

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

July 25, 2008

TO: Persons on the attached mailing list

Re: Permit Numbers: 81706, PSD-TX-1089, and HAP12
Aspen Power LLC
Lufkin Generating Plant
Lufkin, Angelina County
Regulated Entity Number: RN105224877
Customer Reference Number: CN603188699

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) Executive Director has issued final approval of the above-referenced application. The TCEQ Executive Director's Response to Comments is attached.

You may file a **motion to overturn** with the Office of the Chief Clerk. A motion to overturn is a request for the Commission to review the TCEQ Executive Director's decision. Any motion must explain why the Commission should review the TCEQ Executive Director's decision.

A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the Executive Director's attorney and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the Commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "LaDonna Castañuela".

LaDonna Castañuela
Office of the Chief Clerk

LDC/RLH/ssl

Enclosures

cc: Mr. Joe Woolbert, T-Square Design Associates, Inc., Longview
Air Section Manager, Region 10 - Beaumont

Project Numbers: 128838, 128839, and 136703

TCEQ AIR QUALITY PERMIT NO. 81706
 PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AIR QUALITY PERMIT NO. PSD-TX-1089
 HAZARDOUS AIR POLLUTANT MAJOR SOURCE [FCAA § 112(g)] CHIEF CLERKS OFFICE
 DETERMINATION NO. HAP12

PERMIT 8 PM 4: 15

APPLICATION BY	§	BEFORE THE
	§	
Aspen Power LLC	§	TEXAS COMMISSION ON
Lufkin Generating Plant	§	
Lufkin, Angelina County	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code § 55.156 (30 TAC § 55.156), before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: Patty Akers, attorney for Nacogdoches Power LLC; Jeff Robinson, Chief of the Air Permits Section of United States Environmental Protection Agency (EPA) Region VI; and neighbourhood residents listed in Lists A, B, and C, attached. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

Aspen Power LLC has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382. 0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the applicant to construct an electric generating facility. The facility is located at NE Junction of Loop 287 State Hwy 103 and Kurth Drive, Lufkin, Angelina County. The facility will consist of a wood fired stoking grate boiler and steam turbine which will produce approximately 45 MW of electricity. Contaminants authorized under this permit include nitrogen oxides (NO_x), carbon monoxide (CO), particulate matter including particulate matter less than 10 microns and less than 2.5 microns in diameter (PM/PM₁₀ and PM_{2.5}), volatile organic compounds

(VOC), sulfur dioxide (SO₂), hydrogen chloride (HCl), sulfuric acid mist (H₂SO₄), lead (Pb), chlorine (Cl), and ammonia (NH₃).

Procedural Background

Before work is begun on the construction of a new facility or a modification of an existing facility that may emit air contaminants, the person planning the construction or modification must obtain a permit or permit amendment from the commission. This permit application is for an initial issuance. The permit application was received on April 23, 2007, and declared administratively complete on May 23, 2007. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on June 20, 2007 in *La Lengua*, and on June 22, 2007 in *The Lufkin Daily News*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) for this permit application was published on March 13, 2008 in *The Lufkin Daily News*, and on March 19, 2008 in *La Lengua*. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted in accordance with House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1: Jeff Robinson of EPA commented that the best available control technology (BACT) analysis prepared by the TCEQ in the Preliminary Determination Summary (PDS) should contain a detailed administrative record documenting appropriate BACT determinations for the emissions of nitrogen oxides (NO_x) and carbon monoxide (CO). In particular, there is no comparison of the proposed control units with other types of control technology for wood waste derived fuel boilers in recent PSD permits issued nationwide. The State's rationale for the BACT determinations in the permit, including an evaluation of the technical and economic feasibility of available control technologies should also have been discussed in the Preliminary Determination Summary.

RESPONSE 1: As part of the BACT review process, the TCEQ requires the applicant to evaluate information on other project BACT from two sources: the EPA's RACT/BACT/LAER Clearinghouse (RBLC) and on-going permitting in Texas and other states not yet in the RBLC. The TCEQ reviews this evaluation and may independently evaluate these sources, as was done in this case. All of these sources and the TCEQ's continuing review of emission control developments are then considered in completing the BACT review for this permit action. However, because the process is described in detail in the TCEQ 2001 Draft Guidance Document, RG-383, "Evaluating Best Available Control Technology (BACT) in Air Permit Applications," it is not recapitulated in detail in the PDS.

The PDS did contain, however, a summary of the detailed analysis of BACT provided in Section IX.C of the permit application (page 84, *et seq.*) and in a subsequent submittal of information provided by the applicant on July 23, 2007. In these submittals, Aspen Power discussed in detail the information retrieved from EPA's RACT/BACT/LAER Clearinghouse and other information from the boiler manufacturer used to justify the BACT proposed. Based upon a detailed review of the data

provided in the application and other solid fuel combustion unit permits reviewed, the TCEQ concluded that BACT was adequately demonstrated. In addition to the extensive review of all control technologies identified in the RACT/BACT/LAER clearinghouse, all technologies were identified and discussed. Finally, the applicant provided a discussion of the environmental and economic impacts in its BACT analysis that was reviewed and accepted by the TCEQ.

The RBLC for biomass fueled boilers issued permits between 2003 and the present revealed there were 23 permits of which 22 were BACT, and 1 was designated as "other." TCEQ also took into account a recent Texas air permit, PSD-TX-1061, for Nacogdoches Power's biomass fueled boiler. The specific results of the RBLC search for NO_x, CO, and particulate matter, including particulate matter less than or equal to 10 μm in diameter, (PM/PM₁₀) are discussed in Response Nos. 2, 3, and 4 below.

COMMENT 2: Jeff Robinson of EPA commented that the draft permit lists the CO value as 0.31 lb/MMBtu yet the RBLC includes information for an Ohio facility regarding a similar wood burning facility which will achieve CO emission limits of 0.10 lb/MMBtu. The TCEQ should discuss in its evaluation why the emission concentration for Permit No. OH-0307 in the State of Ohio was not considered and whether there are more stringent values that would be applicable.

RESPONSE 2: The applicant and TCEQ examined the RBLC for the 18 biomass boilers with CO limits which were issued permits from 2003 until the present, and also took into account a recent Texas air permit PSD-TX-1061. Five of the 19 had a lower CO emission rate than Aspen, but these five are significantly different from Aspen. Of these five, three had add-on controls and two use fluidized bed combustion chambers. Two of the add-on units, including Biomass Energy, the aforementioned Southpoint, Ohio facility (RBLC Id. No.: OH-307), have an oxidation catalyst to reduce CO. Also, OH-307 has not yet been built and so has not been demonstrated to meet such a low limit.

The other 14 units use good combustion practice as BACT for CO rather than add on controls and have the same or higher emission rate as Aspen. Because only a clear minority of the recently permitted units uses add on controls, the TCEQ does not consider this to be typical BACT, and agreed with Aspen that good combustion practice is BACT.

COMMENT 3: Jeff Robinson of EPA commented that the application lists the NO_x value as 0.15 lb/MMBtu yet the RACT/BACT/LAER Clearinghouse includes information for a Washington facility regarding a similar wood burning facility which will achieve NO_x emission limits of 0.12 lb/MMBtu. The TCEQ should discuss in its evaluation why the emission concentration for Permit No. WA-0329 in the State of Washington was not considered and whether there are more stringent values that would be applicable. Patty Akers, attorney for Nacogdoches Power LLC, also made the comment (but has now withdrawn it) that several other stoker boilers have lower emissions limits than Aspen.

RESPONSE 3: The Darrington Energy Plant, WA-0329, was not built. Inquiries by Aspen's consultant found that a much smaller project (not requiring a PSD permit) was permitted by the State of Washington at the site to a lumber company; that permit was for 0.15 lb/MMBtu NO_x. Another

project, WA-0327, was permitted at 0.13 lb/MMBtu NO_x; however, that site is designed to inject excess ammonia to reduce NO_x and has a 50 ppmv limit on ammonia slip (Aspen has 10 ppmv). OH-0307 also has a low limit (0.10 lb/MMBtu NO_x), but it also has not yet been built and so has not been demonstrated to meet such a low limit. Therefore, TCEQ does not consider it typical BACT for stoking grate biomass boilers.

The TCEQ examined the RBLC for 16 biomass boilers with NO_x limits which were issued permits from 2003 until the present and also took into account a recent Texas air permit PSD-TX-1061. Two of the 17 units, one larger than Aspen and one about the same size, use a fluidized bed rather than a stoker grate. Discounting these two and the three mentioned in the paragraph above, only one of 12 units' limits are more strict than Aspen's, and it is 0.14 rather than 0.15 lb/MMBtu. Because Aspen based its limit on the guarantee of its vendor, which has extensive experience with selective non-catalytic reduction (SNCR) on biomass boilers, TCEQ believes that 0.15 lb/MMBtu is the appropriate limit for BACT.

COMMENT 4: Jeff Robinson of EPA commented that the draft permit lists the PM/PM₁₀ value as 0.025 lb/MMBtu yet the RACT/BACT/LAER Clearinghouse includes information for an Ohio facility regarding a similar wood burning facility which will achieve PM/PM₁₀ emission limits of 0.021 lb/MMBtu. The TCEQ should discuss in its evaluation why the emission concentration for Permit No. OH-0307 in the State of Ohio was not considered and whether there are more stringent values that would be applicable. Has the source and TCEQ considered the installation of baghouses as part of its BACT analysis?

RESPONSE 4: The TCEQ examined the RBLC for 18 biomass boilers with PM/PM₁₀ limits which were issued permits from 2003 until the present and also took into account a recent Texas air permit PSD-TX-1061. One unit, OH-307, mentioned in the comments, proposes to use both an electrostatic precipitator (ESP) and a fabric filter baghouse. OH-0307 does have a low limit, but, as mentioned in Response No. 3 above, it has not been built and, since it has an unusual configuration, TCEQ does not consider it typical BACT for stoking grate biomass boilers.

Four of the units use a fabric filter and seven units use an ESP, as will Aspen. The other six units use other controls, which perform poorly compared to ESPs and fabric filters. The permit limits of these units indicate that a fabric filter is not superior to an ESP in capturing PM/PM₁₀ on biomass boilers, but that the two methods are equivalent for this application.

The PM/PM₁₀ limits on the units with just a fabric filter range from 0.023 lb/MMBtu to 0.025 lb/MMBtu (which is the permit limitation for Aspen). The limits on units with ESPs range from 0.020 lb/MMBtu to 0.032 lb/MMBtu. This data indicates that the performance for the two methods overlaps. Since the ESP's have, in general, the same range of permit limits as the fabric filters, the exact limit is apparently a matter of the specific application, rather than of the control device. Aspen has consulted with its supplier and determined that 0.025 lb/MMBtu is the appropriate limit for BACT.

COMMENT 5: Jeff Robinson of EPA commented that the TCEQ should consider requiring PM Continuous Emission Monitoring Systems (CEMS) to monitor filterable particulate matter. EPA believes that PM CEMS measure the pollutant of interest and provide a greater degree of confidence that the PM control device is operating as intended than periodic performance testing and the Continuous Opacity Monitoring System (COMS) now in the permit. EPA believes PM CEMS for filterable particulate matter have been adequately demonstrated, and is aware of a number of successful applications in industries ranging from pulp and paper, hazardous waste incineration, copper smelting, and no less than six electric generating units, as well as other PM CEMS that are to be installed on electrical generating units. The capital and operating costs of PM CEMS are comparable to those of Continuous Opacity Monitoring Systems (COMS).

EPA notes that the revisions to the New Source Performance Standards for Electric Utility Boilers allow PM CEMS to be used in lieu of opacity limits and COMS. Direct, continuous measurement of the pollutant of concern, as can be provided only by PM CEMS, will help ensure proper monitoring of the PM control equipment to the source, environmental agency, and to the public.

Should TCEQ decide against using PM CEMS in lieu of opacity limits and COMS, EPA also notes that revisions to the New Source Performance Standards for electric utility boilers allow bag leak detection systems to be used in lieu of opacity limits and COMS for sources using fabric filters as PM control devices. Bag leak detection systems are already in use in a variety of source types and are required control device monitoring in a number of regulations. These systems are less expensive than PM CEMS or COMS to install, operate, and maintain, and these systems are better able to detect changes in PM concentrations than COMS.

EPA believes that PM CEMS, which measure PM directly, or bag leak detection systems, which are more sensitive to changes in PM concentrations than COMS, provide the best means of assuring compliance with the low PM BACT level.

RESPONSE 5: This boiler is not subject to the New Source Performance Standards (NSPS) for electric utility boilers, 40 CFR 60 Subpart Da, but rather the NSPS for industrial-commercial-institutional boilers, Subpart Db.¹ In any case, NSPS do not require a PM CEMS; 40 CFR § 60.46b(d) and (j) allow the owner or operator of a facility the choice of either Reference Method testing or a PM CEMS for initial compliance determination. Similarly, 40 CFR § 60.48b(a) and (j) allow the choice of either a COMS or a PM CEMS for continuous determination of compliance. Aspen has chosen to use Reference Method testing and a COMS. Please note that PM/PM₁₀ will be directly monitored periodically as Special Condition No. 28 requires annual stack testing.

COMMENT 6: Jeff Robinson of EPA asked if the TCEQ conducted a BACT analysis for MSS (Maintenance, Startup, and Shutdown) emissions. The analysis should clarify whether MSS emissions were included in compliance determinations with all BACT emission limitations. The TCEQ should provide an on-the-record analysis as to why compliance with the normal BACT limits is infeasible during MSS. The analysis should also identify what design, control, methodology, work

¹ The boiler is not subject to Subpart Da because it does not burn fossil fuel (bio-diesel will be used for startup).

practice (such as a limitation on total startup and shutdown event time) or other change is appropriate for inclusion in the permit to minimize emissions during MSS by including a BACT evaluation for MSS. Also, the alternative BACT must meet all PSD requirements, including compliance with all applicable national ambient air quality standards (NAAQS) and increments.

RESPONSE 6: A BACT analysis for MSS was conducted and reviewed for both normal operations and during MSS. Aspen will meet the same pounds per hour limit in the Maximum Allowable Emission Rate Table (MAERT) for normal operation BACT during startup and shutdown associated with maintenance. No emissions are expected from the actual maintenance activities themselves. Concentration limits, however, were not considered part of the BACT for MSS because there may be a spike in concentration due to low temperature affecting the efficiency of SNCR, and combustion efficiency in general, during the beginning of startup or the end of shutdown. Instead Aspen will limit the duration of each MSS activity to the shortest period practicable. In order to establish such work practices to minimize emissions during MSS, Special Condition No. 33 has been added to the permit which will require Aspen to develop a written MSS operation plan.

The MSS emissions were included in the modeling and were shown to meet all PSD requirements.

COMMENT 7: Jeff Robinson of EPA commented that the Preliminary Determination Summary references Special Condition No. 9 and indicates that the emission rates listed can be exceeded during start-up and shut-down. Do the "emissions from the boiler" referenced in the permit condition include MSS emissions and are they covered by the MAERT? These emissions must be authorized by a federally enforceable permit.

RESPONSE 7: The "emissions from the boiler" referenced in Special Condition No. 9 applies only to the concentrations (in parts per million by volume) listed in that special condition. As stated in Response No. 6, the lb/hour limits in the MAERT will apply to startup and shutdown associated with maintenance. No emissions are expected from the actual maintenance activities themselves.

COMMENT 8: Jeff Robinson of EPA commented that the EPA did not receive a copy of the PSD air dispersion modeling performed by the applicant and referenced on Page 5, Section VII of the Preliminary Determination Summary. The EPA requests a copy of the air dispersion modeling for its review. Upon review, the EPA will determine if additional comments are necessary.

RESPONSE 8: Aspen resent the modeling data to EPA on April 19, 2008.

COMMENT 9: Mr. A. J. Hunt, Jr. commented that this permit would allow Aspen to emit more CO than a coal-fired power plant (he has withdrawn the comment).

RESPONSE 9: A recently issued permit for a pulverized coal power plant did have a lower CO limit than Aspen in terms of pounds per million Btu of heat input. However, this is a different technology than a biomass fired stoking grate boiler. The lower CO limit generally reflects the greater efficiency of combustion due to the fine particle size of the pulverized coal and to the boiler design of a pulverized coal unit, which is different from the boiler design of a stoking grate boiler.

COMMENT 10: Neighborhood residents (*see Lists B and C, attached*) provided similar comments that the project would adversely affect their quality of life. Specifically, they commented that a power plant should never be located in a residential area under any circumstances (*Branson, A. Hartsfield, W. Hartsfield, Hunt, and Dr. Pierre*), and that this particular plant would cause or exacerbate health problems for people living in the vicinity, particularly in elderly people, children, and people with asthma or allergies, and in people who exercise outdoors (*all*). Some commenters expressed concern about the possible effects of pollutants from the plant on their allergies or asthma, or stated that they or their family members have breathing problems that could be adversely impacted by the plant (*Agent, Dixon, E. Hughes, P. Hughes, Hunt, Parker, Dr. Pierre, Shelton*). Some commenters expressed concern about an increased possibility of cancer (*Davis, Hunt*), kidney and liver failure (*E. Hughes, P. Hughes, Hunt*), and congestive heart failure and chronic obstructive pulmonary disease (*Thompson*). The individuals on List B have since withdrawn their comments.

RESPONSE 10: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ cannot deny authorization of a facility if a permit application demonstrates that all applicable statutes, rules, and regulations will be met. Approval of the location of a facility is not addressed in any of these statutes, rules, or regulations, and so TCEQ does not have jurisdiction to approve or deny a permit based solely on its location.

Potential impacts to human health and welfare or the environment are determined by comparing ambient air concentrations predicted by computer air dispersion modeling for emissions from the proposed facility to appropriate state and federal standards and effects screening levels. National Ambient Air Quality Standards (NAAQS) are created by the United States Environmental Protection Agency (EPA), are defined in the federal regulations (40 C.F.R. § 50.2), and include both primary and secondary standards. The primary standards are those which the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The standards are set for criteria pollutants: ozone, lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, and respirable particulate matter (PM). "Criteria pollutants" are those pollutants for which a NAAQS has been established.

The TCEQ's toxicology section evaluates whether the potential impacts are expected to cause health or nuisance problems. The toxicology section reviews the results from air dispersion modeling by comparing those results to the TCEQ Effects Screening Levels (ESLs). The ESL guidelines are derived by the Toxicology Section and are based on a constituent's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based screening levels are set at levels lower than levels reported to produce adverse health effects, and as such are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. Adverse health or welfare effects are not expected to occur from the proposed facility

since predicted air concentrations of all constituents are below their respective ESLs and below the NAAQS.

Please note that applicants must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. Specifically, the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." As long as the facility is operated in compliance with the terms of the permit, nuisance conditions or conditions of air pollution are not expected. However, individuals are encouraged to report any concerns about nuisance issues by contacting the Beaumont Regional Office at 409-898-3838, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ investigates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action. The status of complaints to the TCEQ may be tracked at the following website <http://www.tceq.state.tx.us/compliance/complaints/waci.html>.

COMMENT 11: Commenters state that grinding machinery will be too noisy, that trucks bringing in wood fuel will cause traffic problems, and that the diesel tractors at the plant will cause additional air pollution (*A. Hartsfield, W. Hartsfield, and Dr. Pierre*).

RESPONSE 11: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have jurisdiction under the TCAA to consider noise "pollution" or traffic control. Concerns about traffic are more appropriately directed to the Texas Department of Transportation, Texas Department of Public Safety, or appropriate local officials.

The TCEQ may regulate stationary sources of air contaminants, but has no authority to regulate mobile sources. Motorized vehicles such as trucks and tractors are categorized as mobile sources and their emissions by definition are not subject to regulation by the TCAA. Accordingly, the TCEQ does not have jurisdiction to consider impacts of emissions from motor vehicles when determining whether to approve air quality permit applications.

However, if truck or tractor traffic within the site creates road emissions, nuisance-related regulatory provisions may be triggered. 30 TAC § 101.4 prohibits a person from creating or maintaining a condition of nuisance that interferes with a landowner's use and enjoyment of his property. 30 TAC § 101.5 also provides, "No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use." See Response 10 for more information on nuisance.

COMMENT 12: Two commenters express concern that the plant will cause low elevation areas adjacent to their property to become more polluted, and infested with mosquitoes and insects (*A. Hartsfield and W. Hartsfield*).

RESPONSE 12: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider the potential increases in mosquitoes or other insects when determining whether to approve an application for an air quality permit. The scope of the Agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of his property. See Response 10 for more information on nuisance.

COMMENT 13: Two commenters state that the plant will cause property values to go down (comment has been withdrawn) (*E. Hughes and P. Hughes*).

RESPONSE 13: The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider zoning or effects on property values when determining whether to approve or deny an air quality permit application.

COMMENT 14: Neighborhood residents (*see Lists A and B, attached*) provided similar comments on a form letter that they supported the plant and understood that the air dispersion modeling predicted no adverse health impacts from the plant. Letters supporting the plant were also provided by various city officials (*see List A*).

RESPONSE 14: The ED acknowledges the comments and appreciates the interest in environmental matters before the agency.

CHANGES MADE IN RESPONSE TO COMMENT

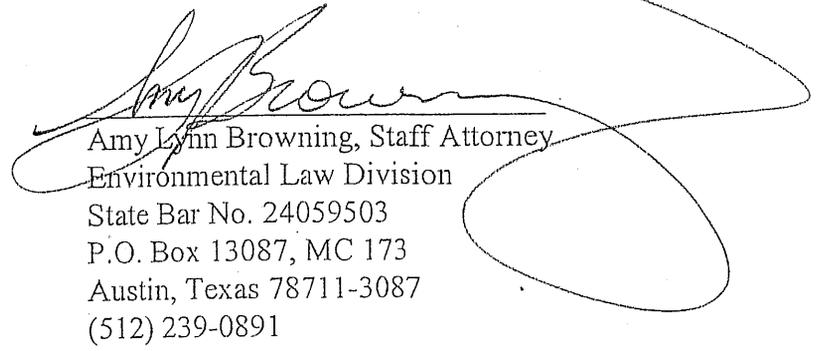
In response to public comment, the Executive Director has changed certain provisions of the draft permit. These changes and the reasons for these changes are more fully described in Response No. 6 above.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division



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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

ATTACHMENT

<u>List A:</u> <u>27 Neighborhood Residents and City Officials</u> <u>Commenting in Favor of The Project</u>	<u>List B:</u> <u>13 Neighborhood Residents Initially Opposed, but Subsequently Withdrawing Opposing Comments.</u>	<u>List C:</u> <u>2 Neighborhood Residents Commenting in Opposition to the Project.</u>
Buford Abeldt Edwin Buford Carolyn Butler Michael Butler Margie Byrd Concerned Citizen Trey Crain Tod Glen Jack Gorden – <i>Mayor, Lufkin</i> George Harris Jerry Holcombe Roy Knight – <i>Superintendent of Lufkin ISD</i> Bryant Krenek – <i>President & CEO of Memorial Health System of East Texas</i> Kristine Mark John McKenzie Philip Medford – <i>Councilman, Ward 6, Lufkin</i> Victoria Montgomery Edna Munk Paul Parker – <i>City Manager</i> Jennifer Rodgers Charles Sanders Jay Shands – <i>Chairman of City of Lufkin 4B Corp.</i> Constance Shephard Kendrich Shepard Tamela Shepard Gloria Snyder B. Thomas Jim Wehmeier – <i>City of Lufkin Director of Economic Development</i> Thomas Williams	Cecil Agent Mildred Branson Lonnie Davis Monique Davis Oscar Dixon Emmaline Hughes Paul Hughes A. J. Hunt, Jr. Robert McGee Ella Mae Parker Dr. Dallas Pierre, DDS Annie Shelton Jewett Thompson	Aaron Hartsfield Willie Hartsfield

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LUFKIN TX 75904-1106

PAUL HUGHES
306 SELLERS ST
LUFKIN TX 75904-1424

MILDRED S BRANSON
2313 MINNIE LOU ST
LUFKIN TX 75904-1111

TOD GLEN
475 DUNCAN SLOUGH RD
LUFKIN TX 75901-7598

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CONCERNED CITIZEN
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