

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
EL PASO ELECTRIC COMPANY
SOAH Docket No. 582-21-1740
TCEQ Docket No. 2021-0314-AIR
Proposed Permit Nos. 1467, PSDTX1090M1, N284, and GHGPSDTX199**

APPLICATION.

El Paso Electric Company, PO Box 982, El Paso, TX 79960-0982, has applied to the Texas Commission on Environmental Quality (TCEQ) for amendment of Air Quality Permit 1467, modification to Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1090M1, issuance of Nonattainment Permit Number N284, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX199 for emissions of GHGs, which would authorize modification of the Newman Power Station located at 4900 Stan Roberts Senior Avenue, El Paso, El Paso County, Texas 79934. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-106.430555%2C31.982222&level=12>. For the exact location, refer to the application. The existing facility will emit the following air contaminants in a significant amount to require a Nonattainment Review: particulate matter with diameters of 10 microns or less. The facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 2.5 microns or less, and greenhouse gases. In addition, the facility will emit: ammonia, hazardous air pollutants, sulfur dioxide and sulfuric acid mist. No other pollutant emission increase will result from this facility.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed ($\mu\text{g}/\text{m}^3$)	Allowable Increment ($\mu\text{g}/\text{m}^3$)
Annual	0.8	25

PM_{2.5}

Maximum Averaging Time	Maximum Increment Consumed (µg/m³)	Allowable Increment (µg/m³)
24-hour	0.3	9
Annual	0.05	4

This application was submitted to the TCEQ on November 16, 2019. The Executive Director has determined that the emissions of air contaminants from the existing facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and “best available control technology” will be used for the control of these contaminants.

El Paso County has been designated nonattainment for PM₁₀ because Continuous Ambient Air Monitoring Stations have shown that ambient concentrations of PM₁₀ exceed the National Ambient Air Quality Standards (NAAQS) for PM₁₀. The Federal Clean Air Act (FCAA) requires that new major stationary sources and major modifications at sources in designated nonattainment areas must satisfy nonattainment new source review prior to commencement of construction.

As required by the nonattainment review, all air contaminants have been evaluated and the “lowest achievable emission rate” has been addressed for the control of these contaminants. The emission increases from this project will be offset with emission reductions by a ratio of 1 to 1. Furthermore, the applicant has demonstrated that the benefits of the existing facility significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. Finally, the applicant has certified that all major stationary sources owned or operated by the applicant in the state are in compliance or on a schedule for compliance with all applicable state and federal emission limitations and standards. The Executive Director, therefore, has made the preliminary determination to issue this permit.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director’s preliminary decision, draft permit, and the executive director’s preliminary determination summary and executive director’s air quality analysis, is available for viewing and copying at the TCEQ central office, the TCEQ El Paso regional office, and online at <https://www.epelectric.com/company/public-notices/newman-generating-station-proposed-air-quality-permit-amendment>. The facility’s compliance file, if any exists, is available for public review at the TCEQ El Paso Regional Office, 401 East Franklin Avenue Suite 560, El Paso, Texas.

DIRECT REFERRAL.

The Notice of Application and Preliminary Decision was published in English and Spanish on September 1, 2020. On February 22, 2021, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the

chief clerk has referred this application directly to SOAH for a hearing on whether the portions of the application for Air Quality Permit Number 1467, for PSD Air Quality Permit Number PSDTX1090M1, and for Nonattainment Permit Number N284 comply with all applicable statutory and regulatory requirements. A contested case hearing is not applicable to the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX199, and the Executive Director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX199.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – June 3, 2021

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/j/1617061786?pwd=dDBtU2hiakJzakMrMUZ3dmdCUU-FZQT09>

Meeting ID: 161 706 1786

Password: PAzjv8

or

To join the Zoom meeting via telephone:

(346) 248-7799

Meeting ID: 161 706 1786

Password: 550112

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

MAILING LIST.

You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION.

Public comments and requests must be submitted either electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at 800-687-4040. Si desea información en Español, puede llamar al 800-687-4040. General information regarding the TCEQ may be obtained electronically at www.tceq.texas.gov

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information regarding the TCEQ can be found at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Further information may also be obtained from El Paso Electric Company at the address stated above or by calling Mr. Daniel Perez, Supervisor – Environmental Compliance at 915-543-4166.

Issued: April 14, 2021



Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality