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JAN 07 2025

ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

January 7, 2025

Brett Shakespear, Director Environmental Compliance & Remediation
PacifiCorp
1407 W North Temple
Salt Lake City, Utah 84116
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(801) 220-2575

Kellie Doran, Executive Director
Wyoming Environmental Quality Council
2300 Capitol Ave.
Cheyenne, WY 82002

Subject: Appeal of 2024 Title V Proposed Emissions Fee Increase

Dear Kellie Doran:

The Wyoming Department of Environmental Quality – Air Quality Division issued a letter December 18, 2024, regarding a Title V Program emission fee schedule change applicable to calendar year 2024 emissions. In 2023, the division had estimated an emissions fee of \$47/ton for all Title V Sources to cover Title V Operating Permit Program costs. However, the letter issued on December 18, 2024, notified sources that emissions fees would increase from \$34.50/ton not to the estimated \$47/ton but to \$72.07/ton, based on a combination of increased program costs and a reduction in Title V sources and actual emissions from current sources.

As you are aware, PacifiCorp owns and operates four facilities in Wyoming subject to the Title V Program: the Dave Johnston, Jim Bridger, Naughton, and Wyodak facilities. These facilities are subject to the Title V Program and are significantly affected by any increases in emissions fees. PacifiCorp is a public utility, and these facilities operate on planned budgets that are subject to public scrutiny and regulatory approval. A proposed increase of this magnitude, coming at the end of 2024, after budgets have been established and operational decisions for emissions have been made, not only affects PacifiCorp as a company, but more importantly affects PacifiCorp's customers.

The permit fee system is addressed in Wyoming Statutes Title 35, Chapter 11, Article 2, Subsection 211 (WS 35-11-211). Under WS 35-11-211(d) a fee assessment may be appealed to the Environmental Quality Council if the fee assessment is erroneous or excessive. Because of the late written notification of the proposed increase, the magnitude of deviation from the originally estimated increase and past emissions fees, and the ultimate effect on PacifiCorp's customers, PacifiCorp alleges that the fee increase is erroneous and excessive. PacifiCorp believes that its upcoming fee assessments are not yet ripe for appeal under WS 35-11-211(d). However, if the

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Environmental Quality Council, Air Quality Division, or other judicial body construes the December 18, 2024, letter as a final fee assessment, PacifiCorp hereby appeals the fee assessments for each of its Wyoming Title V sources of emissions pursuant to WS 35-11-211(d) and requests a hearing before the Council.

Please contact me at (801) 220-2575 if you have any questions or comments regarding this appeal.

Sincerely,

A handwritten signature in blue ink that reads "Brett Shakespear" followed by a long, horizontal, wavy line.

Brett Shakespear
Director, Environmental Compliance & Remediation

CC: Nancy Vehr, Director - Division of Air Quality