



CITIZENS FOR DIXIE'S FUTURE

January 18, 2008

Rod A. Moore
Nevada Division of Environmental Protection
Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249

Dear Mr. Moore,

We have reviewed the Nevada Division of Environmental Protection (NDEP) Bureau of Air Pollution Control (BAPC) Class I Application Review for the Toquop project. Our evaluation leads us to believe that the Technical Support Document insufficiently addresses the airsheds of Utah and the potential health and economic impacts of the proposed project on the communities of southern Utah.

The laws of both Utah and Nevada require Cities and Towns to protect the health and safety of residents and visitors within their jurisdictions. Sections 7401(a)(2), 7401(b)(1), 7412(c)(3), and 7412(n)(1) of the Clean Air Act establishes authority for federal and state agencies to manage safe levels of air pollutants to protect the human health and economic welfare in the United States.

The Environmental Protection Agency (EPA) and NDEP have established a State Implementation Plan (SIP) for state-supported enforcement of the federal Clean Air Act. As a result of this SIP, the NDEP Bureau of Air Pollution Control is acting as a surrogate for the EPA. Sections 7401(a)(1), 7402(a) and (c), 7406, 7415, 7421, 7426, 7470(4) and (5), 7475(d)(C)(i) of the Clean Air Act mandate the Act's enforcement across state lines including reasonable accommodations for receiving comments from affected parties. Pursuant to Nevada Revised Statutes (NRS) Chapter 445B, the Nevada Administrative Code (NAC) Chapter 445B, and Sections 7475(a)(7) of the Clean Air Act, the BAPC is responsible for managing all airsheds affected by the proposed Toquop Energy Project.

This letter hereby establishes our formal request for a hearing on BAPC's proposed operating permit to construct for a Class I facility. We believe this request is supported not only by state and federal law, but by the generally accepted values of fairness and good neighborliness. It is our residents who will likely bear the brunt of impacts caused by the Toquop Energy Project. We believe it is fair and reasonable that they have the same opportunity to comment in a local public forum as the residents of Nevada. We believe it is unreasonable to require Utah residents to travel to Mesquite, Nevada to participate in a public hearing regarding a project that would potentially affect their health and welfare in Utah.

Rod A. Moore
Nevada Division of Environmental Protection
Page Two

The BAPC Notice of Proposed Action indicates that public comment period will end at the close of a hearing scheduled in Mesquite, Nevada on February 7, 2008. We hereby request that a hearing be held in St. George, Utah prior to this date. If the BAPC wishes to hold this St. George hearing after February 7, 2008, we hereby formally request an extension of the comment period to accommodate the St. George hearing.

We would respectfully request a reply by February 1, 2008.

Thank you,

Lin Alder
Executive Director
Citizens for Dixie's Future

cc: Nevada Governor Jim Gibbons
Utah Governor Jon Huntsman
Nevada Attorney General Catherine Cortez Masto
Nevada Senior Deputy Attorney General Marta Adams
Nevada Senior Deputy Attorney General William Frey
Utah Attorney General Mark Shurtleff
Leo Drozdoff, Nevada Department of Environmental Protection
Greg Remer, Nevada Bureau of Air Pollution Control
Rick Sprott, Utah Department of Environmental Quality
Cheryl Heying, Utah Division of Air Quality
Senator John Ensign
Senator Harry Reid
Representative Shelley Berkeley
Representative Dean Heller
Representative Jon Porter
Senator Robert Bennett
Senator Orrin Hatch
Representative Jim Matheson
Gerardo Rios and Ann Lyons. EPA Region 9
Las Vegas Review Journal
The Daily Sun
Ed Koceila, The Spectrum Newspaper
Nancy Perkins, Deseret Morning News
Jay Evenson, Deseret Morning News
Mark Havnes, Salt Lake Tribune
Vern Anderson, Salt Lake Tribune
Sharon May, Hurricane Valley News