

US EPA ARCHIVE DOCUMENT

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UNITED STATES OF AMERICA

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ENVIRONMENTAL PROTECTION AGENCY

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ORIGINAL

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PUBLIC HEARING REGARDING

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EL PASO ELECTRIC COMPANY, MONTANA POWER STATION

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PROPOSED CLEAN AIR ACT

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GREENHOUSE GAS PREVENTION OF

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SIGNIFICANT DETERIORATION PERMIT

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Reported by:

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Truenea Teasley, CSR/RPR/CCR

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Public Hearing on 10/24/2013

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1 MR. BRIAN TOMASOVIC: Welcome and good
2 evening every one. It is approximately 6:00 -- 6:04
3 p.m. on October 24th, 2013. And this public hearing is
4 now in session. My name is Brian Tomasovic. I am an
5 assistant regional counsel for the United States
6 Environmental Protection Agency located in Dallas,
7 Texas. I am the designated presiding officer for this
8 public hearing.

9 I would like to identify some other
10 individuals from EPA that are also present today.
11 Melanie Magee at the registration table over there is
12 an environmental engineer who works for the Air Permit
13 Section, and Jeff Robinson sitting to my right is the
14 section chief for the Air Permit Section. We also have
15 Carlos Rincon who is the director of the EPA Region 6
16 Field Office in El Paso, Texas.

17 The purpose of today's hearing is to
18 accept public comments on the Environmental Protection
19 Agency's Proposed Clean Air Act, Prevention of
20 Significant Deterioration or PSD permit for greenhouse
21 gas emissions at the El Paso Electric Company's Montana
22 Power Station.

23 The permit would grant conditional
24 approval to the El Paso Electric Company to construct
25 and operate a 400-megawatt electric generating station.

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1 You can find details about the proposed permit and the
2 proposed -- and the project at the back of the room or
3 that is at that registration table, and also on EPA's
4 Web site.

5 The proposed location of the project is a
6 plot of undeveloped land in El Paso County adjacent to
7 Montana Avenue near Zaragosa Avenue outside El Paso
8 city limits. The site is bordered by Fort Bliss on the
9 north, Montana Avenue on the south, and is just one --
10 over one mile east of the El Paso city limits.

11 I had just mentioned the materials at
12 the registration table and among those materials you
13 will find additional details on this location,
14 including the geographic coordinates and an aerial
15 image of the proposed site location.

16 My role as the presiding officer is to
17 ensure that the Environmental Protection Agency
18 receives your oral comments in an orderly fashion.
19 Before we begin accepting your comments, I would like
20 to go over the ground rules for the hearing.

21 This hearing is a formal legal proceeding
22 and the testimony offered will become part of the
23 administrative record on which EPA will base its
24 decision. Public notice of this hearing was given in
25 September by publication in English and Spanish in

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1 local newspapers, by posting on EPA's Web site and by
2 mail or e-mail to individuals on EPA's mailing list.

3 This hearing is being recorded by a court
4 reporter who is sitting in front of me who will be
5 preparing a verbatim record of the hearing. If you
6 present oral comments at today's hearing, please speak
7 clearly and slowly so that the court reporter can
8 understand you and record your comments accurately. I
9 also ask that you refrain from interrupting other
10 speakers or asking questions during any presentation.
11 This courtesy will also help the court reporter record
12 your comments accurately.

13 Shouting, noise making or other
14 disruptive conduct which prevents speakers or the
15 hearing officials from being heard or any other failure
16 to follow the rules of the hearing or disrupt this
17 hearing are not permitted. Although I do not see any
18 banners or posters, those are allowed so long as you
19 don't obstruct the view of individuals seated behind
20 you. Any sign or banner can be excluded from the
21 hearing room if it's determined to be disruptive to the
22 conduct of this hearing.

23 As earlier mentioned, there is a
24 registration table at that end of the room. If you
25 would like to make oral comments at today's hearing,

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1 please fill out a speaker request form, which is
2 located at the registration table. We will receive
3 oral comments in the order in which the speaker request
4 forms are received.

5 You do not need to register at the
6 registration table to attend the hearing. However, if
7 you are not already on our mailing list for this
8 project and would like to receive direct notification,
9 please sign in on the sign-in sheet located at the
10 registration table, and check the box or indicate that
11 you wish to be added to that mailing list.

12 For those who are providing oral comments
13 today, the speaker request form includes a space for
14 you to provide your contact information and a box to
15 check to be included on our mailing list. Correction.
16 If you are providing -- if you are completing a speaker
17 request form, you should also sign the sign-in sheet to
18 indicate you want to be on the mailing list.

19 And this next part is a new announcement.
20 The period for submitting written comments has been
21 extended and will be extended for several days after
22 today's hearing. So please note that a new deadline
23 applies. The new deadline for the submission of
24 written comments is October 29th, 2013, or this coming
25 Tuesday. Your written comments submitted through the

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<p style="text-align: right;">Page 6</p> <p>1 U.S. Postal Service must be postmarked on or before 2 this coming Tuesday, October 29th. Your written 3 comments submitted by e-mail must be received by 11:59 4 p.m. this coming Tuesday, October 29th. 5 You can also submit any written comments 6 to us tonight on a comment card or other paper. You 7 may hand those to Melanie Magee at the registration 8 table, and that is where you can leave those written 9 comments. 10 If you have submitted written comments, 11 it's not necessary for you to give the same oral 12 comments, though you may do so if you wish by 13 submitting a speaker request form. Written comments 14 and/or oral comments receive equal consideration by EPA 15 in making the final permit decision. 16 The oral comments received at this 17 hearing today and all the written comments received by 18 the deadline will be reviewed and considered by EPA in 19 preparing its final permit decision. It is important 20 for you to know that we are here only to take comments 21 on EPA's Proposed Clean Air Act PSD permit, which 22 authorizes the emissions of greenhouse gases from the 23 construction and operation of El Paso Electric's 24 Montana Power Station project. 25 EPA will only consider comments related</p>	<p style="text-align: right;">Page 8</p> <p>1 hearing will be available for inspection at EPA's 2 office in Dallas. If you wish to purchase an official 3 copy of the transcript, please make arrangements 4 directly with the court reporter following the hearing. 5 EPA also intends to make this transcript available on 6 our Web site. 7 When EPA issues a PSD permit, it becomes 8 effective 30 days after the notice of the decision 9 unless: 1, a later effective date is specified in the 10 final notice; 2, no comments were submitted requesting 11 a change in the proposed permit, in which case the 12 permit is effective immediately or; 3, a petition for 13 review of the permit is filed in a timely manner with 14 the EPA's Environmental Appeals Board, the regulations 15 concerning which are found at 40 Code of Federal 16 Regulations part 124. Petitions for review must be 17 filed within 30 days of the notice of decision. 18 In a few minutes I'll begin calling on 19 speakers who have filled out and submitted a speaker 20 request form. Speakers are -- will be called up one at 21 a time in the order in which the comment -- speaker 22 request cards have been received. There is a speaker 23 table in front of me, and I will pass the microphone to 24 that table. If you are offering your oral comments in 25 Spanish, we will be taking an audio recording of those</p>
<p style="text-align: right;">Page 7</p> <p>1 to this proposed permit action for the project when it 2 makes its final determination. I ask that you refrain 3 from making comments that are not related to this 4 specific action. 5 EPA's decision on Clean Air Act permits 6 are typically made with the participation of a number 7 of people within the organization. EPA staff cannot 8 commit to any specific decision related to the proposed 9 permit today. The purpose of this hearing is for EPA 10 to listen to your comments. Therefore, EPA will that 11 not be providing responses during the hearing. Rather, 12 EPA will prepare a written summary of the comments it 13 receives and EPA's responses. 14 The responses to comments will be 15 available at the time EPA issues its final permit 16 decision. EPA will not make a final decision on the 17 proposed permit until all comments submitted during the 18 public comment period have been considered. EPA's 19 notice of final decision on this permit application 20 will be sent to each person currently on EPA's mailing 21 list for this action, as well as to each person who has 22 submitted written or oral comments and provided contact 23 information. This information will also be available 24 on EPA's Web site. 25 A copy of the transcript of today's</p>	<p style="text-align: right;">Page 9</p> <p>1 comments, and then ensure that they are later 2 translated. We may also have a translator on the way 3 who can offer live translation, and you may want to 4 wait until later in the hearing to see whether she 5 comes, but at a minimum comments that are provided in 6 Spanish -- we will make an audio recording and ensure 7 that they are translated later and receive appropriate 8 responses. 9 And if you are not in the room when I 10 announce your turn to speak, I will recall you after 11 all the speakers have made their oral comments. We 12 want to make sure that every one has an opportunity to 13 speak tonight. To that end I ask every one who speaks 14 to please make your oral comments brief. 15 To assist in this effort, I'm asking 16 speakers to limit their comments to five minutes. I 17 have two cards at my table here. One of them will 18 indicate when you have one minute left of the five 19 minutes. This card will be lifted as a one minute 20 warning. When a speaker's five minutes have concluded, 21 I will raise the stop card and let you know that time 22 has concluded, but please note that after all the 23 speakers have had a chance to comment, and if time 24 permits, people who submit additional speaker request 25 cards will be provided an additional five minutes of</p>

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1 testimony time; if they didn't have the opportunity to
2 complete their comments during the first opportunity to
3 speak.

4 Now, let's begin the comment period. I
5 have an initial stack of speaker cards before me.
6 Would Mr. Carlos Leon please step to the table and take
7 the microphone.

8 MR. TOMASOVIC: I would just like to
9 mention that Mr. Rincon who works for EPA's office here
10 in El Paso is a Spanish speaker. And if you have
11 questions about the script that I just went over, he
12 has a copy and is happy to explain the details.

13 MR. CARLOS LEON: Good evening. Thank
14 you. My name is Carlos Leon. I'm the county
15 commissioner that represents a portion of this area,
16 and I want to thank you all for being interested, for
17 coming out here and joining us in voicing your opinions
18 on what's going on today. And, EPA, thank you very
19 much for setting this up for us and allowing the
20 community to voice their concerns.

21 As a county commissioner, I cannot speak
22 for the court, but I can speak for my precinct,
23 which -- like I said, my concerns are going to be
24 short. My statements are going to be short that EPA
25 will be very careful as they monitor and they -- before

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1 they issue those permits that they know that those fuel
2 tanks are nearby the transmission lines, where they are
3 going to go through, that the noise level is kept to a
4 minimum and all those factors put together.

5 You're going to hear a lot of this
6 information as we go forward, but I just wanted to make
7 sure that all of you understand that, of course, I'm
8 available to you. I'll be glad to pass out my cards
9 and I just wanted to voice that -- that concern, the
10 main concern, the noise level insofar as the safety of
11 the residents, the location of those transmission lines
12 and the location of the plant itself, that it is nearby
13 those fuel tanks. And I'll be here for the entire
14 meeting. So thank you very much. I appreciate your
15 time.

16 MR. TOMASOVIC: Thank you.

17 Next up is Ralph Carrasco, and I'll ask
18 that commenters will preferably sit at the table in
19 front of me.

20 MR. RALPH CARRASCO: Thank you. My name
21 is Ralph Carrasco. I am a resident of the community
22 that is immediately next to the proposed power plant.
23 I live within half a mile of the proposed site, a block
24 away from their property wall. So I want to thank you
25 for giving me this opportunity.

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1 First of all, I want to apologize, you
2 know, because I -- as a regulating agency, I feel that
3 you have overlooked many issues that are in the
4 application of El Paso Electric. So first off I want
5 to apologize, but I will fire off some issues that you
6 overlooked as a regulating agency and as your
7 responsibility, and you have overlooked.

8 I cannot blame El Paso Electric for being
9 a monopoly seeking after gain, but you, EPA, on the
10 other hand, as the federal regulating agency, shame on
11 you for putting the burden on us, a colonia for having
12 to hire a legal team, along with expert consultants in
13 order to do your job.

14 Too many flaws exist in El Paso
15 Electric's application. And you have failed us in
16 properly regulating their assumptions. The EPA was
17 created for the sole purpose of protecting human health
18 and the environment by writing and enforcing
19 regulations based on laws passed by Congress, yet your
20 soft regulatory process during this proposal is opening
21 the door to environmental degradation, human health
22 problems and the depletion of our precious natural
23 resources.

24 The Clean Air Act and the Environmental
25 Impact Statement bind you to strictly consider the

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1 negative impacts by enforcing the regulations and laws
2 passed by Congress, but you have signed off and allowed
3 the polluter to proceed with the proposal.

4 Did you not find any negative impacts or
5 rather yet did you ignore them? The EIS is a tool for
6 decision making. Why is it that El Paso Electric has
7 already secured a permit for two turbines and seeking
8 approval for two more? Please allow me to prove your
9 inability to properly monitor and enforce what Congress
10 has put in place. Alternatives are considered to be
11 the heart of the EIS. Well, El Paso Electric is
12 stubborn and didn't present alternatives, and you
13 allowed it. They stuck about one alternative and you
14 let them.

15 The Water Impact Analysis is required but
16 both TCO and EPA allowed the polluter to skip such a
17 crucial requirement. Over 145 million gallons of
18 potable water per year is the estimated rate of usage
19 and you allowed it to go unchecked. Nobody can
20 guarantee El Paso Electric unlimited access to an
21 already scarce resource.

22 Cost analysis for each alternative,
23 including operational costs to mitigate expected
24 impacts wasn't enforced on them because you allowed
25 them to present only one configuration, even though

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1 three configurations exist to the current model.
2 Your lack of enforcement allowed El Paso
3 Electric to choose the most expensive and
4 water-consuming configuration. Hybrid cooling
5 technology should have at least been presented as an
6 alternative, but El Paso Electric stuck with one
7 configuration because you allowed them.
8 The EPA's best available control
9 technology determination for the future turbines is
10 improper. EPA's policy requires for BACT determination
11 within 18 months of permit issuance. At best EPA's
12 permit should determine BACT for the first turbine and
13 leave to the future the BACT determination for the
14 later units.
15 Since BACT evolves over time, setting
16 BACT for units to be constructed many years from now is
17 simply incorrect and illegal. Your lack of progress
18 towards environmental justice is a total betrayal to us
19 tax-paying residents that deserve as much respect as
20 any high-end community. I invite you to visit our
21 community. You can't miss it because our residences
22 are all along the western wall of the proposed Montana
23 Power Station.
24 I think it is a shame that we are
25 entering a new era where renewable and sustainable

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1 energy is the new norm, yet you have been stuck in an
2 industrial revolution that is no longer applicable to
3 these times. We will be stuck with a carbon-based
4 plant forever now, even though we are on the verge of
5 exploring new and renewable and sustainable
6 technologies.
7 Finally this proposed facility is
8 supposed to function as a peak facility. Yet their
9 5,000 hours of yearly operation do not resemble that
10 peak type of facility. If they operated 24 hours a day
11 at 5,000 hours a year, that would equal 208 days. That
12 is not a peak-hour facility. If we divided the 5,000
13 hours into the complete year, they would be functioning
14 13.7 hours a day. This is not a peak facility. You
15 need to properly define what a peak facility is. What
16 fault do my children have? Thank you.
17 MR. TOMASOVIC: If I could be heard.
18 The next is Lidia Rodriguez.
19 (Ms. Rodriguez did not appear.)
20 Monica Garcia.
21 MS. MONICA GARCIA: Good afternoon. My
22 name is Monica Garcia, and I, along with every one else
23 grew up here and I'm only a senior in high school and
24 I'm extremely -- I'm really scared. I'm going to be
25 leaving in a couple of months, and I'm expected to

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1 leave my family here, .7 miles away from a potentially
2 fatal power plant. And my -- my dad has asthma and
3 it's really hard for him to breathe sometimes.
4 And my question was the quality of air
5 that this power plant is going to instill in our
6 community. And it's come to my attention that in the
7 past El Paso Electric Company has not met the quality
8 of air standards, and has just decided to opt out and
9 pay the penalty rather than follow regulations.
10 And this kind of thinking that El Paso
11 Electric Company, being the monopoly that it is, can
12 come into the colonias and decide to disregard the
13 standards and quality of air and that it can
14 potentially do whatever it wants and just pay the
15 penalties, leaving my family in a community full of
16 smog and full of extremely, potentially dangerous and
17 fatal -- a fatal environment, that terrifies me because
18 I won't be here. And I can't expect my family to just
19 pack up and move because of what El Paso Electric
20 Company is doing. And that's all I have to say. Thank
21 you.
22 MR. TOMASOVIC: Thank you.
23 And when I call your names, if you could
24 start off by restating your name. And if you're here
25 with an organization, feel free to state that

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1 organization you are affiliated with or speaking on
2 behalf of.
3 Next is Louise Alaniz.
4 It appears our Spanish translator has
5 arrived. So the plan would be if you wish to give your
6 comments in Spanish, she will offer a live translation
7 that you may want to hand the mic to her, whatever the
8 court reporter needs in order to take it down in
9 English would be the easiest way. Thank you.
10 MS. LOUISE ALANIZ: Good afternoon. My
11 name is Louise Alaniz and I'm part of the homeowners
12 association of Haciendas del Norte. My main concern --
13 when I purchased my home, I did my homework and the
14 reason I purchased the home was because I was being far
15 way from the city pollution.
16 And when I heard about the El Paso
17 Electric Company wanting to come and do this in my
18 area, it really bothered me because I was running away
19 from them and here they are in our backyard again, once
20 again trying to pollute the environment.
21 And more than anything, according to your
22 records that the EPA has found that even with the
23 presentation they have exceeded the ability of
24 controlling their carbon monoxide and that even bothers
25 me more because if they already presented something

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1 that has exceeded, who is to say they will not go
2 beyond that as well.

3 My concern is for -- more than anything
4 is for the elderly that live in the area that have
5 breathing problems, especially my mom. She right now
6 didn't make it because she's under oxygen, and that was
7 another reason why I moved her out here was to protect
8 her, and with this El Paso Electric Company plant, I
9 feel like I'm failing her in that sense.

10 I do ask that you hear us out and help us
11 so that we can at least -- more than anything I
12 understand that the city will keep growing but there is
13 a lot of open area away from our homes that they could
14 consider, and I wish that you guys take that into
15 consideration as well for the future of our children
16 that still live there and the elderly that really need
17 your protection at this time that have problems
18 breathing and that have respiratory problems. I know
19 there's many plants in El Paso, and in outside areas,
20 but none of them is close to our homes.

21 I thank you for your time and I hope that
22 you really help us out in this situation.

23 MR. TOMASOVIC: Thank you.
24 Next is Adrian Castillo.
25 MR. ADRIAN CASTILLO: Okay. My name is

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1 Adrian Castillo. I'm a resident in Montana Vista. I
2 live less than a mile away from the proposed power
3 plant site. Well, my questions or my comments have to
4 do with respect to the El Paso Electric application of
5 El Paso Electric towards the EPA. One of the
6 responsibilities of the EPA -- well, first of all, the
7 Environmental Protection Agency is supposed to protect
8 the citizens, and like another resident said, we have
9 felt abandoned by the Environmental Protection Agency.

10 It has been up to the residents to
11 protect their environment, and I believe that that is
12 not -- that that is not the intention of the federal
13 government with the EPA, to have residents protect
14 themselves or their families.

15 So I believe the EPA has failed this
16 community. It has failed El Paso. It has failed
17 Montana Vista because we have to look out. We have to
18 do the research and look at the application from El
19 Paso Electric.

20 One of the requirements from the
21 application is to use the best available control
22 technology. El Paso Electric is not using the best
23 available control technology. In their permit, they
24 are seeking the permit -- the permit indicates that
25 they want four simple cycle gas turbines. The best

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1 available control technology wouldn't be that, the
2 simple turbines. It emits too much of the greenhouse
3 gas. There's a lot of greenhouse emissions with the
4 simple gas turbines because there would be four to
5 produce a total of 400 megawatts.

6 The best available control technology
7 would be combined cycle gas turbines. That is the best
8 available control technology. It emits much less
9 quantities of pollution, especially carbon dioxide. To
10 us you are overlooking their application. You are
11 giving them the green light to continue, not following
12 the guidelines that the federal government has placed.

13 The EPA has indicated new standards for
14 power plants in the future because you have
15 acknowledged that they are the major industry that
16 contributes to greenhouse gases. Once again we are
17 asking you to look at that application and require
18 El Paso Electric to actually produce a good plan with
19 their permits that indicate that they are actually
20 using the best available control technology.

21 For example, we live in an arid or desert
22 area. They have not considered using a dry-cool
23 condenser. They are using basically a water condenser
24 to cool their towers. That will require almost a
25 million gallons of water per year, and it's going to be

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1 wasted, the water to cool their towers. We need the
2 best available control technology, especially in this
3 area. We have to protect our resources.

4 We are asking you to protect the
5 environment because that is your responsibility as a
6 federal agency. We're asking you to look at this, the
7 specific area in which we live. We were here first.
8 You cannot have this type of technology emitting so
9 much pollution next to homes, next to families. We
10 were here first.

11 El Paso Electric wants to come into our
12 area. We are not going towards their area. So we are
13 asking to you protect us by requiring the best
14 available control technology.

15 And also I have a request for the
16 Environmental Protection Agency. They want to build
17 once again a power plant with four simple cycle gas
18 turbines that will produce approximately 400 megawatts.

19 My question to you would be, Is it
20 necessary? Do we really need this type of power plant
21 in El Paso or Montana Vista at this moment? Is it
22 completely necessary? Why do they want to build this
23 power plant? They haven't justified the need of having
24 400 megawatts.

25 In their application they indicate that

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1 they are concerned about Arizona, the burning in
2 Arizona. What does that have to do with production
3 of -- or the need to have 400 megawatts? I'm asking
4 you to look at this application carefully.
5 First of all, do we need this power
6 plant? Is there a need in this city for additional
7 electricity produced? And second of all, are they
8 using the best available control technology? And my
9 answer would be no.
10 There are other types of technology in
11 which we can expect less pollution, less pollution in a
12 community that was already here. They are coming to
13 us. We're not going to their power plant. They are
14 coming to our area. Please protect us. This is your
15 responsibility as a federal agency. Thank you.
16 MR. TOMASOVIC: Thank you.
17 Next is Delia Labrado.
18 MS. DELIA LABRADO: Hi, good evening.
19 First of all, I want to thank you for coming. El Paso
20 Electric failed to conduct an environmental justice
21 analysis. Therefore, the electric company did not care
22 about the residents and especially those residents with
23 a higher risk to health issues such as children and
24 elderly. This is an issue of environmental injustice
25 on the part of the electric company, El Paso Electric,

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1 and especially the Environmental Protection Agency
2 because it did not require El Paso Electric to conduct
3 an environmental justice analysis, which would
4 determine how the population, in particular Montana
5 Vista, with a large number of minorities, with limited
6 English language skills, limited income and limited
7 education would be impacted by this power plant that
8 would emit substantial amounts of pollution.
9 In 1994, President Clinton signed an
10 Executive Order Number 12898 for the federal government
11 to address environmental injustice in minority
12 populations and low income populations. This would
13 provide the community to be involved and be active
14 participants in the process of a power plant and the
15 impact on human health and/or the environment.
16 But the community never had the
17 opportunity, and instead only had a couple of meetings
18 in which the community was told what was going to
19 happen. And during all these meetings -- during all of
20 these meetings, the community expressed concerns and
21 said no to the proposed plant.
22 I demand that you, the Environmental
23 Protection Agency, protect us citizens and taxpayers
24 against the harm, social and environmental injustice
25 that El Paso Electric Company wants to inflict in my

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1 community. Thank you.
2 MR. TOMASOVIC: Thank you.
3 John Briggs.
4 MR. JOHN BRIGGS: John Briggs. A
5 question I've got is they are building an
6 environmentally safe power system in northern New
7 Mexico and running power lines all the way to Tucson
8 from this plant. Why, if -- why are they running this
9 to Tucson? Why don't they run it to El Paso or run it
10 to the communities that El Paso Electric supplies power
11 to in New Mexico, which is Alamogordo, Las Cruces,
12 White Sands Missile Range, Holloman Air Force Base, all
13 of that area over there?
14 Then will El Paso Electric need the
15 additional power plant to -- this power plant at all?
16 And have you -- have they even submitted any of this?
17 Have they looked into it? What's the cost differential
18 in them using power from this plant, which is basically
19 powered by the sun and wind? There is no environmental
20 impact from that.
21 And why -- when people are complaining
22 about the transmission lines that are running all the
23 way from New Mexico to Arizona, and they don't want
24 those transmission lines put in, why are you okaying
25 El Paso Electric to build another power plant that may

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1 not even be needed?
2 MR. TOMASOVIC: Thank you.
3 Jesus Torres, IV.
4 MR. JESUS TORRES, IV: My name is Jesus
5 Torres, IV. I have just four questions for you. How
6 many times has El Paso Electric -- how many times has
7 El Paso Electric Company been fined for going over the
8 proposed emissions for that year that they have already
9 been set in place? I've been hearing a couple of
10 things around that they have gone over a couple of
11 times. They've been fined, and it's pretty much just
12 been a slap on the hand and they continue on.
13 Also, you have to take into account how
14 much pollution is already in El Paso due to Juarez and
15 everything that comes over. And just on the bridge
16 alone -- my father works there. My mother has worked
17 there. Every time that they come home they have to use
18 a neti pot just to get the emissions from the vehicles
19 off of their -- off of them, and it's very nasty sight.
20 A lot of black stuff comes out of their nose.
21 A second question would be what
22 securities do we have against a natural gas explosion
23 on the turbines like the other plants in the U.S. have
24 had over the couple -- past couple of years? What
25 would be the environmental affect if it hits one of the

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1 gas tanks, which is only 500 feet away from the -- the
2 power plant, and the future of what would happen if
3 that were to take place?
4 From the looks of it, they have a
5 monopoly that's going to go in, but if that happens
6 we're going to end up having a lot of issue, especially
7 when one little recycling plant that just went up in
8 flames, I think it was last week, took more than our
9 volunteer fire department to fight. We had to get help
10 from El Paso Fire Department, a couple of trucks came
11 in and it still took them all day just to get that out.
12 The third question would be the open
13 water that they have. What actions do they have in
14 place to keep those spread from West Nile Virus?
15 That's been a very scary thing for a lot of people in
16 El Paso, and it seems like you guys are going to have
17 two big lakes that are to be untreated, unprotected.
18 How are they working to get past all of this that's
19 coming up?
20 And then my last question would be how
21 many secure plants have led to deaths due to emission
22 problems over the past couple of years that we are
23 barely finding out about now? We're allowing these to
24 keep going, keep going, keep going, with the best
25 possible solutions that they have for them, yet we're

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1 finding new problems every single year that we move on,
2 and it just seems pointless for them to put it exactly
3 in the middle of a big population. Thank you.
4 MR. TOMASOVIC: Thank you.
5 Next is Alfredo Garcia.
6 MR. ALFREDO GARCIA: Good afternoon. I
7 don't read near as good as these other people do. My
8 name is Alfredo Garcia. I am a member of the Far East
9 El Paso Citizens United. I'm also a member of the
10 homeowners association at Haciendas, but more
11 importantly I'm a member of this community, and I -- I
12 have two issues that I would like to bring up.
13 The first one is the water consumption
14 and evaporation rate. In El Paso we have always
15 underestimated our evaporation rate, and it's always
16 been greater, much greater than what the engineers put
17 down on paper. So this million -- million gallons a
18 year is, I believe, a gross underestimation of water
19 usage.
20 In El Paso, sir, the State of Texas uses
21 320 gallons per person as a measurement of usage of
22 water. El Pasoans have gotten down to 125 gallons per
23 person. That is an outstanding effort for our
24 community and it is because we live in a desert area --
25 desert area. We have learned to conserve and we have

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1 learned to reuse. We still have a long ways to go
2 because we are running out of water.
3 And in this -- in this technology that
4 they are bringing in, that they are trying to bring
5 into our community is not the smart technology. It's
6 not an environmentally smart technology. We need to
7 think smarter. We need to use better technology and I
8 know there's better technology out there. I'm not a --
9 I'm not a power plant person, but I know there's
10 something smarter than that to use in this -- in this
11 environment.
12 In my opinion this -- this water usage
13 doesn't belong in the desert. This is -- it's a
14 different world and in today's desert we don't need to
15 be wasting water like this. These ponds are going to
16 evaporate immense amounts of water. They really don't
17 have any idea how much they are really going to be
18 using. In my opinion -- again, this is a -- this is an
19 environmental injustice to our citizens, our community
20 and our county. This shouldn't be in our desert.
21 The second part -- the second point that
22 I would like to point out, and it's been brought up
23 here a couple of times, is the placement of this plant
24 right next to gas tanks. And I'm not talking little
25 gas tanks. I'm talking immense gas tanks. They are

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1 enormous. And if you go out there and stand where they
2 are going to build this, where they are proposing to
3 build this, you are going to look at these tanks and
4 you are going to look up. They are that large and
5 it's -- it's frightful. It's a scary feeling, sir, to
6 live there.
7 Now, I know we need electricity and I
8 know we're growing, but there's places for these
9 things. We have Ascension out there in the middle of
10 the desert. There's absolutely no reason why they
11 shouldn't put it out there. It won't impact the
12 communities. It won't impact their cables, their
13 lines, their transmission lines.
14 I have checked around and asked, and I
15 cannot find any where in the United States of America
16 where they have allowed a power plant next to a tank
17 farm like they are proposing to do here. I have yet to
18 see anything. The Fort Bliss -- Fort Bliss canceled
19 their plans.
20 Thank you very much for your time, sir.
21 Please take our community into consideration.
22 MR. TOMASOVIC: Thank you.
23 Next is Beth [sic] Louise, and if you
24 could read your last name.
25 MS. BRETIA LOUISE CURLEE: It's Bretta

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1 Louise Curlee.
2 Hi, I'm one of the elderly people that
3 you speak of in the community that's going to suffer
4 from this El Paso Electric Company and EPA fiasco.
5 There are a lot of people. And I really feel in my
6 heart the reason why the El Paso Electric Company came
7 down here and put -- you-all have already had this in a
8 cloak of secrecy from the very beginning.
9 Sure, you've announced the meetings but
10 very few and very sparse. You didn't expect to have a
11 turn out. You didn't expect this colonia to come
12 together. We already see the pipeline coming across
13 the shooting range at the Fort Bliss Gun Club that's
14 going to be joining up to here to Montana. Everything
15 is -- maybe they won't notice. We are noticing. We're
16 asking you to please take care of this community.
17 There are other viable avenues that can
18 be done. You didn't seek them. You've heard very good
19 testimony of people about wasting the water that I
20 guess is so dispensable, as we are, the community. So
21 please redo, rethink. And like I said, this has been
22 cloaked in secrecy.
23 I think we all have to agree with this
24 that they didn't think that this little community out
25 here at Montana Vista would come together, but we have

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1 a heart. We love each other, and we need for this to
2 be put an end to, or at least put it in the right way.
3 Water is -- my goodness, most of us have gone to
4 refrigerated air. Quit letting the El Paso Electric
5 Company the monopoly -- in nowadays terms, a bully.
6 Let's stop this now. Thank you.
7 MR. TOMASOVIC: Next up is Donna Collins.
8 MS. DONNA COLLINS: I'm Donna Collins. I
9 live in Hacienda del Norte Estates, which is on the
10 east border of the proposed plant area. I live off
11 Flager Road on Buffalo Creek Drive. I'm about -- going
12 to be probably about three, four miles from the actual
13 plant itself, maybe a little closer.
14 I moved out to Hacienda del Norte Estates
15 back in 1998. We built our house. We had purchased
16 land in 1994. The reason we came out here was also
17 because of health reasons. We were trying to get away
18 from the pollution of the city. Several members of my
19 family have asthma, and as a nurse I know how much
20 pollution affects them. Even when they go in town to
21 shop, they have reactions, you know, and they can tell
22 the difference in the air.
23 I know that this gas plant is not
24 supposed to have that much pollution, but the fine
25 particulate matter that we can't see is the stuff

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1 that's going to be the most dangerous. And from the
2 record of El Paso Electric, I'm very concerned about
3 because of the Newman Plant record and the Rio Grande
4 Plant record. They have numerous violations as others
5 have spoken to. And how can we trust a company that
6 has that kind of history and would rather just pay the
7 fine.
8 So we feel that a grave injustice is
9 being done to us. Also, they haven't -- what about the
10 environmental impact overall of having this large
11 facility that's going to be a very large facility, from
12 what the newspapers are saying now? It started as one
13 turbine. Now, all of a sudden there's four turbines
14 and this is going to be a relay area.
15 This is going to be a center where 231
16 employees are going to work. That's going to bring
17 traffic out to Montana near Flager. I wonder what they
18 are going to do about that. We have semis coming out
19 there already over that little bridge they built, and
20 they have to turn. There's no light to go around back
21 up to the Magellan area, and I wonder about the impact
22 of the vehicles and pollution because of this plant,
23 too, because it is going to be a large facility.
24 I -- I can't -- the only reason I can see
25 that they haven't chosen a more appropriate site is

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1 because they don't care about us people and they don't
2 care about our homes and they don't care about our
3 neighborhoods, and they are not a good neighbor for not
4 caring and that's the way I feel. I'm sorry, but, you
5 know, I'm very disappointed in their actions and I'm
6 very concerned. Thank you.
7 MR. TOMASOVIC: Thank you.
8 Next is Fred C. Johnson.
9 MR. FRED C. JOHNSON: My name is Fred C.
10 Johnson. I've got several things to talk about. I was
11 with the gas company that will supply the natural gas
12 to the power plant. There's a 26 and a 30-inch high
13 pressure line that they've already tapped into. I
14 suppose they would run the line.
15 The EPA should know, and the citizens
16 should also know, that there will be a regulating
17 station. And I'm not speaking for the gas company.
18 I'm retired. There will be a regulating station there
19 that took my hearing away. I was in the measurements
20 department for 27-and-a-half years, and I have
21 difficulty hearing because of my job at Newman Power
22 Plant and Rio Grande Power Plant. It's noisy and it's
23 detrimental to hearing. There's no way getting around
24 it.
25 Also, someone mentioned the safety

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1 factor. Has the EPA looked at what happens when a
2 10- or 12-inch line breaks at 600 pounds? If you break
3 a 30-inch line at that pressure, you'll burn down
4 everything within a mile radius but a rock. I've got
5 pictures of that. We gave it in our safety department.
6 I wonder if the EPA has realized that the
7 electricity that we burn in El Paso comes from a
8 nuclear power plant west of Phoenix. El Paso Electric
9 Company generates the power here and ships it upstate
10 where they can get a higher price. So they are not in
11 it to provide electricity for us out here.
12 They put two wind turbines out on a peak
13 out there, and I called them about it. And they asked
14 me if I would like -- I said -- they asked me if I
15 would like to help pay for those. And I said, "Well,
16 would I get any benefit?" They said, "No." They have
17 tried wind turbines. If you travel east of El Paso on
18 I-10, there are hundreds and hundreds of wind turbines
19 to our east. They are shipping it out. No gas to
20 burn, no pollution. They are all over out there.
21 I don't know what's with El Paso
22 Electric. They are power hungry. They do not care
23 about us. I retired and built a home out in Haciendas
24 del Norte Estates. Then they built a tank farm. I
25 wonder if anybody here would like to take five gallons

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1 of gasoline and blow it up. There are thousands of
2 gallons of gasoline adjacent to Montana and Flager. If
3 they go, the power plant goes. The regulating station
4 will melt.
5 Natural gas is a beautiful thing kept
6 under control but there are accidents. The pipeline
7 blew up in Jal, New Mexico several years ago down by
8 the river, killed several families of people that were
9 camping nearby. Natural gas will turn your body into a
10 lump of coal about three feet long, no extremities.
11 There will be part of a skull left, no arms, no legs,
12 nothing but charcoal, burnt bones.
13 El Paso Electric Company does not care
14 about us. We're a small community. This is my home
15 town. I moved out here to get away from the city and
16 the pollution. And if you come out here some morning
17 and look down the valley in the winter, you'll see why
18 we moved out here.
19 I moved out here and I built my own home.
20 That's a privilege that I got. Am I going to have to
21 go live somewhere else in a home that, as you can see
22 by my physical stature now, I could not build? I have
23 to leave a home that I put every nail in, every piece
24 of wire, every drain pipe.
25 We care about water so much we have two

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1 drain systems in our home, a gray water and a soil
2 water just so we can water our plants to preserve the
3 water we have. The electric company is just going to
4 evaporate it. Very poor engineering. The EPA is
5 responsible for -- Environmental Protection Agency over
6 the United States. How come they will protect an owl
7 in Washington state and put people out of work in the
8 logging industry, but don't care about the poor
9 Mexicans in El Paso and the poor white boys?
10 That's all I've got to say. I wish
11 you-all would do something because they are not pro
12 anybody but their pocketbook. Thank you.
13 MR. TOMASOVIC: Thank you.
14 Next is Omar Flores.
15 MR. OMAR FLORES: Omar Flores, Haciendas
16 del Norte organization. First of all, I would like to
17 say thank you. Also, I would like to give a message to
18 El Paso Electric. First of all, I would like to say
19 that this is still a fight and we can still win. Money
20 can't buy everything. They still don't have what we
21 don't [sic] have, a love for this community. And I
22 would like to start speaking about this research I did.
23 Here is our background. On the east
24 corner of El Paso is the County of El Paso and the city
25 of El Paso limit is coming soon and fast to this part

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1 of the area with new local businesses, huge enterprises
2 like Walmart, Cinemark XD, Lowes, Home Depot,
3 McDonald's, Burger King, Taco Bell, Peter Piper Pizza,
4 T-Mobile, Joe's Haircuts and Montana Vista and Vista
5 Market. And, of course, we were expecting an outlet
6 mall soon. These are a few of the wonderful businesses
7 of this side of El Paso.
8 Would you allow a business like El Paso
9 Electric to ruin chances for a new and bright El Paso,
10 allowing an 88-mega [sic] power plant powered by
11 natural gas, which will affect negatively innocent
12 people, which could lead to death?
13 The community consists of 7,000 homes and
14 an average of four people in each family household.
15 25 percent are retired veterans who are senior citizens
16 over 60. 25 percent of those seniors have breathing
17 problems, cancer and constantly taken to the emergency
18 room.
19 Another 25 percent are young children and
20 adolescents from the ages of 1 through 18 years of age.
21 Most of them live in rural areas because of asthma.
22 The last is 50 percent that would consist of adults
23 ranging from 18 to 60 years of age. The work hard
24 paying -- the hard workers pay taxes and vote to
25 support the families they love.

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1 There's a volunteer fire department about
2 1,000 feet away from the proposed site, with two out of
3 three trucks working properly, four public schools in a
4 two-mile radius with a total of 3,212 children, and
5 last is a fuel farm company named Magellan with 25 fuel
6 tanks with a range capacity of 50,000 gallons to 40,000
7 gallons in each tank. This is located in the area of
8 Montana and Flager.

9 The proposed plant. The downside effects
10 of this plant is very disturbing for me to have
11 researched. The two main problems with the water --
12 here is one of the problems. The water issue --
13 because the plants will consume 800,000 gallons of
14 water a year. El Paso is suffering through a drought
15 at the moment and El Paso Electric wants to use those
16 gallons of water for the cooling towers and turbines
17 which will be dumped in a man -- man-made pond. That
18 becomes a water consumption problem very soon, and will
19 bring many mosquitoes to the area, contaminating -- I'm
20 sorry -- containing the West Nile Virus.

21 The West Nile Virus is a mosquito-borne
22 illness. Up to 80 percent of people infected with the
23 West Nile Virus will have no symptoms and will recover
24 on their own. However, some cases can cause severe
25 illness or death. People that are over 50 and those

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1 with weakened immune systems are at a higher risk of
2 becoming ill if they become infected with the virus.

3 In the city of El Paso at this time last
4 year, there was 24 confirmed cases in the El Paso area,
5 with five resulting in death. Overall 32 confirmed
6 cases were reported in El Paso last year, with six
7 people dying as a result of either the disease itself
8 or due to underlying conditions, officials said.

9 Air contamination will be a great
10 problem. A notice of application and primary decision
11 of an Air Quality Permit, which was published by the
12 Texas Commission of Environmental Quality on October
13 15th in an edition of The El Paso Times says, The
14 proposed facility will emit air contaminants in a
15 significant amount, including carbon monoxide, nitrogen
16 oxide and particulate matter.

17 The facility will also emit air
18 contaminants such as sulfur dioxide causing a
19 respiratory irritant which aggravates lung and heart
20 problems. In the presence of moisture and oxygen,
21 sulfur dioxide converts to sulfur acid, which can
22 damage iron, marble and steel, damaging crops and
23 natural vegetation and impairs visibility.

24 A predecessor to acid rain, the most
25 common way for sulfuric acid to enter the body is

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1 through the respiratory system. Serious lung damage
2 may result from inhaling exposure to sulfuric acid
3 which organic compounds and ammonia enters the body as
4 a result of breathing, swallowing or skin -- I'm
5 sorry -- swallowing or skin contact. It reacts with
6 water to produce ammoniac [sic] hydroxide. This
7 chemical is very corrosive and damages cells in the
8 body upon contact.

9 Housing value would decrease at a rapid
10 pace, and within two miles this would decrease 4 to
11 7 percent. In a one-year period, the bill will
12 increase by 19.80 cents. Thank you. I'm sorry.

13 MR. TOMASOVIC: Next is Veronica Carbajal
14 with Texas Rio Grande Legal Aid.

15 MS. VERONICA CARBAJAL: Thank you. I am
16 an attorney with Texas Rio Grande Legal Aid, and for
17 the last year it has been my honor to represent the
18 people that are here and the nearly 10,000 people that
19 will be immediately affected by this plant.

20 We have struggled before three forums,
21 the TCQ, the air permits with the PUC, the Public
22 Utility Commission, in regards to the turbines and the
23 transmission lines and now the EPA and the greenhouse
24 gas. Our nonprofit has gone through great expense and
25 diversion of resources for this case, and the reason

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1 being is that no one else has stood up for this
2 community in the way that it deserved, and that
3 includes El Paso Electric, includes the TCQ and
4 unfortunately includes the EPA.

5 El Paso Electric cannot tell you what
6 this community looks like. It can't tell you how many
7 people live below the poverty line, how many people
8 don't have access to basic infrastructure like sewage
9 and natural gas. It can't tell you how many people are
10 Hispanic or black or of color. They didn't bother to
11 do that, and neither the TCQ or EPA held it to its
12 task.

13 It had a duty under the executive order
14 mentioned earlier in environmental justice, and as well
15 as the EPA's EJ 2014 plan to figure out who its
16 neighbors were going to be. This is a fence-line
17 community. This will be people living directly across
18 from this facility, and it will be thousands people
19 affected by the noise, the lights and, of course, the
20 air pollution that you are tasked to regulate.

21 Furthermore, El Paso Electric has
22 admitted that it did not do anything to meaningfully
23 consider or incorporate the community's input. Had it
24 done so, we might not be here today. Had the company
25 bothered to know its neighbors, its future neighbors

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1 and to take their comments seriously, we may not be
2 here today, but they did not do that.

3 We will be submitting technical comments
4 on Tuesday regarding primarily the use of technology
5 that has been proposed by the company. So our
6 arguments will focus on the best available control
7 technology issues, as well as others, but I wanted to
8 introduce ourselves and also to recognize the thousands
9 of hours that this community has spent fighting this
10 company because it demands respect and it demands that
11 the standards that you were tasked with enforcing be
12 enforced. Thank you.

13 MR. TOMASOVIC: Thank you.
14 Next is Ed Martinez.
15 MR. ED MARTINEZ: First, I want to say
16 thank you for coming and giving us your time. We know
17 you guys are very busy, but as someone had mentioned
18 earlier, my comments are going to be really, really
19 short.

20 Somebody had mentioned that there's other
21 available sites. If you just go down here, just follow
22 this road, it's all open desert. I mean, was the
23 electric company that lazy to not build just a couple
24 more miles down the road? Why would they not build in
25 the empty desert? Then all you'll have is jack rabbits

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1 complaining instead of all these people, but yet you
2 chose to build right in the middle of a neighborhood.
3 I mean you don't have to be a rocket scientist to
4 figure that out.

5 And then there's this -- big, old, gas
6 tanks. One of my other questions is, Has any of your
7 geniuses or scientists figured out what would be the
8 blast radius? I have two small kids. What would be
9 the blast radius if those things blew up? I mean would
10 we even stand a chance to run or escape or are we going
11 to die instantly?

12 And my last question is, as someone else
13 mentioned, it's all about greed. You just -- I know
14 you guys aren't familiar with this area, but you just
15 take this road down here, not even five minutes, it's
16 all empty desert.

17 I just don't understand why they couldn't
18 build over here. Was it going to put them at an
19 inconvenience? But yet they are affecting us for our
20 entire life. What would be the long-term study on
21 that? That's all I have to say.

22 MR. TOMASOVIC: Thank you.
23 Next is Risher Gilbert.
24 MS. RISHER GILBERT: My name is Risher,
25 spelled R-I-S-H-E-R, last name Gilbert. I'm a lawyer

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1 in El Paso, practiced here approximately 35 years. I
2 represent a contiguous property owner, CSM Realty
3 Holdings. My client or related entities has owned
4 property in this neighborhood for over 30 years.

5 I would appreciate it if all the people
6 here from the EPA would raise their hands just so we
7 can understand who is here. Would you be willing to do
8 that?

9 Okay. I would also appreciate it if the
10 members from the El Paso Electric Company would raise
11 their hands just so we could understand who is here.
12 Thank you.

13 I am concerned. My client, by the way,
14 owns property contiguous to an entire easterly boundary
15 of the El Paso Electric Company property. It's a long
16 boundary. It's probably a mile in length. I'm very
17 concerned that El Paso Electric has piecemealed this
18 process. And I believe this is a very important thing
19 for this neighborhood.

20 We started out with maybe one or two
21 turbines. Now we learn there are going to be two more.
22 We started out with one PUC hearing or filing.
23 Subsequently there have been more. We started out
24 trying to figure out what are possible routes to the
25 transmission lines. Once we think we finally

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1 understand routes A, B, C and D, we get another filing
2 with more routes through E, F and G.

3 It is very difficult for me as an
4 experienced lawyer to understand what is going on. I
5 cannot imagine how the residents can follow it. And I
6 don't purport to understand it all. I'm sure there's
7 more I don't know than I do know.

8 I am also very concerned for the timing
9 these residents have to respond. Your overview public
10 information sheet says on September 22nd, 2013, you
11 provided notice of and requested public comment. To
12 end that comment anywhere near a 30-day period -- which
13 by my calculations is not much more than that if you
14 have a deadline even extended to next week -- is
15 patently unfair to this neighborhood.

16 You know, I refreshed my memory by
17 looking at the El Paso Times newspaper article that
18 came out just two days ago. It's probably primarily
19 their press release, although the article is by Vic
20 Kolenic of the El Paso Times. It says in there that
21 now they are going to break ground on a multimillion
22 dollar transmission and distribution center located
23 next to the plant with more than 200 employees.

24 Well, one of EPA charges under the
25 environment law is to look at the cumulative effect and

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1 the cumulative effect now has to incorporate a whole
2 new fact we've learned. There will be over 200 cars
3 going back and forth with emission and heavy equipment
4 at this site. There will be major warehouse
5 operations, but what concerns me as much as anything,
6 when we look at the short time frames for comment that
7 both EPA and before that the FUC has given us, is
8 that -- is this statement.

9 The new center is part of the company's
10 and I quote, years old plan to consolidate facilities,
11 close quote, and then it continues to make operations
12 more efficient, a company official has reported. The
13 nature of the beast is that El Paso Electric has had
14 years to plan what they are going to do on this site.
15 The neighbors have had months.

16 The neighbors have had to react, while
17 El Paso Electric has had the luxury of planning with
18 many consultants, sophisticated consultants. I really
19 want to echo and reiterate what's been said tonight
20 about environmental justice. The EPA has been a leader
21 in the realm of environmental justice. What is it?
22 Well, it's one of those things you recognize it when
23 you see it.

24 The law prohibits loading up a
25 disadvantaged neighborhood with heavy industry that

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1 adversely impacts their environment. I have studied
2 the census data on this neighborhood, and the comments
3 that have been made tonight are very accurate. It is
4 disadvantaged in any aspect you look at, whether it's
5 age of children in single-family homes, income,
6 education level, English not being the first language,
7 on and on and on. This neighborhood jumps off the page
8 and is one of the very most disadvantaged in all
9 El Paso County.

10 You may also not know that another
11 federal agency has given this neighborhood a really
12 difficult time, and that is having to do with Fort
13 Bliss. The Department of the Army was going to place a
14 huge waste treatment plant right adjacent again to my
15 client's property, and this plant was going to have
16 some hazardous waste. It was going to store waste. It
17 was going to treat waste, and it was going to have, I
18 think, over 200 -- at least over 100 trucks going back
19 and forth delivering waste to this neighborhood.

20 Thank goodness my client, this
21 neighborhood, U.S. Congressman Beto O'Rourke fought
22 very hard against that. And we just found out within
23 the last probably 60 days that the Army has agreed not
24 to place the plant here. And I consider that a huge
25 victory for all of you-all.

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1 I also think, in addition to looking at
2 the environmental justice issues as I've stated, you've
3 got to look at the cumulative impact. It is not
4 appropriate and it is a violation of the spirit and
5 intent of the environmental laws to piecemeal this type
6 of project. We need to know all the potential
7 transmission lines. We need to know all the potential
8 turbines and generators. We need to know all the
9 emissions, all the employees, all the noise, everything
10 that will impact this neighborhood.

11 I am going to request that the EPA extend
12 the comment period for at least another 60 days. 60
13 days is an extremely short time in relation to the
14 years that El Paso Electric has been planning this
15 project. Thank you very much.

16 MR. TOMASOVIC: Thank you.
17 Next is Gustavo Martinez.
18 (Statement as translated to English.)
19 MR. GUSTAVO MARTINEZ: Good evening. I
20 don't speak English, but I can say this in Spanish. I
21 do not agree with this plant that they are planning on
22 building because my children suffer from chronic
23 asthma. We're a family that come from an area where --
24 we used to live in the central area. So we used to
25 live next to the bridges and we always suffered from

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1 all the pollution that concentrated in that area.

2 My wife used to suffer a lot from my
3 [sic] throat, and ever since we moved to Montana Vista,
4 my wife got better. But if they install this over
5 here, I think my wife is going to get bad again, and my
6 children are going to get bad again and every one
7 living here is going to get sick.

8 And if there were the possibility of
9 somebody purchasing this property from me, I would
10 rather do that and move away from this than risking
11 this affecting my family. And the way I think is that
12 instead of thinking of installing this new plant here,
13 they should start considering to move these tanks that
14 are very dangerous, and that -- to move them away from
15 this area to get rid of this other danger that we have
16 in this area.

17 (Speaking English) Thank you.
18 MR. TOMASOVIC: Thank you.
19 Next I believe is Blanca John (phonetic).
20 MS. BLANCA JOHN: Hi. My name is Blanca
21 John, and I'm sorry if I cry, but I moved to this area
22 because I have very bad health problems. And I have to
23 take an injection every week and my immune system is
24 very low. That's the reason I live in Haciendas del
25 Norte. I'm like this gentleman. My children -- one of

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1 my children was 13 years old and the other one is 15.
2 They built my house, them and my husband, nail by nail.
3 And I don't feel that it's fair just because of the
4 greediness of the electric company I have to move out.
5 It is not fair. I hope you consider this. Thank you.
6 MR. TOMASOVIC: Thank you.
7 Next is Linda Moreno.
8 (Statement as translated to English.)
9 MS. LINDA MORENO: Good evening. My name
10 is Linda Moreno. I'm also a resident in the Montana
11 Vista area, and on this occasion I want to speak on
12 behalf of those who cannot speak by themselves, who are
13 the children. We already heard about everything that
14 is caused by an electric plant like this, about the
15 pollution, about the carbon footprint, all the
16 contaminants and everything, all the ways it would
17 affect all the people.
18 I have two children who also suffer from
19 asthma, and they would also be affected by this. I
20 believe that you should take the advantage of listening
21 to our opinions right now, and that either the electric
22 plant should be located at a different area or other
23 alternatives for electricity generation be looked at.
24 We have plenty of wind in El Paso and we have plenty of
25 sun in El Paso. Thank you.

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1 MR. TOMASOVIC: Thank you.
2 I think we're going to take a quick
3 break, and for those of you who have filled out comment
4 cards and we haven't announced your name yet, if you
5 could come up and confirm that we haven't called you
6 yet, that would be helpful to us.
7 And those of you that have listened to
8 comments and want to now go up and fill out a speaker
9 registration card are welcome to do so because I think
10 we've worked through most of the comments.
11 So we'll take a quick five-minute break
12 and go off the record. It is now approximately 7:23
13 p.m. Thank you.
14 (A recess was taken.)
15 MR. TOMASOVIC: Hello, everyone. I'm
16 going to open up the public hearing again. The time is
17 now approximately 7:31 p.m. We're going to see if
18 there's anyone else who would like to make comments on
19 the proposed permit.
20 I have three speaker registration cards.
21 I earlier read the name Lidia Rodriguez who didn't
22 respond. Is there a Lidia Rodriguez here who wishes to
23 provide a comment?
24 (Ms. Rodriguez did not appear.)
25 MR. TOMASOVIC: I have a registration

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1 card for Carmen Johnson.
2 MS. CARMEN JOHNSON: My name is Carmen
3 Johnson, and I just want to let you know that six years
4 ago we moved out here, main reason because the air is
5 so clean and you could breathe easier. We lived in
6 downtown El Paso. And we searched and searched for
7 good land and this was the best air we could find.
8 Now, they have put in -- they are trying
9 to put in more pollution. Our water system here in --
10 I live in the Haciendas del Norte area was -- was
11 delicious. Water was very good and fine. And then
12 El Paso County -- El Paso city, that is, tapped into
13 our water system because we had so much water.
14 The water doesn't taste very well because
15 now they are pumping brack water into our tanks and now
16 El Paso Electric wants to pour that water back out.
17 That just doesn't make sense to me. I mean, we're --
18 we need to think about our resources, and water right
19 now is a big resource that we need to fight for and
20 that's what we're here for.
21 We're fighting for clean air, which EPA
22 should be fighting for, and water, which you are also
23 aware of. So I would like for you to really consider.
24 I know the El Paso Electric started building, but that
25 can be stopped. That can be stopped.

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1 And I sure wish they would really look
2 into all the details and all the things that we have
3 spoken about and really stop that because we know -- I
4 know for a fact that the Waha Line, which carries all
5 this gas that my husband spoke about, is -- it starts
6 way down in Jal, New Mexico.
7 And there's a lot of empty land around
8 here that's not close to neighborhoods like another
9 resident spoke of. So there is land to be gotten for
10 El Paso Electric. There is air for them to put in good
11 turbines, air turbines to put in. There are some good
12 areas that they can actually build other than close to
13 neighborhoods.
14 And I saw where they were building. It
15 was across the street from a neighborhood. Please,
16 think about it. Across the street from a neighborhood?
17 Our water sources are going down the drain. So really,
18 really, really think about this. Thank you.
19 MR. TOMASOVIC: Thank you.
20 Fred C. Johnson who is free to take
21 another five minutes if he wishes.
22 MR. FRED C. JOHNSON: My name is Fred C.
23 Johnson. I want to speak on a couple different things
24 that came up. The deal about Fort Bliss moving their
25 proposed power plant was great news for us. I would

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1 like to speak about pollution, air quality.
2 We fight a never-ending battle here in
3 El Paso with Juarez, Mexico across the border. We are
4 penalized by the EPA for their pollution, which ain't
5 right, but it is.
6 Traffic on Montana is heavy. Everybody
7 knows now that going into town or coming back is bumper
8 to bumper. All we need is 2- or 300 more cars a day
9 coming out here -- Not. El Paso had some paving done
10 between 375 and Lee Trevino, and they made that road on
11 Montana three lanes in each direction. Wonderful. It
12 eased up the traffic.
13 This is related. All of a sudden they
14 come in and re-stripe it into two lanes each direction.
15 I inquired with the DPS, department -- well, TxDOT.
16 They said the EPA made us do it because they said we
17 didn't do a proper study on the emissions. I wonder
18 which is more efficient, for Electric Company trucks
19 and employees' vehicles to go stop and go from traffic
20 light to traffic light or spread one more lane that is
21 there and properly constructed and smooth, smoother
22 driving. I don't know what happened there.
23 It doesn't take a scientist making
24 \$300,000 a year to know that cars sitting idling
25 pollute more than ones going down the road. So we're

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1 going to add a couple more hundred cars. We don't need
2 that and the traffic is horrendous. They put in an
3 overpass there at Zaragosa, which has saved several
4 lives. Do we need to have more? I don't think so.
5 There are other options. It's a real shame.
6 I'm glad that the El Paso Electric
7 Company is here. I like my TV at night. Thank you.
8 And I like my ovens, but I've got to look out for our
9 lives and you-all do, too. I hope you do the right
10 thing and reconsider.
11 That deal about one turbine and then two
12 and now two more, and now a service center -- why?
13 They are going to beat us to death. It's not this
14 lady's fault. It's higher-ups. So I hope the EPA does
15 correct by the citizens and the people in far east
16 El Paso. By the way, our taxes are no less than the
17 ones in the city.
18 We have a propane tank with no gas to our
19 homes. We have septic tanks because we don't have
20 sewer. There are a lot of dirt roads out here because
21 they don't have pavement. We don't have curbs. We
22 don't have sidewalks, but the things we did have are
23 peace, quiet. We could see the stars, clean air and
24 peaceful living.
25 Where is it going? Our dreams? We built

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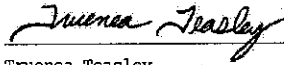
1 our lives working hard to get where we are now, and I
2 might as well be with Obama and let him inject me
3 because my life will soon be over, and everybody is
4 just stealing what's left. God bless you all.
5 MR. TOMASOVIC: Is there anyone else who
6 would like to provide oral comments at this point?
7 Please state and spell your name.
8 MS. DELIA LABRADO: Delia, D-E-L-I-A,
9 Labrado, L-A-B-R-A-D-O. I've spoken before. Right now
10 I'm just inviting you to come and visit the community
11 that's near the proposed site. I am willing to drive
12 you all there. I don't know how, but we'll fit in my
13 little vehicle, but -- and I'm sure El Paso Electric
14 will try to drive you the other way around. I will be
15 driving you right where it's going to be, right next to
16 the neighborhood right across the street. You are
17 welcome. You should have my e-mail address somewhere
18 there. E-mail me. I'll be willing to do so. Thank
19 you.
20 MR. TOMASOVIC: Is there anyone else who
21 would like to provide oral comments at this point?
22 Please state and spell your name again.
23 MS. BRETTE LOUISE CURLEE: Bretta,
24 B-R-E-T-T-A, Louise, Curlee, C-U-R-L-E-E.
25 Delia, I noticed that when you made that

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1 comment about giving them a ride around the
2 neighborhood -- we will help you with that, but what I
3 noticed the most was the -- one of the officials that
4 represented the El Paso Electric Company giving a
5 scowl. What do you mean we'll drive you the other way?
6 You all have been driving us the other
7 way and now we're in your face. Please help us, EPA.
8 If you could shut down Asarco, you could shut down this
9 monster that is growing in our community. Thank you.
10 MR. TOMASOVIC: Is there anyone else that
11 would like to provide oral comments at this point?
12 MR. ALFREDO GARCIA: Thank you. My name
13 is Alfredo Garcia. And I would like to just mention
14 again about the community that they are proposing to
15 build this. I -- I don't mean to speak for every one
16 but there is a lot of old-timers. There's a lot of old
17 folks that have built their own homes all along that
18 area. They don't come out. They are old. They're
19 tired. They love their life.
20 They've got their little ranchitos. They
21 have their goats and their sheep and their horses, and
22 it's a beautiful life. And these people don't deserve
23 to be treated this way. These are -- these -- they are
24 called colonias for a reason. It's the poor of the
25 poorest. These are humble, beautiful people.

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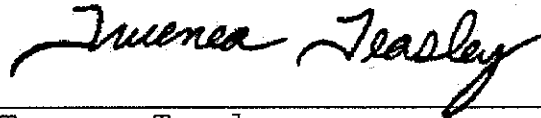
<p style="text-align: right;">Page 58</p> <p>1 MR. TOMASOVIC: Okay. I recognize there 2 may be others that would like to give comments so we'll 3 put the public hearing on pause again, take a short 4 break and you can fill out a registration record up 5 here if you would like to take advantage of the last 15 6 minutes of the regularly scheduled hearing time. 7 Thank you. 8 (A recess was taken.) 9 MR. TOMASOVIC: Hello, everyone. I'm 10 going to open the public hearing again and see if 11 there's anyone else that would like to make comments on 12 the proposed permit. I have two cards now. 13 The first is for Ilette Castillo. Please 14 come forward. 15 MS. ILETTE CASTILLO: Thank you. Hi. My 16 name is Ilette Castillo, and I want to say no to the 17 power plant because we don't want the kids to get 18 asthma or we could get -- we could have a lot of -- we 19 could like -- the power plant could cause something bad 20 to us and we don't want the power plant. That's why we 21 need to say no. Thank you. 22 MR. TOMASOVIC: Thank you. 23 MR. RALPH CARRASCO: I'll be very brief. 24 I just wanted to finish -- Rafael Carrasco. I just 25 wanted to finish my previous attempt to comment. I</p>	<p style="text-align: right;">Page 60</p> <p>1 We'll put the public hearing on pause 2 again and resume in a few minutes. Please come and see 3 us if you would like to make comments during that time. 4 Thank you. 5 (A recess was taken.) 6 MR. TOMASOVIC: The time is now 8:00 p.m. 7 and I am going to conclude this public hearing. One of 8 the commenters made a request for an extension of the 9 comment period. You should look to our Web site to see 10 whether -- what the action was on that request, but in 11 the meantime, just as a reminder, you should act on 12 current information where the period for written public 13 comments remains open until this coming Tuesday at 14 11:59 p.m. of October 29th, 2013. Your comments 15 submitted by U.S. mail must be postmarked on or before 16 October 29th, 2013. 17 EPA appreciated you taking the time to 18 participate in the public hearing process. EPA 19 representatives may remain in this room to informally 20 answer questions after the conclusion of this hearing. 21 Again, it is now 8:01 p.m. on October 24th, 2014, and 22 this public hearing is now closed. 23 UNIDENTIFIED SPEAKERS: 2013. 24 MR. TOMASOVIC: 2013. 25 (Proceedings concluded at 8:01 p.m.)</p>
<p style="text-align: right;">Page 59</p> <p>1 got, you know, cut off on the last paragraph so I just 2 wanted to finish it off. 3 I finished off talking about the peak 4 facility. They are a labeling the Montana Power 5 Station as a peak facility as to, you know, they are 6 going to function 5,000 hours a year. 7 And since the beginning, El Paso Electric 8 was -- has been advertising this power plant because of 9 the growth, the projected growth of this city. And 10 they calculate that there is enough energy to power 11 80,000 homes. But when you look at the hours of the 12 usage for this facility, what they are doing is they 13 are just replacing an old facility. 14 And with that being said, that means that 15 when the 80,000 homes do come up, they are going to 16 have to build another power plant because the one they 17 are building now is going to replace an older one. 18 So I just want to make sure that they 19 shouldn't -- that they don't mislead you like they have 20 misled us as far as the true purpose of this facility. 21 It's not a peak facility and it shouldn't be classified 22 as such. Thank you. 23 MR. TOMASOVIC: Is there anyone else who 24 would like to make comments on the proposed permit? 25 Please come up and speak. Okay.</p>	<p style="text-align: right;">Page 61</p> <p>1 CERTIFICATE 2 3 I, Truenea Teasley, Certified Shorthand 4 Reporter in and for the State of Texas, do hereby 5 certify that the above and foregoing contains a true 6 and correct record, produced to the best of my ability 7 via machine shorthand and computer-aided transcription, 8 of the proceedings had in this matter. 9 10 Certified to on November 4, 2013. 11 12 13  14 Truenea Teasley 15 Certificate No. 8719 16 Expires 12-31-2013 17 Firm No. 114 18 19 20 21 22 23 24 25</p>

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CERTIFICATE

I, Truenea Teasley, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct record, produced to the best of my ability via machine shorthand and computer-aided transcription, of the proceedings had in this matter.

Certified to on November 4, 2013.



Truenea Teasley
Certificate No. 8719
Expires 12-31-2013
Firm No. 114



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