State Office of Administrative Hearings

Cathleen Parsley
Chief Administrative Law Judge

March 29, 2010

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR 29 AM 11:41
CHIEF CLERKS OFFICE

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

Re: SOAH Docket No. 582-09-2045; TCEQ Docket No. 2009-0032-AIR; Application of IPA Coleto Creek, LLC for State Air Quality Permit 83778 and Prevention of Significant Deterioration Air Quality Permit PSD-TX-1118 and for Hazardous Air Pollutant Major Source [FCAA § 112(g)] Permit HAP-18

Dear Mr. Trobman:

We address the comments and exceptions that were submitted by the Executive Director (ED) and Protestants with regard to the February 8, 2010, Proposal for Decision (PFD) and Proposed Order, as follows:

Executive Director's exceptions

1. The ED recommends that Finding of Fact No. 132 in the Proposed Order be amended to state, "Evaluation of impacts of non-criteria pollutants is required where ambient air exists per TCEQ guidance." We agree with this proposed amendment of Finding of fact No. 132.

2. The ED points out that if the Commission approves the ALJs' recommendation that the BACT emission limit for PM_{10} be reduced from 0.035 lb/MMBtu to 0.025 lb/MMBtu, the Maximum Allowable Emissions Rates Table (MAERT) for PM/PM_{10} lbs/hr should be changed from 213 to 167 and the tons per year (tpy) should be changed from 935 to 730. We agree with these changes to the MAERT

3. The ED points out that the Air Contaminant Name "PM/PM_{10}" is missing from the MAERT for "Emission Point – Coal P-10." We agree that this non-substantive correction should be made.

Protestants' exceptions

Regarding all of the Protestants' comments, arguments and exceptions, we recommend no changes to the PFD or Proposed Order.

Sincerely,

Richard R. Wilfong
Administrative Law Judge

William G. Newchurch
Administrative Law Judge

RRW/sb
cc: Mailing List

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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STYLE/CASE: IPA COLETO CREEK LLC

SOAH DOCKET NUMBER: 582-09-2045

REFERRING AGENCY CASE: 2009-0032-AIR

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REGARDING: **EXCEPTIONS LETTER (BY ALJ)**

DOCKET NUMBER: **582-09-2045**

JUDGE RICHARD WILFONG

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