

Done formal oral comment

4

TCEQ Public Meeting Form
June 14, 2012

IP# 167806

Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3

PLEASE PRINT

Name: HARVEY HAYEK

Mailing Address: 6149 BACA RD, FAYETTEVILLE, TX 78940

Physical Address (if different):

City/State: FAYETTEVILLE, TX Zip: 78940

This information is subject to public disclosure under the Texas Public Information Act

Email: TOTAL @ COCTX, CO TX ✓

Phone Number: 979-249-3075 ✓

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

MW

\$ re formal oral comment

2

**TCEQ Public Meeting Form
June 14, 2012**

**Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3**

PLEASE PRINT

Name: Shane Johnson

Mailing Address: 13420 Capadocia CV

Physical Address (if different): _____

City/State: Austin, TX Zip: 78727

****This information is subject to public disclosure under the Texas Public Information Act****

Email: ~~www~~ environ_mental@sbcglobal.net ✓

Phone Number: (512) 791-2864 ✓

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Greenpeace

Please add me to the mailing list.

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting.

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting.

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mw

RECEIVED
JUN 14 2012
AT PUBLIC MEETING

Siame Johnson

Fayette Hearing Comments

1. The EPA's ruling of the Texas Flexible Permit as being in conflict with federal law was by all means a call for companies to align their regulations with the pollution control standards specified in the Clean Air Act. However, the first draft in the de-flex permit process does not reflect this. In specific, the Best Available Control Technology (BACT) standards are not met, neither are the Maximum Available Control Technology (MACT) levels for toxics, of which the latter is now a federal requirement for all coal-fired power plants. I'd like raise the question as to how the LCRA and the TCEQ have tried to accommodate the different federal requirements with regard to air pollution controls, and what in specific has prevented a stringent adherence to the BACT and MACT standards, something that would provide a clear gain for public health as well as the proximate environment?
2. The drafted de-flex permit is an opportunity to take a step up the environmental ladder with regard to improving air quality through reduced emissions. The obvious necessity of trying to improve our common air environment is further reinforced by the EPA's call for tougher standards than those implied in the Texas Flexible Permit that has been guiding emission limits until now. Therefore, it is difficult to understand how both the limits for CO as well as for HCl have increased, now allowing for a total of 3,932lbs/hour of CO instead of the previous 3,738lbs/hour, and for HCl, limits of 761lbs/hr instead of the Flexible Permit's 681lbs/hour. Are there any obvious reasons for these increases that we should be aware of, and how are these increases supposed to contribute to improving permit standards?
3. The Fayette Power Project has never relied on lignite as its main form of fuel, but rather been fed with the cleaner types of coal imported from Montana/Wyoming. Still, the new permit is authorizing a 100% burning of lignite and/ or subbituminous coal that would increase emissions to hitherto unprecedented levels. In addition to being an implicit step back in terms of general environmental standards of the plant, it will inflate prescribed emission limits, as those will be based on estimated emissions that do not correspond to actual ones. The new permit should not create leeway for digressing toward ever more dirty kinds of coal extraction and energy production. In what ways will the LCRA and the TCEQ ensure that allowing for 100% lignite burning will not result in an overall deteriorating air quality and increased emissions?
4. In the case of changing fuel sources, a significant shift in emissions can be expected to follow as a consequence – emissions that should be adequately anticipated and accommodated to prevent subsequent worsening air quality standards. The TCEQ should require the LCRA to provide comprehensive air dispersion modeling to properly anticipate any changes in particle emissions that might affect the surrounding environment and general public health standards.
5. Appendix A is currently the only place in which limits for toxic metals are included, but since this section remains unenforceable for citizens the standards specified there hold no accountability mechanism for the general citizenry and hence have no real effect. What has held back the LCRA from including these or even stricter limits in the actual permit itself? By leaving actual restrictions to the appendix, the overall permit remains weak and by no means an improvement to the previous, illegal permit.
6. The National Ambient Air Quality Standards (NAAQS) differentiate between different sizes of particle matter, depending on the health risk they pose through inhalation. Here, PM_{2.5}, and PM₁₀ are the two main types, and their impact to human health and the local environment vary considerably. Nevertheless, the current drafted de-flex permit does not differentiate between

If the emission levels in the old flex permit were deemed illegal by the EPA why is TCEQ not lowering the allowable ~~levels~~ ^{levels} of different pollutants in the new "de-flexed" permit? Would ^{it} not result in ~~another~~ another permit being put in to use that EPA would consider illegal as well?

m.w.

Shane Johnson

the two types of particulate matter and hence creates room for higher emissions of the more dangerous PM_{2.5}s, than what is considered safe and free of risk to public health. An improved specification of these substances should be followed by precise and adequate monitoring systems to ensure compliance. Will the TCEQ consider calling for improved specification of PM emissions as well as for the monitoring that will enable a proper enforcement of regulations?

7. The differentiation between interim and final limits adopted from the previous permit seems unnecessary and confusing now that all three scrubbers are installed and operational. The interim limits were originally included to apply to the time preceding the installation of scrubbers, where there was not the same capacity for limiting emissions of SO_x, NO_x and PM. Now that scrubbers are installed, final limits should apply at all times and differentiation will be unnecessary. Will the LCRA or the TCEQ elaborate on the motivation for including this now outdated division of limits?

8. The draft permit exempts the plant from meeting opacity limits during startup, shutdown, upsets or maintenance. These are the periods, when emissions peak and such exemption from compliance will hence allow for unmonitored and unregulated emissions at important times of activity and remains incompatible with the aim of securing an efficient permit that adequately protects public health and the surrounding environment. How will the LCRA and the TCEQ ensure that emissions will not provide a threat to public health during periods of startup, shutdown, upsets or maintenance? Opacity limits should apply at all times, exceptions should not be allowed.

9. In the letter sent to the LCRA on December 10th, 2010, the EPA required a "thorough examination of the facility's permitting and operational history" to form part of any legitimate de-flex permit application. Where in the current draft is such an examination included?

10. In what ways has the current draft been modified since the EPA's letter on May 20th 2011, when the initial application was rejected? How does the draft correspond to the EPA's recommended process for correcting illegal Flex Permits?

Personal Note: How can the LCRA and TCEQ justify having so many *blatant* discrepancies from the federal requirements and warnings sent to them from the EPA (when they have already been told they are *required* to lower the quantity of pollution emitted) in the newly drafted permit that would allow for unprecedented levels of pollutants to be released from the Fayette Power Project and refuse to match the legally required MACT standards for levels of toxics? It's completely illogical and entirely against public interest and health. They are simply ignoring warning after warning sent to them and pressing to continue a process and usage of technology already deemed *illegal*, while trying to cover it up through convoluted due process and legal jargon. Additionally, my family and I are Austin residents paying the rates of the LCRA for the power from Fayette; we are paying for the LCRA and TCEQ to regulate the emissions, but they are not doing their jobs. We are paying for the companies to pollute our local environment, degrading the environment as well as public health. I do not want that and neither does any other Texas citizen cognizant of what really goes on in regulating agencies. And for those who argue for these agencies and industries merely as job providers we need to develop the alternative energy industries to take over supplying the work to those people. Otherwise, we will never improve either our society nor the health and quality of the environment around us.

Have formal oral comment

8

TCEQ Public Meeting Form
June 14, 2012

IP# 167808

Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3

PLEASE PRINT

Name: Virginia Leech

Mailing Address: 558 S Washington

Physical Address (if different): _____

City/State: La Grange Tx Zip: 78945

****This information is subject to public disclosure under the Texas Public Information Act****

Email: v.leech@att.net ✓

Phone Number: 979-968-5226 ✓

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting.

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mw

mw



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TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN TX 78711-9958



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JUN 14 2012

Pub Meeting



57863

57863 25 2012 AM 10:21

0715

AT PUBLIC MEETING

Texas Commission on Environmental Quality
Comisión de Calidad Ambiental de Texas

Customer Satisfaction Survey

Encuesta de Satisfacción del Cliente

Have we provided the service you need?

¿Le hemos dado el servicio que usted necesita?

NSR
76973



REVIEWED

JUN 25 2012

Customer Satisfaction Survey
Encuesta de Satisfacción del Cliente

By AP

Please complete this survey and return to us—or go online at
<www.tceq.state.tx.us/goto/customersurvey>

Por favor complete esta encuesta y devuélvanosla—o vaya en línea a
<www.tceq.state.tx.us/goto/encuestadelcliente>

JUN 25 AM 10:21
OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

General Information, Información General

- Which customer type would you consider yourself: (mark only one)
¿Cuál categoría de cliente considera que le corresponde a usted? (marque sólo una)

<input type="checkbox"/> Citizen, Ciudadano	<input type="checkbox"/> Industry/Association Representative Representante de Industria o Asociación
<input type="checkbox"/> Owner or Employee of Regulated Company Propietario o Empleado de una Empresa Regulada	<input type="checkbox"/> Neighborhood/Community Representative Representante de Vecinos/Comunidad
<input checked="" type="checkbox"/> Environmental Group Representative Representante de Grupo Ecologista	<input type="checkbox"/> Attorney/Consultant, Abogado/Consultor
<input type="checkbox"/> Public/Elected Official Funcionario Público y/o Elegido	<input type="checkbox"/> Other (please describe): Otro (favor de describir):

2. What county do you live in? Travis
¿En qué condado tiene su domicilio?

- How did you find out about this survey? (mark only one)
¿Cómo se enteró de esta encuesta? (marque sólo una)

<input type="checkbox"/> A letter I received Una carta que recibí	<input type="checkbox"/> A TCEQ employee Un empleado de la TCEQ
<input type="checkbox"/> An e-mail I received Un correo electrónico que recibí	<input type="checkbox"/> Surfing the TCEQ website Navegando en el sitio web de la TCEQ
<input type="checkbox"/> A TCEQ publication Una publicación de la TCEQ	<input checked="" type="checkbox"/> Other (please describe): Otro (favor de describir): <u>Lawyer who is involved in enviro reg. law.</u>



Texas Commission on Environmental Quality
Comisión de Calidad Ambiental de Texas

(Please fold in thirds and staple to show return address.)
(Favor de doblarlo en tres y graparlo, de modo que se vea la dirección.)

Thank you for completing our survey.
Gracias por completar nuestra encuesta.

If you wish to file a complaint or comment in more detail, please contact our Customer Service Representative at 1-800-687-4040 or send an e-mail message to custserv@tceq.state.tx.us, or mail in your comments to the Office of Public Assistance MC-108, TCEQ, P.O. Box 13087, Austin, TX 78711.
Si desea presentar una queja o comentario con más detalle, favor de comunicarse con nuestro Representante de Servicio al Cliente, al teléfono 1-800-687-4040, o envíe un correo electrónico a custserv@tceq.state.tx.us, ó envíe sus comentarios por correo a la Oficina de Asistencia al Público MC-108, TCEQ, P.O. Box 13087, Austin, TX 78711.

The TCEQ is an equal opportunity employer. The agency does not allow discrimination on the basis of race, color, religion, national origin, sex, disability, age, sexual orientation, or veteran status. La TCEQ es un empleador con igualdad de oportunidades. La agencia no permite la discriminación por motivos de raza, color de piel, religión, origen nacional, sexo, discapacidad, edad, orientación sexual o condición de veterano.

Very Satisfied / Muy Satisfecho
Very Dissatisfied / Muy Insatisfecho
Not Applicable / No Aplicable

Overall, En General

How satisfied are you:

¿Qué tan satisfecho está usted...

4. With the Texas Commission on Environmental Quality?
...Con la Comisión de Calidad Ambiental de Texas? 5 4 3 2 1 N/A
5. That the TCEQ is attentive to customer complaints?
...Con la atención que la TCEQ brinda a las quejas de los clientes? 5 4 3 2 1 N/A

TCEQ Employees, Empleados de la TCEQ

How satisfied are you:

¿Qué tan satisfecho está usted...

6. That staff identified themselves adequately?
...Con la forma en que el personal se identifica? 5 4 3 2 1 N/A
7. That the staff is sufficiently knowledgeable?
...Con la suficiencia de conocimiento que tiene el personal? 5 4 3 2 1 N/A
8. That the staff is professional and courteous?
...Con el profesionalismo y cortesía del personal? 5 4 3 2 1 N/A

Telephone Calls, Atención Telefónica

How satisfied are you:

¿Qué tan satisfecho está usted...

9. With the handling of telephone calls you've placed to the TCEQ?
...Con la forma en que se manejan las llamadas telefónicas que usted ha hecho a la TCEQ? 5 4 3 2 1 N/A
10. With the length of time you wait to reach the right person on the phone?
...Con el tiempo de espera para que le atienda la persona adecuada en el teléfono? 5 4 3 2 1 N/A

Written Information or Documentation, Información Escrita y Documentación

How satisfied are you:

¿Qué tan satisfecho está usted...

11. With the accuracy/helpfulness of the written information or documentation you received?
...Con la exactitud y utilidad de la información escrita y documentación que recibió? 5 4 3 2 1 N/A
12. With the ease of understanding the written information or documentation you received?
...Con la facilidad con que se entiende la información escrita o documentación recibida? 5 4 3 2 1 N/A

Website, Sitio Web

How satisfied are you:

¿Qué tan satisfecho está usted...

13. With the ease of finding information on our website?
...Con la facilidad de encontrar información en nuestro sitio web? 5 4 3 2 1 N/A
14. With the usefulness of information on our website?
...Con la utilidad de la información que hay en nuestro sitio web? 5 4 3 2 1 N/A

Facilities, Instalaciones

How satisfied are you:

¿Qué tan satisfecho está usted...

15. With the appearance and location of our facilities?
...Con la apariencia y ubicación de nuestras instalaciones? 5 4 3 2 1 N/A
16. With the accessibility of our facilities?
...Con el acceso a nuestras instalaciones? 5 4 3 2 1 N/A

If You Filed a Complaint, Si Presentó una Queja

How satisfied are you:

¿Qué tan satisfecho está usted...

17. With the way your complaint was handled?
...Con la forma en que se manejó su queja? 5 4 3 2 1 N/A
18. With the response you received regarding your complaint?
...Con la respuesta que recibió sobre su queja? 5 4 3 2 1 N/A
19. With the timeliness of staff in handling your complaint?
...Con la puntualidad con la que el personal de la TCEQ atendió su queja? 5 4 3 2 1 N/A

Other, Otros

20. Do you have any other comments or concerns?

¿Tiene usted algún otro comentario o preocupación?

TCEQ is infamous for protecting the economic concerns of the entities it regulates instead of the health of the public and the environment. This needs to change, desperately.

- TCEQ staff may contact me if they have any questions. I need the TCEQ to contact me because I have further items to discuss.
El personal de la TCEQ puede comunicarse conmigo si tienen alguna pregunta. Necesito que la TCEQ se comuniquen conmigo porque tengo más asuntos para discutir.

Name: Ryan Rittenhouse Phone Number: 512-637-9451
Número de Teléfono:

E-mail: ryan.rittenhouse@greenpeace.org
Correo Electrónico:

Note: An e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body is confidential in most, but not all, cases. See more information at www.tceq.state.tx.us/signal/privacy. Also, individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-259-3282.
Nota: Una dirección de correo electrónico de un miembro del público que se proporciona para el propósito de comunicarse electrónicamente con una entidad gubernamental es confidencial en la mayoría, pero no todos, de los casos. Para más información en www.tceq.state.tx.us/signal/privacy. Además, individuos tienen derecho de pedir y examinar su información personal que la agencia reúne en sus formularios. También tienen derecho de que se corrija cualquier error que haya en su información. Para examinar tal información, comuníquese con nosotros al 512-259-3282.

Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3

PLEASE PRINT

Name: Ryan Rittenhouse

Mailing Address: 1303 San Antonio St. Austin, TX 78701

Physical Address (if different): _____

City/State: Austin, TX Zip: 78701

This information is subject to public disclosure under the Texas Public Information Act

Email: ryan.rittenhouse@greenpeace.org ✓

Phone Number: 512-637-9451 ✓

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? group: Greenpeace, Inc.

Please add me to the mailing list. ✓

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting.

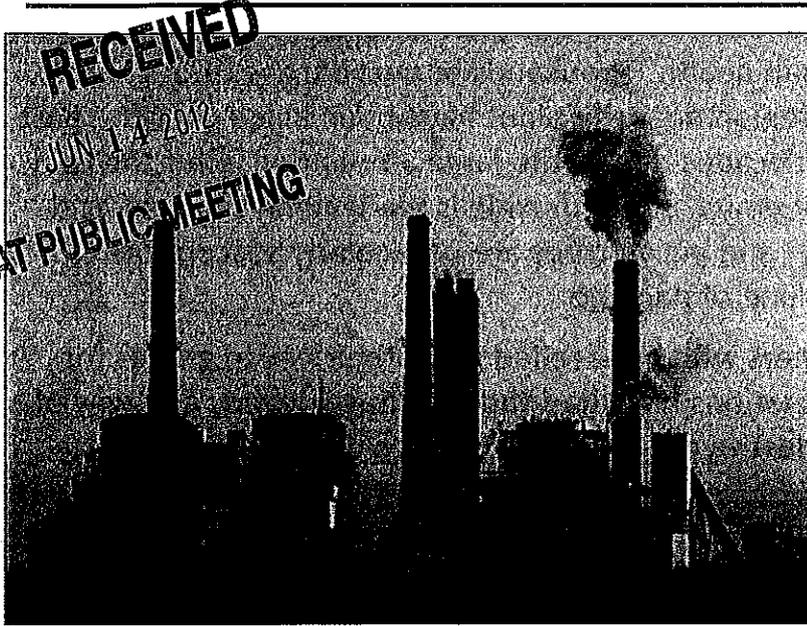
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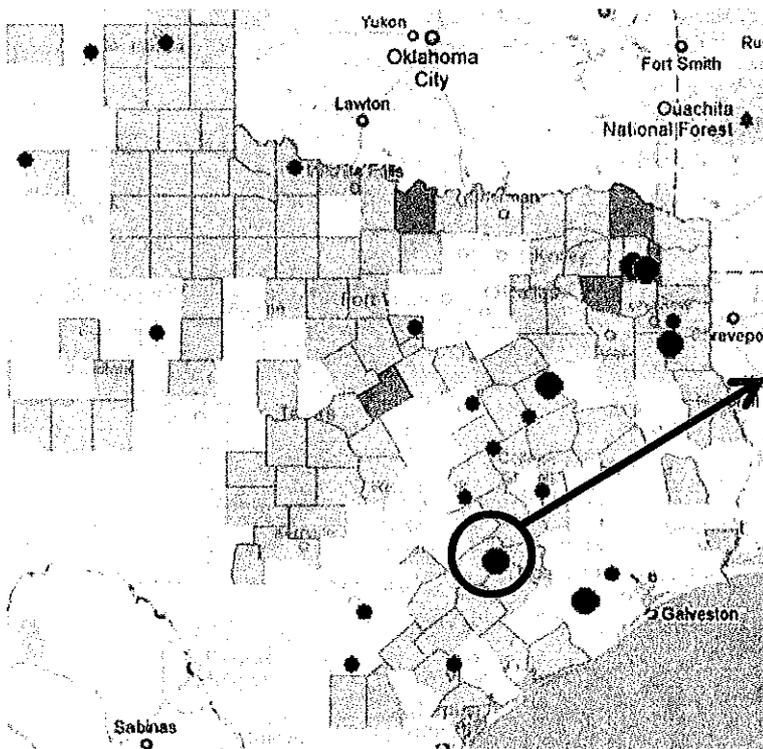
CRW

Annual Estimated Health Effects from the Fayette Coal Plant



Coal plants put out a plethora of pollutants. Here is a look at the annual, estimated health impacts on Fayette County, and their associated costs, from Fayette's emissions of Sulfur Dioxide, Nitrogen Oxides, Particulate Matter, and Volatile Organic Compounds.

Note that estimated impacts from other pollutants, such as the potent neurotoxin Mercury, or impacts on water, are not included in this summary. No other kind of electric power has this level of negative impacts.



Deaths:	37 (\$270,000,000)
Heart Attacks:	55 (\$6,100,000)
Asthma Attacks:	760 (\$40,000)
Hospital Admissions:	27 (\$630,000)
Chronic Bronchitis:	26 (\$11,000,000)
Asthma ER Visits:	42 (\$16,000)

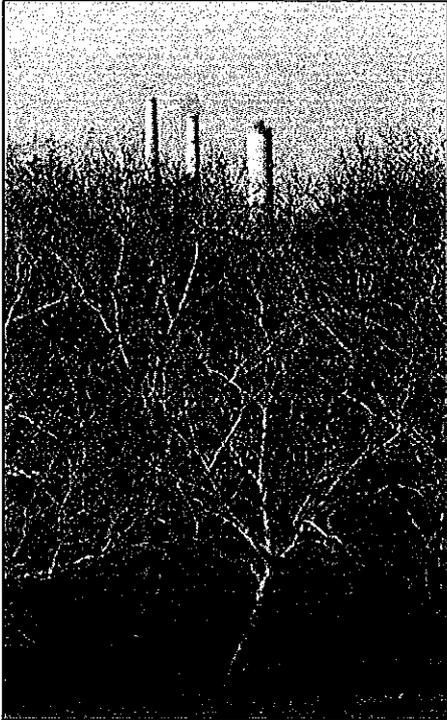
Annual Mortality Due to Individual Power Plants (Persons)



Source: Clean Air Task Force, Abt Associates.

mw

Impact on Local Farms



Harvey Hayek has lost 90% of his pecan trees to damage from Fayette.

The pollution from this plant affects more than just human health. Thousands of pecan trees throughout the region near the plant have been killed over the past few decades due to the large amount of sulfur the coal plant emits. Sulfur dioxide is the leading cause of acid rain – and pecan trees are particularly susceptible to this kind of damage.

Farmers who have relied upon their pecan groves for generations have had their heritage, legacy and way of life destroyed.

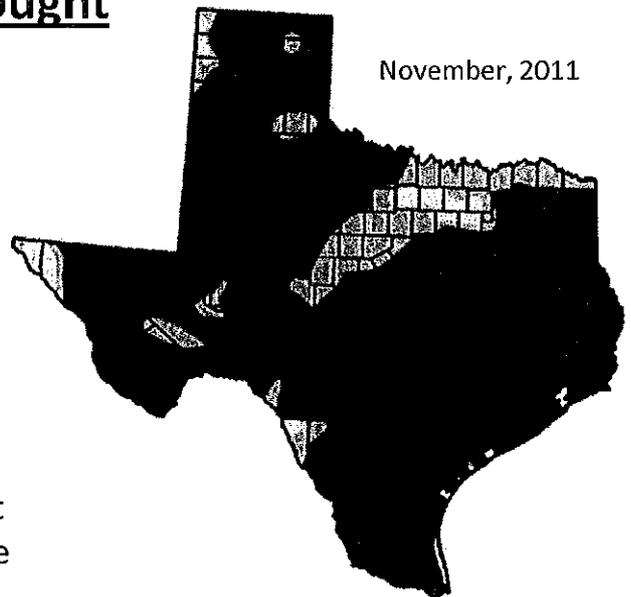


Water and Drought

The yearly average water consumption of Fayette from the Colorado Watershed is **5,759,402,359** gallons.

Texas has recently suffered severe drought and will likely only see worse in the future. The highland lakes (like Lake Travis) have not been at full levels since 2005. There are many alternative power sources that use little or no water.

For more information please visit:
www.FayettePowerProject.com
www.AustinBeyondCoal.com
www.TexasPecanGrowersAlliance.org



Austin



San Antonio coal plant to shut down

Will become first in state to close its doors

By Ramit Plushnick-Masti Associated Press

Monday, June 20, 2011

HOUSTON — A coal-fired power plant that has supplied electricity in San Antonio since the 1970s will be the first in Texas to shut down, the city and its electric company said Monday, an announcement that could put pressure on other energy suppliers to take similar steps.

The move by San Antonio's community-owned gas and electric company, CPS Energy, comes as many coal-fired plants nationwide face the prospect of stringent federal regulations on mercury and other emissions.

Texas, meanwhile, is struggling to meet the energy needs of a rapidly booming population. It has 19 coal-fired plants, more than any other state, and plans to build nine more. The announcement to shut down the Deely plant in 2018 could pressure the state's energy companies to focus their efforts on alternative power sources.

The Deely facility was supposed to be retired in 2030, but to meet new highly anticipated environmental regulations, CPS Energy would have had to install a \$550 million "scrubber" — equipment that helps decrease emissions.

The company decided the scrubber would not be a wise financial investment, opting instead to close the facility and put its money in newer forms of energy, including natural gas, "clean coal" and solar, CPS spokeswoman Lisa Lewis said.

"It was a decision really driven by expectations that we're going to face more challenging environmental regulations," Lewis said, noting CPS and other power companies have to prepare for a "low and no carbon" future.

Similar announcements are being made elsewhere in the country. In April, Washington state moved to shutter its only coal-fired facility by 2025.

San Antonio Mayor Julian Castro said the idea is to link "green" job creation to the hunt for new energy sources. Already, four new companies plan moves to the San Antonio area as part of the city's alternative energy future, creating between 800 and 1,000 jobs by 2015.

"San Antonio understands the nexus between sustainability and job creation," Castro told The Associated Press. "We're confident that we can achieve an economic and environmental gain. They're not mutually exclusive."

About 16 percent of San Antonio's energy currently comes from the Deely plant, and CPS hasn't decided yet how it will make up that 871 megawatts of energy, Lewis said. However, the company has already reached a deal with a new "clean coal" facility in West Texas to purchase 200 megawatts of energy and is focusing on installing large, utility-sized solar panels.

CPS also has a wind portfolio of 890 megawatts — one of the largest in the country — but doesn't anticipate expanding that at this time, she said.

Environmental groups welcomed the announcement.

Some hoped it could put pressure on the Lower Colorado River Authority to close the Fayette Power Plant, a coal-fired facility near Austin that also partially operates without a scrubber. Environmental groups recently filed suit against the plant, accusing it of violating the federal Clean Air Act. The groups suspect decades of sulfur dioxide emissions contributed to the deaths of thousands of pecan trees, harming ranchers' business.

"San Antonio's decision to phase out the Deely coal plant signals the beginning of the end of the coal-burning era and its associated air pollution and illness in Texas," said Eva Hernandez, with the Sierra Club's Beyond Coal campaign.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUN 13 2012 REVIEWED

Office of the Chief Clerk (MC-105)
Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

NSR
76973

JUN 18 2012
By AP

2012 JUN 18 AM 11:04
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Lower Colorado River Authority Sam Seymour Station, Fayette Power Plant, La Grange,
Fayette County, Texas, Permit 51770, Regulated Entity 100226844, CN 600253637

To Whom It May Concern:

We have reviewed the proposed permit amendment to convert the existing authorization for the Lower Colorado River Authority (LCRA), Sam Seymour Station, Fayette Power Plant from an air quality flexible permit (Air Quality Flexible Permit No. 51770) issued under 30 Texas Administrative Code (TAC) Chapter 116, Subchapter G to an air quality permit issued under 30 TAC Chapter 116, Subchapter B. The purpose of this permit amendment was to administratively finalize the conversion of the permit from Subchapter G to Subchapter B.

Our comments are enclosed. This letter is not a final position by the U.S. Environmental Protection Agency (EPA) concerning the disposition of the application and draft permit. We request the TCEQ respond to the public comments and, if necessary, revise the permit to meet the Texas State Implementation Plan approved rules and applicable federal regulations. In addition, all related documents should be in the public record for this permitting action. If you would like to discuss the enclosed comments please contact Stephanie Kordzi of my staff at (214) 665-7520.

Sincerely yours,

Jeff Robinson
Chief
Air Permits Section

Enclosure

cc: Mr. Mike Wilson
Texas Commission on Environmental Quality (MC-163)
Mr. Erik Hendrickson
Texas Commission on Environmental Quality (MC-163)

MW

Enclosure

Special Conditions (SC)

1. Page 1, SC 3 – The permit condition states that LCRA will “voluntarily limit emissions of nitrogen oxides (NO_x) to 9,522 tons per year (tpy)... permit holder agrees to make the 9,522 tpy limits between Units 1, 2, and 3 federally enforceable with this permit condition.” Why is the word “voluntary” written into the condition if it is listed as an emission limit in Permit Number PAL2? Why was this emission limit for NO_x the only PAL emission limit referenced in this permit?
2. Page 3, SC 8, 9, and 10 – Minimization of dust emissions at coal stockpiles at the power plant should include requirements for periodic monitoring, recordkeeping, and reporting to demonstrate compliance with the requirements.
3. Page 4, SC 13 How does TCEQ plan to ensure compliance with new unit specific emission limits for emission point numbers FPP-1N, FPP-2N, and FPP-3N? Please discuss whether stack testing is required.
4. Page 6, SC 13 and 15 - For emission point numbers FPP-1N, FPP-2N, and FPP-3N, why does the permit not establish ongoing periodic monitoring frequencies for carbon monoxide (CO), volatile organic compounds (VOC), and particulate matter (PM) to ensure compliance with new individual emission limits? The draft permit only requires continuous ongoing monitoring for NO_x and sulfur dioxide (SO₂).
5. Please ensure the permit defines each individual emission point for each applicable monitoring, recordkeeping, and reporting requirement to demonstrate compliance with individual emission limits.
6. On May 20, 2011, EPA Region 6 submitted a letter to TCEQ regarding this LCRA facility. In the letter, we commented that the de-flex permit application did not adequately justify whether the individually assigned limitations that were requested are appropriate. Specifically, Tables 7-1, 7-2, and Sections 8 and 9 of the application only compare proposed emission limits with legacy permit actions. The application did not appear to contain information demonstrating whether the emission limits requested by LCRA are the appropriate limits based upon an analysis of historical permit authorizations which would include determining whether past authorizations should have undergone New Source Review (NSR) review. A historical review and summary organized chronologically listing the physical or operational changes that required case-by-case NSR, permit by rule, standard permit authorization, qualified facility changes, and any other changes authorized under the flexible permit that did not require individual NSR authorization would be helpful. In addition, although Table 5-1 in the permit application lists the emission points and associated PBRs (56 PBRs were used) it did not contain a review to determine the resulting final emission limit for the units, considering all PBRs relevant to the units. Specifically, did activities authorized by any PBRs revise

emission limits of emission units under the flexible permit cap? If not, a statement should be made for the record that no emission units were affected. Did LCRA submit an update to the permit application containing the information that the EPA requested after the date of our May 20, 2011, letter? Please forward that information to our office if it was submitted.

7. Are any of the emission units regulated under proposed permit 51770 also regulated through any other Title 30 TAC Chapter 116 permit? If any emission unit is regulated through another NSR permit, how do those requirements affect the emission limits in this permit?
8. How are startup, shutdown, and maintenance (SSM) emissions regulated at this facility?

Maximum Allowable Emission Rate Table (MAERT)

9. The permit should include explicit compliance cap calculation methodologies as a separate condition or as part of the condition for each cap (i.e., method for calculating compliance with the Interim and Final Compliance Caps for Units 1, 2, & 3). Section 8 of the permit application states that "For any pollutant for which the sum of the proposed individual unit limits exceed the Flexible Permit emissions caps, compliance caps are being established that are less than or equal to the current Flexible permit caps." The application states that individual emission limits for NO_x, SO₂, interim PM, H₂SO₄, HCL, and HF were calculated without the 9% allowance originally included in the flexible permit cap. If the individual numbers were reduced 9%, why does the sum of the emissions for these pollutants exceed the flexible permit emission cap?
10. For clarity, we suggest the proposed interim and final compliance cap names reflect the basis for the cap (for example, the "steam electric generator cap").
11. The permit should reference how compliance caps comport with federal requirements and are consistent with SIP requirements. The EPA suggests adding language in the Maximum Allowable Emission Rate Table (MAERT) footnotes to state the basis for setting cap limits.
12. There does not appear to be an analysis of how LCRA derived its proposed individual emissions limitation for each emission unit that was covered under the flexible permit. How do the individual hourly emission rates developed comport with the definition of Potential to Emit found in TCEQ's Potential to Emit guidance? See http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/pte.pdf.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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*NSR
76973*

CHIEF CLERKS OFFICE

2012 JUN 13 PM 2:20

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Lower Colorado River Authority Sam Seymour Station, Fayette Power Plant, La Grange,
Fayette County, Texas, Permit 51770, Regulated Entity 100226844, CN 600253637

To Whom It May Concern:

We have reviewed the proposed permit amendment to convert the existing authorization for the Lower Colorado River Authority (LCRA), Sam Seymour Station, Fayette Power Plant from an air quality flexible permit (Air Quality Flexible Permit No. 51770) issued under 30 Texas Administrative Code (TAC) Chapter 116, Subchapter G to an air quality permit issued under 30 TAC Chapter 116, Subchapter B. The purpose of this permit amendment was to administratively finalize the conversion of the permit from Subchapter G to Subchapter B.

Our comments are enclosed. This letter is not a final position by the U.S. Environmental Protection Agency (EPA) concerning the disposition of the application and draft permit. We request the TCEQ respond to the public comments and, if necessary, revise the permit to meet the Texas State Implementation Plan approved rules and applicable federal regulations. In addition, all related documents should be in the public record for this permitting action. If you would like to discuss the enclosed comments please contact Stephanie Kordzi of my staff at (214) 665-7520.

REVIEWED

JUN 13 2012

By *BP*

Sincerely yours,

Jeff Robinson
Chief
Air Permits Section

Enclosure

cc: Mr. Mike Wilson
Texas Commission on Environmental Quality (MC-163)
Mr. Erik Hendrickson
Texas Commission on Environmental Quality (MC-163)

MW

Enclosure

Special Conditions (SC)

1. Page 1, SC 3 – The permit condition states that LCRA will “voluntarily limit emissions of nitrogen oxides (NOx) to 9,522 tons per year (tpy)... permit holder agrees to make the 9,522 tpy limits between Units 1, 2, and 3 federally enforceable with this permit condition.” Why is the word “voluntary” written into the condition if it is listed as an emission limit in Permit Number PAL2? Why was this emission limit for NOx the only PAL emission limit referenced in this permit?
2. Page 3, SC 8, 9, and 10 – Minimization of dust emissions at coal stockpiles at the power plant should include requirements for periodic monitoring, recordkeeping, and reporting to demonstrate compliance with the requirements.
3. Page 4, SC 13 How does TCEQ plan to ensure compliance with new unit specific emission limits for emission point numbers FPP-1N, FPP-2N, and FPP-3N? Please discuss whether stack testing is required.
4. Page 6, SC 13 and 15 - For emission point numbers FPP-1N, FPP-2N, and FPP-3N, why does the permit not establish ongoing periodic monitoring frequencies for carbon monoxide (CO), volatile organic compounds (VOC), and particulate matter (PM) to ensure compliance with new individual emission limits? The draft permit only requires continuous ongoing monitoring for NOx and sulfur dioxide (SO₂).
5. Please ensure the permit defines each individual emission point for each applicable monitoring, recordkeeping, and reporting requirement to demonstrate compliance with individual emission limits.
6. On May 20, 2011, EPA Region 6 submitted a letter to TCEQ regarding this LCRA facility. In the letter, we commented that the de-flex permit application did not adequately justify whether the individually assigned limitations that were requested are appropriate. Specifically, Tables 7-1, 7-2, and Sections 8 and 9 of the application only compare proposed emission limits with legacy permit actions. The application did not appear to contain information demonstrating whether the emission limits requested by LCRA are the appropriate limits based upon an analysis of historical permit authorizations which would include determining whether past authorizations should have undergone New Source Review (NSR) review. A historical review and summary organized chronologically listing the physical or operational changes that required case-by-case NSR, permit by rule, standard permit authorization, qualified facility changes, and any other changes authorized under the flexible permit that did not require individual NSR authorization would be helpful. In addition, although Table 5-1 in the permit application lists the emission points and associated PBRs (56 PBRs were used) it did not contain a review to determine the resulting final emission limit for the units, considering all PBRs relevant to the units. Specifically, did activities authorized by any PBRs revise

emission limits of emission units under the flexible permit cap? If not, a statement should be made for the record that no emission units were affected. Did LCRA submit an update to the permit application containing the information that the EPA requested after the date of our May 20, 2011, letter? Please forward that information to our office if it was submitted.

7. Are any of the emission units regulated under proposed permit 51770 also regulated through any other Title 30 TAC Chapter 116 permit? If any emission unit is regulated through another NSR permit, how do those requirements affect the emission limits in this permit?
8. How are startup, shutdown, and maintenance (SSM) emissions regulated at this facility?

Maximum Allowable Emission Rate Table (MAERT)

9. The permit should include explicit compliance cap calculation methodologies as a separate condition or as part of the condition for each cap (i.e., method for calculating compliance with the Interim and Final Compliance Caps for Units 1, 2, & 3). Section 8 of the permit application states that "For any pollutant for which the sum of the proposed individual unit limits exceed the Flexible Permit emissions caps, compliance caps are being established that are less than or equal to the current Flexible permit caps." The application states that individual emission limits for NO_x, SO₂, interim PM, H₂SO₄, HCL, and HF were calculated without the 9% allowance originally included in the flexible permit cap. If the individual numbers were reduced 9%, why does the sum of the emissions for these pollutants exceed the flexible permit emission cap?
10. For clarity, we suggest the proposed interim and final compliance cap names reflect the basis for the cap (for example, the "steam electric generator cap").
11. The permit should reference how compliance caps comport with federal requirements and are consistent with SIP requirements. The EPA suggests adding language in the Maximum Allowable Emission Rate Table (MAERT) footnotes to state the basis for setting cap limits.
12. There does not appear to an analysis of how LCRA derived its proposed individual emissions limitation for each emission unit that was covered under the flexible permit. How do the individual hourly emission rates developed comport with the definition of Potential to Emit found in TCEQ's Potential to Emit guidance? See http://www.tceq.texas.gov/assets/public/permitting/air/Guidance/Title_V/pte.pdf.



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To: Office of the Chief Clerk TCEQ	From: Stephanie Kordzi
Fax: (512) 239-3311	Fax: (214) 665-6762
Phone: ()	Phone: (214) 665-7520

Comments:	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 2012 JUN 13 PM 2:20 CHIEF CLERKS OFFICE
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OPA
MAY 25 2011
BY *[Signature]*

CHIEF CLERKS OFFICE

MAY 25 AM 10:06

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Lower Colorado River Authority (LCRA) Sam Seymour Station Fayette Power Plant, Fayette County, Texas - Prevention of Significant Deterioration (PSD) Permit No. PSDTX486M3 and Flexible Permit 51770 – Review of January 31, 2011, Permit Amendment Application

To Whom It May Concern:

We have reviewed the permit application to transition the LCRA Fayette Power Plant from a Subchapter G Flexible Permit No. 51770 to a Subchapter B permit. The permit application is dated January 31, 2011, and was received in our office on February 15, 2011. It was evaluated to ensure consistency with the Federal Clean Air Act (CAA) requirements and also to ensure a transparent lookback record. EPA has consistently recommended an approach to transition from a Subchapter G permit to a Subchapter B permit as laid out in an *Agreed Process for Transitioning Subchapter G Flexible Permits to State Implementation Plan (SIP) Approved Permits*. See http://www.epa.gov/region6/6xa/pdf/10-21-10_epa_letter_to_fha_with_all_transition_attachments.pdf.

The application submitted does not follow the recommended four step process referred to in the previous paragraph. It is important that all historical permit transactions are evaluated. We note that the first step of the process was not conducted by LCRA and instead they chose to submit a Subchapter B permit application without amending the Title V Permit through a minor permit revision to incorporate a term/condition assuring compliance with all federal applicable requirements during the transition process.

In addition, the application does not adequately justify whether the individually assigned limitations that were requested are appropriate. Specifically, Tables 7-1, 7-2, and Sections 8 and 9 of the application are inadequate in that they must contain information demonstrating whether the emission limits requested by LCRA are the appropriate limits based upon an analysis of historical permit authorizations which would include determining whether past authorizations should have undergone New Source Review (NSR) review. The application must also include a review and summary of all federal requirements under the CAA such as New Source Performance Standards (NSPS), Maximum Achievable Control Technology (MACT) Standards and SIP emission limits as they apply to each individual unit covered under the flexible permit.

CM

In addition, the analysis must summarize all permit by rules (PBRs) that apply to, or authorize emissions from, emission units under the flexible permit cap. Title V Permit No. O21 issued September 21, 2009, incorporates by reference 11 PBRs. For each emission unit under the flexible permit cap that also has emissions authorized by a PBR, a review should be conducted to determine the total emission limit for the unit, considering all PBRs relevant to the unit. Specifically, did activities authorized by any the PBRs affect emission units under the flexible permit cap? If not, a statement should be made for the record that no emission units were affected.

We are also in receipt of the final Plantwide Applicability Limit (PAL) Separation and Permit Alteration dated April 14, 2011, which affects Permit Nos. 51770, PSDTX486M3, and PAL2. It is intricately linked to this amendment application. A comment letter is currently being prepared regarding that particular permit action and will be sent under separate cover.

We look forward to working with the TCEQ to resolve the issues identified in our comments and to ensure that the permit, when it is proposed, is consistent with the requirements of the Texas PSD State Implementation Plan (SIP). This letter is not a final position by the U.S. Environmental Protection Agency (EPA) concerning the disposition of the application and the subsequent draft permit. This concludes our review of the permit application as received. If you have any questions, please contact Stephanie Kordzi of my staff at (214) 665-7520.

Sincerely yours,



Jeff Robinson
Chief
Air Permits Section

cc: Mr. Steve Hagle
Texas Commission on Environmental Quality (MC-163)
Mr. Erik Hendrickson
Texas Commission on Environmental Quality (MC-163)

In addition, the analysis must summarize all permit by rules (PBRs) that apply to, or authorize emissions from, emission units under the flexible permit cap. Title V Permit No. O21 issued September 21, 2009, incorporates by reference 11 PBRs. For each emission unit under the flexible permit cap that also has emissions authorized by a PBR, a review should be conducted to determine the total emission limit for the unit, considering all PBRs relevant to the unit. Specifically, did activities authorized by any the PBRs affect emission units under the flexible permit cap? If not, a statement should be made for the record that no emission units were affected.

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Sincerely yours,



Jeff Robinson
Chief
Air Permits Section

cc: Mr Steve Hagle
Texas Commission on Environmental Quality (MC-163)
Mr. Erik Hendrickson
Texas Commission on Environmental Quality (MC-163)



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Phone: ()	Phone: (214) 665-7520

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**TCEQ Public Meeting Form
June 14, 2012**

**Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3**

PLEASE PRINT

Name: EVA THEIL

Mailing Address: 2216 San Gabriel, Tx 78705, Austin

Physical Address (if different): _____

City/State: Austin, Tx Zip: _____

****This information is subject to public disclosure under the Texas Public Information Act****

Email: evatheilt@gmail.com ✓

Phone Number: 512 708 0755 ✓

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? Greenpeace

Please add me to the mailing list.

I wish to provide formal **ORAL COMMENTS** at tonight's public meeting.

~~_____~~

I wish to provide formal **WRITTEN COMMENTS** at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

MW

Have formal ^{oral} comment
Have additional formal ^{oral} comment
TCEQ Public Meeting Form
June 14, 2012

5
17

IP# 167807

Lower Colorado River Authority
Air Quality Permit
Permit Number 51770 and PSDTX466M3

PLEASE PRINT

Name: David E Westbrook

Mailing Address: P.O. Box 50 Wanda TX 78960

Physical Address (if different): 8434 Gray LN

City/State: La Grange Zip: 78945

This information is subject to public disclosure under the Texas Public Information Act

Email: _____

Phone Number: 979-242-5770 ✓

• Are you here today representing a municipality, legislator, agency, or group? Yes No
If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

MW