

01/25/2010 02:00 PM

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Rule: 2009-009-101-EN

Comments:

Ms. Pendleton:

As an existing major source of VOC and NOX emissions, GSF Energy, LLC (GSF) appreciates the opportunity to provide comments regarding the proposed Failure to Attain Fee Rule. GSF operates a high BTU landfill gas recovery and processing facility in Houston, Harris County.

- We share concerns previously expressed by others regarding the imposition of fees on a retroactive basis. The intent of the rule is to encourage the reduction of emissions by implementing changes in operations or behavior, but if fees are assessed on emissions that occurred years ago, there is no opportunity given to implement any improvements or practices to reduce those emissions. We strongly support a change to require fees due only for emissions that occur after the effective date of the rule.
- We support flexibility of the rule to allow combining NOX and VOC emissions for baseline calculations and fee assessment. We do not understand why a facility combining pollutants for a baseline would not be allowed to use an equivalent alternative obligation plan.
- Under the equivalent alternative obligation, if a facility is allowed to combine NOX and VOC emissions, the facility should be able to use Mass Emissions Cap and Trade (MECT) allowances to offset the total of combined emissions.
- We disagree with the proposed 101.120(b) restriction from using MECT allowances to partially meet fee obligations. A facility should be allowed to satisfy a fee obligation with a combination of cash and/or MECT allowance.

Sincerely,
Renee Voyt
GSF Energy, LLC