

# **Texas Commission on Environmental Quality**

## **Interoffice Memorandum**

**To:** Commissioners **Date:** April 24, 2025

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Executive Director

**From:** Phillip Ledbetter, Director  
Office of Legal Services

**Subject:** Docket No. 2020-0078-SIP /Non-Rule Project No. 2020-021-SIP-NR  
Revised Back-up for Commission Approval Revoke Agreed Orders  
Strikethrough and Highlighted Draft Order

In the back-up packages filed for non-rule Project No. 2020-032-SIP-NR; 2020-027-SIP-NR; 2020-026-SIP-NR; 2020-021-SIP-NR / Revocation of Agreed Orders, the draft orders list a plant that the Texas Commission on Environmental Quality is not taking action on to revoke their order. Revised back-up is being filed to correct the draft order on these non-rulemaking packages to remove the reference to the San Miguel power plant, and make grammatical changes for clarity.

Original back-up materials for this rulemaking project were filed on April 11, 2025.

Attachments:  
Draft Order

cc: Chief Clerk, 7 copies

# Texas Commission on Environmental Quality



## ORDER REVOKING VOLUNTARY AGREED ORDERS

**Docket No. 2020-0072-SIP**  
**Non-Rule Project No. 2020-027-SIP-NR**  
**Docket No. 2020-0073-SIP**  
**Non-Rule Project No. 2020-026-SIP-NR**  
**Docket No. 2020-0078-SIP**  
**Non-Rule Project No. 2020-021-SIP-NR**  
**Docket No. 2020-0178-SIP**  
**Non-Rule Project No. 2020-032-SIP-NR**

On May 1, 2025, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered revoking voluntary Agreed Orders concerning coal-fired electric generating units (EGUs) at the following powers plants: 1) Public Service Company of Oklahoma (PSCO), Oklaunion Power Station; 2) Southwestern Public Service Company (SPS), Harrington Station; San Miguel Electric Cooperative San Miguel Electric Plant, Southwestern Electric Power Company (SWEPCO), H.W. Pirkey Power Plant; and Texas Municipal Power Agency (TMPA), Gibbons Creek Steam Electric Station. The voluntary Agreed Orders establish certain operational limits and work practices for periods of planned maintenance, startup, and shutdown activities for the coal-fired electric generating units identified in the agreed orders. The agreed orders and an accompanying State Implementation Plan (SIP) Revision regarding Planned Maintenance, Startup, and Shutdown (MSS) Emissions for Certain Electric Generating Units were adopted by the Commission on July 29, 2020. Subsequent to the submittal of the agreed orders and SIP revision to EPA, the following four of the coal-fired power plants with covered EGUs have ceased coal combustion operations, changed ownership or shut down permanently: the Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station (Docket No. 2020-0178-SIP); the Public Service Company of Oklahoma (1) (PSCO), Oklaunion Power Station (Docket No. 2020-0072-SIP); the Southwestern Public Service Company (2) (SPS), Harrington Station in Potter County (Docket No. 2020-0073-SIP); and the Southwestern Electric Power Company (3) (SWEPCO), Power H.W. Pirkey Power Plant, (Docket No. 2020-0078-SIP); and (4) TMPA, Gibbons Creek Steam Electric Station (Docket No. 2020-0178-SIP). The current owners of these power plants have indicated to the Commission that changes in operation or shutdown of the coal-fired EGUs at these power plants render the respective agreed orders moot.

Pursuant to the terms of each agreed order, the parties agreed that the orders remain in effect until revision or revocation by the Commission.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Agreed Orders concerning Public Service Company of Oklahoma, Oklaunion Power Station; Southwestern Public Service Company, Harrington Station; San Miguel Electric Cooperative San Miguel Electric Plant Southwestern Electric Power Company, H.W. Pirkey Power Plant; and Texas Municipal Power

Agency, Gibbons Creek Steam Electric Station incorporated by reference to this Order are hereby are **REVOKED** revoked.

IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Executive Director should transmit a copy of this Order, together with a notification that the agreed orders are revoked, to the Regional Administrator of EPA.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Brooke T. Paup, Chairwoman

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Date Signed

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
**AGENDA ITEM REQUEST**  
for Revocation of a Voluntary Agreed Order with  
Southwestern Electric Power Company

**AGENDA REQUESTED:** May 1, 2025

**DATE OF REQUEST:** April 11, 2025

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST,  
IF NEEDED:** Gwen Ricco, Agenda Coordinator, (512) 239-2678

**CAPTION: Docket No. 2020-0078-SIP.** Consideration of the revocation of a Voluntary Agreed Order with Southwestern Electric Power Company (SWEPCO), H.W. Pirkey Power Plant in Harrison County.

The Voluntary Agreed Order established certain operational limits and work practices for periods of planned Maintenance, Startup and Shutdown activities (MSS) for the coal-fired electric generating unit at the H.W. Pirkey Power Plant. SWEPCO notified the Executive Director that the power plant ceased coal combustion and is being demolished and the Voluntary Agreed Order is no longer necessary. (John Minter) (Non-Rule Project No. 2020-021-SIP-NR)

Phillip Ledbetter  
\_\_\_\_\_  
**Director**

Charmaine Backens  
\_\_\_\_\_  
**Division Director**

Gwen Ricco  
\_\_\_\_\_  
**Agenda Coordinator**

# Texas Commission on Environmental Quality

## Interoffice Memorandum

**To:** Commissioners **Date:** April 11, 2025

**Thru:** Laurie Gharis, Chief Clerk  
Kelly Keel, Executive Director

**From:** Phillip Ledbetter, Director  
Office of Legal Services

**Docket Nos.:** 2020-0178-SIP  
2020-0072-SIP  
2020-0073-SIP  
2020-0078-SIP

**Subject:** Commission Approval to Revoke Agreed Orders  
Non-Rule Project Nos. 2020-032-SIP-NR; 2020-027-SIP-NR; 2020-026-SIP-NR; 2020-021-SIP-NR

### **Background and reasons for the Agreed Order revocations and SIP Withdrawal:**

On July 29, 2020, the Commission adopted a proposed SIP Revision and (Federal Clean Air Act) FCAA, §110(l) Demonstration Regarding Planned Startup and Shutdown Emissions for Certain Electric Generating Units (EGUs) (Non-Rule Project No. 2020-028-SIP-NR). The proposed SIP revision consisted of eight voluntary Agreed Orders (AOs) covering thirteen EGUs: (1) the Southwestern Electric Power Company (SWEPCO) H.W. Pirkey Power Plant in Harrison County, (Docket No. 2020-0078-SIP); (2) the Lower Colorado River Authority (LCRA) Sam Seymour Fayette Power Project in Fayette County (Docket No. 2020-0077-SIP); (3) the Luminant Generation Company, LLC Martin Lake Steam Electric Station in Rusk County (Docket No. 2020-0076-SIP); (4) the NRG Texas Power, LLC Limestone Electric Generating Station in Limestone County (Docket No. 2020-0075-SIP); (5) the San Miguel Electric Cooperative, Inc. San Miguel Electric Plant in Atascosa County (Docket No. 2020-0074-SIP); (6) the Southwestern Public Service Company (SPS) Harrington Station in Potter County (Docket No. 2020-0073-SIP); (7) the Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station in Grimes County (Docket No. 2020-0178-SIP); and (8) the Public Service Company of Oklahoma (PSCO) Oklaunion Power Station in Wilbarger County (Docket No. 2020-0072-SIP). In addition, the Commission adopted a demonstration that the SIP revision will meet the requirements of FCAA, §110(l) (74 United States Code, §7410(l)) to ensure noninterference with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the Act. The purpose of the Agreed Orders is to establish federally enforceable alternate particulate matter (PM) emission limits for periods of MSS for these coal-fired boilers that use electrostatic precipitators (ESPs) to control PM emissions.

The proposed revision was submitted to EPA for approval into the SIP on August 20, 2022. Subsequent to the submittal to EPA, four of the coal-fired power plants with covered EGUs have ceased coal combustion operations, changed ownership or shut down permanently: the Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station (Docket No. 2020-0178-SIP); the Public Service Company of Oklahoma (PSCO) Oklaunion Power Station (Docket No. 2020-0072-SIP), the Southwestern Public Service Company (SPS) Harrington Station in Potter County (Docket No. 2020-0073-SIP), and the Southwestern Electric Power Company (SWEPCO) Power H.W. Pirkey Power Plant, (Docket No. 2020-0078-SIP). The current owners of these power plants have indicated to TCEQ that changes in operation or shutdown of the coal-fired EGUs at these power plants render the respective Agreed Orders moot.

On August 23, 2021, the Commission received a letter from TMPA indicating that the Gibbons Creek power plant was sold in February 2021 and all air permits for the plant have been voided, reflecting the cessation of operations of the plant. TMPA requests that the Commission, by the terms of the AO, revoke the order for the Gibbons Creek Steam Electric Station.

Re: Docket Nos. 2020-0178-SIP; 2020-0072-SIP; 2020-0073-SIP; 2020-0078-SIP

On January 17, 2024, the Executive Director received a letter from Jon Greene of Civil and Environmental Consultants, Inc. (CEC), the new owners of the Oklaunion Power Station, requesting the Agreed Order for the power plant be revoked. The station ceased operations, removed all equipment and emission sources associated with coal firing, and applied for and received an amended permit from TCEQ to modify the facility's existing boiler to fire with natural gas only. Because of the changes at the plant, the PM limits in the Agreed Order no longer apply; and the Agreed Order is no longer necessary.

In March of 2023, the H.W. Pirkey Power Plant ceased operations and no longer burns coal. By letter dated October 21, 2024, counsel for the power plant's owner, Southwestern Electric Power Company, informed TCEQ Environmental Law Division that the coal units were in the process of being demolished. Counsel further stated that the Agreed Order, Docket No. 2020-0073-SIP is moot.

On October 22, 2020, the Commission entered into an Agreed Order with Southwestern Public Service Company (SPS) and its parent, Xcel Energy, owner of the Harrington Station in Potter County for the purpose of supporting attainment and maintenance of the sulfur dioxide (SO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS). The Agreed Order established a schedule for conversion of the plant's three coal-fired electric generating units to burn exclusively natural gas by January 1, 2025. SPS received authorization to install natural gas burners at units 1, 2 and 3 in May 2021. SPS ceased burning coal at all three units on January 1, 2025. Because of the conversion to natural gas, the Agreed Order, docket no. 2020-0073-SIP is moot.

EPA published a final rule on December 20, 2024, disapproving the MSS Agreed Order SIP revision. (89 Federal Register 104043). The final rule does not start a sanctions or federal implementation plan (FIP) clock.

**Scope of the request:**

**A.) Summary of what the Agreed Order revocation will do:**

The commission has received information from SPS, TMPA, SWEPCO and CEC that their respective voluntary Agreed Orders adopted in July 2020 are moot; and per the terms of the orders, the commission should revoke these orders. Changes to plant operations, character of emissions, and NSR authorizations at the Oklaunion, Gibbons Creek, Harrington, and H.W. Pirkey plant sites has made the Agreed Orders and approval into the SIP, unnecessary. Because EPA did not approve these Agreed Orders into the SIP, revocation will not require a SIP revision to withdrawn them from the plan.

**B.) Scope required by federal regulations or state statutes:**

None.

**C.) Additional staff recommendations that are not required by federal rule or state statute:**

There are no additional staff recommendations.

**Statutory authority:**

The commission's authority to enter into or revoke voluntary Agreed Orders as part of the proposed SIP Revision and FCAA, §110(l) Demonstration Regarding Planned Startup and Shutdown

Re: Docket Nos. 2020-0178-SIP; 2020-0072-SIP; 2020-0073-SIP; 2020-0078-SIP

Emission for Certain Electric Generating Units is made under the commission's authority in Texas Water Code (TWC), §5.102, General Powers, TWC, §5.103, Rules, and TWC, §5.105, General Policy, which provide the commission with the general powers to carry out its duties and authorize the commission to adopt rules necessary to carry out its powers and duties under the TWC; and TWC, §5.013, General Jurisdiction of Commission, which states the commission's authority over various statutory programs. Authority is also found under Texas Health & Safety Code (THSC), §382.002, Policy and Purpose, which establishes the commission's purpose to safeguard the state's air resources consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, State Air Control Plan, which authorizes the commission to develop a general, comprehensive plan for the control of the state's air; THSC §382.023, which authorizes the commission to issue orders and make determinations as necessary to carry out the purposes of the Texas Clean Air Act; and THSC §382.024, which establishes the factors the commission must consider in issuing orders.

**Effect on the:**

**A.) Regulated community:**

None.

**B.) Public:**

None.

**C.) Agency programs:**

None.

**Stakeholder meetings:**

N/A

**Public Involvement Plan**

N/A

**Alternative Language Requirements**

N/A. This action does not require public notice and hearing.

**Public comment:**

N/A

**Potential controversial concerns and legislative interest:**

None.

**Will this rulemaking affect any current policies or require development of new policies?**

No.

Commissioners  
Page 4  
April 11, 2025

Re: Docket Nos. 2020-0178-SIP; 2020-0072-SIP; 2020-0073-SIP; 2020-0078-SIP

**What are the consequences if this revocation request does not go forward? Are there alternatives?**

The TMPA Gibbons Creek and H.W. Pirkey power plants are shut down. The Oklaunion and Harrington plants have converted to natural gas and no longer burn coal, making these Agreed Orders moot and unenforceable on the plants that have either voided or amended their NSR permits. Taking no action to revoke the orders may cause confusion for the public regarding what permit terms remain effective at the Oklaunion and Harrington Station plants.

**Key points in the revocation schedule:**

N/A

**Agency contacts:**

John Minter, Staff Attorney, Environmental Law Division, (512) 239-0663  
Gwen Ricco, Texas Register Rule/Agenda Coordinator, General Law Division, (512) 239-2678

**Attachments:**

Agreed Orders, Docket Nos: 2020-0178-SIP; 2020-0072-SIP; 2020-0073-SIP; 2020-0078-SIP

cc: Chief Clerk, 2 copies  
Executive Director's Office  
Patrick Lopez  
Krista Kyle  
Jessie Powell  
Office of General Counsel  
John Minter  
Gwen Ricco



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THE STATE OF TEXAS



COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS

AUG 10 2020

OF THE COMMISSION GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Bohan

BRIDGET C. BOHAN, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN
AGREED ORDER CONCERNING
SOUTHWESTERN ELECTRIC POWER
COMPANY,
H.W. PIRKEY POWER PLANT
ACCOUNT NO. HH-0037-F
REGULATED ENTITY NO.
RN100214287

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BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2020-0078-SIP

The Texas Commission on Environmental Quality (the Commission or TCEQ), hereby orders Southwestern Electric Power Company to comply with the requirements herein regarding control of particulate matter (hereafter sometimes referred to as "PM") emissions and opacity associated with planned maintenance, startup or shutdown (MSS) activities from the electric generating facility (EGF) boiler referenced below, pursuant to §§ 382.011, 382.012, 382.016, 382.023 and 382.024 of the Texas Clean Air Act (TCAA), Texas Health and Safety Code, Chapter 382, and § 110 of the Federal Clean Air Act (FCAA), 42 U.S.C. §7401 et seq., for the purpose of revising the Texas State Implementation Plan (SIP) for control of PM and opacity. The Executive Director of the TCEQ and Southwestern Electric Power Company (parties) have agreed on the emission limits and control requirements in Section II of this Agreed Order, subject to the approval of the Commission.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

- 1. Sections 382.011 and 382.012 of the TCAA provide authority for the Commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; § 382.016 of the TCAA provides the Commission's authority for measuring and monitoring the emission of air contaminants; and §§ 382.023 and 382.024 of the TCAA provide the Commission authority to issue orders. The issuance of this Agreed Order complies with the TCAA.
2. The United States Environmental Protection Agency (EPA) established National Ambient Air Quality Standards (NAAQS) for PM with aerodynamic diameters of 2.5 microns or less (PM2.5) and PM with nominal aerodynamic diameters of 10 microns or less (PM10). Section 110 of the FCAA, 42 U.S.C. § 7410, requires Texas to submit SIP revisions to EPA for approval and that

such SIP revisions do not interfere with any applicable provision concerning attainment or any other applicable requirement of the FCAA.

3. The Commission and Southwestern Electric Power Company agree that the Commission has jurisdiction to enter into this Agreed Order, and Southwestern Electric Power Company is subject to the Commission's jurisdiction.
4. The Commission and Southwestern Electric Power Company acknowledge that Southwestern Electric Power Company has entered into this Agreed Order voluntarily. Nothing in this Agreed Order shall be interpreted as evidence that Southwestern Electric Power Company is causing or contributing, or has caused or contributed, to a violation of the NAAQS for PM<sub>2.5</sub> and PM<sub>10</sub> or is, or has been, in any respect non-compliant with any federal, state or local law. This Agreed Order shall not impair or adversely affect Southwestern Electric Power Company's compliance history, except that if Southwestern Electric Power Company is subject to enforcement action by the TCEQ for failure to comply with this Agreed Order, any such violation shall be subject to the TCEQ rules regarding Compliance History in 30 Tex. Admin. Code Chapter 60.
5. The opacity and PM limits in 30 Tex. Admin. Code § 111.111(a)(1) and § 111.153(b), respectively, do not apply during periods of planned MSS activities for coal-fired EGF boilers equipped with electrostatic precipitators (ESPs). Therefore, EPA requested the TCEQ submit an Agreed Order executed by Southwestern Electric Power Company and TCEQ regarding control of PM emissions and opacity during periods of planned MSS activities from the EGF boilers, identified in Paragraph 6 of this Agreed Order. Southwestern Electric Power Company and TCEQ agree that this Agreed Order will be submitted to EPA as a revision to the Texas SIP no later than 30 days after its final execution and approval by the Commission.
6. Southwestern Electric Power Company owns and operates one EGF boiler (Boiler) [Emission Point Number 1 (Unit 1 Boiler Stack)] authorized by Air Quality Permit No. 6269 and located at the H.W. Pirkey Power Plant (the Plant) (2400 FM 3251, Hallsville, Harrison County, Texas). An ESP is used to control the PM emissions and opacity from the Boiler.
7. The Plant consists of one or more sources as defined in § 382.003(12) of the TCAA.
8. Southwestern Electric Power Company applied for an amendment to Air Quality Permit Number 6269 to authorize planned MSS activities associated with the Boiler and other sources at the Plant, and the emissions associated with those activities. The permit amendment was issued on February 3, 2012.
9. Consistent with the TCEQ's obligations under the TCAA, the FCAA and the Texas SIP, Southwestern Electric Power Company agrees to comply with the

terms of this Agreed Order. This Agreed Order includes PM emissions and opacity limits and emission control requirements, specifically the measures in Paragraph 12 of this Agreed Order, which are in addition to those measures considered to be necessary to attain and maintain compliance with the NAAQS for PM<sub>2.5</sub> and PM<sub>10</sub>.

10. Because the work practice and other requirements in Paragraph 12 of this Agreed Order do not replace or modify any current provision in the approved Texas SIP, TCEQ has determined the PM emissions and opacity resulting from compliance with those requirements will not interfere with attainment or maintenance of the NAAQS for PM<sub>2.5</sub> or PM<sub>10</sub> nor cause adverse impacts to public health or physical property.
11. This Agreed Order does not authorize or prohibit any modification of the sources at the Plant listed above, nor does it authorize or prohibit the construction of any abatement equipment that may be necessary to achieve the emission limits set forth in this Agreed Order.

## II. ORDERING PROVISIONS

It is therefore ordered by the TCEQ that Southwestern Electric Power Company shall, from and after the date of this Agreed Order, comply with the following:

12. Emissions from the Boiler [Emission Point Number 1 (Unit 1 Boiler Stack)] during each planned MSS activity shall comply with the opacity limit in 30 Tex. Admin. Code § 111.111(a)(1) and the PM limit in 30 Tex. Admin. Code § 111.153(b), or the following work practice and other requirements as follows:

- A. Emissions during planned startup or shutdown activities will be minimized by limiting the duration of operation in planned startup and shutdown modes as follows:
  1. A planned startup of the Boiler begins when fans are placed in service for the initiating of combustion and is complete when the Boiler has achieved the lowest sustainable load on lignite for at least 60 consecutive minutes while coal is being fired. Normal startup must not exceed 2,880 minutes. An extended startup is allowed for greater than 2,880 minutes after a major outage, but the cumulative annual minutes of extended startups must not exceed 18,000 minutes.
  2. A planned shutdown of the Boiler begins when the Boiler has dropped below the lowest sustainable load for at least 30 consecutive minutes and is complete 24 hours after combustion has ceased. Each shutdown must not exceed 2,880 minutes.

- B. Opacity greater than 20 percent from the Boiler is allowed when Southwestern Electric Power Company complies with the planned startup or shutdown duration limits in Paragraph 12.A and the following work practices:
  - 1. Opacity during planned startup and shutdown activities must be minimized by employing the following work practices: During planned startup and shutdown activities, Southwestern Electric Power Company shall comply with the parts of the Boiler and ESP manufacturer's operating procedures or the procedures in Southwestern Electric Power Company's written Standard Operating Procedures manual that impact opacity, and shall operate the Boiler and ESP in a manner consistent with those procedures to minimize opacity by placing the ESP into service as soon as practical during planned startups or removing the ESP from service as late as possible during planned shutdowns.
  - 2. The Boiler and ESP manufacturer's operating procedures or written Standard Operating Procedure manual must be located on-site and available to the TCEQ regional investigator.
- C. Periods of opacity greater than 20 percent from the following planned maintenance activities are authorized for no more than 600 minutes in a calendar year:
  - 1. Boiler general maintenance (includes pre-heater basket handling and maintenance, refractory change-out, fan maintenance and balancing, damper, air heater, and soot blower maintenance, and any other general Boiler maintenance.
  - 2. De-slagging of Boiler (includes, but is not limited to, explosive blasting, clinker shooting, and other Boiler de-slagging activities; does not include dry abrasive blasting that may occur in the Boiler.
  - 3. Combustion optimization (includes, but is not limited to (i) leak and operability checks, (ii) balancing, and (iii) tuning activities that occur during seasonal tuning or after the completion of initial construction, a burner change-out, a major repair, maintenance to a burner, or other similar circumstances.)
  - 4. Flue gas conditioning system maintenance.
  - 5. Use of fans during maintenance when the Boiler is offline.
- D. Southwestern Electric Power Company shall minimize emissions during planned MSS activities associated with the Boiler by operating it and its ESP in accordance with good air pollution control practices, safe operating practices, and protection of the Boiler and its ESP.
- E. Southwestern Electric Power Company shall keep records to identify periods of planned MSS, the opacity measured by the continuous opacity monitoring system (COMS) for the duration of the planned startups and

shutdowns, the planned maintenance activities in Paragraph 12.C. and the work practices in Paragraphs 12.A. and 12.B. followed during the planned MSS activities for demonstrating compliance with the work practice and other requirements in Paragraphs 12.A. - 12.C. and this Agreed Order.

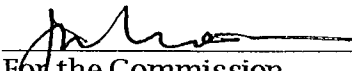
13. Southwestern Electric Power Company shall maintain the records required by Paragraph 12 of this Agreed Order for at least five years and shall make these records available upon request by the TCEQ or any other air pollution control agency with jurisdiction.
14. As part of any air quality application or registration to change the authorization of the planned MSS emissions for the Boiler [Emission Point Number 1 (Unit 1 Boiler Stack)], Southwestern Electric Power Company shall notify the TCEQ within 30 days so the TCEQ can determine whether an amendment to this Agreed Order or issuance of a new agreed order with corresponding revisions to the Texas SIP are needed. After issuance of this Agreed Order by the TCEQ, an application to amend or renew Air Quality Permit Number 6269, or the use of permits by rule or standard permits to make changes at the Plant, including the addition of new equipment, are not prohibited.
15. Within 30 days of EPA's approval of this Agreed Order as a revision to the Texas SIP, Southwestern Electric Power Company will submit an application to revise Federal Operating Permit No. O31 to incorporate this Agreed Order into the Federal Operating Permit. If, however, this Agreed Order is not approved by EPA as a revision to the Texas SIP, Southwestern Electric Power Company shall not be obligated to apply to revise Permit No. O31 to incorporate this Agreed Order, and may elect to terminate this Agreed Order by notifying the TCEQ Executive Director in writing that Southwestern Electric Power Company has elected to terminate this Agreed Order.
16. This Agreed Order applies to and is binding upon Southwestern Electric Power Company, its successors and assigns. Southwestern Electric Power Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of the Plant, and, within thirty (30) days of any such transfer, provide the TCEQ with written certification of such transfer, and that such notice has been given.

This Agreed Order remains in effect until revision or revocation by the Commission and any necessary action to revise the Texas SIP accordingly.

If any portion of this Agreed Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

  
\_\_\_\_\_  
For the Commission  
Jon Niermann  
Chairman  
Texas Commission on Environmental Quality

8/4/2020  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein.

Elizabeth Gunter

6/24/20

*counsel on behalf of*  
Southwestern Electric Power Company

Date

Erin E. Chancellor

July 8, 2020

Erin E. Chancellor  
Deputy Director  
Office of Legal Services  
Texas Commission on Environmental Quality

Date

# Texas Commission on Environmental Quality



## ORDER REVOKING VOLUNTARY AGREED ORDERS

**Docket No. 2020-0072-SIP**  
**Non-Rule Project No. 2020-027-SIP-NR**  
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**Docket No. 2020-0178-SIP**  
**Non-Rule Project No. 2020-032-SIP-NR**

On May 1, 2025, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered revoking voluntary Agreed Orders concerning Public Service Company of Oklahoma, Oklaunion Power Station, Southwestern Public Service Company Harrington Station, San Miguel Electric Cooperative San Miguel Electric Plant, Southwestern Electric Power Company H.W. Pirkey Power Plant, and Texas Municipal Power Agency Gibbons Creek Steam Electric Station. The voluntary Agreed Orders establish certain operational limits and work practices for periods of planned maintenance, startup and shutdown activities for the coal-fired electric generating units identified in the agreed orders. The agreed orders and an accompanying State Implementation Plan (SIP) Revision regarding Planned Maintenance, Startup and Shutdown (MSS) Emissions for Certain Electric Generating Units were adopted by the Commission on July 29, 2020. Subsequent to the submittal of the agreed orders and SIP revision to EPA, four of the coal-fired power plants with covered EGUs have ceased coal combustion operations, changed ownership or shut down permanently: the Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station (Docket No. 2020-0178-SIP); the Public Service Company of Oklahoma (PSCO) Oklaunion Power Station (Docket No. 2020-0072-SIP, the Southwestern Public Service Company (SPS) Harrington Station in Potter County (Docket No. 2020-0073-SIP), and the Southwestern Electric Power Company (SWEPCO) Power H.W. Pirkey Power Plant, (Docket No. 2020-0078-SIP). The current owners of these power plants have indicated to the Commission that changes in operation or shutdown of the coal-fired EGUs at these power plants render the respective agreed orders moot.

Pursuant to the terms of each agreed order, the parties agreed that the orders remain in effect until revision or revocation by the Commission.

IT IS THEREFORE ORDERED BY THE COMMISSION that the Agreed Orders concerning Public Service Company of Oklahoma, Oklaunion Power Station, Southwestern Public Service Company Harrington Station, San Miguel Electric Cooperative San Miguel Electric Plant, Southwestern Electric Power Company H.W. Pirkey Power Plant, and Texas Municipal Power Agency Gibbons Creek Steam Electric Station incorporated by reference to this Order are hereby revoked.



IT IS FURTHER ORDERED BY THE COMMISSION that on behalf of the Commission, the Executive Director should transmit a copy of this Order, together with a notification that the agreed orders are revoked, to the Regional Administrator of EPA.

If any portion of this Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Brooke T. Paup, Chairwoman

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Date Signed

DRAFT