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September 29, 2009

Mr. Stanley M. Spruiell
Air Permits Section (6PD-R)
Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

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AIR PERMITS SECTION
6PD-R

Dear Mr. Spruiell,

On behalf of the Houston Regional Group of the Sierra Club (Sierra Club) I am submitting these comments regarding the Environmental Protection Agency's (EPA) Docket ID No. EPA-R06-OAR-2005-TX-0025, for Texas Qualified Facilities State Program; Docket ID No. EPA-R06-OAR-2005-TX-0032, Texas Flexible Permits State Program; and Docket ID No. EPA-R06-OAR-2006-TX-0867, Texas Major and Minor New Source Review (NSR) State Implementation Plan (SIP) for 1997 8-hour ozone and 1-hour ozone National Ambient Air Quality Standards (NAAQS), Prevention of Significant Deterioration (PSD) SIP, and Standard Permit for Pollution Control Projects.

The Sierra Club supports EPA analysis and agrees that all of these proposals should be disapproved.

The one personal story that I would like to relate regarding the Texas Flexible Permit Program is in regards to the following quotations:

1. **Page 46**, which states "Without the appropriate specialized MRR requirements, there is no way to determine for instance, which emission points are covered, which modifications of existing non-covered emission points are covered ... without the appropriate MRR requirements, there is no way to determine if a covered unit is subject to the cap or an individual emission limitation, if a unit is subject to both the cap and a limitation, or whether a cap or a limitation applies at what time."

2. **Page 47**, which states "For example, the Program could allow hundreds of unrelated emission sources to be subject to one emission cap and/or individual emissions limitations. Yet the submitted Program contains no time period for the cap (e.g., hourly, monthly, and/or annual limits such as rolling limits ... Demonstrating compliance with a cap covering multiple emissions points requires more detailed information than point-by-point compliance."

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*

3. **Page 48**, which states "Under a cap program, it is necessary to know the actual emission rate from each unit so that the emission unit can be totaled to show compliance with the cap ... In addition, there are no limits on the types of sources that can be included in the cap. It is also difficult to quantify emissions from some units, such as tanks, fugitive emissions from leading valves, or wastewater emissions points that can be included in a flexible Permit under this Program."

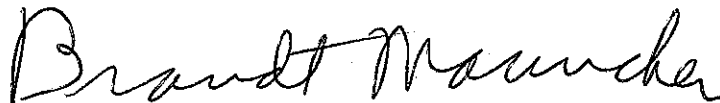
4. **Page 49**, which states "Without specialized testing, monitoring, recordkeeping and reporting requirements, it is difficult for EPA, Texas or the public to determine which units are covered by a flexible permit, which modifications to non-covered units are covered by a flexible permit, whether a covered unit is subject to the emission cap or an individual emission limitation, whether a unit is subject to both the cap and a limitation, or whether a cap or a limitation applies and at what time."

5. **Page 52** which states "It is an extremely complex permitting program but lacks specialized regulatory provisions tailoring monitoring, testing, recordkeeping, and reporting requirements specifically to ensure that compliance can be determined, enforcement can be taken, and that triggering of minor (and major NSR is easily identified and that the preconstruction requirements of the Act are met."

As an air quality investigator for the City of Houston Bureau of Air Quality Control I remember asking about documentation of compliance for a flexible permit that a company had. The company representative showed me an entire room with shelf after shelf and binder after binder of emission information about different sources that were covered by the cap. He said this was the information that the company had if I wanted to review compliance for the company's flexible permit cap. Needless to say I was not able to my satisfaction to determine if the company was in compliance with its flexible permit cap.

The Sierra Club appreciates the opportunity to provide input. Thank you.

Sincerely,



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