

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AIR QUALITY PERMITS

PROPOSED AIR QUALITY PERMIT NUMBERS 179777, PSDTX1664, AND GHGPSDTX249

APPLICATION AND PRELIMINARY DECISION. Southwestern Public Service Company, 790 South Buchanan Street, Amarillo, Texas 79101-2510, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed State Air Quality Permit 179777, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1664, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX249 for emissions of GHGs, which would authorize construction of the Gaines County Power Plant located at 2562 County Road 314, Seminole, Gaines County, Texas 79360. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide, and GHGs. In addition, the facility will emit the following air contaminants: hazardous air pollutants, ammonia, and sulfuric acid mist.

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

PM₁₀

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
24-hour	6	30

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
Annual	1.3	25

PM_{2.5}

Maximum Averaging Time	Maximum Increment Consumed (µg/m ³)	Allowable Increment (µg/m ³)
24-hour	6	9
Annual	0.2	4

This application was submitted to the TCEQ on April 4, 2025. The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive

director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Midland regional office, and at the Gaines County Library, 704 Hobbs Highway, Seminole, Gaines County, Texas beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Midland Regional Office, 10 Desta Drive, Suite 350E, Midland, Texas. The application, including any updates, is available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notice>.

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's Web site at www.tceq.texas.gov/goto/cid: the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above, Gaines County Library, provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-103.0572,32.6285&level=13>.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments or request a public meeting to the Office of the Chief Clerk at the address below. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application, if requested by an interested person, or if requested by a local legislator. A public meeting is not a contested case hearing. **You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.**

After the deadline for public comment, the executive director will consider the comments and prepare a response to all relevant and material or significant public comment. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or is on a mailing list for this application. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.**

OPPORTUNITY FOR A CONTESTED CASE HEARING. You may request a contested case hearing regarding the portions of the application for State Air Quality Permit Number 179777 and for PSD Air Quality Permit Number PSDTX1664. There is no opportunity to request a contested case hearing regarding the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX249. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants, other than GHGs, from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. **Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.**

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. The executive director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit GHGPSDTX249. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn regarding State Air Quality Permit Number 179777 and for PSD Air Quality Permit Number PSDTX1664, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any

timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the State Air Quality Permit Number 179777 and for PSD Air Quality Permit Number PSDTX1664 and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

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

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040. You can also view our website for public participation opportunities at www.tceq.texas.gov/goto/participation.

Further information may also be obtained from Southwestern Public Service Company at the address stated above or by calling Ms. Valerie Litwinick, Environmental Specialist at (806) 513-1499.

Notice Issuance Date: February 3, 2026