

1 BEFORE THE ARIZONA POWER PLANT AND
2 TRANSMISSION LINE SITING COMMITTEE

3

4	IN THE MATTER OF THE)	DOCKET NO.
5	APPLICATION OF SALT RIVER)	L-00000B-21-0393-00197
6	PROJECT AGRICULTURAL)	
7	IMPROVEMENT AND POWER)	LS CASE NO. 197
8	DISTRICT, IN CONFORMANCE WITH)	
9	THE REQUIREMENTS OF ARIZONA)	
10	REVISED STATUTES, SECTIONS)	
11	40-360, et. seq., FOR A)	
	CERTIFICATE OF ENVIRONMENTAL)	
	COMPATIBILITY AUTHORIZING THE)	
	EXPANSION OF THE COOLIDGE)	
	GENERATING STATION, ALL WITHIN))	
	THE CITY OF COOLIDGE, PINAL)	
	COUNTY, ARIZONA.)	
	_____)	

12 At: Casa Grande, Arizona

13 Date: February 10, 2022

14 Filed: February 22, 2022

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Radisson Hotel Casa Grande, 777 North
5 Pinal Avenue, Casa Grande, Arizona, commencing at 9:02
6 a.m. on the 10th of February, 2022.

7

8 BEFORE: PAUL A. KATZ, Chairman

9 ZACHARY BRANUM, Arizona Corporation Commission
(via videoconference)
10 LEONARD DRAGO, Department of Environmental Quality
JOHN RIGGINS, Arizona Department of Water Resources
11 JAMES PALMER, Agriculture Interests
MARY HAMWAY, Incorporated Cities and Towns
12 RICK GRINNELL, Counties
KARL GENTLES, General Public (via videoconference)
13 MARGARET "TOBY" LITTLE, PE, General Public
(via videoconference)
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1 CHMN. KATZ: It's my understanding that we
2 have Kevin Cavanaugh, a Pinal County Supervisor, that
3 should be available virtually this morning. He just
4 wants to make a public statement. He was ill on Monday
5 and Tuesday, and we couldn't accommodate him with the
6 tour yesterday.

7 I'll ask our tech folks, do we have
8 Mr. Cavanaugh -- or, Supervisor Cavanaugh now?

9 MR. RICH: Right behind you.

10 CHMN. KATZ: Oh, you're here in person?
11 Okay. I thought we were going to do you virtually.

12 How do we -- we don't need to get -- should
13 we just turn -- what microphone do you want the
14 gentleman to use? She'll show you.

15 MS. POLLIO: This one? Michele, do you want
16 me to grab it?

17 CHMN. KATZ: We're giving you some exercise
18 this morning.

19 MR. CAVANAUGH: Okay. That's good. I need
20 it.

21 Are we good?

22 CHMN. KATZ: Sure. And just make sure you --
23 even though we've met, identify yourself for the court
24 record -- not the court record, but for the Committee
25 record.

1 MR. CAVANAUGH: Thank you. My name is Kevin
2 Cavanaugh. I'm Pinal County Supervisor for District 1.
3 I represent the -- a large area, including the
4 unincorporated town of Randolph. Randolph is a
5 historically significant area where families have, for
6 generations, established roots.

7 Randolph is a historically black community
8 where sharecroppers came for economic opportunity since
9 the 1920s. Randolph is a community unto itself. It
10 once had a market, a post office, stores, and a number
11 of churches.

12 Randolph has not been annexed by the City of
13 Coolidge, which is nearby, and I have not heard from
14 Randolph that there's a desire to be annexed. This
15 leaves Randolph with one local representative, myself,
16 a county supervisor, two state representatives, and a
17 state senator to represent their best interests, and
18 I'm here to do that.

19 The people of Randolph are concerned that
20 little by little, piece by piece, the place their
21 families have called home for generations is being
22 diminished by encroaching industry, pollution, blight,
23 leading to lower property values and fewer and fewer
24 residents.

25 I recognize the historical importance of

1 Randolph and initiated a plan to install fire hydrants
2 so fires can be fought, rather than watching buildings
3 burn to the ground, like the church about a year ago.
4 And by installing fire hydrants, once these are
5 installed, I'm going to ask a volunteer fire department
6 to assist in training and equipping the folks of
7 Randolph to fight their own fires. Using Community
8 Development Block Grants, we're going to install curbs
9 and sidewalks so that Randolph -- the property values
10 and the water runoff has a place to go and make it more
11 like a small city.

12 But the residents have expressed to me a
13 concern over air quality, and I've asked our air
14 quality department to set up instruments to measure air
15 quality on the ground from various sources. There's an
16 emulsions plant, steel manufacturing, recycling, and
17 the SRP Power Plant nearby, and each business is held
18 to emission standards, but the residents of Randolph
19 are concerned that the combined emissions and pollutant
20 output from nearby sources present a health hazard.
21 And adding 16 turbine generation units, in their view,
22 will exacerbate the perceived problems.

23 Our air quality department briefed me on how
24 emissions from the turbine generators are measured, and
25 that each stack falls within -- well within acceptable

1 prescribed levels. As Arizona moves to solar and wind,
2 it is necessary to have the on-demand power generation
3 as provided by the proposed turbines, but we must
4 assure the citizens that the air they breathe is safe.
5 And so that is my primary concern, that we -- that the
6 Corporation Commission, SRP, the County, the State make
7 sure that emissions and the pollutants that are
8 released near Randolph do not propose a health
9 hazard -- present a health hazard to the citizens of
10 Randolph.

11 So that's all I have to say. Thank you.

12 CHMN. KATZ: Thank you very much for taking
13 the time to join us, and we will definitely consider
14 your concerns.

15 MR. CAVANAUGH: Thank you.

16 CHMN. KATZ: Thank you.

17 I think we're now in a situation -- I didn't
18 know if there was any follow-up with that last thing --
19 question I threw at Mr. McClellan. If not, I guess
20 we're going to proceed with the cross-examination of
21 the third panel, one of whom, as yesterday,
22 Ms. Hallows, is by virtual, and the other four are
23 present here.

24 Do we have any of our Committee Members
25 appearing virtually? I can't tell from that screen,

1 but -- I don't know if Toby Little is present. I don't
2 know if Rick Grinnell is present.

3 MEMBER BRANUM: Good morning, Chairman.
4 Member Branum is here. Thank you.

5 CHMN. KATZ: Thank you. I now see --

6 MEMBER LITTLE: Good morning, Chairman and
7 all. Toby Little is also here.

8 CHMN. KATZ: And I'm seeing the back of a
9 chair that I think is Rick Grinnell's spot. So I think
10 we'll just get started, and I'm sure he will join us.

11 Karl Gentles is not available today. He may
12 appear later virtually.

13 But we can begin with the cross-examination.
14 Yes, sir.

15 MR. ACKEN: Mr. Chairman, I had one cleanup
16 item for this panel before we move to cross.

17 CHMN. KATZ: That's fine. And then we'll
18 have cross going forward, hopefully, without
19 interruption.

20 MR. ACKEN: Thank you, Mr. Chairman.

21

22 CHRISTINA HALLOWS, ANNE RICKARD, KRISTIN WATT, KENDA

23 POLLIO, AND DEVIN PETRY,

24 called as witnesses on behalf of the applicant, having
25 been previously affirmed en masse by the Chairman to

1 speak the truth and nothing but the truth, were further
2 examined and testified as follows:

3

4 CONTINUED DIRECT EXAMINATION

5 BY MR. ACKEN:

6 Q. Ms. Watt, yesterday you were asked about -- a
7 question regarding the air quality permitting status of
8 the existing facility and the expansion, as to whether
9 it was a major or minor source. Do you recall that
10 question?

11 A. (MS. WATT) Yes, I do.

12 Q. And do you have any clarifications to your
13 answer?

14 A. (MS. WATT) Yes, I'd like to clarify, please.
15 Excuse me. So I was asked yesterday whether the
16 existing Coolidge Generating Station was a minor source
17 or a major source and whether the expansion was a minor
18 source or a major source.

19 My response was that the existing Coolidge
20 Generating Station is a minor source and the expansion
21 project is a minor source. It is true that the
22 existing Coolidge Generating Station is a minor source
23 under the Prevention of Significant Deterioration
24 program, but by that -- and by that I mean to say that
25 the criteria pollutant emissions that I mentioned

1 yesterday are below the major source thresholds, 250
2 tons per year for the existing Coolidge Generating
3 Station.

4 However, because the area is now in
5 nonattainment for particulate matter less than 10
6 microns, the area is -- or, the existing Coolidge
7 Generating Station becomes a major source for
8 particulate matter only, for PM10 only, under the
9 Nonattainment New Source Review.

10 So in this permit application, SRP is
11 proposing to, first, limit the particulate matter
12 emissions from the existing units at Coolidge
13 Generating Station to below 70 tons per year so that
14 the existing generating station stays a minor source.
15 With the expansion, we're also proposing to limit the
16 emissions from the expansion project to below major
17 source thresholds so that the project is also a minor
18 source.

19 When those two projects are combined, the
20 existing -- the Coolidge Generating Station will become
21 a major source, and then any future modifications or
22 projects that are done at that facility will be subject
23 to major source permitting and the significant
24 modification thresholds for that facility.

25 MR. ACKEN: Thank you, Ms. Watt. No further

1 questions.

2 CHMN. KATZ: Thank you.

3 MEMBER RIGGINS: Mr. Chair.

4 CHMN. KATZ: Yes, Mr. Riggins.

5 MEMBER RIGGINS: Quick question for Ms. Watt.

6 So I know we've discussed the PM10. Does
7 that permit also take into any consideration for PM2.5?

8 MS. WATT: It does. It's assumed that
9 PM10 -- the emissions from PM2.5 are the same as PM10,
10 yes.

11 MEMBER RIGGINS: Okay. So as far as the --
12 like the National Ambient Standard Air Quality in the
13 graphs that we saw yesterday for the baseline for the
14 area, that all takes into consideration PM2.5 as well?

15 MS. WATT: No. I'm sorry. I should clarify
16 that. So the area is only in nonattainment for
17 particulate matter less than 10 microns with that
18 specific standard. There's a separate National Ambient
19 Air Quality Standard for PM2.5, and the area is in
20 attainment with that standard. And the emissions from
21 this project, based on the modeling assessment, do not
22 cause or contribute to a violation of the PM2.5
23 standard.

24 MEMBER RIGGINS: And nitrous oxide and carbon
25 emissions, is that considered 2.5 or is that -- I'm not

1 an air quality expert either, so I hope I'm not
2 speaking out of school. But I just -- for the record,
3 is that also considered 2.5 or is that PM10?

4 MS. WATT: Nitrogen oxides have -- nitrogen
5 dioxide has its own National Ambient Air Quality
6 Standard. Nitrogen oxides do -- nitrogen oxides and
7 volatile organic compounds combine in the atmosphere to
8 form ozone, is that where you're -- I'm not sure if --

9 MEMBER RIGGINS: I believe so, yeah, and I
10 may have actually used the wrong chemical compound.
11 But yes, that answers. Thank you.

12 CHMN. KATZ: We can begin cross-examination.
13 Is Mr. Rich going to be the first one out of the chute?

14 MR. RICH: I think so, Mr. Chairman. Okay.
15 Whenever you're ready.

16

17 CROSS-EXAMINATION

18 BY MR. RICH:

19 Q. Good morning. Good morning, everyone on the
20 panel. Let me -- I'll try to go through you one at a
21 time and we'll try to be precise with who to ask the
22 questions to, but let me know if you feel like you are
23 certainly the wrong person.

24 So let me start with Ms. Hallows. Can you
25 just refresh my recollection on what day you announced

1 to the public that this project was moving forward?

2 A. (MS. HALLOWS) The first mailer that we
3 mailed out was on August 31st. The website was live on
4 August 24th, which was also the date of the SRP Power
5 Committee.

6 Q. That's interesting. So you started the
7 website and announced it to the public before your
8 Board had approved the project, is that correct?

9 A. (MS. HALLOWS) The Power Committee was on the
10 24th and then the full Board, I believe, was on
11 September 13th.

12 Q. Is that normal, for SRP to announce a project
13 before the Board approves it?

14 A. (MS. HALLOWS) It was approved through the
15 Committee and then announced at that point.

16 Q. And the Committee makes a recommendation to
17 the Board, isn't that correct?

18 A. (MS. HALLOWS) Yes.

19 Q. Okay. Is -- to your knowledge, is the
20 proposal that's before the Committee as part of the
21 application the same project that was announced on the
22 website on August 24th?

23 A. (MS. HALLOWS) Yes.

24 Q. Have there been any changes to the proposal
25 since August 24th?

1 A. (MS. HALLOWS) I am unaware of any changes.

2 Q. Okay. And what -- you described a lot of the
3 public outreach you did. What would you say is the
4 point of doing the public outreach?

5 A. (MS. HALLOWS) The point of doing the public
6 outreach is to make sure that the public is aware of
7 the project and knows how to participate in the
8 process.

9 Q. Okay. And you received lots of comments,
10 correct?

11 A. (MS. HALLOWS) We received comments, yes.

12 Q. Okay. And is it fair to say that some of
13 those comments asked SRP to do certain things or do
14 things differently?

15 A. (MS. HALLOWS) Yes.

16 Q. Okay. And how many of those comments did SRP
17 implement? How many of them did you take and then do
18 something about?

19 A. (MS. HALLOWS) Well, nothing has happened
20 with the project yet. We're still going through the
21 hearing. So let me just refresh everybody's memory
22 that --

23 Q. And that's -- sorry to cut you off. Is the
24 answer -- did you take any of the comments and did you
25 implement or make changes to the application as a

1 result of any of the comments that you received?

2 A. (MS. HALLOWS) Oh, I don't believe so.

3 Q. Okay. Did you notify the residents or the
4 families of the residents at the home for disabled
5 adults about the project?

6 A. (MS. HALLOWS) Yes, I was in contact with the
7 superintendent there. I think you're talking about the
8 Arizona Training?

9 Q. I am, yes.

10 A. (MS. HALLOWS) Yes. Yes.

11 Q. Did you contact the residents or their
12 families or their guardians?

13 A. (MS. HALLOWS) I did not.

14 Q. Were you in charge of meeting with public
15 officials, like Supervisor Cavanaugh who was just here?

16 A. (MS. HALLOWS) I was not.

17 Q. Okay. Well, and I guess just to be clear,
18 were you in any of the meetings with those public
19 officials?

20 A. (MS. HALLOWS) I was not.

21 Q. Do you know if SRP met with, for example,
22 Supervisor Cavanaugh?

23 A. (MS. HALLOWS) I do know, yes. Pinal County
24 leadership, as well as Coolidge.

25 Q. Do you know if, when meeting with those

1 elected officials and leaders, whether or not SRP
2 informed them that it did not do an RFP for this
3 project?

4 A. (MS. HALLOWS) I don't know that.

5 Q. Do you know whether or not SRP informed those
6 community leaders that its consultant, E3, had found
7 that it could achieve the same goals with 731 megawatts
8 of battery storage instead of this project?

9 MR. ACKEN: Objection, that misstates the
10 testimony.

11 MR. RICH: That does not restate -- misstate
12 the testimony.

13 MR. ACKEN: It does not meet the same goals,
14 and that is not what Panel 2 testified to.

15 CHMN. KATZ: Well, I'm going to allow the
16 question to be asked. If the witness can answer it,
17 that's fine. If she doesn't understand it or can't
18 answer it, she'll let us know.

19 MS. HALLOWS: Just to be sure, can you repeat
20 your question, Mr. Rich?

21 BY MR. RICH:

22 Q. Sure. Do you know whether or not SRP, when
23 meeting with public officials, informed them that SRP's
24 consultant had told the company that it could achieve
25 the same goals through battery storage instead of the

1 Coolidge Expansion Project?

2 A. (MS. HALLOWS) I do not know.

3 Q. Okay. Let me go to Ms. Rickard, peek over
4 the screen at you. You talked a lot about the giving,
5 and that's impressive. You mentioned 300 entities. I
6 think -- and I told the group behind me that I wanted
7 to pull up Number 158, the slide, and ask you questions
8 around that.

9 Okay. And before -- I've got what I think is
10 Page -- or, Slide 158 from SRP Exhibit 2. Someone
11 correct me if I'm wrong. Is that what you see on the
12 screen?

13 A. (MS. RICKARD) Yes.

14 Q. Okay. And there's a pie chart on this
15 screen. Is this all of the money that SRP gives to, I
16 guess, the public generally, or can you explain a
17 little bit more what this pie chart means?

18 A. (MS. RICKARD) This represents our giving to
19 accredited nonprofits, 501(c)(3) organizations.

20 Q. Okay. And is there other giving that SRP
21 does that is not represented or not shown on this pie
22 chart?

23 A. (MS. RICKARD) Can you quantify "giving,"
24 your definition of "giving"?

25 Q. Well, I guess it would be not for use for the

1 corporate business of SRP as far as paying your
2 employees, paying for energy, building equipment, those
3 types of things. Are there other nonSRP entities,
4 unrelated to power generation, that SRP gives money to?

5 A. (MS. RICKARD) There would be -- yes, there
6 would be. I wouldn't have all the detail on that.

7 Q. Okay. And what is the total dollar amount in
8 this pie chart on Slide 158? How much does that
9 represent in the last fiscal year?

10 A. (MS. RICKARD) That would be approximately
11 4.1 million.

12 Q. Okay. So \$4.1 million is given by -- from
13 SRP to 501(c)(3) nonprofits?

14 A. (MS. RICKARD) Yes.

15 Q. And that doesn't include any other form of
16 not-for-profit entity?

17 A. (MS. RICKARD) Correct.

18 Q. Okay. Do you know what the annual operating
19 budget of SRP is?

20 A. (MS. RICKARD) I do not.

21 Q. I know in your testimony you said that SRP
22 likes to be transparent in their giving, is that
23 correct?

24 A. (MS. RICKARD) Yes.

25 Q. Is there a list of these entities on SRP's

1 website?

2 A. (MS. RICKARD) Yes.

3 Q. And the dollar amounts given to each?

4 A. (MS. RICKARD) I don't believe the dollar
5 amounts are listed; the organizations are.

6 Q. Okay. What about the other entities that --
7 I know you didn't have the specifics, but do you know
8 if there's a list of those entities on SRP's website?

9 A. (MS. RICKARD) No.

10 Q. You don't know or there is not one?

11 A. (MS. RICKARD) I don't think there is, no.

12 Q. Okay. Do you know why there wouldn't be a
13 list of entities that SRP gives money to?

14 A. (MS. RICKARD) No, I don't.

15 Q. And what type of organization is SRP? It's
16 not a for-profit company, correct?

17 A. (MS. RICKARD) Correct.

18 Q. What type of entity is it?

19 A. (MS. RICKARD) A not-for-profit.

20 Q. Is it a governmental entity?

21 A. (MS. RICKARD) I don't have the specific
22 definition of how we quantify our description.

23 Q. Is it a political subdivision of the State of
24 Arizona?

25 MR. ACKEN: Mr. Chairman, he's really asking

1 a legal question that's probably best addressed by
2 Ms. Ramaley as to the legal status of SRP.

3 CHMN. KATZ: That's fine.

4 Ms. Rickard, do you even know the exact
5 posture of SRP with respect to whether it's a
6 government or quasi-government entity or a private
7 entity?

8 MS. RICKARD: I would not.

9 BY MR. RICH:

10 Q. Do you know where the money that you give out
11 to the public comes from?

12 A. (MS. RICKARD) Yes.

13 Q. Where does it come from?

14 A. (MS. RICKARD) It's from our customer base.

15 Q. Okay. So it's not shareholder profit or
16 anything like that that you're distributing, correct?

17 A. (MS. RICKARD) Correct.

18 Q. So much like a government distributes taxes
19 that it collects, that's the money -- similar to the
20 money that you're distributing, correct?

21 A. (MS. RICKARD) Correct.

22 Q. Do you know if anyone from SRP asked any
23 entity to which SRP gives money to write a letter of
24 support in this matter?

25 A. (MS. RICKARD) Not that I'm aware of.

1 Q. You don't know or you don't --

2 A. (MS. RICKARD) I don't know.

3 Q. Okay. Do you know if SRP gives money to the
4 Apache Junction area Chamber of Commerce?

5 A. (MS. RICKARD) I don't know that -- that
6 would probably come from our chamber or government
7 relations department, not necessarily mine.

8 Q. So they wrote a letter of support in this
9 docket. Do you know -- you don't know if SRP gives
10 them money?

11 A. (MS. RICKARD) I don't know.

12 Q. What about the Chandler Chamber of Commerce,
13 do you know if SRP gives them money?

14 A. (MS. RICKARD) I wouldn't have that detail,
15 no.

16 Q. Or Valley Partnership?

17 A. (MS. RICKARD) Also, don't know.

18 Q. What about the Coolidge Chamber of Commerce,
19 do you know whether or not SRP supports and gives money
20 to the Coolidge Chamber of Commerce?

21 A. (MS. RICKARD) No.

22 Q. And sorry. Just for the clarity, you don't
23 know or --

24 A. (MS. RICKARD) I don't know. Sorry.

25 Q. And, finally, the Arizona Chamber of Commerce

1 and Industry, do you know whether or not SRP gives
2 money to that organization?

3 A. (MS. RICKARD) I don't know.

4 Q. During your testimony, you talked about
5 giving -- or, somehow supporting Randolph so that they
6 get, "the funds they are entitled to." Do you remember
7 saying that?

8 A. (MS. RICKARD) I do.

9 Q. And what -- how much -- how many funds or
10 what amount of funds are they entitled to?

11 A. (MS. RICKARD) So we know -- because as an
12 unincorporated area, they are represented by Pinal
13 County organizations, nonprofits. I specifically was
14 mentioning the Pinal County United Way, to which we do
15 provide funds. They are entitled to those as well.

16 Q. So on what basis are they entitled to those
17 funds?

18 A. (MS. RICKARD) Pinal County serves that area,
19 the residents in that area, as well as others.

20 Q. Okay. So when you said that Randolph is --
21 that you want to make sure that they get the funds
22 they're entitled to, is there a specific dollar amount
23 that you're considering?

24 A. (MS. RICKARD) I don't have a specific dollar
25 amount. We just want to make sure that we can help be

1 that bridge to assist in that.

2 Q. And what are the -- I'm sorry. I just want
3 to be clear. So you don't have a proposed budget or a
4 spending amount that you're -- that you're earmarking
5 for or -- that you're earmarking for Randolph?

6 A. (MS. RICKARD) We do have a specific line
7 item for all of Pinal County nonprofits that we
8 support. Randolph is included in that.

9 Q. Okay. And you, I think, alluded to some sort
10 of list of potential projects or things that you're
11 doing. What is on that list?

12 A. (MS. RICKARD) There are several on the list.
13 What we initially had provided were assisting with
14 Randolph getting the designation of a historic
15 neighborhood. We talked about screening. We offered a
16 schedule of tree trim and alleyway cleanups and cleanup
17 days. That was our initial list.

18 Q. Do you have a financial value that's
19 associated with those -- accomplishing or helping with
20 those specific tasks?

21 A. (MS. RICKARD) We don't have a financial
22 dollar associated with the neighborhood at this point.
23 We do have estimates in for some of the items I
24 mentioned yesterday, which is the cleanup days and the
25 tree trimming, yes.

1 Q. What are your estimates of those costs?

2 A. (MS. RICKARD) They were -- I would have to
3 look at my notes again, but they were in the
4 neighborhood of about 10,000 a year.

5 Q. Okay. And this -- do you know how much SRP
6 is investing in this project?

7 A. (MS. RICKARD) I don't have the number on
8 that, but I heard in the testimony I think it was close
9 to a billion dollars.

10 Q. Close to a billion, with a B, correct?

11 A. (MS. RICKARD) I believe that's what I heard,
12 yes.

13 Q. And do you happen to know what percent of a
14 billion \$10,000 is?

15 A. (MS. RICKARD) No.

16 Q. It's .001 percent. Does that sound about
17 right?

18 A. (MS. RICKARD) Yes.

19 Q. How long has SRP owned the current Coolidge
20 Generating Station?

21 A. (MS. RICKARD) Since 2019.

22 Q. And since that time, how much money have you
23 directed towards the Town of Randolph?

24 A. (MS. RICKARD) We have not yet specifically
25 to Randolph. Again, we have been supporting the area

1 of Pinal County since 2013.

2 Q. Let's go to Mr. Petry. And, actually, let me
3 just ask. I know -- and this is just me doing my
4 lawyer thing here, but you've got a computer in front
5 of you. Have you been communicating with anyone else
6 during your testimony or getting any messages?

7 A. (MR. PETRY) No, sir.

8 Q. And I guess I should have asked the first
9 witness who's off screen.

10 Ms. Hallows, have you, during your testimony,
11 received any text messages, e-mails, or messages from
12 anyone related to this testimony?

13 A. (MS. HALLOWS) No.

14 Q. Okay. Thanks. Sorry. Just doing my job.

15 So, Mr. Petry, in your professional opinion,
16 is this gas-burning power plant in this location
17 consistent with the adjacent residential neighborhood
18 and the home for disabled adults?

19 A. (MR. PETRY) In my professional opinion, the
20 siting of the project at this location, in an area
21 planned for industrial development, is compatible with
22 the existing setting.

23 Q. Considering the -- taking into account the
24 neighborhood across the street and the home for
25 disabled adults?

1 MR. ACKEN: Objection, misstates testimony.
2 The neighborhood is not across the street and the --
3 what is it -- the Arizona Training Center is not
4 adjacent. I think it would be good to clarify what the
5 actual record shows.

6 CHMN. KATZ: Maybe rephrase the question.

7 MR. RICH: Sure.

8 BY MR. RICH:

9 Q. So in your professional opinion, is this
10 plant compatible with an immediately nearby residential
11 neighborhood and a just-down-the-street home for
12 disabled adults?

13 A. (MR. PETRY) Yes. And the Arizona Training
14 Program is located a little less than a half a mile
15 away. As we've testified previously, the community of
16 Randolph is nearby, on the other side of an existing
17 railroad and high-voltage transmission facilities.
18 And, yes, I do believe the project is compatible at
19 this location.

20 Q. In your opinion, are all gas-burning power
21 plants environmentally compatible with nearby
22 residential communities?

23 A. (MR. PETRY) Not necessarily. There are
24 multiple factors that come into consideration. And
25 without knowing a specific location that you might be

1 referring to, I can't say yes. I can say that at this
2 location, the project would be compatible with the
3 existing setting.

4 Q. Is it your testimony that it's the existence
5 of the railroad and the high transmission lines in
6 between the site that makes it compatible?

7 A. (MR. PETRY) That's an aspect of it, but not
8 entirely. It is the existing industrial infrastructure
9 that lends itself to this being a great site. Because
10 of that existing transmission infrastructure, existing
11 pipeline infrastructure, and the existing Coolidge
12 Generating Station immediately adjacent to the project
13 location, those are the factors that make this a
14 compatible location.

15 Q. So if a residential neighborhood and a nearby
16 home for disabled adults doesn't do it, what could be
17 in those location that would make this plant
18 incompatible with the nearby uses?

19 A. (MR. PETRY) I can't really speculate on what
20 might or might not make something compatible or
21 incompatible at a given location through a hypothetical
22 situation. What I can say is, for this project, we
23 looked at the site, we looked at the existing
24 infrastructure and land uses, as well as the planned
25 land uses, and have determined that this site is

1 compatible.

2 Q. So you have no opinion on what uses would be
3 incompatible with a gas-burning power plant?

4 A. (MR. PETRY) Without specifics, no, I can't
5 give any, again, specific input or opinion on what
6 might or might not be compatible, because every
7 situation is different. And we don't want to make
8 broad characterizations of what might or might not be
9 compatible. We look at each site individually to
10 determine, through multiple factors, what might or
11 might not be compatible.

12 Q. How many power plants have you evaluated in
13 your career?

14 A. (MR. PETRY) This would be the first
15 gas-fired power plant that I have evaluated in my
16 career; although, my company, SWCA, has worked on many
17 power plants and participated in many power plant
18 siting efforts across the country.

19 Q. Do you know if they've ever provided
20 testimony that the plant they were reviewing was
21 incompatible with surrounding land uses?

22 A. (MR. PETRY) I don't know.

23 Q. The -- I didn't have the benefit of going on
24 the tour yesterday, but I think I heard that the power
25 plant was not running during the tour, is that correct?

1 A. (MR. PETRY) I believe that is correct.

2 Q. Do you know if anyone from SRP communicated
3 with the plant to make sure that it wouldn't be running
4 during the tour?

5 A. (MR. PETRY) No, I don't know.

6 Q. That could have happened?

7 A. (MR. PETRY) Highly doubtful, but I can't
8 answer that question with certainty.

9 Q. Have you been out there when the plant was
10 running?

11 A. (MR. PETRY) I believe so, yes.

12 Q. Are you certain or are you just --

13 A. (MR. PETRY) No, I'm not certain that it was
14 running when I've been in proximity to it. I've been
15 out there a handful of times and driven around the
16 project area, stopped near the plant, and I'm not
17 certain whether or not it was running during those
18 times.

19 Q. So you can't be certain that the conclusions
20 you reached are based on your experiences of the plant
21 running when you were there making your observations,
22 correct?

23 A. (MR. PETRY) These are not my conclusions.
24 These are the conclusions of myself and my colleagues
25 who have done studies. Those include studies of the

1 multiple environmental resources that were included in
2 the CEC application. And it was through those resource
3 professionals as part of my team that we came up with
4 these conclusions.

5 Q. And these turbines, they're jet engines,
6 essentially, correct?

7 A. (MR. PETRY) That's my understanding, yes.

8 Q. And yesterday your conclusion was that there
9 would be no noise impact from these jet engines within
10 Randolph, is that correct?

11 A. (MR. PETRY) No. My conclusion was that the
12 noise impact within the project area and project
13 vicinity would be within a range that is considered
14 barely perceptible, between approximately .5 to 2.6
15 decibels. And particularly within the community of
16 Randolph, it's slightly less than that 2.6, again, at a
17 range that would be considered barely perceptible.

18 Q. So when you add up the jet engines that are
19 part of this plant and the existing plant, you get 28
20 jet engines, right?

21 A. (MR. PETRY) I believe there would be 28
22 generators total; 12 from the existing plant and 16
23 from the expansion project.

24 Q. And your testimony is that if all 28 of these
25 jet engines are running across the railroad tracks from

1 Randolph, that they will be barely perceptible to the
2 people of Randolph?

3 A. (MR. PETRY) It would be the noise increase
4 that would be barely perceptible to the community of
5 Randolph as a function of the added generators, the 16
6 additional generators proposed as part of this project.

7 It's important to note that the existing
8 environment at and around the project facility, we take
9 account of the existing noise environment there. And
10 so when we talk about the impacts, we talk about the
11 increase in noise associated with the project based on
12 the existing environment. And that increase is that
13 range I described, that .5 to 2.6 decibels.

14 Q. Does that increase -- when you talk about the
15 background noise, are you including the railroad noise?

16 A. (MR. PETRY) Railroad noise, farming noises,
17 the highways, some of the other existing industrial
18 facilities in proximity to the project, and the
19 community of Randolph as well, yes.

20 Q. And you would agree with me that there's not
21 a train going by constantly, correct?

22 A. (MR. PETRY) I would agree, yes.

23 Q. So I want to make sure I understand the
24 conclusion you reached. Is it that it would only be
25 2 decibels or 2.6 decibels on top of a passing train,

1 or was the train not part of that analysis?

2 A. (MR. PETRY) The train was part of the
3 analysis. As part of our noise analysis, we had
4 multiple short-term and long-term monitoring locations,
5 noise monitoring locations, at and around the project.
6 The long-term monitoring locations were in place for 48
7 hours and did capture train noise. As part of that
8 noise analysis, we understand the existing noise
9 environment. That captures trains and other uses in
10 proximity to the project there, yes.

11 Q. So if there -- what would be the impact -- if
12 there was not a train passing and these 28 jet engines
13 are firing, what is the noise impact in Randolph?

14 A. (MR. PETRY) I don't know that I could
15 quantify that because we, again, base our analysis on
16 the existing environment, not a hypothetical
17 environment where trains are not present.

18 Trains are present at this location and they
19 do make noise. Those of us staying at this hotel the
20 last couple of nights have heard them as well. So we
21 can't necessarily quantify, you know, what the
22 environment would be without trains present. What we
23 can do is understand the existing noise environment and
24 model what the project would look like based on its
25 components and what it would sound like based on its

1 components, and that's what we've presented in this CEC
2 application.

3 Q. So would you agree with me that the majority
4 of the time there are not trains passing Randolph,
5 correct?

6 A. (MR. PETRY) Certainly.

7 Q. And during those times, if these 28 jet
8 engines are running, your -- you don't know what the
9 impact on Randolph would be, correct?

10 A. (MR. PETRY) Will you please restate the
11 question, Mr. Rich? I'm not sure I understood it.

12 Q. So first we established that the majority of
13 the time there are not trains running, correct?

14 A. (MR. PETRY) Correct.

15 Q. And you do not know what the impact of these
16 28 jet engines will be from a noise standpoint on
17 Randolph during those times when there are not trains
18 passing, correct?

19 A. (MR. PETRY) We do know what the impact of
20 the project -- the proposed Coolidge Expansion Project
21 would be based on its components specifically. We did
22 model what those impacts would be to noise with regard
23 to the existing environment, which does include trains
24 intermittently passing through the area. Again, we
25 can't specify exactly what that would look like without

1 trains added into that modeling, because they're
2 absolutely a part of the existing noise environment in
3 that area. We do know specifically what the project
4 itself would -- the levels of sound that the project
5 itself would produce, and those are included in the CEC
6 application.

7 Q. Couldn't you have modeled the ambient noise
8 when a train wasn't passing to determine what that
9 background would be without the train there?

10 A. (MR. PETRY) Yes. And that's part of the
11 short-term noise monitoring's purpose, is to understand
12 on a smaller scale what some of the existing noise
13 environment looks like. And that's part of the
14 modeling that we do.

15 And the point of having both long-term and
16 short-term noise monitors is to understand, over the
17 longer periods of time, what the -- you know, the noise
18 environment might look like, but also during short
19 periods of time, periods when trains may or may not be
20 passing through. And that enters into the modeling
21 that is done as part of the noise analysis.

22 Q. Okay. So how many decibels will be
23 perceptible in Randolph if all 28 of the jet engines
24 are firing and there's no train passing?

25 A. (MR. PETRY) I'm not sure that I can answer

1 that question directly. I think you're asking what
2 would the -- I think you're asking what would the sound
3 from the existing plant and the Coolidge Expansion
4 Project, at what decibel level would that be within
5 Randolph?

6 Q. Yes, when a train is not passing.

7 A. (MR. PETRY) When a train is not passing. So
8 that's difficult to determine because of the existence
9 of the Coolidge Generating Station and because that is
10 part, currently, of the existing noise environment.
11 When we model -- or, excuse me. When we monitor for
12 noise in these locations, we're not able to separate
13 out what the different noise-generating sources might
14 be. We model and understand that there are some
15 activities going by. Sometimes you can see perhaps
16 some farming implements that go by and make some noise,
17 and you can understand that that noise associated with
18 that farming implement or other industrial activities
19 in the area contributed to the noise.

20 But as far as making a detailed assessment of
21 how much noise is specifically coming from the existing
22 Coolidge Generating Station, how much noise is coming
23 from, say, Western Emulsions or some of the other
24 facilities in the region, we can't separate or
25 distinguish between what each of those noise sources

1 are.

2 What we can do, through our modeling, is
3 determine how much noise the project will add, and that
4 is that .5 to 2.6 decibel addition that we've discussed
5 previously.

6 Q. That's only when trains are passing. So how
7 much will the Coolidge Expansion Project add to the
8 noise in the area when a train is not passing?

9 A. (MR. PETRY) See, I don't agree with that
10 statement. I don't believe that that's only when
11 trains are not passing. That's part of the modeling
12 that we do is to determine the average noise in the
13 area. And that is, again, why we have both short- and
14 long-term monitoring locations, to understand, on a
15 smaller scale and on a longer-term scale, what the
16 noise environment might look like.

17 And, again, that's demonstrated in our CEC
18 application and -- excuse me -- that noise increase,
19 again, is that range of barely perceptible associated
20 with the project.

21 Q. Okay. So your testimony is that 16 jet
22 engines that are part of the Coolidge Expansion
23 Project, if those turn on 400 feet away-ish or whatever
24 that is, a thousand feet from Randolph, the impact when
25 a train is not passing will be barely perceptible?

1 That's your testimony?

2 A. (MR. PETRY) Yes.

3 Q. Okay. We went through the visual -- you
4 talked about visual impacts, correct?

5 A. (MR. PETRY) Yes.

6 Q. None of the photos you showed were from
7 nighttime, correct?

8 A. (MR. PETRY) Yes, that is correct.

9 Q. Have you been out there at nighttime?

10 A. (MR. PETRY) No, I have not.

11 Q. Maybe we can get the Randolph neighbors,
12 Exhibit Number 2, on the screen and go to their last
13 photo. Sorry to surprise you. If we scroll to the
14 last photo. Okay. Can you identify what's on the
15 screen there?

16 A. (MR. PETRY) Yes, I can. Excuse me. This is
17 a photo of the existing Coolidge Generating Station
18 taken from, I believe, near the entrance of the site to
19 the north of the Coolidge Generating Station. It seems
20 to be looking sort of in a southern/southwestern
21 direction.

22 Q. Okay. And you'll agree with me that there
23 are a lot of lights on the Coolidge Generating Station?

24 A. (MR. PETRY) There are lights on the Coolidge
25 Generating Station, yes.

1 Q. And will lights be similarly configured on
2 the new Coolidge Expansion Project?

3 A. (MR. PETRY) Safety lighting will also be
4 present on the Coolidge Expansion Project, yes.

5 Q. If you haven't been out there at night, you
6 may not know the answer, but do you know whether or not
7 those lights are visible from miles away?

8 MEMBER BRANUM: Mr. Chairman.

9 CHMN. KATZ: Yes.

10 MEMBER BRANUM: This is Member Branum. I was
11 going to wait and hold my question, but I don't want to
12 forget it now that we're kind of shifting from the
13 noise issue.

14 So I was listening to the questioning from
15 Mr. Rich and Mr. Petry's responses, so I guess I'm
16 curious, because I kind of asked this question
17 yesterday evening about the noise impact. So if --
18 what is the actual total decibel level of the
19 surrounding area?

20 So I think what I heard is that you've
21 quantified the impact of the expansion project to be,
22 at most, an additional 2.6 decibels. I guess what I'm
23 trying to understand is, you know, in the middle of the
24 night if the peaker were running full blast, what's
25 that sound like?

1 So not just the additional 2.6, but what is
2 that sound level with a train, without a train? Have
3 you done that analysis? Do you know what people can
4 expect to hear in the middle of the night as they try
5 to sleep? I think that's what I'm trying to
6 understand. Thank you.

7 MR. PETRY: Certainly, Member Branum. I can
8 direct you to the CEC application, Exhibit I, Page 16.
9 There's Table 12 included on that page, and that
10 provides the estimated sound levels for the project.
11 It includes the predicted sound levels from the
12 project, as well as the measured background noise, and
13 the potential noise increase associated with the
14 project.

15 Specifically, we can identify some of the
16 monitoring locations within the Randolph community and
17 identify exactly what the measured background noise at
18 that location would be and what the corresponding
19 potential noise increase associated with the project
20 would be.

21 If we look within the community of Randolph
22 currently, we can see that the existing background
23 noise, existing measured background noise at 134 West
24 Randolph Road is approximately 55.2 decibels and is
25 consistent in other monitoring locations within the

1 community of Randolph.

2 We can also look to see that the predicted
3 noise levels from the project at those locations are
4 less than the existing measured background noise. When
5 we add those noises proposed or expected from the
6 project with those noises that are currently part of
7 the existing environment, we can look to the column on
8 the far right and see what that potential noise
9 increase would be.

10 Does that answer your question, Member
11 Branum?

12 (Audio disturbance.)

13 CHMN. KATZ: You're cutting in and out. We
14 didn't get that.

15 MEMBER BRANUM: Oh, sorry.

16 CHMN. KATZ: Mr. Branum, we didn't get your
17 last comment. It was cutting in and out.

18 MEMBER BRANUM: Okay. I'll try to repeat.

19 CHMN. KATZ: You're fine now. Go ahead.

20 MEMBER BRANUM: Okay. Thank you. So I don't
21 have Exhibit I pulled up here on my screen. So if the
22 answer is there, I apologize. But does this track
23 throughout, you know, the 24-hour period? Is this the
24 background noise that's been measured, you know, at
25 lunchtime, after work, in the middle of the night? If

1 you could just elaborate on that, that would be great.

2 Thank you.

3 MR. PETRY: Certainly. And in order to
4 account for the potential noise impacts, what you can
5 do is look at the 24-hour period, and that's what these
6 account for. In particular, if we look at the columns
7 that represent LDN, that represents the sound levels
8 both at day and night, with an additional 10 decibels
9 weighted for those sounds occurring at night. So it
10 really accounts for the higher sensitivities associated
11 with noise receptors during the nighttime hours.

12 And that's where, again, if you look at Table
13 12 on Page 16 in Exhibit I, you can see, again, the
14 measured background noise within the project vicinity,
15 and also specifically within the community of Randolph,
16 is at approximately 55, a little over 55 decibels
17 currently, and in some locations outside of Randolph at
18 about 60 decibels. Those locations are particularly
19 near the southeastern portion of the project study area
20 where we had some monitoring locations.

21 And then looking over at the furthest column
22 to the right within Table 12, that's where we see that
23 potential noise increase. And if we look at the LDN
24 under that potential noise increase, that's where we
25 again see that range of .5 to the 2.6 decibels

1 increase. And that decibel increase does represent
2 that additional weighting, 10-decibel weighting, for
3 sounds that are experienced during nighttime hours.

4 Does that answer your question, Member
5 Branum?

6 MEMBER BRANUM: Yes, sir. Thank you. And
7 just to -- I guess one final clarification. So my
8 understanding would be, based on, I think, what you had
9 told me yesterday, that with this additional increase
10 from the 55, this would be similar to a conversation,
11 right? Human conversation, I think you said, is at 60
12 decibels?

13 MR. PETRY: Yes, that is correct.

14 MEMBER BRANUM: Thank you.

15 MEMBER LITTLE: Mr. Chairman.

16 CHMN. KATZ: Yes, Ms. Little.

17 MEMBER LITTLE: Since Zach -- or, Member
18 Branum brought these questions to the forefront, I'll
19 ask mine also.

20 So am I correct in assuming that these
21 numbers are averages? So there are times when it will
22 be louder, there are times when it will be softer, but
23 these are -- you know, so when things start up, you
24 hear it, when they shut down, they hear it, and these
25 are averages, is that correct?

1 MR. PETRY: That is correct. Yes.

2 MEMBER LITTLE: Thank you.

3 MR. PETRY: You're welcome.

4 CHMN. KATZ: Mr. Rich, you may continue.

5 MR. RICH: Well, I was going to move on to
6 the visual. Can we pull up that exhibit we were just
7 talking about?

8 CHMN. KATZ: The nighttime photograph?

9 MR. RICH: Yes.

10 BY MR. RICH:

11 Q. Randolph Exhibit 2. So on the screen, again,
12 is the last page of Randolph Exhibit 2. It's that
13 nighttime view, correct?

14 A. (MR. PETRY) Yes. It's a view from north of
15 the project site.

16 Q. And you testified that you have not been out
17 there at night, correct?

18 A. (MR. PETRY) Yes.

19 Q. Okay. And so when you gave your opinion that
20 there were no negative -- or, that this was compatible
21 with visual impacts, it was not based on your
22 observations at night, correct?

23 A. (MR. PETRY) Correct. It was based on our
24 observations and visual resource assessment completed
25 during the daytime.

1 What I would say with regard to night
2 lighting that's at the facility, the Coolidge Expansion
3 Project as proposed would be compliant with the City of
4 Coolidge night lighting dark sky requirements, which
5 includes methods for shielding and filtration of the
6 lighting systems.

7 Q. And I think I asked you, and I'm not sure
8 that you answered, if you were aware of whether or not
9 the current plant is visible at night from miles away?

10 A. (MR. PETRY) I don't know if the current
11 plant is visible from miles away.

12 Q. When you were asked about -- or, you provided
13 your opinion on historic impacts, can you summarize
14 your opinion there?

15 A. (MR. PETRY) Yes. My opinion and the opinion
16 of the archaeologist -- archaeological professionals
17 that are part of my team is that the project itself --
18 the project site is at a location where, through our
19 cultural resources survey, we identified no cultural
20 resources or archaeological resources on the site.

21 As far as our survey of previously surveyed
22 and previously identified cultural or archaeological
23 sites within one mile of the project, there were --
24 excuse me -- there were a few locations where there
25 were historic sites identified, in particular, the

1 Union Pacific Railroad, an affiliated distribution
2 line, and some of the roadways within the project study
3 area as well that are considered eligible for
4 registration on the Arizona or National Register of
5 Historic Places.

6 And we determined, through that analysis,
7 that the project would not directly affect any
8 archaeological or historic resources, and any indirect
9 effect associated with the project to those
10 Register-eligible properties would be minor and would
11 not prevent them from gaining that registration or
12 listing on a National or Arizona Register of Historic
13 Places.

14 Q. Okay. Sorry. That was -- I should have been
15 more specific. I appreciate you restating all of that.
16 I guess I wanted to focus on Randolph. You were asked
17 about -- I'm sorry. You were here when Supervisor
18 Cavanaugh provided his public comment just a few
19 moments ago, correct?

20 A. (MR. PETRY) Yes.

21 Q. And he referred to Randolph, as others have,
22 as historic, correct?

23 A. (MR. PETRY) Yes.

24 Q. And so, but it's your position that the
25 Coolidge Expansion Project will not have an impact on

1 this historic location?

2 A. (MR. PETRY) It is my testimony and my
3 professional opinion that the Coolidge Expansion
4 Project would not prevent the community of Randolph
5 from being identified or listed as an historic
6 district, an historic town site, and again, would just
7 not prevent, you know, any eligibility for listing or
8 anything that would, again, prevent that ability to be
9 determined eligible for listing as an historic district
10 or town site.

11 Q. Why does that matter? This will have an
12 impact on Randolph, correct?

13 A. (MR. PETRY) As we have described through
14 prior testimony, there will be some impacts to
15 Randolph, some minor noise impacts, some visual
16 impacts. And as part of those indirect impacts, it's
17 important to note that those are the types of impacts
18 that can potentially affect an historic property's
19 eligibility for a listing on the Register of Historic
20 Places. And it is our assessment that those impacts
21 that we've previously described are at a level that
22 would not prevent Randolph from being identified or
23 eligible for listing on the National or Arizona
24 Register of Historic Places.

25 Q. You would agree with me that the standard

1 under Arizona law does not include whether or not you
2 will impact the ability of a location to become
3 registered as historic, correct?

4 A. (MR. PETRY) Will you please restate the
5 question, Mr. Rich?

6 Q. Let me refer to the -- you're familiar with
7 ARS 360.06, correct?

8 A. (MR. PETRY) Yes.

9 Q. Sorry. 40-360.06. And I'll read from that
10 briefly. Subsection (A) says, "The Committee may
11 approve or deny an application and may impose
12 reasonable conditions on the issuance of a Certificate
13 of Environmental Compatibility, and in so doing shall
14 consider the following factors as a basis for its
15 action."

16 And the portion that references historic
17 says, "Existing scenic areas, historic sites, and
18 structures or archeological sites at or in the vicinity
19 of the proposed site."

20 Are you familiar with that provision?

21 A. (MR. PETRY) Yes, sir.

22 Q. In fact, you offer testimony that you believe
23 that this project as a whole complies with that
24 statute, correct?

25 A. (MR. PETRY) Correct.

1 Q. And to the extent that it references historic
2 sites, it doesn't say anything about impacting whether
3 or not a historic site can achieve registration as a
4 historic site, correct?

5 A. (MR. PETRY) Not specifically.

6 Q. Okay. So that's not necessarily relevant to
7 the analysis under 40-360.06, correct?

8 MR. ACKEN: Objection to the extent he's
9 asking him to make a legal conclusion as to relevance.

10 CHMN. KATZ: That's correct.

11 MR. RICH: Mr. Chairman, he renders an
12 opinion on this statute and what does and does not
13 comply with it, so I'm asking him to explain his
14 understanding.

15 CHMN. KATZ: I'll allow him to explain his
16 understanding.

17 MR. PETRY: So my understanding is that,
18 while not explicitly listed, it is an important
19 consideration, because some of the impacts that could
20 be received or expected to be received from an historic
21 -- or, to an historic property would be a prevention
22 of, you know, a given property from being identified
23 and added to the National or Arizona Register of
24 Historic Properties. Because when properties are added
25 to the register, those registers, there are additional

1 protections that can be provided to them as well.

2 And Randolph, in particular, I think it's
3 important for us to note that there is a rich history
4 there. It's an important part of Arizona's history,
5 and our determination is that the project would not
6 impact Randolph's ability to be recognized as an
7 historic town site, district, et cetera.

8 And that, to me, is an important factor,
9 because it's been described to us that there is a
10 strong interest within the community of Randolph to be
11 recognized as such. There's a, as I mentioned and
12 others have mentioned, a strong history there, an
13 important part of Arizona's history. And if the
14 project or a project were to prevent a community, an
15 historic area from being designated or recognized as
16 such, to me that would be an impact.

17 And that's an important thing to note is that
18 our assessment indicates that the project would not
19 prevent that from happening and would not directly or
20 in any meaningful way indirectly impact the historic
21 status or the potential historic status of the
22 community of Randolph.

23 Q. But it would result in 28 jet engines being
24 located within a thousand feet of that historic
25 community?

1 MR. ACKEN: Objection, misstates the
2 evidence. There are already 12 turbines located. As
3 well as distance, let's make sure we are precise on our
4 distance.

5 CHMN. KATZ: The distance, from my
6 understanding, is more than 2,000 feet away.

7 Go ahead with your next question.

8 BY MR. RICH:

9 Q. Do you know how close the closest jet engine
10 turbine is to the -- to Randolph?

11 A. (MR. PETRY) I would have to refer back to
12 prior testimony, but it is approximately, you know,
13 over, I think as Chairman Katz indicated, 2,000 feet
14 from Randolph. The turbines themselves are located on
15 the eastern portion of the project site, much further
16 away from the community of Randolph.

17 Q. Would you agree, back on the visual objective
18 portion of this, that it's possible for a project to
19 have greater visual impacts at night than it does
20 during the day?

21 A. (MR. PETRY) There is sometimes potential for
22 that, yes.

23 Q. And that would be because of the presence of
24 lights, for example?

25 A. (MR. PETRY) Potentially, yes. There's

1 typically mitigation that can be applied, and as is
2 required in the city of Coolidge, to lessen those
3 impacts, in particular, the dark sky night lighting
4 requirements. And as I mentioned previously, Coolidge
5 does have requirements for shielding and filtration
6 associated with lighting to minimize those impacts at
7 night.

8 Q. And those -- there are lights that will be
9 located at the top of the -- what do we call the
10 towers? Just the towers? I don't know.

11 A. (MR. PETRY) I refer to them as the towers.

12 Q. Okay. And there will be lights at the top of
13 those?

14 A. (MR. PETRY) There is a plan for lights at
15 the top of those.

16 Q. And how tall is that from the ground?

17 A. (MR. PETRY) I believe those towers are
18 approximately 85 feet.

19 Q. All right. Let me ask -- Ms. Watt, I've got
20 some questions for you. So what is the -- well, let me
21 ask you this way. You provided some additional
22 testimony on this this morning. So is SRP asking for
23 the ability to have emissions at the maximum amount it
24 could under the law?

25 A. (BY MS. WATT) I'm not sure I understand your

1 question. Could you restate, please?

2 Q. So you've submitted an air emissions permit
3 to Pinal County, correct?

4 A. (BY MS. WATT) We submitted a permit revision
5 application to Pinal County.

6 Q. Okay. And that's the permit that allows you
7 to emit whatever this plant emits when it burns gas,
8 correct?

9 A. (BY MS. WATT) It's an application to request
10 specific emission limits for this project.

11 Q. Okay. And that's the application for the
12 permit that will guide how much -- how great the
13 emissions can be from this project, correct?

14 A. (BY MS. WATT) Correct.

15 Q. Okay. And on that application, have you
16 asked Pinal County to allow you to -- to allow SRP to
17 emit from the Coolidge Expansion Project the maximum
18 amount under law that you could request on that
19 application?

20 A. (BY MS. WATT) No.

21 Q. No? What is the maximum amount you could
22 have requested on that application?

23 A. (BY MS. WATT) In this permit application,
24 SRP is requesting to restrict its emissions to below
25 major source thresholds, which, again, are 250 tons for

1 all criteria pollutants except for particulate matter,
2 which that threshold is 70 tons. SRP is requesting to
3 limit our emissions from this Coolidge Expansion
4 Project to those levels.

5 Q. Okay. I want to make sure I nail this down.
6 So your testimony was, because we're in a nonattainment
7 area, there are limits on how much emissions you can --
8 you can request to be allowed to emit in your
9 application, correct?

10 A. (BY MS. WATT) For certain sources, yes.

11 Q. Well, for this source and the sources that
12 will be emitted from the Coolidge Expansion Project,
13 there are limits in what you can ask for, correct?

14 A. (BY MS. WATT) We are requesting specific
15 emission limits for this project.

16 Q. That's not my question.

17 A. (BY MS. WATT) I'm sorry. I don't understand
18 your question. If you could please ask again.

19 Q. So under law, could you request any amount
20 that you want in this location, or are there limits in
21 law, based on the nonattainment designation, that would
22 limit how much you could get?

23 MR. ACKEN: So since Mr. Rich acknowledges in
24 his question that he's asking a question of law, I will
25 be happy to answer. The answer is no.

1 CHMN. KATZ: Well, again, I think what we're
2 trying to establish is whether or not they have
3 requested to maximize the amount of pollutants they
4 could release under state or federal or local law.

5 MR. RICH: I think that's a much better way
6 of asking it than I did.

7 Is that the answer? I'm sorry. What is the
8 answer to that question?

9 MS. WATT: I'm sorry. Can you restate your
10 question, or Mr. Katz?

11 MR. RICH: Your Honor, Mr. Chairman.

12 CHMN. KATZ: I think what was being asked is
13 whether or not the application is requesting the right
14 to pollute, so to speak, as high as might be allowed
15 under federal, state, or local law.

16 MS. WATT: No, this permit application is not
17 asking that.

18 BY MR. RICH:

19 Q. What is the difference between what you're
20 asking and what -- that amount that you could have
21 asked for, what is the difference between those two?

22 A. (BY MS. WATT) I can't answer that question.

23 CHMN. KATZ: Let me just ask you a question,
24 though. Whatever limit you have requested as the
25 maximum, is SRP expecting to be running on a full-time

1 basis at the maximum amount allowed?

2 MS. WATT: No.

3 CHMN. KATZ: You may proceed, Mr. Rich.

4 BY MR. RICH:

5 Q. So yesterday -- what I'm trying to get at
6 is -- you had suggested that 70 tons was the limit that
7 you could seek or that could be sought in the area
8 because of the nonattainment category of Pinal County.
9 Can you explain what that 70 tons is and whether or not
10 it's some sort of limit?

11 CHMN. KATZ: Just for clarification, are we
12 talking about particulates?

13 MR. RICH: I guess I'd ask Ms. Watt to
14 explain what that 70-ton limit that she referred to --
15 what it applied to.

16 MS. WATT: Yes. The major source threshold
17 for particulate matter in Pinal County, because of the
18 PM10 nonattainment area, is 70 tons per year.

19 BY MR. RICH:

20 Q. Okay. And so you said because of the major
21 source nonattainment -- I'm not using the right
22 lingo -- what does that mean? That limit, what is that
23 limit?

24 A. (BY MS. WATT) SRP is requesting a
25 70-ton-per-year federally enforceable PM10 emission

1 limit in its air permit application for this project.

2 Q. Okay. And given the nonattainment situation
3 at the site, could you have requested 75 tons, or is 70
4 tons the limit?

5 A. (BY MS. WATT) SRP -- I don't believe we
6 could have requested an emission limit higher than 70
7 tons per year.

8 Q. Okay. So SRP requested, to your knowledge,
9 the highest emission limit that it could have under
10 law?

11 A. (BY MS. WATT) I wouldn't characterize it
12 that way. I would characterize that SRP is proposing
13 to restrict its emissions to below major source
14 thresholds. And in this case, for particulate matter
15 less than 10 microns, it's 70 tons per year.

16 Q. So you're proposing to restrict your
17 emissions to levels above which it would have been
18 illegal to emit, is that your testimony?

19 A. (BY MS. WATT) No, not illegal.

20 Q. Okay. But you could not have gotten
21 permission to emit at higher than 70 tons -- sorry, we
22 can -- is that correct?

23 A. (BY MS. WATT) I don't believe that's
24 correct.

25 Q. Okay. Well, we just took a big step back and

1 that's confusing. So I'm sorry. Could you -- let me
2 just try to clarify this for the record and then I
3 won't try to unclarify it.

4 I think you just testified that had you made
5 an application for 75 tons, you don't believe that
6 could be approved because 70 tons is the limit,
7 correct?

8 A. (BY MS. WATT) 70 tons is the major source
9 threshold for this -- for permitting thresholds under
10 Pinal County regulations. I don't -- I can't speak to
11 any potential permitting possibilities that we could
12 have achieved or could have requested for this permit
13 application.

14 Q. Okay. Are you -- does your --

15 CHMN. KATZ: Mr. Palmer.

16 MEMBER PALMER: Can I ask a question to
17 clarify it in my own mind? Are you saying that the 70
18 tons allows you to request a minor source threshold,
19 and above that you would be requesting a major source
20 threshold? I'm trying to understand.

21 MS. WATT: Sorry for the confusion. So this
22 permit -- this project will emit emissions above minor
23 permitting thresholds but below major source permitting
24 thresholds.

25 MEMBER PALMER: Thank you.

1 MS. WATT: Which keeps it a minor source.

2 BY MR. RICH:

3 Q. And is it correct that given the
4 nonattainment designation in this area, you could not
5 seek a major source permit today, correct?

6 A. (BY MS. WATT) No, I don't believe that's
7 correct. If this project were to exceed, we would have
8 to go through PSD permitting, which would require
9 potentially obtaining offsets to offset the PM10
10 emissions from the project.

11 Q. Are you familiar with what's called a Health
12 Impact Assessment?

13 A. (BY MS. WATT) No.

14 Q. So SRP did not perform a Health Impact
15 Assessment with regard to its emissions at this site?

16 A. (BY MS. WATT) SRP performed -- or, conducted
17 an ambient air quality analysis. Are you referring to
18 a hazardous air pollutant analysis?

19 Q. No, I'm just asking about whether or not SRP
20 performed a Health Impact Analysis.

21 A. (BY MS. WATT) No, not that I'm aware of.

22 Q. I'll read this to you. And if you need me to
23 pull up the exhibit, we can do that. But there was a
24 letter that SRP wrote in response to the questions from
25 Commissioner Kennedy that's come up before. We have it

1 in Sierra Club Exhibit Number 2 on Page 12. SRP stated
2 that the air quality permit has emission limits that
3 preclude the CEP from operating at high capacity
4 factors. And, again, we can pull it up, but does that
5 sound familiar? Are you familiar with that quotation?

6 A. (BY MS. WATT) Yes.

7 Q. When SRP told Commissioner Kennedy that there
8 are limits on operating at high capacity factors, what
9 did it -- what capacity factors does SRP believe are
10 high capacity factors?

11 A. (BY MS. WATT) I can't respond or can't speak
12 to what SRP believes are high capacity factors. I can
13 tell you that, again, the example illustrated in the
14 air permit application presents one operating scenario
15 in which the units operate a thousand hours per year,
16 start up twice per day, and that translates to
17 approximately an 11 percent capacity factor.

18 At those -- in that particular example, the
19 units would -- in that particular example, the
20 emissions from carbon monoxide would be to the limit,
21 to the level, to the major source threshold for carbon
22 monoxide, so that limits -- effectively limits the
23 operation of those units for that reason. I can't
24 answer to specific capacity factor.

25 Q. Okay. So to your knowledge, SRP, when it

1 told Commissioner Kennedy that the air quality permit
2 would limit operations at, quote, "high capacity
3 factors," it wasn't -- there was not a specific
4 capacity factor that SRP had in mind associated with
5 that statement?

6 A. (BY MS. WATT) That's correct. To my
7 understanding, yes.

8 Q. In the example you just spoke of from the air
9 quality permit, you talked about operations two times
10 per day, is that correct?

11 A. (BY MS. WATT) It referenced -- the example
12 illustrates startup -- the units starting up twice per
13 day.

14 Q. And for how long do they run in each of those
15 examples?

16 A. (BY MS. WATT) The example illustrated --
17 indicates a thousand hours for a year, not at a time,
18 obviously.

19 Q. Sure. So twice a day. Do you know how long
20 the assumption was for each day for each of those
21 operations?

22 A. (BY MS. WATT) I don't.

23 Q. I'm not good enough at math to figure it out.
24 So do you know if it was evenly divided or it was
25 presumed to run at different times?

1 A. (BY MS. WATT) I don't.

2 Q. You were asked about the air quality in Pinal
3 County relative to perhaps Maricopa County yesterday.
4 Do you recall that?

5 A. (BY MS. WATT) Yes.

6 Q. Are you aware whether or not Pinal County has
7 some of the worst air quality in the United States?

8 A. (BY MS. WATT) I'm not sure I understand your
9 question. What do you -- can you describe "worst"?

10 Q. Well, are you aware of whether or not air
11 quality sensors in Pinal County have recorded some of
12 the highest -- the highest readings for particulate
13 matter in the entire country?

14 A. (BY MS. WATT) No, I'm not aware of that.

15 Q. Give me just a minute, Mr. Chairman, and make
16 sure I'm organized.

17 Mr. Petry, I think I've got one more topic to
18 cover with you real briefly. You provided testimony
19 with regard to water usage at the site, correct?

20 A. (MR. PETRY) Yes, I did.

21 Q. Let me make sure I understand. The water
22 that SRP will be relying on will come from the ground
23 under the site, correct?

24 A. (MR. PETRY) SRP will be relying on stored
25 surface water underground.

1 Q. Yes. Okay. And so that's the same -- that's
2 the same water that nearby farmers or nearby homes
3 would rely on for their water, correct?

4 A. (MR. PETRY) Potentially. Excuse me. Again,
5 it's stored surface water. It's Central Arizona
6 Project stored surface water that SRP will be using at
7 this location that is stored underground. And from
8 that sense, I guess, those nearby that have wells,
9 including farmers and residents, et cetera, would be
10 getting their water from underground as well.

11 Q. And are you -- I assume you're aware that
12 Pinal County has water issues, I'll just say generally,
13 is that your understanding?

14 A. (MR. PETRY) I am aware, yes.

15 Q. And are you aware that ADWR has stopped
16 issuing certificates of assured water supply for new
17 development in the Pinal County in the Pinal AMA?

18 A. (MR. PETRY) I am aware, yes.

19 And if I can add to that, I think what the
20 project can do through the use of those long-term
21 storage credits is actually help the situation within
22 the Pinal AMA. Through the use of those long-term
23 storage credits, a portion of that water that is stored
24 must be left behind. Approximately 5 percent of that
25 water must be left behind in the aquifer. In addition,

1 at this location, the project would reduce water use at
2 that site. Historically, the agricultural uses on this
3 site over those approximately 100 acres, they were
4 allotted approximately 4 acre feet per acre at this
5 location, resulting in approximately 400 acre feet of
6 use at the project location. The project, as proposed,
7 would reduce that use on site and, again, would be
8 using that stored surface water.

9 Q. And SRP currently owns the site, correct?

10 A. (MR. PETRY) Yes.

11 Q. And no one is forcing them to farm it and use
12 that water today, correct?

13 A. (MR. PETRY) I don't believe anybody is
14 forcing them to farm the site.

15 MR. RICH: Just another minute.

16 Okay. I have no further questions. Thank
17 you.

18 CHMN. KATZ: Mr. Stafford. And we'll
19 probably go about another 15 minutes before we take our
20 first morning recess, but feel free to go forward.

21 MR. STAFFORD: Thank you, Chairman.

22

23 CROSS-EXAMINATION

24 BY MR. STAFFORD:

25 Q. I believe my questions are probably best

1 directed to Ms. Watt. Could you please direct your
2 attention to Page 107 of the application, SRP-1?

3 MR. ACKEN: Mr. Stafford, can you provide the
4 actual page number? Because I think you're referring
5 to like a PDF version. And so there is no Page 107 of
6 the application to which I'm aware.

7 MR. STAFFORD: Oh, well, yes. Exhibit --
8 Page 107 of Exhibit SRP-1.

9 MR. ACKEN: No. There are actual separate
10 page numbers. So the PDF version will have 107, but
11 you won't be able to find 107 looking at the
12 application. But maybe at the bottom of the page
13 you're looking at does it have a page number?

14 MR. STAFFORD: It's Table 1, Page 1 of 7.
15 Hang on.

16 MR. ACKEN: Yeah, maybe you can provide an
17 appendix number.

18 MR. STAFFORD: It is Appendix B, emissions
19 calculations.

20 MS. WATT: Okay.

21 MR. STAFFORD: It's Page 5 of 7, excuse me,
22 Table 5.

23 MS. WATT: I have that table.

24 MR. STAFFORD: Okay. Thank you.

25 CHMN. KATZ: Is there any way we can project

1 it, or is it not in the system?

2 MR. ACKEN: That's not the right page. It
3 does look like we can project the application. Let me
4 give the tech team the right page.

5 And you are referring, Mr. Stafford, to the
6 CEC application, not the air quality application?

7 MR. STAFFORD: I believe this may be attached
8 to the air permit application. It's Page 107 of 386
9 for SRP-1.

10 MS. WATT: Yeah, it's part of the CEC.

11 MR. STAFFORD: I believe that is it up on the
12 screen there.

13 CHMN. KATZ: Okay.

14 BY MR. STAFFORD:

15 Q. Now, this table tells us that each of the
16 units of the expansion project is expected to emit
17 34,187 tons of carbon dioxide per year, correct?

18 A. (MS. WATT) Yes, that's what's shown in this
19 table.

20 Q. And that's, again, based on running a
21 thousand hours per year and including two startups and
22 shutdowns per day, correct?

23 A. (MS. WATT) Yes, that's correct.

24 Q. Okay. Then if you could scroll down two more
25 pages to Page 109 of 386 of SRP-1.

1 A. (MS. WATT) Table 7?

2 Q. Yes, Table 7. Thank you. And this tells us
3 that all 16 CTs are expected to emit 546,990 tons of
4 carbon dioxide per year, correct?

5 A. (MS. WATT) Yes.

6 Q. Again, based -- and that's, again, based on
7 each unit running a thousand hours per year with two
8 startups and shutdowns per day, correct?

9 A. (MS. WATT) Yes, that's correct.

10 Q. Okay. So if each unit were to run, say,
11 2,000 hours a year and each had four startups and
12 shutdowns per day, then the amount of carbon dioxide
13 emissions would roughly double, wouldn't it?

14 A. (MS. WATT) Could you repeat your question,
15 please?

16 Q. Okay. If each unit, each of the 16 CTs, ran
17 2,000 hours a year and had four startups and shutdowns
18 per day, then the amount of carbon dioxide emissions
19 would roughly double from the 546,000 on Table 7,
20 correct?

21 A. (MS. WATT) Yes, that's correct. What's also
22 correct is that the emission limits in the permit
23 application would not allow the units to start four
24 times per day and run 2,000 hours per year.

25 Q. Okay. So the emission limits will prohibit

1 that from happening, you're telling me?

2 A. (MS. WATT) Yes, that's correct.

3 Q. If I could please direct your attention to
4 Page 73 of Exhibit SRP-1. I believe this is the air
5 permit application. I'm looking at Table 4.6.

6 A. (MS. WATT) Okay. Oh, I guess they don't see
7 it.

8 Q. Now, this table shows us the thresholds for a
9 major source, correct?

10 A. (MS. WATT) Yes, that's correct.

11 Q. And then the column -- that's the column to
12 the right, correct, the thresholds?

13 A. (MS. WATT) Yes, that's correct.

14 Q. And then the middle column, that's the
15 potential for the CEP's emissions, correct?

16 A. (MS. WATT) It's the restricted potential to
17 emit for these units, yes.

18 Q. All right. So you'll notice that the PM10,
19 NOx, volatile organic compounds, and carbon monoxide
20 are all very close to the threshold, aren't they?

21 A. (MS. WATT) Yes, they are.

22 Q. If the plant exceeds the threshold after the
23 permit is issued, what happens? Can the County revoke
24 the air permit?

25 A. (MS. WATT) What would happen, excuse me, if

1 the plant were to exceed these emission limits, it
2 would have to cease operation, for starters. It's not
3 allowed to emit past these emission limits. We would
4 then be subject to potential enforcement action by the
5 regulatory agency if the project were to exceed these
6 emission limits. SRP would not operate these units
7 beyond the emission limits outlined in the permit.

8 Q. Okay. And the enforcement agency is Pinal
9 County, right?

10 A. (MS. WATT) Yes, that's correct.

11 Q. Okay. So I understand, SRP will be
12 monitoring these emissions and will voluntarily stop
13 running the plant if it were to -- if running it were
14 to exceed them?

15 A. (MS. WATT) Yes, absolutely.

16 Q. If, say -- just pretend for a second that
17 didn't happen, and SRP operated the plant above these
18 thresholds. You said they'd have to stop operating the
19 plant and be subject to enforcement. What are the
20 limits of that enforcement?

21 A. (MS. WATT) It would depend on what the
22 violation was.

23 Q. The violation is they exceeded the emission
24 limit. You mean by how much they exceeded it?

25 A. (MS. WATT) It could be how much, how long,

1 various factors.

2 Q. Okay. But does the -- does the county have
3 the ability to revoke the air permit?

4 A. Not that I'm aware of.

5 MR. STAFFORD: Thank you. Nothing further.

6 MEMBER LITTLE: Mr. Chairman.

7 CHMN. KATZ: Yes.

8 MEMBER LITTLE: Along those lines, and I'm
9 not sure who or if you can answer this question, but
10 those operating restrictions seem pretty severe to me.
11 And I know that SRP told us that they did look at other
12 locations in the state for installing these generators,
13 this generation, and I'm wondering if there were other
14 locations in the state that would have offered less
15 severe operating restrictions.

16 CHMN. KATZ: And this is Member Little, is
17 that correct?

18 MEMBER LITTLE: Yes.

19 MS. WATT: Member Little, if I could clarify
20 what you mean when you're referring to "less severe."
21 I'm not sure I'm understanding your question.

22 MEMBER LITTLE: A thousand -- 11 percent
23 capacity factor is pretty low.

24 MS. WATT: So is your question asking, if we
25 could locate this project in another area, if we would

1 be able to obtain a higher capacity factor or operate
2 with higher --

3 MEMBER LITTLE: Right. Higher capacity
4 factor, more starts and stops.

5 MS. WATT: Not within Pinal County and not
6 within Maricopa County. There's potentially --

7 MEMBER LITTLE: Potentially other places in
8 the state?

9 MS. WATT: Potentially other places in the
10 state; however, the only thing -- the only -- if we
11 were to request these major source emission threshold
12 restrictions for any other portion -- or, any other
13 area within the state, the only thing that would change
14 would be the particulate matter emission limit in which
15 we could emit these -- emit with these units, and that
16 would be 250 tons per year versus 70.

17 MEMBER LITTLE: Okay. Thank you.

18 CHMN. KATZ: Any time you're ready, Ms. Post.

19 MS. POST: I will direct my questions also
20 one at a time to try to cut down on confusion.

21 CHMN. KATZ: Hold on just a second.

22 MR. ACKEN: I'm sorry, Ms. Post. I need to
23 clarify the record. There was a bunch of discussion
24 about the air quality permit. It actually -- my
25 understanding, what I'm hearing now, is it's not been

1 included as an exhibit by SRP. We are happy to mark it
2 as an exhibit. SRP-5 would be the air permit
3 application, but we need to make sure that record is
4 tight. It's apparently not an attachment to SRP-1.

5 CHMN. KATZ: And before Ms. Post begins, it
6 might be appropriate to take a recess, rather than
7 cutting you off in five minutes or so. So I'm showing
8 almost 25 minutes to 11:00, and let's be back here by
9 10:50, ready to go. We do stand in recess.

10 (Off the record from 10:32 a.m. to
11 10:49 a.m.)

12 CHMN. KATZ: We can go back on the record and
13 begin with Ms. Post's cross-examinations.

14 MS. POST: I would like to begin with
15 Christina Hallows. Is she going to be up on the
16 screen?

17 CHMN. KATZ: We can pull her up. I believe
18 she's present. There she is.

19

20 CROSS-EXAMINATION

21 BY MS. POST:

22 Q. Yesterday you testified about an open house
23 meeting and that most of the comments were in favor and
24 you talked about seven letters from officials and they
25 were shown on the screen. Do you remember that?

1 A. (MS. HALLOWS) I'm sorry. Comments from an
2 open house is what you're asking me about?

3 Q. Yes. And you talked about that -- you said
4 that most of the comments were in favor, and then we
5 looked at some letters that were on the screen from
6 different officials yesterday. Do you remember that?

7 A. (MS. HALLOWS) No. I think that's two
8 separate items. The letters of support that I showed
9 in my presentation were just letters of support that we
10 received throughout the process. Comments at the open
11 house, I don't believe that I said that they were in
12 favor of the project.

13 Q. Okay. But those letters are included in SRP
14 Exhibit Number 3, is that correct?

15 A. (MS. HALLOWS) Yes.

16 Q. Okay. So I want to talk about the comments
17 at that open house. And we have them up on the screen
18 now and I'd like to have you read them. There's not
19 very many and they're pretty quick. So could you read
20 the first comment there?

21 A. (MS. HALLOWS) All I see on that one is
22 "truce."

23 Q. Do you see the rest of it?

24 A. (MS. HALLOWS) No, I don't see the rest of
25 it.

1 Q. Okay. Can you scroll down or make it
2 smaller?

3 A. (MS. HALLOWS) Getting better.

4 Q. Nope. There you go.

5 A. (MS. HALLOWS) Yes, I can see that one now.
6 It says, "Truce. Please plant trees in the
7 historically significant Town of Randolph."

8 Q. Okay. And the next letter -- or, the next
9 comment at the open house?

10 A. (MS. HALLOWS) "Health concerns."

11 Q. Who is that comment from?

12 A. (MS. HALLOWS) Constance Jacobson, I believe.

13 Q. Jackson.

14 A. (MS. HALLOWS) Jackson. Sorry.

15 Q. Can you read where she's from?

16 A. (MS. HALLOWS) NAACP.

17 Q. What city?

18 A. (MS. HALLOWS) Maricopa.

19 Q. Okay. The next letter. Who is this letter
20 from?

21 A. (MS. HALLOWS) Dion Rushing.

22 Q. And where does he live?

23 A. (MS. HALLOWS) He is a resident of Randolph,
24 I believe.

25 Q. Can you read what he wrote?

1 A. (MS. HALLOWS) Sure. "Why is SRP coming to
2 Randolph when they don't even serve the residents of
3 Randolph? Number 2, what are the benefits of having a
4 plant in Randolph for the residents of Randolph?"

5 Q. And the next letter, who is that from?

6 A. (MS. HALLOWS) This is from Felice Larsen.

7 Q. Do you know where she's from?

8 A. (MS. HALLOWS) I believe she lives in
9 Randolph also. I think she submitted a few comments.

10 Q. Can you read what she wrote?

11 A. (MS. HALLOWS) Sure, I will give it a try.
12 This handwriting I had difficulty with, I will admit.
13 "This project will add to the problem of global
14 warming. This project means SRP is a participant in
15 perpetuating industrial racism. This project is part
16 of encroaching industrial development to the
17 historically significant town of Randolph, Arizona.
18 This project goes against executive orders of the
19 President of the United States in combating structural
20 racism. SRP can no longer" something "plausible
21 denial."

22 Q. Claim.

23 A. (MS. HALLOWS) Oh, claim. Okay. "The new
24 facility is absolutely hideous and archaic."

25 Q. And the next comment, who is it from?

1 A. (MS. HALLOWS) Also Felice Larsen.

2 Q. And can you read that?

3 A. (MS. HALLOWS) Sure. "If SRP follows through
4 with planting trees in Randolph, SRP could state they
5 are combating structural racism as per Biden's
6 executive order to dismantle industrial racism,
7 March 2021." Thank you. "Randolph is a historically
8 significant African American town systemically harmed
9 for decades." Whoops. Thank you.

10 "There is a book published about the lives of
11 the residents of Randolph, a once required read at
12 Cornell University. This book can be found at the
13 Smithsonian Institute and various universities. There
14 are individuals mentioned in the book living in
15 Randolph today. Randolph is an example of industrial
16 racism."

17 Q. And the next letter.

18 A. (MS. HALLOWS) This is from Dave Nulton.
19 Looks like he's a resident in Coolidge.

20 Sorry. Were you about to say something?

21 Q. No. Go ahead.

22 A. (MS. HALLOWS) Okay. His comment says, "One,
23 fully support the expansion of the Coolidge Generating
24 Station. Two, the site plan appears to be appropriate
25 for industrial purposes. Three, no concerns regarding

1 environmental issues. Four, public safety issues,
2 fire/police/security, have been addressed. And five,
3 reserve for additional comments.

4 Q. And the last letter, who is it from?

5 A. (MS. HALLOWS) This is from Ron Jordan.

6 Q. And where does he live?

7 A. (MS. HALLOWS) In Randolph.

8 Q. Could you read the letter, please?

9 A. (MS. HALLOWS) Sure. "I'm the owner of acres
10 of land." I'm not sure if that's a number right there
11 before it.

12 Q. I think it's seven.

13 A. (MS. HALLOWS) Oh, okay. "Seven acres of
14 land across from the railroad track from your plant.
15 Already we're exposed to light pollution from Stinger
16 and current plant you own across the track. We're
17 exposed to air quality problems from the asphalt plant
18 north of your plant, constant noise from the Stinger
19 plant on the north side of Randolph, nothing but
20 traffic woes on Highway 87, drastic need for left lane
21 turns, potholes from heavy truck traffic" -- can we go
22 up a little bit -- "heavy truck traffic. Kleck Road
23 destroyed by heavy truck traffic, et cetera. The
24 10-year plan for tax distribution doesn't help the
25 community of Randolph at all. The County of Pinal has

1 not done very much in the way of infrastructure, of
2 fire hydrants, street improvements, WiFi, Highway 87
3 improvement through Randolph, et cetera, yet the county
4 is to receive millions, everyone but the people that is
5 affected. I'm opposed to this project."

6 Sorry, I'm having -- I have screens in my
7 way.

8 Q. Well, that's the last letter. So of these
9 letters, only one was in favor, is that correct?

10 A. (MS. HALLOWS) Yes.

11 Q. And that one didn't live in Randolph?

12 A. (MS. HALLOWS) He just noted that he lives in
13 Coolidge. I'm not sure.

14 Q. The rest all said they lived in Randolph --
15 except for Maricopa, they lived in Randolph or they
16 were residents or owned property there, is that
17 correct?

18 A. (MS. HALLOWS) Correct.

19 Q. Now, the letters from officials, were any of
20 them writing in their individual capacity or in their
21 official capacity?

22 A. (MS. HALLOWS) I believe their official
23 capacity.

24 Q. And did any of them live in Coolidge -- in
25 Randolph?

1 A. (MS. HALLOWS) I don't know.

2 Q. Okay. Now, I want to look at -- or, turn to
3 SRP Exhibit Number 4, which is the spreadsheet of
4 contacts that were made in your public outreach
5 campaign.

6 MR. ACKEN: And just to clarify, that is a
7 supplement. For the record, that is a supplement of
8 comments after the CEC was filed. There's a full set
9 in the CEC itself.

10 BY MS. POST:

11 Q. Do you have that in front of you?

12 A. (MS. HALLOWS) No.

13 Q. Okay. It's up on the screen here.

14 A. (MS. HALLOWS) Yes, I've got it.

15 Q. Okay. Now you have it. All right. The
16 spreadsheet here shows the first call being made on
17 December 14, is that correct?

18 A. (MS. HALLOWS) No. My first calls were in
19 August. Again, to what Mr. Acken said, this was a
20 supplement to the full list that started at the
21 beginning of outreach.

22 Q. Okay. Of this list --

23 A. (MS. HALLOWS) Okay.

24 Q. -- how many were outgoing e-mails?

25 A. (MS. HALLOWS) Well, we would need to count

1 here. Let's see. So far I see one, two, three, four,
2 five, six, seven on that page, if I counted correctly.
3 All right. Hold on. Stop right there. Eight, nine.
4 Okay. Scroll up. 10, 11, 12, 13, 14, 15, 16, 17, 18,
5 19. I think I'm at 19.

6 Q. I get 19 as well, so we agree.

7 A. (MS. HALLOWS) Great.

8 Q. And how many of those e-mails were responded
9 to?

10 A. (MS. HALLOWS) Most of these -- can we go
11 down to the beginning of this one? Sorry.

12 Sorry. Maybe I wasn't clear. That's okay.
13 Can we go all the way down to the bottom, yes, so I can
14 see that page so I can refresh my memory.

15 So these outgoing e-mails were to share the
16 hearing details, so these were not replied to.

17 Q. Actually, two were replied to on
18 December 18th and January 10th. Can you find those?

19 A. (MS. HALLOWS) December 18th. Stop right
20 there. December 18th there was a text -- are you
21 asking about the text message on December 18th?

22 Q. No. I believe it was an e-mail from Felice
23 Larsen.

24 A. (MS. HALLOWS) Maybe perhaps the 17th. I
25 know that Felice and I had a few e-mails back and

1 forth, you're right.

2 Q. Right. And Felice is the same Felice that
3 expressed her opposition to the plant previously?

4 A. (MS. HALLOWS) Correct.

5 Q. Okay. How many of these were outgoing
6 telephone messages?

7 A. (MS. HALLOWS) All right. Can we go down to
8 the bottom? Outgoing phone calls. One, two, three,
9 four, five. Scroll up, please. Stop. Six, seven,
10 eight, nine, 10, 11, 12, 13, 14, 15. Scroll up. Up.
11 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29.
12 Shall we go with 29?

13 Q. I got 27, but that's all right. We're close
14 enough.

15 A. (MS. HALLOWS) Okay.

16 Q. And how many of these calls were returned?

17 A. (MS. HALLOWS) Can we go back down?

18 Do you want to know how many were returned or
19 were successful?

20 Q. Where they called you back. Maybe I could
21 just tell you. I've again got two from Felice Larsen.
22 And you said you had several conversations with her?

23 A. (MS. HALLOWS) No, we never were able to
24 connect over the phone, unfortunately, but we had a few
25 e-mail exchanges.

1 Q. Okay. And Felice remains opposed to the
2 project?

3 A. (MS. HALLOWS) Yes.

4 Q. And one was a text from Jeff Jordan asking
5 you to please stop contacting him?

6 A. (MS. HALLOWS) Yes.

7 Q. One was from Mary Turner when you announced
8 the tour in January. And Mary said if she went on the
9 tour, would that mean she supported the plant, and you
10 assured her it did not mean that, correct?

11 A. (MS. HALLOWS) Correct.

12 Q. And then the last one was from Robert Hellman
13 asking about whether any property had to be condemned,
14 correct?

15 A. (MS. HALLOWS) Yes.

16 Q. None of these calls supported the plant, did
17 they?

18 A. (MS. HALLOWS) Correct.

19 Q. And at least three of these people, Felice,
20 Jeff, and Mary, were from Randolph?

21 A. (MS. HALLOWS) Correct.

22 Q. Now, you've already testified that the
23 decision to move forward with the expansion was
24 announced in August of 2021, correct?

25 A. (MS. HALLOWS) Correct.

1 Q. And that the Board approved it in September?

2 A. (MS. HALLOWS) Correct.

3 Q. The public meeting in Randolph was in
4 October?

5 A. (MS. HALLOWS) Correct.

6 Q. So you testified you were letting them know
7 about the project and about how to participate in the
8 public process, is that correct?

9 A. (MS. HALLOWS) Correct.

10 Q. So you weren't asking them about their
11 opinion on whether the plant should be built, but you
12 were just notifying them that the decision had been
13 made?

14 A. (MS. HALLOWS) And listened and had healthy
15 discussions at that community event as well. In fact,
16 that was where a lot of the discussion was around some
17 of the needs of Randolph.

18 Q. Okay. But the plant itself had already been
19 approved by the Board?

20 A. (MS. HALLOWS) Yes.

21 Q. What city do you live in?

22 A. Scottsdale.

23 Q. Now, you testified, different ones of you
24 yesterday, regarding these "offers," and I'm putting
25 that in quotes, made to the Randolph residents, street

1 cleaning, tree trimming, et cetera. When were these
2 offers made -- first made? When were these offers
3 first made?

4 A. (MS. HALLOWS) These started as discussions
5 in the very beginning of finding out what the needs
6 were, and then when they were first offered probably
7 would have been right before this hearing.

8 Q. Before this hearing?

9 A. (MS. HALLOWS) Yes.

10 Q. Okay. You offered to -- "you," being SRP,
11 offered also to assist with applying for the historic
12 designation. Do you know when that suggestion or offer
13 was made?

14 A. (MS. HALLOWS) That was made right before
15 this hearing as well.

16 Q. Okay. Now I'm going to move to Anne Rickard
17 with some questions.

18 In your presentation you went through Exhibit
19 Number 2 with your PowerPoints about the community
20 partnership charter; is that correct?

21 A. (MS. RICKARD) Yes.

22 Q. In that, on Page 155 of the slide show, of
23 the 240-page slide show, the first point is to provide
24 crucial funding to vital community organizations. And
25 you testified about that, correct?

1 A. (MS. RICKARD) Correct.

2 Q. But you also testified that you have not
3 provided any funding to Randolph or the residents or
4 the community of Randolph. That's correct, right?

5 A. (MS. RICKARD) Not specifically directly to
6 Randolph residents, but what is true is the funding --
7 part of the funding that we do provide is through Pinal
8 County organizations. Randolph residents are eligible
9 for those funds.

10 Q. Correct. So they're eligible for funds that
11 anybody in Pinal County is eligible for?

12 A. (MS. RICKARD) Yes. Yes.

13 Q. So you have no written engagement plan with
14 Pinal County -- with Randolph?

15 A. (MS. RICKARD) Can you clarify? Written by
16 whom to whom?

17 Q. You mentioned you were very transparent and
18 that you had quarterly reports that were reported on --
19 you know, given to the Board or whomever it is that
20 supervises you about your plans. But you do not have
21 such a written plan for Randolph at this moment, is
22 that correct?

23 A. (MS. RICKARD) We do not have a formal
24 written plan.

25 Q. What city do you live in?

1 A. (MS. RICKARD) Scottsdale.

2 Q. Okay. Now I'd like to move to Mr. Petry.

3 Okay. First thing I want to talk about is
4 the noise issue. Now, you directed us this morning to
5 the Exhibit I and Page 16, is that correct?

6 A. (MR. PETRY) Yes.

7 Q. And you had us look at that chart. Well, I'd
8 like to back up. And hopefully the tech crew can put
9 up, from that same Exhibit I, Page 2, I-2. Do we have
10 that coming up, or do you have it in front of you and
11 you could read from it?

12 A. (MR. PETRY) I do have it in front of me.

13 Q. Okay. So on I-2, the second paragraph from
14 the bottom that starts with "Predicted
15 construction-generated noise levels," could you read
16 that?

17 A. (MR. PETRY) Certainly. "Predicted
18 construction-generated noise levels at nearby noise
19 sensitive areas were calculated using the Federal
20 Highway Administration's roadway construction noise
21 model."

22 Would you like me to read --

23 Q. The rest of the paragraph, please.

24 A. (MR. PETRY) "Estimates of noise from the
25 construction of the project are based on a roster of

1 the maximum amount of construction equipment used on a
2 given day. Estimated noise levels from construction
3 activities at the closest residential receptor from the
4 center of the construction site were estimated to be
5 approximately 56.8 dBA Leq and 61.8 dBA Ldn.
6 Construction noise impacts are further discussed in the
7 attached noise report, Exhibit I-1."

8 Q. Now, you testified yesterday more than once
9 that 60 was the conversational level, is that correct?

10 A. (MR. PETRY) Yes.

11 Q. All right. Now, I would also like you to
12 read from Page I-3, the third paragraph that starts
13 with "The analysis shows that."

14 A. (MR. PETRY) "The analysis shows that the
15 sound levels emitted by the proposed project will be
16 less than the 55 dBA Ldn at all evaluated noise
17 receptors with exception of the closest sensitive
18 receptor. The projected Ldn value at the closest
19 sensitive receptor, residences south of the project, is
20 estimated to be 59.7 dBA when no background noise is
21 included and 63.1 dBA when background noise is added,
22 which is above the recommended 24-hour average day and
23 night EPA recommended value of 59 dBA Ldn."

24 Q. So you have been testifying that the increase
25 is small, but this actually says that at certain times,

1 with the construction and operation, that in the
2 residences south of the plant it will be above the
3 24-hour average day and night EPA recommended levels,
4 correct?

5 A. (MR. PETRY) Yes, and that refers to the
6 residences, those agriculturally affiliated residences
7 that we saw on the route tour located to the south and
8 slightly east of the project area.

9 Q. And how many other houses are south of the
10 project on Kleck Road?

11 A. (MR. PETRY) Directly south of the project?

12 Q. Correct.

13 A. (MR. PETRY) None.

14 Q. Southwest of the project on Kleck Road?

15 A. (MR. PETRY) Well, I know of at least two
16 that we've heard from during the course of this
17 hearing, and I think they're -- without looking at a
18 map specifically, I think there are maybe five to six
19 further west of the railroad tracks and transmission
20 infrastructure on the north side of Kleck Road.

21 Q. And this applies to both construction noise
22 and operation noise, correct?

23 A. (MR. PETRY) Can you clarify what you're
24 referring to by "this"?

25 Q. When the ambient background noise and the

1 additional noise is added, it applies to both during
2 construction and during operation?

3 A. (MR. PETRY) So are you asking -- I want to
4 make sure I answer the question accurately here. Are
5 you asking if we modeled construction noise on top of
6 the operation noise?

7 Q. No, I'm not asking you what you modeled at
8 all. I'm asking you about what's written here on this
9 page.

10 A. (MR. PETRY) Okay. I'm sorry. Might you ask
11 that question one more time for me?

12 Q. That the closest sensitive receptor is
13 estimated to be 59.7 when no background noise is
14 included and 63.1 when background noise is included, so
15 that's above the EPA average. And that's during both
16 construction time and operational time, is that
17 correct?

18 A. (MR. PETRY) Yes, I believe that is correct.
19 I think it's also worth noting, if we may
20 step back --

21 Q. Excuse me. I don't have a question in front
22 of you.

23 CHMN. KATZ: And you'll get a chance, if your
24 counsel chooses to, to have redirect.

25 But go ahead, Ms. Post.

1 BY MS. POST:

2 Q. Now, when you talk about that these changes
3 are barely perceptible, the increase in noise is barely
4 perceptible, as one of the Committee Members asked,
5 these are all averages, correct?

6 A. (MR. PETRY) That is correct, yes.

7 Q. And "barely" means some people will still be
8 able to perceive it, is that correct?

9 A. (MR. PETRY) That is correct, yes.

10 Q. You also testified -- a couple of times
11 yesterday you said there will be no permanent noise
12 increase. But there will be a noise increase during
13 construction and during some forms of operation, would
14 that be correct?

15 A. (MR. PETRY) There will be no permanent
16 construction noise increase, but there will be a
17 permanent operational increase in noise that relates to
18 that .5 to 2.6 decibel increase that's noted as barely
19 perceptible.

20 Q. And there's no permanent construction noise
21 because construction is not permanent, right?

22 A. (MR. PETRY) Correct.

23 Q. But during the time of the construction,
24 which is approximately --

25 Three years or two years?

1 A. (MR. PETRY) Three.

2 Q. -- three years, there will be increased
3 noise?

4 A. (MR. PETRY) Yes.

5 Q. What city do you live in?

6 A. Phoenix.

7 Q. You testified yesterday about sending 11
8 letters to the different tribes. Do you recall that?

9 A. (MR. PETRY) Yes. SRP sent 11 letters to the
10 tribal contacts with two -- with 11 tribes that have
11 identified affiliation --

12 Q. I just asked you if you remembered it.

13 A. (MR. PETRY) Yes, I do.

14 Q. Thank you.

15 A. (MR. PETRY) You're welcome.

16 Q. You said that you got responses from Hopi,
17 Pascua Yaqui, and White Mountain Apache, is that
18 correct?

19 A. (MR. PETRY) Yes.

20 Q. You did not get any responses from any of the
21 others?

22 A. (MR. PETRY) Not to my knowledge.

23 Q. And the two closest tribes are Ak-Chin and
24 Gila River, would that be correct?

25 A. (MR. PETRY) I believe so. I would have to

1 check to answer that with certainty.

2 Q. You also testified about the historical
3 designation, and you have testified about that again
4 this morning. So we asked about that in a data
5 request, and the answer that we got gave a list of
6 resources that SRP looked at. I would like to read
7 those resources and ask you if these are things you
8 looked at, okay?

9 A. (MR. PETRY) Okay.

10 Q. Celebrating Black History Month; Race,
11 Diversity, and Ethnicity in Randolph; City of Coolidge
12 2014 Plan 2025; Cotton Jobs Gone, Black Migrants' Town
13 Limps On; Not All Okies are White; Community Profile,
14 Pinal County, Arizona; Pinal County Comprehensive Plan;
15 A First Look at Demographic Changes in Arizona; and A
16 Dying Institution. Are these things that you looked
17 at?

18 A. (MR. PETRY) I don't believe I looked at all
19 of those things or that my team looked at all of those
20 things as part of our historical and archaeological
21 resources review for the project. We did look at some
22 of those things, some of those publications or
23 articles, but I don't believe all of those were part of
24 SWCA's analysis of cultural and archaeological
25 resources.

1 Q. But when you looked at those things, none of
2 that gave you a clue that Randolph might be a historic
3 city or have cultural significance that needed to be
4 protected?

5 A. (MR. PETRY) Oh, that's false. We know that
6 Randolph is an identified historic community, an
7 African American historic community with an important
8 presence, an important part of Arizona's history, which
9 is -- as is typical for cultural resources reviews for
10 projects like this, we will survey the project area for
11 archaeological or historic resources. But then we'll
12 do a secondary search that extends out further to
13 identify any previously identified cultural or historic
14 resources.

15 And the community of Randolph itself has not
16 been the subject of such survey, and as such has not
17 been identified as an historic site, district, town:
18 Site, et cetera. But we do know the history of
19 Randolph, absolutely.

20 Q. One second. Now I want to move to Kenda
21 Pollio. When we ask --

22 Excuse me. Wait. I have one more question
23 for you, Mr. Petry. Do you have in front of you
24 Appendix C to the original application, the CEC
25 application, Appendix C?

1 A. (MR. PETRY) Exhibit C?

2 Q. Yeah, and it's Appendix -- no, not Exhibit C.
3 It's Exhibit 1, SRP Exhibit 1, Appendix C to the
4 application.

5 A. (MR. PETRY) I'm not sure I'm clear on what
6 you're referring to. I do have Exhibit 1 and what's
7 identified as Exhibit C within that application, Areas
8 of Biological Wealth.

9 Q. Correct. Can you look at C-15?

10 A. (MR. PETRY) Certainly.

11 MR. ACKEN: And for the record, that is
12 Exhibit C to SRP Exhibit 1.

13 BY MS. POST:

14 Q. Are you at Page 15?

15 A. (MR. PETRY) I am.

16 Q. And the third and fourth sentences down from
17 the top talk about increased light pollution would
18 impact bat activity patterns, is that correct?

19 A. (MR. PETRY) Yes, that is correct. I think
20 the impact would be potential drawing of bats to the
21 area because of insects that would be present around
22 lighting.

23 Q. All right. So now I'm going to move to you,
24 Ms. Pollio. Did you listen to the list of articles
25 that I just read saying that SRP had referenced these

1 in order to look at the historic designation of
2 Randolph?

3 A. (MS. POLLIO) Yes.

4 Q. And did you look at these or someone on your
5 team?

6 A. (MS. POLLIO) Yes.

7 Q. And what city do you live in?

8 A. (MS. POLLIO) Encinitas.

9 Q. California?

10 A. California, yes.

11 MS. POST: I have no further questions.

12 CHMN. KATZ: Okay. Does the Commission have
13 any questions, Ms. Ust. Is it Ust or Ust? Let me
14 pronounce it correctly.

15 MS. UST: Ust.

16 CHMN. KATZ: Ust. Any questions?

17 MS. UST: Just a couple. I believe these are
18 for Ms. Watt.

19

20 CROSS-EXAMINATION

21 BY MS. UST:

22 Q. First off, when does SRP expect the Pinal
23 County Air Quality Control District to issue the
24 operating permit for CEP?

25 A. (MS. WATT) At this time, we anticipate that

1 the draft permit would be issued for public comment
2 sometime in the March or early April time frame.

3 Q. Okay. And if the operating permit is not
4 approved, how will this affect the project timeline?

5 A. (MS. WATT) If the project -- if the permit
6 is not approved by Pinal County?

7 Q. Yes.

8 A. (MS. WATT) Meaning if Pinal County does not
9 issue the permit, is what you're asking?

10 Q. Correct.

11 A. (MS. WATT) This project -- excuse me. If
12 Pinal County did not issue this permit, the project
13 would not be allowed to be constructed or operated.

14 Q. And I guess one final question. If the
15 permit were not issued, is there an appeals process or
16 any other mechanism that SRP would take, or would it
17 have to apply for a new permit?

18 A. (MS. WATT) I'm not entirely sure. What I
19 can say is if this permit were issued and appealed,
20 then SRP would -- or, I guess it would -- if the permit
21 were issued by the Pinal County Air Quality Control
22 District and then appealed, it would work its way
23 through the appeals process in that -- under regulatory
24 guidelines for air permitting appeals.

25 MS. UST: Okay. No further questions.

1 CHMN. KATZ: Thank you.

2 Any redirect?

3 MR. ACKEN: Thank you, Mr. Chairman. Just a
4 few.

5

6

REDIRECT EXAMINATION

7 BY MR. ACKEN:

8 Q. Ms. Pollio, you were asked your current
9 residence. Have you previously lived in Arizona?

10 A. (MS. POLLIO) Yes.

11 Q. And where did you live in Arizona?

12 A. (MS. POLLIO) I lived in Tempe, Arizona,
13 close to Rural and Guadalupe.

14 Q. And is that in close proximity to any
15 existing power plants?

16 A. (MS. POLLIO) Yes. It's about a mile from
17 Kyrene Generating Station.

18 Q. And do you know whether the Kyrene Generating
19 Station was expanded by SRP?

20 A. (MS. POLLIO) Yes, it was.

21 Q. Mr. Petry, I want to go back to that line of
22 questions you got there at the end. Ms. Post -- I
23 think you had more to say. Ms. Post didn't want you to
24 address it with the Committee, but I would like you to.
25 And this relates to Exhibit I, I believe, N2 or N3,

1 that closest receptor location. Do you recall that
2 line of inquiry?

3 A. (MR. PETRY) I do, yes.

4 Q. What did you want to share with the
5 Committee?

6 A. (MR. PETRY) What I wanted to share is that
7 the existing conditions at that location are already
8 above that 55 A-weighted decibel amount that was
9 described previously. And, again, the project itself
10 would add to the noise environment within that range of
11 .5 to 2.6 decibels, barely perceptible. And at that
12 location in particular, that's where that 2.6 decibel
13 increase would be experienced. But I thought it
14 important to note that that location is already above
15 that 55-decibel amount.

16 Q. And that closest receptor location, I believe
17 you testified that it was the agricultural, farming
18 property that's to the south, southeast of the project,
19 is that correct?

20 A. (MR. PETRY) That is correct. And I could
21 remind the Committee, when we were on the site tour, we
22 had one of our stops slightly north of that location,
23 and we looked south onto that location, and you could
24 see some of the residences there -- the residences
25 there, as well as a lot of the farming implements and

1 affiliated farming structures that are part of that
2 residential development as well.

3 Q. And what is the distance from that house to
4 the new turbines associated with this project,
5 approximately?

6 A. (MR. PETRY) I believe the distance from that
7 house to the new turbines is about a tenth of a mile.

8 Q. And do you recall what the distance from the
9 houses on Kleck Road within the community of Randolph
10 will be to the new turbines?

11 A. (MR. PETRY) From the new turbines, I don't
12 remember that distance specifically. I do know that,
13 again, the turbines are located on the far eastern side
14 of the project area and are much closer to those
15 agriculturally affiliated residents I described than
16 they are to the community of Randolph.

17 Q. So would you say that the residents along
18 Kleck Road are equivalent to the closest receptor for
19 noise impact analysis?

20 A. (MR. PETRY) The residences along Vail Road
21 would be the closest sensitive receptor, yes.

22 Q. But my question, I'm sorry, was on the Kleck
23 Road residents, are they the closest receptor?

24 A. (MR. PETRY) No. No, they aren't.

25 Q. Thank you.

1 Ms. Watt, I want to follow up with you on the
2 question regarding whether the 70-ton-per-year PM10
3 limit is the maximum limit that SRP could have for this
4 project. Could you address that question again,
5 please?

6 A. (MS. WATT) Yes. So SRP is requesting to
7 restrict emissions to below that 70-ton threshold in
8 this permitting action. If SRP were seeking to emit
9 beyond that 70-ton threshold, we would be required to
10 go -- undergo nonattainment new source review
11 permitting, just a permitting program, and seek a
12 higher limit.

13 Q. So you're not precluded -- you would not be
14 precluded from seeking higher permit emission limits
15 for PM10?

16 A. (MS. WATT) That's correct.

17 Q. You were asked a question about permit
18 revocation and the result of noncompliance. Do you
19 recall that question?

20 A. (MS. WATT) Yes, I do.

21 Q. Do you have any clarifications to that
22 response?

23 A. (MS. WATT) Yes. So if this -- if SRP were
24 to continue to exceed permit limits -- these limits,
25 it's possible that the Pinal County Air Quality Control

1 District would revoke the permit; however, SRP would
2 cease operation in this instance if emission limits
3 were to be exceeded.

4 Q. And to your knowledge, has SRP ever violated
5 a permit so much and to the extent that a permitting
6 authority revoked the permit?

7 A. (MS. WATT) No, not in -- not in SRP's
8 history, no.

9 Q. Ms. Little raised a question regarding the
10 capacity factor and concern about the limitation on the
11 emission given the emission limits. Can you discuss
12 that again? I think there's some misunderstanding
13 about what that one example is, and I'd like you to see
14 if you can take another swing at explaining that
15 example in the context of what SRP is requesting.

16 A. (MS. WATT) Sure. So in its permit
17 application, and to illustrate the units' potential to
18 emit, the -- one example is given, and the example we
19 talked about numerous times, where the units start
20 twice per day, operate approximately a thousand hours,
21 which translates to about an 11 percent capacity
22 factor. But that's just one of many potential
23 operating scenarios in which these units could operate.

24 And so SRP is requesting these emission
25 limits to allow these units to -- for SRP to use these

1 units to meet its reliability needs, all while
2 maintaining operational flexibility. So, for example,
3 if there were a lesser number of starts, it would allow
4 for more potential operating hours and a higher
5 capacity factor, but all while remaining below the
6 emission limits prescribed in the air permit.

7 Q. And I understand you're in permitting, not
8 operations, but do you have a sense from SRP's
9 operational folks whether the emission limits that you
10 are pursuing in this permit application will be
11 sufficient to give SRP the operational flexibility it
12 needs to meet the needs and objectives of this project?

13 A. (MS. WATT) Yes, that's true.

14 Q. Ms. Rickard, there was a question, I believe
15 it was directed to Mr. Petry, asking whether SRP
16 intentionally turned off the plants yesterday for the
17 plant tour. And he was not familiar, couldn't answer
18 that question. Can you address that?

19 A. (MS. RICKARD) Yes. The answer is: No, we
20 did not.

21 Q. Any idea why the plants weren't operating?

22 A. (MS. RICKARD) It was a beautiful February
23 day. There was no need.

24 Q. And it's your understanding -- again, you're
25 not in operations, but you've heard from the prior

1 panelists that it's your understanding that's to be
2 expected?

3 A. (MS. RICKARD) To be expected.

4 Q. You were asked about -- from Ms. Post about a
5 written engagement plan. Wouldn't that be something
6 that you would consider developing as part of the
7 community working group in consultation with the
8 Randolph community?

9 A. (MS. RICKARD) Exactly. Precisely it is.
10 That is the purpose of a community working group.

11 We did hear from residents through our
12 conversations that myself and Ms. Hallows and others
13 have had. That is our preliminary start to these
14 conversations and solutions for the community. We
15 would not want to be prescriptive in determining, here
16 is the written plan. That is exactly the opposite of
17 how SRP operates. We're here to listen, to engage,
18 constantly and organically grow what the support looks
19 like. This is a long-term relationship we intend and
20 are committed to have with the residents of Randolph.

21 Q. Thank you. And one final question for you,
22 Ms. Rickard. There were questions directed to
23 Mr. Petry concerning the lighting at the facility. Do
24 you recall those questions?

25 A. (MS. RICKARD) I do.

1 Q. And Mr. Petry testified that the lighting
2 complies with Coolidge's dark sky ordinance. Do you
3 recall that?

4 A. (MS. RICKARD) Yes.

5 Q. Notwithstanding compliance with that dark sky
6 ordinance, is SRP willing to meet with the community as
7 part of that community working group and evaluate
8 additional measures to mitigate effects from the lights
9 associated with the facility consistent with safety
10 considerations?

11 A. (MS. RICKARD) We absolutely are. To repeat,
12 yes, we would maintain safety and follow any
13 regulations regarding that, but we absolutely have
14 flexibility to work with the residents of Randolph,
15 again, through the community working group, for that
16 mitigation.

17 MR. ACKEN: Thank you. No further questions
18 for this panel.

19 CHMN. KATZ: Before we go on, I just had
20 one -- oh, go ahead, Ms. Hamway. Yes, Member Hamway.

21 MEMBER HAMWAY: Ms. Rickard, you said that
22 Randolph was on a nonprofit list, did I hear that
23 correctly, a list of nonprofits?

24 MS. RICKARD: Pinal County United Way and
25 other organizations are on that list, of which Randolph

1 residents are eligible to receive.

2 MEMBER HAMWAY: Okay. So since they don't
3 have any legal structure, they're not an incorporated
4 anything, how would they receive funds?

5 MS. RICKARD: So that's where SRP plans to
6 come in and help bridge that gap of advising and
7 letting them know, here are funds that are available,
8 whether it's through United Way funding, through
9 Coolidge schools, there's several out there, that we
10 want to help be that bridge and through that community
11 working group identify what they may not necessarily be
12 aware of.

13 MEMBER HAMWAY: Okay. And one other quick
14 question for Mr. Petry. What kind of assurances or
15 advantages come with being considered a significantly
16 historical designation?

17 MR. PETRY: So with some of those historic
18 designations you can get protections on what can and
19 can't be done within the community. It may protect
20 some of the identified historical architecture, some of
21 the historic buildings that are identified through
22 survey, and can limit what sorts of redevelopment or
23 development can be done on those properties.

24 MEMBER HAMWAY: Would you see that would be
25 an advantage for them?

1 MR. PETRY: I think that's depending on the
2 perspective of the individuals within the community of
3 Randolph. From my perspective, I think that would be
4 advantageous to the preservation of Randolph's history,
5 absolutely. I can't speak for each community member
6 there, nor can I speak for the community as a whole.
7 But from my perspective, I think that would be
8 advantageous to the community, absolutely.

9 MEMBER HAMWAY: Is there any known
10 leadership? Like I think we've talked about a guy who
11 considers himself the mayor of Randolph. Have we been
12 in contact with the perceived leadership of Randolph?

13 MS. RICKARD: We have. Ms. Hallows can also
14 speak to that relationship.

15 MS. HALLOWS: Yes, I can jump in. And that
16 was really one of the obstacles that we had when we
17 started our outreach, and we did get a list of people
18 who were assumed to be the leadership. The gentleman
19 that you're referencing who is the unofficial mayor, I
20 did attempt to reach out to him, but then through other
21 discussions learned that he was maybe dealing with a
22 private family matter. So I never actually got to make
23 contact with him, unfortunately.

24 MEMBER HAMWAY: All right. Thank you.

25 CHMN. KATZ: Any other questions?

1 MEMBER LITTLE: Mr. Chairman.

2 CHMN. KATZ: Is that Member Little?

3 MEMBER LITTLE: Yes, it is.

4 CHMN. KATZ: Go ahead, and then --

5 MEMBER LITTLE: I have several questions that
6 are kind of consistent with some that have been asked
7 already. But it's my understanding that, for various
8 reasons, SRP does not have any kind of a firm or
9 binding commitment to Randolph. I have heard all of
10 the good things that SRP is talking about doing in
11 working with the Randolph residents, but is there
12 anything in place that commits SRP to do that?

13 MS. HALLOWS: If I can just jump in. Again,
14 that was another obstacle, is trying to make sure that
15 the things that we are committing to do were things
16 that the community as a whole wanted and needed. And
17 so by putting together the working group, it was a more
18 formal way to get a pulse on the community and make
19 sure that we weren't doing things that were not widely
20 wanted, I guess I should say. So you're right, we had
21 to lay the groundwork and build those relationships
22 right now, but you're right, there isn't anything
23 formal at this moment. You're right.

24 MEMBER LITTLE: So the working group that you
25 refer to, is that in place? Are there members

1 currently?

2 MS. HALLOWS: No. I would assume many of the
3 members of the community that I have gotten the
4 pleasure to have relationships with over these last six
5 months would probably be interested. I definitely
6 think that they would be great members. But no, there
7 are no solidified members of the group yet.

8 MS. RICKARD: But to speak to, if I could
9 also add, speak to SRP's history and proven success in
10 having a working group established, we have proven that
11 we know it works. We intend to follow that process
12 here too.

13 MEMBER LITTLE: Thank you. And I'm going to
14 ask, we have seen the written documentation for the
15 formal comments that have been made by residents of
16 Randolph. I'm wondering -- you know, quite often
17 people will have opinions, but won't take the time to
18 send an e-mail or write a commitment -- or, an opinion.

19 During the gathering that you had, the
20 community gathering that you had, would those of you
21 who were present at that gathering tell me whether or
22 not you heard some -- any comments about people saying,
23 oh, yeah, when that generator plant starts up, I can
24 really hear it, or when it runs at night it bothers me?
25 Anything having to do with the noise levels with

1 respect to the existing plant that you just heard in
2 verbal comment?

3 MS. RICKARD: I personally did not hear
4 that -- those types of comments. My conversations were
5 directly related to ideas of how we can help this
6 community.

7 MS. HALLOWS: And I also did not hear
8 concerns about noise in those conversations.

9 CHMN. KATZ: And that was Ms. Hallows?

10 MS. HALLOWS: Yes. Sorry.

11 CHMN. KATZ: Thank you.

12 MEMBER LITTLE: And what about the lights at
13 night, similar question?

14 MS. RICKARD: I did not.

15 MS. HALLOWS: The first time I heard about a
16 light concern was in one of the written comments that I
17 read to you today.

18 MEMBER LITTLE: Thank you. That's all I
19 have.

20 Thank you, Mr. Chairman.

21 MEMBER GENTLES: Mr. Chairman, this is Member
22 Gentles.

23 CHMN. KATZ: Yes, sir. I'll let you go, and
24 then next will be John Riggins. But go ahead,
25 Mr. Gentles.

1 MEMBER GENTLES: Oh, my apologies.

2 CHMN. KATZ: No, go ahead. Go ahead. It's
3 fine.

4 MEMBER GENTLES: I just had a couple of brief
5 questions. In terms of the unofficial leadership in
6 the community, you said that you're having a difficult
7 time identifying them. Have you had an opportunity to
8 speak with the Pima County NAACP who was there and gave
9 public testimony on the first night? They had at least
10 two representatives there. Has SRP reached out and
11 spoken to them about the Randolph community?

12 MS. HALLOWS: I have not.

13 MS. RICKARD: I have not.

14 MEMBER GENTLES: Okay. So in the public
15 outreach you're looking -- because there are no formal
16 structures, you have not really identified who would be
17 part of these working groups at this point other than
18 potentially the members of the community? I think
19 that's what I heard you say.

20 MS. RICKARD: That's certainly where we're
21 starting. We are open to --

22 MEMBER GENTLES: Okay. Okay. Fantastic.
23 Yeah. So in cases like this, when there aren't any
24 formal structures, there are organizations that -- you
25 know, and I don't need to tell you guys this, you know

1 this -- the advocacy groups that are there to support
2 and help, and that would be a natural starting point to
3 start forming these groups. And, quite frankly, as you
4 really intensify your outreach relationships with
5 Randolph to really understand what they need,
6 organizations like the Pima County NAACP and others
7 would be more than willing to sit down and help you
8 identify those.

9 So that's all I had, Mr. Chairman.

10 MS. RICKARD: Thank you. We're absolutely
11 open and plan to do that.

12 CHMN. KATZ: Thank you, Ms. Rickard.

13 And Mr. Riggins.

14 MEMBER RIGGINS: Thank you, Mr. Chairman.

15 Mr. Petry, yesterday during the tour when we
16 were on the -- and I don't remember exactly what stop
17 it was, but it was on the eastern portion of the
18 existing generating station, and I'd asked a question
19 about the groundwater wells that were located just to
20 the north of where we were standing. Are those wells
21 going to be utilized for the recovery of the long-term
22 storage credits for the Central Arizona Project water?

23 MR. PETRY: Yes, those wells are wells that
24 are permitted for recovery of the long-term stored
25 water.

1 MEMBER RIGGINS: So the stored water is going
2 to be recovered?

3 MR. PETRY: Yes.

4 MEMBER RIGGINS: On site?

5 MR. PETRY: Yes.

6 MEMBER RIGGINS: Okay. And then I had
7 another question for Ms. Watt. Mr. Stafford had
8 briefly asked about a Health Impact Analysis, if any
9 such analysis was conducted, and I believe the answer
10 was no. My question is: Is there any sort of similar
11 -- I'm sorry -- any sort of similar comprehensive
12 health impact analysis, I guess, on par with what the
13 American Lung Association had stated and conducted? Is
14 there anything of that nature that is -- that is
15 similar to what Mr. Stafford had been asking about?

16 MS. WATT: I would just point to the ambient
17 air quality assessment or the modeling that was done in
18 support of this permitting project. That is what is
19 conducted through the permitting process. And the EPA
20 sets the National Ambient Air Quality Standards that
21 this assessment is compared against, and those
22 standards are set to be protective of public health and
23 welfare and the environment.

24 MEMBER RIGGINS: Okay. Thank you.

25 CHMN. KATZ: Any other Committee Member?

1 (No response.)

2 CHMN. KATZ: There's one matter, then, that
3 I'd like to run by all of you to figure out exactly
4 what we want to do with this. I just need to pull
5 things back up.

6 Yesterday -- I'm just looking at my phone
7 because I have an e-mail. And we had a -- Tod Brewer,
8 the paralegal who makes all of this possible for us,
9 received a call from a Diane Brown, the executive
10 director of Arizona Public Interest Research Group
11 Education Fund, and she was looking at the procedural
12 order and says we could have public comment beginning
13 9:00 every morning.

14 And I had Tod tell her that the only way that
15 we would have additional public comment, other than
16 Monday 5:30 session, was if we had way too many people
17 to cover in a reasonable amount of time on that
18 occasion, and then we would invite further comments of
19 those people who had responded on Monday.

20 And we did have only -- everybody that wanted
21 to present that was either online or in person
22 presented, include the representative from the Phoenix
23 City Council. And we did have a call -- or, Tod had
24 contact from either Kevin Cavanaugh, the Pinal County
25 Supervisor, or someone on his staff indicating that he

1 wanted to speak, but he ended up being too ill to do
2 that yesterday, but appeared here in person this
3 morning.

4 And because of that, Ms. Brown wrote to Tod,
5 and I'll read to you what she said. I have to find it
6 again. Just give me a second. I'm just trying to
7 locate the right communication from Tod.

8 Okay. She says, "Tod, I realize that you are
9 the go-between on this one and I appreciate your help.
10 I did hear that Supervisor Cavanaugh was allowed to
11 provide public comment this morning. I fail to
12 understand why public comment would be allowed for one
13 individual and not others. Minimally, it seems another
14 opportunity would be allowed for those of us that have
15 also asked to speak. Please" -- I can't read the next
16 word -- "if this will be arranged for either tomorrow
17 or Monday at 9:00 a.m."

18 And I have mixed feelings, because she made
19 no indication in writing or in person to speak on
20 Monday or Tuesday, and the first contact was yesterday.
21 We could allow her to speak, but what I don't want to
22 do is open up the door to 10, 15, 20, 30, or 40 people
23 to every day request because they've heard now that
24 Ms. Brown has been allowed to testify -- not testify,
25 but to present a comment. I want to be fair, but I

1 don't know how it is she got interested in this whole
2 project and why she didn't do what everyone else --
3 like about 60 other people who were online and a number
4 of like 30 or 40 who were here.

5 And my numbers may be inexact, but I just
6 wanted the input from the Committee first in terms of
7 whether you think we should allow her to present
8 something tomorrow morning. I don't think it will open
9 up the floodgates, but my general view is that people
10 ought to appear when we set the time. And if there's
11 an overflow, we'll then schedule more time, either
12 morning or afternoon, on other days.

13 Mr. Riggins, did you have a comment?

14 MEMBER RIGGINS: Thank you, Mr. Chairman. I
15 was just going to say, I think in the past, more on an
16 informal basis, at the start of each day's proceedings
17 we've allowed, if anybody had showed up in person, to
18 provide a comment. I think that's -- it was more on
19 just an informal basis, not really overflow from the
20 first day's public comment.

21 MEMBER HAMWAY: Yeah, I'm of the opinion
22 anybody who wants to speak should be able to speak.

23 MEMBER RIGGINS: I second that.

24 CHMN. KATZ: Any other comments?

25 MEMBER LITTLE: This is Ms. Little. I am in

1 agreement with that. I don't think that we should
2 allow people who have already spoken to speak again,
3 but anybody who hasn't spoken, particularly in a case
4 such as this where it is a difficult case, I think
5 people should be allowed to speak.

6 CHMN. KATZ: Any comments from counsel?

7 MR. ACKEN: Mr. Chairman, I do think that
8 it's consistent with the past practice of the Committee
9 as set forth here today.

10 I would note that Ms. Brown is very familiar
11 with this project and the process and has already
12 submitted written comments, and so -- and several folks
13 have done that. So I would just ask that it not be
14 duplicative of the written comments that she already
15 submitted in the docket.

16 CHMN. KATZ: Any comment from any of our
17 other attorneys? Go ahead, Ms. Post.

18 MS. POST: I would simply say that this is an
19 issue that will affect all of Arizonians for the next
20 30 or 40 years, and I think they should be allowed to
21 voice their opinion, even though it might take some
22 time today. But it is 30, 40 years, so I think we
23 should listen to them.

24 MEMBER GRINNELL: Mr. Chairman.

25 CHMN. KATZ: Yes, Mr. Grinnell.

1 MEMBER GRINNELL: You know, I've been
2 listening to this discussion versus watching it. It's
3 sort of listening to the radio versus watching TV,
4 whether sports or whatever. And having one person come
5 back -- but are we setting a precedent to begin to open
6 the floodgates for people, at the last minute, to
7 decide they want to submit another verbal comment in
8 addition to a written comment outside of the time set
9 aside? That's number one.

10 But I want to get a little clarity on this
11 from SRP, if I may. I realize that there's some
12 cultural issues that were being brought up forward, but
13 is your process in dealing with neighbors, whether
14 they're economically stressed or not, any different in
15 the process that you take in trying to communicate with
16 neighbors?

17 MR. ACKEN: I think I would --

18 CHMN. KATZ: Go ahead.

19 MR. ACKEN: -- Member Grinnell, maybe direct
20 that to Ms. Rickard. Ms. Rickard -- I will note that,
21 as we mentioned earlier and you heard the testimony of
22 Ms. Pollio, we did provide supplemental testimony in
23 this case. So to that extent it's different. But I
24 think your question is asking is -- is a different
25 question, and I think Ms. Rickard is the right person

1 to answer it.

2 MS. RICKARD: I think you're asking would our
3 approach be different depending on the economic
4 background of the neighborhood. Did I understand that
5 correctly?

6 MEMBER GRINNELL: Well, in this particular
7 case, we're dealing with a cultural sensitivity of the
8 neighborhood, but they're also economically stressed.
9 But is your process of addressing neighbors, regardless
10 of finances or cultural status, any different when
11 reaching out?

12 MS. RICKARD: So our approach is to be
13 consistent in how we engage with neighbors, and that is
14 either in our service territory or in areas where we
15 have a presence such as this. We are consistent. It
16 remains the same.

17 MEMBER GRINNELL: Thank you.

18 And to the lady that just brought up the
19 issue, forgive me, I don't have your placard in front
20 of me, you brought up the issue -- how is this going to
21 affect decisions for the next 30 or 40 years? Can you
22 elaborate a little bit on that? I'm a little bit
23 confused why you made that statement.

24 CHMN. KATZ: That was a comment by Attorney
25 Diane Post. Maybe she can comment.

1 MEMBER GRINNELL: Ms. Post, I'm sorry, I
2 forgot your name. Forgive me.

3 MS. POST: Because of the impact on climate
4 change and the differences that it will make in the
5 health standards, in the health of the immediate
6 community, these are factors that will last for a long
7 time, not just be over in a short time. So that's why
8 I'm saying, this decision will have ramifications for
9 their health and lives for the rest of their lives and
10 their children's lives and their grandchildren's lives,
11 and it will have ramifications for all of Arizona in
12 the issue of climate change.

13 MEMBER GRINNELL: Okay. Thank you.

14 CHMN. KATZ: Thank you.

15 Anyway, back to the subject matter we were
16 dealing with, which is to allow this comment. And I am
17 all in favor of being open, but -- and I probably will
18 end up allowing her to appear. I just do not like the
19 fact that she's been well aware of this, communicated
20 with the Committee in writing, and should have been
21 aware of comments on the time frame that were outlined
22 in the procedural order, but she figured that she could
23 come in at any time.

24 So I don't want to start setting a precedent
25 where we end up getting 15, 20, or 30, or even 5 or 10

1 people coming in at the last minute that could have
2 appeared initially. But anyway, I will --

3 Go ahead, Mr. Rich.

4 MR. RICH: Mr. Chairman, just a brief comment
5 on that. And my recent history with this Committee has
6 been not as intense as my past history with the
7 Committee in the early 2000s, in 2010 to '15, in that
8 range, and it was, I think, sort of in line with what
9 Committee Member Riggins reflected. It was standard
10 practice that every morning, if someone showed up, they
11 were allowed to give public comment, but there would be
12 a focused public comment event or more than one event
13 if it was a particularly controversial case.

14 And so I think -- I don't know Ms. Brown's
15 experience with the Committee personally, but she may
16 have just assumed that that's -- it would continue to
17 be the way that it had been. So I endorse allowing
18 anyone who comes up to be able to speak.

19 CHMN. KATZ: Well, let me just -- before we
20 keep going around in circles, is there anybody that
21 opposes allowing her to come in at 9:00 tomorrow
22 morning?

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. KATZ: Yes, sir.

25 MEMBER GRINNELL: If we do this, and then

1 somebody else comes in and wants to do this on Monday,
2 then Tuesday and Wednesday, is that going to open the
3 floodgates or are we going to say this is the last
4 chance? I don't want to drag this out, and especially
5 since people have already commented in writing and then
6 come right back and want to talk about it. I mean, we
7 could be here for a month if we go on this process.

8 CHMN. KATZ: Well, I might get her on the
9 phone in the morning, or online, and basically ask her
10 questions as to, she was well aware of the process, has
11 submitted written comments, why didn't she appear on
12 Monday or advise us that she had some kind of conflict
13 and request additional time. I'll probably ask her
14 that.

15 But I'm inclined to allow it, and I hope it
16 doesn't open the floodgates. And if it ends up opening
17 the floodgates in this proceeding, I think we might
18 tailor the procedural order a little bit to indicate
19 that we will only allow additional comments if there's
20 some reason why they weren't able to appear at the
21 initial time frame or we were unable to accommodate
22 them because of the volume of people that had asked to
23 testify.

24 MEMBER HAMWAY: Mr. Chairman.

25 CHMN. KATZ: Yes.

1 MEMBER HAMWAY: I think if it opens the
2 floodgates, that's a good thing, because that brings
3 more people, they're getting more involved. And it's
4 been my experience, serving in a municipal capacity for
5 a number of years, that these projects do open and make
6 more people aware.

7 Now, if they've already submitted written and
8 they've already spoken, I'm not sure I would allow it,
9 but certainly I'm not afraid of the floodgates opening
10 up. And I think if that causes us to take more time,
11 then that's what happens. And I'm all in favor of
12 letting new people come forward and speak their piece.

13 CHMN. KATZ: That's fine. We'll resolve what
14 we do in the future at another date. I will allow Tod
15 to let her know that she needs to be on the Zoom link
16 by 9:00 tomorrow morning, and she will then be allowed
17 to comment either at 9:00 or shortly thereafter.

18 Do we want to keep going with Ms. Post's
19 witness for 15 or 20 minutes or do we want to take a
20 break until about 1:00 or 1:15?

21 MS. POST: I've concluded.

22 CHMN. KATZ: I indicated -- do you have
23 anything further that you're going to present,
24 Mr. Acken?

25

1 BY MR. ACKEN:

2 Q. The timing may have passed, but I had one
3 follow-up on Ms. Little's -- Member Little's question.
4 She had asked about whether there had been something
5 formal submitted to the community of Randolph, and I
6 don't think we answered it. So I'm going to ask
7 Ms. Rickard and Ms. Hallows to address whether a formal
8 proposal had been made to the Randolph community.

9 A. (MS. RICKARD) So my understanding is that
10 there was a written condition. It's certainly not, as
11 I mentioned before, the solution -- the end-all
12 solution. But there were several items listed that we
13 would be ready to conduct now, and I'll repeat them
14 again. Assist the community with obtaining the
15 designation of a historic neighborhood, installing
16 visual screening measures between the community and the
17 Coolidge Expansion Product, providing the periodic tree
18 trimming service for common areas and alleyways,
19 identifying a schedule of cleanup days, and arranging
20 and paying for dumpster dropoff and pickup -- again,
21 these are all what we heard directly from residents --
22 and ordering and installing "no dumping" signs to place
23 in empty lots.

24 Q. And why haven't you moved forward with that?

25 A. (MS. RICKARD) My understanding is these were

1 deemed unacceptable at this point.

2 Q. And Ms. Hallows, do you know whether you were
3 discouraged or prohibited from speaking further with
4 Randolph intervenors?

5 A. (MS. HALLOWS) Yes. I was asked by one
6 specifically to not reach out any longer, and then it
7 was the understanding to not reach out to the
8 intervenors during this process.

9 Q. And that was at the request of counsel for
10 Randolph, correct?

11 A. (MS. HALLOWS) I believe so, yes.

12 MR. ACKEN: Okay. Thank you.

13 MEMBER LITTLE: May I ask -- this is Member
14 Little.

15 CHMN. KATZ: Yes.

16 MEMBER LITTLE: You say that those conditions
17 were considered to be unacceptable. Unacceptable by
18 whom?

19 MS. RICKARD: I believe legal representation
20 of the residents.

21 MEMBER LITTLE: Thank you.

22 CHMN. KATZ: And, again, we'll get into
23 discussions later. But when we do review the CEC, and
24 I'm not projecting whether it will be granted or
25 denied, but for those of you who aren't familiar with

1 the process, we usually go through the terms before we
2 vote on whether or not a CEC will be issued. If one
3 were to be issued, we want to get the terms and
4 conditions laid out and approved just in the event it
5 should pass. And if it doesn't, it doesn't. So we may
6 want to consider some of those conditions that you just
7 discussed as something to include in the CEC. I'm not
8 saying we will. I have to hear from the attorneys for
9 all parties before we would consider doing any of that.

10 So you did talk to me, Ms. Post, in advance
11 of this hearing indicating that you had some witnesses
12 available if we finished before lunch, but I don't know
13 if it makes sense to start now. We'll maybe break now,
14 it's noon, pick back up at about 1:00 or a few minutes
15 past. Anything further we need to discuss before then?

16 (No response.)

17 CHMN. KATZ: I thank everybody for your
18 patience and your consideration, and we will resume at
19 1:00.

20 (Off the record from 12:00 to 1:08 p.m.)

21 CHMN. KATZ: I think we're ready to call our
22 next witness. And I'd ask Ms. Post to perhaps
23 introduce us to the woman that will be joining us
24 shortly.

25 MS. POST: Yes. Our first witness in our

1 direct case for Randolph residents is Sara Elizabeth
2 Grineski, she's a professor at the University of Utah,
3 and she will explain what she's going to talk about
4 regarding her environmental and sustainability studies
5 program.

6 And I would like first to ask to admit her
7 exhibits, which are 18, 19, and 20.

8 MR. ACKEN: Consistent with my objection when
9 Mr. Rich sought to admit exhibits before they were
10 actually discussed, I think it's premature to admit
11 exhibits until the -- and I think the process that
12 Chairman Katz said is that we're going to wait until
13 the evidentiary proceeding is concluded, or else I
14 would have moved mine already.

15 CHMN. KATZ: Well, we can do -- what we'll do
16 is you can use any of your exhibits. If there's any
17 objection because they're way out of line, we'll hear
18 from the other lawyers. And then we will likely admit
19 almost everything that is used or discussed with a
20 witness at the end of the proceedings.

21 MS. POST: Chairman Katz, I thought you said
22 we should move them at the end of each witness.

23 CHMN. KATZ: I said you could do that.

24 MS. POST: Oh, okay.

25 CHMN. KATZ: You can do that.

1 I would also ask, how does this witness spell
2 the last name? If you could tell us, please.

3 MS. POST: G-R-I-N-E-S-K-I.

4 CHMN. KATZ: Grineski.

5 And do you prefer an oath or an affirmation?
6 Your lawyer probably told me, but I am old and senile,
7 so I will ask you which you would prefer.

8 MS. GRINESKI: I'll do the affirmation.

9 CHMN. KATZ: Sure. I'd just ask you to raise
10 your right hand, if you would.

11 (Sara Elizabeth Grineski was duly affirmed by
12 the Chairman.)

13 CHMN. KATZ: Thank you very much. And you
14 may begin questioning this witness.

15

16 SARA ELIZABETH GRINESKI,
17 called as witnesses on behalf of the Randolph
18 Residents, having been previously affirmed by the
19 Chairman to speak the truth and nothing but the truth,
20 was examined and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MS. POST:

24 Q. Please state your name and business address.

25 A. My name is Sara Elizabeth Grineski, and my

1 business address is 380 1500 East, Salt Lake City, Utah
2 84112.

3 Q. Can you give us a summary of your education
4 and experience?

5 A. I am currently a professor of sociology and
6 environmental and sustainability studies at the
7 University of Utah. I have a Ph.D. in sociology with
8 an emphasis in geography.

9 Q. And what's been your experience up to this
10 date?

11 A. Yes. I have conducted environmental justice
12 and environmental health research since I became a
13 graduate student back in 2003 -- in 2001. Excuse me.
14 And so I've been conducting research in these areas
15 since then.

16 Q. Did you ever do any studies in Arizona?

17 A. Yes. I went to graduate school at Arizona
18 State University. And so I began my research career
19 working in Arizona, and then after that went to the
20 University of Texas at El Paso, I did some work there,
21 and now I'm here in Utah.

22 Q. And have you ever received any grants for
23 your research and work?

24 A. Yes. My research is supported currently by
25 the National Science Foundation and the National

1 Institutes of Environmental Health Sciences, I have
2 active grants from both of those federal agencies
3 currently, and in the past I've had previous NIH and
4 NSF grants as well.

5 Q. What is the purpose of your testimony?

6 A. I have expertise in environmental justice and
7 health disparities, focusing on community of color --
8 communities of color and also in relation to
9 particulate matter. So I'm going to talk about
10 disproportionate health effects of pollutants,
11 specifically those emitted by natural gas generating
12 facilities, and how those affect black Americans, as
13 well as the specifics of the predicted pollutant
14 emissions here within the CEC application and their
15 health.

16 Q. And that's what I want to turn to. What key
17 pollutants from the natural gas generation are
18 applicable in this particular case?

19 A. Yes. And in this case, the application
20 corresponds with the published literature. Key
21 pollutants that result from natural gas electricity
22 generation are nitrogen oxides, or NOx, which includes
23 nitrogen dioxide, commonly known as NO2, as well as
24 nitrous oxide, or NO, and then particulate matter, both
25 PM2.5, which is fine particulates, and PM10, which is

1 course particulates. And when we look into the
2 literature on natural gas generating facilities, those
3 are the pollutants that tend to be released. And then
4 when we look here to the application, we see in Table 7
5 that again those are the pollutants of focus, NO2,
6 PM2.5, and PM10.

7 And when I look at Table 7 of the
8 application, titled NAAQS Analysis Results, it lays
9 out, you know, how much they think the facility will
10 produce if it expands, what's the background
11 concentrations of the current emissions from this
12 facility, as well as a welding facility nearby, and
13 then we combine the total concentration --

14 CHMN. KATZ: Hold on. I just don't know if
15 we can adjust the volume a little bit and also ask the
16 witness to maybe slow down just a tad because our court
17 reporter needs to get everything down. But we're going
18 to try to adjust your volume.

19 You can go ahead.

20 MR. ACKEN: Can we get a clarification on
21 Table 7 to which application? Because I'm not
22 following.

23 MS. GRINESKI: Yes. Let me just pull it up
24 so I tell you the right thing here. The application
25 for a Certificate of Environmental Compatibility,

1 Coolidge Expansion Project. I have a 386-page PDF. Is
2 that helpful?

3 MS. POST: It's your SRP Exhibit 1,
4 basically.

5 MR. ACKEN: Well --

6 CHMN. KATZ: Are we talking about the SRP
7 application for CEC 197? Professor, is that correct?

8 MS. GRINESKI: No, I just -- I have the
9 document open here, so I can just -- I'm looking for if
10 it has a number.

11 MS. POST: It's on the first page.

12 MS. GRINESKI: Okay. I'm looking at the
13 title. In the upper corner there's a -- there's a bar
14 code, and then below that there's an
15 L-00000B-21-0393-00197.

16 THE COURT REPORTER: Can we ask her to slow
17 down and then maybe get closer to the microphone.

18 CHMN. KATZ: Yeah. I just need you,
19 Professor, to slow down.

20 MS. POST: Slow down.

21 CHMN. KATZ: Just relax and pretend we're
22 having a nice casual conversation.

23 MS. GRINESKI: I'm just not sure which
24 number you're looking for, I guess.

25 MS. POST: That was the number for this

1 application that you just gave, that you said was below
2 the bar code. That is the number for this application.

3 MS. GRINESKI: Right. So the number directly
4 below the bar code is 0000205474.

5 MS. POST: Dash.

6 MEMBER DRAGO: Excuse me. Can we get a page
7 number? I think that might help.

8 MS. POST: Table 7. What page number is that
9 Table 7 on?

10 MEMBER HAMWAY: What exhibit is Table 7 in?

11 CHMN. KATZ: We can probably pull it up. Is
12 it in Exhibit 1?

13 MR. ACKEN: I can't find it, so...

14 MEMBER HAMWAY: There's no Exhibit 1.

15 MEMBER LITTLE: This is Toby Little. I think
16 she may be on Page 9 of Exhibit 1, Table 7, NAAQS
17 Analysis Results. Is that the right one?

18 MS. POST: Elizabeth, is that the right one?

19 MS. GRINESKI: I got muted there
20 accidentally. Yeah, I'm trying to -- I just pasted it
21 into my own notes, so I'm trying to correspond with the
22 big PDF. But yes, that's the name of the table.

23 MEMBER LITTLE: Okay. It's on Page 9 of
24 Exhibit B of the actual CEC application. I'm not sure
25 what PDF page it is.

1 MS. GRINESKI: Thank you.

2 CHMN. KATZ: And I don't know if we want to
3 pull it up on one of our screens. The ninth page is --
4 application for Certificate of Environmental
5 Compatibility, is that what we're looking at? It's
6 Page 9 of Exhibit --

7 MS. POST: Yeah.

8 MR. ACKEN: The first Page 9 of Exhibit B.

9 CHMN. KATZ: Yes.

10 MS. POST: Okay. Are we all on the same page
11 now? We've got the Table 7?

12 MS. GRINESKI: All right. So --

13 MS. POST: Wait. Wait. Wait. Wait.

14 So can we go ahead?

15 CHMN. KATZ: We can go ahead. I just didn't
16 know if we could pull up the exhibit on one of the
17 screens.

18 BY MS. POST:

19 Q. Okay. Elizabeth, go ahead.

20 A. So the table is a really important piece of
21 information since it lays out for us these pollutants
22 of concern, what the modeling shows in terms of how
23 those emissions would increase, that's the modeled
24 concentration column, then the background concentration
25 column, which is the current level of those emissions

1 in the area, and then the total if we were to add the
2 expansion with the current, it gives us the total.

3 And then it also gives us the standard, which
4 is the United States National Air Quality Standard.
5 And I noticed that the annual standard for PM10 and the
6 annual standard for PM2.5 are actually transposed,
7 because 100 is the PM10 annual standard, not the PM2.5
8 annual standard. So I can look at the table and I'm
9 going to assume the rest of the numbers are correct,
10 but I'm not a hundred percent sure because those two
11 are reversed. And I can tell, since I know what those
12 are. But I -- so I guess I just wanted to point that
13 out, because I'm going to be talking about these
14 numbers.

15 I also noticed that it lists the 1-hour
16 NO2 standard as 188, and my review of the EPA web page
17 lists that standard as 100. They say, on January 22nd,
18 2010, EPA strengthened the health-based National
19 Ambient Air Quality Standard, or NAAQS, for NO2. EPA
20 set a 1-hour NO2 standard at a level of a hundred parts
21 per billion.

22 Q. Hang on.

23 CHMN. KATZ: Hold on. I think that if we're
24 trying to pull up the table, I'm looking at it on Page
25 -- it says, "Emissions, technical memorandum." Just

1 bear with us for a minute.

2 MS. POST: Okay. I believe the chart is up
3 on the screen now.

4 CHMN. KATZ: Okay.

5 MS. GRINESKI: Can I see it, just to make
6 sure I'm talking about the same thing that you see?

7 Yes, that's what I'm talking about, I
8 believe. Okay. Great.

9 CHMN. KATZ: Just wanted to make sure we were
10 all on the same page so nobody gets confused.

11 MS. GRINESKI: No, we don't want to be
12 talking past each other for sure.

13 So I don't know -- when I look at the EPA
14 standard it says a hundred, not 188 there, for the
15 1-hour NO2.

16 BY MS. POST:

17 Q. So if these numbers that you said are
18 transposed, and if this EPA number is, in fact, a
19 hundred, that would change a lot of other things in the
20 chart, would it not?

21 A. Yes, because it shows that for NO2 the total
22 concentration that they are predicting would be 130,
23 which would be exceeding the NAAQS locally of a
24 hundred.

25 Q. SRP personnel have testified that these

1 levels are in accordance with national guidelines. Is
2 that accurate?

3 A. I don't know if things are transposed and the
4 table just has errors in it, but based on my knowledge
5 of the NO2 1-hour NAAQS, it is a hundred, and it says
6 here 188.

7 Q. Okay. On to the next question. SRP
8 personnel have testified that these levels that they
9 have testified to in the hearing are in accordance with
10 national guidelines. Is that accurate?

11 A. 12 is the national -- the NAAQS for PM2.5 for
12 the annual standard. It's listed here under PM10, but
13 12 is the correct standard for PM2.5, not for PM10. So
14 12 is the correct number, but it's in the wrong row.
15 Am I answering the question?

16 Q. Are these guidelines -- are these numbers in
17 accordance with the WHO guidelines for air quality, for
18 pollutants?

19 A. No. No. The NAAQS, which is what we call
20 the U.S. standards, are not -- they're at different
21 levels than the World Health Organization. And the
22 World Health Organization recently revised their
23 guidelines in 2021. Their previous guidelines were
24 from 2005. And they took into account, you know, the
25 several -- I guess nearly two decades of research on

1 the health effects of air pollution and they updated
2 their standards to be in line with recent research.

3 So, for example, the World Health
4 Organization new 2021 air quality guideline for annual
5 PM2.5 is 5 micrograms per cubic meter, whereas the
6 NAAQS are 12 micrograms per cubic meter. And we can
7 see in the table that the total for PM2.5 is 8.97, so
8 that --

9 MEMBER DRAGO: Mr. Chairman.

10 CHMN. KATZ: Yes. Hold on just a second.

11 MEMBER DRAGO: She's going way too fast.

12 MS. POST: Okay. Slow down, please. Slow
13 down more.

14 MS. GRINESKI: Okay. I'll slow down more.

15 CHMN. KATZ: We have plenty of time, so just
16 relax and talk at a normal conversational level.

17 MS. GRINESKI: This is my normal pace, but I
18 will most definitely slow down. I'm sorry.

19 CHMN. KATZ: It's okay.

20 MS. GRINESKI: So the World Health -- should
21 I repeat what I just said?

22 BY MS. POST:

23 Q. No, I don't think so. But you were saying
24 the World Health is 5, the NAAQS is 12, and this
25 panel -- or, this chart is 8, correct?

1 A. 8.97.

2 And for PM10 the annual standard from the
3 World Health Organization's Air Quality Guidelines is
4 15, and Table 7 shows us the total being 19.2. So the
5 expansion would put the area above the World Health
6 Organization Air Quality Guidelines which were just
7 released in 2021.

8 It appears from the background column that
9 the World Health Organization PM2.5 standard already is
10 exceeded, the 7.19 versus the standard of 5. So the
11 expansion would lead further -- to further exceedances
12 of the World Health Organization Air Quality
13 Guidelines.

14 Now, the U.S. is governed by the NAAQS,
15 right, but the World Health Organization is another set
16 of guidelines, and they have recently released these
17 new values which are in direct response to emerging
18 information from the academic literature.

19 Q. Thank you. What health ailments are
20 associated with these pollutants and how are African
21 Americans affected by these health ailments?

22 A. So I think COVID-19 has exposed some of this
23 in very stark form in recent -- in the last two years,
24 but there's a host of evidence that show that black
25 Americans suffer disproportionately from a host of

1 health conditions. And many of these health conditions
2 are connected to environmental sources of air
3 pollution, including those associated with natural
4 gas-fired power plants.

5 So in terms of a few specific examples, we
6 can certainly think about asthma. For a lot of us, if
7 we think about air pollution and health, we think about
8 asthma. And certainly there has been evidence
9 accumulating for decades that nitrogen dioxide and fine
10 particulate matter can cause exacerbations of
11 preexisting asthma. It's very well established. And
12 the literature is emerging that suggests that these air
13 pollutants may contribute to new onset asthma, which
14 would be the development of asthma at a specific point
15 in time. So the pollutants can trigger asthma attacks
16 in persons who already have asthma, that's very well
17 established, and then there's emerging evidence that
18 these pollutants may cause someone to develop asthma.
19 From a mechanistic perspective, the air pollutants
20 cause injury to the airways, lead to inflammation, a
21 remodeling of the airways, and increased sensitization
22 in future exposures.

23 Q. Doesn't asthma affect everyone?

24 A. Asthma affects -- I mean, certainly any
25 person could develop asthma. African Americans are

1 disproportionately affected by asthma. The most recent
2 statistics from the Centers for Disease Control report
3 that nonhispanic African Americans were 40 percent more
4 likely to have asthma than nonhispanic white Americans.
5 In 2019, which is the most recent data available,
6 nonhispanic black Americans were three times more
7 likely to die from asthma than the nonhispanic white
8 population. And nonhispanic black children, for
9 example, are five times more likely to be admitted to
10 the hospital for asthma.

11 Q. Slow down again.

12 MEMBER GRINNELL: No, I'm just -- actually,
13 I'm listening to a very boring -- I'm on a statewide
14 Committee and some of this stuff is just arduous. But
15 anyway, go ahead.

16 BY MS. POST:

17 Q. Is air pollution linked to any other health
18 issues?

19 MEMBER GENTLES: Perhaps someone can put
20 Mr. Grinnell on mute, please. Can the control put
21 Mr. Grinnell on mute?

22 CHMN. KATZ: Again, Mr. Grinnell, let's
23 allow this testimony to go forward. Everybody on
24 the Committee will have a chance to question this
25 witness.

1 BY MS. POST:

2 Q. Okay. Back to my next question. Is air
3 pollution linked to any other health issues?

4 A. Yes. It has also been linked to the
5 prevalence of heart disease. And there's evidence in
6 the environmental epidemiological literature that
7 exposure to particulate matter, as well as NO₂, which
8 are key pollutants of concern in this case, are linked
9 to heart disease and cardiovascular disease, increased
10 mortality from those things, and it's well established
11 as well as that African American have higher rates of
12 heart disease than white Americans.

13 We also see similar patterns with birth
14 risks, preterm birth, lower birth weight being
15 associated with fine particulates, or PM_{2.5}, as well as
16 nitrogen dioxide, and then the association with those
17 things also being more common in an African American
18 population.

19 We see similar patterns with respect to
20 COVID. There is emerging literature that COVID, both
21 in terms of the likelihood that one might become
22 infected, as well as the severeness, is affected by
23 exposure to air pollutants, including PM_{2.5} and NO₂.

24 And I think most of us are aware, COVID-19
25 has revealed very stark health disparities in the

1 United States, with African Americans especially being
2 disproportionately affected by COVID-19. In New York
3 City, for example, during that period in 2020 when they
4 were hardest hit place in the United States, the
5 age-adjusted COVID death rates were two times that of
6 whites for African Americans. So it was 220 per
7 hundred thousand for African Americans and 110 per
8 hundred thousand for whites.

9 So the point of this is to illustrate that
10 there are relationships between air pollution and
11 health outcomes, and that these health outcomes
12 disproportionately affect minority communities and
13 African Americans in particular. And while it's not a
14 simple relationship, this is very complicated in terms
15 of how these things are related, they're certainly
16 linked. And so if we think about increasing pollution,
17 we are going to have these disproportionate health
18 effects.

19 And the other thing I would like to say
20 regarding this question is that, with respect to
21 mortality as well, since, you know, these air
22 pollutants are also associated with mortality, with
23 excess mortality, is that -- so meta-analyses of the
24 literature -- so when researches analyze other
25 researchers' studies, they're finding that exposures

1 to, for example, PM2.5 below the NAAQS, right, so at
2 levels that are below those standards, they see the
3 same effect on the relative risk of mortality or
4 possibly a larger effect, suggesting that these
5 pollutants are quite dangerous even at low levels of
6 exposure or if we see a small increase in exposure. So
7 it's not as if you have to be exposed to the most of
8 these pollutants to have a health effect. The health
9 effects are present at low levels, and even at levels
10 below the NAAQS, which is why the World Health
11 Organization dropped their standards.

12 Q. Does stress have any impact on the health
13 impact or the health relationship?

14 A. Yes. And as we think about research that's
15 trying to dig into relationships between environmental
16 exposures and then these health disparities, stress is
17 a key mechanism that researchers are looking at and
18 finding important things. So one of the things to note
19 is that stress can actually increase your
20 susceptibility to the same dose of a pollutant
21 exposure.

22 So, for example, if you're stressed out, the
23 same amount of PM2.5 can cause a greater health effect
24 than if you're not stressed out. And stress increases
25 susceptibility because we tend to absorb the toxins at

1 a greater rate when we're breathing more quickly and
2 sweating and like feeling those physical manifestations
3 of stress. Stress also compromises our immune system,
4 right. Stress can cause us to become sick, which makes
5 our bodies less able to cope with environmental toxins
6 and air pollution. So the stress can actually make the
7 pollutant exposure more damaging.

8 And we know that noise pollution can cause
9 stress, light pollution can cause stress, living under
10 economic stress, right, having a hard time making ends
11 meet can cause stress, experiencing racism can cause
12 stress. And so stress is sort of a key player in this
13 equation.

14 Q. You've mentioned that there are many complex
15 factors. Do we look at just one factor or must we look
16 at the cumulative factors?

17 A. Well, if we want to understand health
18 disparities, then we have to look at a variety of
19 factors, you know, access to health care, socioeconomic
20 resources, indoor environmental conditions, outdoor
21 environmental conditions like air pollution. So to
22 really understand the health of a population in a
23 holistic way, we need to consider all of these factors.

24 Q. How does stress or does stress particularly
25 affect African Americans?

1 A. Yes. There's certainly literature on the
2 stress experienced by African Americans. These direct
3 effects of stress, you know, they could be due to
4 discrimination, racism, social exclusion, financial
5 struggles. Living in disadvantaged neighborhoods or
6 communities can cause stress. And so we all experience
7 stress, but African Americans experience
8 disproportionate stress due to some of the challenges
9 of a black identity in the United States at this time.

10 Q. Is there anything I have not asked you that
11 you would like to add to your testimony?

12 A. No. Thank you.

13 Q. Could you please summarize your conclusions
14 and recommendations?

15 A. Yes. I recommend that the expansion not be
16 granted due to concerns about the increase in air
17 pollution in an already exposed and vulnerable
18 community. We know from the literature at the
19 national, as well as, you know, regional and local
20 studies, that black Americans suffer disproportionately
21 from health conditions that are associated with the air
22 pollutants generated by natural gas-fired power plants.
23 While they're not the only cause of the health
24 disparities, they are a preventable source of increased
25 health risk.

1 Q. Are you sponsoring any exhibits?

2 A. I think -- I have included my CV as an
3 exhibit, as well as a couple academic articles that are
4 connected to my testimony.

5 MS. POST: Those would be 18, 19, and 20, and
6 I would just move again for their admission either now
7 or when you decide to do it.

8 MEMBER LITTLE: May I ask a clarifying
9 question?

10 CHMN. KATZ: Is that Ms. Little?

11 MEMBER LITTLE: Yes, it is.

12 CHMN. KATZ: Yes, you may.

13 MEMBER LITTLE: Could you just give us the
14 numbers -- I was trying to write them down, and I got
15 confused -- the standards, the U.S. standard and the
16 World Health Organization standard, for Table 7? Just
17 maybe give me the columns so I can write them down.

18 MS. GRINESKI: So the -- let's see. Where
19 would it be easiest to start? In the third row where
20 it says a hundred under the -- one, two three, four --
21 under the sixth column, the third row, it says 100.
22 That's actually the PM10 annual standard, not the PM2.5
23 annual standard. And then two cells down there's the
24 12. That's the PM2.5 annual standard, and it's listed
25 under the PM10 section.

1 MEMBER LITTLE: Okay. And it was your
2 understanding that the 188 for NO2 should be 100,
3 correct?

4 MS. GRINESKI: Yes.

5 MEMBER LITTLE: And how about the World
6 Health Organization standards?

7 MS. GRINESKI: Yes. The World Health
8 Organization 2021 Air Quality Guideline for the annual
9 PM2.5 is 5 and the annual PM10 standard for the World
10 Health Organization is 15. And those numbers aren't in
11 the table since they aren't the U.S.
12 regulatory standards. Those were just in my testimony.

13 MEMBER LITTLE: Thank you.

14 MS. POST: Pass the witness for cross.

15 CHMN. KATZ: Again, I will have you review
16 all the exhibits. I will likely admit 18, 19, and 20
17 from the Randolph community.

18 MR. ACKEN: Thank you, Mr. Chairman.

19

20 CROSS-EXAMINATION

21 BY MR. ACKEN:

22 Q. And good afternoon, Professor. Is it
23 Grineski? Am I pronouncing that correctly?

24 A. Grineski.

25 Q. Grineski. I'm sorry. I'm Bert Acken,

1 counsel for Salt River Project. Can you hear me okay?

2 A. I can, yes. Thank you.

3 Q. I want to look at Table 7. And you did
4 identify an error in the table, but let's see if we can
5 clarify that error. Would you agree that the NOx
6 1-hour standard is 188 micrograms per cubic meter --
7 or, the NO2? Excuse me.

8 A. Yeah, what I saw in the EPA page was that it
9 was a hundred parts per billion.

10 Q. I'm asking you about the 1-hour standard.
11 I'm going to ask you about the annual standard next.

12 A. Right. And you're talking about for NO2
13 specifically?

14 Q. Correct. We're going to go one by one. So
15 NO2, the 1-hour standard and the annual standard.

16 A. Yeah, the NO2 -- the only thing in the table
17 is the 1-hour standard, and it's listed as 188
18 micrograms per cubic meter. And what I see at the EPA
19 is that it's a hundred parts per billion.

20 Q. No. I'm not asking my question very well,
21 apparently. Are you familiar with what the NO2
22 1-hour standard is?

23 CHMN. KATZ: Is anybody talking in the
24 background? I don't know why we're getting that
25 feedback.

1 MS. GRINESKI: I can't hear the full
2 question. It's kind of fading in and out.

3 BY MR. ACKEN:

4 Q. Are you familiar with what the 1-hour NO2
5 standard is? Not the annual standard. The
6 1-hour standard for NO2.

7 A. The 1-hour standard is the one in the table.
8 Yes, I'm familiar with it.

9 Q. And is the 1-hour standard for NO2 188
10 micrograms per cubic meter?

11 A. It's 100 parts per billion.

12 Q. Okay. So you believe that is the NO2 1-hour
13 standard. And what do you understand is the NO2
14 annual standard?

15 A. You know, I didn't write down the
16 annual standard in my notes since it wasn't in Table 7.

17 Q. Okay. So you aren't personally familiar with
18 what the NAAQS standard is, the annual NO2 standard?

19 A. No, not off the top of my head.

20 Q. So let's talk about PM2.5 and PM10. Are you
21 familiar with the PM2.5 24-hour standard?

22 A. PM2.5 24-hour standard, yes.

23 Q. And what is that?

24 A. 12.

25 CHMN. KATZ: And again, that's parts per

1 million?

2 MS. GRINESKI: That's the cubic meters,
3 micrograms per cubic meter.

4 CHMN. KATZ: It's particulate matter. Excuse
5 me.

6 MEMBER PALMER: Parts per billion.

7 BY MR. ACKEN:

8 Q. Okay. And the annual standard for PM2.5?

9 A. Okay. So the annual standard for PM2.5 is
10 12.

11 Q. Okay. So follow me, and it's very difficult
12 to do virtually, but let's -- work with me and assume
13 that the line showing the PM2.5 -- the break between
14 PM2.5 and PM10 is incorrect, and that line should
15 really be drawn after the -- it should be the
16 24-hour standard is 35 and the PM2.5 annual standard is
17 12. You would agree with that?

18 A. Yes.

19 Q. And the PM10 24-hour standard is 150?

20 A. Yes.

21 Q. And let's try again with the NOx, because
22 maybe you and I were using different units. There is
23 both a 1-hour -- well, are you aware whether there's
24 both a 1-hour and annual standard for NOx?

25 A. Yes.

1 Q. And what is your understanding as to
2 those standards?

3 A. The 1-hour standard is 100 parts per billion.

4 Q. And does that equate to 188 micrograms per
5 cubic meter?

6 A. I don't know. I wasn't familiar with NOx
7 being assessed in micrograms per cubic meter.

8 Q. Okay. So you can't -- you can't speak to the
9 NOx portion of that table?

10 A. No, just that I was wondering -- because of
11 the transposition of the annual for PM2.5 and PM10, I
12 started wondering if that NO2 row was incorrect as
13 well, I mean, it was supposed to be the hundred that
14 was below. I just wasn't sure, due to that other
15 error, what that was supposed to be.

16 Q. So you're assuming there's a transposition in
17 one column, is that correct, in your analysis?

18 A. In my reflection on the numbers, I actually
19 assumed that your numbers were all correct, just that
20 your 100 and 12 were in the wrong spots.

21 Q. Okay.

22 MS. POST: Excuse me. Bert, you said
23 1-hour standard. Did you mean 24-hour standard?

24 MR. ACKEN: It shows the 1-hour for NOx --
25 for NO2, but thank you.

1 BY MR. ACKEN:

2 Q. Did you get a chance to review the air
3 quality permit application in this -- that SRP has
4 submitted in this to the Pinal County Air Quality
5 District?

6 A. I guess -- I don't know if that is the
7 document I reviewed.

8 Q. You don't recall having reviewed it?

9 A. I reviewed a document. Here, let me just
10 tell you. I guess I'm not familiar with the name. The
11 Certificate of Environmental Compatibility for the
12 Coolidge Expansion Project.

13 Q. Correct. And that's what we're here for
14 today. But are you aware that there's also an air
15 quality permit application that SRP has to submit for
16 this project?

17 A. Yes, I'm aware of it, but no, I have not
18 reviewed it.

19 Q. Okay. Are you familiar with air quality
20 dispersion modeling done in support of an air quality
21 permitting process?

22 A. I'm aware of air quality dispersion modeling
23 just due to my familiarity with the air quality
24 literature, but it's not something I conduct myself.

25 Q. Do you understand that the modeling assumes,

1 as Ms. Watt testified, worst-case maximum emissions
2 from the future facility?

3 A. Yes.

4 Q. And do you understand that EPA establishes
5 the NAAQS to be protective of human health and the
6 environment with an adequate margin of safety?

7 A. My understanding of the literature is that
8 those standards are not doing that at this point in
9 time given the voluminous literature on the health
10 effects, especially of PM2.5, at levels much lower than
11 the NAAQS standard.

12 Q. I think that was not my question. But you
13 understand that's how EPA establishes them, is that
14 correct?

15 A. Yes, I understand that is -- the idea is that
16 is what those standards do. I don't think there's
17 evidence in the literature that those are health
18 protective.

19 Q. And do you understand that EPA periodically
20 reviews those standards?

21 A. Yes, I'm familiar with the data that shows
22 all the different years when those standards are
23 reevaluated.

24 Q. Are you aware that -- I think you refer to
25 World Health Organization guidelines, as you call them.

1 Are you familiar with what the World Health
2 Organization says about air quality generally?

3 A. Do you want me to tell you what that is or...

4 CHMN. KATZ: He was just asking if you were
5 familiar with it, and then he may ask you what it is.

6 BY MR. ACKEN:

7 Q. Are you familiar with it?

8 A. What the World Health Organization says about
9 air quality guidelines? Yes.

10 Q. Are you familiar that the World Health
11 Organization, in 2019, said 99 percent of the world
12 population was living in places where the WHO's air
13 quality guidelines were not being met?

14 A. Yes. At the new standard there are very few
15 places that meet the standard, but that does not mean
16 that the standard itself is not health protective. I
17 mean, the effects of air pollution on our health -- I
18 mean, the evidence for the ways in which it's affecting
19 us and affecting our life span and our health is
20 growing. And so, yes, there are very few places in
21 compliance with the new 2021 World Health
22 Organization standards, that is true.

23 Q. And very few would be less than 1 percent?

24 A. You know, that's a study I don't have off the
25 top of my head, but I have read that there are -- I do

1 know that there are very few places. I can't tell you
2 the exact percentage.

3 Q. I want to ask you about the two studies that
4 you included and have been marked as Randolph Exhibits
5 19 and 20. Do either one of those studies address
6 natural gas emissions associated with an expansion
7 project?

8 A. No. Those two studies specifically provide
9 sort of background information about how air pollution
10 exposures and minority health disparities are
11 connected. They focus on air pollutants in general,
12 although they do touch on the pollutants mentioned
13 here. But neither study is explicitly focused on
14 natural gas, no.

15 Q. And do either one of those studies address
16 air quality in Pinal County and Randolph specifically?

17 A. No.

18 Q. You testified about the stressors that
19 individuals can face and how that affects their health,
20 is that correct?

21 A. Yes.

22 Q. And would you agree that there are a
23 number of ways to reduce stressors for an individual?

24 A. Yes.

25 Q. And would you agree that improving the

1 quality of life for -- in a community would be one way
2 to reduce stressors?

3 A. I'm just going to restate. Would improving
4 the quality of life in a community --

5 Q. Let me give you an example so it's not so
6 vague. What about installing screens to screen off
7 industrial uses from a residential area, would that
8 potentially reduce stress?

9 A. If the stress is caused by the visibility of
10 the plant, it could. If the stress was caused by the
11 noise or the odor, then it would not.

12 Q. Okay. So if there were mitigation measures
13 to address noise and odors with whatever that stressor
14 may be, that could be an effective tool to reduce that
15 stress?

16 A. Yes. Although, I think what I was meaning
17 when I was speaking about stress, while it connects and
18 I did mention environmental stress, the idea is that
19 the stress that people experience in their daily lives
20 that might have absolutely nothing to do with their
21 proximity to an industrial facility is going to make
22 that individual more vulnerable to the health effects
23 of the pollution. So while we could do whatever we can
24 to reduce the stress from the environmental facility,
25 it's not going to solve that fundamental issue that

1 stress makes us more vulnerable to the health effects
2 of air pollution. So the same dose of pollutant can
3 give us a bigger health effect when our bodies are
4 under stress.

5 Q. And so -- but reducing stress is a benefit?

6 A. Reducing stress would -- in this specific
7 case would not make us extra sensitive to the effects
8 of air pollution on health.

9 MR. ACKEN: All right. Nothing further.
10 Thank you.

11 CHMN. KATZ: We have several -- a couple more
12 parties, so please bear with us.

13 Mr. Rich, do you have any questions of this
14 witness?

15 MR. RICH: I do not have any questions.
16 Thank you.

17 CHMN. KATZ: Mr. Stafford.

18 MR. STAFFORD: No questions, Mr. Chair.
19 Thank you.

20 CHMN. KATZ: And Ms. Ust.

21 MS. UST: Nothing from Staff. Thank you.

22 CHMN. KATZ: Ms. Post, do you have any
23 follow-up redirect examination?

24 MS. POST: No.

25 CHMN. KATZ: Thank you very much, Professor,

1 for being with us.

2 MEMBER HAMWAY: I'd like a question.

3 CHMN. KATZ: Oh, sure. I apologize to the
4 Committee. And Ms. Hamway, if you have any questions
5 and any other Members of the Committee have any
6 questions, you'll be free to ask them.

7 MEMBER HAMWAY: Yes, this is probably
8 directed to Ms. Post. But in your conversation with
9 the residents of Randolph, have any specific health
10 issues come to the forefront? I mean, have you done
11 any research on saying, X number of people suffer from
12 X ailments?

13 MS. POST: The two resident -- residents who
14 are going to testify tomorrow will speak to that.

15 MEMBER HAMWAY: Okay. And then one other
16 question for Ms. Grineski. We were out at the site
17 yesterday, and I will admit the air quality, it was
18 hazy, but it was dust. It was from all the
19 agriculture. It was from the lack of paved roads. It
20 was a lack of vegetation. And so do you separate out
21 that kind of -- I mean, I know that's a particulate
22 matter, but I'm just talking about dust. So how do you
23 -- how does that fit into all of this?

24 MS. GRINESKI: Sure. And having lived in
25 Arizona myself, I totally understand the dust issue

1 with the desert and the heat. And, I mean, for me, as
2 I think about your question, the answer for me is that,
3 yes, those things all contribute to particulate matter
4 as well. Some of those things are harder to control,
5 especially, you know, when the desert crust is just
6 blowing around. So if we can make a purposive choice
7 not to add additional particulate matter to the air, we
8 would make that choice from a health
9 protective standpoint. So it's one more thing, the
10 expansion is one more thing. So if we can control
11 that, we're doing something to address those potential
12 health risks.

13 MEMBER HAMWAY: But don't you think paving
14 the roads would go a long way for those residents in
15 Randolph? It would cut down on the dust immensely.

16 MS. GRINESKI: Yeah, road paving is certainly
17 one way to reduce -- reduce the dust generated from
18 unpaved roads.

19 MEMBER HAMWAY: Thank you.

20 CHMN. KATZ: Any other Committee Members have
21 any questions? Mr. Riggins.

22 MEMBER RIGGINS: Mr. Chairman.

23 CHMN. KATZ: Go ahead.

24 MEMBER RIGGINS: Real quick, not so much a
25 question. Just thank you to Dr. Grineski for your

1 testimony and for your insight and review of the CEC.
2 It was very helpful. I think it was -- I had touched
3 on it earlier about a Health Impact Analysis. I think
4 this is exactly what I was looking for, and I think
5 what was expressed by many of the members of the public
6 who spoke on Monday, what they were looking for as far
7 as a comprehensive health impact not only to their
8 community, but surrounding communities as well. So I
9 just wanted to thank you for your testimony.

10 CHMN. KATZ: Any questions, comments from any
11 of our Committee?

12 MEMBER GRINNELL: Mr. Chairman.

13 CHMN. KATZ: Yes, sir.

14 MEMBER GRINNELL: I realize this is probably
15 outside your purview, but do you have any medical
16 information prior to the original plant, current plant,
17 and now to, I guess, make the -- your concerns
18 regarding this community, where this would be so much
19 more significant impact, negative impact to their
20 health?

21 MS. GRINESKI: Yes, that would be important
22 to know. I don't have access to those health data, so
23 I can't speak to that question directly. I will say,
24 though, that it's worth noting that it can be very
25 difficult to assess how an environmental polluter

1 affects the health in a small community because with
2 statistical significance, which is usually the way in
3 which we assess effects, it can be tricky. So health
4 studies in small communities are very challenging.
5 They're still worth conducting, and people certainly do
6 those and it's important information, but I do think in
7 this case like referencing larger-scale studies is
8 important just to sort of connect into broader
9 population level patterns.

10 MEMBER GRINNELL: Yeah, but you're talking
11 about a much broader population versus this isolated --
12 you know, the health and concern of the citizens is
13 absolutely paramount, but I'm just trying to see if
14 there was any quantifiable information that you were
15 able to review that allowed you to import this general
16 overall opinion and are you able to do that without
17 having appropriate medical information?

18 MS. GRINESKI: I do not have access to
19 medical records from the residents, no.

20 MEMBER GRINNELL: Fair enough. Thank you.

21 CHMN. KATZ: Anyone else? Ms. Post, do you
22 have anything further?

23 MS. POST: Yes.

24 ///

25 ///

1 REDIRECT EXAMINATION

2 BY MS. POST:

3 Q. Sara, when you have a study based on a large
4 number of people, is it then fair to extrapolate that
5 information to a smaller number of people?

6 A. Yes. And I think that's why -- I mean, the
7 literature on these topics, for example, PM2.5 and
8 health, I mean, people have been doing these studies
9 for decades. And the study that I referenced earlier
10 where they do this meta-analysis -- so they take
11 studies that are done in different places on different
12 populations and they statistically analyze the results.
13 And they come up with these parameters that they
14 believe are very generalizable across a place because
15 they analyze so many settings at once. And they find
16 that there's so much convergence around these findings
17 that, for example, we really start to understand that
18 pollutants at these levels cause these health effects.

19 So I most definitely believe that studies
20 like that would be likely reflective of the experiences
21 of people in this community, but of course I can't
22 prove that. But that is definitely the way research
23 works, where we do these studies, we make
24 generalizations, and that's how NAAQS are determined,
25 how World Health Organization standards are determined,

1 et cetera.

2 CHMN. KATZ: May the witness be excused?

3 MS. POST: She may.

4 CHMN. KATZ: Thank you very much, Professor.

5 Have a great rest of the day.

6 MS. GRINESKI: Thank you.

7 MS. POST: Do you want to go straight to the
8 next witness or take a break now?

9 CHMN. KATZ: I think we can go straight to
10 the next witness. We can go for at least another half
11 an hour up to even an hour. It's about 2:00, and we
12 started at about, I think, just a little bit past 1:00.

13 MS. POST: Okay. Our next witness is Tim
14 Collins, and I believe he wants to be affirmed.

15 CHMN. KATZ: Okay. Just give me a second.

16 Good afternoon, Mr. Collins.

17 MR. COLLINS: Good afternoon.

18 CHMN. KATZ: And if you wish an affirmation,
19 that's fine with me. I just ask you to raise your
20 right hand, if you would, please.

21 (Timothy William Collins was duly affirmed by
22 the Chairman.)

23 CHMN. KATZ: Thank you very much.

24 Ms. Post, you may begin.

25 ///

1 TIMOTHY WILLIAM COLLINS,
2 called as a witness on behalf of the Randolph
3 Residents, having been previously affirmed by the
4 Chairman to speak the truth and nothing but the truth,
5 was examined and testified as follows:

6

7

DIRECT EXAMINATION

8 BY MS. POST:

9 Q. Please state your name and business address.

10 A. My name is Timothy William Collins. My
11 business address is 260 South Campus Drive, Room 4625,
12 Salt Lake City, Utah 84112.

13 Q. By whom are you employed and in what
14 capacity?

15 A. I'm employed by the University of Utah and
16 I'm a professor of geography and environmental and
17 sustainability studies and I also co-direct the Center
18 for Natural and Technological Hazards at the University
19 of Utah.

20 Q. Can you give us a summary of your
21 professional education and experience?

22 A. Yeah. I received my Ph.D. from Arizona State
23 University in 2005. I conduct research in the areas of
24 environmental justice, vulnerability to hazards and
25 disasters, and I also do some work on environmental

1 health and health disparities. And I've been a
2 professor since 2006. I'm currently at the University
3 of Utah.

4 Q. What is the purpose of your testimony?

5 A. So I'm going to provide -- based on my
6 expertise, I'm going to provide an overview of this
7 area called environmental justice, and I'll also
8 provide a little focus on this topic of environmental
9 racism. I'll then review patterns of disparate
10 exposures to pollution for black Americans, it's a very
11 general overview, in the United States context. And
12 then I'll focus specifically on disparities in exposure
13 to the pollutants of concern in this case at the United
14 States level.

15 Q. What is the definition of environmental
16 justice?

17 A. I refer to the United States Environment
18 Protection Agency for this definition. And it's,
19 "Environmental justice is the fair treatment and
20 meaningful involvement of all people, regardless of
21 race, color, national origin, or income, with respect
22 to the development, implementation, and enforcement of
23 environmental laws, regulations, and policies. This
24 goal will be achieved when everyone enjoys the same
25 degree of protection from environmental and health

1 hazards and equal access to the decision making process
2 to have a healthy environment in which to live, learn,
3 and work."

4 Q. Is environmental justice only an academic
5 exercise?

6 A. No. And actually, you know, it's
7 interesting -- it's an interesting field. This
8 actually originated as a social movement. And so many
9 people who are scholars and study the environmental
10 justice movement trace the advent of that movement to
11 1982 in Warren County, North Carolina in which a
12 predominantly black community was targeted to host a
13 landfill containing polychlorinated biphenyls, highly
14 toxic soil, which had been illegally dumped across
15 roads in North Carolina.

16 And so residents of Warren County mobilized
17 and they protested the siting of the landfill. They
18 had support from key political and religious figures,
19 including civil rights activists, and they put up a lot
20 of resistance, nonviolent resistance. Ultimately, the
21 landfill was placed in Warren County. But I think all
22 of these events contributed to the recognition more
23 broadly that racism in the United States isn't only
24 something that manifests in terms of access to jobs or
25 housing, that it also can affect the environments in

1 which different groups of people live in unequal ways.
2 And so, yeah, that's really -- a lot of people trace
3 the advent of the movement to that.

4 It is also an interdisciplinary area of
5 research in which people, many of whom are in
6 universities, basically objectively assess claims of
7 activists. And in many cases, a lot of the work over
8 the years has -- you know, while there have been some
9 studies that have invalidated the claims of activists,
10 many studies have sort of backed up some of the claims
11 of disproportionate exposure to pollution among
12 racial-ethnic minority communities in the United
13 States.

14 Q. Then how is -- and you've sort of answered
15 this. How is environmental justice related to
16 environmental racism?

17 A. Well, as you know -- like I mentioned, the
18 advent of the movement really traces to a case in which
19 there were strong perceptions of race playing a role in
20 the location of a toxic landfill. And Robert Bullard
21 is a pioneer in the field of environmental justice
22 research, and he actually defined this idea of
23 environmental racism as any policy, practice, or
24 directive that differentially affects or disadvantages,
25 whether that's intended or unintended, individuals,

1 groups, or communities based on race.

2 And so the way I tend to view it is that
3 environmental justice is more of an ideal where we seek
4 equal protection. Environmental injustice occurs when
5 particular groups of people, based on their
6 characteristics or identities, are disproportionately
7 exposed to environmental health hazards. The concept
8 of environmental racism focuses then specifically on
9 this dimension of race and racism.

10 Other people have studied environmental
11 justice and focused on things like social class,
12 income, other sorts of inequalities that exist in the
13 country that may also shape opportunities and
14 environmental conditions.

15 Q. What does the environmental research reveal
16 about pollution and the impact on black communities?

17 A. Yeah. I mean, in a nutshell, studies have
18 consistently documented disparate exposures to
19 pollution among black communities in the United States,
20 and I could go through a few early studies.

21 So the earliest study that I'm familiar with
22 that would be called a distributional environmental
23 justice study where we're quantitatively trying to
24 examine whether particular groups of people, based on
25 their location of residence, experience

1 disproportionate exposure to hazards -- the earliest
2 study that really looked at that was following the
3 conflict over the siting of that landfill in Warren
4 County, North Carolina.

5 The United States federal government
6 requested an analysis of the correlation between the
7 siting of toxic waste facilities and the racial and
8 sociodemographic makeup of the surrounding communities,
9 and findings from an analysis showed that there were
10 disproportionately high percentages of black residents
11 specifically living in the same ZIP codes as landfills
12 in the southeastern United States. And so that was a
13 really early study.

14 And soon thereafter, a study was conducted
15 that examined demographic characteristics of
16 communities at risk to commercial hazardous waste
17 facilities at the ZIP code level across the entire
18 United States. And that study released findings in
19 1987 that indicated that increased composition of
20 people of color in ZIP codes was the most significant
21 predictor of the location of commercial waste
22 facilities nationwide, and black Americans in
23 particular were found to bear the most disparate
24 exposures among people of color in that study.

25 The same authors who wrote that study, that

1 was in 1987 it was released, sort of a landmark study,
2 released another study 20 years later, a follow-up in
3 2007, where they basically found those same patterns
4 had continued to exist 20 years later.

5 And so there have been subsequent technical
6 and analytical advances in studies of distributional
7 environmental justice, hundreds of which have been
8 conducted in the United States, many at the national
9 level and many more within specific localities in the
10 United States, and the vast majority of those
11 subsequent studies documented a similar pattern of
12 disparate exposures to health-harming pollution among
13 black Americans.

14 Q. In this particular application, which
15 pollutants particularly impact black communities?

16 A. Well, I believe Dr. Grineski and everyone
17 were focused on a table in there. And so there have
18 been studies that have focused on those specific
19 pollutants that are expected to have some sort of
20 significant predicted impacts as a result of this
21 application. That includes PM2.5, PM10, and nitrogen
22 dioxide, and so there have been studies conducted of
23 those.

24 Just by coincidence, I was working on a paper
25 that was focused on PM2.5, so I recently conducted a

1 comprehensive review of these environmental
2 justice-type studies that have focused on racial-ethnic
3 disparities in exposure specifically to PM2.5 in the
4 United States, and that review led to the following
5 conclusions for me.

6 Despite examining different study extents and
7 applying various statistical analysis techniques, each
8 of the 29 studies that I was able to find focused on
9 PM2.5 found disparities in exposure based on people of
10 color status. And when I refer to "people of color,"
11 I'm talking about people of any nonwhite race or people
12 who are of Hispanic, Latino ethnicity. And many of
13 those studies actually focused on particular people of
14 color groups. So specifically, all of the studies
15 examining nonhispanic black or African American status,
16 and that's 22 of the 29 studies, found it was
17 associated with disproportionately high PM2.5 exposure,
18 right.

19 And there have been studies -- I mean, one
20 thing that's important to note is that nationally PM2.5
21 pollution has declined substantially over the past
22 several decades. And so four recent national level
23 studies that have looked at PM2.5, changes in PM2.5, as
24 well as disparities based on race ethnicity in PM2.5
25 exposure, have found that while absolute levels of

1 PM2.5 have declined over several decades, those same
2 disparities that were documented in the early
3 environmental justice studies, whereby black people
4 experienced higher exposure relative to the general
5 population than white people in particular, have
6 persisted or even increased across the decades to the
7 present day, right.

8 And so the same pattern of disproportionate
9 exposure for black Americans applies to the studies of
10 PM10 and nitrogen dioxide that I have been able to find
11 as well.

12 And I could focus -- there's four studies in
13 particular that have been published in some of the most
14 prestigious scientific journals that have illustrated
15 patterns of disparities for black Americans in terms of
16 their exposures to PM2.5, PM10, and nitrogen dioxide.
17 I think I submitted four of those articles as exhibits,
18 and I could go through just briefly and sort of
19 describe those findings, if that's possible.

20 Q. Yes, please. Would you please briefly
21 describe each one? And these are Exhibits 14, 15, 16,
22 and 17 and 18? No. There's four. 14, 15, 16, and 17,
23 correct?

24 A. I believe so. So the first one is one of the
25 only studies I've been able to find that actually

1 examines all three of those pollutants, PM2.5, nitrogen
2 dioxide, and PM10, and it examines it nationwide. It
3 was recently published in 2021 in a journal called
4 Environmental Health Perspectives. It's called
5 Disparities in Air Pollution Exposure in the United
6 States by Race-Ethnicity and Income, 1990 to 2010.

7 And what they did in this analysis, it's a
8 fairly simple analysis approach, they basically
9 calculated the mean exposures for the average based on
10 the location of residence for people nationwide, as
11 well as estimates of exposure to the air pollution
12 concentrations for these three pollutants. They
13 estimated sort of the average exposure for a black
14 American versus a white American. They also focused on
15 Hispanic, Latino, and other groups as well, but I'm
16 just making comparisons here between black and white
17 populations.

18 They found that for mean PM2.5 concentration,
19 the average black exposure was to 10 micrograms per
20 meter cubed, whereas for whites it was 9.1 micrograms
21 per meter cubed. In terms of the mean nitrogen dioxide
22 concentration for blacks, 9.7 parts per billion, whites
23 7.2 parts per billion. For the mean PM10
24 concentration, 19 micrograms per meter cubed for the
25 black population, 18 micrograms per meter cubed for the

1 white population.

2 In that study they also focused on
3 state-level analyses of exposure disparities. And for
4 each of the three pollutants, the black versus state
5 average disparity and exposure was notably large in
6 Arizona. There's a -- Figure 4 in there depicts that
7 pattern. But Arizona is a state where you have the
8 black population really experiencing notably disparate
9 exposures relative to the state average, okay.

10 The most exposed group in this study overall
11 across U.S. states and each of the pollutants examined
12 was the nonhispanic black group. And while those
13 disparities in exposures to PM2.5 and PM10 were marked,
14 there were clear disparities, the nitrogen dioxide
15 exposure disparities were found to be the most
16 pronounced in that study, okay.

17 The second study -- and what's interesting
18 with these environmental justice studies is they keep
19 -- people are taking these more and more seriously, it
20 seems. Prior to a few years ago, people were not
21 publishing these in journals of science and nature or
22 seeing these in the National Academies of Sciences, and
23 now they are. People are taking this quite seriously
24 nationally, which is interesting to see.

25 A second study I'll focus on here was

1 published in Nature in 2022, and it's called Air
2 Pollution Exposure Disparities Across the U.S.
3 Population and Income Groups. And in a nutshell, that
4 study found that the average PM2.5 concentration for
5 the black population was nearly 14 percent higher than
6 that of the white population nationwide.

7 And again, I'm just trying to lay out the
8 national context for this discussion of environmental
9 inequality in exposure to the pollutants of concern
10 here, okay.

11 The next study I'll focus on here focuses
12 specifically on -- it was published in 2021. It really
13 broke down exposure to PM2.5 specifically in terms of
14 different sources of PM2.5. And what the study found
15 is that the average PM2.5 exposure from all domestic
16 human-caused sources was 6.5 micrograms per meter cubed
17 in the contiguous United States. For the black
18 population, though, it was 7.9 micrograms per meter
19 cubed. For whites, 5.9 micrograms per meter cubed.

20 Emission sources that disproportionately
21 exposed black people to PM2.5 were pervasive throughout
22 society. What they basically concluded is that it's
23 not one specific economic sector that is driving the
24 disparities that black people experience. It's nearly
25 every sector in our economy and in our industrial

1 society that leads to disparate exposures for black
2 Americans.

3 The final one I think is particularly
4 relevant to this case. And again, it's a national
5 context. It doesn't focus specifically on Randolph.
6 It's a national-level study. But I think it's relevant
7 to this case because what I've understood about this
8 case, this application, is that the benefits of the
9 expansion of the facility would largely serve the
10 Phoenix metro area, not the community of Randolph in
11 particular.

12 And so the study I'm going to focus on now is
13 called Inequity in Consumption of Goods and Services
14 Adds to Racial-Ethnic Disparities in Air Pollution
15 Exposure. And basically, this study linked PM2.5
16 exposure to the various human activities that are
17 responsible for PM2.5 pollution, and they use the
18 results to examine pollution inequities defined as the
19 difference between the environmental health damage
20 caused by a racial-ethnic group through their
21 consumption patterns and the damage that that group
22 experiences in terms of their exposure to PM2.5
23 pollution where they live, right.

24 And the results showed that in the United
25 States PM2.5 exposure is disproportionately caused by

1 consumption of goods and services mainly by nonhispanic
2 white people, but disproportionately inhaled by black
3 people, as well as other people of color. And what
4 they summarize is that nonhispanic whites experience a
5 pollution privilege. They experience 17 percent less
6 air pollution exposure than what is caused by their
7 consumption. In contrast, black Americans bear a
8 pollution burden of 56 percent excess PM2.5 exposure
9 relative to the exposure caused by their consumption.
10 And so that's -- yeah, that's the other case I wanted
11 to focus on.

12 Q. In addition to these studies that you've
13 already told us about, you participated in a study
14 regarding noise pollution and light pollution. Can you
15 tell us about first the light pollution study and then
16 after the noise pollution study?

17 A. Yeah. So my research team has conducted a
18 few studies. And actually, each of those studies
19 showed that black Americans, or African Americans,
20 experience disparate exposures to light pollution and
21 noise pollution nationwide in the United States. And I
22 do understand that those are concerns of the community.

23 The light pollution analysis was led by a
24 student of mine who was a graduate student, and she
25 basically used remotely-sensed imagery for nighttime

1 lights and derived basically measures of light
2 pollution from that information and then assessed,
3 using data at the census tract level, assessed how the
4 composition of people from various racial-ethnic groups
5 associated with the light pollution outcome. And what
6 she found is that the black -- increasing composition
7 of black or African American residents in census tracts
8 nationwide is associated with increasing light
9 pollution in their neighborhoods.

10 We found something similar with noise. The
11 noise data we obtained from the U.S. government, I
12 believe it's the United States Department of
13 Transportation. They have something called the
14 National Transportation Noise Map. And so one thing --
15 one caveat with that study is we focused specifically
16 on road noise and aviation noise, rather than
17 industrial noise, which I think may be the concern in
18 this case of this community. But the underlying point
19 is that with those transportation noise sources you
20 have those disparities as well that the black African
21 American community confronts in the United States.

22 Q. What was the impact of the light pollution on
23 the African American communities?

24 A. Well, so I did not examine the health effects
25 of that light pollution. But there is a whole body of

1 research -- similar to the air pollution epidemiology
2 studies that Dr. Grineski covered, there are
3 epidemiological studies of exposure to nighttime light.
4 And those studies find that they affect the circadian
5 rhythms of people in ways that lead to worse sleep, but
6 also create hormonal imbalances within people that lead
7 to excess cases of cancer and other maladies that
8 basically lead to morbidity and mortality in people.

9 The same has been found for noise. Noise has
10 pretty profound health impacts that are well documented
11 in the epidemiological literature.

12 Q. Is there anything else you would like to add
13 to your testimony?

14 A. You know, the one thing I reflected on after
15 I sort of thought about my testimony is that I do want
16 to make the point that it isn't just black African
17 American communities that experience disparate
18 exposures to these pollutants. Many of those same
19 studies I referenced also note the increased exposures
20 in Hispanic and Latino community -- among Hispanic and
21 Latino people to these same pollutants. So I know that
22 Randolph has -- is historically black, but also today
23 has a pretty high composition of Hispanic and Latino
24 people, and I think that's worth pointing out as well.

25 Q. Could you summarize your conclusions and

1 recommendations?

2 A. Yeah. I mean, if I step back and reflect on
3 what I understand about this case in the context of
4 environmental justice in the United States, the way I
5 view it is that this proposed project would reproduce a
6 pattern of environmental inequality that's been well
7 documented in the environmental justice research
8 literature. And given the historic and current social
9 characteristics of the community of Randolph, the clear
10 increases in pollution that the proposal highlights
11 that are attributable to the expansion and the lack of
12 any tangible benefits to the community, I tend to sort
13 of view this as a case of environmental injustice if
14 this expansion went through.

15 MS. POST: Just for clarity, I'd like to make
16 sure to move for admission of Exhibits 13 through 17
17 and pass the witness for cross.

18 MR. ACKEN: I'm going to object to the
19 admission of those, and I think we should wait for
20 cross.

21 CHMN. KATZ: I'll wait until after
22 cross-examination and rule on that, but I will ask one
23 question.

24 Are the four studies that you made reference
25 to, Dr. Collins, studies that are relied upon regularly

1 by people in your profession?

2 MR. COLLINS: Oh, yes. Yeah. And they're
3 highly cited studies. I mean, a few of them are very
4 recent, 2022.

5 CHMN. KATZ: And have you relied upon --

6 MR. COLLINS: It just got published, you
7 know, recently. But the studies that I -- yeah, those
8 studies are in some of the highest-tier journals you
9 could publish any research in. There are no fringe
10 outlets.

11 CHMN. KATZ: And did you rely upon these four
12 studies in formulating your opinions in this case?

13 MR. COLLINS: I did, I reflected on those. I
14 reflected on them specifically because they addressed
15 some of the pollutants of concern in this case.

16 CHMN. KATZ: And I'll rule on --

17 MR. COLLINS: There are many other studies
18 out there -- there are many other studies out there
19 that document similar patterns, but those many other
20 studies don't necessarily focus on these particular
21 pollutants.

22 CHMN. KATZ: And again, I'll hold off on
23 ruling on the admission of these four documents. And
24 the other one is, what, the resume of this -- or,
25 curriculum vitae of the witness?

1 MS. POST: Right.

2 CHMN. KATZ: Exhibit 13?

3 MS. POST: Correct.

4 CHMN. KATZ: Okay. I'll go through
5 cross-examination, and we'll either deal with the
6 exhibit issue when we're done with cross and redirect
7 or I'll deal with it later.

8 But that all being said, why don't we go
9 ahead. Are you going to begin in the same order down
10 the table as before?

11 MR. ACKEN: Thank you, Chairman.

12

13 CROSS-EXAMINATION

14 BY MR. ACKEN:

15 Q. Good afternoon, Professor Collins. Can you
16 hear me okay?

17 A. Yes, I can.

18 Q. I'm Bert Acken, counsel for Salt River
19 Project in this proceeding.

20 I want to take a step back and understand
21 what documents you reviewed related to this project
22 before the Committee. Did you --

23 A. I actually -- I reviewed the application that
24 you discussed with Dr. Grineski.

25 Q. And the application you were referring to is

1 the Certificate of Environmental Compatibility
2 application?

3 A. Yes.

4 Q. Did you review the air quality permit
5 application?

6 A. Yeah, I reviewed the air quality -- the
7 material in that document pertaining to the air
8 pollutants that we just discussed and that Dr. Grineski
9 discussed. I did not review a separate air permit
10 application.

11 Q. Thank you. And so in your review of the CEC
12 application, you understand there were analyses done,
13 site-specific analyses, with respect to light pollution
14 and noise pollution?

15 A. I didn't see the light pollution and noise
16 pollution elements in the CEC. I focused specifically
17 on the air quality one. So I did not see the air --
18 the light and noise elements.

19 Q. And light is probably -- I should be more
20 precise -- the visual resources analysis?

21 A. Oh, yeah. No, I didn't put that together.
22 No.

23 Q. And just to clarify, you did not review the
24 noise study in Exhibit I?

25 A. I did not.

1 Q. What specific studies did you conduct in
2 Randolph?

3 A. I've never conducted research on the ground
4 in Randolph.

5 Q. Okay. And so all of your testimony -- none
6 of your testimony is based on site-specific studies of
7 the Randolph community?

8 A. The national studies that I reviewed include
9 Randolph, the census data and the air pollution
10 measures include this community, but they're not
11 focused specifically on Randolph as one -- as a single
12 study extent, if that makes sense.

13 Q. We'll go through it, and maybe you can help
14 me understand it. Let's start with what's been marked
15 as Randolph Exhibit 14. And this is the study of air
16 quality from 1990 to 2010. Do you have that in front
17 of you?

18 A. I don't, but I know the one you're talking
19 about.

20 Q. Can you point me to where it references or
21 incorporates the Randolph community?

22 A. It would be under Arizona. It would be
23 included within the United States and then the state of
24 Arizona. That's where Randolph is.

25 Q. No, I understand that. But so you're looking

1 at it on an Arizona basis, not a Randolph basis?

2 A. Yeah. No, you're going to be hard pressed to
3 find many studies that focus specifically on Randolph
4 in the peer-reviewed scientific literature.

5 Q. So the only studies that this Committee has
6 to rely on are the studies done --

7 A. Nationally that include Randolph, that
8 include Arizona and Pinal County as part of the study
9 extent.

10 Q. I'm sorry. We were talking over each other,
11 and maybe that's due to the lag. So is it your
12 testimony that you're not aware of any studies that
13 address Randolph specifically?

14 A. I'm not aware of an environmental justice
15 study that focuses only on the community of Randolph.

16 Q. Okay. Thank you. Next question for you in
17 14. You testified that overall pollution was declining
18 between 1990 and 2010, is that correct?

19 A. Particulate matter specifically, yeah. There
20 have been declines in particulate matter, yeah,
21 nationally.

22 Q. But I believe you said that you didn't see a
23 consistent decrease for -- or, how did you phrase it?
24 It was --

25 A. I think you're talking about the absolute

1 disparity versus relative disparity.

2 Q. The relative. The relative disparity.

3 A. Yes. Yes. So what several papers who have
4 looked at this issue longitudinally across several
5 decades have found is that you've had generally
6 declining PM2.5 concentrations nationally. And with
7 that, you see sort of a -- because there's such a
8 marked decline occurring generally in PM2.5
9 concentrations, the difference -- the absolute
10 difference, in terms of the micrograms per meter cubed
11 concentration that the average black person versus
12 white person is exposed to, that absolute gap has
13 declined, but the relative difference in exposures, in
14 terms of the proportional increase that the average
15 black American experiences relative to a white
16 American, those remained the same or increased. The
17 Jbaily study, 2022, in Nature, documented actually an
18 increased relative disparity between black Americans
19 and white Americans.

20 Q. Okay. But the disparity as an absolute
21 number has decreased?

22 A. Yeah. Yeah. By nature of just the absolute
23 decline in PM2.5 levels, yes.

24 Q. And does this study, I'm still referring to
25 Randolph 14, specifically address impacts associated

1 with a natural gas expansion?

2 A. I don't believe so, no. They're modeling
3 PM2.5 concentrations generally, so it's all source. It
4 it's not source-specific.

5 Q. Next, I want to turn your attention to 15.
6 And this is the one entitled PM2.5 Polluters
7 Disproportionately and Systemically Affect People of
8 Color in the United States. Are you familiar with
9 that?

10 A. Yes.

11 Q. Are you familiar with the attainment status
12 of the area in which the expansion project is located?

13 A. With regard to which pollutants?

14 Q. PM2.5.

15 A. My understanding is that it's in attainment,
16 Pinal County.

17 Q. And your understanding is correct. Thank
18 you.

19 On Page 3 in the discussion -- since you
20 don't have it in front of you, I'm going to read it to
21 you. It says, "First, we use emission amounts and
22 locations, reduced complexity air quality modeling, and
23 population counts that all contain previously
24 quantified uncertainty." Did you hear that?

25 A. Yes.

1 MS. POST: Could you tell me where on Page 3
2 you're reading?

3 MR. ACKEN: Oh, sure. This is Page 3 in the
4 first paragraph under "Discussion" after it says --

5 MS. POST: Got it.

6 MR. ACKEN: -- "Our results come with
7 caveats."

8 MS. POST: Got it.

9 BY MR. ACKEN:

10 Q. So what reduced complexity air quality
11 modeling are they relying on?

12 A. I don't have it in front of me right now.
13 Yeah, I don't have the paper in front of me right now.
14 I'm not certain. I haven't memorized all the methods
15 employed in each of these studies.

16 Q. Okay. So you can't speak to the reduced
17 complexity air quality modeling used in this study?

18 A. No, not right now. I could probably review
19 it and speak to it, but -- yeah.

20 Q. That's okay. All right. Next, we're going
21 to -- oh, before I leave that, where can I find in that
22 study where it addresses the impacts associated with a
23 natural gas expansion project?

24 A. I believe there is a category reviewed in
25 there that focuses on like electric generation, but I

1 don't see anything in there that's -- I don't believe
2 there's a natural gas focus in that paper.

3 Q. Okay. So not only is there not a natural gas
4 expansion focus, there's not a natural gas focus
5 period?

6 A. Oh, I don't know if that's true. I don't
7 believe that's true at all. I think it's subsumed
8 under another category and not possible to actually
9 disaggregate given what's presented in the paper.

10 Q. Okay. So it does not -- you can't -- I can't
11 pull out of this study where it discusses natural gas
12 expansions?

13 A. Yeah. No, you'd probably -- yeah, it's going
14 to be hard to find that in any paper. Yep.

15 Q. Okay. Let's talk about 16. This is Air
16 Pollution Exposure Disparities. And this one -- let me
17 make sure I'm on the right one.

18 CHMN. KATZ: That's Air Pollution Exposure
19 Disparities Across U.S. Populations and Income Groups.

20 MR. ACKEN: Bear with me. I just found out
21 he was testifying this morning.

22 BY MR. ACKEN:

23 Q. Okay. So on 16 I have a couple questions,
24 and they'll be familiar to you. Starting off, where
25 does this study address impacts associated with natural

1 gas expansion projects?

2 A. The focus isn't on natural gas expansion
3 projects in Randolph.

4 Q. And I'd like to turn your attention to Page 3
5 of that study where it talks -- and the heading is
6 Disparities Among Racial and Ethnic Groups.

7 A. Can you repeat that?

8 Q. The heading is -- Disparities Among
9 Racial/Ethnic Groups is the heading on Page 3.

10 CHMN. KATZ: And it's Page 230 of --

11 MS. POST: It's Page 2.

12 CHMN. KATZ: Okay. But it's also Page 230 of
13 the study, if anybody is opening that.

14 MR. ACKEN: Oh, it's Page 3 on my version
15 because of the cover.

16 MS. POST: Okay.

17 CHMN. KATZ: Bottom line, there's a section
18 called Disparities Among Income Groups.

19 MR. ACKEN: Yeah. For clarity of record,
20 that's 229. My apologies.

21 BY MR. ACKEN:

22 Q. And that says that the U.S. EPA is required
23 to re-examine the NAAQS every five years. Is that your
24 understanding?

25 A. It is.

1 Q. And it goes on to say, "On average across the
2 U.S., we found that PM2.5 concentration levels
3 decreased from 2000 to 2016 with a population weighted
4 average of PM2.5 having decreased 40.4 percent from the
5 year 2000 to 2016."

6 A. Sure.

7 Q. Is that your understanding?

8 A. Sure. Yeah.

9 Q. Okay. Let's turn to 17. And again, where
10 can I find the discussion of natural gas expansions in
11 this study?

12 A. Yeah. I think part of -- if you actually
13 look at -- if I can make one comment about the focus on
14 natural gas. If you actually look at the application,
15 the focus is on how much the natural gas expansion will
16 contribute to ambient background levels of these
17 pollutants. These studies speak directly to those
18 ambient levels.

19 Q. I don't think I got an answer to my question.
20 Where does this --

21 A. No. No, but I think -- yeah, there's not --
22 again, you're not going to find a study that focuses
23 only on natural gas expansion.

24 Q. And I'm not even asking for a study that only
25 addresses natural gas expansion, if I could finish, I'm

1 asking where does this study address natural gas
2 expansions?

3 A. This study basically -- because monitoring --
4 the regulatory monitoring network informs the air
5 pollution models they have, natural gas expansion --
6 any increase in emissions and concentrations of PM2.5
7 caused by a natural gas expansion would be captured
8 theoretically in the emissions and concentration
9 estimates that they provide.

10 Q. You broke up a little bit on me. And
11 certainly the air quality application addresses the
12 emissions from the facility, as does the application
13 prepared for the CEC. But again, my question is: On
14 this exhibit -- and I think you're getting tired of
15 this line of questioning, so let me ask you to turn
16 to --

17 A. I'm not. I'm not, actually. The point I
18 just made, you said I was breaking up, the point I just
19 made is that those emissions -- any additional
20 emissions from natural gas expansion projects that
21 would occur near a regulatory monitor would likely be
22 picked up in the data that are presented in that study.
23 Now, the study doesn't analyze those specific
24 additional emissions from the expansion, but they would
25 presumably be estimated in the pollution modeling.

1 Q. I'd like to turn your attention to Figure 1.
2 I'd like -- and somehow I've got to figure out a way
3 for you to see it, so maybe we could pull that up on
4 the screen.

5 CHMN. KATZ: Is that the one with all the
6 maps of the United States in the left column?

7 MR. ACKEN: It is.

8 Thank you.

9 BY MR. ACKEN:

10 Q. Do you have that in front of you?

11 A. I don't. But I've seen this figure before;
12 although, I can't read the text, yeah. I don't have it
13 in front of me, but I --

14 MS. POST: Can you see it on the screen now,
15 on the Zoom?

16 MR. COLLINS: I can. I can see it on the
17 screen, yes.

18 BY MR. ACKEN:

19 Q. Can you show me where noncoal electric
20 utilities are on the bar chart under -- for emitters?

21 A. Yeah, on that chart I cannot see the text, so
22 it would be difficult for me to do that. But I could
23 try to speculate if I had it in front of me, but it's
24 going to be difficult for me to do that here.

25 Q. Subject to check, I'm going to have

1 whoever --

2 A. Can I say, though, the underlying data for
3 this are from the National Emissions Inventory. So the
4 National Emissions Inventory should capture emissions
5 from noncoal generating facilities. They should be in
6 the National Emissions Inventory. And so because
7 they're using a National Emissions Inventory, it's
8 going to be in one of those boxes. Which one, I'm not
9 certain. I don't even see the text in front of me
10 right now.

11 Q. Let's blow that up just a little bit, if we
12 can. The cursor -- first, make it larger so he can see
13 it.

14 A. Okay. There you go.

15 Q. Okay. Now can you read "off highway"?

16 A. Yeah, I can read "off highway." Yep.

17 Q. Can you read "miscellaneous"?

18 A. Yes, I can read "miscellaneous." I can see
19 "light-duty gas vehicle" and I can see "industrial."

20 Q. Can you see what is between off highway and
21 miscellaneous?

22 A. Barely, yeah.

23 Q. Would you take my word for it that it says
24 "noncoal electric utilities"?

25 A. Okay. There you go.

1 CHMN. KATZ: I won't dispute that. That's
2 what that really tiny box does show.

3 MS. POST: I won't dispute it either.

4 MR. ACKEN: It's a really tiny box.

5 BY MR. ACKEN:

6 Q. And so then it's connected to a map of the
7 United States, if we could scroll over and have the
8 cursor show that. And can you tell me the impact in
9 Arizona from noncoal electric utilities as shown in
10 Figure 1, PM2.5?

11 A. Yeah, no. No. No. I'm sure they could
12 provide data that would -- the data contains that. But
13 because of the proportions of the PM2.5 that emissions
14 are attributable to other uses, what you're seeing is
15 that it washes out across those sources. Does it mean
16 that it's unimportant? I don't think so.

17 Q. But it doesn't show that as having any PM2.5
18 concentration --

19 A. I think you may be misinterpreting what's
20 going on in those maps.

21 Q. Let me ask you the question.

22 CHMN. KATZ: One at a time. Hold on.

23 MR. COLLINS: They're allocating all of the
24 emissions of PM2.5 in the country and they're including
25 them on the same scale such that when you have

1 something that actually is a small component, a smaller
2 source relative to the others, you don't actually see
3 the pattern in the map. And that's just an issue --
4 it's a presentation issue, again, because they're not
5 focused solely on natural gas expansion projects.

6 BY MR. ACKEN:

7 Q. Well, that figure of the United States is
8 specific to noncoal electric utilities, correct? Yes
9 or no?

10 A. It is, yes. It is, but it's --

11 Q. Yes or no?

12 A. Each of the maps for each of the sources has
13 the same scale.

14 Q. No, I understand what you're saying. But my
15 question was: Does it show natural gas -- or, excuse
16 me -- noncoal electric utilities on that map? And it's
17 a simple yes or no question. You'll get a chance to
18 follow up.

19 A. I don't see it here. No, I don't see it from
20 my view now. And it could be an issue too of the
21 National Emissions Inventory data not encompassing the
22 project.

23 Q. Okay. And then on the right side from
24 noncoal electric utilities there are -- well, excuse
25 me -- for all of the emitters, they then show these

1 blue lines connected to end use. Do you see that?

2 A. Yes.

3 Q. Do you see a single blue line from noncoal
4 electric utilities to any end use, yes or no?

5 A. It would be hard to see in the map right now.
6 I don't see it, but, yeah, it's a small -- it's such a
7 small source. Given the figure, it's hard to
8 ascertain.

9 Q. Well, we'll blow it up for you.

10 CHMN. KATZ: Counsel, in just a couple of
11 minutes -- we've been going for probably at least an
12 hour and a half, and I want to give the --

13 MR. COLLINS: Yeah, I actually do see what
14 appears to be a line, but I can't -- honestly, I can't
15 tell from here. It's apparently encompassed in there.
16 It's just a small component included on a scale with
17 much larger sources, so it doesn't show up very well.

18 BY MR. ACKEN:

19 Q. So your testimony is that there is a blue
20 line from noncoal electric utility?

21 A. I can't ascertain. I see a small blue -- I
22 do see a small blue line at the bottom of that. I
23 cannot ascertain if that line -- sorry. One sec.

24 Oh, I see now where you're talking about, the
25 noncoal electric. It's white space that's included

1 there, yep, so it doesn't look like there's a line
2 connecting it in that figure. I think it's very small
3 and they just haven't represented it, but I don't know.
4 I couldn't say.

5 MR. ACKEN: Mr. Chairman, I would have been
6 done a while ago if I could have gotten a yes or no.

7 BY MR. ACKEN:

8 Q. So, yes or no, is there a blue line from the
9 noncoal --

10 A. I don't see one. I don't see one now, yeah.

11 Q. So that's a no?

12 A. Yes, that's a no.

13 MR. ACKEN: Thank you. I appreciate that.
14 No further questions.

15 CHMN. KATZ: What I'm going to do is we'll
16 take about -- sorry to do this to you, Professor, but
17 we're going to take about a 15-minute break. I'm
18 showing it about a quarter to 3:00, or 2:46, I think,
19 our time. I think you're on the same time as we are.
20 So we'll resume at about 3:00 or a couple minutes past,
21 okay?

22 MR. COLLINS: Okay.

23 (Off the record from 2:45 p.m. to 3:00 p.m.)

24 CHMN. KATZ: I don't know with certainty,
25 Mr. Acken, whether you were finished or had a few more

1 questions.

2 MR. ACKEN: Thank you, Mr. Chairman. I have
3 nothing further for this witness.

4 CHMN. KATZ: Okay. We'll then proceed to
5 Mr. Rich, if he has questions of this particular
6 witness.

7 MR. RICH: Just a couple of questions. Give
8 me one second to log back into my computer.

9 CHMN. KATZ: Take your time.

10

11 CROSS-EXAMINATION

12 BY MR. RICH:

13 Q. Good afternoon. I don't know if you were
14 watching earlier, but my name is Court Rich and I'm an
15 attorney representing the Sierra Club. I have just
16 have a couple of questions for you.

17 Have you been able to watch any of the
18 testimony that's come before you from other witnesses?

19 CHMN. KATZ: You're muted. I'll make sure
20 it's not on our end, but you're still not coming
21 through. Try again.

22 MR. COLLINS: Is it on your end?

23 MR. RICH: We can hear you now.

24 CHMN. KATZ: We can hear you now.

25 MR. COLLINS: Okay. Okay. Good. I don't

1 know what happened there.

2 The only testimony I've seen so far was from
3 Mr. Grineski.

4 BY MR. RICH:

5 Q. Okay. Great. Well, earlier SRP had a
6 witness, one of their consultants on this case, who
7 testified that essentially there was not an issue with
8 environmental justice in this proceeding. And I guess,
9 just in a summary, what's your position on whether or
10 not there is an environmental justice issue?

11 A. Yeah, that's -- for me it's -- I would say
12 the opposite. For me, the issue surrounds the
13 characteristics of the community, the fact that it's a
14 historically black community and today remains --
15 continues to have a very high composition of black
16 African American residents, as well as Hispanic, Latino
17 residents, and I understand some Native American
18 presence as well, and that this community is confronted
19 with a facility that releases harmful pollutants into
20 the nearby environment where they live and, to my
21 understanding, hasn't received substantial benefit from
22 it. It falls in line with my understanding of
23 environment injustice.

24 Q. Okay. And you're not being compensated for
25 giving your opinion today, are you?

1 between a pollutant exposure and a health outcome.

2 Now, in this case, I do think it's relevant.

3 I think it's -- obviously the question -- there are

4 questions surrounding how much pollution -- added

5 pollution will be created by the expansion of the

6 facility, and obviously the case revolves around that.

7 But the question as to the impacts on this community

8 have to be considered in reference to ambient pollution

9 levels.

10 And so I think there was -- yeah, it was a

11 little bit hard for me to follow that, I guess, because

12 for me the ambient pollution levels are a critical part

13 of the story as to whether any additional pollution

14 would cause harm or not. And so, you know, even the

15 report focuses on those ambient background pollution

16 levels with respect to additions that would come from

17 the expansion of the facility. So I don't -- yeah. I

18 guess my point is that all source pollution matters.

19 It's the concentrations that are key in terms of

20 considering the impacts on a population.

21 Q. Dr. Grineski testified just before you, of

22 course, and she said that even small levels of increase

23 harm a person's health. So even if the level of

24 increase is small, does that have an impact on the

25 primarily minority population of Randolph?

1 A. Yeah, I see what you're saying. That's my
2 understanding too. I have some familiarity with recent
3 studies in the air pollution epidemiology literature
4 that have found that the -- most of these studies have
5 not found a safe threshold. So like the NAAQS, our
6 National Air Quality Standards, are founded on the
7 presumption that there is some sort of safe exposure
8 threshold to these pollutants. The air pollution
9 epidemiology literature is increasingly finding very
10 clear evidence that really such safe exposure
11 thresholds does not exist, that increases at relatively
12 low levels of ambient background pollution are
13 associated with adverse health effects in people.

14 Some studies are finding, with PM2.5, that
15 actually the dose response relationship at lower levels
16 of exposure is actually steeper and tails off, such
17 that the increases at low levels may actually be more
18 health harming than increases at high levels. So
19 that's the point that Dr. Grineski is making. I do --
20 based on what I'm familiar with in the literature,
21 those were well-founded points.

22 Q. And there was a bit of a communication
23 problem between you and the other attorney regarding --
24 you said that you thought he was misinterpreting or
25 misunderstanding some of the studies as he was talking

1 about how to allocate PM2.5 through the entire United
2 States or just in Randolph or in Pinal County or in
3 Arizona. Could you explain what misunderstanding you
4 think he was under?

5 A. Well, I think the point -- my understanding
6 was that he thought that these studies didn't focus on
7 Randolph or did not maybe perhaps include Randolph in
8 the studies, and that's not actually the case. All the
9 studies mentioned actually were inclusive of -- they're
10 national studies in the contiguous United States. They
11 exclude Alaska and Hawaii. So if you're focusing on
12 Alaska or Hawaii, I would say, well, the study doesn't
13 really encompass those states. But these studies have
14 focused on the contiguous United States. Randolph and
15 Arizona are included in those studies, is one thing I
16 would clarify.

17 Q. So just because a specific small little area
18 like Randolph is not mentioned in this study, does that
19 mean that the findings do not apply to that place?

20 A. I would say I would disagree with that idea,
21 yes, that the findings are inapplicable to the case of
22 Randolph if, for some reason, the community of Randolph
23 isn't mentioned in a study that focuses on the entire
24 contiguous United States.

25 MS. POST: I have no further questions.

1 CHMN. KATZ: May this witness be excused?

2 MEMBER HAMWAY: No, I have a question.

3 CHMN. KATZ: Oh, I keep doing that.

4 Ms. Hamway -- or, Member Hamway, please.

5 MEMBER HAMWAY: Okay. So I'm just trying to

6 get a better understanding for myself of when

7 environmental justice or environmental racism --

8 CHMN. KATZ: Hold on. Perhaps -- I think
9 we're getting feedback from your voice going through
10 the speakers of Dr. Collins and it getting -- I don't
11 know how we remedy that.

12 MEMBER HAMWAY: Is it better close or back?

13 CHMN. KATZ: I don't think it's you. I think
14 it's coming out of his speakers and going back into the
15 microphone of the Professor.

16 MR. COLLINS: I'm going to mute while you
17 speak.

18 CHMN. KATZ: Okay. Go ahead.

19 MEMBER HAMWAY: I don't think that's doing
20 it. I think it's us.

21 CHMN. KATZ: Well, now that different. Go
22 ahead. You might need to go closer, but we were
23 getting feedback.

24 MEMBER HAMWAY: Closer or back?

25 CHMN. KATZ: Closer.

1 MEMBER HAMWAY: Okay. So what I'm trying to
2 get an understanding of is -- because I do land use
3 decisions, have been doing them for a long time, so I
4 just am trying to make myself more aware of when
5 environmental justice or environmental racism might
6 come into play into a land use decision that I might
7 make in the future.

8 And so this property was rezoned from ag to
9 industrial I think in 2011. And if I'm wrong, please
10 correct me. So I just want to know if that particular
11 action of a rezoning is environmental racism, or does
12 it have to be next to a community of color or a
13 community of -- a minority community and then does it
14 become environmental justice or environmental racism,
15 or is it until the industrial component is built and
16 begins emitting, is that when it becomes environmental
17 racism, or ever?

18 MR. COLLINS: I'm trying to process the
19 question. It's complex. I mean, this is a complex
20 area here. A lot of people have different conceptions
21 of what constitutes racism in the first place. Many
22 people think that for something to be a racist act it
23 must be reducible to intentional neglectful or maligned
24 acts. People who study environmental justice tend to
25 conceive of it as something that's more encompassing

1 that has structural or institutional features, where
2 racism can occur due to disparate outcomes of a
3 decision where intent wasn't at play.

4 In this case, I would consider decisions that
5 relate to the land use. A lot of people in
6 environmental justice literature do focus on these
7 questions of land use and they think about these issues
8 in historical context, like what sorts of decisions
9 paved the way for a particular community to be -- to
10 suddenly, over time -- not suddenly, but over time to
11 have industrial sort of land uses concentrate in its
12 midst. And it does matter, you know, what the
13 composition of that community is. And so those things
14 do matter.

15 I mean, I typically would not see someone
16 make an argument about a case being environmentally
17 unjust if there isn't a population that has particular
18 characteristics, a racial-ethnic minority disadvantage,
19 economic disadvantage is another factor that people
20 consider when they try to assess whether a community
21 may have been subject to environmental injustice.

22 So I'd say that the response depends on the
23 particulars to how I would interpret it. And land use
24 decisions I think do matter, yes.

25 MEMBER HAMWAY: So this community, in the

1 '20s, was established next to the railroad. So I think
2 today you would probably say that that is probably
3 environmental injustice if we put a railroad next to a
4 black community, right, or a transmission line? I
5 mean, we try to keep these things in corridors,
6 transportation corridors. And in this particular
7 instance, in the 1920s and 1930s, this community grew
8 up around the railroad, so --

9 MR. COLLINS: Right. Yeah, and I think
10 that's the case in a lot of western U.S. contexts. I
11 think a lot of communities sprung up around rail lines
12 to begin with. And then with the advent of automobile
13 transportation and air-conditioning in Arizona, you had
14 the sort of urban expansion that people tend to
15 associate with a metropolis like Phoenix, whereby a lot
16 of people now don't live anywhere near a railroad. But
17 I do believe early settlement in Phoenix, for example,
18 and in many places in Arizona, if you're going back
19 to before statehood, you're going to have people
20 settling near rail lines in many cases, yes.

21 MEMBER HAMWAY: So it's not the act
22 necessarily of rezoning, it's when the rezoning is next
23 to a sensitive community that it could become
24 environmental racism?

25 MR. COLLINS: Yeah, no one is going to claim

1 that something was a case of environmental racism if
2 there's no basis for believing that there was a -- that
3 race was at play in any way. Race wouldn't be at play
4 if you had a -- if you didn't have a disadvantaged
5 community there in the first place.

6 MEMBER HAMWAY: Okay. Thank you.

7 CHMN. KATZ: Any other Committee Members have
8 any questions?

9 MEMBER BRANUM: Chairman, this is Member
10 Branum. I have a question.

11 CHMN. KATZ: Yes, sir. Go ahead.

12 MEMBER BRANUM: So I don't really know who
13 can answer this for me, but -- I appreciate the
14 testimony we just heard, and I'm trying to, I guess,
15 frame what I heard with kind of the air permit
16 discussion that SRP had presented in its testimony. I
17 guess I'm just trying to reconcile some of the issues
18 discussed here with the air permit process and I guess
19 the standards that the EPA has set and I guess the air
20 permit will hold SRP accountable for too.

21 So I guess my question -- the first question
22 is: Is the request here that any additional pollution
23 -- any additional pollution from the operation of this
24 plant not exceed the existing air permit requirements,
25 or is the concern that this -- the community is already

1 impacted, and any additional, I guess, pollution,
2 regardless of whether the EPA guidelines are satisfied
3 by SRP's ability to obtain this air permit, is still
4 unacceptable and should not go forward?

5 I don't know if my question is clear. I
6 guess I'm just trying to understand if the EPA or the
7 authority having jurisdiction is granting the permit,
8 and the agency that sets the pollution thresholds,
9 if you would -- I'm by no means an expert in this
10 realm, so I'm certainly asking for help. But if SRP
11 can obtain a permit, by virtue of getting that permit
12 is the EPA essentially saying that the health risks are
13 known, but because they're under this threshold, we're
14 comfortable with the operation of this plant?

15 MR. COLLINS: Is that a question for me? I
16 just want to --

17 CHMN. KATZ: If you understood it or --

18 MR. COLLINS: I understood the gist of it.
19 Some of it I don't think I'm at -- it's not really --
20 that larger argument isn't one that I'm necessarily the
21 architect of, I guess.

22 I think I would tend to lean toward the
23 latter interpretation you said whereby you said we know
24 this community is impacted already and that -- I mean,
25 scientifically we know that increases in pollution are

1 likely to add burden, but that -- sure, the EPA -- I'm
2 not even certain. I've looked at the tabular
3 information provided about how these increases may
4 impact air quality. I do see that for many of them
5 they will be below the -- they will not put Pinal
6 County in nonattainment status. That doesn't refute
7 the fact that this will not be good for this community
8 and may present health harms to this community, if that
9 is an answer to your question.

10 MEMBER BRANUM: Thank you. I think that
11 answers some of what I'm trying to wrestle with, what
12 I'm wrestling with here. And I know that probably
13 under further meditation I could have crafted that
14 question a little bit better, so I appreciate that.
15 And really I think I was kind of putting it out there
16 for either you or maybe SRP or whoever.

17 But I guess a follow-up question or idea that
18 kind of popped up in my mind is, earlier I thought I
19 heard SRP -- an SRP witness state that the air permit
20 process, there's a public process component of it. And
21 I guess my question is: Do you or the citizens of
22 Randolph -- do they plan to participate and basically,
23 I guess, let Pinal County, the agency that's going to
24 be issuing this permit, let them know that there's this
25 concern that even though the thresholds have been set,

1 the plant will not exceed those, that there's still
2 this concern and they want the County to take maybe a
3 closer look or another look before it issues this
4 permit.

5 MR. COLLINS: I'm not sure of the intent -- I
6 don't know when the public hearing period is. I do
7 think the community should definitely speak up during
8 public comment. That's what that's intended for. But
9 yes, they should definitely take that as an
10 opportunity.

11 CHMN. KATZ: I just had a question, and it's
12 not one that's probably easy to answer. But we have a
13 situation in which some sources of pollution create
14 significant increases in ambient -- poor ambient air
15 quality at or near the source, such as at the plant or
16 close by to the Randolph community, and other sources
17 of pollution disperse from the source fairly quickly
18 and obviously affect the ambient air quality of a
19 larger area. And I don't know whether any of the
20 studies have been done with a focus on gas generated
21 power on source pollution versus community pollution,
22 and it could make a difference in terms of how greatly
23 the community adjacent or near the plant might be
24 affected.

25 You're muted, I think.

1 MR. COLLINS: Yeah, that's interesting. I've
2 done some work looking at other pollutants as well. I
3 think PM10 tends to reside nearby emissions. PM2.5,
4 there's secondary formation that can occur that. It
5 can impact a little bit larger of an area. Ozone is an
6 interesting one. It's entirely secondary formation.
7 And ozone, you know, the highest concentrations are
8 often downwind at great distance from the source. So I
9 see what you're saying. This is complex, yeah.

10 CHMN. KATZ: Thanks.

11 MEMBER LITTLE: Mr. Chairman.

12 CHMN. KATZ: Yes.

13 MEMBER LITTLE: This is Member Little.

14 CHMN. KATZ: Yes, Member Little.

15 MEMBER LITTLE: Sort of in the same lines as
16 what Member Branum was asking, I'm curious -- and I
17 don't know who can answer this. Perhaps Ms. Post. The
18 whole area is zoned industrial, and I know there's a
19 concrete plant already in existence there. And I'm
20 just wondering, when future industry tries to locate in
21 that area, which they could because it's zoned for
22 that, if the citizens of Randolph intend to basically
23 intervene in those, if that's even possible? I don't
24 know.

25 CHMN. KATZ: That's something I don't think

1 we can answer in these proceedings. But obviously,
2 anybody that might be adversely affected by any
3 increase in industry can bring -- or, can intervene in
4 one of these proceedings or file a lawsuit or whatever
5 they think is appropriate.

6 MEMBER GENTLES: Mr. Chairman, this is Member
7 Gentles.

8 CHMN. KATZ: Yes, sir.

9 MEMBER GENTLES: Just some clarification,
10 because I've been struggling with this the entire
11 hearing. The plant is going to double in its size and
12 it's a complete build-out, I believe, correct? And
13 this is addressed to anybody on the SRP team or anybody
14 else. So if that's the case, does that mean that the
15 emissions from the plant will double as well, or does
16 that mean that there's a different standard that will
17 be in place based on the size of the plant? I just
18 need a little bit more clarification on that, because
19 I'm struggling to understand how a plant of this size
20 would comply with the emissions regulations that are --
21 that they're trying to meet now.

22 CHMN. KATZ: And I don't know if this witness
23 is capable of answering that, and I don't necessarily
24 want to get into the lawyers trying to give their
25 presentation. We might be able to recall a witness at

1 a later point in time.

2 MEMBER GENTLES: Okay. That's fine. I don't
3 want to slow anything down, but I certainly would like
4 that clarification or at least further understanding.

5 CHMN. KATZ: The one thing that was indicated
6 is that these new generators would be running no more
7 than a thousand hours per year and they wouldn't be all
8 running at the same time, at least as currently
9 planned. But I won't pretend to be a witness in this
10 matter, so we'll see if anybody else later can answer
11 that question.

12 Any other questions, though, for this
13 witness, Dr. Collins?

14 (No response.)

15 CHMN. KATZ: You are excused. I thank you
16 very much for your courtesy and your time. And I don't
17 think we'll be recalling you, but if so, it will be up
18 to Ms. Post to let you know. But thanks kindly.

19 MR. COLLINS: Thank you.

20 CHMN. KATZ: And you may disconnect yourself
21 from us or leave our meeting.

22 Do we have our next witness ready or how are
23 we going to proceed?

24 MS. POST: No, we don't. I could call Ron
25 in; but if we did that, then we're going to be very

1 short for witnesses tomorrow morning. Because the two
2 residents were planning to testify tomorrow morning.

3 CHMN. KATZ: I also don't know what the plans
4 would be with respect to witnesses for the Sierra Club.

5 MR. RICH: Mr. Chairman, we had agreed on a
6 date certain, and our witnesses are prepared, and one
7 is coming from out of town, to present on Tuesday.

8 CHMN. KATZ: Next Tuesday?

9 MR. RICH: Yes.

10 MR. ACKEN: We had asked for flexibility, but
11 -- just to clarify the record.

12 CHMN. KATZ: Yeah, I want flexibility. I
13 just want to know whether we're going to leave -- be
14 done early tomorrow and then busy again next week, but
15 hopefully not through the end of the week.

16 MR. ACKEN: So let me speak to the schedule,
17 and maybe I can be a little clear. Again, we had asked
18 for flexibility. WRA and Randolph have given us that
19 flexibility. Sierra Club has said they needed a date
20 certain, and so that's what they have -- that's what
21 they have.

22 As far as witnesses go, as Ms. Post said, she
23 has two available tomorrow morning, that I understand.

24 MS. POST: Correct.

25 MR. ACKEN: And then Mr. Stafford has his

1 witness that can go tomorrow afternoon, but can't go
2 earlier than tomorrow afternoon. So that's what we can
3 do tomorrow afternoon, and then Monday pick up with the
4 four remaining Randolph witnesses.

5 MS. POST: Correct.

6 MR. ACKEN: So perhaps we can get to a later
7 start Monday so that we don't all -- so again, we can
8 start a little later in the day, we don't have to come
9 down here Sunday evening.

10 CHMN. KATZ: Well, I know a lot of the
11 Members of the Committee and perhaps a lot of the
12 witnesses here and lawyers are planning to travel,
13 whether it's to Phoenix or Safford or elsewhere. I
14 know that I'm not staying and would like to get home
15 Friday evening. The Committee has pretty much agreed
16 that we'd like to start at 1:00 on Monday, even though
17 some might prefer to start earlier. It's just awful
18 hard for us to get up and get --

19 MS. POST: Could I speak to that, please?

20 CHMN. KATZ: Yes, please.

21 MS. POST: We have two of the witnesses left
22 that didn't speak today, obviously, and they do have
23 time limits and one has to be gone by 2:00. So if we
24 start at 1:00, that's going to be difficult.

25 CHMN. KATZ: Is that Monday?

1 MS. POST: Monday. Is it possible to at
2 least start at 12:00 or 11:00?

3 CHMN. KATZ: Or we could start at 1:00 and go
4 later.

5 MS. POST: Well, one has to be gone by 2:00
6 and the other has to be gone by 5:00. So we could put
7 the -- the one that has to be gone by 2:00, put her on
8 immediately at 1:00, and then do her cross and get her
9 out, and then put the other one on. And then I would
10 have Stapp -- he can come after 2:30.

11 CHMN. KATZ: Well, do you think we can get
12 things done properly and accommodate the witnesses if
13 we start at 1:00?

14 MS. POST: I think it will be hard. 12:00?
15 Could we start at 12:00 at least?

16 CHMN. KATZ: I don't know if we want to get
17 input from the Committee right now or have us let you
18 know tomorrow.

19 MS. POST: Or maybe figure it out tomorrow.
20 I can talk to the witnesses tonight.

21 CHMN. KATZ: Okay. What I think we could do
22 is, obviously, with your two witnesses tomorrow morning
23 and Mr. Stafford's witness --

24 How long do you think your witness will take,
25 I'm just curious, and what time would we likely start

1 with that individual, about 1:00?

2 MR. STAFFORD: Are you asking me, Chairman?

3 CHMN. KATZ: Yes, sir.

4 MR. STAFFORD: I anticipate putting him on
5 immediately after lunch. I don't expect him to be on
6 the stand more than two hours, I would think, including
7 cross, hopefully.

8 CHMN. KATZ: What I'm just saying is that we
9 don't need to go into the evening likely late tomorrow.

10 Is there anything we can productively do now,
11 or does it make sense to recess?

12 Yes, Mr. Acken.

13 MR. ACKEN: We can recess briefly because --
14 and this may or may not be productive, but I'm going to
15 try to see if we can clarify the confusion on what was
16 Table 7. That was a typo error. The correct table is
17 also in the application as Table 5, also in Exhibit B,
18 but on Page 6-3. The PDF number for that is -- I will
19 get to you presently.

20 CHMN. KATZ: Do you want to just take a short
21 recess and perhaps the parties can consult with one
22 another and see whether we need any additional
23 clarification or not?

24 MR. ACKEN: That's fine. Well, if you want
25 to take the time to come back. I just wanted that

1 record to be cleaned up as to the correct table.

2 CHMN. KATZ: Well, if there's no objection,
3 we could have you do that and allow the other lawyers
4 to engage in cross-examination if they feel it
5 necessary on that limited issue. Any objection to
6 doing that?

7 MR. ACKEN: It was brought up in the
8 testimony --

9 CHMN. KATZ: I know it was.

10 MR. ACKEN: Yeah, okay.

11 CHMN. KATZ: I mean, it's not normally the
12 time for redirect, but I just want to keep us moving.

13 MR. ACKEN: Yeah, I hear you.

14 CHMN. KATZ: So if there's no objection, we
15 could at least focus only on that one point through
16 you, Mr. Acken, and then allow all of our other parties
17 to cross-examine, if necessary, and then recess for the
18 day and pick back up at 9:00 tomorrow morning.

19 And let me ask you, Ms. Post, do you believe
20 that your witnesses will be -- if we start at 9:00, be
21 done by about noon or slightly thereafter?

22 MS. POST: Yes. But you were going to have
23 Diane Brown first at 9:00.

24 CHMN. KATZ: Yeah, that's true, but I'm going
25 to give her the same -- she may not like it, but I'm

1 going to give her the same three or four minutes that
2 we gave everyone else.

3 MS. POST: So then we'll have Melvin Moore
4 first, because he's the older gentleman that doesn't
5 have a lot of stamina, and then Ron will take longer
6 than Melvin.

7 CHMN. KATZ: But you still think we by
8 lunchtime should be done with those two?

9 MS. POST: Yes, we should be done by
10 lunchtime. I'll try to also get Whittaker on hold just
11 in case we have time, with your witness or mine in the
12 morning, to see if he can fill in if that happens.

13 CHMN. KATZ: Okay. I don't see any reason
14 why we shouldn't keep going for at least a little while
15 longer. I'm not hearing any vociferous objections or
16 any at all.

17 So if you wanted to try to clarify that one
18 issue, Mr. Acken, you can do that, subject to that
19 witness being further cross-examined.

20 MR. ACKEN: Thank you, Mr. Chairman. As the
21 benefit of the project manager, Mr. McClellan will try
22 to get this clarified for us.

23 CHMN. KATZ: And you're still under oath or
24 affirmation.

25 And you may proceed, Counsel.

1 BILL MCCLELLAN - RECALLED,
2 recalled as a witness on behalf of the Applicant,
3 having been previously affirmed by the Chairman to
4 speak the truth and nothing but the truth, was further
5 examined and testified as follows:

6

7 FURTHER REDIRECT EXAMINATION

8 BY MR. ACKEN:

9 Q. Mr. McClellan, you're going to need a copy of
10 the application. So do you have one up there?

11 MEMBER HAMWAY: Here is mine.

12 MS. POST: Could you reference the number in
13 the original application -- it's 386 pages -- again in
14 the PDF?

15 MR. ACKEN: Yes, I'm going to get to that.

16 MS. POST: Okay.

17 BY MR. ACKEN:

18 Q. Mr. McClellan, do you have the application in
19 front of you?

20 A. Yes.

21 Q. I'm going to ask you to turn to this --
22 again, the application has been marked for
23 identification as SRP Exhibit 1. I'd like you to turn
24 to Exhibit B, Page 9, Table --

25 CHMN. KATZ: And I have the a hard cover, but

1 can we project the charts that you're going to be
2 looking at up on the screen?

3 MR. ACKEN: You bet.

4 CHMN. KATZ: And is that Appendix B?

5 MR. ACKEN: Yes, Mr. Chairman.

6 CHMN. KATZ: Whenever you're ready.

7 MR. ACKEN: Well, we need to get this
8 screen -- can we just scroll up to Table 7? Thank you.

9 BY MR. ACKEN:

10 Q. And do you have that in front of you,
11 Mr. McClellan?

12 A. Yes.

13 Q. Do you recall the testimony today from the
14 Randolph witness, Professor --

15 A. Grineski.

16 Q. Thank you.

17 A. Yes, I do.

18 Q. Regarding this table?

19 CHMN. KATZ: You might need to change the
20 angle of your microphone. We're getting some feedback.

21 Okay. Go ahead.

22 BY MR. ACKEN:

23 Q. And do you recall there was a discussion
24 about potential inaccuracies in that table?

25 A. Yes.

1 Q. I'd like you to turn to, it's a later page in
2 Exhibit B that is labeled 6-3, Table 5. It is in the
3 air dispersion modeling for the proposed expansion of
4 the Coolidge Generating Station towards the end of
5 Exhibit B. And I'm going to try and get PDF numbers as
6 well. Oh, it's in front of me. It's 143 of 394. Do
7 you have that in front of you?

8 A. Yes.

9 Q. I'd like you to compare -- let's leave
10 Table 5 on the screen and have you look at Table 7 in
11 the hard copy that's in front of you. Do you have that
12 in front of you?

13 A. Yes.

14 CHMN. KATZ: Do you think you could put both
15 of them up, one on one screen and one on the other?

16 MR. ACKEN: That's a great idea.

17 And this is Table 7.

18 CHMN. KATZ: There is Table 7 now.

19 BY MR. ACKEN:

20 Q. It is shown as Page 53 of 394 in the PDF
21 version. Again, Page 9 of Exhibit B to the
22 application.

23 So Mr. McClellan, you now have both tables in
24 front of you. Do you see that?

25 A. Yes.

1 Q. Can you confirm that the table that's labeled
2 Table 5 is the correct version?

3 A. Yes.

4 Q. And Table 7 has a typographical error, is
5 that correct?

6 A. Yes, that's correct.

7 Q. Okay. So can you confirm that for NO2 the
8 1-hour standard is 188 micrograms per cubic meter?

9 A. Yes.

10 Q. And the next analysis result shows that the
11 project will be in compliance with that standard?

12 A. Yes.

13 Q. And the annual standard for NO2 is 100
14 micrograms per cubic meter?

15 A. Yes.

16 Q. And the total concentration will be 19.2
17 micrograms per cubic meter?

18 A. Yes.

19 Q. And that 19.2 is the results of the modeling
20 analysis?

21 A. Yes, that's correct.

22 Q. And for PM2.5 the 24-hour standard is 35
23 micrograms per cubic meter?

24 A. Yes.

25 Q. And the total concentration from the ambient

1 air quality modeling is 21.9 micrograms per cubic
2 meter?

3 A. Yes.

4 Q. And for the annual PM2.5 standard, it is 12
5 micrograms per cubic meter?

6 A. Yes.

7 Q. And the total concentration is 8.97
8 micrograms per cubic meter?

9 A. Yes, that's correct.

10 Q. Again, that 8.97 number comes from the
11 ambient air quality dispersion modeling?

12 A. Yes.

13 Q. And the PM10 24-hour standard is 150
14 micrograms per cubic meter?

15 A. Yes.

16 Q. And the total concentration from ambient air
17 quality dispersion modeling is 137 micrograms per cubic
18 meter?

19 A. Yes, that's correct.

20 MR. ACKEN: Thank you. No further questions.

21 CHMN. KATZ: Any cross-examination?

22 MEMBER LITTLE: This is Member Little. I
23 would just like to thank you very much for that. I was
24 very confused.

25 MR. ACKEN: So was I. You're welcome. Thank

1 you.

2 CHMN. KATZ: Anything further?

3 MR. STAFFORD: No questions.

4 MS. POST: No questions.

5 CHMN. KATZ: Are we going to recess early,
6 then, for today and pick back up at 9:00 tomorrow
7 morning?

8 (No response.)

9 CHMN. KATZ: Okay. Anything further from the
10 Committee before we take our break?

11 (No response.)

12 CHMN. KATZ: Okay. Thanks. We do stand in
13 recess.

14 (The hearing recessed at 3:38 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

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4 BE IT KNOWN that the foregoing proceedings
5 were taken before me; that the foregoing pages are a
6 full, true, and accurate record of the proceedings all
7 done to the best of my skill and ability; that the
8 proceedings were taken down by me in shorthand and
9 thereafter reduced to print under my direction.

10 I CERTIFY that I am in no way related to any
11 of the parties hereto nor am I in any way interested in
12 the outcome hereof.

13 I CERTIFY that I have complied with the
14 ethical obligations set forth in ACJA 7-206(F)(3) and
15 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
16 Arizona, this 18th day of February, 2022.

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KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

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23 I CERTIFY that Coash & Coash, Inc., has
24 complied with the ethical obligations set forth in ACJA
25 7-206(J)(1)(g)(1) through (6).

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