



Filing Receipt

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**SOAH DOCKET NO. 473-22-1073
DOCKET NO. 52485**

APPLICATION OF SOUTHWESTERN	§	
PUBLIC SERVICE COMPANY TO	§	BEFORE THE STATE OFFICE
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY TO	§	OF
CONVERT HARRINGTON	§	
GENERATING STATION FROM COAL	§	ADMINISTRATIVE HEARINGS
TO NATURAL GAS	§	

**SOUTHWESTERN PUBLIC SERVICE COMPANY'S
RESPONSE TO SIERRA CLUB'S
FIFTH REQUEST FOR INFORMATION
QUESTION NOS. 5-1 THROUGH 5-3**

(Filename: SPSRespSC5th.doc; Total Pages: 44)

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**SOUTHWESTERN PUBLIC SERVICE COMPANY'S
RESPONSE TO SIERRA CLUB'S
FIFTH REQUEST FOR INFORMATION
QUESTION NOS. 5-1 THROUGH 5-3**

Southwestern Public Service Company ("SPS") files this response to the Sierra Club's Fifth Request for Information, Question Nos. 5-1 through 5-3. SPS has provided notice, by email, to all parties that SPS's Responses to Sierra Club's Fifth Request for Information and accompanying exhibits (excluding voluminous and exhibits provided pursuant to the protective order) have been filed with the Commission and are available for download from the Commission's Interchange website.

I. WRITTEN RESPONSES

SPS's written responses to Sierra Club's Fifth Request for Information are attached and incorporated by reference. Each response is stated on or attached to a separate page on which the request has been restated. SPS's responses are made in the spirit of cooperation without waiving SPS's right to contest the admissibility of any of these matters at hearing. In accordance with 16 Tex. Admin. Code § 22.144(c)(2)(A) ("TAC"), each response lists the preparer or person under whose direct supervision the response was prepared and any sponsoring witness. When SPS provides certain information sought by the request while objecting to the provision of other

information, it does so without prejudice to its objection in the interests of narrowing discovery disputes under 16 TAC § 22.144(d)(5). Pursuant to 16 TAC § 22.144(c)(2)(F), SPS stipulates that its responses may be treated by all parties as if they were made under oath.

II. INSPECTIONS.

If responsive documents are more than 100 pages but less than eight linear feet in length, the response will indicate that the attachment is voluminous (“(V)”) and, pursuant to 16 TAC § 22.144(h)(2), the exhibit will be made available for inspection at SPS’s voluminous room at 600 Congress Avenue, Suite 2000, Austin, Texas 78701; telephone number (512) 721-2700.

If a response or the responsive documents are provided pursuant to the protective order in this docket, the response will indicate that it or the attachment is either confidential (“CONF”) or highly Sensitive (“HS”) as appropriate under the protective order. Access to Confidential and Highly Sensitive materials will be available on Coffin Renner’s file sharing link to all parties that have signed and filed the certification under the protective order entered in this docket. Confidential and Highly Sensitive responsive documents will also be made available for inspection at SPS’s voluminous room, unless they form a part of a response that exceeds eight linear feet in length; then they will be available at their usual repository in accordance with the following paragraph. Please call in advance for an appointment to ensure that there is sufficient space to accommodate your inspection.

If responsive documents exceed eight linear feet in length, the response will indicate that the attachment is subject to the FREIGHT CAR DOCTRINE, and, pursuant to 16 TAC § 22.144(h)(3), the attachment will be available for inspection at its usual repository, SPS's offices in Austin, Texas, unless otherwise indicated. SPS requests that parties wishing to inspect this material provide at least 48-hour notice of their intent by contacting Stephanie Tanner at Coffin Renner L.L.P. PC, 1011 West 31st Street, Austin, Texas 78705; telephone number (512) 879-0900; facsimile transmission number (512) 879-0912; email address stephanie.tanner@crtxlaw.com. Inspections will be scheduled to accommodate all requests with as little inconvenience to the requesting party and to SPS's operations as possible.

XCEL ENERGY SERVICES INC.
Mark Walker
State Bar No. 20717318
919 Congress Ave., Suite 900
Austin, Texas 78701
(512) 236-6926
(512) 236-6935 (Fax)
mark.a.walker@xcelenergy.com

Respectfully submitted,



XCEL ENERGY SERVICES INC.

Mark A. Santos
Kate Norman
C. Glenn Adkins
COFFIN RENNER LLP
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Austin, Texas 78705
(512) 879-0900
(512) 879-0912
mark.santos@crtxlaw.com
kate.norman@crtxlaw.com
glenn.adkins@crtxlaw.com

ATTORNEYS FOR
SOUTHWESTERN PUBLIC SERVICE COMPANY

RESPONSES

QUESTION NO. Sierra Club 5-1:

Refer to the Direct Testimony of Jeffrey West at page 19, lines 8-10. Please provide all referenced air quality modeling reports, including all underlying modeling files in their native format, evaluating options for complying with the NAAQS standard.

RESPONSE:

As referenced in the Direct Testimony for Jeffrey L. West, once a monitor in the area has demonstrated it cannot attain the standard, sources in the area must determine potential paths for compliance. The recognized compliance scenarios for achieving the NAAQS standard for Harrington are the installation of emission controls, retirement, fuel conversion or a combination of these strategies. SPS evaluated the economics of these strategies as listed in the Direct testimony of Ben Elsey. There are no other modeling reports.

Preparer: Jeffrey L. West

Sponsor: Jeffrey L. West

QUESTION NO. Sierra Club 5-2:

Refer to the Direct Testimony of Jeffrey West at page 19, lines 12-14. Please provide all communications, presentations, reports, proposals with TCEQ regarding the "plan for the conversion and agreed date of compliance of January 1,2025."

RESPONSE:

SPS is providing correspondence produced by the Sierra Club in New Mexico Public Regulation Commission Case No. 21-00200-UT in Exhibit SPS-SC 5-2. Additionally, the TCEQ final order is provided as Attachment JLW-1 to the Direct Testimony of Jeffrey L. West. SPS has no other correspondence.

Preparer: Jeffrey L. West
Sponsor: Jeffrey L. West

QUESTION NO. Sierra Club 5-3:

Refer to the Direct Testimony of Ben Elsey at page 19, lines 7-19.

- a. Confirm that SPS President David Hudson is on the SPP Board of Directors/Members Committee, if not, please explain whether the Company has a representative on the SPP Board of Directors, and identify that representative.
- b. Confirm that SPS has representatives on SPP's Transmission Working Group, and please identify the number of representatives the Company has on the Working Group.
- c. Has SPS proposed any plans or raised concerns to SPP regarding the "backlog in processing and studying new generator applications"? If so, please provide any such plans. If not, why not?
- d. To the extent not provided in response to Question 5.3.c immediately above, provide all communications, presentations, reports, studies, and/or proposals from SPS concerning the "backlog in processing and studying new generator applications."

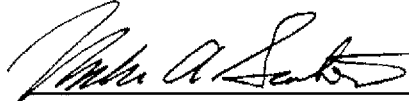
RESPONSE:

- a. Denied. David Hudson has not served on the Southwest Power Pool Board of Directors, he has served on the Southwest Power Pool Members Committee. David Hudson has also announced his retirement. His seat on the Southwest Power Pool Members Committee will be filled through a process led by Southwest Power Pool. SPS has no representative on the Southwest Power Pool Board of Directors. The Southwest Power Pool Members Committee has over 30 members, is advisory in nature, and has no official vote on Southwest Power Pool matters.
- b. Confirmed. SPS has one representative from Xcel Energy that is a member of the Southwest Power Pool's Transmission Working Group. There are 27 members on Southwest Power Pool's Transmission Working Group and SPS has one member in the group.
- c. Yes. SPS representatives have been actively engaged in the Southwest Power Pool stakeholder process and have raised concerns about the backlog in studying new generator applications.
- d. SPS is not in possession of any material responsive to this request. The Southwest Power Pool website may contain material that is responsive to this request on specific committee meeting minutes web pages.

Preparer: William A. Grant
Sponsor: William A. Grant

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

A handwritten signature in black ink, appearing to read 'Mark A. Santos', is written over a horizontal line.

Mark A. Santos

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for an Adopted Agreed Order with Southwestern Public
Service Company, dba Xcel Energy, Harrington Station
Power Plant

AGENDA REQUESTED: October 21, 2020

DATE OF REQUEST: October 2, 2020

**INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF
NEEDED:** Gwen Ricco, Agenda Coordinator, (512) 239-2678

CAPTION: Docket No. 2020-0982-MIS. Consideration of adoption of an Agreed Order between the Texas Commission on Environmental Quality (the commission) and Southwestern Public Service Company, dba Xcel Energy, Harrington Station Power Plant (the Company), for the purpose of supporting attainment and maintenance of the 2010 sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS), as required by the Federal Clean Air Act.

The Agreed Order documents requirements to ensure that the Company will cease coal-fired operations and resume operation utilizing natural gas by January 1, 2025. (Terry Salem, John Minter) (Non-Rule Project No. 2020-046-OTH-NR)

Erin E. Chancellor

Deputy Director

Robert Martinez

Division Director

Tonya Baer

Deputy Director

Donna Huff

Division Director

Gwen Ricco

Agenda Coordinator

Copy to CCC Secretary? NO ☐ YES ☒

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** October 2, 2020

Thru: Bridget C. Bohac, Chief Clerk
Toby Baker, Executive Director

From: Erin E. Chancellor, Deputy Director
Office of Legal Services

Tonya Baer, Deputy Director
Office of Air

Docket No.: 2020-0982-MIS

Subject: Commission Approval to Adopt an Agreed Order with Southwestern Public Service Company, dba Xcel Energy, Harrington Station Power Plant Non-Rule Project No. 2020-046-OTH-NR

Background and reason(s) for the agreed order: Section 109 of the Federal Clean Air Act (FCAA), 42 United States Code, §7409, requires the United States Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. The EPA originally established the NAAQS for sulfur dioxide (SO₂) in 1971. The EPA last revised the SO₂ primary standard to 75 parts per billion, effective August 23, 2010 (75 *Federal Register* (FR) 35520, published on June 22, 2010).

Potter County was designated unclassifiable for the 2010 SO₂ NAAQS by the EPA, effective September 12, 2016 (81 FR 45039, published July 12, 2010). In December 2019, three years of SO₂ air quality monitoring data in Potter County in the vicinity of the Harrington Station Power Plant indicated that the SO₂ NAAQS was exceeded during that period. Southwestern Public Service Company, dba Xcel Energy (the company) owns and operates the Harrington Station Power Plant, located at 8300 N. Lakeside, Amarillo, Potter County, Texas 79108, which includes three coal-fired steam-electric generating units.

To support attainment and maintenance of the 2010 SO₂ NAAQS in Potter County, as required by the FCAA, the executive director of the TCEQ and the company have voluntarily agreed, subject to commission approval, on requirements to ensure that the company shall make appropriate modifications at units 1, 2 and 3 of the Harrington Station Power Plant to cease coal-fired operations and resume operation utilizing natural gas by January 1, 2025. These actions will include installation of additional gas line capacity and site improvements to infrastructure and the unit boilers to burn natural gas. The company will document its commitments in its new source review and federal operating permits.

Scope of the agreed order:

A.) Summary of what the agreed order will do:

This agreement supports attainment and maintenance of the 2010 SO₂ NAAQS by documenting requirements to ensure that the company will cease coal-fired operations at

Commissioners

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October 2, 2020

Re: Docket No. 2020-0982-MIS

the Harrington Station Power Plant units and resume operation utilizing natural gas by January 1, 2025, as specified in the agreed order.

B.) Scope required by federal regulations or state statutes:

While not specifically required by regulation or statute, this agreed order supports attainment and maintenance of the 2010 SO₂ NAAQS, as required by the FCAA.

C.) Additional staff recommendations that are not required by federal rule or state statute:

None.

Statutory authority:

Texas Clean Air Act, §382.011 and §382.012 provide authority for the commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; and TCAA, §382.023, and §382.024 provide the commission with authority to issue orders.

Effect on the:

A.) Regulated community:

The adopted order will affect the Harrington Station Power Plant located in Potter County.

B.) Public:

The public will benefit from improved air quality at and around the Harrington Station Power Plant.

C.) Agency programs:

None.

Stakeholder meetings:

None.

Potentially controversial concerns and legislative interest:

None.

Does the Agreed Order affect any current policies or require development of new policies?

No.

What are the consequences if the Agreed Order does not go forward? Are there alternatives to the Agreed Order?

If commitments such as those provided in this agreed order are not implemented, continued exceedance of the 2010 SO₂ NAAQS could occur. An area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the primary or secondary NAAQS for the pollutant may be designated as a nonattainment area. Following a nonattainment designation, TCEQ would be required to develop a plan to achieve compliance with the SO₂ NAAQS in Potter County. Such a plan would, in these

Sierra Club Exhibit 6

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circumstances, involve requiring emissions reductions at the Harrington Station Power Plant to meet the NAAQS, which the company would achieve through installation of emissions controls, fuel conversion as planned under the agreed order, or other means. The nonattainment designation would also impact requirements associated with permitting modifications to the Harrington Station Power Plant, as well as other new and existing facilities in the area.

Key points in the Agreed Order adoption schedule:

Anticipated adoption date: October 21, 2020

Agency contacts:

Terry Salem, Staff Attorney, Environmental Law Division, (512) 239-0469

John Minter, Staff Attorney, Environmental Law Division, (512) 239-0663

Laurie Barker, Rule Liaison, Office of Air, (512) 239-1742

Gwen Ricco, Agenda Coordinator, (512) 239-2678

Attachment:

Draft Agreed Order

cc: Chief Clerk, 7 copies

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
 AGREED ORDER CONCERNING
 SOUTHWESTERN PUBLIC SERVICE
 COMPANY, dba XCEL ENERGY,
 HARRINGTON STATION POWER
 PLANT

CN 601481336
 RN 100224849

ACCOUNT NO. PG0041R

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BEFORE THE

TEXAS COMMISSION

ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2020-0982-MIS

The Texas Commission on Environmental Quality (Commission or TCEQ) and Southwestern Public Service Company, dba Xcel Energy, Harrington Station Power Plant (Xcel Energy or the Company) enter into this Agreed Order for the purpose of supporting attainment and maintenance of the sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as required by the Federal Clean Air Act (FCAA).

The Executive Director of the Commission (the Executive Director) and the Company have agreed on the commitments documented in this Agreed Order to support attainment and maintenance of the SO₂ NAAQS, subject to the approval of the Commission.

The Commission hereby orders the Company, and the Company agrees, that it shall comply with the requirements contained in this Agreed Order from the facility or facilities referenced below, pursuant to §§382.011, 382.012, 382.023, and 382.024, of the Texas Clean Air Act (TCAA or the Act), Texas Health & Safety Code, Chapter 382, and the Federal Clean Air Act (FCAA), 42 United States Code (USC), §§7401 *et seq.*, for the purpose of supporting attainment and maintenance of the SO₂ NAAQS.

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. Section 109 of the FCAA, 42 USC, §7409, requires the United States Environmental Protection Agency (EPA) to set NAAQS for the protection of public health and welfare.
2. EPA originally established the NAAQS for SO₂ in 1971, effective upon publication, as published on April 30, 1971, 36 *Fed. Reg.* 8186. The EPA last revised the SO₂ primary standard effective August 23, 2010, as published on June 22, 2010, 75 *Fed. Reg.* 35520. The EPA retained the primary standard without revision effective April 17, 2019, as published on March 18, 2019, 84 *Fed. Reg.* 9866.
3. Section 110 of the FCAA, 42 USC, §7410 requires Texas to provide for attainment and maintenance of the NAAQS.
4. Sections 382.011 and 382.012 of the TCAA provide authority for the Commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; and §§382.023, and 382.024 of the TCAA provide the Commission with authority to issue orders. The issuance of this Agreed Order complies with the TCAA.
5. The Commission and the Company agree that the Commission has jurisdiction to enter this Agreed Order, and the Company is subject to the Commission's jurisdiction.
6. Nothing in this Agreed Order shall be interpreted as evidence that the Company is either in compliance or is in any respect non-compliant with any federal, state, or local law. This Agreed Order shall not be considered as part of the Company's compliance history under 30 Texas Administrative Code (TAC) Chapter 60 or the Commission's Penalty Policy.
7. Nothing in this Agreed Order supersedes any requirement of the TCAA or the rules and requirements of the Commission, except as explicitly provided herein.
8. Potter County was designated unclassifiable for the 2010 SO₂ NAAQS by the EPA effective September 12, 2016, as published on July 12, 2016, 81 *Fed. Reg.* 45039.
9. The Company owns and operates the Harrington Station Power Plant located at 8300 N. Lakeside, Amarillo, Potter County, Texas 79108.
10. In December 2019, three (3) years of SO₂ air quality monitoring data in Potter County in the vicinity of the Harrington Station Power Plant indicated that the SO₂ NAAQS was exceeded during that period. If commitments such as those

provided in this Agreed Order were not implemented, continued exceedance of the NAAQS standard could occur. An area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant may be designated as a nonattainment area. Following a nonattainment designation, TCEQ would be required to develop a plan to achieve compliance with the SO₂ NAAQS in Potter County. Such a plan would, in these circumstances, necessarily involve requiring emissions reductions at the Harrington Station Power Plant that would necessitate either installation of extensive emissions controls (if technically feasible), fuel conversion, or retirement of the units to meet the NAAQS standards. Regardless of the Company's compliance with existing emissions requirements, TCEQ would need to require emissions reductions at the Harrington Station Power Plant in order to achieve the NAAQS standard. The nonattainment designation would also impact requirements associated with permitting modifications to the Harrington Station Power Plant, as well as other new and existing facilities in the area.

11. On March 5, 2020, TCEQ Region 1 provided the Company information indicating an alleged violation of the NAAQS requirements and referral to enforcement. TCEQ Region 1 informed the Company that the Harrington Station Power Plant is emitting the majority of SO₂ in the area, contributing to the exceedance of this NAAQS standard. The Company enters into this agreement to support attainment and maintenance of the NAAQS standard and avoid a designation of the area to nonattainment.
12. The Harrington Station Power Plant consists of one or more sources as defined in TCAA, §382.003(12), including three (3) coal-fired electric generating units (coal-fired units or units):
 - a. Harrington Unit 1, Emission Point Number (EPN) HS-1;
 - b. Harrington Unit 2, EPN 2-1; and
 - c. Harrington Unit 3, EPN 3-1.
13. The coal-fired units described above at the Harrington Station Power Plant are authorized to emit air contaminants as specified in the new source review (NSR) permits listed below:
 - a. Harrington Unit 1 - Permit 1388 issued on February 13, 2014; and
 - b. Harrington Unit 2 and 3 - Permit 5129 issued on February 13, 2017.

All 3 coal-fired units are also authorized under Federal Operating Permit O15 issued on January 5, 2015. Unless otherwise specified, all references in this Agreed Order are for the NSR and Federal Operating permits listed above.
14. The Company and the Commission agree that, effective upon the completion of all of the requirements of this Agreed Order, the units specified in Paragraph

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12 shall no longer utilize coal to fuel the units and will document this commitment in its NSR Permit Nos. 1388 and 5129.

15. This Agreed Order does not authorize or prohibit any modification of the facility or facilities listed above, as long as such modification does not conflict with provision II.1 of this Agreed Order. The Company is ordered to submit the appropriate application or registration documentation to the TCEQ for any authorization, if any, necessary to implement the requirements of this Agreed Order. This Agreed Order does not prohibit the non-substantive renumbering or reorganization of the provisions of NSR Permit Nos. 1388 and 5129 or Federal Operating Permit O15.

II. ORDER

In accordance with the Stipulations noted above, it is therefore ordered by the Commission that:

1. The Company shall demonstrate compliance with this Order as described in subparagraphs (1) - (6) below.
 - (1) By January 1, 2025, the Company shall cease burning coal at the units specified in Paragraph 12 of this Order.
 - (2) By April 1, 2021, the Company shall apply for a revision to its NSR Permits 1388 and 5129, incorporating a requirement to cease burning coal consistent with the terms of this Order. Such application shall also include any other proposed changes to permit terms or requirements to facilitate the purposes of this Order. The Company shall make best efforts to obtain the required permit revision as expeditiously as is reasonably possible.
 - (3) After revision of the NSR permits referenced above, the Company shall seek to have any revised applicable requirements incorporated into Federal Operating Permit O15 consistent with state and federal rules.
 - (4) The Company shall make the appropriate modifications to the three (3) units at the facility or facilities to cease coal operations and resume full operation utilizing natural gas by January 1, 2025. These actions will include installation of additional gas line capacity and site improvements to infrastructure and the unit boilers to burn natural gas at full capacity.
 - (5) The Company shall provide quarterly reports to TCEQ regarding the status of compliance with this Order. Reports shall include progress toward the conversion of these units to burn natural gas and cease burning coal and permitting efforts related to the same. The first report shall be due for the first full calendar quarter after full approval of this Order. Each report shall be due 30 calendar

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days after the end of a calendar quarter until this order is terminated pursuant to Provision II.3 below.

- (6) The Company shall make records available upon request by the TCEQ or any other air pollution control agency with jurisdiction over the Company to establish compliance with this Agreed Order.
2. The provisions of this Agreed Order shall apply to, and be binding upon, the Company, its successors, assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. The Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of the plant, located at 8300 N. Lakeside, Amarillo, Potter County, Texas, 79108, and within ten (10) days of any such transfer, provide the TCEQ with written certification of such transfer, and that such notice has been given.
3. This Order shall terminate upon written confirmation by the Company that it has met all the requirements set forth herein and subsequent written concurrence by TCEQ.
4. Notification points of contact:
- For Xcel Energy:
- Jeffrey L. West
Senior Director, Environmental Services
1800 Larimer Street, Suite 1300
Denver, CO 80202
- For TCEQ:
- Donna F. Huff
Director, Air Quality Division
P.O. Box 13087
MC-206
Austin, Texas 78711-3087
5. If any portion of this Agreed Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Jon Niermann
Chairman
Texas Commission on Environmental Quality

Date

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I, the undersigned, have read and understood the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the specified terms and conditions.

David Hudson
President
Southwestern Public Service Company

Date of Signature

Erin E. Chancellor
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

Date of Signature

PIR Request submitted on 08/25/2020 08:18 PM

PIR Code: 20-55378-PIR

Due Date: 09/10/2020

Page One

Name Prefix:

Name: Lauren Hogrewe

Company/Organization: Sierra Club

Requestor Type: Non-Profit

Mailing Address 1:

Mailing Address 2:

City:

State/Province/Region:

Zip/Postal Code:

Country:

E-mail Address: lauren.hogrewe@sierraclub.org

Phone Number: (818) 294-4792

FAX Number:

Page Two

Sites/Facilities :

RN	Facility	CN	Customer	Program	Additional ID
RN100224849	HARRINGTON STATION POWER PLANT				

Area Description: County:POTTER Nearest City:AMARILLO State:TX Near ZIP Code:79107

Physical Location: LAKESIDE & HWY 136 6 MI N OF IH 40 AMARILLO TX

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Date Range:

Agency Programs: Commission Issued Orders (COMM), EXEC (EXEC), Pollution Prevention (EXEC), Air - Banking & Trading (OA), Air - Emissions Inventory (OA), Air - New Source Permits (OA), Air - Operating Permits (OA), Air - TERP Grant Programs (OA), Air-Air Fees (OA), Other (OAS), Air - Complaints (OCE), Air - Investigations (OCE), Compliance (OCE) and Enforcement (OCE)

Addition Record Search: (1) All records concerning Harrington Station's plan for compliance with the SO2 NAAQS, including, but not limited to all records related to the Agreed Order with Xcel Energy to support attainment and maintenance of the SO2 National Ambient Air Quality Standards, Project No. 2020-046-OTH-NR (2) All records reflecting communications concerning Harrington Station's compliance with the SO2 NAAQS between TCEQ and/or (a) Xcel-Southwestern Public Service Company; (b) EPA; or (c) any entity representing Xcel or EPA.

Data Only: No

Confidential Information: No

Sierra Club Exhibit 22
Page 2 of 25

Certified Information: No
Request Documents: No data found

2/11/22, 12:20 PM

Sierra Club Mail - RE: PIR 55378

Sierra Club Exhibit 22
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Lauren Hogrewe <lauren.hogrewe@sierraclub.org>

RE: PIR 55378

2 messages

Lindley Anderson <lindley.anderson@tceq.texas.gov>

Mon, Sep 21, 2020 at 11:25 AM

To: "lauren.hogrewe@sierraclub.org" <lauren.hogrewe@sierraclub.org>

Cc: Lisa D'Amato <lisa.DAmato@tceq.texas.gov>, "joshua.smith@sierraclub.org" <joshua.smith@sierraclub.org>

Lauren—

The responsive information Josh and I discussed last week is attached. Please let me know if you would like any of the other files listed in the estimate.

Sincerely,

Lindley Anderson

Air Quality Division

Texas Commission on Environmental Quality

Phone: (512) 239-0003

E-mail: Lindley.Anderson@tceq.texas.gov

How is our customer service? Fill out our online customer satisfaction survey at www.tceq.texas.gov/goto/customersurvey.

From: Lindley Anderson

Sent: Thursday, September 10, 2020 9:45 AM

To: lauren.hogrewe@sierraclub.org

Cc: Lisa D'Amato <lisa.DAmato@tceq.texas.gov>

Subject: PIR 55378

Lauren Hogrewe,

Please see the attached response to PIR 55378.

Sincerely,

Re: Agreed Order

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West, Jeffrey L <jeffrey.l.west@xcelenergy.com>

7/30/2020 7:15 AM

To: Terry Salem; Donna Huff; Bloomberg, Jon H; John Minter; Guy Hoffman; Kristin Jacobsen; Vincent Meiller Cc: Laurie Barker; Steven Hagood

No issues with us

Jeff West

From: Terry Salem <terry.salem@tceq.texas.gov>

Sent: Thursday, July 30, 2020 7:26:08 AM

To: West, Jeffrey L <jeffrey.l.west@xcelenergy.com>; Donna Huff <donna.huff@tceq.texas.gov>; Bloomberg, Jon H <Jon.H.Bloomberg@xcelenergy.com>; John Minter <john.minter@tceq.texas.gov>; Guy Hoffman <guy.hoffman@tceq.texas.gov>; Kristin Jacobsen <Kristin.Jacobsen@tceq.texas.gov>; Vincent Meiller <vincent.meiller@tceq.texas.gov>

Cc: Laurie Barker <Laurie.Barker@tceq.texas.gov>; Steven Hagood <steven.hagood@tceq.texas.gov>

Subject: RE: Agreed Order

EXTERNAL - STOP & THINK before opening links and attachments.

Jeff,

Thanks very much! I have one question for you and Jon to consider prior to our call tomorrow:

In ordering provision (4) you added text committing you to resuming "full" operation with natural gas. Are you sure you want to have "full" here? I think it may be more prudent to simply say "resume operation utilizing natural gas" to preserve options for your company.

Sincerely,
Terry

Southwestern Public Service Company
Sierra Club's New Mexico Hearing Exhibits

Exhibit SPS-SC-5-2
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Docket No. 52485

Sierra Club Exhibit 22
Page 5 of 25

From: West, Jeffrey L <jeffrey.l.west@xcelenergy.com>

Sent: Wednesday, July 29, 2020 12:37 PM

To: Donna Huff <donna.huff@tceq.texas.gov>; Bloomberg, Jon H <Jon.H.Bloomberg@xcelenergy.com>; John Minter <john.minter@tceq.texas.gov>; Terry Salem <terry.salem@tceq.texas.gov>; Guy Hoffman <guy.hoffman@tceq.texas.gov>; Kristin Jacobsen <Kristin.Jacobsen@tceq.texas.gov>; Vincent Meiller <vincent.meiller@tceq.texas.gov>

Cc: Laurie Barker <Laurie.Barker@tceq.texas.gov>; Steven Hagood <steven.hagood@tceq.texas.gov>

Subject: RE: Agreed Order

This may be the quickest negotiated Agreed Order in history. I have attached the latest version of the Agreed Order with our minor comments. The only comments reference how we refer to Xcel Energy, modification to EPN numbers and the signature block for our president. We are fine with all of the proposed changes so I would consider this now our final draft for review internally at TCEQ. We can discuss on Friday but may be a short call. Thanks for all the assistance and teamwork on this.

Jeff West

Xcel Energy

Senior Director, Environmental Services

1800 Larimer Street, Suite 1300, Denver, CO 80202

P: 303-571-2762 C: 806-570-8914 F: 303-294-2859

E: Jeffrey.L.West@xcelenergy.com

-----Original Appointment-----

From: Donna Huff <donna.huff@tceq.texas.gov>

Sent: Tuesday, July 14, 2020 9:34 AM

To: Donna Huff; West, Jeffrey L; Bloomberg, Jon H; John Minter; Terry Salem; Guy Hoffman; Kristin Jacobsen; Vincent Meiller

Cc: Laurie Barker; Steven Hagood

Subject: Agreed Order

When: Friday, July 31, 2020 9:00 AM-10:00 AM (UTC-06:00) Central Time (US & Canada).

Where:

EXTERNAL - STOP & THINK before opening links and attachments.

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Sierra Club Exhibit 22

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Donna

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RE: Agreed Order

Sierra Club Exhibit 22
Page 7 of 25



Terry Salem <terry.salem@tceq.texas.gov>

7/30/2020 6:26 AM

To: West, Jeffrey L; Donna Huff; Bloomberg, Jon H; John Minter; Guy Hoffman; Kristin Jacobsen; Vincent Meiller Cc: Laurie Barker; Steven Hagood

Jeff,

Thanks very much! I have one question for you and Jon to consider prior to our call tomorrow:

In ordering provision (4) you added text committing you to resuming "full" operation with natural gas. Are you sure you want to have "full" here? I think it may be more prudent to simply say "resume operation utilizing natural gas" to preserve options for your company.

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Sent: Wednesday, July 29, 2020 12:37 PM

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Cc: Laurie Barker <Laurie.Barker@tceq.texas.gov>; Steven Hagood <steven.hagood@tceq.texas.gov>

Subject: RE: Agreed Order

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Southwestern Public Service Company
Sierra Club's New Mexico Hearing Exhibits

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Docket No. 52485

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Sierra Club Exhibit 22
Page 8 of 25

Jeff West

Xcel Energy

Senior Director, Environmental Services

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Cc: Laurie Barker; Steven Hagood

Subject: Agreed Order

When: Friday, July 31, 2020 9:00 AM-10:00 AM (UTC-06:00) Central Time (US & Canada).

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Donna

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West, Jeffrey L <jeffrey.l.west@xcelenergy.com>

7/29/2020 10:16 AM

Sierra Club Exhibit 22

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To: Donna Huff; Bloomberg, Jon H; John Minter; Terry Salem; Guy Hoffman; Kristin Jacobsen; Vincent Meiller Cc: Laurie Barker; Steven Hagood

Save all attachments



Potter County AO Xcel Energy...

303.65 KB



Potter County AO Xcel Energy...

306.57 KB

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Southwestern Public Service Company
Sierra Club's New Mexico Hearing Exhibits

Exhibit SPS-SC-5-2
Page 20 of 36
Docket No. 52485

Jeff West

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Sierra Club Exhibit 22

Page 10 of 25

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Donna

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	BEFORE THE
AGREED ORDER CONCERNING	§	
<u>Xcel Energy</u> <u>SOUTHWESTERN PUBLIC SERVICE COMPANY,</u>		
<u>HARRINGTON STATION</u>		
	§	TEXAS COMMISSION
CN 601298771	§	
RN 100224849	§	ON
	§	
ACCOUNT NO. PG0041R	§	ENVIRONMENTAL QUALITY

Commented [TS1]: Please affirm correct legal corporate entity name. This is the entity name associated with the CN / RN numbers provided here.

Commented [TS2]: Please affirm correct CN / RN / Account numbers.

AGREED ORDER
DOCKET NO. XXXXXXXXXXXX

The Texas Commission on Environmental Quality (Commission or TCEQ) and Southwestern Public Service Company, dba Xcel Energy (~~Xcel Inc.~~ Xcel or the Company) enter into this Agreed Order for the purpose of supporting attainment and maintenance of the sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as required by the Federal Clean Air Act (FCAA).

The Executive Director of the Commission (the Executive Director) and the Company have agreed on the commitments documented in this Agreed Order to support attainment and maintenance of the SO₂ NAAQS, subject to the approval of the Commission.

The Commission hereby orders the Company, and the Company agrees, that it shall comply with the requirements contained in this Agreed Order from the facility referenced below, pursuant to §§382.011, 382.012, 382.023, and 382.024, of the Texas Clean Air Act (TCAA or the Act), Texas Health & Safety Code, Chapter 382, and the Federal Clean Air Act (FCAA), 42 U.S.C. §7401 et seq., for the purpose of supporting attainment and maintenance of the SO₂ NAAQS.

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Page 2

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. Section 109 of the FCAA, 42 U.S.C., §7409, requires the Environmental Protection Agency (EPA) to set NAAQS for the protection of public health and welfare.
2. EPA originally established the NAAQS for SO₂ in 1971, effective upon publication as published on April 30, 1971, 36 *Fed. Reg.* 8186. EPA last revised the SO₂ primary standard effective August 23, 2010, as published on June 22, 2010, 75 *Fed. Reg.* 35520. The EPA retained the primary standard without revision effective April 17, 2019, as published on March 18, 2019, 84 *Fed. Reg.* 9866.
3. Section 110 of the FCAA, 42 U.S.C. §7410 requires Texas to provide for attainment and maintenance of the NAAQS.
4. Sections 382.011 and 382.012 of the TCAA provide authority for the Commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; and §§382.023, and 382.024-of the TCAA provide the Commission with authority to issue orders. The issuance of this Agreed Order complies with the TCAA.
5. The Commission and the Company agree that the Commission has jurisdiction to enter this Agreed Order and the Company is subject to the Commission's jurisdiction.
6. ~~The Commission and the Company acknowledge that the Company is entering into this Agreed Order voluntarily, and not as the result of any enforcement action. This Agreed Order makes no findings regarding Company compliance or non-compliance, and nothing~~ Nothing in this Agreed Order shall be interpreted as evidence that the Company is either in compliance or is in any respect non-compliant with any federal, state, or local law, ~~or is causing or contributing to a violation of the NAAQS.~~ This Agreed Order shall not be considered as part of the Company's compliance history under 30 T.A.C. Chapter 60 or the Commission's Penalty Policy.
7. Nothing in this Agreed Order supersedes any requirement of the TCAA or the rules and requirements of the Commission, except as explicitly provided herein.
8. Potter County was designated unclassifiable for the 2010 SO₂ NAAQS by the EPA effective on September 12, 2016 as published in the *Federal Register* on July 12, 2016, 81 *Fed. Reg.* 45039.
9. In December 2019, TCEQ completed 3 years of SO₂ monitoring in Potter County in the vicinity of the Harrington Station and has determined that air quality in that region exceeded the SO₂ NAAQS during that period. If commitments such

Commented [TS3]: Xcel to review. Potentially delete?

Agreed Order Docket No. XXXXXXXX
Page 3

as those provided for in this Order were not implemented, continued exceedance of the NAAQS standard would require the area to be designated as nonattainment for the SO₂ NAAQS. Following a nonattainment designation, TCEQ would be required to develop a plan to achieve compliance with the SO₂ NAAQS in Potter County. Such a plan would, in these circumstances, necessarily involve requiring emissions reductions at Harrington Station that would necessitate either installation of extensive emissions controls (if technically feasible), fuel conversion or retirement of the units to meet the NAAQS standards. Regardless of the Company's compliance with existing emissions requirements, TCEQ would need to require emissions reductions at Harrington Station in order to achieve the NAAQS standard. The nonattainment designation would also impact requirements associated with permitting modifications to Harrington Station, as well as other new and existing facilities in the area.

10. On March 5, 2020, TCEQ Region 1 provided the Company information indicating an alleged violation of the NAAQS requirements and referral to enforcement. TCEQ Region 1 informed the Company that the Company is emitting the majority of SO₂ in the area contributing to the exceedance of this NAAQS standard. The Company enters into this agreement to support attainment and maintenance of the NAAQS standard and avoid a designation of the area to nonattainment.

~~9-11.~~ The Company owns and operates the Harrington Station Power Plant located at ~~8300 N. Lakeside & Hwy 136, 6 miles north of I.H. 40~~, Amarillo, Potter County, Texas—79108.

~~10-12.~~ The plant consists of one or more sources as defined in TCAA, §382.003(12), including _____, three (3) coal burning electrical generating units.

~~11-13.~~ The coal-fired units described above at the Harrington Station Power Plant are authorized to emit air contaminants as specified in new source review (NSR) permit _____, as issued by the TCEQ on _____ and codified in Federal Operating Permit _____, issued by the TCEQ on _____. Unless otherwise specified, all references in this Agreed Order to NSR permit _____ refer to the version of that permit issued on _____, and all references to the Federal Operating Permit issued on _____ permits listed below:

Harrington Unit 1 – Permit 1388 issued on February 13, 2014

Harrington Unit 2 and 3 – Permit 5129 issued on February 13, 2017

Facility is authorized under Federal Title V permit -015 issued on January 5, 2015.

Unless otherwise specified, all references in this Agreed Order are for the NSR and Federal permits listed above.

Commented [TS4]: There is no street address on file with TCEQ. This is the physical location available in central registry. Xcel to verify and add any other descriptive information they prefer.

Agreed Order Docket No. XXXXXXX

Page 4

~~12.14.~~ The Company and the Commission agree that, effective upon the completion of all of the requirements of this Agreed Order, ~~that~~ the units specified in ~~paragraph X~~Paragraph 13 shall no longer utilize coal to fuel the units. ~~If the Company decides in the future to use coal to fuel the units, it agrees that it will not do so without first obtaining appropriate authorization from the Commission and will document this commitment in its NSR Permit No. -----Nos. 1388 and 5129.~~

Commented [TS5]: Xcel to review for acceptability, phrasing, focus

~~13.15.~~ This Agreed Order does not authorize or prohibit any modification of the facility listed above, as long as such modification does not conflict with provision II.2 of this Agreed Order. The Company is ordered to submit the appropriate application or registration documentation to the TCEQ for any authorization, if any, necessary to implement the requirements of this Agreed Order. This Agreed Order does not prohibit the non-substantive renumbering or reorganization of the provisions of NSR ~~permit -----~~Permit Nos. 1388 and 5129

Commented [TS6]: Note to check this reference prior to finalizing.

II. ORDER

In accordance with the Stipulations noted above, it is therefore ordered by the Commission that:

1. The Company shall demonstrate compliance with this Order as described in subparagraphs (1) - (3) below. ~~Additionally, the Company shall revise its NSR permit ----- and Federal Operating Permit ---- as described in this Order.6) below.~~

Commented [TS7]: Modify appropriately

(1) —

~~{add requirement to report on completion of milestones, as agreed by the company}~~

(2) —

(3) —

(1) By January 1, 2015, Company shall cease burning coal at the units specified in Paragraph 13 of this Order.

(2) By April 1, 2021, Company shall apply for a revision to its NSR Permits 1388 and 5129, incorporating a requirement to cease burning coal consistent with the terms of this Order. Such application shall also include any other proposed changes to permit terms or requirements to facilitate the purposes of this Order. Company shall make best efforts to obtain the proposed permit amendment as expeditiously as is reasonably possible.

(3) After revision of the NSR permit referenced above, Company shall seek to have any revised applicable requirements incorporated

Agreed Order Docket No. XXXXXXXX
Page 5

into Federal Operating Permit 015 consistent with state and federal rules.

(4) The Company shall make the appropriate modifications to the three (3) units at the facility to cease coal operations and resume full operation utilizing natural gas by January 1, 2025. These actions will include installation of additional gas line capacity and site improvements to infrastructure and the unit boilers to burn natural gas at full capacity.

(5) The Company shall provide quarterly reports to TCEQ regarding the status of compliance with this Order. Reports shall include progress toward the conversion of these units to burn natural gas and cease burning coal and permitting efforts related to the same. The first report shall be due for the first full calendar quarter after full approval of this Order. Each report shall be due 30 days after the end of a calendar quarter until this order is terminated pursuant to Paragraph II.3. below.

(6) The Company shall make records available upon request by the TCEQ or any other air pollution control agency with jurisdiction over the Company to establish compliance with this Agreed Order.

2. The provisions of this Agreed Order shall apply to, and be binding upon, the Company, its successors, assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. The Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of the plant, located at _____, 8300 N. Lakeside, Amarillo, Potter County, Texas, 79108, and within ten (10) days of any such transfer, provide the TCEQ with written certification of such transfer, and that such notice has been given.

Commented [TS8]: Note to revise appropriately as directed by Xcel in response to comment above.

3. This Order shall terminate upon written confirmation by Company that it has met all the requirements set forth herein and subsequent written concurrence by TCEQ.

3.4. Notification points of contact:

~~Jeff For West~~

Xcel Energy;

Jeffrey L. West

Senior Director, Environmental Services
1800 Larimer Street, Suite 1300

Denver, CO 80202

For TCEQ:

Agreed Order Docket No. XXXXXXX
Page 6

~~4~~5. If any portion of this Agreed Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Agreed Order Docket No. XXXXXXX
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Jon Niermann
Chairman
Texas Commission on Environmental Quality

Date

Agreed Order Docket No. XXXXXXX

Page 8

I, the undersigned, have read and understood the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the specified terms and conditions.

[name of Xcel Energy Representative]

Title
Xcel Energy

Date of Signature

Erin E. Chancellor
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

Date of Signature

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	BEFORE THE
AGREED ORDER CONCERNING	§	
SOUTHWESTERN PUBLIC SERVICE	§	
COMPANY, dba XCEL ENERGY INC.	§	
HARRINGTON STATION POWER	§	TEXAS COMMISSION
PLANT	§	
	§	
CN 601481336	§	ON
RN 100224849	§	
	§	
ACCOUNT NO. PG0041R	§	ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. XXXXXXXXXXXX

The Texas Commission on Environmental Quality (Commission or TCEQ) and Southwestern Public Service Company, dba Xcel Energy Inc. (Xcel Energy or the Company) enter into this Agreed Order for the purpose of supporting attainment and maintenance of the sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) as required by the Federal Clean Air Act (FCAA).

Commented [TS1]: Jon - just wanted to check that you prefer there is no comma here between Energy, Inc.?

The Executive Director of the Commission (the Executive Director) and the Company have agreed on the commitments documented in this Agreed Order to support attainment and maintenance of the SO₂ NAAQS, subject to the approval of the Commission.

The Commission hereby orders the Company, and the Company agrees, that it shall comply with the requirements contained in this Agreed Order from the facility referenced below, pursuant to §§382.011, 382.012, 382.023, and 382.024, of the Texas Clean Air Act (TCAA or the Act), Texas Health & Safety Code, Chapter 382, and the Federal Clean Air Act (FCAA), 42 U.S.C. §7401 et seq., for the purpose of supporting attainment and maintenance of the SO₂ NAAQS.

Agreed Order Docket No. XXXXXXXX
Page 2

I. STIPULATIONS

For the purpose of this Agreed Order, the parties have agreed and stipulated as follows:

1. Section 109 of the FCAA, 42 U.S.C., §7409, requires the Environmental Protection Agency (EPA) to set NAAQS for the protection of public health and welfare.
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3. Section 110 of the FCAA, 42 U.S.C. §7410 requires Texas to provide for attainment and maintenance of the NAAQS.
4. Sections 382.011 and 382.012 of the TCAA provide authority for the Commission to control the quality of the state's air and prepare and develop a general, comprehensive plan for the proper control of the state's air; and §§382.023, and 382.024 of the TCAA provide the Commission with authority to issue orders. The issuance of this Agreed Order complies with the TCAA.
5. The Commission and the Company agree that the Commission has jurisdiction to enter this Agreed Order and the Company is subject to the Commission's jurisdiction.
6. Nothing in this Agreed Order shall be interpreted as evidence that the Company is either in compliance or is in any respect non-compliant with any federal, state, or local law. This Agreed Order shall not be considered as part of the Company's compliance history under 30 Texas Administrative Code (T.A.C.) Chapter 60 or the Commission's Penalty Policy.
7. Nothing in this Agreed Order supersedes any requirement of the TCAA or the rules and requirements of the Commission, except as explicitly provided herein.
8. Potter County was designated unclassifiable for the 2010 SO₂ NAAQS by the EPA effective on September 12, 2016 as published in the *Federal Register* on July 12, 2016, 81 *Fed. Reg.* 45039.
- ~~8.9. The Company owns and operates the Harrington Station Power Plant located at 8300 N. Lakeside, Amarillo, Potter County, Texas 79108.~~
- ~~9.10. In December 2019, 3 years of SO₂ air quality monitoring data in Potter County in the vicinity of the Harrington Station Power Plant indicated that the SO₂ NAAQS was exceeded during that period. In December 2019, TCEQ~~

Agreed Order Docket No. XXXXXXX

Page 3

~~completed 3 years of SO₂ monitoring in Potter County in the vicinity of the Harrington Station Power Plant and has determined that air quality in that region exceeded the SO₂ NAAQS during that period. If commitments such as those provided for in this Agreed Order were not implemented, continued exceedance of the NAAQS standard could occur. would require the area to be designated as nonattainment for the SO₂ NAAQS. [An area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant may be designated as a nonattainment area.~~ Following a nonattainment designation, TCEQ would be required to develop a plan to achieve compliance with the SO₂ NAAQS in Potter County. Such a plan would, in these circumstances, necessarily involve requiring emissions reductions at the Harrington Station Power Plant that would necessitate either installation of extensive emissions controls (if technically feasible), fuel conversion, or retirement of the units to meet the NAAQS standards. Regardless of the Company's compliance with existing emissions requirements, TCEQ would need to require emissions reductions at the Harrington Station Power Plant in order to achieve the NAAQS standard. The nonattainment designation would also impact requirements associated with permitting modifications to the Harrington Station Power Plant, as well as other new and existing facilities in the area.

Commented [TS2]: Note for Xcel - the commission hasn't made such a determination, so we are changing this to a factual statement instead.

Commented [TS3]: TCEQ preferred option noted here

~~+0.11.~~ On March 5, 2020, TCEQ Region 1 provided the Company information indicating an alleged violation of the NAAQS requirements and referral to enforcement. TCEQ Region 1 informed the Company that the Harrington Station Power Plant is emitting the majority of SO₂ in the area contributing to the exceedance of this NAAQS standard. The Company enters into this agreement to support attainment and maintenance of the NAAQS standard and avoid a designation of the area to nonattainment.

~~11. The Company owns and operates the Harrington Station Power Plant located at 8300 N. Lakeside, Amarillo, Potter County, Texas 79108.~~

Commented [JM4]: This is a stylistic comment but I still think this paragraph should go between paragraphs 8 and 9.

12. The Harrington Station Power Plant consists of one or more sources as defined in TCAA, §382.003(12), including three (3) coal-fired electrical generating units (coal-fired units or units):

- a. Harrington Unit 1, EPN HS-1;
- b. Harrington Unit 2, EPN ~~HS-2-1~~; and
- c. Harrington Unit 3, EPN ~~HS-3-1~~.

Commented [TS5]: Xcel to confirm I have documented these correctly

13. The coal-fired units described above at the Harrington Station Power Plant are authorized to emit air contaminants as specified in new source review (NSR) permits listed below:

- a. Harrington Unit 1 - Permit 1388 issued on February 13, 2014; and
- b. Harrington Unit 2 and 3 - Permit 5129 issued on February 13, 2017.

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Page 4

All 3 coal-fired units are authorized under Federal Operating Permit ~~015-015~~ issued on January 5, 2015. Unless otherwise specified, all references in this Agreed Order are for the NSR **and Federal Operating permits listed above.**

14. The Company and the Commission agree that, effective upon the completion of all of the requirements of this Agreed Order, the units specified in Paragraph 12 shall no longer utilize coal to fuel the units and will document this commitment in its NSR Permit Nos. 1388 and 5129.

Commented [TS6]: Note to ensure that this reference stays correct in final version

15. This Agreed Order does not authorize or prohibit any modification of the facility listed above, as long as such modification does not conflict with provision II.1 of this Agreed Order. The Company is ordered to submit the appropriate application or registration documentation to the TCEQ for any authorization, if any, necessary to implement the requirements of this Agreed Order. This Agreed Order does not prohibit the non-substantive renumbering or reorganization of the provisions of NSR Permit Nos. 1388 and 5129 or Federal Operating Permit 015.

Commented [TS7]: Note to check this reference prior to finalizing.

II. ORDER

In accordance with the Stipulations noted above, it is therefore ordered by the Commission that:

1. The Company shall demonstrate compliance with this Order as described in subparagraphs (1) - (6) below.

- (1) By January 1, 2025, Company shall cease burning coal at the units specified in Paragraph 12 of this Order.
- (2) By April 1, 2021, Company shall apply for a revision to its NSR Permits 1388 and 5129, incorporating a requirement to cease burning coal consistent with the terms of this Order. Such application shall also include any other proposed changes to permit terms or requirements to facilitate the purposes of this Order. Company shall make best efforts to obtain the required permit revision ~~proposed permit amendment~~ as expeditiously as is reasonably possible.
- (3) After revision of the NSR permits referenced above, Company shall seek to have any revised applicable requirements incorporated into Federal Operating Permit ~~015-015~~ consistent with state and federal rules.
- (4) The Company shall make the appropriate modifications to the three (3) units at the facility to cease coal operations and resume full operation utilizing natural gas by January 1, 2025. These actions will include installation of additional gas line capacity and site improvements to infrastructure and the unit boilers to burn natural gas at full capacity.

Commented [TS8]: The permit revision mechanism should not be specified here - should say instead "required permit revision"

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- (5) The Company shall provide quarterly reports to TCEQ regarding the status of compliance with this Order. Reports shall include progress toward the conversion of these units to burn natural gas and cease burning coal and permitting efforts related to the same. The first report shall be due for the first full calendar quarter after full approval of this Order. Each report shall be due 30 calendar days after the end of a calendar quarter until this order is terminated pursuant to Provision II.3. below.
- (6) The Company shall make records available upon request by the TCEQ or any other air pollution control agency with jurisdiction over the Company to establish compliance with this Agreed Order.
2. The provisions of this Agreed Order shall apply to, and be binding upon, the Company, its successors, assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreed Order by personal service or otherwise. The Company is hereby ordered to give notice of this Agreed Order to any successor in interest prior to transfer of ownership of all or any part of the plant, located at 8300 N. Lakeside, Amarillo, Potter County, Texas, 79108, and within ten (10) days of any such transfer, provide the TCEQ with written certification of such transfer, and that such notice has been given.
3. This Order shall terminate upon written confirmation by Company that it has met all the requirements set forth herein and subsequent written concurrence by TCEQ.
4. Notification points of contact:
- For ~~Xcel Energy, Inc.~~ _____
- Jeffrey L. West
Senior Director, Environmental Services
1800 Larimer Street, Suite 1300
Denver, CO 80202
- For TCEQ:
- Donna F. Huff
Director, Air Quality Division
P.O. Box 13087
MC-206
Austin, Texas 78711-3087
5. If any portion of this Agreed Order is for any reason held to be invalid by a court of competent jurisdiction, the invalidity of any portion shall not affect the validity of the remaining portions.

Commented [TS9]: Same comment as above

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
Jon Niermann
Chairman
Texas Commission on Environmental Quality

Date

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I, the undersigned, have read and understood the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the specified terms and conditions.

David Hudson [Name of Xcel Energy Representative] ----- Date of Signature
President Title
Southwestern Public Service Company Xcel Energy

Commented [TS10]: Xcel to Identify

Commented [TS11R10]: Per Jon, this is David Hudson.
Jon will confirm signature authority

Erin E. Chancellor
Deputy Director
Office of Legal Services
Texas Commission on Environmental Quality

Date of Signature