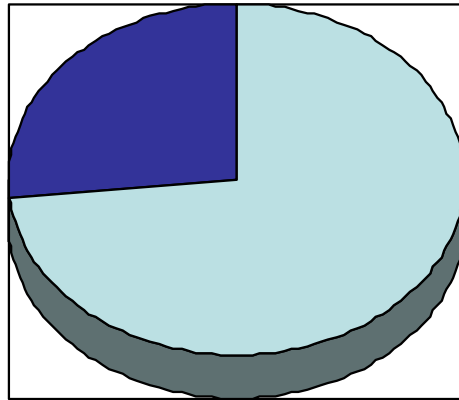


CORPUS CHRISTI

BORDERLINE SMOG NON-ATTAINMENT AREA

LAS BRISAS Could Be #1 Source Of Nitrogen Oxides In Nueces County



■ Nueces County
2006 NOx
Emissions
■ Additional Las
Brisas NOx

The TCEQ will not require Las Brisas to model the ozone impacts in the Corpus Christi area of the proposed NOx from the power plant. The TCEQ needs to require Las Brisas to evaluate the ozone-smog impacts of the 3,776 tons per year of new nitrogen oxides emitted by the Las Brisas power plant *before* the permit is issued.

Corpus Christi is already a borderline smog non-attainment and is moving closer to becoming an ozone non attainment area due in part to large amounts of smog-forming pollutants such as nitrogen oxides and volatile organic compounds from industrial plants, mobile sources and others. **The Las Brisas power plant may shift Corpus Christi from its borderline non-attainment status into full blown non-attainment.**

The U.S. Environmental Protection Agency (EPA) adopted a new eight-hour smog-ozone standard of **75 parts per billion** (ppb) on March 13, 2008. The Texas Commission on Environmental Quality (TCEQ) will send the EPA a new list of ozone non-attainment areas in Texas in early 2009.

Corpus Christi's ozone attainment status will be threatened by the Las Brisas power plant with 3,776 tons per year of new smog-forming nitrogen oxides (cite: Las Brisas permit application submitted to the TCEQ). The Las Brisas power plant will increase Nueces County industrial nitrogen oxides by 36% over 2006 levels of 10,395 tons. The increase in the Nueces Bay ship channel will be more than 40% higher where the greatest industrial pollution is occurring including nitrogen oxides.

From a study by the Department of Environmental Engineering at Texas A&M University - Kingsville: "Las Brisas Energy Center emissions were added to the new developed 1999 base case. Figure 10 (not shown) shows the peak 8-hour ozone concentration predicted within the urban airshed from 7:00AM to 5:00 PM in two hour intervals with addition of Las Brisas Energy Center emissions to the 1999 base case emissions. **The maximum 8-hour ozone to the urban airshed was up to 82 ppb.**"

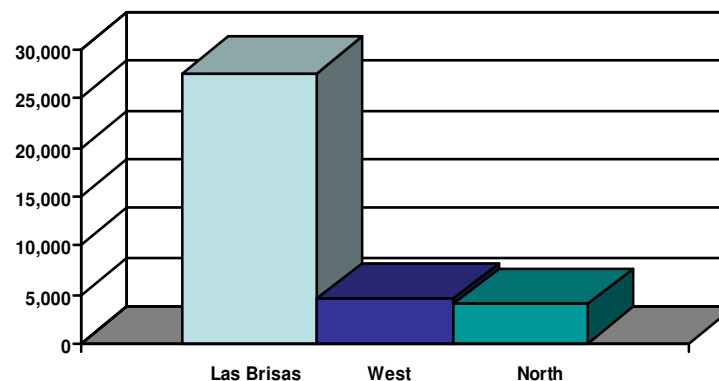
LAS BRISAS

Could Be #1 SOURCE OF AIR POLLUTION IN NUECES COUNTY

Corpus Christi is a highly polluted area with a large cluster of refineries and chemical plants sited close to or along the Nueces Bay ship channel. Local residents have suffered from the effects of air pollution for years.

1. Las Brisas: **27,600** tons per year
2. Valero's West Refinery: **4,500** tpy
3. Valero's East Refinery: **4,000** tpy

Source: Las Brisas permit application and 2006 Texas Emissions Inventory Summary by TCEQ



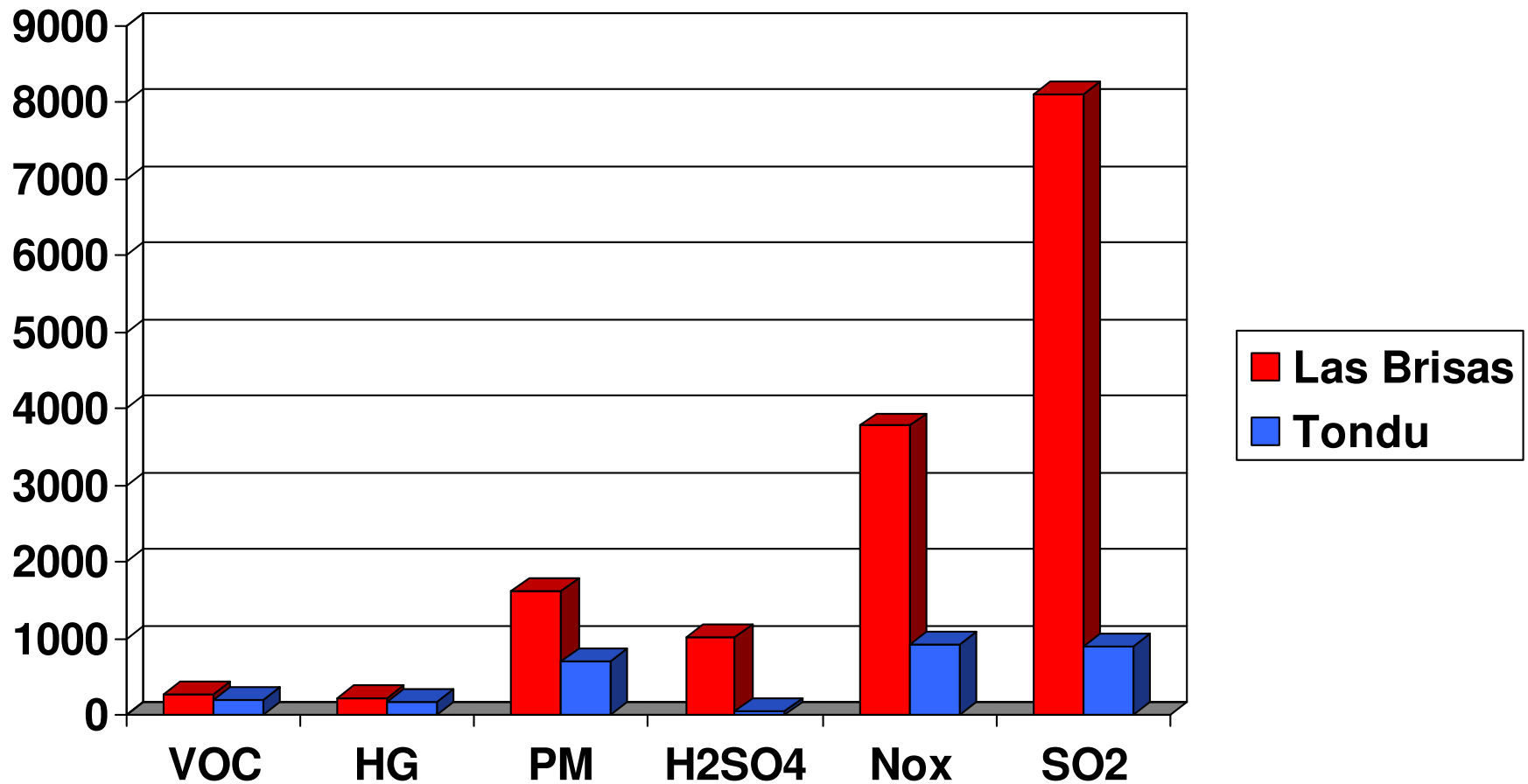
The Las Brisas power plant will *double* industrial criteria emissions in Nueces County over 2006 levels from 26,349 tons to 53,968 tons. Air toxics will increase by at least 2,190 tons a year of acid gases like HCl, HF, H₂SO₄ and NH₃ which does not include 270 tons a year of volatile organic compounds.

- Lead air pollution would increase by 240 pounds with 264 pounds in Nueces County (cite: U.S. EPA 2006 Toxic Release Inventory) and may trigger lead non-attainment since the Las Brisas power plant will be the largest lead source in Nueces County.
- Las Brisas will rank #1 in Nueces county in particulate matter (PM) ten microns or smaller (2,808 tpy), nitrogen oxides (NO_x - 3,776 tpy), sulfur dioxide (SO₂ - 10,480 tpy) and carbon monoxide (CO - 8,096 tpy).
- The new NO_x emissions sought by the Las Brisas power plant are two times larger than the #2 largest existing source in Nueces County based on 2006 data (cite: 2006 TCEQ data).
- The new SO₂ emissions (10,480 tons) sought by the Las Brisas power plant are 8X larger than the #2 largest existing source (1,274 tons) in Nueces County based on 2006 data (cite: 2006 TCEQ data).
- The new PM₁₀ emissions (2,808 tons) sought by Las Brisas are nearly 4X larger than the #2 largest existing source (782 tons) in Nueces County based on 2006 data (cite: 2006 TCEQ data).

If built, the Las Brisas power plant will have a significant deteriorating impact on air quality in the Coastal Bend region and could trigger non-attainment of federal clean air standards for lead.

Las Brisas vs Tondur

Emissions Comparison to an IGCC Gasification Plant



All numbers, except Mercury (HG), are tons per year – Mercury is lbs per year.

Sources: Las Brisas TCEQ draft permit and Tondur TCEQ permit application.

Why let Las Brisas add 216 lbs of poisonous mercury per year to Nueces Bay?

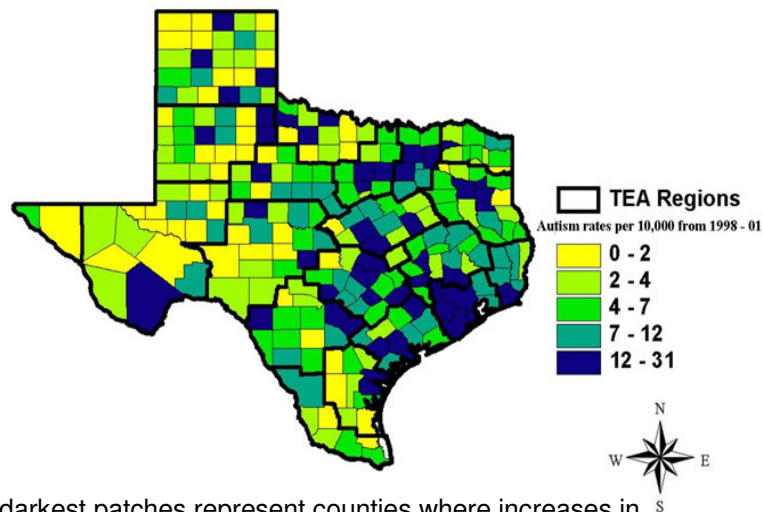
Shark, Swordfish and King Mackerel from the Texas Gulf already contain high levels of mercury. Exposure to mercury leads to learning disabilities and permanent brain damage in children.

Mercury and Autism

The University of Texas Health Science Center in San Antonio published a new study on April 25th, 2008 showing:

“a statistically significant link between pounds of industrial release of mercury and increased autism rates.” – *Science Daily*

Autism rates 1998 - 2001 by counties in Texas. Aggregated from administrative data from the Texas Educational Agency (TEA)

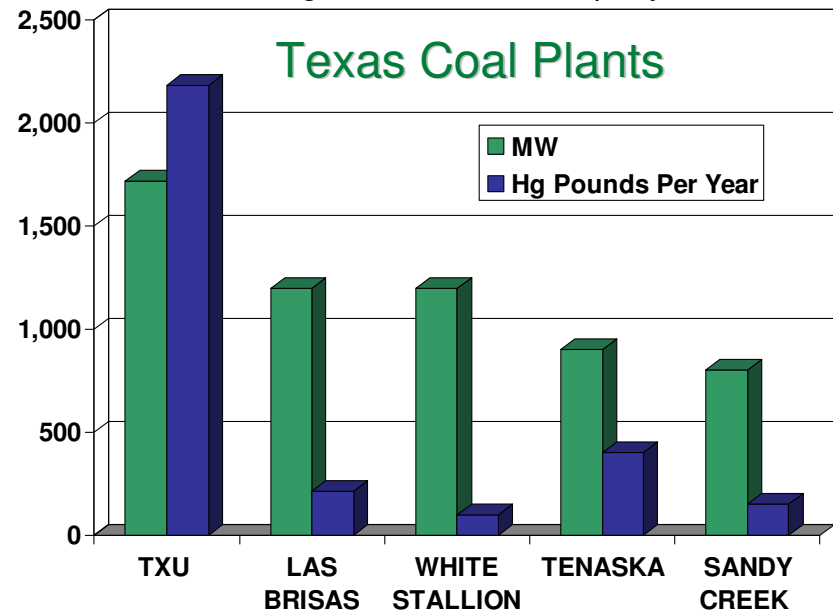


The darkest patches represent counties where increases in autism rates over the past 10 years have been in the top 20 percent. These counties are frequently near coal plants.

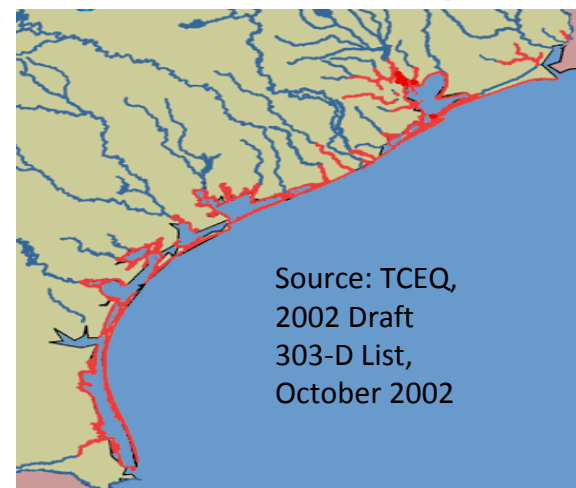
Mercury Emissions from Las Brisas

2nd Highest in Emissions per MW

3rd Highest in overall tons per year

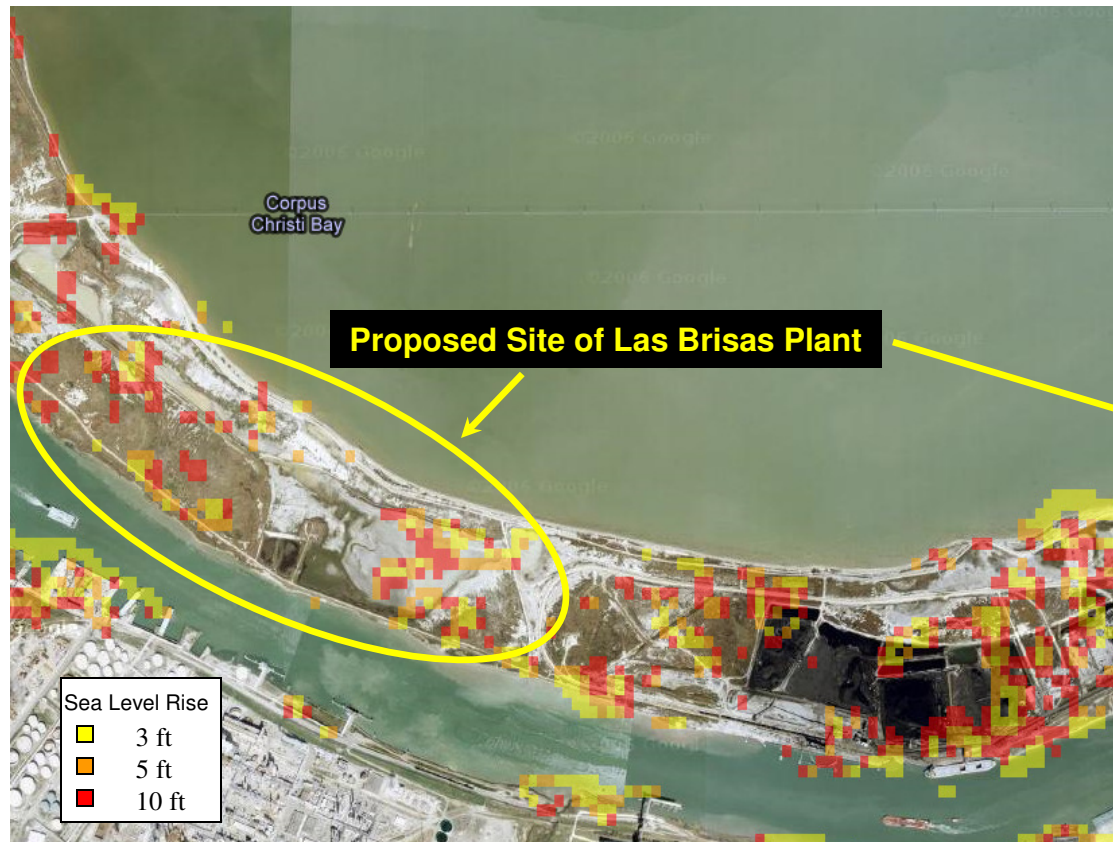


Impaired rivers and waterways often come from coal plants

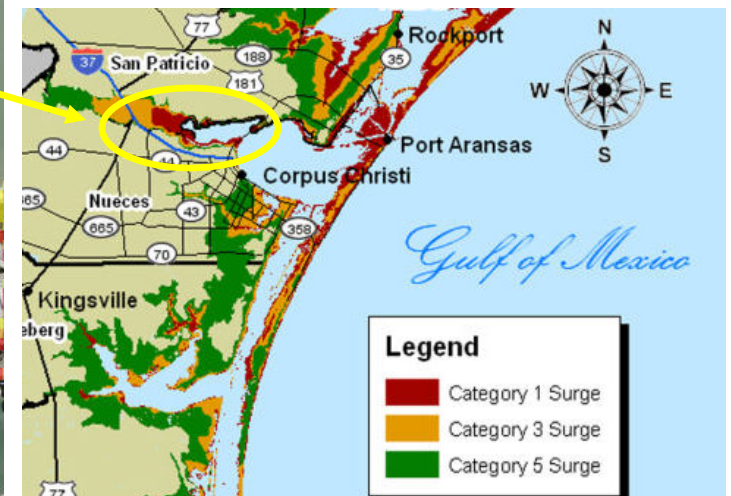


Texas Estuaries, Bays and Coastlines that are already contaminated by mercury.

COAL PLANT DROWNS ITSELF!



Coal plants are the leading cause of global warming, which leads to both sea level rise and larger storm surges.



Source: NOAA Storm Surge Map

Federal legislation will attach a price to carbon emissions, making coal even more expensive!

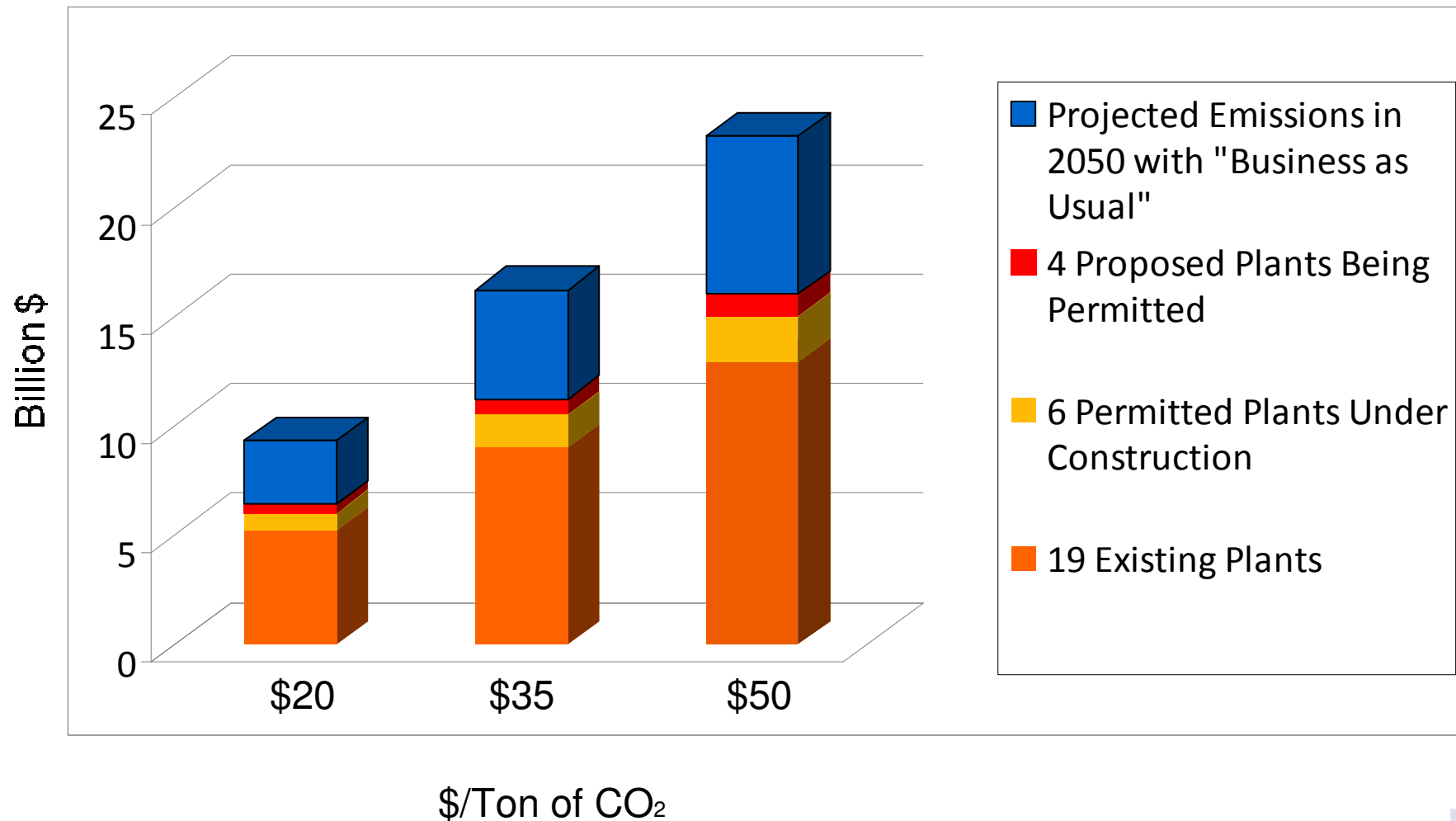
Estimated emissions: x \$20 / ton = **\$208 million/yr**
10.4 million tons of CO₂ x \$35 / ton = **\$364 million/yr**
every year x \$50 / ton = **\$520 million/yr**

Historical Storm Surge for Corpus Christi

Year	Hurricane	Category	Surge
1919	Unnamed	3	12 ft
1934	#3	?	10.2 ft
1970	Celia	3	9.2 ft
1980	Allen	3	5 ft

Additional Annual Cost of CO₂ for Texas Plants

Carbon legislation will drive the yearly operating costs of coal plants drastically up.



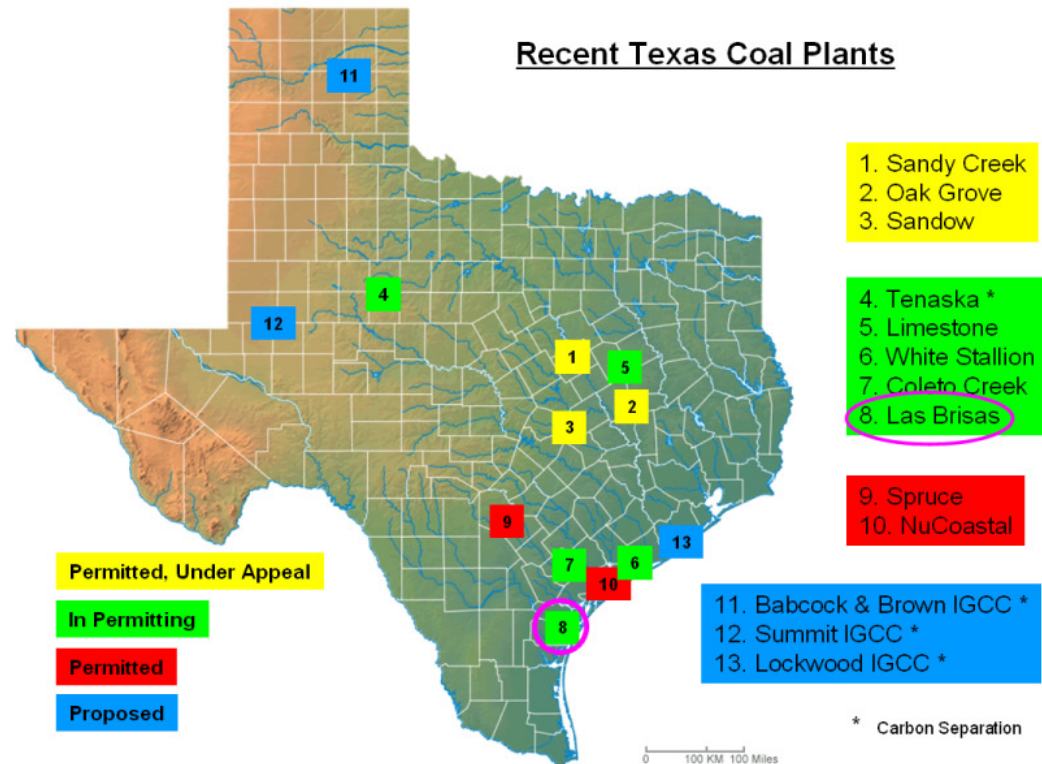
Sources: Energy Information Administration , Union of Concerned Scientists, and Wachovia Capital Markets, LLC

The Threat From Coal Is Far From Over

Las Brisas Energy Center, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of State Air Quality Permit Number 85013 and issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1138, which would authorize construction of a Circulating Fluidized-Bed Steam Electric Generation Facility located at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. The facility will emit the following air contaminants: nitrogen oxides, sulfur dioxide, carbon monoxide, organic compounds, particulate matter including particulate matter less than 10 microns in diameter, sulfuric acid, ammonia, mercury, hydrogen chloride, hydrogen fluoride, lead and sodium hydroxide.

This application was submitted to the TCEQ on May 19, 2008. The application is available for viewing and copying at the TCEQ central office, the TCEQ Corpus Christi regional office, and the Corpus Christi Central Library, 805 Comanche Street, Corpus Christi, Nueces County, Texas. The facility's compliance file, if any exists, is available for public review in the Corpus Christi regional office of the TCEQ.

Opportunity For a Contested Case Hearing You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application. A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on those issues raised during the public comment period and not withdrawn.



INFORMATION Written public comments or requests for a public meeting or contested case hearing should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For more information about this permit application or the permitting process, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at www.tceq.state.tx.us. Further information may also be obtained from Las Brisas Energy Center, LLC, 11011 Richmond Avenue, Houston, Texas 77042 or by calling Mr. Shanon DiSorbo, P.E., Vice President, RPS, JDC, Inc. at (832) 239-8019.



Recently Permitted Plants (values are taken from permits or permit applications)												
Plant	City, County	Permit #	Status	Mega-watts	CO ₂ ** Tons/yr	SO ₂		NO _x (forms Ozone)		Particulate Matter		Mercury lb/yr
						Tons/yr	lb/MMBtu	Tons/yr	lb/MMBtu	Tons/yr	lb/MMBtu	
TXU's Oak Grove 1 & 2 (2 units)		76474	Permit granted – on Appeal	1,720	16.6 mil	15,079	0.192	7,500	0.08	3,170	0.04	2,180
Bremond, Robertson												
CPS Spruce		70492	Permit granted - under construction	750	7.4 mil	2,102	0.06	1,752	0.05	771	0.022	140
San Antonio, Bexar												
Sandy Creek Energy		70861	Permit granted – on Appeal	800	7.5 mil	3,585	0.1	3,226	0.05	1,490	0.04	150
Riesel, McLennan												
Formosa Plastics (2 Units)		76044	Permit granted	300	3.0 mil	1,091 to 6,518	0.083 to 0.496	920	0.07	446	0.034	78
Point Comfort, Calhoun												
TXU's Sandow 5 at Alcoa		48437	Permit granted	581	5.4 mil	5,186	0.2	2,593	0.1	1,037	0.04	192
Rockdale, Milam												
Calhoun Co. Nav. Dist.		45586	Permit granted and emissions settlement reached	300	2.6 mil (offset)	2,071	0.179	813	0.07	597	0.051	14
Point Comfort, Calhoun												
Totals for Recently Permitted Plants				4,454	42.5 mil	34,541		16,804		7,511		2,754
Plants Still Being Pursued												
White Stallion		86088	Technical Review	1,200	~10 mil (est.)	4,955	N/A	4,047	0.07	1,792	N/A	100
Bay City, Matagorda												
NRG's Limestone 3		79188	Pending 112g Hearing	745	7.4 mil	2,102	0.06	1,752	0.07	1,226	0.04	140
Jewett, Limestone												
Tenaska		84167	Draft Permit Issued	900	0.75 mil (w/ CCS)	2,183	0.06	1,819	0.05	1,092	0.03	124
Sweetwater, Nolan												
Las Brisas		85013	Draft Permit Issued	1,200	10.4 mil (est.)	8,096	0.15	3,776	0.07	1,620	0.033	216
Corpus Christi, Nueces												
Coletto Creek		83778	Draft Permit Issued	650	6.0 mil	1,753	0.06	1,472	0.05	940	0.0325	100
Goliad, Goliad												
Totals for Other Plants Being Pursued				4,695	43.8 mil	19,061		12,855		6,665		680

Cheaper, Cleaner, Cooler Ways to ReEnergize Texas

Texas is at a fork in the road, and we are about to spend billions on new, proposed plants to meet Texas's energy needs.

The Governor's Council on Competitiveness studied energy options for Texas and found that increased energy efficiency could result in the deferral or elimination of 21,899 megawatts, or almost all new generation needed to meet expected demand through 2030.



High risk: Coal, Nuclear, and Gas are all very expensive and destructive to human health and the environment.



Low Risk

- **Better Building Codes**

- A national group of architects developed the 2030 challenge to increase building efficiency by 50%, which was also adopted by the U.S. Council of Mayors, the League of Cities, ASHRE and AIA

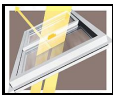


- **Insulation**

- Homes lose an average of 26% of their air conditioning due to leaking duct work

- **Window Improvements**

- Approximately 30% of the unwanted heat that enters homes comes in through windows



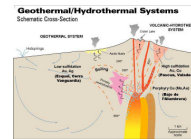
- **Solar Water Heating**

- Can save average of 50-80% on heating bills



- **Air Conditioning**

- Efficient air energy conditioners can reduce use by 38%.



- **Geothermal Heating**

- A geothermal heat pump can cut electricity costs by 30-60% and they deliver 3-4 times more energy than they consume

- **Efficiency**

- Decreases waste
- Increases competitiveness
- Creates jobs at home

- **Renewables**

- No carbon cost
- Free fuels
- Needs new energy storage tech

- **Combined Heating & Power (CHP)**

- Can generate electricity and heat at 70-80% efficiency, twice that of a new coal plant, while emitting less pollution
- Provides electricity, hot water and cooling

What Can Legislators Do to Stop the Coal Rush?

Legislators have several options for action, and they need to pursue all those options in the upcoming legislative session.

1. **Moratorium.** Lawmakers could pass a resolution putting all new power plant permitting “on hold” pending a review of the health, environmental and global warming implications of proposed technologies along with a comprehensive analysis of alternative strategies and their comparative costs and benefits.
2. **Carbon emission cap.** Lawmakers could enact legislation similar to California’s recently enacted Global Warming Solutions Act of 2006 (AB32), which requires the state’s environmental agencies to adopt regulations to reduce statewide greenhouse gas emissions to 1990 emission levels by 2020.
3. **Comprehensive energy efficiency legislation.** Lawmakers could adopt a package of energy-efficiency standards that would diminish Texas’ expected growth in electricity demand over the next several years enough to eliminate the demand for some or all of the proposed new coal-fired plants.
4. **Serious renewable energy targets.** Lawmakers could increase significantly Texas’ “renewable portfolio standard” (RPS)—the percentage of electricity in the state that is required to come from renewable sources. Under current law, only about 10 percent of Texas’ electricity will have to come from renewable sources like wind and solar by 2015, but most Texans surveyed say they want more.
5. **New technology standards.** Lawmakers could pass legislation requiring power plants built after a specific date to meet or beat industry “best practices” that would reduce (but not eliminate) new power plant emissions in Texas.
6. **Require proper modeling from TCEQ.** The TCEQ will not require Las Brisas to model the ozone impacts in the Corpus Christi area of the proposed NO_x from the power plant. The TCEQ needs to require Las Brisas to evaluate the ozone-smog impacts of the 3,776 tons per year of new nitrogen oxides emitted by the Las Brisas power plant before the permit is issued.

Ms. LaDonna Castanuela, Chief Clerk
MC-105, TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Date: _____

RE: STATE AIR QUALITY PERMIT 85013 & PSD PERMIT # PSD-TX-1138, submitted by Las Brisas Energy Center LLC, seeking authorization to construct a coal-fired power plant in Nueces County, Texas.

Dear Ms. Castanuela,

I request a contested case hearing in Nueces County on the above referenced application to construct a new coal-fired power plant. Please add me to the mailing list for materials related to this permit number and send me information about the hearing process. I live/work/recreate _____ miles from the site of the proposed plant as the crow flies.

The proposed coal plant would produce large volumes of air pollution, smog and ozone-forming chemicals, that would put my health and safety at risk. The additional pollution would have cumulative impacts and would adversely affect my health and welfare, and that of my family and neighbors. Specifically, I/we would be adversely affected by this plant and its air emissions in a way not common to the general public because:

Emissions of toxic and criteria pollutants from the proposed plant include but are not limited to nitrogen oxides, sulfur dioxide, carbon monoxide, organic compounds, particulate matter including particulate matter less than 10 microns in diameter, particulate matter less than 2.5 microns in diameter, sulfuric acid, ammonia, mercury, hydrogen chloride, hydrogen fluoride, lead and sodium hydroxide.

Name

Address

City, State, Zip Code

Daytime telephone / fax number

Email