Utah Code 54-26-501(2)(e) acknowledges, assessing the impact of a generating source on the achievement, maintenance, and enforcement of the NAAQS is of critical import in Utah. The vast majority of Utahns are exposed to air pollution that exceeds the NAAQS, often by an alarming degree. For example, Davis and Salt Lake counties and parts of Tooele and Weber counties are designated as a “serious” nonattainment area for ozone.⁵ Averaged over 2022 to 2024, ozone levels in Bountiful (.075 parts per million (ppm)), Copperview (.075 ppm), Rose Park (.076 ppm), and Roosevelt (.076 ppm) eclipsed the national standard of .070 ppm.⁶ Moreover, Box Elder, Davis, and Salt Lake counties and parts of Tooele and Weber counties are designated as a serious nonattainment area for PM_{2.5}.⁷

Because the SIP is necessarily directed at achieving and maintaining the NAAQS, determining the impact of a generating source on the SIP means assessing the effects of the source on overall air quality, particularly in areas failing to meet the NAAQS. This evaluation is done through air quality modeling. Air quality models are used to estimate the effects—or the resulting air

¹ RMP’s proposed rules, page 6, at R746-XX3-3 (Large-Scale Generation Provider Registration).

² Interwest’s proposed rules, pages 6-7.

³ Interwest’s comments, page 4.

⁴ <https://deq.utah.gov/air-quality/sections-state-implementation-plan-sip>.

⁵ <https://www3.epa.gov/airquality/greenbook/jbcs.html#UT>.

⁶ <https://air.utah.gov/dataarchive/Y8hrt22-24AveO3.pdf>.

⁷ <https://www3.epa.gov/airquality/greenbook/rncs.html#UT>.

pollutant concentration levels—of the emissions from a proposed source in order to evaluate whether adding those emissions to the air will comply with NAAQS and other standards and regulatory requirements.

The Utah SIP adopts this approach, requiring air quality modeling to show compliance with the NAAQS as part of the permitting process for proposed source:

Upon receipt of all information necessary to conduct the plan review, emission data from the proposed source will be calculated and diffusion modeling conducted to predict the effect of the emission from the proposed source on the air quality in the area of the proposed source.⁸

However, Utah’s air quality permitting rules do not require air quality modeling for *all* proposed sources. If a proposed source is projected to emit pollutants below a designated level, that source is not required to undertake modeling.⁹ Given the potential load growth and generation requirements associated with large load customers served by Large-Scale Generation Providers (e.g. dedicated natural gas generation), this modeling exception could lead to a meaningful lack of information about the air quality (i.e. SIP) impacts of Large-Scale Electric Service. To fill this gap in understanding and assess the impact of generating sources on the SIP, it is appropriate for the Commission to require documentation of air quality modeling in compliance with UDAQ’s Emissions Impact Assessment Guidelines for *every* proposed generating source that emits criteria pollutants.

Requiring air quality modeling to show compliance with the NAAQS for all generating sources that emit criteria pollutants fulfills the text and purpose of 54-26-501(2)(e). This is because the emissions from several generating sources can have significant *cumulative* adverse impact on air quality and the ability of Utah to achieve and maintain the NAAQS. In addition to the adverse health effects of the emissions from multiple generating sources, there are consequences for ratepayers if emissions from several generating sources are added to the airshed without air quality modeling to assess the impact to air quality: existing electricity generating units may be required to install additional pollution control equipment in response to worsening air quality. This would result in cost shifting from large load customers to other ratepayers. Requiring documentation of air quality modeling would provide the Commission and stakeholders necessary data transparency to appropriately assign pollution control costs to those responsible.

Accordingly, WRA recommends a new sentence be included between (2) and (3) in the current version of Rocky Mountain Power’s proposed rule language at R746-XX3-3 (Large-Scale Generation Provider Registration), underlined below:

⁸ Utah SIP, Section II.B, Review of New and Modified Air Pollution Sources.

⁹ UDAQ Emissions Impact Assessment Guidelines at 1 (“The UDAQ has established minimum emission rate increase levels for new sources or existing sources, above which modeling is required to be performed by the applicant source. Emission increases below these levels will be evaluated by the UDAQ which may include scaling previous modeling results or running a model in order to show compliance with R307-401-8 and the NAAQS.”), available at: <https://if-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=596442&eqdocs=DAQ-2025-004144&dbid=0&repo=Public>.

(2) The Large-Scale Generation Provider's application to register shall provide all information identified in Utah Code Section 54-26-501.

(3) [NEW] If the portfolio of qualifying generation resources the Large-Scale Generation Provider uses to serve a Large Load Customer includes any resource that emits pollution subject to the National Ambient Air Quality Standards, the Large-Scale Generation Provider shall file with the Commission documentation of air quality modeling that estimates the impact of the generating source on the state implementation plan for air quality.

(4) [END NEW] Upon the Commission's review of an application to register, the Commission shall open a docket and establish a schedule to evaluate compliance with Utah Code Section 54-26-501.

IV. CONCLUSION

In order for the Commission to implement and evaluate compliance with Utah Code § 54-26-501, WRA recommends the rules include a requirement to provide air quality modeling documenting the impact of any generating source that emits air pollution on the state implementation plan for air quality.

Sincerely,

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CERTIFICATE OF SERVICE
Docket No. 25-R318-01

I hereby certify that a true and correct copy of the foregoing was served by email this 10th day of September 2025 on the following:

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