Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 24, 2025

TO: All interested persons.

RE: SL Energy Power Plant I, LLC
TCEQ Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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. 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. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Giddings Public Library and Cultural Center, 276 North Orange Street, Giddings, Lee County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

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 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. Your hearing request 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) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.

(3) 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."

(4) 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.

Additionally, 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.

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 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 Education Program, toll free, at 1-800-687-4040.

Sincerely,

Laurie Gharis
Chief Clerk

LG/cb

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT
for

SL Energy Power Plant I, LLC
TCEQ Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244

The Executive Director has made the Response to Public Comment (RTC) for the application by SL Energy Power Plant I, LLC for TCEQ Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244 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 (177380, PSDTX1650, and GHGPSDTX244) 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.

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 application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Giddings Public Library and Cultural Center, 276 North Orange Street, Giddings, Lee County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas. The application, including any updates, is available electronically at the following webpage:
https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*

COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas reduciendo y previniendo la contaminación

24 de julio de 2025

TO: Todas las personas interesadas.

RE: SL Energy Power Plant I, LLC
TCEQ Air Quality Permiso No. 177380, PSDTX1650, and GHGPSDTX244

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. 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. Además, una copia de la solicitud completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública y Centro Cultural de Giddings, 276 North Orange Street, Giddings, Condado de Lee, Texas. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Austin, 12100 Park 35 Circle, Edificio A, Sala 179, Austin, Texas. La solicitud, incluidas las actualizaciones, está disponible electrónicamente en la siguiente página web: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

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) El nombre del solicitante, el número de permiso y otros números enumerados anteriormente para que su solicitud pueda procesarse adecuadamente.

(3) 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".

(4) 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.

Además, 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.

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 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

Laurie Gharis
Secretaria Oficial

LG/cb

Recinto

RESPUESTA DEL DIRECTOR EJECUTIVO AL COMENTARIO DEL PÚBLICO
para
SL Energy Power Plant I, LLC
TCEQ Air Quality Permiso No. 177380, PSDTX1650, and GHGPSDTX244

El Director Ejecutivo ha puesto a disposición de Internet la respuesta al comentario público (RTC) para la solicitud de SL Energy Power Plant I, LLC TCEQ Air Quality Permiso No. 177380, PSDTX1650, and GHGPSDTX244**.** 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 (177380, PSDTX1650, and GHGPSDTX244) 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.

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 completa, el borrador del permiso y la decisión preliminar del director ejecutivo están disponibles para ver y copiar en la Biblioteca Pública y Centro Cultural de Giddings, 276 North Orange Street, Giddings, Condado de Lee, Texas. El expediente de cumplimiento de la instalación, si existe, está disponible para revisión pública en la Oficina Regional de TCEQ Austin, 12100 Park 35 Circle, Edificio A, Sala 179, Austin, Texas. La solicitud, incluidas las actualizaciones, está disponible electrónicamente en la siguiente página web:
https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

MAILING LIST / LISTA DE CORREO
for / para
SL Energy Power Plant I, LLC
TCEQ Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244 / TCEQ Air Quality Permiso No. 177380, PSDTX1650, and GHGPSDTX244

FOR THE APPLICANT /
PARA EL SOLICITANTE:

Tommy Hodges, Chief Operating Officer
SL Energy Power Plant I, LLC
2100 Ross Avenue, Suite 895
Dallas, Texas 75201

INTERESTED PERSONS /
PERSONAS INTERESADAS:

see attached list, ver lista adjunta

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

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

Huy Pham, 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

ALLMON , ERIC
PERALES ALLMON & ICE PC
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

BAILEY , DR. RACHEL CAIN
CAIN CATTLE COMPANY AND AUSTIN HILL CHIROPRACTIC
6059 COUNTY ROAD 309
LEXINGTON TX 78947-4125

BLAIN , MRS KRISTY
1326 COUNTY ROAD B
LEXINGTON TX 78947-6016

BLAIN , RON
1326 COUNTY ROAD B
LEXINGTON TX 78947-6016

BLAND , NATHAN
PO BOX 1491
ROCKDALE TX 76567-1491

BROWN , TRAVIS
1139 PRIVATE ROAD 7009
LEXINGTON TX 78947-9803

BROWN , HUGH
3026 COUNTY ROAD 316
LEXINGTON TX 78947-5201

BURKETT , JOANIE
1867 W FM 696
LEXINGTON TX 78947-4197

CAIN , JOHNNIE & LYNN
1175 PRIVATE ROAD 7009
LEXINGTON TX 78947-9803

CAIN , JOHNNIE
1175 PRIVATE ROAD 7009
LEXINGTON TX 78947-9803

CAIN , LYNN
1175 PRIVATE ROAD 7009
LEXINGTON TX 78947-9803

CAMPBELL , DR. CATHERINE
1224 BLUE RIDGE DR
LEXINGTON TX 78947-9610

CANFIELD , GEORGIA
1139 PRIVATE ROAD 7009
LEXINGTON TX 78947-9803

CLARK , JEWEL
1328 SHERRILL LN
LEXINGTON TX 78947-9810

CONCERNED CITIZEN , BLAIZE MORGAN-TEEN RESCUE
1528 COUNTY ROAD 306
LEXINGTON TX 78947-4188

CONCERNED CITIZEN ,
BLAIZE MORGAN-TEEN RESCUE
6019 COUNTY ROAD 309
LEXINGTON TX 78947-4125

COOK , KAMIL
PUBLIC CITIZEN
STE 2
309 E 11TH ST
AUSTIN TX 78701-2787

CORBITT , AMY
1152 COUNTY ROAD 310
LEXINGTON TX 78947-2200

DART , CHARLES
300 PRIVATE ROAD 6040
CAMERON TX 76520-5351

DAVIS , MR BILL
3700 COUNTY ROAD 481
THRALL TX 76578-8931

DAVIS , JILL
1451 COUNTY ROAD 312
THRALL TX 76578-8980

DAVIS , MRS SUSAN
3700 COUNTY ROAD 481
THRALL TX 76578-8931

DE MARCO , ERIC
221 S ROCKDALE ST
LEXINGTON TX 78947-4503

DICKEY , BRIAN
1161 PRIVATE ROAD 3063
LEXINGTON TX 78947-4114

DIETRICH-NEFF , SHERYL
1523 COUNTY ROAD 310
LEXINGTON TX 78947-9468

DODSON , LUCIA C
1541 COUNTY ROAD 312
THRALL TX 76578-8976

DRAKE , JULIE
1483 COUNTY ROAD 312
THRALL TX 76578-8980

DRAKE , MR WILLIAM KEVIN
1483 COUNTY ROAD 312
THRALL TX 76578-8980

DROSCHE , KATE JUSTINE
1135 COUNTY ROAD 322
LEXINGTON TX 78947-5008

GANGNES , MICHELE G
SIMSBORO AQUIFER WATER DEFENSE FUND
1290 COUNTY ROAD B
LEXINGTON TX 78947-6011

GERDES , THE HONORABLE STAN STATE REPRESENTATIVE
TEXAS HOUSE OF REPRESENTATIVES DISTRICT 17
PO BOX 2910
AUSTIN TX 78768-2910

GOODNIGHT , DEAN
4504 S CONGRESS AVE
AUSTIN TX 78745-1908

GOODWIN , DAVID
10202 CRIPPLE CREEK CV
AUSTIN TX 78758-5034

GRANADOS , SANDRA
1543 COUNTY ROAD B
LEXINGTON TX 78947-6209

GREEN , REBECCA
ATTORNEYS OF TEXAS TITLE INC
1757 COUNTY ROAD 312
THRALL TX 76578-8990

HANNES , LACEY N
3901 E HIGHWAY 21
DIME BOX TX 77853-5077

HARDY , DON
6199 FM 1624
LEXINGTON TX 78947-0019

HARVEYJR , EDWARD S & SOTO,SYLVIA
1067 COUNTY ROAD B
LEXINGTON TX 78947-6007

HEBERT , MARK & NANCY
1145 POST OAK DR
ELGIN TX 78621-9318

HEBERT , MARK
1145 POST OAK DR
ELGIN TX 78621-9318

HOLTON , MS MARIAH
1411 COUNTY ROAD B
LEXINGTON TX 78947-6231

HOLTON , MR RICHARD
1411 COUNTY ROAD B
LEXINGTON TX 78947-6231

HOOPER , ANDREW
11366 MILAM COUNTY ROAD 455
LEXINGTON TX 78947-2628

ISAACKS , RICK
1289 COUNTY ROAD 307
MC DADE TX 78650-5020

JENKE , TIMOTHY JUSTINE
2796 COUNTY ROAD 208
GIDDINGS TX 78942-4767

JIRASEK , KOURTNEY
1371 COUNTY ROAD 312
THRALL TX 76578-8996

JOHNSON , ALAN L
454 CARMEL CREEKSIDE DR
HUTTO TX 78634-3401

JOHNSON , CLARK CARL
4875 COUNTY ROAD 309
LEXINGTON TX 78947-9694

KASTNER , MARINA
PO BOX 162
LEXINGTON TX 78947-0162

KOLKHORST , THE HONORABLE LOIS W STATE SENATOR
THE SENATE OF TEXAS DISTRICT 18
TEXAS CAPITOL ROOM 3E.2
PO BOX 12068
AUSTIN TX 78711-2068

LANGE , SUZANNE
1366 COUNTY ROAD 322
LEXINGTON TX 78947-4921

LESLIE , TONYA L
1425 COUNTY ROAD 312
THRALL TX 76578-8980

LESLIE , TIM
1425 COUNTY ROAD 312
THRALL TX 76578-8980

LEVAN , JANE S
D H FARMS
5619 FM 1624
LEXINGTON TX 78947-5035

MAGNUSON , AMY
5146 W FM 696
LEXINGTON TX 78947-4138

MALINAK III , FRANK JUDGE
LEE COUNTY
STE 107
200 S MAIN ST
GIDDINGS TX 78942-3231

MALINAK III , FRANK
494 N MADISON ST
GIDDINGS TX 78942-2726

MATTHYS , JERI TITUS
JERI MATTHYS
1352 COUNTY ROAD F
LEXINGTON TX 78947-9473

MCKEE , NANCY S
1914 COUNTY ROAD 411
LEXINGTON TX 78947-4957

MOCK , LINDA
1045 PRIVATE ROAD 7012
LEXINGTON TX 78947-6138

MONTGOMERY , MARGARET
1610 COUNTY ROAD 302
ELGIN TX 78621-6531

MORRIS , ROY
1220 COUNTY ROAD 306
LEXINGTON TX 78947-4120

MORRIS , LAURIE
1220 COUNTY ROAD 306
LEXINGTON TX 78947-4120

NESBY-BALDERRAMA , MRS VICKY MARIE
1015 WARREN RD
LEXINGTON TX 78947-9623

O'DONNELL , MICHAEL A
3147 FM 112
LEXINGTON TX 78947-6383

PERKINS , JAMES
5208 CORNVALLEY DR
ARLINGTON TX 76017-6216

PERKINS , BONNIE
PO BOX 663
LEXINGTON TX 78947-0663

PERKINS , BONNIE
1504 COUNTY ROAD A
LEXINGTON TX 78947-6006

PERRY , PAMELA & SAMULE
510 COUNTY ROAD 115
CALDWELL TX 77836-5677

POHORELSKY , STEVEN
1079 MAIN AVE
LINCOLN TX 78948-6533

RANSOM JR , JOHN
3687 COUNTY ROAD 481
THRALL TX 76578-8969

ROBERTS , ALAN B
1001 COUNTY ROAD 230
GIDDINGS TX 78942-6176

SANDERS , JODY B
1191 COUNTY ROAD A
LEXINGTON TX 78947-6206

SCHNELL , KAYLA
2287 FM 448
GIDDINGS TX 78942-5967

SILER , TRISH
1501 COUNTY ROAD 312
THRALL TX 76578-8976

SMITH , SHERIL
4875 COUNTY ROAD 309
LEXINGTON TX 78947-9694

STUBBLEFIELD , MRS JENIFER
J&S STUBBLEFIELD FARMS LLC.
2886 COUNTY ROAD 306
LEXINGTON TX 78947-9318

STUBBLEFIELD , MR STEVEN
J&S STUBBLEFIELD FARMS LLC
2886 COUNTY ROAD 306
LEXINGTON TX 78947-9318

TAYLOR , WARD
1003 PRIVATE ROAD 3081
LEXINGTON TX 78947-6102

TERRELL , CINDY
PO BOX 690
LEXINGTON TX 78947-0690

THIEM , RANDY
127 DAVIS LN
GEORGETOWN TX 78633-2052

TURNER , MRS SHANN
1038 PRIVATE ROAD 3062
LEXINGTON TX 78947-4133

VENTURA , CHARLOTTE
1352 COUNTY ROAD 312
THRALL TX 76578-8996

VIRGIL , SHIRLEY
3918 FM 141
GIDDINGS TX 78942-9573

VISWANATHAN , VIBARAJAN
12016 PALISADES PKWY
AUSTIN TX 78732-1243

WARREN , BRANDY
3957 COUNTY ROAD 309
LEXINGTON TX 78947-4112

WESTBROOK , DONNA
6209 COUNTY ROAD 309
LEXINGTON TX 78947-4126

WILHITE , DANNY
5389 W FM 696
MC DADE TX 78650-5032

TCEQ AIR QUALITY PERMIT NUMBER 177380, PSDTX1650, and GHGPSDTX244

APPLICATION BY	**§**	**BEFORE THE**
SL ENERGY POWER PLANT I, LLC	**§**	**TEXAS COMMISSION ON**
SL ENERGY POWER PLANT I	**§**	
LEXINGTON, LEE COUNTY	**§**	**ENVIRONMENTAL QUALITY**

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: Senator Lois W. Kolkhorst, Representative Stan Gerdes, Eric Allmon (on behalf of Neighbor for Neighbors, Inc., d/b/a Move the Gas Plant (MTGP)), Eric Allmon (on behalf of the Sierra Club), Rachel Cain Bailey, Kristy Blain, Ron Blain, Nathan Bland, Hugh Brown, Travis Brown, Joanie Burkett, Jonnie Cain, Lynn Cain, Catherine Campbell, Georgia Canfield, Concerned Citizen, Kamil Cook (on behalf of Public Citizen), Amy Corbitt, Charles Dart, Bill Davis, Jill Davis, Susan Davis, Eric De Marco, Blake Debault, Brian Dickey, Lucia C. Dodson, Julie Drake, William Kevin Drake, Kate Justine Drosche, Michele G. Gangnes, Dean Goodnight, Heidi Graham, Sandra Granados, Rebecca Green, Lacy N. Hannes, Don Hardy, Edward S. Harvey, Mark Hebert, Nancy Hebert, Mariah Holton, Richard Holton, Andrew Hooper, Rick Isaacks, Timothy Justine Jenke, Kourtney Jirasek, Clark Carl Johnson, Alan L. Johnson, Suzanne Lange, Tonya L. Leslie, Tim Leslie, Jane S. Levan, Amy Magnuson, Frank Malinak, Jeri Titus Matthys, Linda Mock, Margaret Montgomery, Laurie Morris, Vicky Marie Nesby-Balderrama, Bonnie Perkins, James Perkins, Pamela Perry, Samule Perry, Steven Pohorelsky, Alan B. Roberts, Jody B. Sanders, Kayla Schnell, Trish Siler, Sheril Smith, Sylvia Soto, Steven Stubblefield, Jenifer Stubblefield, Ward Taylor, Randy Thiem, Shann Turner, Charlotte Ventura, Shirley Virgil, Vibarajan Viswanathan, Brandy Warren, Ginger Watkins, Donna Westbrook, and Danny Wilhite. 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 the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

Description of Facility

SL Energy Power Plant I, 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 the SL Energy Power Plant I. The facility is proposed to be located at the following driving directions: from Lexington,

head west on Farm-to-Market Road 112/ Farm-to-Market Road 696 West for 1.1 miles. Turn left onto Farm-to-Market Road 696 West and travel 10.4 miles. Turn right on County Road 306 and travel 1.6 miles. Take a slight right to stay on County Road 306 and travel 0.8 mile to site, Lexington, Lee County, Texas 78947. The facility will emit the following contaminants: carbon monoxide, hazardous air pollutants (HAPs), nitrogen oxides, organic compounds, particulate matter, including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM_{10} and $PM_{2.5}$, respectively), sulfur dioxide, and sulfuric acid mist. The proposed facility will also emit greenhouse gases.

Procedural Background

Before work begins 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 177380, Prevention of Significant Deterioration (PSD) Permit Number PSDTX1650, and Greenhouse Gas (GHG) Permit Number GHGPSDTX244.

The permit application was received on August 29, 2024, and declared administratively complete on September 04, 2024. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI, first public notice) for this permit application was published in English on September 12, 2024, in the *Austin American-Statesman* and in Spanish on September 17, 2024, in *La Prensa Communidad.* The Notice of Application and Preliminary Decision for Air Quality Permits (NAPD, second public notice) was published on March 20, 2025, in English in the *Austin American-Statesman* and in Spanish on March 19, 2025, in *La Prensa Communidad.* A public meeting was held on April 24, 2025, at the American Legion Hall Post 6, 304 South Rockdale Street, Lexington, Texas 78947. The notice of public meeting was mailed on March 21, 2025. The public comment period ended on April 24, 2025. 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 / Cumulative Effects

Commenters expressed 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 expressed concern that the proposed project would cause adverse health effects or exacerbate existing medical symptoms, including but not limited to asthma, autism, cancer, eczema, chronic obstructive pulmonary disease (COPD), Grave's disease, respiratory illness, allergies, lung and cardiovascular disease, autoimmune conditions, and premature death. Commenters also expressed concern regarding ozone and emissions that may occur during startup and shutdown activities.

Commenters also expressed concern that the application violates the Clean Air Act and ask how TCEQ knows that the emissions represented would not violate any state or federal air quality regulations. Commenters cite 30 Texas Administrative Code § 101.4

and questioned whether the proposed project would protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, and public property from any known or anticipated adverse effects from air contaminants.

Commenters further questioned whether modeling of the proposed project meets National Ambient Air Quality Standards (NAAQS) requirements and ozone standards. Kristy Blain asks what pollutants will be emitted and expressed concern regarding heavy metals that may be emitted due to the combustion of fossil fuels. Eric Allmon expressed concern that emission calculations from the proposed project are improperly supported, noting that some pollutants from the proposed project are at or above relevant standards and other pollutants are only barely below the relevant standards, suggesting there is little to no compliance margin. Additionally, Eric Allmon suggested that a more reliable air quality analysis should be completed. Michele G. Gangnes questioned whether a full impact analysis was actually done. Trish Siler expressed concerns regarding emissions of particulate matter (PM), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and the potential for ground-level ozone, smog, nuisance odors and dust, and smoke plumes.

(Senator Lois W. Kolkhorst, Rep. Stan Gerdes, Eric Allmon, Rachel Cain Bailey, Ron Blain, Kristy Blain, Hugh Brown, Travis Brown, Joanie Burkett, Lynn Cain, Catherine Campbell, Georgia Canfield, Kamil Cook, Jill Davis, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, William Kevin Drake, Julie Drake, Kate Justine Drosche, Michele G. Gangnes, Sandra Granados, Heidi Graham, Don Hardy, Edward S. Harvey, Kourtney Jirasek, Clark Carl Johnson, Suzanne Lange, Tonya L. Leslie, Tim Leslie, Jane S. Levan, Amy Magnuson, Frank Malinak, Jeri Titus Matthys, Margaret Montgomery, Vicky Marie Nesby-Balderrama, Bonnie Perkins, Trish Siler, Sheril Smith, Sylvia Soto, Jenifer Stubblefield, Ward Taylor, Brandy Warren, Donna Westbrook)

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.[1] 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

[1] 40 C.F.R. § 50.2.

contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), sulfur dioxide (SO_2), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM_{10}), and PM less than or equal to 2.5 microns in aerodynamic diameter ($PM_{2.5}$).

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 maximum predicted air dispersion modeling 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. The Applicant used the AERMOD (Version 23132) modeling system to provide a reasonable worst-case representation of potential impacts from the proposed emissions on the area surrounding the facility. For more information about modeling, see Response 2.

The Applicant conducted a NAAQS analysis for PM_{10}, $PM_{2.5}$, NO_2, CO, SO_2, and O_3.[2] The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLC_{max})[3] 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 PSD De Minimis Analysis in Micrograms per Cubic Meter (µg/m³)

Pollutant	Averaging Time	GLC_{max} (µg/m³)	De Minimis (µg/m³)
SO_2	1-hr	4.1	7.8
SO_2	3-hr	4	25
SO_2	24-hr	3	5
SO_2 (Increment)	Annual	0.3	1
PM_{10}	24-hr	9	5
PM_{10}	Annual	1.4	1
$PM_{2.5}$	24-hr	9	1.2
$PM_{2.5}$	Annual	1.35	0.13
NO_2	1-hr	113	7.5

[2] A detailed discussion of O_3 can be found below, under the subheading labeled Ozone Analysis.
[3] The GLC_{max} is the maximum ground level concentration predicted by the modeling.

NO_2	Annual	2	1
CO	1-hr	1251	2000
CO	8-hr	983	500

The pollutants below the de minimis level, SO_2 for all averaging times and 1-hr CO, should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

The justification for selecting EPA's interim 1-hr NO_2 and 1-hr SO_2 de minimis levels is based on the assumptions underlying EPA's development of the 1-hr NO_2 and 1-hr SO_2 de minimis levels. As explained in EPA guidance memoranda,[4] EPA believes it is reasonable as an interim approach to use a de minimis level that represents 4% of the 1-hr NO_2 and 1-hr SO_2 National Ambient Air Quality Standards (NAAQS).

EPA revised the secondary SO_2 NAAQS from a 3-hr average to an annual average, effective January 27, 2025. The EPA has developed an alternative demonstration approach summarized in a memorandum dated December 10, 2024, with a subject "*Alternative Demonstration Approach for the 2024 Secondary Sulfur Dioxide National Ambient Air Quality Standard under the Prevention of Significant Deterioration Program*", to satisfy the annual average compliance requirement. As documented in the Alternative Demonstrations Approach Memorandum, the demonstration for the primary 1-hour SO_2 standard can suffice to demonstrate that SO_2 emissions will also not cause or contribute to a violation of the secondary annual SO_2 standard. Thus, permit applicants and reviewing authorities may rely on the demonstration for the primary 1-hour SO_2 NAAQS to also satisfy the demonstration requirement for the secondary annual SO_2 NAAQS. See the information below on the 1-hr SO_2 de minimis analysis. Please note that the annual SO_2 GLC_{max} in Table 1 is to address the annual SO_2 increment.

The $PM_{2.5}$ and ozone de minimis levels are EPA recommended de minimis levels. The use of EPA recommended de minimis levels is sufficient to conclude that a proposed source will not cause or contribute to a violation of an ozone and $PM_{2.5}$ NAAQS, or $PM_{2.5}$ Prevention of Significant Deterioration (PSD) increments based on the analyses documented in EPA guidance and policy memoranda.[5]

To evaluate secondary $PM_{2.5}$ impacts, the applicant provided an analysis based on a Tier 1 demonstration approach consistent with EPA's Guideline on Air Quality Models (GAQM). Specifically, the applicant used a Tier 1 demonstration tool developed by EPA referred to as Modeled Emission Rates for Precursors (MERPs). The basic idea behind MERPs is to use technically credible air quality modeling to relate precursor emissions and peak secondary pollutants impacts from a source. Using data associated with the

[4] www.epa.gov/sites/production/files/2015-07/documents/appwso2.pdf; www.tceq.texas.gov/assets/public/permitting/air/memos/guidance_1hr_no2naaqs.pdf

[5] www.tceq.texas.gov/permitting/air/modeling/epa-mod-guidance.html.

500 tpy Guadalupe County source, the applicant estimated 24-hr and annual secondary $PM_{2.5}$ concentrations of 0.05 µg/m³ and 0.002 µg/m³, respectively. Since the combined direct and secondary 24-hr and annual $PM_{2.5}$ impacts are above the de minimis levels, a full impacts analysis is required.

The Applicant conducted a full NAAQS analysis for those pollutants above de minimis in Table 1 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 full NAAQS analysis are presented below in Table 2 and indicate the total predicted concentrations will not result in an exceedance of the NAAQS. The total concentration was determined by adding the GLC_{max} 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 respective standard. For any subsequent projects submitted pertaining to this or any other facility in the area, the air quality analysis 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 NAAQS (Concentrations > De Minimis)

Pollutant	Averaging Time	GLC_{max} (µg/m³)	Background (µg/m³)	Total Conc. = [Background + GLC_{max}] (µg/m³)	Standard (µg/m³)
PM_{10}	24-hr	7	86	93	150
$PM_{2.5}$	24-hr	5	21	26	35
$PM_{2.5}$	Annual	1.3	7.3	8.6	9
NO_2	1-hr	109	41	150	188
NO_2	Annual	2	4	6	100
CO	8-hr	969	580	1549	10000

As demonstrated in Table 1 and 2, the NAAQS analysis results are below the standard for each pollutant and should not cause or contribute to violation of the NAAQS and are protective of human health and the environment.

PSD Increment Analysis

The PSD program limits the extent to which air quality may be allowed to deteriorate in areas where pollutant concentrations are below the NAAQS in attainment areas. Increases in pollutant concentrations over the background are limited to certain increments, which are values specified by EPA at 40 CFR § 52.21(c). When the de

minimis analysis modeling indicates that a criteria pollutant exceeds its respective de minimis concentration, a PSD increment analysis is necessary for those criteria pollutants for which EPA has established an increment.

The de minimis analysis modeling results indicate that 8-hr CO exceeds the respective monitoring significance level and requires the gathering of ambient monitoring information. The Applicant conducted a quantitative analysis of ambient CO emissions in the vicinity of the monitor site relative to the proposed project site. Please see Response 2 for additional information regarding the background monitors and concentrations evaluated as part of this AQA. The de minimis analysis modeling results indicate that 24-hr SO_2, 24-hr PM_{10}, and annual NO_2 are below their respective monitoring significance level. The results of the PSD Increment Analysis are shown in Table 3 below.

Table 3. Modeling Results for PSD Monitoring Significance Levels

Pollutant	Averaging Time	GLC_{max} ($\mu g/m^3$)	Significance ($\mu g/m^3$)
SO_2	24-hr	3	13
PM_{10}	24-hr	9	10
NO_2	Annual	2	14
CO	8-hr	983	575

Ozone Analysis

The Applicant performed an O_3 analysis as part of the PSD Air Quality Analysis (AQA). The Applicant evaluated project emissions of O_3 precursor emissions (NO_x and VOC). For the project NO_x and VOC emissions, the applicant provided an analysis based on a Tier 1 demonstration approach consistent with the EPA's Guideline on Air Quality Models (GAQM). Specifically, the applicant used a Tier 1 demonstration tool developed by the EPA referred to as Modeled Emission Rates for Precursors (MERPs). Using data associated with the 500 tpy Guadalupe County source for NO_X and 1000 tpy Guadalupe County source for VOCs, the applicant estimated an 8-hr O_3 concentration of 0.4 ppb. When the estimates of ozone concentrations from the project emissions are added together, the results are less than the de minimis level (Table 4).

Table 4. Modeling Results for Ozone PSD De Minimis Analysis in Parts per Billion (ppb)

Pollutant	Averaging Time	GLC_{max} (ppb)	De Minimis (ppb)
O_3	8-hr	0.4	1

Effects Screening Levels (ESLs) – Health Effects Analysis

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 health effects analysis is performed using TCEQ guidance Air Permit Reviewer Reference Guide – APDG 5874 - Modeling and Effects Review Applicability (MERA) process.[6] The MERA is a step-by-step process to evaluate the potential impacts of non-criteria pollutants which are evaluated against the ESL for each 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 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 non-criteria pollutants proposed to be authorized were below their respective ESLs, as shown in Table 5 below. Thus, these pollutants satisfied the MERA criteria and would not be expected to cause adverse health effects. As described above, if an air concentration of a pollutant is above the ESL, it is not indicative of an adverse effect but rather that further evaluation is warranted. Additionally, the potential for odor nuisance is reviewed through the use of ESLs. Since all non-criteria pollutants satisfy the MERA criteria, emissions would not be expected to cause an odor nuisance or adverse health effects.

Table 5. Minor NSR Site-Wide Modeling Results for Health Effects

Pollutant	CAS#	Averaging Time	GLC_{max} ($\mu g/m^3$)	ESL ($\mu g/m^3$)
ammonia	7664-41-7	1-hr	68	180
formaldehyde	50-00-0	1-hr	1	15
toluene	108-88-3	1-hr	25	4500
naphthalene	91-20-3	1-hr	1	440
benzene	71-43-2	1-hr	25	170
benzene	71-43-2	Annual	0.1	4.5

[6] *See* APDG 5874 guidance document.

Pollutant	CAS#	Averaging Time	GLC_{max} ($\mu g/m^3$)	ESL ($\mu g/m^3$)
acetaldehyde	75-07-0	1-hr	1	120
acrolein	107-02-8	1-hr	1	3.2
ethylbenzene	100-41-4	1-hr	25	26000
ethylbenzene	100-41-4	Annual	0.1	570
xylene	1330-20-7	1-hr	25	2200
xylene	1330-20-7	Annual	0.1	180
1,3-butadiene	106-99-0	1-hr	6	510
1,3-butadiene	106-99-0	Annual	0.01	9.9
polycyclic aromatic hydrocarbons	130498-29-2	1-hr	0.3	0.5
sulfur hexafluoride	2551-62-4	1-hr	1	60000
n-hexane	110-54-3	1-hr	24	5600
n-hexane	110-54-3	Annual	0.1	200
cumene	98-82-8	1-hr	30	650
diesel fuel	68334-30-5	1-hr	586	1000
lubricating oils, petroleum, hydrotreated, spent	64742-58-1	1-hr	511	1000
n-butane	106-97-8	1-hr	1758	66000
propylene oxide	75-56-9	1-hr	6	70
alcohol, ethoxylated, not otherwise specified	N/A	1-hr	511	600
2-propanol-1-butoxy	5131-66-8	1-hr	85	730
oleoyl sarcosine	110-25-8 (Vapor)	1-hr	85	1000
benzotriazole derivative	127519-17-9	1-hr	17	120

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 (SO_2), hydrogen sulfide (H_2S), and sulfuric acid (H_2SO_4), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard, as shown in Table 6.

Table 6. Site-Wide Modeling Results for State Property Line

Pollutant	Averaging Time	GLC_{max} ($\mu g/m^3$)	Standard ($\mu g/m^3$)
SO_2	1-hr	4	1021
H_2SO_4	1-hr	6	50
H_2SO_4	24-hr	4	15

The proposed emissions have been adequately represented and included in the impact analysis. Additionally, TCEQ staff and the Air Dispersion Modeling Team (ADMT) have reviewed the proposed emissions from sources, represented source parameters and locations, point and area source representations, and background concentrations. Based on the data and representations, TCEQ staff and ADMT determined that the modeling analysis was acceptable. Please see Response 9 for additional information regarding Best Available Control Technology (BACT), and Response 8 for additional information regarding emissions sources and calculations used to support the application.

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. Please see Response 6 for details regarding impacts to animals, livestock, and general environmental concerns.

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. 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). 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.[7] 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

[7] *See* EPA, *PSD and Title V Permitting Guidance for Greenhouse Gases*, EPA-457/B-11-001, at 48 (Mar. 2011).

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 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). See Response 3 regarding greenhouse gases, climate change, and alternative energy.

Additional Impact Analysis

The Applicant performed an Additional Impacts Analysis as part of the PSD AQA. The applicant conducted a growth analysis and determined that population will not significantly increase as a result of the proposed project. The applicant conducted a soils and vegetation analysis and determined that all evaluated criteria pollutant concentrations are below their respective secondary NAAQS. The applicant meets the Class II visibility analysis requirement by complying with the opacity requirements of 30 TAC Chapter 111. The Additional Impacts Analyses are reasonable, and possible adverse impacts from this project are not expected.

The Air Dispersion Modeling Team (ADMT) evaluated predicted concentrations from the proposed project to determine if emissions could adversely affect a Class I area. The nearest Class I area, Wichita Mountains Wildlife Refuge, is located approximately 492 kilometers (km), or roughly 307 miles, from the proposed site.

The H_2SO_4 24-hr maximum predicted concentration of 3.75 μg/m³ occurred along a road, which bisects the project site. The H_2SO_4 24-hr maximum predicted concentration occurring at the edge of the receptor grid, 50 km from the proposed sources, in the direction of the Wichita Mountains Wildlife Refuge Class I area is 0.03 μg/m³. The Wichita Mountains Wildlife Refuge Class I area is an additional 442 km from the edge of the receptor grid. Therefore, emissions of H_2SO_4 from the proposed project are not expected to adversely affect the Wichita Mountains Wildlife Refuge Class I area.

The predicted concentrations of PM_{10}, $PM_{2.5}$, NO_2, and SO_2 for all averaging times, are all less than de minimis levels at a distance of 50 km from the proposed sources in the direction the Wichita Mountains Wildlife Refuge Class I area. The Wichita Mountains Wildlife Refuge Class I area is an additional 442 km from the location where the predicted concentrations of PM_{10}, $PM_{2.5}$, NO_2, and SO_2 for all averaging times are less than de minimis. Therefore, emissions from the proposed project are not expected to adversely affect the Wichita Mountains Wildlife Refuge Class I area.

COMMENT 2: Modeling

Eric Allmon expressed concern that the submitted modeling provided as part of the impact analysis (AQA) is inadequate and contains errors. Mr. Allmon expressed concern that the Applicant has not demonstrated that the source is isolated and that the background ambient concentrations are inadequate without a consideration of specific modeling of other nearby sources. Mr. Allmon expressed concern that background concentration values used are not from the project site and therefore cannot be assumed to be representative. Mr. Allmon also states that although the preliminary decision summarily notes that background locations were reasonable based on the Applicant's review of land use, county population, and county emissions,

along with qualitative assessments of the urban/rural nature of the monitor and project sites, this discussion is not supported in the record. Mr. Allmon expressed concern that the de minimis analysis modeling results indicated the 8-hr CO exceeded the respective monitoring significance level and therefore required the gathering of ambient monitoring information, stating that the Applicant did not gather this ambient CO data. Mr. Allmon questioned the modeling protocol, specifically with regards to the surface meteorological data, stating that the represented surface station to the project site is not discussed or justified in the project record. Mr. Allmon questioned source parameters utilized in the modeling, specifically use of the same temperature and velocity for both normal and MSS conditions, stating that it is not technically supportable and either support should be provided or parameters revised. Mr. Allmon questioned the preliminary modeling results for several pollutants in comparison to the 1-hour and Annual ESLs, stating that it is not clarified why respective concentrations would be exactly the same for various HAPs identified. Contradictory to concerns regarding use of AP-42 emission factors in the emissions calculation, Mr. Allmon notes that the emission factors for these HAPs in the source AP-42 section are different and would therefore result in different predicted concentrations.

Johnnie and Lynn Cain ask how accurate the modeling was and request the specific error range on the modeling results for each emission being evaluated. Commenters expressed concern that TCEQ allowed the Applicant to 'cherry pick' various sources around the state to establish background concentrations. Mr. Brown also expressed concern that many of the background concentrations for emissions from the plant are zero and asks if TCEQ required and obtained an explanation for 'zero' background levels.

(Eric Allmon, Travis Brown, Johnnie Cain, Lynn Cain, Brian Dickey, Heidi Graham)

RESPONSE 2: The Applicant submitted an Air Quality Analysis (AQA) in support of the permit application. The AQA included a discussion and justification for the selection of representative background concentrations and the modeling of nearby sources. TCEQ conducted a review to verify the technical quality of the AQA. Through the AQA review process and subsequent correspondence with the Applicant, TCEQ confirmed that the Applicant sufficiently addressed and technically justified the representative background concentrations used in the analysis. The purpose of obtaining the AQA from an applicant that includes representative background monitoring concentrations is to account for sources not explicitly modeled in an air dispersion modeling analysis, such as natural sources, nearby sources other than the one(s) under consideration, and unidentified sources. In addition to including background concentrations, the applicant's modeling included an inventory of nearby sources out to 50 kilometers for each pollutant and averaging time that required a full NAAQS analysis. For each background monitor, the Applicant conducted a quantitative analysis of pollutant emissions in the vicinity of the monitor site relative to the proposed project site, including 8-hr CO. 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, the selected background monitors are located in more suburban/light industrial areas. Therefore, it is reasonable/conservative to use these monitors in suburban/light industrial areas when the project site is in a more rural area.

The Applicant relied on TCEQ's pre-processed meteorological data for Lee County, which is appropriate for the project. The Applicant documented its use in both the protocol and final AQA report. ADMT verified the data sets used, including any concatenated files. Conservative assumptions, including the stack parameters which result in the maximum predicted air dispersion modeling concentrations, were used in the modeling for normal (routine) and maintenance, startup, and shutdown (MSS) operation to ensure a reasonable worst-case representation of potential impacts are determined. Based on the Applicant's analysis, lower stack gas velocity and lower stack gas temperatures associated with startup mode were identified as the worst-case parameters.

EPA has adopted the American Meteorological Society/EPA Regulatory Model (AERMOD) as the preferred refined air dispersion model for major NSR permits. Refined models that are preferred and required by EPA for must go through peer scientific reviews and model performance evaluation exercises that include statistical measures of model performance in comparison with measured air quality data. While there is no exact error range available for modeling, complete model documentation, including model evaluation studies, can be found on EPA's website at https://www.epa.gov/scram/air-quality-dispersion-modeling-preferred-and-recommended-models.

Certain pollutants are represented in the application without a background concentration specified. These pollutants did not exceed the established de minimis level for the specified pollutant. An applicant must demonstrate that the proposed operation, as represented in the application, would not cause or contribute to an exceedance of the NAAQS. The first step in the analysis is the preliminary impact determination, which is used to predict whether the proposed source(s) could make a significant impact on existing air quality. That is, the model predicts concentrations greater than or equal to a NAAQS de minimis level. Consistent with EPA and TCEQ guidance, proposed sources have met the requirement to demonstrate that they do not cause or contribute to an exceedance of the NAAQS by showing that the ambient air quality impacts resulting from the proposed source(s) would be below the de minimis concentration levels. If the sources do not make a significant impact for a pollutant of concern, the demonstration is complete and background concentrations are not required as part of the NAAQS analysis.

Regarding the respective concentrations of the various HAPs identified in the air dispersion modeling evaluation and why the concentration of an individual HAP appears to be the same value as the concentration of another HAP, these concentrations are not the same values. The modeling was performed at the maximum allowable emission rate for each individual HAP determined using its specific EPA AP-42 emission factor. The resulting concentrations for each individual HAP are then rounded to the nearest whole number, unless the concentration is below a value of one

(1). Therefore, the air dispersion modeling evaluation may appear to show two or more HAPs at the same averaging time with the same concentrations due to the rounding of the final concentrations.

Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS.

COMMENT 3: GHG / Climate Change and Alternative Energy / Acid Rain / Fuel Choice

Commenters expressed concern about the effects of this project in relation to climate change and state that there is no need for a gas plant or use of fossil fuels. Commenters ask that more renewable, clean, and sustainable energy options be considered, such as wind or solar technology. Commenters also expressed concern about the effects of this project in relation to acid rain. Trish Siler questioned the fuel types that may be used at the facility, specifically with regard to fueling with hydrogen, and asks if the permit considers that the fuel could be changed from gas to hydrogen or fuel oil. Ms. Siler further asks if formaldehyde is looked at as a GHG.

(Kristy Blain, Travis Brown, Catherine Campbell, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, Kate Justine Drosche, Michele G. Gangnes, Heidi Graham, Trish Siler)

RESPONSE 3: EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no NAAQS for Greenhouse Gasses (GHGs) and no PSD increment. 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. 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. For these reasons, 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. Based on EPA policies, TCEQ only regulates GHG emissions when they are associated with federal major source projects and permits which emit the associated pollutants. This permit triggers federal major source review and therefore is required to regulate GHG emissions. Formaldehyde is evaluated as a hazardous air pollutant (HAP) and not as a GHG. For calculations of formaldehyde emissions, please see Response 8; for information on HAPs modeling, see Response 2.

Acid Rain requirements are addressed through the Federal Acid Rain Program. The requirement to obtain an Acid Rain Permit is independent of the requirement to obtain a New Source Review permit.

Under the jurisdiction established by the Texas Legislature, TCEQ cannot prohibit a private company from using any product or fuel source as long as such usage does not result in a violation of applicable environmental regulations or NAAQS. Applicants are bound by the representations present in their permit. Based on the permit application submitted, the only fuel to be fired in the turbines is pipeline quality natural gas, and the emission rates of the turbine are dependent on the fuel fired. Therefore, TCEQ is requiring an enforceable limit on the proposed permit to fire only pipeline quality natural gas. Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS.

COMMENT 4: County Going Nonattainment

Commenters expressed concern that the emissions from this project could cause Lee County to be designated as nonattainment. Eric Allmon expressed concern that NO_x emissions from the facility would risk the Austin, Round Rock, and San Marcos metropolitan area to be considered as nonattainment with respect to ozone.

(Eric Allmon, Travis Brown, Lynn Cain, Kamil Cook, Bill Davis, Susan Davis, Brian Dickey, Michele G. Gangnes, Heidi Graham, Sheril Smith)

RESPONSE 4: The site is proposed to be located in Lee County, which is currently designated as being in attainment or unclassifiable for all pollutants, including all criteria pollutants and precursors. Additionally, surrounding counties of the Austin, Round Rock, and San Marcos areas (Williamson, Travis, and Hays County) are also currently designated as being in attainment or unclassifiable for all 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. See Response 1 for additional information regarding the ozone analysis conducted as part of the AQA.

COMMENT 5: Monitors / Monitor for Air Quality Analysis

Lynn Cain requested that an air monitor be located in the area and that the air quality of the county be tested before allowing additional industry to build.

RESPONSE 5: Due to cost and logistical constraints, monitors are not typically placed to measure the impacts from specific industrial facilities. The placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new and select "Air

Monitoring Network Announcements." Stationary air monitors are sited to measure air quality that is representative of a broader area or region.

Monitor for Air Quality Analysis

Background concentrations in air quality modeling are used to account for ambient concentrations from other sources in the area around the plant. The Applicant selected the ambient monitor data from the monitors described in Response 2 which are conservative and consistent with TCEQ guidance. Please see Response 2 for a discussion of each of the monitors used to obtain the ambient monitor data. 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. 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.

COMMENT 6: Environmental Concerns

Commenters expressed concern about the effect of the proposed project on surrounding wildlife, including but not limited to pets, cattle, livestock, deer, cougars, turkeys, birds, farm animals, and endangered species. Commenters expressed concerns about the effect of the proposed project on the environment, including but not limited to food grown in gardens, agricultural land, ecosystems, crops, soil, and vegetation. Several commenters request that an Environmental Impact Studies be conducted.

(Sen. Lois W. Kolkhorst, Rep. Stan Gerdes, Eric Allmon, Cain Bailey, Kristy Blain, Hugh Brown, Travis Brown, Joanie Burkett, Lynn Cain, Georgia Canfield, Kamil Cook, Jill Davis, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, William Kevin Drake, Julie Drake, Michele G. Gangnes, Sandra Granados, Heidi Graham, Rebecca Green, Kourtney Jirasek, Tonya L. Leslie, Jane S. Levan, Frank Malinak, Jeri Titus Matthys, Vicky Marie Nesby-Balderrama, Bonnie Perkins, Jody B. Sanders, Trish Siler, Sheril Smith, Steven Stubblefield, Jenifer Stubblefield, Ward Taylor, Randy Thiem, Shirley Virgil, Vibarajan Viswanathan, Donna Westbrook)

RESPONSE 6: 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.

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.

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 violate 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.

COMMENT 7: Water Concerns

Commenters expressed concern that the proposed project would negatively impact water resources in the area, including but not limited to contamination of groundwater, water wells, drinking water, aquifers, lakes, and general water depletion in the surrounding area.

(Eric Allmon, Kristy Blain, Travis Brown, Joanie Burkett, Lynn Cain, Jill Davis, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, Michele G. Gangnes, Sandra Granados, Heidi Graham, Tonya L. Leslie, Jeri Titus Matthys, Vicky Marie Nesby-Balderrama, Bonnie Perkins, Jenifer Stubblefield)

RESPONSE 7: Although 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 only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review. However, the Applicant may be required to apply for separate authorizations for water quality, water usage, or the handling of waste.

COMMENT 8: Application Representations / Review Process / Emission Calculations

Commenters expressed concern that there may be misrepresentations or omissions in the application. Commenters questioned the basis of the proposed emission rates, as they were estimated using equipment supplier emission factors, expected production, and usage rates, including the basis for startup and shutdown emissions. Commenters ask why TCEQ allows the Applicant to rely upon manufacturer's guarantee rather than requiring verified and established data. Lucia C. Dodson asks why test results from the Applicant are relied upon and why TCEQ and EPA do not do their own testing. Commenters also expressed concern that the facility may emit more emissions than represented and ask if the Applicant is required to rectify this or if they are grandfathered in for life once the permit is issued.

Several commenters expressed concern regarding potential future plans to expand the facility or build another plant. Commenters cited internal TCEQ correspondence which questioned the represented location of the proposed plant site, stating that this confusion failed to note the proximity of the plant to the Austin metro area. Michele G.

Gangnes expressed concern that the permit application does not take into account the high variability of ambient air temperatures in Texas.

Trish Siler asks what 'VOC cleaning chemicals' would be used for MSS, asks what emissions from inlet fuel line venting would be during MSS, and asks how sludge would be collected, stored, and where sludge would go off-site. Ms. Siler cites a similar turbine that is used at a different facility in North Carolina, stating TCEQ did not require the Applicant to use test and operational data from this North Carolina facility, and asks if TCEQ contacted the North Carolina Department of Environmental Quality's Division for air quality data from this similar turbine during its four-year R&D program.

Edward S. Harvey asks if high ambient temperatures will affect turbines, further stating that necessary alternative cooling of the turbines may affect pollution.

Eric Allmon expressed concern that the emissions calculations supporting the project are unsupported or improperly supported, further stating that information from the turbine manufacturer was unable to be found in the permit record; therefore, representations are unverifiable. Mr. Allmon expressed concern that emissions calculations utilized EPA's Compilation of Air Pollutant Emission Factors, AP-42 Manual, questioning the basis of how emission factors in AP-42 were derived. Mr. Allmon also notes that the formaldehyde emission factor used in the Application does not match the AP-42 Table 3.1-3 emission factor for this pollutant.

(Travis Brown, Lynn Cain, Susan Davis, Bill Davis, Brian Dickey, Julie Drake, Michele G. Gangnes, Heidi Graham, Edward S Harvey, Tim Leslie, Trish Siler, Sylvia Soto)

RESPONSE 8: TCEQ is unaware of any misrepresentations in the application. The Air Permits Division and other applicable TCEQ staff have conducted a thorough review of this permit application to ensure it meets the requirements of all applicable state and federal standards. The first step of the application review process is an administrative review which verifies the following:

- The correct application was submitted;
- The application form and TCEQ Core Data Form have been signed by the Responsible Official;
- The company is an entity legally entitled to do business in Texas;
- The information is accurately recorded in TCEQ's Central Registry;
- The appropriate application fee was received;
- The mailing addresses for the company and site are USPS validated; and
- There are no delinquent fees owed by the company.

The administrative reviewer completes the draft first public notice package. Once a project is declared administratively complete, the application and the first notice package (Notice of Receipt of Application and Intent to Obtain Air Permit) are made available for public review.

The air quality permit application then undergoes a technical review. During the technical review, the permit reviewer evaluates the following:

- All sources of air contaminants at the proposed facility have been properly identified;
- Appropriate controls have been proposed for each emission source, including Best Available Control Technology (BACT) at a minimum;
- Emission calculations have been completed correctly using approved methodology and appropriate emission factors; and
- Proposed emissions meet applicable state and federal requirements to be considered protective;
- Compliance history for the site and the operator; and
- Public notice requirements are fulfilled.

If errors or omissions are found in the application, the permit reviewer will send the applicant a deficiency letter which provides a date by which corrections must be received. If supplemental information is not received, the ED may suspend or void the application. The review does not start over, rather continues until all information is verified.

Commenters expressed concern over TCEQ's understanding of the proposed project location in relation to FM 1786. The section of the road bisecting the property was not labeled on the topographic map reviewed by the ADMT. The ADMT traced the length of the road until a name was identified, which was identified as FM 1786. Regardless of the name of the road bisecting the property, the geographic location and review of the GLC_{max} for H_2SO_4 is correct and does not change overall conclusions.

Emissions from this facility were determined by the manufacturer's data and guarantee for the turbines, and mathematical equations calculated according to the EPA's *Compilation of Air Pollutant Emission Factors, AP-42 Manual*. The NO_x, CO, VOC, particulate matter, formaldehyde, and ammonia emissions from the turbines are determined using the manufacturer's data and guarantee. The SO_2 and H_2SO_4 emissions from the turbines are determined using the sulfur content of the natural gas fired and the fuel flow rates. HAP emission rates, except for formaldehyde, are calculated using conservative emission factors and methodology from the EPA in the Compilation of Air Pollution emission Factors, AP-42 manual. These factors were determined to be correct and applicable by TCEQ staff during the technical review based on standard industry permitting practices.

Emissions estimates for cold startup, non-cold startup, and shutdown periods were also provided by the manufacturer. These estimates were provided in a format of total emissions in an estimated startup and shutdown time period. Since each startup and shutdown scenario presented was less than one hour in duration, emissions were extrapolated to a full hour in duration to develop a conservative estimate of the emission rates.

A similar facility authorized in North Carolina for Duke Energy Indiana, Inc. uses the

same model turbine as the proposed project. Commenters question why the test and operational data from the four-year R&D program for Duke Energy Indiana, Inc. was not used to develop the emissions for the proposed project. Emissions from a research and development program for a turbine are not verified through stack testing under the conditions the turbines will be eventually operated at. At the time of application submittal for the proposed project, the Applicant fulfilled the responsibilities of including recently issued/approved permits within the state of Texas; in other states; and considered control technologies contained within the EPA's RACT/BACT/LAER Clearinghouse (RBLC). The Duke Energy Indiana, Inc. permit was not an issued or approved permit during the time of application submittal for the proposed project.

TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material throughput on both an hourly and an annual basis. The analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day. The Applicant did not provide the preliminary vendor data with the original application submittal. TCEQ identified this information was missing and requested this vendor data from the Applicant. The Applicant then provided the preliminary vendor data during the technical review which was used to conservatively determine the calculated emission rates. The vendor data and guarantees are appropriate for the construction of new facilities. The Special Conditions included within this permit will require stack testing to be conducted under worst case conditions to verify the preliminary vendor provided data. Sampling shall occur within 60 days after achieving the maximum operating rate at which the turbine will be operated, but no later than 180 days after initial start-up of the unit, and at such other times as may be required by the TCEQ Executive Director. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates.

This preliminary vendor data also included concentrations and emission rates when evaporative cooling is used. During periods of warm to hot ambient temperatures, evaporative cooling may be used to lower the temperature of the inlet air, which results in an increase in the mass air flow through the turbine to achieve maximum turbine power output than if evaporative cooling is not used. Therefore, the calculations and emission rates include any potential emissions increase due to the use of evaporative cooling during warm or hot ambient temperatures.

Once all emission rates have been verified, the draft permit is created. The draft permit includes a Maximum Allowable Emissions Rate Table (MAERT) which limits the quantity of emissions an applicant can emit into the atmosphere. The emissions tabulated in the MAERT are also used as the input for the air dispersion modeling evaluation to determine if any adverse effects to public health, welfare, or physical property are expected to result from a facility's proposed emissions. The draft permit also includes the operational representations which are documented in the draft Special Conditions and are the basis upon which the emissions were determined.

Turbine blade washing MSS activities will primarily occur using demineralized wash water but may also include 'ZOK 27' as the representative VOC-containing cleaning chemical. Inlet fuel line venting MSS activities will result in natural gas emissions.

All wastes generated from facility operations will be collected, stored, and handled in compliance with TCEQ rules and in such a way that prevents release to the environment. This proposed permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review.

As provided in 30 TAC § 116.116(a), the Applicant is bound by its representations in the application and those representations become an enforceable part of the permit, including production rates, authorized emission rates, equipment, and represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action. Additional proposals to modify or alter a permit after it has been issued requires an Applicant to submit another permit application for review. As stated in Response 1, 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. See Response 9 for information regarding BACT.

COMMENT 9: Best Available Control Technology (BACT)

Commenters questioned the BACT analysis represented in the application. Tim Leslie and Tonya L. Leslie expressed concern that proposed technology is not proven to be cleaner. Eric Allmon expressed concern that the permit does not accurately reflect implementation of BACT, that the BACT determinations in the application are unsupported, and that basing emissions estimates on AP-42 are inappropriate to be considered as BACT. Mr. Allmon states that the permit should include limitations that require implementation of BACT during startup events to reduce emissions during this time period, expressing concern that such limits are not included in the permit.

NO_x / CO / VOC: Mr. Allmon expressed concern that the BACT limit corrected to 15% oxygen relies on the use of selective catalytic reduction (SCR), and that the BACT limits for NO_x and CO are to be met on a rolling 3-hour average basis. Mr. Allmon expressed concern that the emission limitations for VOC were based upon a 24-hour average, stating that this fails to reflect implementation of BACT and that a shorter averaging period should be required for VOC emissions. Mr. Allmon questioned the basis for the respective 3-hour and 24-hour averaging times, stating that there is no supporting justification. Mr. Allmon expressed concern that the BACT limits for when the SCR will not be operational (at lower loads when the catalyst is not warm enough), is not defined. Mr. Allmon states that TCEQ should separately define BACT for all loads when the SCR is expected to be operational, as well as for loads between the end of startup and when the SCR becomes operational.

PM / Ammonia: Mr. Allmon expressed concern that the BACT determination for particulate matter does not establish an averaging time by which compliance could be determined, stating that compliance should be monitored by continuous emission

monitoring systems for the filterable PM components (PM, PM_{10}, $PM_{2.5}$) supplemented by stack testing for the condensable portion. Mr. Allmon expressed concern regarding the allowed emission rate for ammonia and that use of 10 ppm is improper due to use of ammonia slip for the turbines. Mr. Allmon states the emission limit should reflect implementation of proper operation and maintenance practices to minimize ammonia emissions. Mr. Allmon notes that there are ammonia-reducing catalysts available in the market that could reduce ammonia slip after the SCR catalyst layer and should be considered.

(Eric Allmon, Brian Dickey, Michele G. Gangnes, Heidi Graham, Tim Leslie, Tonya L. Leslie)

RESPONSE 9: TCEQ does not compare rates of pollution between individual facilities (which can vary depending on plant configuration, scale of the plant, and production rates); rather it reviews each permit application in terms of meeting BACT, air quality standards, and all relevant and applicable rules and regulations within its jurisdiction. During 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 at the proposed facility and assures that the facility will be using the BACT applicable for the sources and types of contaminants emitted. The BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. TCEQ's BACT guidance is not set on a regular publication schedule; rather, BACT guidance is updated as needed, and each applicant must demonstrate that their proposed facility meets BACT. 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.[8] 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 continues sequentially through subsequent tiers, only if necessary, as determined by the evaluation process described in this document. In each tier, BACT is evaluated on a case-by-case basis for technical practicability and

[8] *See* TCAA § 382.0518. *See also* 30 TAC § 116.111.

economic reasonableness. The three tiers are described in the following paragraphs:

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

Tier I BACT was applied to all facilities authorized by this project. The Applicant represented in the permit application that BACT will be used at the proposed site. The Applicant complied with TCEQ's BACT analysis and these representations become an enforceable part of the permit upon issuance.

Use of appropriate control measures will decrease the amount of air contaminants emitted into the atmosphere by this plant. The plant 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 sulfuric acid mist. In addition, the facility will emit hazardous air pollutants. The primary control measures for the turbines included in the draft permit are as follows:

<u>Combined Cycle Gas Turbines 1 and 2 (Emission Point Numbers [EPNs] GT-1 and GT-2)</u>

The combustion turbines and supplemental duct burners will be fired exclusively with pipeline quality natural gas. The individual maximum firing rate for each combustion turbine is 3,758 MMBtu/hr (HHV), while the maximum specified firing rate for each duct burner is 348 MMHBtu/hr (HHV). However, no turbine train will be operated at the maximum turbine firing rate and the maximum duct burner firing rate simultaneously. Instead, the combustion turbine and supplemental duct burner for either train will have a maximum total firing rate of approximately 4,083 MMBtu/hr (HHV). The pollutant emission factors are provided by equipment suppliers and EPA's AP-42 emission factor database. Both hourly and annual emission calculations are based on

the worst-case scenario from the manufacturer's performance guarantee, which occurs when the turbine is operating at 100% load, the duct burners are operating, evaporative cooling is not used, ambient temperature is -5.0˚F, relative humidity is 20.0%, and barometric pressure is 14.45 psia. Annual emissions are based on up to 8,060 hours of steady-state operation each year and additional contributions from expected startup and shutdown operations. BACT is defined for routine operation when the Selective catalytic reduction (SCR) system is expected to be operational. BACT is also defined when the SCR is not expected to be operational, which occurs at the end of startup and the beginning of shutdown, as defined in the permit Special Conditions.

NO_x: Each turbine is limited to a 2 ppmvd stack concentration at 15 percent oxygen (% O_2) on a rolling 3-hour average with or without duct burner firing. Dry Low-NO_x (DLN) burners, an ammonia-based SCR system, and good combustion practices are used to achieve this concentration limit and reduce NO_x emissions.

CO: Each turbine is limited to a 2 ppmvd stack concentration at 15% O_2 on a rolling 3-hour average with or without duct burner firing. An oxidation catalyst and good combustion practices are used to achieve this concentration limit and reduce CO emissions. Tier I BACT for CO emissions from combustion turbines is based on a maximum 3-hour averaging period.

VOC: Each turbine is limited to a 2 ppmvd stack concentration at 15% O_2 on a rolling 24-hour average with or without duct burner firing. An oxidation catalyst and good combustion practices are used to achieve this emission limit. Tier I BACT for VOC emissions from combustion turbines is a range of averaging periods including up to a 24-hour averaging period.

SO_2 and H_2SO_4: Each turbine, including the duct burners, is limited to firing pipeline quality natural gas with a sulfur content of up to 0.5 grains per 100 dry standard cubic feet (gr S/100 dscf). To estimate emissions of SO_2, it is assumed that there is 100% conversion of the sulfur in the fuel to SO_2. To estimate emissions of H_2SO_4, it is conservatively assumed that 100% of SO_2 produced is converted to SO_3 and then to H_2SO_4 with no additional conversion to $(NH_4)_2SO_4$ particulate matter.

$PM/PM_{10}/PM_{2.5}$: Pipeline quality natural gas and good combustion practices are used to limit particulate matter emissions. Each turbine is proposed to meet 0.0046 lb/MMBtu, as guaranteed by the turbine manufacturer, Siemens Energy. This emission factor includes all filterable and condensable particulate matter, including any ammonium sulfate $(NH_4)_2SO_4$ particulate matter that may be formed in the SCR unit from reaction of H_2SO_4 mist with ammonia in the exhaust stream. Emissions of PM_{10} and $PM_{2.5}$ are conservatively assumed to equal PM. No technically feasible post-combustion control technologies are available to reduce particulate matter emissions from gas turbines due to the large amount of excess air inherent to the turbine operation and would create an unacceptable amount of backpressure. Tier I BACT for particulate matter emissions does not include specifying an averaging period. Additionally, continuous emissions monitoring systems for particulate matter are not considered Tier I BACT.

HAPs: Formaldehyde emissions are limited to 0.000222 lb/MMBtu, as guaranteed by

the turbine manufacturer. All other HAP emissions are estimated using the appropriate emission factors from EPA AP-42 Table 3.1-3. The resulting total HAP emissions are estimated using a combined 0.000539 lb total HAPs/MMBtu emission factor. Formaldehyde emissions are limited to 0.000222 lb/MMBtu, as guaranteed by the turbine manufacturer. All other HAP emissions are estimated using the appropriate emission factors from EPA AP-42 Table 3.1-3. The resulting total HAP emissions are estimated using a combined 0.000539 lb total HAPs/MMBtu emission factor.

NH_3: The ammonia slip from each turbine is limited to 10.0 ppmvd stack concentration at 15% O_2 on a rolling 3-hour average. The SCR system will be operated in a manner to minimize ammonia slip. Tier I BACT for ammonia slip emissions is a range from 7 to 10 ppmvd stack concentration at 15% O_2. The ammonia injection system will be controlled to minimize the ammonia slip below the 10.0 ppmvd stack concentration limit. Tier I BACT for ammonia slip does not include additional control devices to reduce ammonia emissions post-combustion.

MSS: Elevated hourly CO, NO_X, and VOC emissions and concentrations are expected during startup and shutdown operation compared to routine, steady-state operation. Higher NO_x emissions and concentrations are produced during transition of the combustors to low NO_x operating mode and the ineffectiveness of using an SCR during the transition. Higher CO and VOC emissions and concentrations occur due to more incomplete combustion as the combustion turbine transitions to the normal operating mode and the ineffectiveness of using the oxidation catalyst during the transition. Startup and shutdown emissions are estimated based on eight startups and shutdowns per year per turbine. Cold startups, warm startups, and shutdown events are each expected to last less than an hour in duration. Since the startup and shutdown activities are less than one-hour in duration, the emissions estimates for startup and shutdown provided by the manufacturer had been extrapolated into 1-hour rates to assume the activities each last a full hour. The result is a conservative estimate of a full hour in which a startup or shutdown occurs. The duration of MSS activities will be minimized, the amount of time the turbine is outside the performance mode where emissions controls (e.g. SCR and oxidation catalyst systems) can be used will be minimized, and best management practices and good air pollution control practices are used. Implementation of emission limits during startup and shutdown of combustion turbines is not considered Tier I BACT at this time.

GHG as CO_2e: Each turbine will comply with 40 CFR NSPS TTTTa requirements and operate as base load units (annual capacity factor greater than 40%). Therefore, the gross power-output based GHG emissions for each unit are limited to 800 lb CO_2/MWh on a 12-month operating month average during all operation, as specified at 40 CFR § 60.5580(a) and Table 1 of NSPS Subpart TTTTa. Effective January 1, 2032, however, the gas turbine will be subject to a 100 lb CO_2/MWh gross power-output based GHG emission limit instead, according to NSPS TTTTa. SL Energy has proposed the thermal efficiency of each unit to be 454 lb CO_2/MW-hr at base load (579.5 lbs CO_2/MWh gross) on a 12-month rolling average, which is well

below the 800 lb CO_2/MW-hr standard prior to January 1, 2032. GHG emissions are expected to be less during startup and shutdown compared to GHG emissions during baseload conditions since there will typically be no duct burner firing, and the firing rate of natural gas to the combustion turbine will be lower as well.

The Applicant provided RBLC searches that were reviewed, and the proposed BACT stated above for each pollutant triggering PSD review is consistent with the RBLC searches and recently issued/approved permits in Texas and in other states.

Natural Gas, Ammonia, and Diesel Fugitives (EPNs NGFUG-1, AFUG-1, and DFUG-1):

Fugitive equipment leaks may occur from piping equipment in natural gas, ammonia, and diesel service. The EPA emission factors for SOCMI facilities without ethylene are used. BACT is satisfied for ammonia fugitive leaks through use of the 28AVO leak detection and reduction (LDAR) program to reduce ammonia emissions. Inspections are performed once every four hours (three times per 12-hour shift). The uncontrolled VOC emissions from piping fugitive components at the site are less than 10 tpy. Therefore, no control is required as BACT for VOC emissions from piping fugitive components in natural gas and diesel service. However, daily audio, visual, and olfactory (AVO) inspections are required to monitor fugitive leaks in natural gas service based on BACT for GHG emissions from natural gas piping equipment supporting natural gas fired turbines. No control credit is claimed for these inspections of the natural gas fugitive piping components. GHG as CO_2e: Natural gas is assumed to have a maximum 93.6% methane by weight. The Applicant provided RBLC searches that were reviewed, and the proposed BACT stated above for each pollutant triggering PSD review is consistent with the RBLC searches and recently issued/approved permits in Texas and in other states.

See Response 8 regarding emission rates and calculations.

COMMENT 10: Draft Permit / Compliance with Permit

Eric Allmon questioned the permit requirement which defines a planned startup as 'continuing until emissions compliance is achieved,' specifically expressing concern that this would allow for an indefinite period of exemption from applicable requirements without regard for the time feasibly necessary for startup to be achieved. Mr. Allmon expressed concern that this condition would exempt emissions which should be subject to control and subject to consideration in determining whether emissions would contribute to a violation.

Mr. Allmon states that the permit fails to incorporate the emission limits of 30 Texas Administrative Code § 111.153(c), specifically expressing concern that the requirement for 'emissions from a gas fuel-fired steam generator with a heat input greater than 2,500 million Btu per hour may not exceed 0.1 pound of total suspended particulate per million Btu averaged over a two-hour period' is not included in the permit. Mr. Allmon expressed concern that the monitoring for formaldehyde (HCHO) and hazardous air pollutants (HAPs) would be the same as for VOCs, stating that a correlation between HCHO, HAPs, and VOCs should not be presumed, and further clarification is needed.

Trish Siler cites the definition of 'hazardous substances' from the Texas Risk Reduction Program (TRRP), 30 TAC Chapter 350, and questioned whether there would be hazardous detection equipment for ammonia for the turbines. Kamil Cook expressed concern that the Applicant would be allowed to regulate themselves.

(Eric Allmon, Kamil Cook, Trish Siler)

RESPONSE 10: 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.

The Texas Risk Reduction Program (TRRP), as specified in 30 Texas Administrative Code Chapter 350, address releases of chemicals of concern (COCs) as defined by various programs subject to this chapter. As defined in 30 Texas Administrative Code § 350.4(a)(11), chemicals of concern include solid waste, industrial solid waste, municipal solid waste, and hazardous waste as defined in the Texas Health and Safety Code, § 361.003, as amended; hazardous constituents as listed in 40 Code of Federal Regulations Part 261, Appendix VIII, as amended; constituents on the groundwater monitoring list in 40 Code of Federal Regulations Part 264, Appendix IX, as amended; constituents as listed in 40 Code of Federal Regulations Part 258 Appendices I and II, as amended; pollutant as defined in Texas Water Code, § 26.001, as amended; hazardous substance as defined in the Texas Health and Safety Code, § 361.003, as amended, and Texas Water Code, § 26.263, as amended; other substances as defined in Texas Water Code, § 26.039(a), as amended; and daughter products of the aforementioned constituents. Therefore, TRRP does not apply to the regulation of air emissions.

For ammonia emissions, ammonia will be monitored by continuous emissions monitoring system from the gas turbine exhaust stacks. Using this monitoring system, the Applicant is required to maintain the ammonia concentrations below 10 ppmvd at 15% O_2 on a 3-hour rolling average, as specified in the permit Special Conditions. The Applicant is also required to maintain prevention and protection measures for ammonia storage and protect the storage area from accidents that could cause a rupture. Recordkeeping of the number of tank trucks unloaded to the ammonia storage are required. Audio, olfactory, and visual checks of ammonia leaks are required in the operating area once every four hours as part of the 28AVO leak detection and repair (LDAR) program, which is Tier I BACT for the controlling of ammonia fugitive leaks. Immediately, but no later than one hour upon detection of a leak, the plant personnel are required to either isolate the leak, start repair or replacement of the leaking component, or use a leak collection/containment system to prevent the leak until a repair or replacement can be made if an immediate repair is not possible.

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 Austin 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 annual allowable emission rates for the gas turbines are calculated based on the Applicant's estimated hours of routine operation and the expected number and duration of startups and shutdowns of the turbines. The hourly startup and shutdown emission rates for the gas turbines are calculated based on the estimated duration of startups and shutdowns, which are then extrapolated to a full hour in duration to develop a conservative estimate of the emission rates. The Applicant is required to keep records of the dates and times for each startup and shutdown activity, record the amount of natural gas fired monthly in each gas turbine and the duct burners, and maintain the continuous emissions monitoring system of the NO_x, CO, ammonia, and oxygen concentrations from the gas turbines, including during startup and shutdown. Using this monitoring and recordkeeping, the Applicant is required to calculate actual emissions and operate within the emission limits as listed in the Maximum Allowable Emissions Rate Table (MAERT) of the permit. The permit Special Conditions also require planned startups and shutdowns to not exceed 60 minutes per event and defines the beginning and end of these planned startup and shutdown periods.

The definition provided in the permit Special Conditions of the end of planned startup periods is when the combustion turbine output achieves steady operation (greater than 35% capacity) in the low NO_x operating mode, the SCR has achieved steady state operation, and the startup emissions have purged through the continuous emissions monitoring system (CEMS), thereby achieving emissions compliance. Therefore, the first three requirements must be achieved in order to initiate compliance with the routine allowable emission rates. The permit Special Conditions do not allow for the duration of a planned startup to be extended further than anticipated. The permit Special Conditions also limit each startup and shutdown event to less than one hour in duration. The emission calculations and allowable emission rates for startup and shutdown are based on a maximum one hour duration of startup and maximum one hour duration of shutdown.

The heat recovery steam generator for each gas turbine may be considered a gas fuel-fired steam generator since it uses a supplemental natural gas-fired duct burner to produce steam, which is then used to drive the steam turbine and generator to produce electricity. Total suspended particulate matter includes particulate matter for determining compliance with the primary and secondary NAAQS. Particulate matter includes the mixture of suspended solid particles and liquid droplets found in air. The permit emission limit is based on an emission factor of 0.0046 pounds of particulate matter per million Btu (lb PM/MMBtu) over a one-hour period, which is below 0.1 lb total suspended particulate matter per million Btu over a two-hour period, as stated in 30 TAC § 111.153(c). This particulate matter emission limit is included in the permit Maximum Allowable Emissions Rate Table (MAERT).

The monitoring of VOCs is used as a surrogate for monitoring of formaldehyde (HCHO) and all hazardous air pollutants (HAPs). The only HAPs that will be emitted occur from combustion of natural gas. A gas analysis of the fuel would indicate a certain ratio of formaldehyde and the other HAPs. Therefore, any increase or decrease

in VOC emissions will have a proportional change to the total HAP emission rates and any individual HAP emission rate.

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 Austin Regional Office at 512-339-2929 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 11: Location/ Zoning / Historic Sites

Commenters expressed concern regarding the location of the facility and/or whether it complies with current local zoning ordinances. Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, schools, daycares, tribal lands, and places of worship. Commenters stated that the proposed plant should be located somewhere else and want it moved to an alternative location or built on existing industrial infrastructure, as requested by a resolution passed in February 2025 by the Lee County Commissioners. Commenters expressed concern that the proposed facility will potentially affect a historic site location.

(Eric Allmon, Rachel Cain Bailey, Ron Blain, Kristy Blain, Hugh Brown, Travis Brown, Joanie Burkett, Lynn Cain, Catherine Campbell, Georgia Canfield, Kamil Cook, Amy Corbitt, Jill Davis, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, Julie Drake, William Kevin Drake, Kate Justine Drosche, Michele G. Gangnes, Dean Goodnight, Sandra Granados, Heidi Graham, Rebecca Green, Don Hardy, Edward S. Harvey, Mark Hebert, Nancy Hebert, Mariah Holton, Kourtney Jirasek, Clark Carl Johnson, Alan L. Johnson, Suzanne Lange, Tonya L. Leslie, Tim Leslie, Jane S. Levan, Amy Magnuson, Frank Malinak, Jeri Titus Matthys, Linda Mock, Margaret Montgomery, Laurie Morris, Vicky Marie Nesby-Balderrama, Bonnie Perkins, Jody B. Sanders, Trish Siler, Sheril Smith, Sylvia Soto, Steven Stubblefield, Jenifer Stubblefield, Ward Taylor, Randy Thiem, Shann Turner, Charlotte Ventura, Shirley Virgil, Vibarajan Viswanathan, Brandy Warren, Donna Westbrook)

Response 11: Generally, TCEQ does not have jurisdiction to consider facility location

choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Additionally, zoning is beyond the authority of TCEQ to consider when reviewing air quality permit applications. The issuance of a permit 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. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility. TCEQ also does not consider the location of historic sites or conduct a land use review of historic sites for air quality permit applications.

COMMENT 12: Traffic / Trucks / Roads

Commenters expressed concern regarding truck traffic, diesel emissions, and damage to roads.

(Kristy Blain, Travis Brown, Joanie Burkett, Kamil Cook, Susan Davis, Bill Davis, Jill Davis, Brian Dickey, Julie Drake, Kate Justine Drosche, Rebecca Green, Heidi Graham, Amy Magnuson, Jeri Titus Matthys, Vicky Marie Nesby-Balderrama, Trish Siler, Steven Stubblefield)

Response 12: TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. For many authorizations, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application. 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.

The Applicant is prohibited by 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, nuisance 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 the TCEQ Region 11 Austin Office at 512-339-2929 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.

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 13: Noise / Light / Quality of Life / Property Values / Aesthetics / Local Economy/ Public Infrastructure

Commenters expressed concern regarding noise and light pollution from the proposed

project and are concerned the plant would operate 24/7. Commenters are also concerned about the effect of the proposed project on their quality of life, on the aesthetics of the area, possible devaluation of their properties, and harm to the local economy. Commenters also questioned the tax benefit the plant would provide to the area.

(Eric Allmon, Rachel Cain Bailey, Kristy Blain, Hugh Brown, Travis Brown, Joanie Burkett, Lynn Cain, Catherine Campbell, Georgia Canfield, Kamil Cook, Amy Corbitt, Jill Davis, Susan Davis, Bill Davis, Brian Dickey, Lucia C. Dodson, William Kevin Drake, Julie Drake, Kate Justine Drosche, Michele G. Gangnes, Heidi Graham, Don Hardy, Kourtney Jirasek, Clark Carl Johnson, Suzanne Lange, Tonya L. Leslie, Tim Leslie, Jeri Titus Matthys, Linda Mock, Margaret Montgomery, Vicky Marie Nesby-Balderrama, Trish Siler, Sheril Smith, Steven Stubblefield, Jenifer Stubblefield, Ward Taylor, Randy Thiem, Shann Turner, Donna Westbrook)

Response 13: TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or quality of life when determining whether to approve or deny an air permit. TCEQ does not have authority to impose any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. Likewise, TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process.

Similarly, TCEQ does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application. TCEQ does not have jurisdiction to consider local economic impacts or community improvements in the surrounding areas when determining whether to approve or deny a permit application. The Executive Director's review of the permit application is limited to whether the application and proposed activities meet the requirements of applicable TCEQ rules.

TCEQ has not been delegated the authority to regulate the hours of operations of a facility or site if the permit review demonstrates all applicable federal and state regulations are met. Accordingly, TCEQ cannot limit the hours of operation unless an emission rate is dependent on a limit on operational hours or there are issues associated with the air quality analysis that require the limitation. The Applicant represented turbine operations up to 8,076 hours per year, which includes periods of startup and shutdown. Despite the representation of 8,076 hours per year, which is typically done for conservatism and flexibility in operations, facilities typically do not operate that many hours per year.

The TCAA does not give TCEQ authority to regulate air emissions beyond the direct impacts that the air emissions have on human health or welfare. In addition, the TCAA

specifically address air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only.

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 Austin Regional Office at 512-339-2929 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).

In summary, TCEQ jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statutes and rules. TCEQ rule requirements are intended to safeguard human health and the environment. If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment.

COMMENT 14: Corporate Profits and Company Finances

Commenters question the corporate profits made by this project at a cost to the surrounding community. Commenters ask if a financial and managerial review of the Applicant was conducted.

(Ron Blain, Travis Brown, Hugh Brown, Amy Corbitt, Bill Davis, Susan Davis, Brian Dickey, Kate Justine Drosche, Michele G. Gangnes, Heidi Graham, Jeri Titus Matthys, Bonnie Perkins)

RESPONSE 14: TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status nor its profits in determining whether a permit should be issued. TCEQ's review of this company's application included analysis of health impacts and application of best available control technology (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. As explained in previous responses, the decision by the

Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, TCAA § 382.0518 provides that TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least the BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA. *See* Response 9 regarding BACT.

COMMENT 15: Emergency / Evacuation / Upset Events

Commenters expressed concern about the safety of the facility. Commenters ask how neighbors would be notified in the case of an accident and whether there is an evacuation plan. Commenters expressed concern that first responders would not be able to respond to an emergency event at the facility.

(Kristy Blain, Kamil Cook, Trish Siler, Randy Thiem)

RESPONSE 15: TCEQ takes your 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 Region 11 Austin Office at 512-339-2929 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. A Risk Management Plan (or Disaster Review) is required for all chemicals meeting the requirements of 40 CFR Chapter 68. While the application did represent that the proposed facility will store and handle quantities of ammonia, the represented quantities were below the respective thresholds identified in 40 CFR Chapter 68.130(b); therefore, this application did not require a disaster review. See Disaster Review Fact Sheet (texas.gov) and https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-68/subpart-F.

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 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.

COMMENT 16: TCEQs Responsibility to the Community / General Opposition / Support

Commenters asked that TCEQ consider residents' wishes and choose not to approve the permit registration for the proposed plant. Commenters ask TCEQ to uphold their mission statement and deny the permit. Commenters ask that TCEQ uphold the requirements of the Clean Air Act and all federal and state rules and regulations. Several other commenters expressed support for the proposed project.

(Eric Allmon, Rachel Cain Bailey, Ron Blain, Kristy Blain, Nathan Bland, Hugh Brown, Travis Brown, Joanie Burkett, Lynn Cain, Johnnie Cain, Lynn Cain, Catherine Campbell, Georgia Canfield, Kamil Cook, Amy Corbitt, Concerned Citizen, Charles Dart, Jill Davis, Susan Davis, Bill Davis, Blake Debault, Brian Dickey, Lucia C. Dodson, Julie Drake, William Kevin Drake, Kate Justine Drosche, Michele G. Gangnes, Sandra Granados, Heidi Graham, Rebecca Green, Lacey N. Hannes, Don Hardy, Edward S. Harvey, Mark Hebert, Nancy Hebert, Richard Holton, Mariah Holton, Andrew Hooper, Rick Isaacs, Timothy Justine Jenke, Kourtney Jirasek, Clark Carl Johnson, Alan L. Johnson, Suzanne Lange, Tonya L. Leslie, Tim Leslie, Jane S. Levan, Amy Magnuson, Frank Malinak, Eric De Marco, Jeri Titus Matthys, Linda Mock, Margaret Montgomery, Laurie Morris, Vicky Marie Nesby-Balderrama, Bonnie Perkins, James Perkins, Pamela Perry, Samule Perry, Steven Pohorelsky, Alan Roberts, Jody B. Sanders, Kayla Schnell , Trish Siler, Sheril Smith, Sylvia Soto, Steven Stubblefield, Jenifer Stubblefield, Ward Taylor, Randy Thiem, Shann Turner, Shirley Virgil, Vibarajan Viswanathan, Brandy Warren, Ginger Watkins, Donna Westbrook, Danny Wilhite)

RESPONSE 16: TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition to and in 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.

COMMENT 17: Miscellaneous

Commenters expressed frustration regarding other water, gas, pipeline, and electrical companies in the area, with some stating that their properties have been destroyed to put in pipelines and electrical transmission lines for other projects. Multiple commenters expressed concern regarding the amount of Megawatt (MW) energy represented to be produced by the plant and who the energy is being produced for, specifically expressing concern that the energy is being produced for private use rather than to help the public. Commenters ask if there is a land lease agreement between SLR Property I LP and SL Energy Power Plant I, LLC, ask if SLR Property I LLP would be a responsible party for enforcement purposes, and ask if TCEQ issues permits to Applicants that do not physically own land or property. Commenters ask if TCEQ

reviewed contracts between the Applicant and the Electric Reliability Council of Texas (ERCOT) and/or the Public Utility Commission of Texas.

Tonya L. Leslie submitted a comment directed to Governor Abbott requesting that he contact TCEQ to voice his opposition to the proposed permit. Michele G. Gangnes commented they have no delusions that Lt. Governor Dan Patrick would be in favor of a natural gas power plant in Texas, but says he can't have it both ways, citing a 2024 letter written to the TCEQ regarding a different project and site. Travis Brown expressed concern that the company did not provide an explanation of their location choice during the public meeting, noted that there was nobody in support of the project at the public meeting, and expressed concern that written comments submitted in support of the project were from letters drafted and submitted by the company.

(Ron Blain, Travis Brown, Lynn Cain, Catherine Campbell, Georgia Canfield, Kamil Cook, Susan Davis, Bill Davis, Brian Dickey, Michele G. Gangnes, Heidi Graham, Tonya L. Leslie, Jeri Titus Matthys, Linda Mock, Margaret Montgomery, Trish Siler)

RESPONSE 17: These comments are either outside the scope of the air permit review, do not pertain to the current project or site, or are not addressed to the TCEQ and are therefore only included for completeness, but not addressed by the Executive Director.

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

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY