

**State of Oregon**  
**Department of Environmental Quality**

**Memorandum**

Date: Nov. 12, 2010

To: Environmental Quality Commission  
From: Brian Finneran, DEQ Air Quality Division  
Subject: Presiding Officer's Report for Rulemaking Hearings

Title of Proposal: Revisions to DEQ Regional Haze BART rules for the PGE  
Boardman Power Plant

1<sup>st</sup> Comment Period Hearing Dates and Time: Sept. 21, 23, 28, 29, and 30, 2010.  
6 p.m.

Hearing Locations: 1. Portland OR, Metro Regional Center  
2. Eugene OR, State Office Building  
3. Hermiston OR, Conference Center  
4. Medford OR, DEQ Regional Office  
5. The Dalles OR, Columbia Gorge Community College

2<sup>nd</sup> Comment Period Hearing Dates and Time: Nov. 8, 9, 2010. 6 p.m.

Hearing Locations: 6. Portland OR, Metro Regional Center  
7. Boardman OR, Port of Morrow

DEQ held seven public hearings on the proposed rulemaking at the locations, dates, and times noted above. The following is a summary of each of these hearings.

**First Comment Period, Sept. 1 – Oct. 1, 2010**

**Public Hearing #1, Sept. 21, 2010, Metro Regional Center, 600 NE Grand Avenue, Portland.** The hearing officer was Linda Hayes-Gorman from DEQ. Present from DEQ were Brian Finneran, Mark Fisher, William Knight and Marcia Danab.

One hundred forty people attended the hearing, 42 provided oral testimony, and 193 written comments were submitted.

Linda Hayes-Gorman announced that she was serving as the hearing officer to this hearing. Linda introduced Brian Finneran and Mark Fisher from DEQ, who gave a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

Linda announced at 7:08 p.m. she would like to begin the formal hearing on the proposed rulemaking. She informed people that the hearing would be recorded and that testimony would become part of the public record for the rulemaking. Linda explained her role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. She asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. She added that written comments would be given the same weight as oral comments.

Linda reminded the audience that the deadline date for receipt of written comments on the proposed rules is Friday, October 1, 2010, at 5 p.m. She stated that after reviewing the comments, the department may consider revisions to the proposed rules. She added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Forty-two persons provided oral testimony, and five written comments were submitted by persons who did not testify, with one of the five written comments being a form letter that contained 189 signatures. Table 1 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 1 Portland Hearing 9/21/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+testified at more than one hearing)</i>		
1. Arya Behbehani * +	Portland General Electric Company	PGE "BART III" 2020 plan
2. Jay Dudley +	Portland General Electric Company	PGE "BART III" 2020 plan
3. Dave Robertson +	Portland General Electric Company	PGE "BART III" 2020 plan
4. Wilda Parks	N.Clackamas Co. Chamber of Commerce	PGE "BART III" 2020 plan
5. Nick Engelfried +	private citizen	2015 closure or sooner
6. John Maloney	private citizen	2020 if PGE needs time
7. Margo Bryant	Portland General Electric Company	PGE "BART III" 2020 plan
8. Larry Givens * +	Umatilla County Commissioner	PGE "BART III" 2020 plan
9. Nancy Hatch	private citizen	2015 closure
10. Bernie Bottomly *	Portland Business Alliance	PGE "BART III" 2020 plan
11. Corky Collier *	Columbia Corridor Association	PGE "BART III" 2020 plan
12. Travis Stovall	East Metro Economic Alliance	PGE "BART III" 2020 plan
13. Jason Brandt	Salem Chamber of Commerce	PGE "BART III" 2020 plan
14. Joe Esmonde	IBEW Local 48	PGE "BART III" 2020 plan
15. John Mohlis	Columbia Pacific Building Trades Council	PGE "BART III" 2020 plan
16. Jonathon Schlueter *	Westside Economic Alliance	PGE "BART III" 2020 plan
17. Debbie Kitchen	Inter Works	PGE "BART III" 2020 plan

18. Mike Holcomb	small business owner	PGE “BART III” 2020 plan
19. Denzel Scheller	Hillsboro Chamber of Commerce	PGE “BART III” 2020 plan
20. Manuel Castaneda	small business owner	PGE “BART III” 2020 plan
21. Tom Wood	Associated Oregon Industries	PGE “BART III” 2020 plan
22. Wayne Lei	private citizen	PGE “BART III” 2020 plan
23. Andree Yost	Portland General Electric Company	PGE “BART III” 2020 plan
24. Elizabeth Kaplan *	private citizen	2015 closure or sooner
25. Rodger Winn	Sierra Club	more protection of health
26. Vern Groves	private citizen	close as soon as possible
27. Roger Cole	Sierra Club	2015 closure
28. Robin Everett	Sierra Club	2015 closure or sooner
29. Robin Fahy	student	closure not addressed
30. Katie Kann	student	close as soon as possible
31. Tyler Gerlach	student	close as soon as possible
32. Geoff Guillory	student	close as soon as possible
33. Maye Thompson *	Oregon Physicians for Social Responsibility	2015 closure Option 3
34. Antonio Samora	private citizen	close as soon as possible
35. Erika Winters	Greenpeace	close as soon as possible
36. Alyssa Ransbury	Greenpeace	close as soon as possible
37. Christopher Froman	Greenpeace	close as soon as possible
38. Anna Sotia Gidlund	Greenpeace	close as soon as possible
39. David Pfosr	Sierra Club	close as soon as possible
40. Wesley Kempler	Sierra Club	early closure in general
41. Cesia Kearns	private citizen	2015 closure or sooner
42. Fred Heutte	Sierra Club & small business owner	2015 closure or sooner
<i>Written comments received from persons who did not testify:</i>		
1. Martin Donohoe, MD	Physician	closure by 2014
2. Borden Beck	private citizen	2015 closure
3. Caitlin Piserchia	student	2020 closure Option 1
4. Louise Waitt	private citizen	close as soon as possible
5. 189 names on form letter submitted	Sierra Club	2015 closure or sooner

**Comment summary.** At this hearing, the public comments were evenly divided between support of PGE’s “BART III” 2020 plan, and closing the plant in 2015 or as soon as possible. Only a few comments were made in support of DEQ’s proposed Option 3 (reflecting a 2015-16 closure).

Supporters of PGE’s BART III proposal included not only PGE employees, but also representatives of chambers of commerce and business associations. Many of the comments focused on concerns about the economic impact of the plant closing early, and the need to provide PGE with sufficient time (10 years) to buy or build replacement power that is affordable, reliable, cost effective, and includes the potential for renewable and “greener” options. It was pointed out that the PGE Boardman plant is currently an important “base load” source of power, and that it would take time to find replacement power. Many of the commenters expressed concern that while closure of the Boardman plant would worsen the current economy and affect many jobs, PGE’s BART III proposal was clearly better than DEQ’s proposed three options.

Other comments in support of PGE's proposal included the following: (1) it ends reliance on coal and provides a smoother transition into other types of energy; (2) it eliminates all emissions from the plant after 2020; (3) it provides significant cost savings to DEQ's proposed options, and thus lowers the overall economic impact; (4) rather than using the highest thresholds in the nation, it represents a lower and reasonable cost effectiveness level that is more consistent with what other states have adopted for BART; (5) avoids a hasty shutdown that could lead to increased electricity rates and impacts on low-income citizens and small businesses; and (6) gives PGE the ability to verify that the proposed dry sorbent injection (DSI) controls are technically feasible by conducting a pilot test study first. Representatives of PGE stated that DEQ's proposed three options do provide PGE with some flexibility, but are unworkable and too costly. They said their BART III proposal would meet EPA approvability requirements and result in significant air quality and environmental benefits after 2020, and prior to that date, includes the installation of \$75 million in pollution controls for nitrogen oxide (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) emissions, significantly reducing these emissions over the next 10 years. They stated that PGE's proposal has no legal barriers in terms of federal approvability or enforceability, and represents a unique opportunity to end coal combustion 20 years early, as an alternative to the plant continuing to operate to 2040 and beyond. They added that PGE is still moving forward to meet DEQ's mercury rules a year ahead of the required 2012 compliance date, which will reduce these emissions by 90 percent.

Supporters of an earlier closure of the PGE Boardman plant than 2020 included environmental groups, students, and private citizens. These comments supported plant closure in 2015 or as soon as possible. The reasons cited focused primarily on concerns about the health effects from the burning of coal, and the need to address global warming now. Health concerns pointed to the plant's current emissions of approximately 25,000 tons of air pollution, as well as mercury emissions, and that these emissions cause significant health problems, including asthma, lung cancer, and other respiratory issues. Global warming concerns pointed to the plant currently emitting about 4 million tons of greenhouse gas emissions, the largest in the state. There was strong support to end reliance on coal technology, to pursue cleaner and renewable energy resources. Others commented that allowing PGE to operate until 2020 was too long, would significantly harm public health and the environment, and that PGE does not need 10 years to find affordable and reliable replacement power, as cleaner forms of power generation are available now. Those who supported DEQ's Option 3 said that closure in 2015 was less expensive than the other options and would provide significant air quality benefits. Other comments included (1) from a cost standpoint, the earliest closure would avoid making unnecessary investments in expensive controls for an "outdated plant"; (2) transitioning to renewable energy could create more "green jobs"; (3) urging DEQ to repeal the existing rules for PGE Boardman which allow the plant to continue operate if PGE decides against any of the options, (4) opposition to giving PGE another 10 years to operate when the plant has avoided installing any major pollution controls since it was constructed in 1977, and (5) criticism of DEQ for not taken action during this time to require controls or close the plant.

There was no other testimony provided. The hearing was adjourned at 9 p.m.

**Public Hearing #2, Sept. 23, 2010, Willamette Conference Room, Eugene State Office Building, 165 East 7th Avenue, Eugene.** The hearing officer was William Knight from DEQ. Also present from DEQ were Brian Finneran and Mark Fisher.

Thirty-three people attended the hearing, and 15 provided oral testimony.

William Knight announced that he was serving as the hearing officer to this hearing. He introduced Brian Finneran and Mark Fisher from DEQ, who gave a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

William announced at 7:14 p.m. he would like to begin the formal hearing on the proposed rulemaking. He stated that the hearing was being recorded and testimony would become part of the public record for the rulemaking. He explained his role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. He asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. He added that written comments would be given the same weight as oral comments.

William reminded the audience that the deadline date for receipt of written comments on the proposed rules is Friday, Oct. 1, 2010, at 5 p.m. He stated that after reviewing the comments, the department may consider revisions to the proposed rules. He added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Fifteen persons provided oral testimony. Table 2 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 2 Eugene Hearing 9/23/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+testified at more than one hearing)</i>		
1. John Steele	Friends of Dorena Dam Habitat	2015 closure or sooner
2. Katie Taylor *	OSPIRG	2015 closure
3. Casey Gifford *	Climate Justice League	2015 closure
4. Emma Newman	Climate Justice League	2015 closure
5. Dave Hauser	Oregon State Chamber of Commerce	PGE "BART III" 2020 plan
6. Kathy Ging	private citizen	2015 closure Option 3
7. Arya Behbehani * +	Portland General Electric Company	PGE "BART III" 2020 plan
8. Amy Krol	student	2015 closure Option 3
9. Chet Phillips * +	Mayor, City of Boardman	PGE "BART III" 2020 plan
10. Ariel McCoy	OSPIRG	close as soon as possible

11. Sania Radcliffe	Portland General Electric Company	PGE "BART III" 2020 plan
12. Catherine Thomasson	Oregon Physicians for Social Responsibility	2015 closure Option 3
13. Kylie Halloran	Sierra Club	2015 closure Option 3
14. Nick Engelfried <sup>+</sup>	private citizen	2015 closure or sooner
15. David Besonon	small business owner	close as soon as possible

**Comment summary.** At this hearing, the testimony reflected the majority of comments and viewpoints expressed at the Portland hearing, and the divergence between those in favor of PGE's BART III proposal and those in favor of an earlier closure. More than half of the comments were in support of a 2015 plant closure and DEQ's Option 3, with fewer advocating the close as soon as possible of the plant.

There was no other testimony provided. The hearing was adjourned at 8:05 p.m.

**Public Hearing #3. Sept. 28, 2010, Hermiston Conference Center, 415 S. Hwy 395, Hermiston.** The hearing officer was William Knight from DEQ. Also present was Brian Finneran, Mark Fisher, and Linda Hayes-Gorman from DEQ, and EQC Commissioner and Vice Chair, Ken Williamson.

Forty-eight people attended the hearing, and 22 provided oral testimony.

William Knight announced that he was serving as the hearing officer to this hearing. He introduced EQC Commissioner Ken Williamson who provided some introductory remarks. Ken Williamson informed the audience that the EQC was very interested to hear from the public on this proposed rulemaking. He provided some background on the 2009 rules adopted for PGE Boardman, and how DEQ's rule proposal reflects PGE's proposed 2020 plant closure, and will give PGE the choice to close early or continue operating under the 2009 rules. Next, Brian Finneran and Mark Fisher from DEQ gave a more detailed presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

William announced at 7:14 p.m. he would like to begin the formal hearing on the proposed rulemaking. He stated that the hearing was being recorded and testimony would become part of the public record for the rulemaking. He explained his role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. He asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. He added that written comments would be given the same weight as oral comments.

William reminded the audience that the deadline date for receipt of written comments on the proposed rules is Friday, Oct. 1, 2010, at 5 p.m. He stated that after reviewing the comments, the department may consider revisions to the proposed rules. He added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Twenty-two persons provided oral testimony. Table 3 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 3 Hermiston Hearing 9/28/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+testified at more than one hearing)</i>		
1. David Nelson	State Senator, District 29	postpone the rulemaking
2. Bob Jenson	State Representative, District 58	postpone the rulemaking
3. Terry Tallman * +	Morrow County Judge	postpone the rulemaking
4. Larry Givens * +	Umatilla County Commissioner	postpone the rulemaking
5. Chet Phillips * +	Mayor, City of Boardman	PGE “BART III” 2020 plan
6. Karen Wolff	Morrow County resident	PGE “BART III” 2020 plan
7. Arya Behbehani * +	Portland General Electric Company	PGE “BART III” 2020 plan
8. Bill Nicholson	Portland General Electric Company	PGE “BART III” 2020 plan
9. Diane Wolfe	Boardman Chamber of Commerce	PGE “BART III” 2020 plan
10. Rick Main	IBEW Local 125	PGE’s “BART III” or no closure
11. Sheryll Bates	Heppner Chamber of Commerce	PGE “BART III” 2020 plan
12. Karen Pettigrew	City of Boardman	PGE “BART III” 2020 plan
13. Steve Eldrige	Umatilla Electrical Cooperative	oppose early closure
14. Chuck Little +	Pendleton Building Trades	oppose early closure
15. Randy Yates	private citizen	PGE’s 2020 plan or postpone
16. Rod Osgood	IUOE Local 701	oppose early closure
17. John Edmundson	Heppner Chamber of Commerce	oppose early closure
18. Gary Neal	Port of Morrow	concerned about early closure
19. Debbie Pedro	Hermiston Chamber of Commerce	PGE “BART III” 2020 plan
20. Tamra Mabbott	Umatilla County Planning Dept.	need comprehensive planning
21. Don Anderson	NAES Power Contractors	PGE “BART III” 2020 plan
22. David Richards	Boardman resident	oppose early closure

**Comment summary.** At this hearing, all of the testimony was either in support of PGE’s BART III proposal, or stating that PGE should not close the Boardman plant, including several comments urging postponement of the rulemaking. There was no support for any of DEQ’s proposed three options, and a few comments that the \$7,300 per ton cost effectiveness threshold was too high. Comments in support of PGE’s BART III proposal stated that it represents a reasonable transition plan for workers and the local community to adjust to an early closure, that shutting down before 2020 would have significant economic impacts, and that PGE’s plan was clearly a better alternative than DEQ’s proposed 3 options from an economic standpoint. There were also many comments opposed to any closure of plant, emphasizing concerns about loss of jobs, tax revenue, and other economic impacts. Testimony from local officials with the City of Boardman and Morrow and Umatilla counties pointed out that the plant employs 110 full-time and 225 seasonal workers, and the loss of these jobs could indirectly affect up to 1000 jobs in the

area. It was also stated that property taxes from the Boardman plant funds 37 taxing districts, and generates about three-million dollars per year in revenue, or about 15 percent to local government in Umatilla and Morrow counties. These taxes pay for health services, public safety, and schools. While much of this testimony indicated a preference for the continued operation of the plant, they noted that if PGE chooses to close the plant, the best option would be PGE's BART III proposal. Several others including a state senator and representative urged DEQ to postpone the rulemaking, citing the same concerns as noted above about major economic impacts if PGE closes the plant.

There was no other testimony provided. The hearing was adjourned at 9:05 p.m.

**Public Hearing #4. Sept. 29, 2010, Conference Room, Suite 201, DEQ Medford Office 221 Stewart Avenue, Medford.** The hearing officer was Brian Finneran from DEQ. Also present was Mark Fisher from DEQ and EQC Commissioner Judy Uherbelau.

Twelve people attended the hearing, and nine provided oral testimony.

Brian Finneran announced he was the hearing officer, and that he and Mark Fisher would provide a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

Brian announced at 6:55 p.m. he would like to begin the formal hearing on the proposed rulemaking. He stated that the hearing was being recorded and testimony would become part of the public record for the rulemaking. He explained his role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. He asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. He added that written comments would be given the same weight as oral comments.

Brian reminded the audience that the deadline date for receipt of written comments on the proposed rules is Friday, Oct. 1, 2010, 2009, at 5 p.m. He stated that after reviewing the comments, the department may consider revisions to the proposed rules. He added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Nine persons provided oral testimony. Table 4 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 4 Medford Hearing 9/29/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+ testified at more than one hearing)</i>		
1. Bill Hoke	City of Medford	PGE “BART III” 2020 plan
2. Ray Hendricks +	Portland General Electric Company	PGE “BART III” 2020 plan
3. Ron Fox *	SOREDI	PGE “BART III” 2020 plan
4. Monte Mendenhall	Pacific Power	PGE “BART III” 2020 plan
5. Deane Funk	Portland General Electric Company	PGE “BART III” 2020 plan
6. Sarah Westover	Beyond Coal Campaign	2015 closure
7. Meryl Six	Cascade Climate Network + Beyond Coal	close as soon as possible
8. Steve Vincent	Avista Utilities	PGE “BART III” 2020 plan
9. Benji Nagel	student	2015 closure or sooner

**Comment summary.** At this hearing, most of the testimony supported PGE’s BART III proposal, citing the same reasons as noted above at the prior hearings. Two PGE representatives commented that the \$7,300 per ton cost effectiveness is too high, in that unlike other states which used a high cost threshold, it does not take into account the permanent shutdown of the plant and zero emissions after 2020, as does PGE’s BART III proposal. The remaining comments supported a 2015 closure or sooner, citing concerns about mostly global warming, and the need to transition to clean energy as quickly as possible.

There was no other testimony provided. The hearing was adjourned at 7:24 p.m.

**Public Hearing #5. Sept. 30, 2010, Columbia Gorge Community College, Health Sciences, Building Three, Room 3.203, 400 E. Scenic Drive, The Dalles.** The hearing officer was William Knight from DEQ. Brian Finneran and Mark Fisher from DEQ were also present.

Thirty-nine people attended the hearing, and 21 provided oral testimony.

William Knight announced that he was serving as the hearing officer to this hearing. He introduced Brian Finneran and Mark Fisher from DEQ, who gave a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

William announced at 7:20 p.m. he would like to begin the formal hearing on the proposed rulemaking. He stated that the hearing was being recorded and testimony would become part of the public record for the rulemaking. He explained his role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. He asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. He stated that written comments would be given the same weight as oral comments.

William reminded the audience that the deadline date for receipt of written comments on the proposed rules is Friday, Oct. 1, 2010, at 5 p.m. He stated that after reviewing the comments, the department may consider revisions to the proposed rules. He added that the department’s final

recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Twenty-one persons provided oral testimony. Table 5 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 5 The Dalles Hearing 9/30/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+testified at more than one hearing)</i>		
1. Ted Ferrioli	State Senator, District 30	concerned about early closure
2. John Huffman	State Representative, District 59	PGE “BART III” 2020 plan
3. Terry Tallman * +	Morrow County Judge	concerned about early closure
4. Larry Givens * +	Umatilla County Commissioner	concerned about early closure
5. Ray Hendricks +	Portland General Electric Company	PGE “BART III” 2020 plan
6. Jay Dudley +	Portland General Electric Company	PGE “BART III” 2020 plan
7. Dave Robertson +	Portland General Electric Company	PGE “BART III” 2020 plan
8. Dale Coyle	Portland General Electric Company	PGE “BART III” 2020 plan
9. John McClain	Portland General Electric Company	PGE “BART III” 2020 plan
10. Chuck Little +	Pendleton Building Trades	PGE “BART III” 2020 plan
11. Barry Beyeler *	City of Boardman	PGE “BART III” 2020 plan
12. Daniel Spatz	Columbia Gorge Community College	PGE “BART III” 2020 plan
13. Paul Woodin	Community Renewable Energy Association	PGE “BART III” 2020 plan
14. Peter Cornelison	Friends of the Columbia Gorge	2015 closure Option 3
15. John Wood	private citizen	close as soon as possible
16. Mary Repar *	private citizen	2015 closure or sooner
17. Tom Wood	private citizen	2015 closure or sooner
18. John Nelson	private citizen	2015 closure or sooner
19. Tom Ivancie *	Energy Action NW	PGE “BART III” 2020 plan
20. Jurgen Hess *	private citizen	2015 closure Option 3
21. Dave Berger	private citizen	2015 closure or sooner

**Comment summary.** At this hearing, the comments were similar to those expressed at the earlier hearings, in terms of the divergence in support between PGE’s BART III proposal and those supporting an earlier closure in 2015 or sooner. Most of the comments in support of PGE’s BART III proposal cited the following: (1) provides PGE with sufficient time (10 years) to develop affordable and reliable replacement power, including renewable energy; (2) a 2020 closure eliminates all emissions, provides significant air quality and visibility benefits, and represents a unique opportunity to end coal combustion 20 years early, as an alternative to the plant continuing to operate to 2040 and beyond; (3) DEQ’s three options cost too much, and the \$7,300 cost effectiveness level is too high, and not consistent with the cost effectiveness used by

other states; (4) avoids a hasty shutdown that could lead to increased electricity rates, affecting those on fixed incomes the most; and (5) gives PGE the ability to verify that the proposed dry sorbent injection (DSI) controls are technically feasible by conducting a pilot test study first. Most of the comments supporting a 2015 or earlier closure focused on the magnitude of the Boardman plant emissions, and the affects this has on public health and global warming. These comments included concerns about the extent of air quality impacts in the Columbia Gorge from the Boardman plant. Other comments opposed giving PGE another 10 years to operate when the plant has avoided installing any major pollution controls since it was constructed in 1977, and criticized DEQ for not taken action during this time to require controls or close the plant. A few comments were made that not enough focus has been give to energy efficiency and conservation, and that this would allow PGE to close in 2015 or even sooner.

There was no other testimony provided. The hearing was adjourned at 9:05 p.m.

### **Second comment period, Oct. 29 – Nov. 15, 2010**

#### **Public Hearing #6. Nov. 8, 2010, Metro Regional Center, 600 NE Grand Avenue, Portland.**

The hearing officer was Pat Vernon from DEQ. Present from DEQ were Brian Finneran, Mark Fisher, Joanie Stevens-Schwenger and David Collier.

Fifty-five people attended the hearing, 41 provided oral testimony, and four written comments were submitted.

Pat Vernon announced that she was serving as the hearing officer to this hearing. She introduced Mark Fisher from DEQ, who gave a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

Pat announced at 6:35 p.m. that she would like to begin the formal hearing on the proposed rulemaking. She informed people that the hearing would be recorded and that testimony would become part of the public record for the rulemaking. Pat explained her role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. She asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. She added that written comments would be given the same weight as oral comments.

Pat reminded the audience that the deadline date for receipt of written comments on the proposed rules is Monday, Nov. 15, 2010, at 5 p.m. She stated that after reviewing the comments, the department may consider revisions to the proposed rules. She added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Forty-one persons provided oral testimony, and four written comments were submitted, one by a person who did not testify. Table 6 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 6 Portland Hearing 11/8/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+testified at more than one hearing)</i>		
1. Dave Robertson <sup>+</sup>	PGE	revised PGE 2020 proposal
2. Wendi Eiland	Beaverton Chamber of Commerce	revised PGE 2020 proposal
3. Marcy Putman	IBEW Local 125	revised PGE 2020 proposal
4. Kristan Sheeran, Phd	Economics for Equity and Environment Network	support closure before 2020
5. Erika Winters-Heilman	Private citizen	close by summer 2011
6. Kaician Kitko	Private citizen	support closure before 2020
7. Kyle Gorman *	Clackamas county Fire District #1	revised PGE 2020 proposal
8. Linda Moholt	Tualatin Chamber of Commerce	revised PGE 2020 proposal
9. Jay Halladay	Coaxis	revised PGE 2020 proposal
10. Mark Clemons	Group MacKenzie	revised PGE 2020 proposal
11. Samantha Cummings	Private citizen	close in 2011
12. Jon Pauletto	Private citizen	close by July 2011
13. Adam Walters	Student	close by July 2011
14. Trevor Griffith	Private citizen	close by July 2011
15. Robin Everett	Sierra Club	support early closure
16. Sofia Gidlund	Greenpeace	close in 2011
17. Elizabeth Kaplan	Private citizen	2015 closure or sooner
18. Geoff Guillory	Private citizen	close as soon as possible
19. Roger Cole	Sierra Club	close as soon as possible
20. Liam Doherty-Nicholson	Greenpeace	close by July 2011
21. Bob Jenks *	Citizen Utility Board	close no later than 2020
22. Jason Lehne	Foundation Life Management	revised PGE 2020 proposal
23. Angi Dilkes *	Oregon Business Association	revised PGE 2020 proposal
24. Caitlin Piserchia	Private citizen	support early closure option
25. Cesia Kearns	Private citizen	support early closure options
26. Duncan Reid	Private citizen	collaboration, early closure
27. Nathan Jones	Private citizen	collaboration, early closure
28. Alden Moss	Private citizen	2014 or 2015 closure
29. Jenny Bedell-Stiles	Private citizen	support DEQ 3 options
30. NickEngelfried	Private citizen	2015 closure or sooner
31. Maye Thompson	Oregon Physicians for Social Responsibility	2015 closure Option 3
32. Daniel Cobb	Private citizen	close as soon as possible

33. Nancy Hatch	Private citizen	close by 2016 at latest
34. Antonio Zamora	Greenpeace	close as soon as possible
35. Bill Bigelow	Private citizen	close as soon as possible
36. Borden Beck	PGE customer	2015 closure
37. Tom Wood	Associate Oregon Industries	close as soon as possible
38. Mathilde Mouw	Student	2015 closure
39. Joel Durr	Private citizen	close as soon as possible
40. Natasha Hultmann	Private citizen	close as soon as possible
41. Tom Ivancie	Energy Action Northwest	close as soon as possible
<i>Written comments received from persons who did not testify:</i>		
1. Nicole Forbes	Friends of the Columbia Gorge	comments from 5 members

**Comment summary.** At this hearing, the public comments were evenly divided between support of PGE’s revised 2020 proposal, and closing the plant in 2015 or as soon as possible. Supporters of PGE’s revised 2020 proposal commented that it represented a good compromise between DEQ’s Option 2 with a 2018 closure date, and PGE’s BART III proposal with a 2020 closure date. They also restated their original support for PGE’s BART III proposal, noting that a 2020 closure would provide PGE with sufficient time (10 years) to buy or build replacement power that is affordable, reliable, and cost effective, and allows time for workers at the Boardman plant to transition to new jobs after the closure of the plant. They also pointed out that PGE’s proposal represents a significant cost savings to DEQ’s proposed options, and thus lowers the overall economic impact, and that a hasty shutdown could lead to increased electricity rates and impacts on low-income citizens and small businesses.

Supporters of an earlier closure of the PGE Boardman plant cited the need to close the plant in 2015 or as soon as possible. They expressed concerns about the health effects from the plant’s emissions, and the need to address global warming now. The health problems mentioned included asthma, lung cancer, and other respiratory issues. Global warming concerns focused on the plant being the largest source of greenhouse gas emissions in the state. There was strong support to end reliance on coal technology, to pursue cleaner and renewable energy resources. Other comments included (1) from a cost standpoint, the earliest closure would avoid making unnecessary investments in expensive controls for an “outdated plant”; (2) transitioning to renewable energy could create more “green jobs”; (3) opposition to giving PGE another 10 years to operate when the plant has avoided installing any major pollution controls since it was constructed in 1977, and (4) criticism of DEQ for not taken action related to a Notice of Violation recently issued recently against the PGE Boardman plant by EPA for allegedly violating New Source Performance Standards.

There was no other testimony provided. The hearing was adjourned at 8:26 p.m.

**Public Hearing #7. Nov. 9, 2010, Port of Morrow, River Front Room, Boardman.** The hearing officer was Larry Calkins from DEQ. Present from DEQ were Mark Fisher and Joanie Stevens-Schwenger.

Thirty-two people attended the hearing, and 17 provided oral testimony.

Larry announced that he was serving as the hearing officer to this hearing. He introduced Mark Fisher from DEQ, who gave a presentation summarizing the proposed rulemaking. A question and answer period followed the presentation.

Larry announced at 6:35 p.m. he would like to begin the formal hearing on the proposed rulemaking. He informed people that the hearing would be recorded and that testimony would become part of the public record for the rulemaking. Larry explained his role was to take testimony on behalf of the EQC and prepare a report summarizing the written and verbal comments. He asked that people interested in providing oral testimony fill out a witness registration form, and would call people to testify in the order they turned in the form. He added that written comments would be given the same weight as oral comments.

Larry reminded the audience that the deadline date for receipt of written comments on the proposed rules is Monday, Nov. 15, 2010, at 5 p.m. He stated that after reviewing the comments, the department may consider revisions to the proposed rules. He added that the department's final recommendation for rule adoption will be made at the EQC meeting scheduled for December 9-10, 2010, and that the EQC can use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

- Summary of the testimony:

Seventeen persons provided oral testimony. Table 7 lists the names of those who provided testimony and the primary position supported by each person. After this is a summary of the comments provided at the hearing.

<b>Table 7 Boardman Hearing 11/8/10</b>		
<i>Name</i>	<i>Affiliation</i>	<i>In Support of</i>
<i>Oral Testimony: (*also provided written comments) (+ testified at more than one hearing)</i>		
1. Terry Tallman	Morrow County Judge	concerned about early closure
2. Chet Phillips	Mayor, City of Boardman	revised PGE 2020 proposal
3. Dave Robertson	Portland General Electric Company	revised PGE 2020 proposal
4. Barry Beyeler	City of Boardman	revised PGE 2020 proposal
5. Rick Main	IBEW Local 125	revised PGE 2020 proposal
6. Marcy Putman	IBEW Local 125	revised PGE 2020 proposal
7. Sheryll Bates	Heppner Chamber of Commerce	revised PGE 2020 proposal
8. Diane Wolfe	Boardman Chamber of Commerce	revised PGE 2020 proposal
9. Steve Doherty	Private Citizen	opposed to any closure
10. Chuck Little	Pendleton Building Trades	revised PGE 2020 proposal
11. Dave De Mayo	City of Heppner	continued use of coal
12. Karen Pettigrew	City of Boardman	revised PGE 2020 proposal
13. Karen Wolff	Morrow County resident	revised PGE 2020 proposal
14. Randal Curtis	Private Citizen	revised PGE 2020 proposal
15. Don Russell	Private Citizen	opposed to any closure

16. Gary Neal	Port of Morrow	revised PGE 2020 proposal
17. Jody Marston	Private Citizen	revised PGE 2020 proposal

**Comment summary.** At this hearing, most of the testimony was in support of PGE's revised 2020 proposal, which would set one closure date (2020) and eliminate the current rules adopted in 2009. Some of the testimony expressed a preference for continued operation of the plant until 2040, but recognized that since PGE has proposed a 2020 closure, the new proposal was the best alternative. There was also testimony that in adopting PGE's new 2020 proposal, there should be no earlier closure options added to the rules, such as DEQ's Option 2 and 3, which had 2018 and 2015-16 closure dates, respectively. The comments stressed the importance of one closure date in 2020, and nothing else. A few comments were made opposing any closure of the Boardman plant, citing the importance of continuing to use coal for energy, and that the regional haze regulations are not valid reasons for requiring expensive pollution controls for the plant.

There was no other testimony provided. The hearing was adjourned at 7:37 p.m.