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Office of the Chief Clerk, MC 105  
TCEQ  
PO Box 13087  
Austin, TX 78711-3087  
*Via online comment portal and by hand delivery*

September 25, 2025

**Re: Public Citizen Comments on Draft Permit No.: 2066**

Public Citizen appreciates the opportunity to provide these comments. We would welcome the opportunity to discuss our recommendations further. Please contact Kamil Cook at [kcook@citizen.org](mailto:kcook@citizen.org), 512-477-1155.

**The Draft Permit should not be issued.**

Wolf Hollow 1's Draft Permit should not be issued as it does not comply with Title V's minimum requirements for reasons including the following:

- The failure to include an adequate statement of basis;
- The failure to include adequate monitoring, reporting, and recordkeeping; and
- The failure to ensure compliance with all applicable requirements.

**The Draft Permit fails to ensure compliance with applicable requirements and fails to include adequate monitoring, reporting, and recordkeeping.**

The Draft Permit fails to ensure compliance with all applicable requirements and to include required monitoring for reasons including those detailed below.<sup>1</sup>

- a. The Draft Permit fails to specify monitoring, testing and recordkeeping conditions necessary to assure compliance with applicable PBR requirements.

Each Title V permit must contain monitoring, recordkeeping, and reporting conditions that assure compliance with all applicable requirements.<sup>2</sup> Emission limits in federal operating permits, including PBRs, incorporated by reference into the Draft Permit are applicable requirements.<sup>3</sup> The Draft Permit is deficient, because it fails to establish monitoring, testing, and recordkeeping requirements that assure compliance.

Additionally, in the technical summary of the PBR for E-ST1, the only language used to confirm that the plant will abide by Texas code set for this PBR is that "the total new or increase emissions will comply with the applicable hourly and annual emission limits as represented in the table below."<sup>4</sup> This

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<sup>1</sup> 40 CFR § 70.6(a)(3)(i)(B); 30 TAC § 122.142(c).

<sup>2</sup> 42 U.S.C. § 7661c(a).

<sup>3</sup> 30 TAC § 106.6(a).

<sup>4</sup> Technical Review: Air Permit by Rule, Wolf Hollow 1 Power, Wolf Hollow 1 Unit 1 (E-ST1), May 2020. AIR NSR\_161186-315462\_Permits\_Public\_20200611\_Technical Review\_4844640\_



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does not clarify to the reader (layperson or expert) how these emissions will comply with the emissions limits set by Texas law. For this Draft Permit to be sufficient, a special condition to the Draft Permit must be added detailing more comprehensive monitoring and compliance assurance.

There are insufficient monitoring standards set for the 300 gallon diesel tank, used to power the back-up diesel generator engine. It is not a De Minimis source since it is not an isolated pipeline and is not stated in the Draft Permit how far or close it is to other stationary volatile organic compound sources.<sup>5</sup> Similarly, this diesel tank does not fall under miscellaneous sources or sources authorized by 30 TAC Chapter 106, Permits by Rule. Lastly, the regulation cited for the diesel tanks (E-TANK8 and E-TANK9) provides insufficient information to determine the basis of determination. According to 40 CFR Part 63, Subpart Kb, which is cited in the Statement of Basis, a “closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections...”<sup>6</sup> There is either insufficient information for these tanks indicating that this regulation is followed, or it is not being followed—both of which constitute insufficient tracking.

The last compliance check for CEMS was in 2021, and that was an offsite stack test because of Covid-19.<sup>7</sup> The one before that was 2019 for E-ST2.<sup>8</sup> Why hasn’t there been another test in the last 4 years? How often are these tests conducted? No testing in the last 4 years has been insufficient and not timely. This makes it impossible to accurately determine compliance, which requires either continuous emissions monitoring or alternative methods “that provide sufficiently reliable and timely information for determining compliance” according to § 7661c(b) of the U.S.C title 42, Chapter 85, Subchapter V.<sup>9</sup> The TCEQ must comply with these requirements in administering its Title V permit program and all other environmental programs.

Additionally, the draft permit does state that operating hours are monitored and, according to the most recent Federal Operating Permit Deviation Report Form, these seem to be monitored semi-annually, with the most recent one being submitted on January 8, 2024.<sup>10</sup> The Draft Permit does not state which mechanisms are in place to report performance deviations.

Lastly, there seems to be no analysis (at least publicly available) done to show what the composition is in wastewater that comes from the plant—specifically regarding volatile organic compounds. Is Wolf Hollow monitoring wastewater for VOCs or volatilizing any VOCs? There could be particulate matter emissions from that kind of activity but the Draft Permit does not indicate either way if that was even considered.

### **The Draft Permit fails to adequately incorporate applicable requirements and lacks an adequate Statement of Basis**

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<sup>5</sup> [https://www.tceq.texas.gov/permitting/air/newscourcereview/de\\_minimis.html](https://www.tceq.texas.gov/permitting/air/newscourcereview/de_minimis.html).

<sup>6</sup> 40 CFR § 60.112b(a)(3)(i)

<sup>7</sup> Investigation Report, Wolf Hollow 1, March 2021. AIR

CP\_100219195\_Compliance\_Public\_20210302\_Investigation\_5715354\_

<sup>8</sup> Investigation Report, Wolf Hollow 1, December 2019. AIR

CP\_100219195\_Compliance\_Public\_20191206\_Investigation\_4454532\_

<sup>9</sup> 42 U.S.C. § 7661c(b) (2013).

<sup>10</sup> Federal Operating Permit Deviation Report Form, Wolf Hollow 1, January 2024, AIR  
CP\_100219195\_Reports\_Public\_20240112\_Certification\_7430879\_.



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The Draft Permit's Statement of Basis ("SOB") does not meet the minimum standards for a Title V Statement of Basis. The SOB does not adequately describe the rationale for determining that the monitoring is sufficient to ensure compliance with applicable requirements.

The SOB includes very limited explanation of or rationale for the Draft Permit's inclusion of additional periodic monitoring requirements for certain emissions units and not others. The SOB lacks any discussion evaluating the adequacy of the monitoring for many applicable requirements. For example, the only compliance assurance monitoring (CAM) or periodic monitoring methods described are focused on opacity. As stated earlier, the monitoring method is insufficient to assure compliance. Additionally, there is nothing else stated as needing CAM or periodic monitoring for emissions like NO<sub>x</sub>, CO, PM (2.5 or 10) or VOCs, whether from stack points of emission or from tanks storing fuel, like E-TANK8 and E-TANK9, both of which store hundreds of gallons of diesel fuel onsite.

The Draft Permit states the claim that the Executive Director of the TCEQ "has determined that the permit contains sufficient monitoring, testing, recordkeeping, and reporting requirements that assure compliance with the applicable requirements."<sup>11</sup> However, the SOB does not include essential information needed to evaluate the basis for these terms and conditions, including emission-related information, underlying calculation methods, and existing emissions control requirements, all of which are required to be included within the SOB.

Further, the Determination of Applicable Requirements chart included in the SOB is largely indecipherable to the public. The TCEQ has cited the underlying applicable requirements in a shorthand that is difficult for a layperson to evaluate and understand. The statements under the Basis of Determination column do not present information in a manner that is meaningful to the public. For example, there is no explanation of the actual substance of the underlying applicable requirement and how the information in the Basis of Determination Column is related to that requirement.

### **Conclusion**

Again, we appreciate the opportunity to provide these comments. If you wish to discuss the issues raised, please contact Kamil Cook at [kcook@citizen.org](mailto:kcook@citizen.org), 512-477-1155.

Respectfully,

Kamil Cook

Climate and Clean Energy Program Associate, Public Citizen

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<sup>11</sup> Statement of Basis