

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Tuesday, April 15, 2014 1:07 PM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 933
Attachments: Comments and CCH request for Permit 933 Renewal-Apr 14 20141.pdf

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From: ilevin@environmentalintegrity.org [<mailto:ilevin@environmentalintegrity.org>]
Sent: Monday, April 14, 2014 5:18 PM
To: donotReply@tceq.texas.gov
Subject: Public comment on Permit Number 933

*USR
91343*

REGULATED ENTY NAME MARTIN LAKE STEAM ELECTRIC STATION

RN NUMBER: RN102583093

PERMIT NUMBER: 933

DOCKET NUMBER:

COUNTY: RUSK

PRINCIPAL NAME: LUMINANT GENERATION COMPANY LLC

CN NUMBER: CN603256413

FROM

NAME: Ilan Levin

E-MAIL: ilevin@environmentalintegrity.org

COMPANY: Environmental Integrity Project

ADDRESS: 1303 SAN ANTONIO ST Suite 200
AUSTIN TX 78701-1636

PHONE: 5126379479

FAX:

COMMENTS: Please see attached pdf for public comments and request for a contested case hearing regarding the renewal of Permit No. 933 (Luminant Generation Company LLC's Martin Lake Steam Electric Station in Rusk County).

MW



1303 San Antonio Street, Suite 200
Austin TX, 78701
p: 512-637-9477 f: 512-584-8019
www.environmentalintegrity.org

April 14, 2014

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: Public Comments and Request for a Contested Case Hearing Regarding Renewal of Permit No. 933 (Luminant Generation Company LLC's Martin Lake Steam Electric Station, Rusk County)

Dear Ms. Bohac:

Environmental Integrity Project, Texas Campaign for the Environment, and Sierra Club ("Commenters") submit these preliminary comments on the renewal application for the above-referenced permit. Commenters reserve their right to submit additional comments and request a contested case hearing on additional issues after we have an opportunity to review any proposed draft permit. In addition, Sierra Club and Environmental Integrity Project request a contested case hearing.

Commenters

Environmental Integrity Project is a nonprofit, non-partisan organization which promotes strict enforcement and effective implementation of state and federal air quality laws.

Sierra Club is the nation's oldest and largest grassroots environmental group with a mission that includes protecting air quality from smokestack emissions from power plants like Martin Lake.

Texas Campaign for the Environment is a non-profit membership organization dedicated to informing and mobilizing Texans to protect the quality of their lives, their health, their communities, and their environment. TCE works on matters relating to reducing pollution generally, and on matters specifically related to air quality.

Commenters have staff, members and supporters who live, work, attend school, travel and recreate in areas adversely affected by emissions from the Martin Lake Steam Electric Station. They include members of sensitive populations such as people with asthma, the elderly, and children who are at elevated risk for the deleterious health effects posed by emissions from coal-fired boilers.

Concerns

The Application fails to comply with 30 TAC § 116 renewal requirements, including but not limited to Section 116.311, because it fails to demonstrate that:

- the facility is being operated in accordance with all requirements and conditions of the existing permit, including representations in the application for permit to construct and subsequent amendments, and any previously granted renewal, unless otherwise authorized for a qualified facility;
- the facility meets the requirements of any applicable New Source Performance Standards as listed under Title 40 Code of Federal Regulations (CFR) Part 60, promulgated by the EPA under the authority of the FCAA, §111, as amended;
- the facility meets the requirements of any applicable emission standard for hazardous air pollutants as listed under Title 40 CFR Part 61, promulgated by EPA under the authority of the FCAA, §112, as amended;
- the facility meets the requirements of any applicable maximum achievable control technology standard as listed under 40 CFR Part 63, promulgated by the EPA under FCAA, §112 or as listed under Chapter 113, Subchapter C of this title (relating to National Emissions Standards for Hazardous Air Pollutants for Source Categories (FCAA §112, 40 CFR 63)); and
- the facility meets the requirements of Subchapter C of this chapter (relating to Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources (FCAA, §112(g), 40 CFR Part 63)).

In addition, the Application should be amended to avoid a condition of air pollution and to ensure compliance with otherwise applicable federal requirements. The Application should be supplemented to include additional information regarding the pollution control efficiencies of all pollution control equipment, an explanation as to how these controls are the best available technologies, and analyses on the emissions from the facility and their impacts on the surrounding area.

Commenters also contend that the Application fails to include information sufficient to demonstrate compliance with 30 TAC § 116.111 application requirements. In addition, the Application fails to demonstrate how the facilities meet Best Available Control Technology Requirements.

Commenters are also concerned about the limited period (15 days) for public notice, and the TCEQ's statements in the Notice that failure to submit comments on first notice can foreclose additional public participation opportunities. Commenters contend that the federal Clean Air Act provides at least 30 days' notice, and guarantees members of the public a right to appeal any draft or final permit once these have been issued. Commenters reserve their rights to comment on and/or appeal the issuance of the Draft or Final renewed Permit No. 933.

In addition to the above listed deficiencies, Commenters have the following questions and concerns about the Application, and request the TCEQ to respond in writing to the following issues:

1. Please specify all the changes requested in the Application that alter, modify, or amend pre-existing permit or SIP conditions. The the Application requests substantial and material changes to pre-existing permit conditions. See, Application page 3-1. These requested revisions include revising Special Condition No. 3, and incorporating Standard Permit for Pollution Control Projects (SP-PCP) Registration No. 85302, which constitute major amendments that require additional review by TCEQ. Please explain these, and any other, change to pre-existing permit or SIP conditions.
2. The Martin Lake plant is not being operated in accordance with all requirements and conditions of the existing Permit No. 933, including representations in the application for permit to construct and subsequent amendments and any previously granted renewal.
3. The Application states that emission factors are being changed, but Commenters are unable to determine from the Application which emission factors are being revised and why. To the extent that this Application seeks to alter, modify, or amend any pre-existing representation or emission factor that was relied on in previous permitting actions, Commenters request a list of those changes and the reasons for the changes. Without this additional clarity, Commenters cannot adequately assess the Application. In addition, failing to clearly list all the changed emission factors and underlying representations makes it difficult to ensure compliance with emission limits for emissions that are not continuously monitored.
4. For Units 1, 2, and 3, the Application assumes maximum worst case hourly emission rates for VOC, CO, PM, but provides no justification for these estimates. Commenters request that TCEQ explain how maximum hourly worst-case emissions for these pollutants were calculated, and provide the justification for the values contained in the emission calculations for these emissions.
5. Commenters request clarification from TCEQ that all the representations used to calculate worst-case emissions are enforceable.
6. The Application states that "Hourly and annual emissions of H₂SO₄ are calculated using the 'Southern method.'" Please explain why this method is appropriate and why direct measurements of H₂SO₄ are not being used.

7. The Application states that “NO_x, SO₂, CO, HF, and H₂SO₄ hourly and annual emissions from the coal-fired Units 1, 2, and 3 boilers during MSS do not exceed normal emission rates.” Application page 4-2. Please explain what is meant by the phrase “normal emission rates” and please explain how hourly emissions of these pollutants during MSS do not exceed these emission rates.
8. The Application states that “Hourly PM and Pb emission rates during MSS may be greater than emission rates associated with normal operation due to control device design.” Application p. 4-2. Please explain why control device design results in higher PM and lead emissions during MSS. In addition, please explain why the control device design issues affect PM and lead emission rates but not SO₂ and H₂SO₄ emission rates (discussed above).
9. The values contained in Table A-12.17, Application page A-38 (emission calculations for startup emissions of PM and lead) and upon which the assumed worst-case emissions are not explained or backed up in any way. Commenters request that the Applicant and TCEQ provide explanations and citations for all of the assumptions that form the bases for these calculations. For example, on what basis is the assumed “dropout rate” (i.e., the assumed level of PM control when the ESP is de-energized) 60%? Commenters respectfully request an opportunity to review this referenced “study” that purportedly found this “dropout rate.” In addition, it is unlikely that the relative levels of different sizes of PM (i.e., PM_{2.5}, PM₁₀, TPM) remain constant, because, relative to large particles, fewer fine particles will “drop out” during uncontrolled emissions periods. As another example, Commenters are unable to tell from the Application why 35 tons per hour was selected as the “maximum coal feed rate prior to PM control device energization.” Please explain why this value was selected and also, importantly, how this representation will be enforced. These are examples of the additional information the Commenters seek in requesting a more thorough and complete explanation of the assumed “worst-case” emissions for PM and lead.
10. For Table 1(a) (Emission Point Summary), Commenters request that TCEQ identify which of the representations that form the bases for these emission rates are enforceable representations and which are not.
11. It is unclear from the Application how compliance is to be determined for all emissions which are not monitored with CEMS. Please explain the methods for determining compliance with all emission limits for boiler stack emissions that are not continuously monitored.
12. The Application fails to provide enough information to allow Commenters to discern how compliance is to be demonstrated for all the requested emission limits for Units 1, 2, and 3 and the stack emissions. For example, how are actual emissions of PM determined for compliance with all pre-existing and requested hourly and annual PM limits? Commenters also request that the Commission explain whether or not any law, rule, or TCEQ policy bars the Commission from considering any other evidence of compliance or

noncompliance, other than the method specified in the Permit, if the Commission finds such evidence to be credible.

Request for a Contested Case Hearing

Environmental Integrity Project and Sierra Club request a contested case hearing on Luminant's renewal application. Environmental Integrity Project is a nonprofit, non-partisan organization which promotes strict enforcement and effective implementation of state and federal air quality laws. Environmental Integrity Project has offices, programs, and staff in Texas who are affected by emissions of air contaminants from the Martin Lake power plant. Sierra Club is the nation's oldest and largest grassroots environmental group with Texas members who live, work, attend school, travel and recreate in areas adversely affected by emissions from the Martin Lake Steam Electric Station ("Martin Lake Plant"). They include members of sensitive populations such as people with asthma, the elderly, and children who are at elevated risk for the deleterious health effects posed by emissions from coal-fired boilers. Members of Sierra Club are affected in ways not common to members of the general public. These members are affected by the emissions of air contaminants being authorized by the proposed permit. One such Sierra Club member is Eddie Gomez who resides at SD-11 Lake Cherokee, Henderson, Texas 75652.

All communications regarding this hearing request should be directed to:

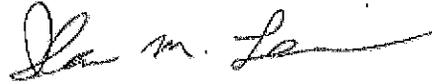
Ilan Levin
Environmental Integrity Project
1303 San Antonio Street, # 200
Austin, Texas 78701
Phone: (512) 637-9477
Fax: (512) 584-8019

Conclusion

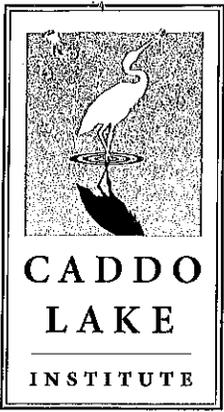
Because the application fails to comply with applicable requirements, the application is deficient. Commenters request written responses to these comments and an opportunity to more fully evaluate the proposed Draft Permit when it is issued. Commenters reserve their right to supplement or amend these comments, to request a contested case hearing on second notice, and to seek any other remedy regarding the renewal of Permit No. 933 that is allowed by law.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilan M. Levin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ilan Levin
Environmental Integrity Project
1303 San Antonio Street, Suite 200
Austin, Texas 78701
Phone: (512) 637-9477
Fax: (512) 584-8019



April 15, 2014
Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

REVIEWED

APR 17 2014

By _____

NSR
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CHIEF CLERKS OFFICE

2014 APR 17 PM 5:06

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Application of Luminant Generation Company LLC to Renew its Permit No. 933 for its Martin Lake Steam Electric Station, Rusk County

Dear Ms. Bohac:

The Caddo Lake Institute (CLI) submits these preliminary comments and requests a contested case hearing on the renewal application for the above-referenced permit.

CLI files these comments and its request for hearing to seek further notice of the above referenced application and to preserve its right to participate in the decision of the agency on the application.

On July 18, 2008, CLI and others requested a hearing on a prior pending application by Luminant to reduce emissions. That matter is identified as the

Application of Luminant Generation Company, LLC regarding Air Quality Permit No. 933 and PSD Permit No. PSD-TX_1084 for the Steam Electric Generating Units 1, 2 and 3 at the Martin Lake Plant

That matter also initially involved a request for changes to mercury controls, and was improperly approved separate from the application identified above.

In that matter:

1. CLI supports the emission reductions, but it has concerns about the emission increases and lack of monitoring.
2. CLI seeks adequate monitoring to evaluate the results and the claims of reduction in mercury, NOx, SO2, etc.

CLI continues to seek assurance of adequate controls and monitoring of mercury and other pollutants that can result in contamination by methyl mercury in fish and wildlife.

CLI continues to believe that Luminant has neither adequate controls nor monitoring for mercury, NOx, and SO2.

CLI also adopts the comments of the Environmental Integrity Project filed on April 14, 2014.

MW

DON HENLEY, FOUNDER | DWIGHT SHELLMAN JR., PRESIDENT 1992 - 2006

BOARD OF DIRECTORS DON HENLEY, CHAIRMAN; SANDRA HAVERLAH, SECRETARY/TREASURER; DR. CARROLL L. CORDES; MYRON J. HESS; J. MARSHALL JONES, JR.; WILLIAM F. MICHAELS

MAIL: 707 RIO GRANDE, SUITE 200, AUSTIN TEXAS 78701 | TELEPHONE: 512.482.9345 | FAX: 512.482.9346 | WWW.CADDOLAKEINSTITUTE.US



Caddo Lake Institute (CLI) is a non-profit scientific and educational organization founded in 1992 with the mission of protecting the ecological, cultural and economic integrity of Caddo Lake, its associated wetlands and watershed. It has scientists under contract and has hired additional scientist, including experts at Texas Christian University and East Texas Baptist University, to assist in the evaluation of mercury contamination in fish and wildlife at Caddo Lake.

Caddo Lake is located on the border of northeast Texas and northwest Louisiana. The lake is known for its exceptional wildlife diversity and recreational opportunities. CLI owns land along Caddo Lake and has additional interests that will be affected, including research and scientific interests and recreational and cultural interests. Thus, CLI has legal interests in assuring that proper controls of pollutants are achieved and adequate monitoring of emissions is accomplished at Luminant's Martin Lake Power Plant which is within 40 miles or so of Caddo Lake and CLI's property.

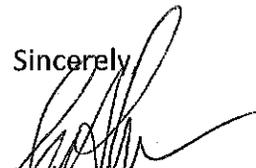
CLI may need to submit additional comments and request a contested case hearing on additional issues after the opportunity to review any proposed draft permit or other proposed decision of the Executive Director.

Thank you for your consideration of these comments and hearing request.

All communications should be directed to me at

Caddo Lake Institute
707 Rio Grande, Suite 200
Austin, Texas 78701
rl@caddolake.us
512 482-9345
512 482-9346 fax

Sincerely,



Richard Lowerre
President



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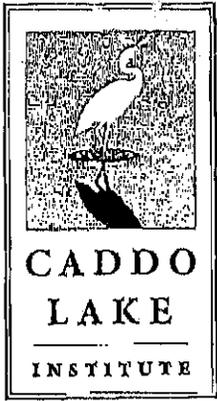
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**FREDERICK, PERALES, ALLMON
& ROCKWELL, P.C.**

Attorneys at Law
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AUSTIN, TX 78701
(512) 469-6000 / 482-9346 (fax)

Ms. Bridget Bohac
Office of the Chief Clerk MC-105
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087



April 15, 2014
Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

REVIEWED

APR 15 2014

By *[Signature]*

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NSR
91343

CHIEF CLERKS OFFICE

2014 APR 15 AM 11:38

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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[Handwritten signature]

DON HENLEY, FOUNDER | DWIGHT SUBLEMAN JR., PRESIDENT 1993 - 2006

BOARD OF DIRECTORS: DON HENLEY, CHAIRMAN; SANDRA HAVERKAMP, SECRETARY/TREASURER; DR. CARROLL L. CONDES; MYRON J. HESS; F. MARSHALL JONES, JR.; WILLIAM F. MICHAELS
MAIL: 707 RIO GRANDA, SUITE 200, AUSTIN TEXAS 78701 | TELEPHONE: 512-482-9345 | FAX: 512-482-9346 | WWW.CADDOLAKEINSTITUTE.US

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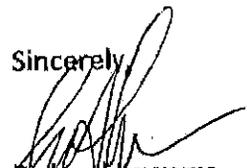
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All communications should be directed to me at

Caddo Lake Institute
707 Rio Grande, Suite 200
Austin, Texas 78701
rl@caddolake.us
512 482-9345
512 482-9346 fax

Sincerely,



Richard Lowerre
President

FREDERICK, PERALES, ALLMON & ROCKWELL

707 Rio Grande, Suite 200
Austin, TX 78701
(512) 469-6000 Phone
(512) 482-9346 FAX

CHIEF CLERKS OFFICE

2014 APR 15 AM 11:38

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

FAX COVER SHEET

TO: Bridget Bohac
Office of the Chief Clerk,
Texas Commission on Environmental Quality

512-239-3311

FROM: Marisa Perales
DATE: April 15, 2014

DOCUMENTS	NUMBER OF PAGES (not including cover pg.)
Re: Application of Luminant Generation Company, LLC to Renew its Permit 933 for its Martin Lake Steam Generation Station, Rusk County	2

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