Congress of the United States
Washington, DC 20515

May 20, 2011

The Honorable Lisa P. Jackson
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

The undersigned members of Congress who represent the State of Texas in the United States House of Representatives are writing to request that you step in to resolve the uncertainty that is currently preventing construction of the proposed Las Brisas Energy Center in Corpus Christi, Texas.

Las Brisas is a $3 billion, state-of-the-art electricity generating facility proposed for the north side of the Port of Corpus Christi's inner harbor. It represents the largest single investment ever in the Corpus Christi area and is one of the biggest private construction projects under development in the State of Texas. It will create literally thousands of much-needed jobs for Texas workers – jobs that can become available as soon as the misplaced regulatory uncertainty hanging over this project is resolved.

During its five-year construction phase, Las Brisas will provide approximately 4,000 jobs – 1300 direct jobs and another 2600 indirect jobs. After construction is finished and the plant begins normal operations, it will continue to provide hundreds of high-paying jobs in the Corpus Christi area.

Las Brisas will also ensure a reliable, secure, and affordable source of electric power for residents and businesses in South Texas by producing approximately 1200 megawatts of electricity – enough to power more than 850,000 homes. It will be able to generate affordable electricity by using low-cost, locally generated petroleum coke as its sole fuel source. Petroleum coke is an end product of the petroleum refining process with a high energy value. Refineries in the Corpus Christi area generate about 1.7 million tons of petroleum coke every year, and other refineries in the Gulf Coast region produce even larger amounts – much more than enough to power Las Brisas.

After a 3-year permitting process, Las Brisas recently obtained its final prevention of significant deterioration (PSD) permit from the Texas Commission on Environmental Quality (TCEQ). As a result of this process, emissions from the plant will be controlled by a combination of technologies that constitute best available control technology (BACT), including advanced circulating fluidized bed (CFB) boilers with limestone injection, selective non-catalytic reduction systems, scrubbers, fabric filters, and activated

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carbon injection systems. As demonstrated through the PSD permitting process, the surrounding area will continue to meet all national ambient air quality standards once Las Brisas is operational.

As for greenhouse gas (GHG) emissions, the fact that Las Brisas will burn 100% petroleum coke makes it different from other fossil fuel-fired power plants. Today, most of the petroleum coke generated by Gulf Coast refineries is shipped overseas, where it is burned in cement kilns, power plants, and other processes that are relatively inefficient compared to Las Brisas. By using this petroleum coke in Corpus Christi, very close to where it is generated, Las Brisas could provide a net reduction in global GHG emissions by (1) using the petroleum coke more efficiently and (2) eliminating the GHG emissions caused by shipping it to distant parts of the world.

Las Brisas is ready to take the remaining commercial steps and begin construction, but the project is being held up because of regulatory uncertainty. In a recent letter to TCEQ, EPA Region 6 has suggested that, even though the permitting process has already taken almost three years, Las Brisas might need to go back through the process again because of EPA's new GHG permitting requirements.

Based on EPA regulations and guidance documents, it appears that these new GHG requirements do *not* apply in this case. As we understand it, you did not intend to create a moratorium on new construction simply because an administrative appeals process prevented a permit from becoming final before January 2, 2011. However, because EPA has not officially stated its position on Las Brisas, there is now a cloud of uncertainty hanging over project.

As members of the Texas delegation, we ask you to resolve this issue by making a clear statement as to whether the EPA's new GHG requirements apply to the Las Brisas project. We believe that this question is relatively straightforward and therefore respectfully request that you provide a response to us by June 3, 2011. Thank you for your attention to this matter.

Sincerely,

Rubén Hinojosa

Rubén Hinojosa

Joe Barton

Lamar Smith