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January 26, 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

Re: Docket ID No. EPA-R06-OAR-2007-0209; The Association of Electric Companies of Texas' comments on Proposed Limited Approval/Limited Disapproval of Texas' Public Participation SIP Revisions, which was in the November 26, 2008 Federal Register (73 Fed. Reg. 72,001-72,016)

Dear Mr. Spruiell:

These are the Association of Electric Companies of Texas ("AECT") comments to the U.S. Environmental Protection Agency's ("EPA") proposed limited approval and limited disapproval of Texas' proposed state implementation plan ("SIP") revisions relating to public participation requirements for air quality permitting.

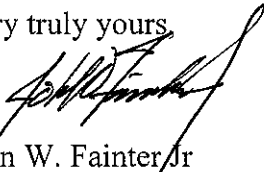
AECT is a trade association representing electric companies in Texas. Organized in 1978, AECT provides a forum for member companies' representatives to exchange information on their industry, and to communicate with state and federal governmental officials.

AECT strongly supports EPA approving all of the Texas SIP revisions relating to public participation requirements for air quality permitting. The public participation requirements in the currently approved Texas SIP are extensive, and, in many ways, exceed federal public participation requirements. Since the dates EPA made such approvals, EPA has not changed the applicable federal requirements governing SIP approval of public participation requirements. Further, EPA has determined that the proposed public participation SIP revisions would "as a whole, strengthen the SIP compared to the corresponding provisions in the existing [fully approved] SIP". (73 Fed. Reg. 72,009). Moreover, AECT believes that the proposed public participation SIP revisions satisfy the applicable legal requirements for EPA to approve all of them, and that the deficiencies of the proposed SIP revisions that EPA has identified are not supportable (as is addressed in detail by the comment letter filed by the Texas Industry Project). In light of the foregoing, EPA should approve all of the proposed public participation SIP revisions. EPA's proposed limited disapproval of the proposed SIP revisions is arbitrary and would create a disincentive for states to adopt rules that would, like the public participation rules in the proposed SIP revisions, improve existing, approved SIP requirements.

AECT also strongly objects to EPA calling for Texas to make additional changes to its already approved public participation SIP requirements in order to avoid facing sanctions. There is no basis for such sanctions since, as discussed above, the proposed public participation SIP revisions are approvable and should be approved. It would be arbitrary for EPA to take an action that would trigger a sanctions clock when the public participation rules of the Texas SIP have already been fully approved by EPA, and the proposed public participation SIP revisions would only strengthen the existing public participation requirements in the Texas SIP.

AECT appreciates the opportunity to submit these comments.

Very truly yours,



John W. Fainter, Jr.
CEO and President

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