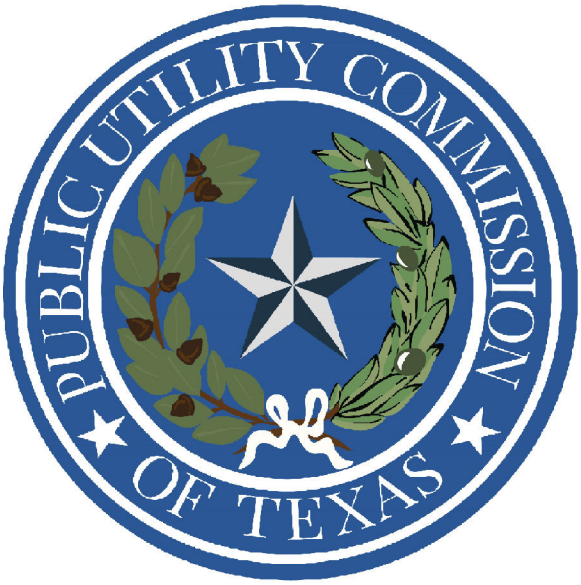

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APPLICATION OF SOUTHWESTERN PUBLIC SERVICE COMPANY TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY TO CONVERT HARRINGTON GENERATING STATION FROM COAL TO NATURAL GAS	**§ § § § § § §**	**PUBLIC UTILITY COMMISSION OF TEXAS**

DIRECT TESTIMONY

of

JEFFREY L. WEST

on behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

(*Filename:* WestDirect.doc; *Total Pages: 25*)

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

Acronym/Defined Term	Meaning
CCR	Coal Combustion Residuals
Commission	Public Utility Commission of Texas
DSI	Dry Sorbent Injection
EPA	Environmental Protection Agency
HCl	Hydrogen Chloride
MW	Megawatt
NAAQS	National Ambient Air Quality Standards
PPB	Part per billion
SDA	Spray Dryer Absorber
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
SPS	Southwestern Public Service Company, a New Mexico corporation
TCEQ	Texas Commission on Environmental Quality
Xcel Energy	Xcel Energy Inc.

LIST OF ATTACHMENTS

Attachment	Description
JLW-1	TCEQ Agreed Order (*non-native format)*

DIRECT TESTIMONY
OF
JEFFREY L. WEST

I. WITNESS IDENTIFICATION AND QUALIFICATIONS

Q. Please state your name and business address, and job title.

A. My name is Jeffrey L. West. My business address is 1800 Larimer Street, Suite 1300, Denver, CO 80202. I am a Senior Director in Environmental Services at Xcel Energy, Inc. ("Xcel Energy").

Q. On whose behalf are you testifying in this proceeding?

A. I am filing testimony on behalf of Southwestern Public Service Company, a New Mexico corporation ("SPS") and wholly-owned electric utility subsidiary of Xcel Energy.

Q. Please briefly outline your responsibilities as a Senior Director in Environmental Services.

A. As Senior Director, I am responsible for all environmental compliance, chemistry, and water resource activities for all of Xcel Energy's operations. This includes compliance activities associated with all aspects of the business to include generation, distribution, transmission, gas and nuclear.

Q. Please describe your professional experience.

A. I have more than 25 years of environmental and chemistry experience. I earned a BS in Biology and Chemistry from West Texas A&M University and a MS in Environmental Management and Engineering from Hardin-Simmons University. I also hold certifications as a Certified Hazardous Materials Manager (CHMM), Registered Environmental Manager (REM), and Registered Environmental

Professional (REP). I joined Xcel Energy in 2004. My career includes assignments in engineering, emergency response services, industrial planning, compliance, training, chemistry, reporting, and water resource planning. Throughout my career with Xcel Energy, I have held a number of positions of increasing responsibility in the areas of environmental and chemistry compliance, carbon and regulatory reporting, and water resource planning.

Q. Have you testified before any regulatory authorities?

A. Yes. I have testified orally at the proceeding for approval of the Agreed Order with Texas Commission on Environmental Quality ("TCEQ").

II. PURPOSE AND SUMMARY OF TESTIMONY AND RECOMMENDATIONS

Q. What is the purpose of your testimony in this proceeding?

A. The purpose of my testimony is to describe the environmental study and actions of the TCEQ that ultimately led the TCEQ and SPS to enter into an Agreed Order to convert Harrington Generating Station ("Harrington") from coal to natural gas.

Q. What are your recommendations related to Harrington?

A. I recommend that the Public Utility Commission of Texas ("Commission") approve SPS's request to amend its certificate of public convenience and necessity for Harrington and that it find conversion of Harrington to natural gas-fired generation is reasonable and should be approved.

Q. Does Attachment JLW-1 comport what you say it does?

A. Yes.

III. HISTORY OF HARRINGTON STATION

Q. What type of coal is burned at Harrington?

A. Harrington station burns Sub-bituminous coal from the Antelope and North Antelope mines. This coal is approximately 8,850 BTU. This coal is considered low sulfur coal and aids in the sulfur dioxide ("SO_2") control strategy for Harrington emissions by burning a cleaner more efficient coal than traditional coal burning.

Q. What types of environmental issues are generally implicated when a utility operates a coal plant?

A. The primary environmental issues associated with coal-fired generation relate to emissions standards. Specifically, the Clean Air Act requires the Environmental Protection Agency ("EPA") to set National Ambient Air Quality Standards ("NAAQS") (40 CFR part 50) for pollutants considered harmful to public health and the environment. The EPA has set NAAQS for six principal pollutants. These emissions are governed by the various air permits issued by the state for the facility. Compliance with these permits is monitored and reported to the EPA and TCEQ on the required frequency, as listed in the permit and prescribed by the regulations. Additionally, the burning of coal includes compliance with Coal Combustion Residuals ("CCR") regulations associated with ash storage and disposal. Harrington Station recycles 100% of the ash generated from coal operations and is therefore, currently not subject to CCR regulations.

Q. When did the NAAQS become effective?

A. On June 22, 2010, EPA promulgated a1-hour primary SO2 NAAQS of 75 part per billion ("ppb"), which is met at an ambient air quality monitoring site when the 3-

year average of the annual 99th percentile of daily maximum 1-hour average concentrations does not exceed 75 ppb. The standard is based on the concentrations of SO_2 at the state ambient air monitor presented on an hourly basis. To determine compliance, the highest daily 1-hour average for each day is accumulated over 365 days. The 99^{th} percentile of this data set is then calculated to determine the SO_2 concentration for that year. This is done for each year in the 3-year period. These three numbers are then added together and divided by three to determine the NAAQS concentration for SO_2 in the area to determine attainment status. This calculation for the area around Harrington station exceeds 75 ppb.

Q. Have any emissions-related issues under the NAAQS been identified because of the operation of Harrington?

A. Yes, with respect to SO_2. The primary SO_2 standard sets a limit of 75 ppb, calculated using the 99^{th} percentile of 1-hour daily maximum concentrations, averaged over 3 years. The state is required to designate areas compliant with standard as "Attainment"; non-compliant with standards as "Nonattainment"; or needing further information as "Attainment/Unclassifiable". Potter County was designated as "Attainment/Unclassifiable" due to lack of monitoring data in the area. Monitoring data to determine attainment is collected over a 3-year period as defined in the standard.

In 2016, TCEQ installed a monitor in the vicinity of Harrington Station and collected emissions data from 2017-2019. The results of the 3-year period were reviewed and the area was determined to not meet the standard of 75 ppb resulting in a potential classification of the area as "Nonattainment". Harrington Station emits

the majority of the SO_2 emissions in Potter County and was deemed to be the major contributor to SO_2 NAAQS emissions.

Q. What does it mean when an area is classified as "Nonattainment"?

A. A designation of "Nonattainment" under the federal standards means the area, and it sources cumulatively, do not meet the emissions standards prescribed by NAAQS. In this case, the NAAQS standard is 75 ppb. In areas of Nonattainment, a State Implementation Plan ("SIP") must be developed defining the actions the state will take to comply with the NAAQS utilizing all of the sources in the area. This can include reduction in emission limits currently in place at the sources in the area economic development restrictions to limit SO_2 emissions, and other prescriptive measures to document compliance with the standard. These changes are intended to allow the region to meet "Attainment" status and prevent the activities associated with "Nonattainment" status. The SIP is reviewed by EPA and approved, disapproved, or partially approved. If approved, the state takes actions based on the plan. Any order issued by the TCEQ related to NAAQS Nonattainment will be included in the SIP submitted to the EPA to document compliance with the SO_2 NAAQS standard of 75 ppb. In the event a SIP is not approved, EPA can implement a Federal Implementation Plan with actions deemed necessary to meet the standard. In all cases, Nonattainment imposes an administrative burden due to oversight for reporting and documentation, and can hinder development in an area due to limitations associated with emissions.

Q. What happened as a result of the mandated monitoring at Harrington?

A. SPS was required to develop an implementation plan to comply with the standard and show that Harrington would achieve compliance with the NAAQS in accordance with EPA and TCEQ compliance schedules. SPS presented its plan for complying with the emissions standard to the TCEQ, and an Agreed Order was finalized in October 2020.

Q. Please describe the implementation plan process at the TCEQ.

A. SPS modeled various scenarios to determine compliance with the NAAQS standard. In all cases, the facility could not demonstrate compliance without the need for controls, retirement, or fuel conversion. As discussed by SPS Witness Ben R. Elsey, fuel conversion was deemed to be the most cost-effective solution while also maintaining the reliability of energy in the region. SPS approached TCEQ with the plan for the conversion and agreed date of compliance of January 1, 2025, to satisfy NAAQS requirements and avert a "Nonattainment" designation. The TCEQ reviewed the proposal and developed an Agreed Order with the details of the conversion and compliance date of January 1, 2025. The Agreed Order was signed by both parties and fully approved in October of 2020. The Agreed Order requires SPS to convert all 3 units to gas and cease coal burning by January 1, 2025. The issuance of the Agreed Order allows Potter County to avoid a "Nonattainment" designation due to the timing of the conversion.

Q. What would happen if the Company attempted to operate Harrington using coal after January 1, 2025 without attaining NAAQS compliance?

A. SPS would be deemed noncompliant with the Agreed Order and the NAAQS requirements. This would result in the shutdown of the facility and potential for fines in the form of enforcement penalties. Operations could not resume until demonstration of compliance with the 75-ppb standard could be made.

IV. OPTIONS TO BRING HARRINGTON STATION INTO NAAQS COMPLIANCE

Q. What solutions did SPS analyze in effort to bring Harrington into compliance with the EPA's standards and the Clean Air Act?

A. SPS first looked at whether the installation of environmental controls on two or more units at Harrington might allow the Company to return to compliance with the NAAQS. Specifically, SPS analyzed the potential installation of Dry Sorbent Injection ("DSI") and a Spray Dryer Absorber ("SDA") at Harrington. Additionally, SPS analyzed the potential retirement of one or more of the units for compliance. These options included the installation of controls on all or a subset of the units, retirement of various units, and fuel conversion. These options did not meet compliance with the standard, were not deemed cost effective, nor did they provide reliable energy to the region as required. Conversion of all units to gas was the most cost effective solution while maintaining reliability and capacity requirements.

Q. Please explain how DSI and SDA technologies work.

A. SO2 is one of a group of highly reactive gases called sulfur oxides. Exposure to SO_2 can affect the respiratory system. Many studies show connections between short-term exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses, particularly in populations at risk (including children, the elderly, and asthmatics). SO_2 is also a major contributor to visibility impairment in national parks, wildlife areas, and other natural areas.

DSI and SDA are control systems designed at controlling emissions of SO_2 and its surrogates (acid gases). These two technologies are the most widely known

and acceptable forms of SO_2 control to meet Best Available Controls Technology (BACT) requirements during permitting efforts.

DSI systems remove hydrogen chloride ("HCl") and other acid gases. A powdered sorbent is injected into the flue gas where it reacts with the HCl. The sorbents most commonly associated with DSI are trona (sodium sesquicarbonate, a naturally occurring mineral mined in Wyoming), sodium bicarbonate, and hydrated lime. The compound is removed by a downstream particulate matter control device such as an electrostatic precipitator or baghouse. The final removed product is usually deposited in the ash that exits the facility.

SDA systems are installed in coal-fired power plants to scrub SO_2 from the flue gas that is formed as combustion by products. This process works by injecting an alkaline media, typically Lime ($Ca(OH)_2$) in slurry form in order to react the slurry with acid gases present within flue gas. For an efficient chemical reaction to occur within a short residence time, a high liquid surface area is required for heat and mass transfer. SDAs typically have either spray nozzles or rotary atomizers, which generate fine slurry atomization that is used for producing a larger surface area.

Q. Are there any additional environmental issues associated with the use of DSI and SDA technologies?

A. The chemicals removed from DSI or SDA technologies are usually deposited in the ash that leaves the facility. Depositing the DSI or SDA chemicals in the ash from the facility requires additional steps for the ash to be used in recyclable products. As stated earlier, SPS currently recycles 100% of its ash for beneficial use meaning CCR regulations are not applicable at the facility. Additionally, ash landfills and

management are not required due to other recycling options. If DSI or SDA were applied, SPS would only be able to recycle a small percentage of ash. The remaining ash would then require landfilling and management under CCR and other solid waste regulations to include landfill construction and operation.

Q. Were the DSI and SDA options determined to be feasible solutions at Harrington?

A. No. As the analysis attached to Mr. Elsey's testimony demonstrates, the installation of capital-intensive environmental controls on one or more units was not economical. Without the installation of environmental controls, SPS has no feasible alternative other than to cease coal operations at Harrington.

Q. How did conversion of the plant from coal to natural gas become a potential solution to Harrington's NAAQS issue?

A. As Mr. Elsey testifies, SPS evaluated all options for compliance with the standard. This included a review of current technologies and application of those technologies at Harrington Station for compliance. The available options included installation of environmental controls, retirements, and fuel conversion. Through the evaluation of the possible compliance scenarios, fuel conversion was determined to be the best option to achieve compliance. Fuel conversion complies with NAAQS because it emits less emissions than traditional coal burning with greatly reduced SO_2 emissions meeting the 75-ppb standard and, as SPS witness Mark Lytal testifies, could be accomplished at an estimated cost of $65 to $75 million (Total Company).

Q. Does the TCEQ support SPS's plan to convert Harrington to natural gas?

A. Yes. The plan to convert Harrington to gas was approved by the TCEQ in the Agreed Order in October of 2020. The plan demonstrated compliance with SO_2 NAAQS standards and averts a "Nonattainment" designation for the area.

V. ENVIRONMENTAL BENEFITS OF CONVERSION

Q. If the Company's request to convert Harrington to natural gas generation is approved, what impact is that conversion expected to have on SO_2 emissions at the site?

A. SO_2 emissions will be reduced in excess of 90% and compliance with NAAQS requirements will be demonstrated.

Q. Are there any other environmental benefits associated with the conversion of Harrington to natural gas?

A. Yes. Overall emission for pollutants will be decreased including approximately a 70% reduction in carbon monoxide (CO), approximately a 30% reduction in nitrous oxide (NOx) and approximately a 40% reduction in carbon dioxide (CO2). This supports Xcel's vision of being environmentally responsible while also achieving an 80% carbon reduction from 2005 levels by 2030 and 100% carbon free generation by 2050. In her direct testimony, Ms. Anastacia Santos, with POWER Engineers, Inc. ("POWER") also addresses air quality in the context of the Environmental Assessment conducted by POWER.

Q. Does this conclude your pre-filed direct testimony?

A. Yes.

AFFIDAVIT

STATE OF COLORADO)

)

COUNTY OF JEFFERSON)

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

I am the witness identified in the preceding 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 26th day of August, 2021 by JEFFREY L. WEST

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

Notary Public, State of Colorado

My Commission Expires: 4-13-22

CERTIFICATE OF SERVICE

I certify that August 27, 2021 this instrument was filed with the Public Utility Commission of Texas and a true and correct copy of it was served on the Staff of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and all parties in SPS's current base rate proceeding, PUC Docket No. 51802 by hand delivery, Federal Express, certified mail, electronic mail, or facsimile transmission.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN AGREED ORDER CONCERNING SOUTHWESTERN PUBLIC SERVICE COMPANY, dba XCEL ENERGY, HARRINGTON STATION POWER PLANT	§	BEFORE THE TEXAS COMMISSION
CN 601481336 RN 100224849	§	ON
ACCOUNT NO. PG0041R	§	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 (SO_2) 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 SO_2 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 SO_2 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 SO_2 in 1971, effective upon publication, as published on April 30, 1971, 36 *Fed. Reg.* 8186. The EPA last revised the SO_2 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 SO_2 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 SO_2 air quality monitoring data in Potter County in the vicinity of the Harrington Station Power Plant indicated that the SO_2 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 SO_2 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 SO_2 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

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

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

10/27/2020

For the Commission
Jon Niermann
Chairman
Texas Commission on Environmental Quality

Date

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 — 9-18-20

David Hudson
President
Southwestern Public Service Company

Date of Signature

Erin E. Chancellor — 09/22/2020

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

Date of Signature