

ENVIRONMENTAL INTEGRITY PROJECT
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March 31, 2007

LaDonna Castañuela, Chief Clerk
TCEQ - Office of the Chief Clerk
P.O. Box 13087, MC-105
Austin, TX 78711-3087
(512) 239-3311 Fax

Via fax and hand delivery

**Re: TCEQ Docket No. 2007-0598-AIR; Motion to Overturn Permit
Alteration for Welsh Power Plant: *Movant's Supplemental Filing***

Dear Ms. Castañuela:

Yesterday, Sierra Club and Public Citizen filed their *Reply Brief* in the above referenced matter. An attachment to one of the exhibits – the resume of Joseph Van Gieson – was inadvertently omitted, although it was referenced in his Affidavit as “Exhibit A.”

Please accept the enclosed, to be inserted directly after *Exhibit 2, Affidavit of Joseph Van Gieson*, in our May 30, 2007, *Reply Brief*, to correct the inadvertent omission.

If you have any questions, please contact me at 619-7287. Thank you for your assistance in this matter.

Sincerely,

Ilan Levin (with permission by APB)

Ilan Levin
Environmental Integrity Project

cc: Keith Courtney fax: 370-2850
Stephanie Bergeron fax: 239-0606
Richard Hyde fax: 239-1300
Blas Coy fax: 239-6377
Bridget Bohac fax: 239-4007

Enclosure

CHIEF CLERKS OFFICE

2007 MAY 31 PM 12:45

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

EXHIBIT A:

JOSEPH VAN GIESON

Education

B.S., 1973, Mechanical Engineering, North Carolina State University

Experience

Mechanical Engineer, Carolina Power & Light Company, 1973-78
Project Engineer, Engineering Science, Inc., 1978-90
Assistant Vice President, Division Manager, Project Manager, Science Applications International Corporation, 1990-99
Senior Engineer, DynCorp, 1999
1999 to Present, Consultant

Summary of Relevant Experience

Mr. Van Gieson has more than 30 years experience in the application of air pollution emissions control and monitoring technologies, in supporting U.S. EPA and state air quality planning and compliance programs, and in supporting litigation of Clean Air Act cases for the U.S. Department of Justice. He has been involved in design, installation and operation of air pollution control equipment, and continuous emission monitoring systems at electric utilities. He has assisted EPA in enforcement actions, and the U.S. Department of Justice in litigation, as both a testifying and non-testifying technical expert. Mr. Van Gieson has participated in regulation development and policy implementation on wide variety of air quality initiatives. He has also designed and conducted training workshops for EPA and state air quality agency staff on continuous emission monitoring and air pollution control technology design, operation and inspection.

Mr. Van Gieson has served as project manager for six different contracts with the EPA Office of Air Quality Planning and Standards (OAQPS), the former Division of Stationary Source Enforcement, and the former Stationary Source Compliance Division of the Office of Enforcement during the past 14 years. These contracts have been used by EPA to access contractor support for the development and implementation of the national ambient air quality standards (NAAQS), development and implementation of state implementation plans for attaining NAAQS, compliance and enforcement actions conducted by the EPA, the design and development of the EPA Acid Rain Emission Tracking System and Allowance Tracking System, the development of 40 CFR Part 75 emission monitoring requirements under the Acid Rain program, and air quality planning and analysis studies including large scale ambient air quality monitoring studies.

Enforcement Program Development and Implementation

Performed Best Available Control Technology (BACT) analyses of electric utility facilities alleged to have violated NSR/PSD and NSPS permitting requirements. Collected air emissions samples of hazardous air pollutants from RCRA facilities including cement lime kilns combusting hazardous waste. Managed the development of a database of pollution control costs for compliance of the entire United States electric utility industry with BACT for year 2000. Assisted in the development of the 40 CFR Part 75 emissions monitoring requirements for the Acid Rain Division (now Clean Air Markets Division) of the EPA Office of Atmospheric Programs.

EXHIBIT A:

JOSEPH VAN GIESON

Enforcement Case Support

Conducted review of §114 productions, performs emissions calculations to determine applicability of NSR/PSD and NSPS regulations to projects performed by electric utilities. Performed review of referral packages prepared by EPA Regional staff related to electric utility industry activities. Reviewed of pollution control technology applications at facilities in support of settlement negotiations and provides analysis of technical and economic feasibility. Performed Best Available Control Technology (BACT) analyses of pollution control technical and economic feasibility at electric utility facilities alleged to have violated NSR/PSD and NSPS permitting requirements.

Assisted EPA ORC, EPA OGC, and DOJ attorneys in preparation of deposition materials and questions of defendants' expert witnesses in cases alleging violations of NSR/PSD regulations by electric utilities. Reviewed and provided comments on United State's and defendants' expert witnesses' expert reports on emissions calculations, routine maintenance, and BACT feasibility. Assisted the EPA and DOJ attorneys in the preparation of discovery requests, interrogatories, requests for admissions. Assisted the EPA and DOJ attorneys in preparation of responses to interrogatories and requests for admissions. Testified as expert witness on emissions calculations for NSR/PSD and NSPS applicability in the administrative hearing for the TVA case. Participated in identification of documents and preparation of exhibit list for trial.

Inspections, Emissions measurement

Participated in more than 50 compliance inspections including inspections of steam electric utility plants, lime kilns, kraft pulp mills, secondary steel smelters, battery recycling installations, grain processing plants, hazardous waste incinerators. Served as team leader for measurement of emissions from coal-fired electric utilities, municipal waste incinerators, and industrial boilers including measurement of particulate matter, SO₂, NO_x, and dioxans/furans. The measurements we conducted as part of engineering studies, emissions compliance demonstrations, continuous emissions monitoring systems (CEMS) certification, and pollution control equipment removal efficiency evaluations. Managed the installation and operation for more than one year of a CEMS system at a coal-fired electric utility boiler subject to 40 CFR 60, Subpart Da.

Records Management

Project Manager for the development of the Emissions Tracking System (ETS) and Allowance Tracking System (ATS) for the Acid Rain Division (now Clean Air Markets Division) of the EPA Office of Atmospheric Programs. The ETS acquires quarterly electronic reports of continuous emissions monitoring data for NO_x, SO₂, and 40 operating parameters from electric utility facilities subject to the Acid Rain provisions of the CAA. The ATS records establishment and trading, and maintains accounts of SO₂ emissions allowances. The accounting of emissions and allowances are posted on the CAMD web site for public access.

Business References

Catherine McCabe, US EPA Office of Enforcement and Compliance Assurance (202) 564-2440
Bruce Buckheit, US EPA Air Enforcement Division Director (ret.) (703) 280-1383