



January 16, 2023

Texas Commission on Environmental Quality  
MC 205, Office of Legal Services  
PO Box 13084  
Austin, Texas 78711-3087

Attn: Gwen Ricco, MC 205

RE: CPS Energy's comments on Rule Project No. 2023-117-117-AI

CPS Energy is the nation's largest municipally owned electric and gas utility, providing electric and gas service to more than 897,000 electric customers and 377,000 natural gas customers in Greater San Antonio, Texas, which includes 30 suburban cities in Bexar County, Texas, and portions of seven surrounding counties. Our Board of Trustees endorsed the City of San Antonio's Climate Action & Adaptation Plan (CAAP) and we are working toward full carbon neutrality by 2050 in support of the community-wide plan.

CPS Energy is providing our comments in the attached document. Our comments and recommendations focus on the following topics:

1. Increase the time required to report an exceedance and the number of days to submit a written root cause analysis and corrective actions report (§117.1120(f)).
2. Allow for emergency notifications for RATA in addition to the 15-day requirement (§117.1144 (a)).
3. We support the NOx rates and system cap option listed in §117.1105.
4. Clarify if we include days units are offline in the 30-day rolling NOx average (§117.1140(f)(2)).

CPS Energy urges TCEQ to take our comments and recommendations, as presented above, into consideration as it finalizes its proposal to adopt Chapter 117 rules for Bexar County.

Sincerely,

A handwritten signature in blue ink, appearing to read "Curt D. Brockmann", written over a horizontal line.

Curt D. Brockmann,  
Vice President, Compliance & Ethics



## CPS Energy Comments on 2023-117-117-AI

- 1. §117.1120(f) – The owner or operator shall report any exceedance of the system cap emission limit within 48 hours to the appropriate regional office. The owner or operator shall then follow up within 21 days of the exceedance with a written report to the regional office that includes an analysis of the cause for the exceedance with appropriate data to demonstrate the amount of emissions in excess of the system cap and the necessary corrective actions taken by the company to assure future compliance. Additionally, the owner or operator shall submit semiannual reports for the monitoring systems in accordance with §117.1145 of this title.***

**CPS Energy Comment:** We propose changing the reporting requirement from 48 hours to two business days. While some CPS Energy staff works around the clock to provide electricity 24 hours a day 7 days a week, our core compliance staff works Mondays through Thursdays on 10-hour shifts. Changing the requirement to two business days ensures those people responsible for reporting sufficient time to report the exceedance. For example, if the exceedance is discovered on a Friday when core compliance employees are off, they would have until Tuesday to report (§117.1120).

We propose changing the follow up reporting time from 21 days to 60 days. CPS Energy has a very robust Root Cause Analysis program. We request 60 days to ensure our reports are properly investigated, developed, and reviewed.

- 2. §117.1145 (a) Notification – The owner or operator of an affected unit shall submit written notification to the appropriate regional office and any local air pollution control agency having jurisdiction of any continuous emissions monitoring system (CEMS) or predictive emissions monitoring system (PEMS) relative accuracy test audit (RATA) conducted under §117.1140 of this title (relating to Demonstration of Compliance) at least 15 days prior to such date.***

**CPS Energy Comment:** In 40 CFR Part 75, there is an exemption/waiver to the normal notification required to TCEQ if there are extraneous circumstances. We recommend keeping this option. For example, if we were to have a RATA fail, we would like to have the option to conduct another one immediately. Currently, RATA notifications are made ahead of the required time, but if an issue arises (e.g., the unit coming offline) the regional office is immediately notified of any date changes so the TCEQ has the opportunity to observe the test.



**3. Proposed §117.1105 Emission Specifications for Reasonably Available Control Technology (RACT); and §117.1120. System Cap –**

**CPS Energy Comment:** We support the rule's proposed NOx rates in lb/MMBtu, and we support the compliance mechanism of a system cap. The System Cap will afford us the flexibility to provide our customers reliable electricity.

**4. Proposed §117.1140(f)(2) – For any electric generating facility (EGF) complying with the system cap in §117.1120 of this title (relating to System Cap) in pounds per day on a rolling 30-day average basis, the rolling 30-day average is calculated for each day that fuel was combusted in the unit, and is the average of the total pounds of NOX emissions per day from all EGFs included in the system cap for the preceding 30 days that fuel was combusted in the units.**

**CPS Energy Comment:** We recommended striking "that fuel was combusted in the unit" in two places of the sentence, as follows:

*For any electric generating facility (EGF) complying with the system cap in §117.1120 of this title (relating to System Cap) in pounds per day on a rolling 30-day average basis, the rolling 30-day average is calculated for each day ~~that fuel was combusted in the unit~~, and is the average of the total pounds of NOX emissions per day from all EGFs included in the system cap for the preceding 30 days ~~that fuel was combusted in the units~~.*

The rule should require a 30-day look back for all units in the CPS Energy generation fleet located in Bexar County regardless of whether they run or have fuel combusted (i.e., count zero values in the 30-day rolling average) to include non-operating days.