

**SOAH DOCKET NO. 582-09-3008
TCEQ DOCKET NO. 2009-0283-AIR**

APPLICATION OF WHITE STALLION ENERGY CENTER, L.L.C. FOR STATE AIR QUALITY PERMIT NOS. 86088; HAP28, PAL26, AND PSD-TX-1160	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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ENVIRONMENTAL DEFENSE FUND, INC.'S RULE 194 DISCLOSURES

TO: WHITE STALLION ENERGY CENTER, LLC, by and through its attorneys of record, Eric Groten, Vinson & Elkins, L.L.P., 2801 Via Fortuna, Suite 100, Austin, TX 78746.

Environmental Defense Fund, Inc. (hereinafter "EDF") makes the following Rule 194 disclosures:

194.2(f): for any testing expert:

(1) the expert's name, address, and telephone number;

Response: Roberto Gasparini, Ph.D.
Spirit Environmental
17350 State Highway 249, Suite 249
Houston, TX 77064
Phone: (281) 664-2490

(2) the subject matter on which the expert will testify;

Response: Roberto Gasparini, Ph.D.: Air Modeling. *See also* the affidavits of Dr. Gasparini dated March 3, 2011, May 2, 2011, and May 23, 2011 attached to EDF's Motion for Remand and EDF's Reply in Support of APA Motion to Remand. *See also* Dr. Gasparini's prefiled testimony and exhibits filed on March 22, 2012.

(3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

Response: Roberto Gasparini, Ph.D.: Without modeling the emissions from the sources as they would be located on White Stallion's new site plan (the October 25th Site Plan), it is not possible to determine whether the net effect would be a violation of one or more of the federal or state clean air act standards. Additionally, the changes made to White Stallion's site

plan constitute an amendment under TCEQ's rules. New dispersion modeling based on White Stallion's October 25th Site plan predicts exceedances of the short-term PSD increment for PM₁₀ and 1-hour SO₂ NAAQS. New dispersion modeling based on the Air Permit Site Plan predicts exceedances of the 1-hour SO₂ NAAQS. Based on the new modeling White Stallion is not entitled to a permit and has not met its burden of proof under 40 CFR § 52.21(k), the Texas Clean Air Act and TCEQ's rules. *See also* the affidavits of Dr. Gasparini dated March 3, 2011, May 2, 2011, and May 23, 2011 attached to EDF's Motion for Remand and EDF's Reply in Support of APA Motion to Remand. *See also* Dr. Gasparini's prefiled testimony and exhibits filed on March 22, 2012.

- (4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
- (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

Response:

Dr. Gasparini will rely on: all documents submitted to the TCEQ in support of White Stallion's applications for State Air Quality Permit No. 86088, Prevention of Significant Deterioration Permit No. PSD-TX-1160, Hazardous Air Pollutant Permit No. 28, and Plantwide Applicability Limit Permit PAL 26 ("air permits"); the draft permit; all exhibits made a part of the record in the contested case proceeding before the State Office of Administrative Hearings on White Stallion's air permits, including, but not limited to, prefiled testimony and prefiled rebuttal testimony; documents filed in support of White Stallion's application to the U.S. Army Corps of Engineers for a wetlands permit, including, but not limited to, the October 25th Site Plan; all modeling conducted by White Stallion related to its proposed power plant in Matagorda County, Texas; all guidance documents and memoranda available at TCEQ and EPA, including, but not limited to, documents available online and the August 23, 2010 memorandum from Stephen D. Page to Regional Air Division Directors and its attachments; all documents produced by White Stallion and other parties in the above-referenced proceeding; the transcript of the contested case hearing; the Proposal for Decision, Final Order and Permit issued in the above-referenced proceeding; and the Travis County District Court's Remand Order and filings.

Documents responsive to Disclosure 194.2 have previously been produced and are voluminous. Those documents will be made available for inspection and copying at the offices of McElroy, Sullivan & Miller, LLP, 1201 Spyglass Drive, Suite 200, Austin, Texas 78746. Please contact the undersigned to arrange for inspection and copying. Air dispersion

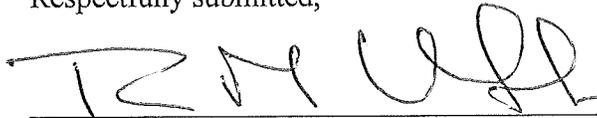
modeling conducted by Dr. Gasparini and certain electronic files are being produced along with this disclosure on a CD entitled "Electronic Files (incl. Modeling)."

(B) the expert's current resume and bibliography.

Response:

Dr. Gasparini's resume was previously provided to the parties as EDF Exhibit 201 to Attachment 6 to EDF's Objections and Brief with Accompanying Remand Evidence filed on March 22, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T M Weber", written over a horizontal line.

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CERTIFICATE OF SERVICE

This is to certify that on this the 28th day of March, 2012, the foregoing document has been served by hand-delivery, electronically, and/or email to the addressees listed below:

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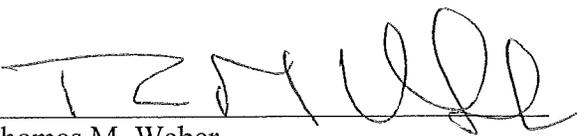
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