



January 30, 2026

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Utah Department of Environmental Quality

Division of Air Quality (UDAQ)

P.O. Box 144820 Salt Lake City, UT 84114-4820

Re: Comments Opposing Intent to Approve DAQE-IN161200002-25 Granite Construction Company – I-80 South Quarry

To whom it may concern,

Save Our Canyons is a 501(c)(3) non-profit organization founded in 1972. Our mission is to preserve the beauty and wildness of the Wasatch Mountains. We submit the following technical comments opposing the issuance of an Approval Order (AO) based on the Intent to Approve (ITA) for the proposed Granite Construction Company I-80 South Quarry (Project Number N161200002).

A new open-air mine in Parleys Canyon is antithetical to our mission and poses unacceptable risks to regional air quality, the watershed, and public safety. While the applicant has presented a "small mine" application, the technical deficiencies in the ITA, combined with the clear intent to expand operations, confirm that this permit functions as a de facto segmentation of a larger operation designed to circumvent both local authority and more rigorous environmental review.

Based on our review of the project file, the ITA fails to meet the obligations of the Utah Air Conservation Act and federal Clean Air Act, including accurate emissions estimation and enforceable permit conditions. The Division of Air Quality (DAQ) must safeguard public health and the environment, yet this draft permit relies on flawed data, unenforceable conditions, and a willful blindness to the applicant's long-term industrial plans.

1. **Reliance on Unrepresentative Data and Inaccurate Assumptions:**

The DAQ cannot issue a defensible permit based on data known to be inaccurate or unrepresentative of actual site conditions. The current ITA relies on generic estimates and distant meteorological data that do not reflect the reality of Parleys Canyon.

- a. **Improper Reliance on AP-42 Emission Factors:** The project's Potential to Emit (PTE) estimates rely heavily on AP-42 emission factors. The EPA has explicitly stated that AP-42 factors are "simply averages of all available data of acceptable quality" and are "generally assumed to be representative of long-term averages for all facilities in the source category" rather than a specific source. Because these factors represent a population average, the EPA warns that "approximately half of the subject sources will have emission rates greater than the emission factor." Consequently, the EPA explicitly advises that "[u]se of these factors as source-specific permit limits and/or as emission regulation compliance determinations is not recommended by EPA," noting that "a permit limit using an AP-42 emission factor would result in half of the sources being in noncompliance".¹

Specifically, the emission factors used for Aggregate Processing Equipment in this application are rated "E" (poor). Approving a permit based on data the EPA deems unreliable and of poor quality does not satisfy the DAQ's statutory duty to safeguard air quality. DAQ must require reliable, source-specific emission data prior to issuing any AO.

- b. **Failure to Use Site-Specific Meteorological Data:** The air dispersion modeling and fugitive dust assumptions in the ITA rely on historical wind data from the Salt Lake City Airport. It is indisputable that wind patterns in Parleys Canyon are markedly distinct from those on the valley floor.
- i. **Contradictory Evidence:** The ITA assumes wind speeds below thresholds that cause windblown dust, yet UDOT data referenced in a 2023 study revealed that wind speeds in the canyon exceed 25 mph approximately 25% of the time, and exceed 15 mph for the majority of the year.² The airport data is wholly unrepresentative of the canyon's high-wind environment.
- ii. **Available Onsite Data:** The project file states that the applicant has installed an onsite meteorological station specifically to collect in-situ data for future modeling. It is unreasonable and scientifically unsound for the DAQ to rush the permitting process using unrepresentative airport data when accurate, site-specific data is currently being collected. The DAQ must wait for and utilize this onsite data to accurately assess the impact of this new mine.

¹https://www.epa.gov/system/files/documents/2024-01/introduction_2024.pdf

²<https://doi.org/10.4211/hs.fc7d35c92e554fd098792550150bf227>

2. Inadequate Best Available Control Technology (BACT) Analysis:

The BACT analysis accepted by the DAQ is conclusory, insufficient, and fails to mandate technologies necessary to protect public health in a nonattainment area.

- a. **Unsupported Rejection of Enclosures:** The Engineer Review dismisses the use of baghouses and enclosures for material processing and storage piles as "technically infeasible" solely because the equipment is "mobile." This single justification is insufficient.
 - i. **Conclusory dismissal:** The determination that mobility precludes enclosure lacks technical support.
 - ii. **Inadequate alternatives:** Given the high winds in Parleys Canyon, relying on water sprays alone—which the project file states are only 50-90% effective—is inadequate compared to the high efficiency of enclosures. The DAQ failed to consider partial enclosures or wind barriers as viable alternatives.
 - iii. **Technical Infeasibility Due to Lack of Demonstrated Water Source:** The Applicant's BACT analysis relies almost exclusively on the application of water to control fugitive dust, yet the applicant has not demonstrated that they possess a legal or physical water source sufficient to perform these mandatory suppression efforts.
- b. **Unenforceable "Best Management Practices":** The ITA relies on "best management practices" (BMPs) such as "minimizing drop heights" and "regular inspection," yet fails to define these terms.
 - i. **Vagueness:** Without specific definitions for what constitutes "minimizing" or "regular," these conditions are unenforceable.
 - ii. **Lack of Specificity:** The ITA does not specify water flow rates, spray bar locations, or the quantity of chemical suppressants required to maintain control efficiencies. This ambiguity allows the operator to be "willfully blind" to water spray failures that occur outside of monthly inspections.
- c. **Flawed "Minimal Disturbance Strategy":** The BACT for disturbed areas relies on a "minimal disturbance strategy" and revegetation. This is technically flawed for a high-elevation canyon environment during drought conditions.
 - i. **Lack of Evidence:** The record lacks evidence on how this strategy reduces dust generation by the claimed 50% during the extensive dry season.
 - ii. **Revegetation Viability:** There is no evidence supporting the presumption that natural vegetation will regrow quickly enough to control dust on previously disturbed topsoil without supplemental water. This is particularly

concerning given increasing variability in mid-elevation snowpacks observed in the Central Wasatch.

3. Insufficient Monitoring and Enforceability:

The draft permit relies on self-inspection and antiquated observation methods that are insufficient for the specific geography, high winds, and operating schedule of the proposed mine.

- a. **Inadequacy of Method 9 Opacity Observations:** The ITA requires opacity monitoring via EPA Method 9. However:
 - i. **Nighttime Operations:** The project proposes 24-hour operations. Method 9 cannot be used at night, meaning opacity limits are effectively unenforceable during a significant portion of the operating schedule.
 - ii. **Discretion:** The applicant has discretion on when to take measurements, inviting willful blindness to fugitive dust events.
 - iii. **Intermittency:** Occasional observation fails to capture dust events triggered by the sudden, high-velocity wind gusts common in Parleys Canyon.
- b. **Need for Real-Time Monitoring:** Given the proximity to residential areas and the documented history of fugitive dust traveling from existing quarries in the canyon to neighborhoods like Millcreek, the DAQ must require:
 - i. **Digital Opacity Compliance Systems (DOCS):** To ensure objective, continuous compliance.
 - ii. **PM10/PM2.5 Sensors:** Real-time perimeter monitoring is necessary to protect the health of downwind communities and validate the assumptions in the ITA.
- c. **High Wind Contingencies:** The ITA's contingency for high winds (ceasing blasting above 25 mph) is insufficient. Utah Administrative Code R307-309-5(3) requires multiple contingency measures.³ Given that wind speeds in Parleys Canyon frequently exceed 25 mph, the DAQ must mandate *all* regulatory contingency measures, including pre-event watering and ceasing *all* dust-producing operations—not just blasting—during high wind events.

4. Impermissible Segmentation ("Sham Permitting"):

The DAQ has failed to scrutinize the applicant's intent to develop a major mining operation through a minor source permit.

- a. **Evidence of Intent:** The applicant previously filed for a large mining permit for 634 acres on this exact site. They have submitted a Storm Water Pollution Prevention

³ <https://adminrules.utah.gov/public/rule/R307-309/Current%20Rules?>

Plan (SWPPP) identifying a "mining boundary" of 609 acres. The current application for a small mine (6 acres) is a classic "Trojan Horse" — a strategic segmentation to secure a regulatory foothold before expanding. The applicant has even constructed access roads "to nowhere," cutting through forest habitat to support this larger investment.

- b. **Legal Implications:** EPA guidance states that it is improper to construct a source with a minor source permit when there is intent to operate as a major source. Such segmentation to avoid New Source Review (NSR) is prohibited. The DAQ must investigate the applicant's true intent, including financial documents and public statements regarding expansion, before issuing this permit.

5. **Inability to Obtain a Conditional Use Permit (CUP):**

The Division of Air Quality should not issue an Approval Order for a facility that is explicitly prohibited by local land use ordinances. The applicant has not submitted a Conditional Use Permit (CUP) application to Salt Lake County for this project, nor can they successfully obtain one under current law.⁴ Issuing an air quality permit for a use that is illegal under local zoning creates administrative confusion and ignores local land use authority.

- a. **Prohibited Use in FCOZ:** The proposed quarry is located within the Foothills and Canyons Overlay Zone (FCOZ). Salt Lake County Code § 19.12.030 explicitly states that "mineral extraction and processing" are "explicitly prohibited" in this zone. The Salt Lake County Council unanimously amended zoning ordinances to ban new extractive industries in these scenic lands to prevent irreparable harm to air quality, water quality, and wildlife habitat.
- b. **Pending Litigation Precludes Approval:** There is active, pending litigation regarding the validity of the County's mining ban. It is premature and an inefficient use of state resources for the DAQ to process an air quality permit while the fundamental legality of the land use is being litigated. The DAQ should pause the permitting process until the litigation is resolved and the applicant can demonstrate they have a legal right to operate on the surface.
 - i. **Mitigation of Detrimental Effects:** If, hypothetically, pending litigation ruled in the applicant's favor, they would need to "mitigate the reasonably anticipated detrimental effects" of the proposed use to obtain a CUP.⁵ From the extensive public comments related to watershed, airshed, fireshed, traffic, structural stability, avalanches, and more, the applicant is unlikely to do so. Therefore, DAQ would likely be spending precious time and resources permitting an application that would be very unlikely to obtain a CUP.

6. **Broader Environmental and Public Safety Impacts:**

⁴https://library.municode.com/ut/salt_lake_county/codes/code_of_ordinances?nodeId=TIT19ZO_CH19.1255FRFRFRFOREZO

⁵<https://le.utah.gov/xcode/Title17/Chapter79/17-79-S506.html>

While the DAQ focuses on air quality, the issuance of this permit exacerbates other critical risks that cannot be ignored in the context of the public interest.

- a. **Watershed and Snowpack:** Fugitive dust from this operation threatens the Salt Lake Valley's watershed. Dust-on-snow events expedite snowpack melting, straining our water system.⁶ Furthermore, the water required to suppress dust for this mine is a misuse of scarce resources that should be allocated to the Great Salt Lake or for municipal use. The DAQ is approving a mine that may not have the necessary water rights to even treat the dust and tailings it creates.
- b. **Wildfire Risk:** The introduction of hot machinery, trucks, and ignition sources into a vegetated canyon with heavy fuel loads poses a severe wildfire risk. A catastrophic fire in Parleys Canyon would have devastating air quality impacts far exceeding the daily emissions of the mine itself. This area has seen little-to-no fuel mitigation over the last several decades, and a significant portion are listed as "Very High" wildfire risk by the Utah Division of Forestry, Fire, and State Lands.⁷ The DAQ should consider this potential for secondary air quality disasters in its review.

Conclusion

The current ITA relies on flawed data, proposes unenforceable and vague control measures, and ignores the applicant's demonstrated intent to build a major industrial facility in a sensitive canyon corridor. In addition, the ITA does not adequately consider the project's conflict with adopted local land use policies, which prohibit new mining and mineral extraction in the foothills and canyon areas. While air quality permitting is a state function, DAQ retains discretion to consider whether approval of the proposed operations would undermine local land use authority and long-standing planning decisions intended to protect public health, safety, and environmental quality. At its core, this application is counter to the DAQ's mission to safeguard and improve Utah's air, land, and water through balanced regulation. Thus, the permit should be denied.

Save Our Canyons respectfully requests that the DAQ:

1. **Deny the Approval Order** based on the inadequacy of the AP-42 emission factors and the lack of site-specific meteorological data.
2. **Require onsite meteorological data** be collected and utilized for modeling *prior* to considering any future application.
3. **Mandate real-time perimeter monitoring** for PM10 and PM2.5 and continuous digital opacity monitoring.
4. **Investigate the "Sham Permitting" aspect** of the application regarding the 600+ acre expansion plan.

⁶ <https://doi.org/10.1088/1748-9326/acd409>

⁷ <https://wrap.wildfirerisk.utah.gov/Map/Public/#map-themes> (Wildfire Hazard Potential Layer)