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

REBUTTAL TESTIMONY
of
JEFFREY L. WEST

on behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

(Filename: WestRebuttal.docx; Total Pages: 14)

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

<u>Acronym/Defined Term</u>	<u>Meaning</u>
BART	Best Available Retrofit Technology
Commission	Public Utility Commission of Texas
CSAPR	Cross-State Air Pollution Rule
EPA	Environmental Protection Agency
FIP	Federal Implementation Plan
Harrington	Harrington Generating Station
NAAQS	National Ambient Air Quality Standards
SO ₂	sulfur dioxide
SPS	Southwestern Public Service Company, a New Mexico corporation
TPWD	Texas Parks and Wildlife Department

**REBUTTAL TESTIMONY
OF
JEFFREY L. WEST**

I. WITNESS IDENTIFICATION

1

2 **Q. Please state your name and business address.**

3 A. My name is Jeffrey L. West. My business address is 1800 Larimer Street, Suite
4 1300, Denver, Colorado 80202.

5 **Q. By whom are you employed and in what position?**

6 A. I am a Senior Director in Environmental Services at Xcel Energy Inc.

7 **Q. On whose behalf are you testifying in this docket?**

8 A. I am testifying on behalf of Southwestern Public Service Company, a New Mexico
9 corporation (“SPS”).

10 **Q. Are you the same Jeffrey L. West who filed direct testimony on behalf of SPS
11 in this docket?**

12 A. Yes.

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II. SUMMARY OF TESTIMONY

Q. What is the scope of your rebuttal testimony?

A. My rebuttal testimony responds to certain issues raised and recommendations proposed by the following Intervenor and Staff witnesses:

- Devi Glick, who testifies on behalf of the Sierra Club; and
- John Poole, who testifies on behalf of Public Utility Commission of Texas (“Commission”) Staff.

Q. Please summarize the conclusions in your rebuttal testimony.

In short, Ms. Glick’s summary on the status of current federal environmental regulations as they relate to Harrington Generating Station (“Harrington”) is incomplete and fails to acknowledge material uncertainties. As such, Ms. Glick’s speculation as to the possibility of future regional controls related to Harrington is based on unknowns that have no current basis in fact. Additionally, contrary to Ms. Glick’s assertions, SPS is familiar with permitting that must occur at Harrington in order to convert the plant and such permitting can and will be accomplished prior to completion of the project. Ms. Glick’s current speculation related to the possibility of future environmental regulation and the permitting status of Harrington is unreasonable.

With respect to Mr. Poole’s testimony on the recommendations of the Texas Parks and Wildlife Department (“TPWD”), my testimony confirms that SPS will work with the TPWD to address any environmental issues related to the construction of the pipeline, will comply with the TPWD recommendations as applicable in the context of the pipeline build, and will provide TPWD with a status

- 1 report prior to the commencement of construction and a final report within 30 days
- 2 of the completion of construction.

1 In September of 2018, the EPA proposed another rule to reconsider the final
2 rule implementing BART and made it available for notice and comment. The
3 proposed 2018 rule would affirm the rule published in September of 2017 with
4 minor corrections. In the meantime, the EPA finalized a rule removing Texas from
5 CSAPR for SO₂. Under the proposed 2018 BART rule, SPS can maintain
6 compliance by using allocated allowances without the need for added controls at
7 Harrington. Additionally, the 2018 FIP rule would not require the installation of
8 controls for SO₂ (scrubbers), nitrogen oxides (selective catalytic reduction), or
9 particulate matter. Regardless, the EPA finalized the rule with an effective date of
10 September 11, 2020, and it was immediately challenged by environmental groups.

11 Currently, the EPA has announced its intention to reconsider the Texas
12 BART FIP rule. This decision will have the effect of holding any judicial
13 challenges in abeyance. However, neither SPS nor the Sierra Club can predict at
14 this time whether or when any of the proposed rule changes referred to above might
15 be adopted.

1 **IV. POTENTIAL FOR HARRINGTON TO FACE FUTURE REGIONAL HAZE**
2 **RESTRICTIONS**

3 **Q. How do you respond to Ms. Glick's suggestion that Harrington may face**
4 **regional haze restrictions in the future, even after conversion?**

5 A. No current regulation supports her claim. The Regional Haze Rule requires
6 visibility at 156 national parks and wilderness areas across the United States
7 designated by EPA to be the same in 2064 as it was 2005. The visibility required
8 by the EPA is documented and measured in 10-year cycles for Reasonable Further
9 Progress wherein a state is permitted to demonstrate its progress in the form of a
10 glidepath in attaining the requirements. Texas is required to follow this process.
11 The next cycle for Reasonable Further Progress evaluation will begin in 2028.
12 Currently, Texas is meeting the glidepath for compliance and, accordingly, will not
13 require any further controls at Harrington to comply with the Regional Haze Rule.
14 Additionally, due to the current retirement dates of the units and their emission
15 reductions of SO₂ when converting to natural gas fuel, it would be deemed
16 unreasonable to install any further controls at Harrington for the purpose of
17 Regional Haze when completing the Four Factor analysis required by the rule.

18 **Q. Does Ms. Glick's testimony contain any other flawed assumptions with respect**
19 **to her Regional Haze Rule predictions?**

20 A. Yes. Importantly, the units are scheduled for retirement in 2036, 2038, and 2040,
21 respectively. The retirements will coincide with the end of next phase of
22 Reasonable Further Progress and there is no known scenario where additional
23 controls would be required at the units due to their retirement dates in relation to
24 Reasonable Further Progress, particularly once they have been converted to gas,

1 where SO₂ and particulate matter are no longer a concern. Any control scenarios
2 would be deemed economically unviable due to the unit retirement dates in relation
3 to what would be the likely compliance date (3 to 5 years following the start of the
4 planning period that will begin in 2038). Therefore, there are no known scenarios
5 in regard to Regional Haze where additional controls would be required prior to
6 retirement.

7 **Q. Ms. Glick also notes that the EPA Administrator signed a proposed “Good**
8 **Neighbor” FIP for 2015 Ozone National Ambient Air Quality Standards that**
9 **could affect Harrington and require additional costs. Do you have any**
10 **comments on the new proposed FIP?**

11 A. Ms. Glick is correct that the EPA has taken recent action on a “Good Neighbor”
12 FIP. The new proposed rule would implement a FIP in certain impacted states
13 listed in the rule. Texas is one of these states. Under the new proposed rule, the
14 EPA will promulgate a Group 3 allowance program for nitrogen oxides allowances
15 for the affected sources in the states. These allowances will be based on emission
16 history profiles and National Ambient Air Quality Standards (“NAAQS”).
17 However, this rule is also in a proposed state and is not final. SPS will be
18 commenting on the rule, along with other industry groups and affected sources. As
19 such, the requirements currently listed in the proposed rule may change. In the
20 event the current proposed rule remains unchanged in its final form, SPS will
21 evaluate a compliance strategy associated with the new rule requirements. This can
22 include an allowance strategy for SPS based on operation of the affected units and
23 the allocated allowances. In the event that additional allowances would be needed,

- 1 SPS would work to secure through the Group 3 allowance trading program listed
- 2 in the proposed rule.

1 A. Generally, no. SPS has worked with the TPWD on many projects in the past and
2 is familiar with TPWD's preferences and practices. As a point of clarification, I
3 would note that TPWD's preferences and practices are addressed on an as
4 applicable basis. For instance, if no migratory birds are impacted by the proposed
5 project, then no management practice must be employed to minimize any potential
6 impact. Similarly, any erosion controls required by the TPWD are based on the
7 nature of the specific site where erosion controls may be necessary. Put differently,
8 the entire pipeline route will not require erosion controls, only certain portions of it
9 will. Where TPWD's better practices are applicable to the project build, SPS will
10 follow those practices. As such, SPS also has no general objection to collaborating
11 with the TPWD, as Mr. Poole recommends. However, with respect to Mr. Poole's
12 recommendations that SPS file status reports with the TPWD prior to the
13 commencement of construction and following construction, SPS requests that it be
14 permitted to collaborate with the TPWD, consistent with applicable standards and
15 current practice, and that any necessary reporting be the result of that collaboration.

16 **Q. Does this conclude your pre-filed rebuttal testimony?**

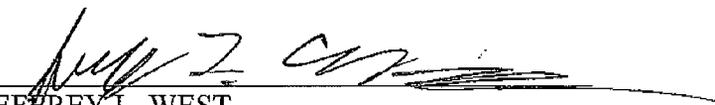
17 A. Yes.

AFFIDAVIT

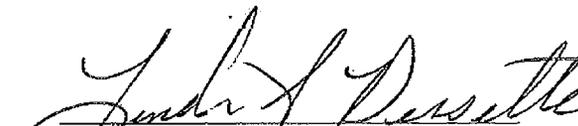
STATE OF COLORADO)
)
COUNTY OF DENVER)

JEFFREY L. WEST first being sworn on his oath, states:

I am the witness identified in the preceding rebuttal testimony. I have read the testimony and the accompanying attachment(s) and am familiar with the contents. Based upon my personal knowledge, the facts stated in the testimony are true. In addition, in my judgment and based upon my professional experience, the opinions and conclusions stated in the testimony are true, valid, and accurate.


JEFFREY L. WEST

Subscribed and sworn to before me this 12 day of April, 2022 by JEFFREY L. WEST

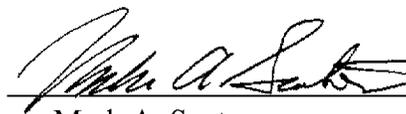

Notary Public, State of Colorado

LINDA S DISSETTE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184016179
MY COMMISSION EXPIRES APRIL 13, 2022

My Commission Expires: 4-13-22

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 April 13, 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