

Jon Niermann, *Chairman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 22, 2024

TO: All interested persons.

RE: Wolf Hollow II Power, LLC

Air Quality Permit Nos. 175173, GHGPSDTX238, and PSDTX1636

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ Central Office, the TCEQ Dallas/Fort Worth Regional Office, and at the Hood County Library, 222 North Travis Street, Granbury, Hood County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr, Fort Worth, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two types of requests follows.

### **How to Request a Contested Case Hearing.**

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

A person permanently residing within 440 yards of a concrete batch plant authorized by the Air Quality Standard Permit for Concrete Batch Plants is an affected person who is entitled to request a contested case hearing. The hearing request must state a personal justiciable interest.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

## **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

## **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

## **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

## **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/erg

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Wolf Hollow II Power, LLC**  
**Air Quality Permit Nos. 175173, GHGPSDTX238, and PSDTX1636**

The Executive Director has made the Response to Public Comment (RTC) for the application by Wolf Hollow II Power, LLC for Air Quality Permit Nos. 175173, GHGPSDTX238, and PSDTX1636 is available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (175173, GHGPSDTX238, or PSDTX1636) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ Central Office, the TCEQ Dallas/Fort Worth Regional Office, and at the Hood County Library, 222 North Travis Street, Granbury, Hood County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr, Fort Worth, Texas.



## COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

*Protegiendo a Texas al Reducir y Prevenir la Contaminación*

22 de noviembre de 2024

TO: Todas las personas interesadas.

RE: Wolf Hollow II Power, LLC

Permiso de calidad del aire Nos. 175173, GHGPSDTX238, and PSDTX1636

### **Decisión del Director Ejecutivo.**

El director ejecutivo ha tomado la decisión de que la solicitud de permiso mencionada anteriormente cumple con los requisitos de la ley aplicable. **Esta decisión no autoriza la construcción u operación de ninguna instalación propuesta.** Esta decisión será considerada por los comisionados en una reunión pública programada regularmente antes de que se tome cualquier medida sobre esta solicitud, a menos que todas las solicitudes de audiencia o reconsideración de casos impugnados hayan sido retiradas antes de esa reunión.

Se adjuntan a esta carta las instrucciones para ver en Internet la Respuesta del Director Ejecutivo al Comentario Público (RTC). Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios públicos, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud de permiso, la decisión preliminar del director ejecutivo, el borrador del permiso y el resumen de la determinación preliminar del director ejecutivo y el análisis de la calidad del aire del director ejecutivo, estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de TCEQ Dallas/Fort Worth y Hood County Library, 222 North Travis Street, Granbury, Hood County, Texas. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Dallas/Fort Worth, 2309 Gravel Dr, Fort Worth, Texas.

Si no está de acuerdo con la decisión del director ejecutivo y cree que es una "persona afectada" como se define a continuación, puede solicitar una audiencia de caso impugnado. Además, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Los procedimientos para la evaluación de la comisión de las solicitudes de audiencia/solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas, Capítulo 55, Subcapítulo F. A continuación, se presenta una breve descripción de los procedimientos para estas dos solicitudes.

### **Cómo solicitar una audiencia de caso impugnado.**

Es importante que su solicitud incluya toda la información que respalde su derecho a

una audiencia de caso impugnado. Su solicitud de audiencia debe demostrar que cumple con los requisitos legales aplicables para que se le conceda su solicitud de audiencia. La consideración de la comisión de su solicitud se basará en la información que usted proporcione.

La solicitud debe incluir lo siguiente:

- (1) Su nombre, dirección, número de teléfono durante el día y, si es posible, un número de fax.
- (2) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
  - (A) una persona por nombre, dirección, número de teléfono durante el día y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo.;
  - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
  - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.
- (3) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.
- (4) Una declaración que exprese claramente que está solicitando una audiencia de caso impugnado. Por ejemplo, la siguiente declaración sería suficiente: "Solicito una audiencia de caso impugnado".

Su solicitud debe demostrar que usted es una **"persona afectada"**. Una persona afectada es aquella que tiene un interés justiciable personal relacionado con un derecho, deber, privilegio, poder o interés económico legal afectado por la solicitud. Su solicitud debe describir cómo y por qué se vería afectado negativamente por la instalación o actividad propuesta de una manera que no sea común al público en general. Por ejemplo, en la medida en que su solicitud se base en estas preocupaciones, debe describir el impacto probable en su salud, seguridad o usos de su propiedad que puedan verse afectados negativamente por la instalación o las actividades propuestas. Para demostrar que tiene un interés personal justiciable, debe indicar, tan específicamente como pueda, su ubicación y la distancia entre su ubicación y la instalación o actividades propuestas. Una persona que pueda verse afectada por las emisiones de contaminantes del aire de la instalación tiene derecho a solicitar una audiencia de caso impugnado.

Una persona que reside permanentemente dentro de las 440 yardas de una planta dosificadora de concreto autorizada por el Permiso Estándar de Calidad del Aire para Plantas Dosificadoras de Concreto es una persona afectada que tiene derecho a solicitar una audiencia de caso impugnado. La solicitud de audiencia debe indicar un interés personal justiciable.

Su solicitud debe plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la comisión sobre esta solicitud que fueron planteadas **por usted** durante el período de comentarios públicos. La solicitud no puede basarse únicamente en cuestiones planteadas en los comentarios que haya retirado.

Para facilitar la determinación por parte de la comisión del número y alcance de los asuntos que se remitirán a la audiencia, usted debe: 1) especificar cualquiera de las

respuestas del director ejecutivo a **sus** comentarios que usted disputa; 2) la base fáctica de la disputa; y 3) enumerar cualquier cuestión de derecho en disputa.

### **Cómo solicitar la reconsideración de la decisión del Director Ejecutivo.**

A diferencia de una solicitud de audiencia de caso impugnado, cualquier persona puede solicitar la reconsideración de la decisión del director ejecutivo. Una solicitud de reconsideración debe contener su nombre, dirección, número de teléfono durante el día y, si es posible, su número de fax. La solicitud debe indicar que está solicitando la reconsideración de la decisión del director ejecutivo, y debe explicar por qué cree que la decisión debe ser reconsiderada.

### **Fecha límite para la presentación de solicitudes.**

La oficina del Secretario Oficial debe **recibir** una solicitud de audiencia de caso impugnado o reconsideración de la decisión del director ejecutivo a más tardar **30 días calendario** después de la fecha de esta carta. Puede enviar su solicitud electrónicamente a [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) o por correo a la siguiente dirección:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

### **Procesamiento de solicitudes.**

Las solicitudes oportunas para una audiencia de caso impugnado o para la reconsideración de la decisión del director ejecutivo se remitirán al Programa de Resolución Alternativa de Disputas de TCEQ y se incluirán en la agenda de una de las reuniones programadas regularmente de la comisión. Las instrucciones adicionales que explican estos procedimientos se enviarán a la lista de correo adjunta cuando se haya programado esta reunión.

### **Cómo obtener información adicional.**

Si tiene alguna pregunta o necesita información adicional sobre los procedimientos descritos en esta carta, llame al Programa de Educación Pública, al número gratuito, 1-800-687-4040.

Atentamente,



Laurie Gharis  
Secretaria Oficial

LG/erg

Recinto

**RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO**  
**para**  
**Wolf Hollow II Power, LLC**  
**Permiso de calidad del aire Nos. 175173, GHGPSDTX238, and PSDTX1636**

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de Wolf Hollow II Power, LLC, del permiso de calidad del aire Nos. 175173, GHGPSDTX238, and PSDTX1636. Puede ver e imprimir el documento visitando la Base de Datos Integrada de los Comisionados de TCEQ en el siguiente enlace:

<https://www.tceq.texas.gov/goto/cid>

Para ver el RTC en el enlace anterior, ingrese el número de identificación TCEQ para esta solicitud (175173, GHGPSDTX238, o PSDTX1636) y haga clic en el botón "Buscar". Los resultados de la búsqueda mostrarán un enlace al RTC.

Las personas que prefieran una copia por correo del RTC o que tengan problemas para acceder al RTC en el sitio web, deben comunicarse con la Oficina del Secretario Oficial, por teléfono al (512) 239-3300 o por correo electrónico a [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

**Información adicional**

Para obtener más información sobre el proceso de participación pública, puede comunicarse con la Oficina del Asesor de Interés Público al (512) 239-6363 o llamar al Programa de Educación Pública, al número gratuito, (800) 687-4040.

Una copia completa del RTC (incluida la lista de correo), la solicitud completa, el borrador del permiso y los documentos relacionados, incluidos los comentarios, están disponibles para su revisión en la Oficina Central de TCEQ en Austin, Texas. Además, una copia de la solicitud de permiso, la decisión preliminar del director ejecutivo, el borrador del permiso y el resumen de la determinación preliminar del director ejecutivo y el análisis de la calidad del aire del director ejecutivo, estarán disponibles para su visualización y copia en la Oficina Central de la TCEQ, la Oficina Regional de TCEQ Dallas/Fort Worth y Hood County Library, 222 North Travis Street, Granbury, Hood County, Texas. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Dallas/Fort Worth, 2309 Gravel Dr, Fort Worth, Texas.



MAILING LIST / LISTA DE CORREO

for / para

Wolf Hollow II Power, LLC

Air Quality Permit No. 175173, GHGPSDTX238, and PSDTX1636 / Permiso de calidad del aire No. 175173, GHGPSDTX238, and PSDTX1636

FOR THE APPLICANT /  
PARA EL SOLICITANTE:

Daniel Inemer  
Vice President, Regional Operations  
Wolf Hollow II Power, LLC  
8787 Wolf Hollow Court  
Granbury, Texas 76048

Albert Hatton III  
Manager, Environmental Programs  
Constellation  
300 Exelon Way  
Kennett Square, Pennsylvania 19348

INTERESTED PERSONS /  
PERSONAS INTERESADAS:

See attached list. / Ver lista adjunto.

FOR THE EXECUTIVE DIRECTOR /  
PARA EL DIRECTOR EJECUTIVO  
via electronic mail /  
por correo electrónico:

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087

Katherine Keithley, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Jason La, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL /  
PARA ABOGADOS DE INTERÉS  
PÚBLICO  
via electronic mail /  
por correo electrónico:

Garrett T. Arthur, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR THE CHIEF CLERK /  
PARA EL SECRETARIO OFICIAL  
via electronic mail  
por correo electrónico:

Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

ADAIR , DONNA  
8002 CONTRARY CREEK RD  
GRANBURY TX 76048-7607

ADAIR , DONNA & ROBERT  
8002 CONTRARY CREEK RD  
GRANBURY TX 76048-7607

ADAIR , ROBERT  
8002 CONTRARY CREEK RD  
GRANBURY TX 76048-7607

ALLARD , MARY  
1960 POTTS CT  
GRANBURY TX 76048-6781

ALLARD , RONNIE  
1960 POTTS CT  
GRANBURY TX 76048-6781

ANDREWS , KEVIN COMMISSIONER PRECINCT 1  
  
HOOD COUNTY  
PO BOX 339  
GRANBURY TX 76048-0339

ANDREWS , KEVIN COMMISSIONER PRECINCT 1  
  
HOOD COUNTY  
1200 W PEARL ST  
GRANBURY TX 76048-1834

BARBER , ANDREA M  
9028 BELLECHASE RD  
GRANBURY TX 76049-4303

BEATTY , MARK  
8015 CONTRARY CREEK RD  
GRANBURY TX 76048-7612

BELL , JAMES  
2503 PEBBLE DR  
GRANBURY TX 76048-2620

BLANKENSHIP , DAVID  
8311 CONTRARY CREEK RD  
GRANBURY TX 76048-7613

BLANKENSIP , LISA  
8311 CONTRARY CREEK RD  
GRANBURY TX 76048-7613

BOLES , JOE MAYOR  
THE CITY OF GLEN ROSE  
201 NE VERNON  
GLENN ROSE TX 76043-4739

BRASWELL , DEBORAH & GENE  
14655 MITCHELL BEND CT  
GRANBURY TX 76048-9602

BROOKING, CHRISTINE & WEEKS,TOM  
8704 MITCHELL BEND CT  
GRANBURY TX 76048-7703

BROOKS , A  
3580 RILEY CT  
GRANBURY TX 76048-7887

BROOKS , CHRISTIAN  
3550 RILEY CT  
GRANBURY TX 76048-7887

BROOKS , CURTIS  
3615 RILEY CT  
GRANBURY TX 76048-7711

BROOKS , MARIE  
3615 RILEY CT  
GRANBURY TX 76048-7711

BROWN , ALONNA  
3135 BRAZOS RIVER DR  
GRANBURY TX 76048-5809

BROWN , CHRISTIANNA  
3135 BRAZOS RIVER DR  
GRANBURY TX 76048-5809

BROWN , JIM  
3135 BRAZOS RIVER DR  
GRANBURY TX 76048-5809

BROWN , MONICA  
3135 BRAZOS RIVER DR  
GRANBURY TX 76048-5809

BROWNING , MR NICK  
2330 MITCHELL BEND HWY  
GRANBURY TX 76048-9203

BROWNING , MRS VIRGINIA  
2330 MITCHELL BEND HWY  
GRANBURY TX 76048-9203

BRUNNING , RICHARD  
109 SKYLINE DR  
GLEN ROSE TX 76043-4313

BURNS , THE HONORABLE DEWAYNE STATE  
REPRESENTATIVE  
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 58  
PO BOX 2910  
AUSTIN TX 78768-2910

BURTON , KIM  
6503 TARA CT  
GRANBURY TX 76049-4449

BUSNELLI , CELINE  
EARTHJUSTICE  
STE 200  
845 TEXAS ST  
HOUSTON TX 77002-2858

BUSNELLI , CELINE  
EARTHJUSTICE  
STE 1000  
1001 G ST NW  
WASHINGTON DC 20001-4545

CANTU , MR RODRIGO G  
EARTHJUSTICE  
STE 200  
845 TEXAS ST  
HOUSTON TX 77002-2858

CARMACK , RICKY  
345 HOLLY CT  
GRANBURY TX 76048-6997

CARUTHERS , BRIAN DIRECTOR OF  
TRANSPORTATION  
GRANBURY ISD  
217 N JONES ST  
GRANBURY TX 76048-2030

CHASE , BRUCE  
9450 WOLF HOLLOW CT  
GRANBURY TX 76048-7743

CHRISTIENSEN , DON  
9902 AIR PARK DR  
GRANBURY TX 76049-4474

CLEMENT , LISA COUNCIL MEMEBER, SEAT 1  
CITY OF CRESSON  
8901 E US HIGHWAY 377  
CRESSON TX 76035-4359

CONCERNED CITIZEN ,  
1042 MICKELSON DR  
GRANBURY TX 76048-2999

CONRAD , DEMETRA  
307 CEDAR ST  
GLEN ROSE TX 76043-4714

COOPER , REGINA  
PO BOX 854  
GRANBURY TX 76048-0854

COPENHAVER , SHENICE  
8710 MITCHELL BEND CT  
GRANBURY TX 76048-7703

COPENHAVER , TRAVIS  
8710 MITCHELL BEND CT  
GRANBURY TX 76048-7703

CRAWFORD , ALAN  
215 HIDDEN OAKS DR  
HUDSON OAKS TX 76087-8649

DEROCHE , MANDY  
EARTHJUSTICE  
STE 200  
845 TEXAS ST  
HOUSTON TX 77002-2858

DOSS , KEISHA  
3909 COUNTRY MEADOWS RD  
GRANBURY TX 76049-8008

DOWDY , WYVEDA  
9610 NUBBIN RIDGE CT  
GRANBURY TX 76048-7678

DUNN , WARD  
8910 HOPSEWEE CT  
GRANBURY TX 76049-4012

DURBIN , LORI  
1301 COUNTY ROAD 414  
GLEN ROSE TX 76043-6091

DYKES , KAY & TOM  
14901 MITCHELL BEND CT  
GRANBURY TX 76048-9602

DYKES , THOMAS  
14901 MITCHELL BEND CT  
GRANBURY TX 76048-9602

EAGLE , DAVE  
PO BOX 1496  
GRANBURY TX 76048-8496

EAGLE , DAVE COMMISSIONER PRECINCT 4  
HOOD COUNTY  
PO BOX 339  
GRANBURY TX 76048-0339

EAGLE , DAVE COMMISSIONER PRECINCT 4  
HOOD COUNTY  
100 E PEARL ST  
GRANBURY TX 76048-2407

ENGLE , TOMMY  
8701 MITCHELL BEND CT  
GRANBURY TX 76048-7703

ENGLISH , MACI  
8225 CONTRARY CREEK RD  
GRANBURY TX 76048-7608

FARAIZL , WILLIAM  
10045 ORCHARDS BLVD  
CLEBURNE TX 76033-1167

FARMER , GERTRISHA  
6416 BUENA VISTA DR  
GRANBURY TX 76049-4313

FRANCO , MARK CHAIRMAN  
HOOD COUNTY CLEAN AIR COALITION  
PO BOX 743  
GRANBURY TX 76048-0743

GOLLER , LYNNSEY  
345 AZALEA TRL  
GRANBURY TX 76048-3331

GRAFT , MELANIE  
3815 BUENA VISTA CIR  
GRANBURY TX 76049-1610

GRAFT , MICHAEL  
3815 BUENA VISTA CIR  
GRANBURY TX 76049-1610

HAEFELE , DR. HOLLY  
2312 COUNTY ROAD 301  
GLEN ROSE TX 76043-5667

HALL , JUANITA  
6110 BELVIDERE CIR  
GRANBURY TX 76049-4224

HALL , KENNETH  
6110 BELVIDERE CIR  
GRANBURY TX 76049-4224

HANNULA , ROBERTA  
9516 NUTCRACKER CT  
GRANBURY TX 76049-4183

HANNULA , ROLAND  
9516 NUTCRACKER CT  
GRANBURY TX 76049-4183

HARRIS , TIM  
6121 WESTOVER DR  
GRANBURY TX 76049-4031

HAYES , BRENT  
9420 NUBBIN RIDGE CT  
GRANBURY TX 76048-7676

HAYES , LINDA  
9420 NUBBIN RIDGE CT  
GRANBURY TX 76048-7676

HAYES , TED  
9420 NUBBIN RIDGE CT  
GRANBURY TX 76048-7676

HELTON , CLINT  
8605 ASHLAND CT  
GRANBURY TX 76049-4101

HENRIKSEN , JILL  
8503 WEEMS ESTATES DR  
GRANBURY TX 76048-7752

HENSEL , HELEN  
8529 WEEMS ESTATES DR  
GRANBURY TX 76048-7752

HIGHSMITH , CYNTHIA MARIE  
9712 BELLECHASE RD  
GRANBURY TX 76049-4438

HIGHSMITH , JOHN W  
9712 BELLECHASE RD  
GRANBURY TX 76049-4438

HOLLIDAY , PAUL  
8519 KINGSLEY CIR  
GRANBURY TX 76049-4761

HOLLIDAY , RHONDA  
8519 KINGSLEY CIR  
GRANBURY TX 76049-4761

HOUG , DOUGLAS  
11007 ORCHARDS BLVD  
CLEBURNE TX 76033-1180

JARRATT , MR JAMES  
ST 110 PMB 278  
1030 EAST HWY 377  
GRANBURY TX 76048-1456

JARRATT , JAMES MAYOR  
CITY OF GRANBURY  
116 W BRIDGE ST  
GRANBURY TX 76048-2160

JOHNSON , GREG  
10002 ORCHARDS BLVD  
CLEBURNE TX 76033-1160

JONES , DENNA  
8010 CONTRARY CREEK RD  
GRANBURY TX 76048-7607

JOSLIN , MR JOHN  
PO BOX 1664  
GLEN ROSE TX 76043-1664

KANAS , DAPHNE D  
7619 RAVENSWOOD RD  
GRANBURY TX 76049-4746

KEEL , JANET & SETH  
2804 WIND MILL CT  
TOLAR TX 76476-5074

KEEL , JANET  
2804 WIND MILL CT  
TOLAR TX 76476-5074

KILLION , MARGARET  
2125 OSPREY CT  
GRANBURY TX 76048-7733

KILLION , ROBERT  
2125 OSPREY CT  
GRANBURY TX 76048-7733

KLODD , LINDA & STEVE  
9644 AIR PARK DR  
GRANBURY TX 76049-4450

KNOERNSCHILD , KEVIN  
2388 W TANGLEWOOD DR SW  
SUPPLY NC 28462-5214

KURCZ , MARCIA L  
9636 AIR PARK DR  
GRANBURY TX 76049-4450

KURCZ , TIMOTHY J  
9636 AIR PARK DR  
GRANBURY TX 76049-4450

LAKEY , DEANNA  
8225 CONTRARY CREEK RD  
GRANBURY TX 76048-7608

LAKEY , DANIEL SCOTT  
8225 CONTRARY CREEK RD  
GRANBURY TX 76048-7608

LARSON , PATRICIA  
8506 ORMOND CT  
GRANBURY TX 76049-4738

LARSON , RANDALL D  
TETON VENTURES LLC  
8506 ORMOND CT  
GRANBURY TX 76049-4738

LATHERS , GERALDINE  
2407 ROSEHILL LN  
GRANBURY TX 76048-7751

LEFTWICH , CHRISTINE C COUNTY CLERK  
HOOD COUNTY CLERKS OFFICE  
PO BOX 339  
GRANBURY TX 76048-0339

LEWIS , JON R  
7300 STEPHENSON RD  
GODLEY TX 76044-3978

LICATA , CHUCK BROADCAST SPECIALIST  
CITY OF GRANBURY  
116 W BRIDGE ST  
GRANBURY TX 76048-2160

LIDDELL , RON L  
10325 RAVENSWOOD RD  
GRANBURY TX 76049-4542

LILLY , RICHARD  
4109 BAR HARBOR CT  
GRANBURY TX 76049-5883

LOVE , RANDALL J  
9028 BELLECHASE RD  
GRANBURY TX 76049-4303

LOWERY , JANET M  
7730 HAYWORTH HWY  
GRANBURY TX 76048-9207

MARTIN , GREGORY SCOTT  
2517 BIRCHWOOD DR  
GRANBURY TX 76049-4357

MASSINGILL , RONALD JUDGE  
HOOD COUNTY  
PO BOX 339  
GRANBURY TX 76048-0339

MASSINGILL , RONALD JUDGE  
HOOD COUNTY  
100 E PEARL ST  
GRANBURY TX 76048-2407

MATHEWS , MARK  
11012 ORCHARDS BLVD  
CLEBURNE TX 76033-1170

MCDERMOTT , LISA  
2901 DURANT CT  
GRANBURY TX 76049-7013

MCDERMOTT , MARK  
2901 DURANT CT  
GRANBURY TX 76049-7013

MCGUFFEY , MARY E  
3404 COUNTY ROAD 313 LOOP  
GLEN ROSE TX 76043-6704

MCKENZIE , MICHELLE  
PO BOX 743  
GRANBURY TX 76048-0743

MILBURN , JOHN  
6411 PINEHURST DR  
GRANBURY TX 76049-2814

MILLER , GARY & KATHY  
2224 VIENNA DR  
GRANBURY TX 76048-1477

MITCHELL , TOBY  
2407 ROSEHILL LN  
GRANBURY TX 76048-7751

MOFFITT , FRANK  
10008 ORCHARDS BLVD  
CLEBURNE TX 76033-1160

MORRIS , LORI  
2401 BLISS CT  
GRANBURY TX 76048-7771

NICHOLS , WILLIAM  
6512 COLONIAL DR  
GRANBURY TX 76049-4119

NIEBES , BRETT  
1905 BURKETT CT  
CLEBURNE TX 76033-1169

O'BRIEN , GLADYS  
711 MILTON CT  
GRANBURY TX 76048-1131

OCHOA , BRIANA  
4910 MOSS ROCK TRL  
GRANBURY TX 76048-6421

OECHSLE , LIANA  
2501 WILLS WAY DR  
GRANBURY TX 76049-8004

PEARSON , KAREN  
2330 MITCHELL BEND HWY  
GRANBURY TX 76048-9203

PEDEN , BRAD  
9800 AIR PARK DR  
GRANBURY TX 76049-4402

PEDROZA , COURTNEY  
8691 MITCHELL BEND CT  
GRANBURY TX 76048-7702

PEDROZA , JAY  
8691 MITCHELL BEND CT  
GRANBURY TX 76048-7702

PEDROZA , JONATHAN  
8691 MITCHELL BEND CT  
GRANBURY TX 76048-7702

POTTS , BARBARA  
1989 POTTS CT  
GRANBURY TX 76048-6783

POTTS , BEVERLEY A  
1999 POTTS CT  
GRANBURY TX 76048-6783

POTTS , LARRY M  
1999 POTTS CT  
GRANBURY TX 76048-6783

POTTS , STEVEN  
1989 POTTS CT  
GRANBURY TX 76048-6783

RAFFA , DAVID T  
6200 TEZCUKO CT  
GRANBURY TX 76049-4229

RAINS , C R  
2692 N FM 199  
CLEBURNE TX 76033-9422

RAINS , CHRISTY  
2692 N FM 199  
CLEBURNE TX 76033-9422

RANDALL , TANNER  
8225 CONTRARY CREEK RD  
GRANBURY TX 76048-7608

RAWLE , WESLEY  
2501 RIVER COUNTRY LN  
GRANBURY TX 76048-7692

RAWLE , AMY  
2501 RIVER COUNTRY LN  
GRANBURY TX 76048-7692

RINCONJR , MS JUAN & RINCON GONZALEZJR  
,JUAN  
THE COMPANY  
4065 W 106TH ST  
INGLEWOOD CA 90304-2017

ROBERTS , OLEAN  
8819 RAVENSWOOD RD  
GRANBURY TX 76049-8903

ROGERS , DAVID  
1612 ANACONDA TRL  
GRANBURY TX 76048-6325

ROGERS , GINA  
PO BOX 831  
TOLAR TX 76476-0831

ROGERS , MARK  
PO BOX 831  
TOLAR TX 76476-0831

ROHDE , DANIEL R  
8691 MITCHELL BEND CT  
GRANBURY TX 76048-7702

ROHDE , GWYNETH  
2410 ROSEHILL LN  
GRANBURY TX 76048-7751

ROHDE , NANCY  
8691 MITCHELL BEND CT  
GRANBURY TX 76048-7702

ROSE , ANNIE  
2111 CASH POINT CT  
GRANBURY TX 76049-8073

ROYER , EVA  
520 W BLUFF ST  
GRANBURY TX 76048-1925

RUBACK , MARTIN  
10097 ORCHARDS BLVD  
CLEBURNE TX 76033-1167

RUBEL , CHRIS  
10064 ORCHARDS BLVD  
CLEBURNE TX 76033-1160

RUSSELL , DALE  
2646 N FM 199  
CLEBURNE TX 76033-9422

RUSSELL , MRS KAREN J  
2646 N FM 199  
CLEBURNE TX 76033-9422

SAMPSON , CHESNEY  
UNIT A4  
2692 N FM 199  
CLEBURNE TX 76033-9422

SAMUELSON , NANNETTE  
8802 S HAMPTON DR  
GRANBURY TX 76049-4716

SEIDER , BRIANA  
2200 OSPREY CT  
GRANBURY TX 76048

SEIDER , WILLIAM  
2200 OSPREY CT  
GRANBURY TX 76048

SHELLEY III , ADRIAN DONALD  
PUBLIC CITIZENS TEXAS OFFICE  
STE 2  
309 E 11TH ST  
AUSTIN TX 78701-2787

SLOAN , SUZANNE  
8504 ORMOND CT  
GRANBURY TX 76049-4738

STEELE , ALISON  
9016 BONTURA RD  
GRANBURY TX 76049-4334

STRONG , SUSIE  
6235 TEZCUO CT  
GRANBURY TX 76049-4229

TABER JR , ROBERT M  
9500 BELLECHASE RD  
GRANBURY TX 76049-4433

TANNER , RICHARD  
10049 FLIGHT PLAN DR  
GRANBURY TX 76049-4456

SAMUELSON , MS NANNETTE COMMISSIONER  
PRECINCT 2  
HOOD COUNTY  
PO BOX 339  
GRANBURY TX 76048-0339

SAWICKY , MRS JACQLYNE CLEO  
TEXAS COALITION AGAINST CRYPTOMINING  
818 SE COUNTY ROAD 2260  
CORSICANA TX 75109-0629

SEIDER , JEFF  
2145 OSPREY CT  
GRANBURY TX 76048-7733

SHADDEN , CHERYL  
8405 CONTRARY CREEK RD  
GRANBURY TX 76048-7614

SIMS , AMANDA & HUNTER  
3611 RILEY CT  
GRANBURY TX 76048-7711

SOPCHAK , NIKKI  
9311 MONTICELLO DR  
GRANBURY TX 76049-4505

STEWART , LINDSEY  
2145 OSPREY CT  
GRANBURY TX 76048-7733

TABER , CYNTHIA M  
9406 BELLECHASE RD  
GRANBURY TX 76049-4430

TABOR , MICHAEL L  
UNIT B  
5534 N HIGHWAY 144  
GRANBURY TX 76048-7800

TAYLOR , MELANIE R  
2301 LAKEWOOD CT  
GRANBURY TX 76049-5730

SAMUELSON , MS NANNETTE COMMISSIONER  
PRECINCT 2  
HOOD COUNTY  
UNIT 106  
5417 ACTON HWY  
GRANBURY TX 76049-2994

SCOTT , COLEB  
6301 WEATHERBY RD  
GRANBURY TX 76049-1302

SEIDER , LEEANN  
2145 OSPREY CT  
GRANBURY TX 76048-7733

SHAW , SHERI  
601 BILLINGS RD  
TOLAR TX 76476-5337

SLATER , BOB  
6424 BUENA VISTA DR  
GRANBURY TX 76049-4313

STANLEY , MORGAN  
5401 STONEGATE CIR  
GRANBURY TX 76048-6508

STEWART , ZACHARY Q  
2145 OSPREY CT  
GRANBURY TX 76048-7733

TABER , ROBERT  
9406 BELLECHASE RD  
GRANBURY TX 76049-4430

TABOR , SUZY  
MIKE TABOR STUDIO  
UNIT B  
5534 N HIGHWAY 144  
GRANBURY TX 76048-7800

TAYLOR , TIMOTHY  
2301 LAKEWOOD CT  
GRANBURY TX 76049-5730

TIBLJAS , MRS AUDRIE  
HEAD 2 TOE SPA AND SALON  
3835 LEGEND TRL  
GRANBURY TX 76049-1292

TIBLJAS , ED & KIM  
9600 NUBBIN RIDGE CT  
GRANBURY TX 76048-7678

TIBLJAS , EDWARD J  
9600 NUBBIN RIDGE CT  
GRANBURY TX 76048-7678

TIBLJAS , KIM  
9600 NUBBIN RIDGE CT  
GRANBURY TX 76048-7678

TORRES , SANTIAGO  
3605 RILEY CT  
GRANBURY TX 76048-7711

TOWER , DANIELA  
616 SIX FLAGS DR  
ARLINGTON TX 76011-6347

TURNER , JERRY  
2304 WINTON TERRACE CT  
GRANBURY TX 76048-4364

VAUGHN , H JANE  
12200 MITCHELL BEND CT  
GRANBURY TX 76048-9600

VICKERY , MONICA  
3040 BEDFORD RD  
BEDFORD TX 76021-7347

WALDROD , RAE  
3605 RILEY CT  
GRANBURY TX 76048-7711

WALL , JAMES  
1541 SEABISCUIT DR  
GRANBURY TX 76049-7894

WALLACE , DON  
3507 OLD BARN DR  
GRANBURY TX 76048-3786

WEBBER , JOSEPH  
1921 BURKETT CT  
CLEBURNE TX 76033-1169

WEBSTER , COREY  
2407 ROSEHILL LN  
GRANBURY TX 76048-7751

WEBSTER , JACOB  
2407 ROSEHILL LN  
GRANBURY TX 76048-7751

WEEKS , THOMAS  
8704 MITCHELL BEND CT  
GRANBURY TX 76048-7703

WELCH , VERONICA ADMINISTRATIVE SERVICES  
MANAGER  
CITY OF GLEN ROSE  
PO BOX 1949  
GLEN ROSE TX 76043-1949

WILLIAMS , VAN AUSTIN  
5015 ENCHANTED CT  
GRANBURY TX 76048-6591

WILSON , JACK COMMISSIONER PRECINCT 3  
HOOD COUNTY  
PO BOX 339  
GRANBURY TX 76048-0339

WILSON , JACK COMMISSIONER PRECINCT 3  
HOOD COUNTY  
1200 W PEARL ST  
GRANBURY TX 76048-1834

WIMBERLEY , JIMMY  
700 TEMPLE HALL HWY  
GRANBURY TX 76049-8160

WIMBERLEY , MARY  
700 TEMPLE HALL HWY  
GRANBURY TX 76049-8160

WIMBERLEY , WALTER  
4317 KRISTY CT  
GRANBURY TX 76049-8129

WOLF , PETER  
4718 MEDINA ST  
GRANBURY TX 76048-6460

WOLF , SHANNON  
4718 MEDINA ST  
GRANBURY TX 76048-6460

WOLFORD , ANDREW J  
2309 VIENNA DR  
GRANBURY TX 76048-1469

WOLFORD , LINDA  
2309 VIENNA DR  
GRANBURY TX 76048-1469

WORTHINGTON , ANNETTE  
5503 FLAGSTICK DR  
GRANBURY TX 76049-4472

WULLAERT , ANNABEL  
10014 FLIGHT PLAN DR  
GRANBURY TX 76049-4455



**TCEQ AIR QUALITY PERMIT NUMBERS 175173, GHGPSDTX238, and PSDTX1636**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>WOLF HOLLOW II POWER, LLC</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>WOLF HOLLOW II</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>GRANBURY, HOOD COUNTY</b>	<b>§</b>	

**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 (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 received timely comments from the following persons: Representative Dewayne Burns, Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Hood County Commissioners' Court (Kevin Andrews, Dave Eagle, Christine C Leftwich, Ronald Massingill, Nannette Samuelson, Jack Wilson ), Andrea M Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankenship, City of Glen Rose (Joe Boles and Veronica Welch ), Christine Brooking, Curtis Brooks, Marie Brooks, Christian Brooks, A Brooks, Alonna Brown, Christianna Brown, Monica Brown, Jim Brown, Virginia Browning, Nick Browning, Richard Brunning, Kim Burton, Earthjustice (Celine Busnelli, Rodrigo G Cantu, and Mandy Deroche ), Hood County Clean Air Coalition (John Campbell, Brian Caruthers, Lisa Clement, Joe Drew, Mark Franco, James Jarratt, Chuck Licata, Ronald Massingill ), Ricky Carmack, Bruce Chase, Don Christiansen, Demetra Conrad, Shenice Copenhaver, Travis Copenhaver, Alan Crawford, Keisha Doss, Wyveda Dowdy, Ward Dunn, Kay Dykes, Tom Dykes, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Lynnsey Goller, Juan Rincon Gonzalez, Michael Graft, Melanie Graft, Holly Haefele, Kenneth Hall, Juanita Hall, Roberta Hannula, Roland Hannula, Tim Harris, Ted Hayes, Linda Hayes, Brent Hayes, Clint Helton, Jill Henriksen, Helen Hensel, John W Highsmith, Cynthia Marie Highsmith, Paul Holliday, Rhonda Holliday, Douglas Houg, Greg Johnson, Denna Jones, John Joslin, Daphne D Kanas, Janet Keel, Seth Keel, Robert Killion, Margaret Killion, Timothy J Kurcz, Marcia L Kurcz, Daniel Scott Lakey, Deanna Lakey, Randall D Larson, Patricia Larson, Geraldine Lathers, Jon R Lewis, Ron L Liddell, Randall J Love, Janet M Lowery, Gregory Scott Martin, Mark Mathews, Mark McDermott, Lisa McDermott, Barbara Meuter, John Milburn , Gary Miller, Kathy Miller, Toby Mitchell, Frank Moffitt, William Nichols, Brett Niebes, Gladys O'Brien, Liana Oechsle, Nikki Sopchak, Karen Pearson, Brad Peden, Courtney Pedroza, Jonathan Pedroza, Jay Pedroza, Steven Potts, Barbara Potts, Beverley A Potts, Larry M Potts, David T Raffa, Christy Rains, C R Rains, Tanner Randall, Amy Rawle, Wesley Rawle, Olean Roberts, Mark Rogers, Gina Rogers, David Rogers, Daniel R Rohde, Gwyneth Rohde, Nancy Rohde, Eva Royer, Martin Ruback, Chris Rubel, Karen J Russell, Chesney Sampson, Jacquelyne Cleo Sawicky, William Seider, Jeff Seider, Leeann Seider, Briana Seider, Cheryl Shadden, Sheri Shaw, Public Citizen (Adrian Donald Shelley ), Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Morgan Stanley, Alison Steele, Lindsey Stewart, Zachary Q Stewart, Robert M Taber, Michael L Tabor, Suzy Tabor, Richard Tanner, Melanie R Taylor, Timothy Taylor, Audrie Tibljas, Kim Tibljas, Edward J Tibljas, Ed

## Executive Director's Response to Public Comment

Wolf Hollow II Power, LLC, Permit Nos. 175173, GHGPSDTX238, and PSDTX1636

Page 2 of 37

Tibljias, Santiago Torres, Daniela Tower , Jerry Turner, Monica Vickery, Rae Waldrod, James Wall, Don Wallace , Joseph Webber, Corey Webster, Jacob Webster, Thomas Weeks, Van Austin Williams, Walter Wimberley, Mary Wimberley, Jimmy Wimberley, Shannon Wolf, Peter Wolf, Andrew J Wolford, Annette Worthington, Annabel Wullaert. 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 TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

### BACKGROUND

#### Description of Facility

Wolf Hollow II Power, LLC (Applicant) has applied to 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 new power generation facilities to be known as the Wolf Hollow III ("WHIII") expansion that will expand the existing Wolf Hollow II Power Plant . The plant is located at 8787 Wolf Hollow Ct, Granbury, Hood County. Contaminants authorized under this permit include carbon monoxide, nitrogen oxides, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, hazardous air pollutants, organic compounds, sulfur dioxide, sulfur hexafluoride, and sulfuric acid mist. The proposed plant will also emit greenhouse gases.

#### Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 175173, Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1636, and Greenhouse Gas (GHG) PSD Air Quality Permit Number GHGPSDTX238.

The permit application was received on January 25, 2024, and declared administratively complete on February 1, 2024. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on March 2, 2024, in the *Hood County News*, and in Spanish on March 5, 2024 in the *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on August 10, 2024, in English in the *Hood County News*, and in Spanish on August 6, 2024 in the *La Prensa Comunidad*. A public meeting was held on Monday, September 9, 2024, at 7:00 PM at the Lake Granbury Conference Center, located at 621 East Pearl Street, Granbury, Texas 76048. The notice of public meeting was published in English on August 10, 2024, in the *Hood County News*, and in Spanish on August 6, 2024 in the *La Prensa Comunidad*. The public comment period ended on September 11, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

## COMMENTS AND RESPONSES

### Comment 1: Health Effects/Air Quality

Commenters voiced concern about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Commenters also expressed concerns of potential health issues, such as hypertension, heart palpitations and issues, anxiety, stress, hair loss, lack of sleep, headaches, asthma, nosebleeds, breathing difficulty, dizziness, coughing, fatigue, nausea and gastrointestinal issues, conductive hearing loss, vertigo, tinnitus, migraines, and other health concerns. Commenters also expressed concerns about noxious gas and odors from the proposed project. Commenters expressed concerns about the potential damage to the ozone level from the proposed project. Commenters expressed concern about the impact the proposed project might have on climate change. Commenters also voiced concern about lead and mercury emissions.

(Representative Dewayne Burns, Donna Adair, Robert Adair, Ronnie Allard, Mary Allard, Kevin Andrews, Andrea M. Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankenship, Joe Boles, Christine Brooking, A. Brooks, Christian Brooks, Marie Brooks, Curtis Brooks, Monica Brown, Jim Brown, Alonna Brown, Christianna Brown, Virginia Browning, Nick Browning, Richard Brunning, Kim Burton, Celine Busnelli, John Campbell, Rodrigo G. Cantu, Ricky Carmack, Brian Caruthers, Bruce Chase, Lisa Clement, Demetra Conrad, Shenice Copenhaver, Travis Copenhaver, Mandy Deroche, Keisha Doss, Wyveda Dowdy, Joe Drew, Ward Dunn, Kay Dykes, Tom Dykes, Dave Eagle, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Mark Franco, Lynnsey Goller, Melanie Graft, Michael Graft, Holly Haefele, Kenneth Hall, Juanita Hall, Roland Hannula, Roberta Hannula, Tim Harris, Brent Hayes, Ted Hayes, Linda Hayes, Clint Helton, Jill Henriksen, Helen Hensel, Cynthia Marie Highsmith, John W. Highsmith, Rhonda Holliday, Paul Holliday, Douglas Houg, James Jarratt, Greg Johnson, Denna Jones, John Joslin, Daphne D. Kanas, Janet Keel, Seth Keel, Robert Killion, Margaret Killion, Timothy J. Kurcz, Marcia L. Kurcz, Daniel Scott Lakey, Deanna Lakey, Randall D. Larson, Patricia Larson, Geraldine Lathers, Christine C. Leftwich, Chuck Licata, Ron L. Liddell, Randall J. Love, Janet M. Lowery, Gregory Scott Martin, Ronald Massingill, Mark Mathews, Mark McDermott, Lisa McDermott, Barbara Meuter, Gary Miller, Kathy Miller, Toby Mitchell, Frank Moffitt, William Nichols, Brett Niebes, Liana Oechsle, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Steven Potts, Beverley A. Potts, Barbara Potts, Larry M. Potts, David T. Raffa, C. R. Rains, Christy Rains, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Gina Rogers, Mark Rogers, Gwyneth Rohde, Nancy Rohde, Daniel R. Rohde, Eva Royer, Martin Ruback, Chris Rubel, Karen J. Russell, Nannette Samuelson, Jacquelyne Cleo Sawicky, Jeff Seider, Briana Seider, William Seider, Leeann Seider, Cheryl Shadden, Sheri Shaw, Adrian Donald Shelley, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Nikki Sopchak, Morgan Stanley, Alison Steele, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Michael L. Tabor, Suzy Tabor, Richard Tanner, Timothy Taylor, Melanie R. Taylor, Kim Tibljas, Edward J. Tibljas, Audrie Tibljas, Santiago Torres,

Jerry Turner, Rae Waldrod, James Wall, Joseph Webber, Jacob Webster, Corey Webster, Tom Weeks, Thomas Weeks, Veronica Welch, Van Austin Williams, Jack Wilson, Walter Wimberley, Jimmy Wimberley, Mary Wimberley, Shannon Wolf, Peter Wolf, Andrew J. Wolford, Annette Worthington, Annabel Wullaert)

**Response 1:** The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, potential impacts to human health and welfare or the environment are determined by comparing the Applicant's proposed air emissions to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules. As described in detail below, the Executive Director determined that the emissions authorized by this permit are protective of both human health and welfare and the environment.

#### NAAQS

The U.S. Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment.<sup>1</sup> Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM) less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

The Applicant conducted a NAAQS analysis for SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>2</sub>, and CO. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLCmax<sup>2</sup>) below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1 contains the results of the de minimis analysis.

Table 1. Modeling Results for Prevention of Significant Deterioration (PSD) De Minimis in micrograms per cubic meter (µg/m<sup>3</sup>)

Pollutant	Averaging Time	GLCmax (µg/m <sup>3</sup> )	De Minimis (µg/m <sup>3</sup> )
SO <sub>2</sub>	1-hr	1.87	7.8
SO <sub>2</sub>	3-hr	1.06	25

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1 40 CFR 50.2

2 The GLCmax is the maximum ground level concentration predicted by the modeling.

Pollutant	Averaging Time	GLCmax ( $\mu\text{g}/\text{m}^3$ )	De Minimis ( $\mu\text{g}/\text{m}^3$ )
PM <sub>10</sub>	24-hr	1.83	5
PM <sub>10</sub>	Annual	0.36	1
PM <sub>2.5</sub> (NAAQS)	24-hr	1.6*	1.2
PM <sub>2.5</sub> (NAAQS)	Annual	0.35*	0.13
PM <sub>2.5</sub> (Increment)	24-hr	2.08*	1.2
PM <sub>2.5</sub> (Increment)	Annual	0.37*	0.13
NO <sub>2</sub>	1-hr	35	7.5
NO <sub>2</sub>	Annual	0.58	1
CO	1-hr	181	2000
CO	8-hr	19	500

\*GLCmax represent the total predicted concentration associated with modeling the direct PM<sub>2.5</sub> emissions and the contributions associated with secondary PM<sub>2.5</sub> formation.

The pollutants below the de minimis level should not cause or contribute to an exceedance of the NAAQS and are protective of human health and the environment.

The Applicant conducted a full NAAQS analysis for those pollutants above de minimis to account for cumulative effects by including an evaluation of all on-property sources, applicable off-property sources, and representative monitored background concentrations. Results of the NAAQS analysis are presented below in Table 2. The total concentration was determined by adding the GLCmax to the appropriate background concentration. Background concentrations are obtained from ambient air monitors across the state and are added to the modeled concentration (both on-property and off-property sources) to account for sources not explicitly modeled. The ambient air monitors were selected to ensure that they are representative of the proposed site. The total concentration was then compared to the NAAQS to ensure that the concentration is below the standard. For any subsequent projects submitted pertaining to this or any other facility in the area, the air quality analysis (AQA) for that project will have to include the emissions authorized by this project, as well as other applicable off-property sources, if a full impacts analysis is required.

Table 2. Total Concentrations for PSD NSR NAAQS (Concentrations > De Minimis) ( $\mu\text{g}/\text{m}^3$ )

Pollutant	Averaging Time	GLCmax ( $\mu\text{g}/\text{m}^3$ )	Background ( $\mu\text{g}/\text{m}^3$ )	Total Conc. = [Background + GLCmax] ( $\mu\text{g}/\text{m}^3$ )	Standard ( $\mu\text{g}/\text{m}^3$ )
PM <sub>2.5</sub>	24-hr	4.28*	17.51	21.79	35
PM <sub>2.5</sub>	Annual	0.67*	7.78	8.45	9
NO <sub>2</sub>	1-hr	164.33	See background discussion below	164.33	188

\*GLCmax represent the total predicted concentration associated with modeling the direct PM<sub>2.5</sub> emissions and the contributions associated with secondary PM<sub>2.5</sub> formation.

Background concentrations for NO<sub>2</sub> were obtained from the EPA AIRS monitor 483491051 at Corsicana Airport, Corsicana, Navarro County. For the 1-hr NO<sub>2</sub> NAAQS analysis, the applicant conducted the evaluation by combining NO<sub>2</sub> background concentrations with the predicted concentrations on a seasonal-hour of day basis for each modeled receptor.

The NAAQS analysis results are below the standard for each pollutant, should not cause or contribute to an exceedance of the NAAQS, and are protective of human health and the environment.

#### Ozone Analysis

The applicant performed an O<sub>3</sub> analysis as part of the PSD Air Quality Analysis (AQA). The applicant evaluated project emissions of O<sub>3</sub> precursor emissions (NO<sub>x</sub> and VOC). For the project NO<sub>x</sub> and VOC emissions, the applicant provided an analysis based on a Tier 1 demonstration approach consistent with EPA's Guidances on Air Quality Models (GAQM), and the results are less than the De Minimis level as shown in Table 3 below.

Table 3. Modeling Results for Ozone PSD De Minimis Analysis in Parts per Billion (ppb)

Pollutant	Averaging Time	GLCmax (ppb)	De Minimis (ppb)
O <sub>3</sub>	8-hr	0.989	1

#### Effects Screening Levels

To evaluate potential impacts of non-criteria pollutants, a health effects analysis was performed. ESLs are specific guideline concentrations used in TCEQ's evaluation of certain non-criteria pollutants. These guidelines are derived by TCEQ's Toxicology Division and are based on a pollutant's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based ESLs are set below levels reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate

exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL. If an air concentration of a pollutant is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted.

The Applicant conducted a health effects analysis using the Modeling and Effects Review Applicability (MERA) guidance.<sup>3</sup> The MERA is a tool to evaluate impacts of non-criteria pollutants. It is a step-by-step process, evaluated on a chemical species by chemical species basis, in which the potential health effects are evaluated against the ESL for the chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined (less conservative) analysis. If the contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to “fall out” of the MERA process at that step because it is protective of human health and welfare. All pollutants satisfy the MERA criteria and therefore are not expected to cause adverse health effects, as shown in Table 4.

Table 4. Health Effects Review - Minor NSR Project-Related Results

Pollutant & CAS#	Averaging Time	GLCmax (µg/m <sup>3</sup> )	ESL (µg/m <sup>3</sup> )	Modelling and Effects Review Applicability (MERA) Step in Which Pollutant Screened Out
Propane 74-98-6	1-hr	N/A	N/A	Step 0 - simple asphyxiate
	Annual	N/A	N/A	
Propylene 115-07-1	1-hr	N/A	N/A	Step 0 - simple asphyxiate
	Annual	N/A	N/A	
n-Butane 106-97-8	1-hr	N/A	66,000	Step 2 - long-term ESL ≥ 10% of short-term ESL, short-term ESL is greater than 3,500 µg/m <sup>3</sup> and production emissions increase ≤ 0.4 lb/hr
	Annual	N/A	7100	Step 0 - long-term ESL ≥ 10% of short-term ESL
n-Pentane 109-66-0	1-hr	N/A	59,000	Step 2 - long-term ESL ≥ 10% of short-term ESL, short-term ESL is greater than 3,500 µg/m <sup>3</sup> and production emissions increase ≤ 0.4 lb/hr
	Annual	N/A	7100	Step 0 - long-term ESL ≥ 10% of short-term ESL
n-hexane 110-54-3	1-hr	0.23	5600	Step 3 - GLCmax < 10% ESL
	Annual	<0.01	200	
Formaldehyde	1-hr	0.73	15	Step 3 - GLCmax < 10% ESL

<sup>3</sup> See APDG 5874 guidance document.

Pollutant & CAS#	Averaging Time	GLCmax ( $\mu\text{g}/\text{m}^3$ )	ESL ( $\mu\text{g}/\text{m}^3$ )	Modelling and Effects Review Applicability (MERA) Step in Which Pollutant Screened Out
50-00-0	Annual	N/A	3.3	Step 0 - Long-term ESL $\geq$ 10% of short-term ESL
Fuel oil No. 2 68476-30-2	1-hr	556.53	1000	Step 7 - Sitewide modeling results are less than the ESL
	Annual	0.06	100	

#### State Property Line Analysis (30 TAC Chapter 112)

Because this application has sulfur emissions, the Applicant conducted a state property line analysis to demonstrate compliance with TCEQ rules for net ground-level concentrations for sulfur dioxide ( $\text{SO}_2$ ), hydrogen sulfide ( $\text{H}_2\text{S}$ ), and sulfuric acid ( $\text{H}_2\text{SO}_4$ ), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard, as shown in Table 5 below.

Table 5. Project-Related Modeling Results for State Property Line

Pollutant	Averaging Time	GLCmax ( $\mu\text{g}/\text{m}^3$ )	De Minimis ( $\mu\text{g}/\text{m}^3$ )
$\text{SO}_2$	1-hr	1.87	20.42
$\text{H}_2\text{SO}_4$	1-hr	0.23	1
$\text{H}_2\text{SO}_4$	24-hr	0.04	0.3

#### Greenhouse Gases

EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no NAAQS or PSD increment for GHGs. The EPA Administrator has recognized that human-induced climate change has the potential to be far-reaching and multi-dimensional.<sup>4</sup> Climate change modeling and evaluations of risks and impacts are typically conducted for changes in emissions that are orders of magnitude larger than the emissions from individual projects that might be analyzed in permit reviews. Quantifying the exact impacts attributable to a specific GHG source obtaining a permit in specific places and points would not be possible with current climate change modeling.<sup>5</sup> Thus, EPA has concluded it would not be meaningful to evaluate impacts of GHG emissions on a local community in the context of a single permit.

TCEQ has determined that an air quality analysis for GHG emissions would provide no meaningful data and has not required the Applicant to perform one. As stated in the preamble to TCEQ's adoption of the GHG PSD program, the impacts review for individual air contaminants will continue to be addressed, as

<sup>4</sup> See Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 75 Fed. Reg. 66496, 66497 (Dec. 15, 2009).

<sup>5</sup> See EPA PSD and Title V Permitting Guidance for GHGs, March 2011 at 48.



applicable, in the state's traditional minor and major NSR permits program per 30 TAC Chapter 116 and 30 Tex. Reg. 2629, 2904 (April 11, 2014).

With respect to climate change effects potentially impacted by the proposed GHG emissions from the project, the Applicant demonstrated that they will meet best available control technology (BACT) for GHGs, which is required to be evaluated as part of the GHG major PSD permitting action – see Response 4 for more details on BACT for GHGs.

Additionally, there are no emissions of lead or mercury from natural gas-fired turbines. See response 18 for more information on emission calculations.

In summary, based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of proposed emission rates associated with this project.

### **Comment 2: Environmental Concerns**

Commenters voiced concern about the effect of the proposed project on surrounding pets, livestock, wildlife (including endangered species), and the environment. Commenters voiced concern that emissions from the facility are toxic to animals. Commenters expressed concern that lead and mercury air emissions from the proposed facility would affect water quality and aquatic life.

(Representative Dewayne Burns, Donna Adair, Robert Adair, Ronnie Allard, Mary Allard, Kevin Andrews, Andrea M. Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankenship, Joe Boles, Christine Brooking, A. Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Monica Brown, Virginia Browning, Nick Browning, Richard Brunning, Kim Burton, Celine Busnelli, John Campbell, Rodrigo G. Cantu, Ricky Carmack, Brian Caruthers, Bruce Chase, Lisa Clement, Demetra Conrad, Shenice Copenhaver, Travis Copenhaver, Mandy Deroche, Keisha Doss, Wyveda Dowdy, Joe Drew, Ward Dunn, Kay Dykes, Tom Dykes, Dave Eagle, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Mark Franco, Lynnsey Goller, Melanie Graft, Michael Graft, Holly Haefele, Kenneth Hall, Juanita Hall, Roland Hannula, Roberta Hannula, Tim Harris, Brent Hayes, Linda Hayes, Ted Hayes, Clint Helton, Jill Henriksen, Helen Hensel, Cynthia Marie Highsmith, John W. Highsmith, Rhonda Holliday, Paul Holliday, Douglas Houg, James Jarratt, Greg Johnson, Denna Jones, John Joslin, Daphne D. Kanas, Janet Keel, Seth Keel, Robert Killion, Margaret Killion, Timothy J. Kurcz, Marcia L. Kurcz, Daniel Scott Lakey, Deanna Lakey, Randall D. Larson, Patricia Larson, Geraldine Lathers, Christine C. Leftwich, Chuck Licata, Ron L. Liddell, Randall J. Love, Janet M. Lowery, Gregory Scott Martin, Ronald Massingill, Mark Mathews, Mark McDermott, Lisa McDermott, Barbara Meuter, Gary Miller, Kathy Miller, Toby Mitchell, Frank Moffitt, William Nichols, Brett Niebes, Liana Oechsle, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Steven Potts, Beverley A. Potts, Barbara Potts, Larry M. Potts, David T. Raffa, C. R. Rains, Christy Rains, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Gina Rogers, Mark Rogers, Gwyneth Rohde, Nancy Rohde, Daniel R. Rohde, Eva Royer, Martin Ruback, Chris Rubel, Karen J. Russell, Nannette Samuelson, Jacquelyne Cleo Sawicky, Jeff Seider, Briana Seider, William Seider, Leeann Seider, Cheryl

Shadden, Sheri Shaw, Adrian Donald Shelley, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Nikki Sopchak, Alison Steele, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Michael L. Tabor, Suzy Tabor, Richard Tanner, Timothy Taylor, Melanie R. Taylor, Kim Tibljas, Edward J. Tibljas, Audrie Tibljas, Santiago Torres, Jerry Turner, Rae Waldrod, James Wall, Joseph Webber, Jacob Webster, Corey Webster, Tom Weeks, Thomas Weeks, Veronica Welch, Van Austin Williams, Jack Wilson, Walter Wimberley, Jimmy Wimberley, Mary Wimberley, Shannon Wolf, Peter Wolf, Andrew J. Wolford, Annette Worthington, Annabel Wullaert)

**Response 2:** The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and structures, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life, and the applicant must follow this rule to demonstrate compliance with the proposed permit.

Compliance with rules and regulations regarding endangered species is handled at the state level by the Texas Parks and Wildlife Department and at the federal level by the United States Fish and Wildlife Service. It is incumbent upon an applicant to request and acquire any additional authorizations that may be required under state or federal law. However, if operated in accordance with the requirements of the permit, adverse impacts from the proposed plant are not expected.

Additionally, there are no emissions of lead or mercury from natural gas-fired turbines. See response 18 for more information on emission calculations.

**Comment 3: Potential Effects on Area's Nonattainment Designation**

Commenters voiced concern that the emissions from this project could cause the county to be designated as nonattainment. Commenters stated concerns that the PM<sub>2.5</sub> increment consumed suggests PM<sub>2.5</sub> nonattainment is likely, and the permit should therefore not be granted. Commenters also expressed concern that Hood County is a nonattainment area.

(Donna Adair, Kevin Andrews, Joe Boles, John Campbell, Brian Caruthers, Lisa Clement, Joe Drew, Dave Eagle, Mark Franco, James Jarratt, Patricia Larson, Randall D. Larson, Geraldine Lathers, Christine C. Leftwich, Chuck Licata, Ronald Massingill, Gary Miller, Kathy Miller, Nannette Samuelson, Cheryl Shadden, Adrian Donald Shelley, Veronica Welch, Jack Wilson)

**Response 3:** Hood County is currently designated as being in attainment or unclassifiable for all criteria pollutants. An impacts analysis was conducted for this project and demonstrates that the proposed facility will not cause or

contribute to an exceedance of the NAAQS; therefore, the project is not expected to cause the county to be designated as nonattainment.

On February 7, 2024, EPA promulgated a revised standard for the PM<sub>2.5</sub> NAAQS. EPA strengthened the primary annual PM<sub>2.5</sub> standard from 12.0 µg/m<sup>3</sup> to 9.0 µg/m<sup>3</sup>. Within one year of setting a new or revised NAAQS for a criteria pollutant, states submit recommendations to EPA as to whether or not an area is attaining the standard. Counties with regulatory monitors measuring under the 2024 primary annual PM<sub>2.5</sub> NAAQS would have the potential designation of "attainment", while counties that are unlikely to generate a valid design value based on available data would have the potential designation of "unclassifiable". All counties that do not have a regulatory monitor would have the potential designation of attainment/unclassifiable, consistent with historical EPA designation practices. State designations are due to EPA by February 7, 2025, and EPA's final designations are expected in early 2026.

The purpose of the Prevention of Significant Deterioration (PSD) air quality analysis (AQA) conducted for this permit application is to demonstrate that new emissions emitted from proposed facilities (i.e., emission units), in conjunction with other applicable emissions increases and decreases from existing facilities, will not cause or contribute to a violation of any applicable NAAQS or PSD increment.

The PSD increment is the maximum allowable increase in concentration that is allowed to occur above a baseline concentration for a pollutant. The baseline concentration is defined for each pollutant and, in general, is the ambient concentration level that existed at the time that the first complete PSD application affecting the area was submitted. The baseline concentration is the reference point for determining air quality deterioration in an area. The baseline concentration level is not based on ambient monitoring because ambient measurements reflect emissions from all sources, including those that should be excluded from the measurements. Since PSD increment consumption or expansion is associated with a specific date, it cannot be determined from monitoring data and should be evaluated through air dispersion modeling.

The PM<sub>2.5</sub> PSD increment analysis conducted for this application evaluated the proposed emissions, emissions from existing increment consuming facilities at the application site, and emissions from nearby off-property increment consuming sources. The results for the increment analyses are presented below in Table 7 and demonstrate the proposed emissions will not cause or contribute to a PSD increment violation.

Table 7. Results for PSD Increment Analysis

Pollutant	Averaging Time	GLCmax (µg/m <sup>3</sup> )	Increment (µg/m <sup>3</sup> )
PM <sub>2.5</sub>	24-hr	6.63*	9
PM <sub>2.5</sub>	Annual	0.71*	4

\*GLCmax represent the total predicted concentration associated with modeling the direct PM<sub>2.5</sub> emissions and the contributions associated with secondary PM<sub>2.5</sub> formation.

In addition to the PSD increment analysis, the PSD AQA included a PSD NAAQS analysis as described in Response 1. The purpose of the NAAQS analysis is to demonstrate that the proposed emissions will not cause or contribute to a violation of the NAAQS. The results for the PSD NAAQS analyses are presented in Response 1 and demonstrate the proposed emissions will not cause or contribute to a PSD NAAQS violation. Therefore, the project is not expected to cause the county to be designated as nonattainment for PM<sub>2.5</sub>. See Response 1 for more information on the Air Quality Analysis conducted.

**Comment 4: Best Available Control Technology (BACT)**

Commenters questioned the control technology proposed in the application and asked if the emissions were being filtered or scrubbed. One commenter questioned the lower efficiency (and higher pollutant emission rates) of simple-cycle turbines when compared to combined-cycle turbines

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Andrea M. Barber, David Blankenship, Lisa Blankenship, Curtis Brooks, A Brooks, Marie Brooks, Christian Brooks, Virginia Browning, Nick Browning, Kim Burton, John Campbell, Ricky Carmack, Brian Caruthers, Bruce Chase, Lisa Clement, Shenice Copenhaver, Keisha Doss, Joe Drew, Tommy Engle, Maci English, William Faraizl, Mark Franco, Lynnsey Goller, Kenneth Hall, Juanita Hall, Roberta Hannula, Roland Hannula, John W. Highsmith, Douglas Houg, James Jarratt, Greg Johnson, Denna Jones, Margaret Killion, Robert Killion, Timothy J. Kurcz, Marcia L. Kurcz, Daniel Scott Lakey, Deanna Lakey, Geraldine Lathers, Chuck Licata, Randall J. Love, Ronald Massingill, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Courtney Pedroza, Jonathan Pedroza, Steven Potts, Barbara Potts, Beverley A. Potts, Larry M. Potts, David T. Raffa, Tanner Randall, Amy Rawle, Wesley Rawle, Olean Roberts, Daniel R. Rohde, Nancy Rohde, Gwyneth Rohde, Martin Ruback, Chris Rubel, William Seider, Jeff Seider, Leeann Seider, Briana Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Richard Tanner, Santiago Torres, Rae Waldrod, Corey Webster, Jacob Webster, Thomas Weeks, Peter Wolf, Shannon Wolf, Annabel Wullaert)

**Response 4:** Filters and scrubbers are not the appropriate control technology for natural gas-fired turbines. The Applicant has represented in the permit application that BACT will be used for the proposed new sources. During the course of the technical review of a permit application, the permit reviewer evaluates air pollution control requirements and confirms that the applicant has proposed the appropriate air pollution controls and properly determined off-site impacts for the project facilities and associated sources. The Applicant's air pollution control review, along with the permit reviewer's air pollution control evaluation and final recommendation, provide a record that demonstrates that the operation of a proposed facility or related source will not cause or

contribute to a condition of air pollution and will comply with all applicable federal regulations and state rules, as well as with the intent of the TCAA.

The TCAA and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer audits all sources of air contaminants from the proposed project and assures that the proposed project will be using the BACT applicable for the sources and types of contaminants emitted. BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions.<sup>6</sup> BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations.

TCEQ BACT evaluation is conducted using a "tiered" analysis approach. The evaluation begins at the first tier and, only if necessary, continues sequentially through subsequent tiers, as determined by the evaluation process described below. In each tier, BACT is evaluated on a case-by-case basis for technical practicability and economic reasonableness. The three tiers are:

- **Tier I:** Emission reduction performance levels accepted as BACT in recent permit reviews for the same process and/or industry continue to be acceptable.
- **Tier II:** Tier II BACT evaluation involves consideration of controls that have been accepted as BACT in recent permits for similar air emission streams in a different process or industry. For example, an applicant may propose to control VOC emissions in one industry using technology already in use in another industry. A Tier II evaluation includes issues relating to stream comparison and possible differences in overall performance of a particular emission reduction option. In addition, the Tier II evaluation considers technical differences between the processes or industries in question. To demonstrate technical practicability, detailed technical analysis may be required to assess the cross-applicability of emission reduction options. In Tier II, economic reasonableness is established by historical and current practice.
- **Tier III:** A Tier III BACT evaluation is a detailed technical and quantitative economic analysis of all emission reduction options available for the process under review and is similar to EPA's top-down approach. Technical practicability is established through demonstrated success of an emission reduction option based on previous use, and/or engineering evaluation of a new technology. Economic reasonableness is determined solely by the cost-effectiveness of controlling emissions (dollars per ton of

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<sup>6</sup> See TCAA § 382.0518; 30 TAC § 116.111.

pollutant reduced) and does not consider the effect of emission reduction costs on corporate economics.

The general permitting guidance that includes BACT analysis can be found at: [https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/airpoll\\_guidance.pdf](https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/airpoll_guidance.pdf).

The contaminants authorized by this proposed facility will be carbon monoxide, nitrogen oxides, PM<sub>10</sub>, PM<sub>2.5</sub>, hazardous air pollutants, organic compounds, sulfur dioxide, sulfur hexafluoride, and sulfuric acid mist. The proposed facility will also emit greenhouse gases. The permit reviewer evaluated the proposed BACT and confirmed it to be acceptable. The primary control measures proposed for this plant are identified as follows:

Source Name	Emission Point Number (EPN)	Best Available Control Technology Description
Simple-Cycle Combustion Turbine Generators	E-SCT7 through E-SCT14	<p>NO<sub>x</sub>:</p> <p>Dry low NO<sub>x</sub> (DLN) combustors will limit NO<sub>x</sub> emissions to 9.0 parts per million by volume, dry (ppmvd) corrected to 15 % O<sub>2</sub> on a rolling three-hour average. The RACT/BACT/LAER<sup>7</sup> Clearinghouse (RBLC) search returned 50 projects for which natural gas-fired simple-cycle units were permitted between 2012 and 2021, with reported NO<sub>x</sub> emission limits that match Applicant's proposal therefore, BACT is satisfied.</p> <p>CO:</p> <p>Good combustion practices, and DLNs will limit CO to a level of 25.0 ppmvd on a rolling 3-hour average corrected to 15% O<sub>2</sub>. The proposed controls and emission limits are consistent with the expectations for control of CO for natural gas-fired combined cycle turbines and the result of the RBLC search returned reported CO emission limit; therefore, BACT is satisfied.</p> <p>VOC:</p> <p>Good combustion practices, DLNs, and an oxidation catalyst will limit VOC emissions to 2.0 ppmvd for both natural gas and diesel corrected to 15% O<sub>2</sub> on rolling three-hour average. The</p>

<sup>7</sup> "RACT", "BACT", and "LAER" are acronyms for "Reasonably Available Control Technology", "Best Available Control Technology", and "Lowest Achievable Emission Rate", respectively.

		<p>proposed controls and emission limits represent BACT.</p> <p>PM/PM<sub>10</sub>/PM<sub>2.5</sub>:</p> <p>PM/PM<sub>10</sub>/PM<sub>2.5</sub> is emitted from combustion processes due to the presence of ash and other inorganic constituents contained in the fuel, particulate matter in the inlet air, and incomplete combustion of the organic constituents in the fuel. PM/PM<sub>10</sub>/PM<sub>2.5</sub> emissions are due to incomplete combustion and are anticipated to be relatively low. A search of the RBLC and TCEQ Gas Turbine List shows that no add-on controls are required for natural gas-fired combustion turbines to control PM/PM<sub>10</sub>/PM<sub>2.5</sub>. Therefore, the use of good combustion practices to minimize emissions of particulate matter and the use of natural gas is BACT for PM/PM<sub>10</sub>/PM<sub>2.5</sub>.</p> <p>Sulfur Compounds:</p> <p>Emissions of SO<sub>2</sub> occurs as a result of oxidation of sulfur in the natural gas fired in the combustion turbines, with the majority of the sulfur converted to SO<sub>2</sub>. A portion of the SO<sub>2</sub> will be further converted to H<sub>2</sub>SO<sub>4</sub>, with a conversion contribution due to the action of the SCR. The formation of SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub> will be minimized by using pipeline-quality natural gas with a sulfur content not exceeding 1.0 grains sulfur per 100 standard cubic feet on an hourly/annual basis. Therefore, the proposed fuel and sulfur limits represented are BACT for SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub>.</p> <p>Greenhouses Gases (GHG):</p> <p>Simple cycle units serve a different purpose than the combined cycle turbine and their ability to quickly ramp up and down make them ideal for "peaking", quick ramping for use during periods with the highest electricity demand. Wolf Hollow is proposing a limit per turbine of 1,482 pounds of CO<sub>2</sub> equivalent per megawatt hour (lb CO<sub>2</sub>e/MWh) and an operational limitation of 13,076,000 million British thermal units per year (MMBtu/yr) (all turbines combined) firing on natural gas. A search of the RBLC and TCEQ Gas Turbine List for facilities permitted between January 2012 and</p>
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**Executive Director's Response to Public Comment**

**Wolf Hollow II Power, LLC, Permit Nos. 175173, GHGPSDTX238, and PSDTX1636**

**Page 16 of 37**

Source Name	Emission Point Number (EPN)	Best Available Control Technology Description
		<p>2021 show that the CO<sub>2</sub> emission limits ranged from 1,276 to 1,707 lb/MWh. The proposed emission limit and operational limitation represents BACT.</p> <p>Maintenance, Startup, and Shutdown (MSS):</p> <p>Operation of the combustion turbines will result in emissions from startup and shutdown. The combustion turbines will be started up and shut down in a manner that minimizes the emissions during these events. The duration of each startup and shutdown is limited to 60 minutes. BACT will be achieved by minimizing the duration of the startup and shutdown events (consistent with market demands), engaging the pollution control equipment as soon as practicable (based on vendor recommendations and guarantees), and meeting the emissions limitations on the MAERT.</p>
Turbine lube oil vent	ST-SCTLOV7 through ST-SCTLOV14	<p>VOC:</p> <p>The heating of recirculating lubrication oil in the gas turbine generates oil vapor and oil condensate droplets in the oil reservoir compartments. The venting of turbine lubrication oil is a minor source of VOC and PM/PM<sub>10</sub>/PM<sub>2.5</sub> emissions, represented as &lt;0.01 lb/hr and 0.01 tons per year (tpy) for VOC and &lt;0.01 lb/hr and 0.01 tpy for PM/PM<sub>10</sub>/PM<sub>2.5</sub>. These emissions will be controlled with oil mist eliminators, which satisfies BACT.</p> <p>PM/PM<sub>10</sub>/PM<sub>2.5</sub></p> <p>TCEQ does not provide Tier 1 BACT guidelines for lube oil vent emissions. There is no process code associated with lube oil vents that can be searched in the RBLC. However, a search by the permit reviewer for simple cycle energy projects in the RBLC and a review of other available permits identified a recently permitted facility with lube oil vent listed as a process source. These recent RBLC determinations identify mist eliminators as the</p>



Source Name	Emission Point Number (EPN)	Best Available Control Technology Description
		control method. The proposed use of mist eliminators satisfies BACT.
Diesel-Fired Generator	E-GEN3, E-GEN4, E-GEN5	BACT will be achieved through firing diesel fuel containing no more than 15 parts per million sulfur by weight, proper operation, maintenance, and limiting annual operation to 100 hours per year for each engine. The requirement of NSPS Subpart IIII does not apply since the engines were constructed prior to 07/11/2005. However, the engines will meet the Tier 1 Exhaust Standard for Generator Sets, 40 CFR 1039, Appendix I, and have a non-resettable runtime meter.
Diesel Storage Tanks	E-DSLTK3, E-DSLTK4, E-DSLTK	BACT for fixed roof storage tanks with a capacity less than 25,000 gallons or containing a material with a true vapor pressure less than 0.5 psia is met by using submerged fill and uninsulated exterior surfaces exposed to the sun shall be white or aluminum. The diesel tanks have a max storage capacity of 1,900 gallons and will be storing ultra-low sulfur diesel (0.01 psia).
Fugitives	E-NGFUG-P3	Includes VOC which originate from the natural gas fuel lines. The uncontrolled VOC emissions are less than 10 tons per year and due to the negligible amount of GHG emissions from process fugitives, the only available control, implementation of a Leak Detection and Repair Program (LDAR), is not cost effective and would result in no significant reduction in overall project GHG emissions. Periodic audio/visual/olfactory inspections will be performed for natural gas. Any leaks will be repaired when detected. Therefore, BACT is satisfied.
MSS Fugitives	E-TRBMSSP3	Emissions associated with routine maintenance activities undertaken to ensure the proper operability of equipment. Good work practices and limiting the frequency and duration of maintenance activities represents BACT.

Source Name	Emission Point Number (EPN)	Best Available Control Technology Description
SF <sub>6</sub> Electrical Equipment	E-SF6FUG	The use of circuit breakers with totally enclosed insulation systems equipped with a low-pressure alarm/lockout is BACT.

Further, as long as the chosen technology meets BACT requirements, the applicant has the ability to decide the functional need of the unit and the technology used. TCEQ evaluates the emissions from the applicant's stated construction of the plant. Applicants are bound to the representations made in the permit application. Individuals are encouraged to report any concerns about suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

For this site, Applicant represented that simple-cycle turbines would be used at the proposed plant, and the permit review and modeling analyses were conducted based on these representations. At the conclusion of the permit review, TCEQ concluded that the proposed BACT was acceptable, and that there would not be expected adverse effects to public health, general welfare, or physical property as a result from the proposed emissions from the site's facilities.

With regards to turbine efficiency, the engineering design and market needs dictate the type of turbine design and installation. The proposed turbines are being permitted for peaking service, which affects the design as simple cycle units. TCEQ does not have the ability to redefine the source, provided the application demonstrates that it meets BACT, impacts, and all applicable rules. It has also been EPA's long-standing policy that the BACT review process is not to be used to require an applicant to fundamentally redefine a proposed source.<sup>8</sup> Accordingly, the alternative proposals redefine the source, and the Applicant's proposed BACT is acceptable.

#### **Comment 5: Monitor for Air Quality Analysis**

Commenters questioned the air monitor used to evaluate baseline emissions. Commenters requested that local monitors be used rather than monitors from outside the impacted area.

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<sup>8</sup> EPA New Source Review Workshop Manual, p. B13 (October 1990); *In the Matter of: Pennsauken Cnty., New Jersey, Res. Recovery Facility*, 2 E.A.D. 667 (E.P.A. Nov. 10, 1988), 1988 WL 249035 \*4; *In Re Prairie State Generating Company*, 13 E.A.B. 1, 21 (2006) ("We ... conclude the statute [FCAA] contemplates that the permit issuer looks to how the permit applicant defines the proposed facility's purpose or basic design in its application." at 22); *Sierra Club v. EPA*, 499 F.3d 653, 655-56 (7th Cir. 2007).

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Andrea M. Barber, David Blankenship, Lisa Blankenship, A Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Virginia Browning, Nick Browning, Kim Burton, John Campbell, Ricky Carmack, Brian Caruthers, Bruce Chase, Lisa Clement, Shenice Copenhaver, Keisha Doss, Joe Drew, Tommy Engle, Maci English, William Faraizl, Mark Franco, Lynnsey Goller, Kenneth Hall, Juanita Hall, Roberta Hannula, Roland Hannula, John W. Highsmith, Douglas Houg, James Jarratt, Greg Johnson, Denna Jones, Margaret Killion, Robert Killion, Timothy J. Kurcz, Marcia L. Kurcz, Daniel Scott Lakey, Deanna Lakey, Geraldine Lathers, Chuck Licata, Randall J. Love, Ronald Massingill, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Courtney Pedroza, Jonathan Pedroza, Steven Potts, Barbara Potts, Beverley A. Potts, Larry M. Potts, David T. Raffa, Tanner Randall, Amy Rawle, Wesley Rawle, Olean Roberts, Daniel R. Rohde, Nancy Rohde, Gwyneth Rohde, Martin Ruback, Chris Rubel, William Seider, Jeff Seider, Leeann Seider, Briana Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Richard Tanner, Santiago Torres, Rae Waldrod, Corey Webster, Jacob Webster, Thomas Weeks, Peter Wolf, Shannon Wolf, Annabel Wullaert)

**Response 5:** Background concentrations in the AQA are used to account for ambient concentrations from other sources in the area around the plant. The Applicant selected the ambient monitor data from EPA AIRS monitor 481390016, located at 2725 Old Fort Worth Rd., Midlothian, Ellis County, for PM<sub>2.5</sub>; EPA AIRS monitor 482210001, located at 200 N Gordon St., Granbury, Hood County, for ozone; and EPA AIRS monitor 483491051 at Corsicana Airport, Corsicana, Navarro County, for NO<sub>2</sub>, that were conservative and consistent with TCEQ guidance. For each monitor, the Applicant conducted a quantitative analysis of pollutant emissions in the vicinity of the monitor site relative to the proposed project site in a 10-kilometer area. The reported pollutant emissions in the vicinity of the selected monitor sites were greater than the reported pollutant emissions in the vicinity of the proposed project site. Thus, background concentrations from the selected monitors are conservative because background concentrations in the vicinity of the selective monitors are expected to be higher than background concentrations in the vicinity of the proposed project.

In addition to the quantitative analysis in the vicinity of the monitor site, the Applicant compared county-wide emission and population in Hood County and monitors located outside of Hood County and the project site. Hood County has an ozone monitor, so the additional analysis of county emissions and population comparison is unnecessary. Because the chosen ozone monitor in Hood County is in sufficient proximity to the proposed site, it was reasonable for the Applicant to use this ozone monitor and the quantitative assessment for its analysis. See Response 1 for more information on the Air Quality Analysis conducted.

**Comment 6: Modeling – Dispersion Modeling/Open Sources/Conservative Representation/Receptors**

Commenters questioned the dispersion modeling conducted for the proposed project and questioned whether it is adequate for evaluating potential impacts on public health. Commenters asked if the modeling software is open sources. Commenters questioned the receptors and the conservative representation used for the modeling for the proposed project.

(Jim Brown, Ward Dunn, Juan Rincon Gonzalez, Juan Rincon, Michael L. Tabor, James Wall, Andrew J. Wolford)

**Response 6:**

**Dispersion Modeling**

For this specific permit application, the applicant used the AERMOD modeling software, EPA's preferred air dispersion model for PSD NSR permitting. The likelihood of whether adverse health effects caused by emissions from the facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's model predicted concentrations to the relevant state and federal standards and ESLs. TCEQ staff used modeling results to verify that predicted ground-level concentrations from the proposed facility are not likely to adversely impact public health and welfare. The overall evaluation process provides a conservative prediction that is protective of public health. The modeling predictions were reviewed by TCEQ Air Dispersion Modeling Team, and the modeling analysis was determined to be acceptable. See Response 1 for more information on the air quality analysis.

**Open Sources**

The AERMOD Modeling System is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The current version of the AERMOD model was developed within the Microsoft Windows operating system (Windows) and has been designed to run on Windows PCs within a Command-prompt using command-line arguments to initiate a model run. Additional guidance and model executables can be obtained from the EPA (<https://www.epa.gov/scram/air-quality-dispersion-modeling-preferred-and-recommended-models>).

**Receptors/Conservative Representation**

For modeling, receptors are locations where the model calculates a predicted concentration where the public could be exposed to an air contaminant in the ambient air. Ambient air for minor NSR modeling starts at the applicant's property line. For PSD modeling, ambient air starts at the applicant's fence line or other physical barrier to public access. A receptor grid is designed with sufficient spatial coverage and density to determine the maximum predicted ground-level concentration in an off-property area or an area not controlled by the applicant.

**Comment 7: Public Notice - Sign Posting**

Commenters questioned if the sign posting requirements were met. Commenters further stated that signs were not posted near the Wolf Hollow plant.

(John W. Highsmith and Adrian Donald Shelley)

**Response 7:** Title 30 TAC § 39.604 requires that signs be placed at the site of the existing or proposed facility. The sign(s) must state that an air permit application has been filed, the proposed permit number, and how the public may contact the commission for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street, meet lettering and size requirements, and be spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs, are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the applicant must also post signs in the applicable alternative language.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604.

**Comment 8: Access to Permit Documents**

Commenters stated that they did not have access to and want to review the permit documents. Commenters are concerned that confidentiality agreements between the applicant and TCEQ may prevent the public from knowing complete details and risks associated with the proposed air permit, thus, creating an unnecessary adversarial relationship with the public.

(Donna Adair, Robert Adair, Ronnie Allard, Mary Allard, Andrea M. Barber, David Blankenship, Lisa Blankenship, A. Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Virginia Browning, Nick Browning, Kim Burton, Ricky Carmack, Bruce Chase, Shenice Copenhaver, Keisha Doss, Tommy Engle, Maci English, William Faraizl, Lynnsey Goller, Juanita Hall, Kenneth Hall, Roberta Hannula, Roland Hannula, Tim Harris, John W. Highsmith, Cynthia Marie Highsmith, Douglas Houg, Greg Johnson, Denna Jones, Janet Keel, Seth Keel, Margaret Killion, Robert Killion, Marcia L. Kurcz, Timothy J. Kurcz, Deanna Lakey, Daniel Scott Lakey, Geraldine Lathers, Randall J. Love, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Steven Potts, Beverley A. Potts, Barbara Potts, Larry M. Potts, David T. Raffa, Tanner Randall, Amy Rawle, Wesley Rawle, Olean Roberts, Daniel R. Rohde, Nancy Rohde, Gwyneth Rohde, Martin Ruback, Chris Rubel, Jeff Seider, William Seider, Leeann Seider, Briana Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Zachary Q. Stewart, Lindsey Stewart, Richard Tanner, Santiago Torres, Rae Waldrod, Joseph Webber, Corey Webster, Jacob Webster, Thomas Weeks, Peter Wolf, Shannon Wolf, Andrew J. Wolford, Annabel Wullaert)

**Response 8:** Title 30 TAC § 39.405 requires the Applicant to provide copies of the application and the Executive Director's preliminary decision at a public place in the county in which the facility is located or proposed to be located. TCEQ rules also require the public have an opportunity to review and copy these materials. In addition, the application, including any subsequent revisions to the application, must be available for review for the duration of the comment period. The Applicant represented that the application was made available at the Hood County Library, 222 North Travis Street, Granbury, Hood County, Texas. Additionally, a copy of the application was available at TCEQ Dallas/Fort Worth Regional Office, and TCEQ Central Office. The technically complete application and all associated permit application documents are also available on TCEQ website at the following link:

<https://www.tceq.texas.gov/assets/public/permitting/air/reports/applications/nsr-pending-permits.html#NSR%20Case-by-Case%20Air%20Permits-N> .

**Comment 9: Quality of Life/Aesthetics/Property Values**

Commenters voiced concern about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property values due to increased pollution, industrialization, and loss of wildlife and vegetation.

(Donna Adair, Robert Adair, Ronnie Allard, Mary Allard, Kevin Andrews, Andrea M Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankensip, Joe Boles, Christine Brooking, A. Brooks, Christian Brooks, Marie Brooks, Curtis Brooks, Monica Brown, Virginia Browning, Nick Browning, Richard Brunning, Representative Dewayne Burns, Kim Burton, Celine Busnelli, John Campbell, Rodrigo G. Cantu, Ricky Carmack, Brian Caruthers, Bruce Chase, Lisa Clement, Shenice Copenhaver, Travis Copenhaver, Mandy Deroche, Keisha Doss, Wyveda Dowdy, Joe Drew, Kay Dykes, Tom Dykes, Dave Eagle, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Mark Franco, Lynnsey Goller, Michael Graft, Melanie Graft, Holly Haefele, Juanita Hall, Kenneth Hall, Roland Hannula, Roberta Hannula, Tim Harris, Ted Hayes, Linda Hayes, Brent Hayes, Jill Henriksen, Helen Hensel, John W Highsmith, Cynthia Marie Highsmith, Paul Holliday, Rhonda Holliday, Douglas Houg, James Jarratt, Greg Johnson, Denna Jones, John Joslin, Daphne D. Kanas, Janet Keel, Seth Keel, Margaret Killion, Robert Killion, Marcia L Kurcz, Timothy J Kurcz, Daniel Scott Lakey, Deanna Lakey, Randall D. Larson, Patricia Larson, Geraldine Lathers, Christine C. Leftwich, Chuck Licata, Ron L. Liddell, Randall J. Love, Janet M. Lowery, Ronald Massingill, Mark Mathews, Barbara Meuter, Gary Miller, Kathy Miller, Toby Mitchell, Frank Moffitt, William Nichols, Liana Oechsle, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Larry M. Potts, Steven Potts, Barbara Potts, Beverley A Potts, David T. Raffa, C. R. Rains, Christy Rains, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Gina Rogers, Mark Rogers, Nancy Rohde, Daniel R. Rohde, Gwyneth Rohde, Eva Royer, Martin Ruback, Chris Rubel, Nannette Samuelson, Jacquelyne Cleo Sawicky, Briana Seider, William Seider, Jeff Seider, Leeann Seider, Cheryl Shadden, Sheri Shaw, Adrian Donald Shelley, Amanda Sims, Hunter Sims, Suzanne Sloan, Nikki Sopchak, Alison Steele, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Richard Tanner, Melanie R. Taylor, Timothy Taylor, Kim Tibljas, Edward J. Tibljas, Audrie Tibljas,

Santiago Torres, Rae Waldrod, Joseph Webber, Jacob Webster, Corey Webster, Tom Weeks, Thomas Weeks, Veronica Welch, Van Austin Williams, Jack Wilson, Mary Wimberley, Walter Wimberley, Jimmy Wimberley, Shannon Wolf, Peter Wolf, Annabel Wullaert)

**Response 9:** TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny any air authorization.

**Comment 10: Noise and Light Pollution**

Commenters expressed concern regarding noise and light pollution from the proposed project disturbing daily and nighttime activities, such as work, sleep, time with their families, outdoor activities, as well as causing unnecessary stress to pets, livestock, and wildlife.

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Andrea M. Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankensip, Christine Brooking, A. Brooks, Curtis Brooks, Christian Brooks, Marie Brooks, Monica Brown, Nick Browning, Virginia Browning, Kim Burton, Celine Busnelli, Rodrigo G Cantu, Ricky Carmack, Bruce Chase, Shenice Copenhaver, Mandy Deroche, Keisha Doss, Tommy Engle, Maci English, William Faraizl, Lynnsey Goller, Holly Haefele, Kenneth Hall, Juanita Hall, Roberta Hannula, Roland Hannula, Tim Harris, Jill Henriksen, John W. Highsmith, Cynthia Marie Highsmith, Douglas Houg, Greg Johnson, Denna Jones, John Joslin, Daphne D Kanas, Robert Killion, Margaret Killion, Marcia L. Kurcz, Timothy J. Kurcz, Daniel Scott Lakey, Deanna Lakey, Randall D. Larson, Patricia Larson, Geraldine Lathers, Ron L. Liddell, Randall J. Love, Mark Mathews, Gary Miller, Kathy Miller, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Steven Potts, Larry M. Potts, Barbara Potts, Beverley A. Potts, David T. Raffa, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Gwyneth Rohde, Nancy Rohde, Daniel R. Rohde, Martin Ruback, Chris Rubel, Karen J. Russell, Chesney Sampson, Jacquelyne Cleo Sawicky, Jeff Seider, Briana Seider, Leeann Seider, William Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Michael L. Tabor, Suzy Tabor, Richard Tanner, Santiago Torres, Rae Waldrod, Joseph Webber, Jacob Webster, Corey Webster, Thomas Weeks, Tom Weeks, Peter Wolf, Shannon Wolf, Annabel Wullaert)

Response 10: TCEQ does not have jurisdiction to consider noise or light pollution from a proposed facility when evaluating a permit application and determining whether to approve or deny a registration. Accordingly, TCEQ does not have authority under the TCAA to require or enforce any noise abatement measures. Noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise.

**Comment 11: Water Quality and Water Availability**

Commenters expressed concern regarding the effect pollution from the proposed project will have on water quality and water availability which will affect the lives of the community as well as livestock and wildlife in the area that use the water sources in the area.

(Kevin Andrews, Joe Boles, Tom Brooking, Virginia Browning, Nick Browning, Dave Eagle, Rhonda Holliday, Daphne D. Kanas, Janet Keel, Daniel Scott Lakey, Christine C. Leftwich, Ronald Massingill, Gary Miller, Kathy Miller, Karen Pearson, Nannette Samuelson, Adrian Donald Shelley, Christine Weeks, Veronica Welch, Jack Wilson, Jimmy Wimberley)

**Response 11:** Although TCEQ is responsible for the environmental protection of all media (i.e., air, water, and the safe disposal of waste), the TCAA specifically addresses air-related issues. This permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality and water availability issues or water testing are not within the scope of the review of this application.

Individuals are encouraged to report environmental concerns, including water quality issues, or suspected noncompliance with the terms of any permit or other environmental regulation by contacting TCEQ Dallas/Fort Worth Region Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1 888-777-3186. TCEQ reviews all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, the Applicant may be subject to enforcement action.

#### **Comment 12: Effect on Local Economy**

Commenters voiced concern about the effects this project could have on the local economy by decreasing the local tourism attraction, and affecting businesses and farming from the increase of pollution in the air, water, and land.

(Donna Adair, Kevin Andrews, Mark Beatty, Joe Boles, Dave Eagle, Christine C. Leftwich, Ronald Massingill, Gary Miller, Kathy Miller, Amy Rawle, Nannette Samuelson, Cheryl Shadden, Veronica Welch, Jack Wilson, Shannon Wolf)

**Response 12:** Issues related to the local economy are outside the scope of review of an air quality permit. The Executive Director has reviewed the permit application in accordance with the applicable law, policy, and procedures, in accordance with the agency's mission to protect our state's human and natural resources consistent with sustainable economic development. If an applicant meets the requirements for an air quality permit, TCEQ must grant the permit.

#### **Comment 13: Location/Zoning/Future Industrialization of the Area**

Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools. A commenter asked if there is supposed to be a 3-mile safety buffer surrounding power plants. Commenters also expressed concern about the impact of the proposed project on the future of the area and further industrialization of the area causing more and more pollution.



(Donna Adair, Gertrisha Farmer, John W. Highsmith, Karen Pearson, Karen J. Russell, Jacquelyne Cleo Sawicky, Michael L. Tabor, Suzy Tabor, Shannon Wolf, Andrew J. Wolford)

**Response 13:** TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable by TCEQ. Zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications, and such issues should be directed to local officials. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

TCEQ Dallas/Fort Worth Regional Office conducted a site review of the area on February 21, 2024. According to that site review, nuisance, odor, and hazard potentials were moderate. The review also described the surrounding land use as Industrial/Residential, and the nearest off-property receptor is a residential building approximately 1,610 feet away. The distance from the facility to the nearest property line, according to the site review, is approximately 339 feet. The recommendation of the Dallas/Fort Worth Regional Office was to proceed with the permit review, and the site review indicated no reasons to deny the permit application.

Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

Although TCEQ cannot consider zoning or land use, TCEQ does conduct a health effects review to ensure that there will be no adverse impacts to human health and welfare. As described in Response 1, a protectiveness review was conducted for all contaminants emitted. The maximum concentrations were evaluated at the property line, at the nearest off-property receptor, and at any schools located within 3,000 feet of the facilities and found to be protective of human health and the environment.

#### **Comment 14: Truck Traffic**

Commenters voiced concern about increased traffic congestions of cars and trucks and damages to the roads as a result of the proposed project.

(Jill Henriksen, Cheryl Shadden)

**Response 14:** The Applicant is prohibited by TCEQ rule (30 TAC § 101.5) from discharging air contaminants, uncombined water, or other materials from any source which could cause a traffic hazard or interference with normal road use. If the sources are operated in compliance with the terms and conditions of the permit, these conditions should not occur. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of

any permit or other environmental regulation by contacting TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

Although TCEQ rules prohibit creation of a nuisance, TCEQ does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application. In addition, trucks are considered mobile sources, which are not regulated by TCEQ. TCEQ is also prohibited from regulating roads per the TCAA § 382.003(6) which excludes roads from the definition of "facility."

Similarly, TCEQ does not have the authority to regulate traffic on public roads, load-bearing restrictions, and public safety, including access, speed limits, and public roadway issues. These concerns are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TxDot) and the Texas Department of Public Safety (DPS). Concerns regarding roads should be addressed to the appropriate state or local officials.

**Comment 15: Fuel Type**

John Highsmith questioned the use of natural gas for the proposed project because it is still a fossil fuel and emits pollutants when combusted.

**Response 15:** Under the TCAA, the TCEQ has jurisdiction to ensure the quality of the state's air through the regulation of the emissions of air contaminants. During the review of this permit, TCEQ ADMT analyzed the emissions modeled in the AQA that would be generated from the proposed facility using low sulfur natural gas as its fuel source, and ADMT concluded that emissions from the turbines would not cause or contribute to an exceedance of the NAAQS. Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS.

**Comment 16: Facility Use**

Commenters expressed concern that the electricity to be generated by the proposed plant will be used to power a crypto mining facility, which will continue to disrupt their livelihood, and if approval of the permit would increase the nearby crypto mining facility's activity.

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Andrea M. Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankensip, Christine Brooking, Christian Brooks, A. Brooks, Curtis Brooks, Marie Brooks, Monica Brown, Nick Browning, Virginia Browning, Kim Burton, Celine Busnelli, Rodrigo G. Cantu, Ricky Carmack, Bruce Chase, Don Christiansen, Shenice Copenhaver, Mandy Deroche, Keisha Doss, Ward Dunn, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Lynnsey Goller, Holly Haefele, Juanita Hall, Kenneth Hall, Roberta Hannula, Roland Hannula, Tim Harris, Jill Henriksen, John W. Highsmith, Cynthia Marie Highsmith, Paul Holliday, Rhonda Holliday, Douglas Houg, Greg Johnson, Denna Jones, Daphne D Kanas, Seth Keel,

Janet Keel, Margaret Killion, Robert Killion, Marcia L. Kurcz, Timothy J. Kurcz, Deanna Lakey, Daniel Scott Lakey, Patricia Larson, Geraldine Lathers, Jon R. Lewis, Ron L. Liddell, Randall J. Love, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Beverley A. Potts, Larry M. Potts, Barbara Potts, Steven Potts, David T. Raffa, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Daniel R. Rohde, Gwyneth Rohde, Nancy Rohde, Martin Ruback, Chris Rubel, Karen J. Russell, Chesney Sampson, Jacquelyne Cleo Sawicky, Briana Seider, William Seider, Leeann Seider, Jeff Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Alison Steele, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Richard Tanner, Santiago Torres, Rae Waldrod, Joseph Webber, Corey Webster, Jacob Webster, Tom Weeks, Thomas Weeks, Shannon Wolf, Peter Wolf, Annabel Wullaert)

**Response 16:** TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste. This proposed permit will regulate the control and abatement of air emissions from the proposed facility, and Applicant is required to operate in compliance with its representations in the permit application.

TCEQ does not have jurisdiction to consider facility-use choices made by an applicant when determining whether to approve or deny a permit application, but does ensure that Applicant's operation of the facility in accordance with the permit limits should not cause an exceedance of the NAAQS. Additionally, this permit is limited in scope to this proposed facility and would not authorize changes in operation to facilities not covered by this permit. Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS.

**Comment 17: Emission Rates and Calculations**

Commenters questioned the accuracy and methodology for determining the emission rates for the proposed project. Commenters questioned if the planned maintenance, startup, and shutdown (MSS) events and their higher emissions rates are accounted for in the proposed project. Commenters are concerned with the presence of mercury in the natural gas used to fuel the turbines and expressed concern that the mercury and other heavy metal emissions, such as lead, are not being accurately accounted for in the proposed project. Commenters questioned if there were methods in place to measure the mercury content of the natural gas that would be burned. Commenters questioned if plant cycling was evaluated for the proposed project. Commenters expressed concerns that the applicant will not be complying with the new EPA rule and exceeding the 40% capacity factor represented in the application.

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Kevin Andrews, Andrea M. Barber, Mark Beatty, James Bell, Lisa Blankenship, David Blankenship, Joe Boles, A. Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Jim Brown, Nick Browning, Virginia Browning, Richard Brunning, Kim Burton, Ricky Carmack, Bruce Chase, Shenice Copenhaver, Keisha Doss, Dave Eagle, Tommy Engle, Maci English, William Faraizl, Lynnsey Goller, Kenneth Hall, Juanita Hall, Roberta Hannula, Roland Hannula, Tim Harris, John W. Highsmith, Douglas Houg, Greg

Johnson, Denna Jones, Margaret Killion, Robert Killion, Timothy J. Kurcz, Marcia L. Kurcz, Daniel Scott Lakey, Deanna Lakey, Patricia Larson, Randall D. Larson, Geraldine Lathers, Christine C. Leftwich, Randall J. Love, Ronald Massingill, Mark Mathews, Lisa McDermott, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Barbara Potts, Larry M. Potts, Steven Potts, Beverley A. Potts, David T. Raffa, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Nancy Rohde, Daniel R. Rohde, Gwyneth Rohde, Martin Ruback, Chris Rubel, Nannette Samuelson, Briana Seider, Jeff Seider, Leeann Seider, William Seider, Cheryl Shadden, Adrian Donald Shelley, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Lindsey Stewart, Zachary Q. Stewart, Richard Tanner, Santiago Torres, Rae Waldrod, James Wall, Joseph Webber, Corey Webster, Jacob Webster, Thomas Weeks, Veronica Welch, Jack Wilson, Shannon Wolf, Peter Wolf, Andrew J. Wolford, Annabel Wullaert)

**Response 17:** Emissions from this facility were determined by mathematical equations calculated according to the EPA's Compilation of Air Pollutant Emission Factors, AP-42 Manual, TCEQ guidance documents, vendor data, engineering calculations, mass balance calculations, and by following other references. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment and any representations concerning MSS activities. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the Maximum Allowable Emissions Rate Table (MAERT). The higher hourly emission rates of NO<sub>x</sub> and CO during MSS are represented in the MAERT and are based on manufacturer provided data. Draft Special Condition No. 6 limits the combustion turbine generators to not exceed an annual firing rate of 13,076,000 MMBtu/yr on a 12-month rolling average, which is based on each turbine operating at approximately 3500 hours per year (~39.95%). Special Condition No. 5 of the draft permit limits the duration of each startup and shutdown periods to not exceed 60 minutes per event.

The proposed project consists of eight natural gas-fired simple-cycle combustion turbines. Three scenarios were evaluated for the eight proposed turbines. The first scenario represents normal operations with MSS operations occurring simultaneously, the second scenario represents testing operations with MSS operations occurring simultaneously, and the third scenario represents startup/shutdown operations with MSS operations occurring simultaneously. Within each scenario for short-term analyses, twenty-five operational scenarios were used to evaluate the various load operations and associated parameters of the eight new turbines and two existing turbines to ensure worst-case operations were evaluated. TCEQ found that these operational scenarios are expected to meet all state and federal protectiveness standards.

In regards to the new EPA rule and the company exceeding a 40% capacity factor, it appears that the commenter is referring to 40 CFR Part 60 Subpart TTTT, where intermediate load combustion turbines that supply between 20%

to 40% of their potential electric output as net-electric sales on both a 12-operating month and a 3-year rolling average basis are subjected to limits specified in the rule. However, this rule does not apply to the proposed project because these turbines were constructed prior to the May 23, 2023 rule applicability date and not being modified with the proposed project and are therefore not subject to the rule. The turbines are also subject to an annual heat input limit of 13,076,000 MMBtu/yr on a 12-month rolling average under draft Special Condition No. 6 of the permit, and the company is required to maintain records of the amount of natural gas fired on 12-month rolling average basis under draft Special Condition No. 26.C of the proposed permit to show compliance with this limit.

Additionally, concerning mercury emissions from natural gas-fired turbines, according to EPA's AP-42 Vol. 1, Chapter 3.1: Stationary Gas Turbines, there are no emission factors for mercury or other heavy metals—including lead—from natural gas-fired turbines. Typically, natural gas fired simple-cycle combustion turbine permits do not include emission rate limits for heavy metals, such as mercury and lead.

**Comment 18: Visible Pollution/Fire/Explosions**

Commenters stated concerns about the visible pollution that will be emitted from the site. Commenters expressed concern with the fire/explosions that have happened at the existing site, which has caused multiple panic attacks and anxiety to their families and pets.

(Donna Adair, Robert Adair, Mark Beatty, Nick Browning, Virginia Browning, Patricia Larson, Randall D Larson, Geraldine Lathers, Karen Pearson, Karen J. Russell, Cheryl Shadden)

**Response 18:** TCEQ takes health and environmental concerns seriously. The proposed permit meets all federal and state regulatory requirements and is protective of human health and the environment. If you have been adversely impacted by emissions from the facility, you may file a complaint with the TCEQ Dallas/Fort Worth Region Office at 817-588-5800 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186).

In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions.

Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the application. This application did not require a disaster review.

Accordingly, the draft permit's MAERT lists the only emissions authorized to be emitted from the proposed project. TCEQ defines an upset event as an

unplanned or unanticipated occurrence or excursion of a process or operation that results in an unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission may initiate enforcement action for failing to report the underlying emissions event itself. Emissions from historical unplanned emission events or upsets are not included in the impact analysis as the NSR permit does not authorize upset events.

Additionally, draft Special Condition No. 8 limits visible emissions to 5% averaged over a six-minute period. If there are any exceedances, the exceedances are required to be documented and corrective action to eliminate the source must be taken within one operating week. If visible emissions are observed, Response 25 provides more information on how to file a complaint.

#### **Comment 19: Federal Applicability**

Commenters voiced concern about the quantity of emissions that will result from the project and if the project requires federal review. Commenters voiced concern that there was no mention of public health in the PSD review. Commenters expressed concern that the public notice stated emissions of pollutants are "significant".

(Donna Adair, Robert Adair, Rodrigo G Cantu, Celine, Mandy Deroche, Keisha Doss, John W. Highsmith, Geraldine Lathers, Ron L. Liddell, Cheryl Shadden, Joseph Webber, Shannon Wolf)

**Response 19:** The terminology "significant" that is stated in the public notice refers specifically to the regulatory language in the EPA Prevention of Significant Deterioration (PSD) rules. A Prevention of Significant Deterioration (PSD) major site is defined as a site emitting over 250 tpy of any one pollutant if it is an unnamed source or 100 tpy of any one pollutant if it is one of 28 sources named in 40 CFR § 52.21(b)(1)(a). Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires PSD review. This site is a named source and has proposed emission rates greater than 100 tpy of at least one pollutant, making it a major source. In addition, the proposed increases of the following pollutants are above the defined significant emission rates and are subject to PSD permitting: NO<sub>x</sub>, CO, PM/PM<sub>10</sub>/PM<sub>2.5</sub>, and GHGs as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). The proposed increases of all other pollutants with this project are below the significant emission rates and are not subject to PSD permitting. A PSD review was required and thus a more stringent review was conducted, which includes a modeling and impacts analysis ensuring the protectiveness to public health and environment, as well as soil, vegetation, and/or Class 1 areas. See Response 1 for more information on the air quality analysis conducted.

Nonattainment New Source Review (NNSR) permitting is applicable for major sites, defined as a site emitting over the threshold for the nonattainment

pollutant in that county. Texas nonattainment area designations are specified in 40 CFR § 81.344. Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires netting. If the project's net emissions are greater than the netting threshold, the project is subject to NNSR permitting. Because the site is not located in a nonattainment county, the project is not subject to NNSR permitting. See Response 3 for more information.

**Comment 20: Environmental Impact Study**

A commenter requested that an environmental impact study be conducted prior to authorization of this project.

(Andrew J. Wolford)

**Response 20:** Environmental Assessments and Environmental Impact Statements (EIS) are a specific requirement for federal agencies under the National Environmental Policy Act (NEPA). An EIS is not required for state actions such as this permit. However, both the TCAA and TCEQ rules provide for an extensive review of the application to ensure that emissions from the proposed facility will not exceed the NAAQS and will not be expected to adversely affect human health or the environment. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment. See Response 1 for more information about the air quality analysis conducted.

**Comment 21: Environmental Justice**

Commenters raised concerns regarding the environmental justice implications of this project.

(Mark Beatty, Christine Brooking, Holly Haeefe, Adrian Donald Shelley, Tom Weeks)

**Response 21:** Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. You may contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ website:  
<https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

**Comment 22: Corporate Profits**

Commenters questioned the corporate profits made by this project at a cost to the surrounding community.

(Donna Adair, Robert Adair, James Bell, James Bell, Christine Brooking, Monica Brown, Monica Brown, Jill Henriksen, John W. Highsmith, Cynthia Marie Highsmith, Seth Keel, Janet Keel, Janet Keel, Daniel Scott Lakey, Patricia Larson, Randall D. Larson, Ron L. Liddell, Cheryl Shadden, Adrian Donald Shelley, Adrian Donald Shelley, Robert M. Taber, Monica Vickery, Joseph Webber, Joseph Webber, Tom Weeks)

**Response 22:** Under TCAA, TCEQ regulates facilities that contain a source of air emissions. Accordingly, TCEQ is not authorized to consider a company's financial status nor any profits that may be made in the review of air quality applications. TCEQ's review of this company's application included analysis of health impacts and application of BACT, and based on this review, the facility should comply with all applicable health effects guidelines and emission control requirements.

Continued compliance with health effects guidelines and BACT requirements is expected if the company operates in compliance with the permit terms and conditions. Individuals are encouraged to report any environmental concerns at the facility by contacting TCEQ Dallas/Fort Worth Region Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. TCEQ evaluates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

**Comment 23: Demonstrate Compliance with Permit**

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis. Commenters expressed concerns that the applicant has already begun construction of the new power plant.

(Jim Brown, Nick Browning, Celine Busnelli, Rodrigo G. Cantu, Dementra Conrad, Mandy Deroche, Clint Helton, John W. Highsmith, Cynthia Marie Highsmith, Daniel Scott Lakey, Geraldine Lathers, Brett Niebes, Cheryl Shadden, Adrian Donald Shelley, Bob Slater, Bob Slater, Robert M. Taber, Michael L. Tabor, Suzy Tabor)

**Response 23:** Special conditions have been included as part of the proposed permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions will be monitored by stack testing, continuous fuel flow monitoring, audio, visual, and olfactory (AVO) checks, fuel usage monitoring, and recordkeeping. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping. The proposed permit has not been finalized or issued and the



applicant must follow 30 TAC § 116.110 with regards to the construction of the proposed power plant. See below for more information on how to file a complaint.

#### **Comment 24: Complaints**

Commenters asked how to register a complaint and how complaints are addressed. Commenters also questioned the difficulty of filing a complaint due to multiple offices within TCEQ.

(Cynthia Marie Highsmith, John W Highsmith, Geraldine Lathers), Suzy Tabor, Michael L Tabor)

**Response 24:** TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Dallas/Fort Worth Regional Office at 817-588-5800 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law. The information, if gathered according to agency procedures and guidelines, can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at <http://www.tceq.texas.gov> (under Publications, search for document number 278).

#### **Comment 25: Compliance History/Violations/Enforcement**

Commenters expressed concern about the compliance history of the applicant and site. Commenters asked about the consequences of violating the terms of the permit. Commenters voiced concern about the applicant's previous violations at other sites.

(Donna Adair, Robert Adair, Ronnie Allard, Mary Allard, Andrea M. Barber, Mark Beatty, Lisa Blankenship, David Blankenship, A. Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Virginia Browning, Nick Browning, Kim Burton, Celine Busnelli, Rodrigo G. Cantu, Ricky Carmack, Bruce Chase, Shenice Copenhaver, Mandy Deroche, Keisha Doss, Tommy Engle, Maci English, William Faraizl, Lynnsey Goller, Kenneth Hall, Juanita Hall, Roland Hannula, Roberta Hannula, Tim Harris, Cynthia Marie Highsmith, John W. Highsmith, Douglas Houg, Greg Johnson, Denna Jones, Robert Killion, Margaret Killion, Timothy J. Kurcz, Marcia L. Kurcz, Deanna Lakey, Daniel Scott Lakey, Geraldine Lathers, Randall J. Love, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad

Peden, Jonathan Pedroza, Courtney Pedroza, Steven Potts, Barbara Potts, Beverley A. Potts, Larry M. Potts, David T. Raffa, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Gwyneth Rohde, Nancy Rohde, Daniel R. Rohde, Martin Ruback, Chris Rubel, Leeann Seider, William Seider, Jeff Seider, Briana Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Zachary Q. Stewart, Lindsey Stewart, Robert M. Taber, Richard Tanner, Santiago Torres, Rae Waldrod, Joseph Webber, Jacob Webster, Corey Webster, Thomas Weeks, Peter Wolf, Shannon Wolf, Annabel Wullaert)

## **Response 25:**

### Compliance History

During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website:

<https://www.tceq.texas.gov/rules/index.html>.

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 – complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 – 55.00 – generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations.

This site has a rating of 0.00 and a classification of 'high'. The company rating has a rating of 0.00 and a classification of 'high'. The company rating reflects the average of the ratings for all sites the company owns in Texas.

### Violations/Enforcement

Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation

of a facility and a person's compliance history. Compliance history ratings are considered during permit application reviews.

**Comment 26: TCEQs Responsibility to the Community/General Opposition/Support**

Commenters asked that TCEQ consider residents and their wishes and choose not to approve the permit registration for the proposed plant. Commenters expressed concerns that the permit has already been issued to the applicant. Commenters voiced support for expanding the output of the power plant.

(Donna Adair, Robert Adair, Kevin Andrews, Mark Beatty, James Bell, Joe Boles, Christine Brooking, Monica Brown, Jim Brown, Alonna Brown, Christianna Brown, Nick Browning, Virginia Browning, Richard Brunning, Don Christiansen, Demetra Conrad, Shenice Copenhaver, Travis Copenhaver, Alan Crawford, Keisha Doss, Wyveda Dowdy, Ward Dunn, Kay Dykes, Tom Dykes, Dave Eagle, Gertrisha Farmer, Michael Graft, Melanie Graft, Holly Haefele, Ted Hayes, Linda Hayes, Brent Hayes, Clint Helton, Jill Henriksen, Helen Hensel, John W. Highsmith, Cynthia Marie Highsmith, Paul Holliday, Rhonda Holliday, John Joslin, Daphne D. Kanas, Daniel Scott Lakey, Randall D. Larson, Patricia Larson, Geraldine Lathers, Christine C. Leftwich, Ron L. Liddell, Janet M. Lowery, Gregory Scott Martin, Ronald Massingill, Mark McDermott, Lisa McDermott, Barbara Meuter, Gary Miller, Kathy Miller, William Nichols, Liana Oechsle, Karen Pearson, Christy Rains, C. R. Rains, Wesley Rawle, Amy Rawle, Gina Rogers, Mark Rogers, Eva Royer, Karen J. Russell, Chesney Sampson, Nannette Samuelson, Jacquelyne Cleo Sawicky, Cheryl Shadden, Sheri Shaw, Adrian Donald Shelley, Nikki Sopchak, Alison Steele, Robert M. Taber, Suzy Tabor, Michael L. Tabor, Melanie R. Taylor, Timothy Taylor, Audrie Tibljas, Edward J. Tibljas, Kim Tibljas, Jerry Turner, Monica Vickery, James Wall, Joseph Webber, Thomas Weeks, Tom Weeks, Veronica Welch, Van Austin Williams, Jack Wilson, Mary Wimberley, Jimmy Wimberley, Walter Wimberley, Shannon Wolf, Annette Worthington)

**Response 26:** TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition and support of the project. The TCAA establishes TCEQ's jurisdiction to regulate air emission in the state of Texas. Accordingly, the Executive Director's staff has reviewed the permit application in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met.

The Executive Director has only made a preliminary decision. Thus, the final decision on the proposed permit has not been made or finalized, meaning the proposed permit has not been issued. All timely formal comments received are included in this Response and are considered before a final decision is reached on the permit application.

**Comment 27: Reduction of Presently Emitted Pollution**

Commenters expressed concerns with Wolf Hollow I, Wolf Hollow II, and Marathon Digital that are already at the existing site and the pollutions they currently emit. Commenters also requested that the presently emitted pollution from the existing site to be reduced.

(Donna Adair, Robert Adair, Mary Allard, Ronnie Allard, Andrea M. Barber, Mark Beatty, James Bell, David Blankenship, Lisa Blankenship, Christine Brooking, A. Brooks, Christian Brooks, Curtis Brooks, Marie Brooks, Monica Brown, Jim Brown, Nick Browning, Virginia Browning, Richard Brunning, Kim Burton, Celine Busnelli, Rodrigo G. Cantu, Ricky Carmack, Bruce Chase, Don Christiansen, Demetra Conrad, Shenice Copenhaver, Mandy Deroche, Keisha Doss, Ward Dunn, Dave Eagle, Tommy Engle, Maci English, William Faraizl, Gertrisha Farmer, Lynnsey Goller, Holly Haefele, Juanita Hall, Kenneth Hall, Roberta Hannula, Roland Hannula, Tim Harris, Clint Helton, Jill Henriksen, Helen Hensel, John W. Highsmith, Cynthia Marie Highsmith, Douglas Houg, Greg Johnson, Denna Jones, Daphne D. Kanas, Seth Keel, Janet Keel, Margaret Killion, Robert Killion, Marcia L. Kurcz, Timothy J. Kurcz, Deanna Lakey, Daniel Scott Lakey, Patricia Larson, Geraldine Lathers, Jon R. Lewis, Ron L. Liddell, Randall J. Love, Gregory Scott Martin, Mark Mathews, Toby Mitchell, Frank Moffitt, Brett Niebes, Karen Pearson, Brad Peden, Jonathan Pedroza, Courtney Pedroza, Beverley A. Potts, Larry M. Potts, Barbara Potts, Steven Potts, David T. Raffa, Tanner Randall, Wesley Rawle, Amy Rawle, Olean Roberts, Daniel R. Rohde, Gwyneth Rohde, Nancy Rohde, Martin Ruback, Chris Rubel, Karen J. Russell, Chesney Sampson, Nannette Samuelson, Jacquelyne Cleo Sawicky, Briana Seider, William Seider, Leeann Seider, Jeff Seider, Cheryl Shadden, Amanda Sims, Hunter Sims, Bob Slater, Suzanne Sloan, Morgan Stanley, Alison Steele, Lindsey Stewart, Zachary Q. Stewart, Robert M. Taber, Richard Tanner, Santiago Torres, Monica Vickery, Rae Waldrod, Joseph Webber, Corey Webster, Jacob Webster, Tom Weeks, Thomas Weeks, Shannon Wolf, Peter Wolf, Annabel Wullaert)

**Response 27:** These comments are outside the scope of the air permit review or addressed to the Applicant and are therefore included for completeness, but not addressed by the Executive Director.

With regards to the reduction to presently emitted pollution from the existing site, the scope of the permit review is strictly limited to the proposed facility and not to any other existing facilities. However, as discussed in the air quality modeling in response 1, cumulative effects are evaluated for all on-property sources, applicable off-property sources, and representative monitored background concentrations for the modeled pollutants that exceeded the de minimis levels.

**CHANGES MADE IN RESPONSE TO COMMENT**

No changes to the draft permit have been made in response to public comment.


Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine Backens, Deputy Director  
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY