

Office of the Chief Clerk
MC-105
TCEQ
PO Box 13087
Austin, TX 78711-3807

August 29, 2005
Request for a contested case hearing

Names: Yvonne Perkins and Dale Perkins
Mailing Address: PO Box 2353, Terrell, TX 75160
Daytime Phone Number: 972.948.5901
Applicant's Name: Dalvant Corporation
Applicant's Permit Number: Air Quality Permit No. 674

We request a contested case hearing. This request is in response to a "Notice of Receipt of Application and Intent to Obtain Air Permit Renewal" for Permit No. 674, published in the Terrell Tribune newspaper on August 19, 2005 [Exhibit A].

We have been adversely affected by emissions from the Tawakoni Gas Plant on Kaufman County Road 330 since we moved to our property located at 20423 Kaufman County Road 331 in February 1992. Specifically, the emissions have caused headaches, insomnia, and breathing difficulties. Mr. Perkins is particularly affected because he is elderly and was diagnosed with metastasized cancer to his lungs in October 2003.

Our property is located approximately 1 mile northwest of the Tawakoni Gas Plant [Exhibit B]. Our property is used as our home and farm.

TCEQ should not renew Permit 674 to continue operation of the Tawakoni Gas Plant on Kaufman County Road 330 because the owner Dalvant Corporation has failed to consistently operate the plant in a manner that complies with air quality standards. This is supported by two documents:

Exhibit C shows Dalvant Corporation was assessed a penalty in 1997 for an Air quality violation.

Exhibit D shows Dalvant Corporation was investigated by TCEQ for gas odor in 2003. Dalvant had to report a spill to the Railroad Commission for that incident, but they reported it under Rocanville Corp [Exhibit E].

On August 11, 2005 we contacted the TCEQ and filed a report (#12428) because the gas odor from the well was so strong that it was causing us to have nausea and headaches. Between all the official sanctions and reports to the TCEQ, there are several incidents each year that the gas odor is strong that aren't reported. In those cases, we have attempted to contact Dalvant or Mr. Mallory and have not been successful.

NSR
49290

OPA *H*

AUG 31 2005

BY *[Signature]*

The gas well is a threat to the health and quality of life for the growing population in north Kaufman County. Dalvant has a history of air quality violations and should not be allowed to continue to operate this well.

Sincerely,

Yvonne & Dale Perkins

Yvonne Perkins
Dale Perkins
20423 CR 331
Quinlan, TX 75474

August 29, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXHIBIT A



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT RENEWAL

PERMIT NO. 674

APPLICATION Dalvant Corporation has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Air Quality Permit No. 674, which would authorize continued operation of the Tawakoni Gas Plant. The applicant has provided the following directions to the site: go 8 miles north of Highway 80 on FM 429, turn left on County Road 330 and go 1/8 mile to first gate on right, Terrell, Kaufman County, Texas. The facility will emit the following air contaminants: organic compounds, nitrogen oxides, sulfur dioxide, carbon monoxide, hydrogen sulfide and particulate matter less than 10 microns in diameter.

This application was submitted to the TCEQ on July 11, 2005. The application is available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office and the Hulsey Public Library, 301 North Rockwall, Terrell, Kaufman County, Texas. The facility's compliance file, if any exists, is available for public review in the Dallas/Fort Worth regional office of the TCEQ.

The TCEQ executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT You may submit public comments, or a request for a contested case hearing to the TCEQ Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments is 15 days after newspaper notice is published.** After the deadline for public comments, the executive director will prepare a response to all relevant and material, or significant public comments. Issues such as property values, noise, traffic safety and zoning are outside of the TCEQ's jurisdiction to address in the permit process.

After the technical review is complete, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If only comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or who is on the mailing list for this application, unless the application is directly referred to a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. The applicant or the executive director may also request that the application be directly referred to a contested case hearing after technical review of the application. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. Unless a written request for a contested case hearing is filed within 15 days from this notice, the executive director may act on the application. **If no hearing request is received within this 15-day period, no further opportunity for hearing will be provided.** According to the Texas Clean Air Act § 382.056(o), a contested case hearing may only be granted if the applicant's compliance history is in the lowest classification under applicable compliance history requirements and if the hearing request is based on disputed issues of fact that are relevant and material to the Commission's decision on the application.

Mon. - Sat. Approx. 30 hrs.
Apply within:
Save Mart Macy,
Hwy 34 .76.

Physical Therapy Tech needed for PT clinic in Forney. Please fax resume to APT @ 972-564-7585.

SUNDOWN RANCH, a chemical dependency treatment facility is now hiring LCDC'S for counselor positions. Experience working with chemical dependency, dual diagnosis and adolescent population. Benefits offered. Fax Resume to (903) 479-3999 or apply in person Monday thru Friday at Sundown Ranch, Inc., Hwy 19 South between Canton & Athens.

TAKING APPLICATIONS for WELDERS
Must have 1 yr. full-time minimum exp. Apply With-in: Pro-Trak Trailers 20975 US Hwy 80E Willis Point, TX 75169

TECHNIFORM METAL CURVING has immediate full time positions available for a qualified Shear & Brake Operator, Hydraulic Maintenance and a licensed CDL Driver. If you are interested in a position with our growing company you may come by our office between 8am-3pm or you can fax or email a resume to us; Phone: 800-573-1774, Fax: 903-887-6050, email: schamberlain@techniform.com

WAIT-STAFF WANTED
Exciting work with the Southwest's largest caterer, Eddie Deen. Begin Sept 18. Apply at 1104 S. Virginia, M-F, 8-5pm. EOE

Warehouse operation located in Terrell, Texas has immediate opening for experienced LEAD person. Duties include leading WH personnel, assigning space required for inbound loads and empty pallets & supporting inbound & outbound processes. Obtain and complete application at Guard Shack located at SW LOGISTICS CENTER, 301 Apache Trail. Applicants will be contacted for an interview. **NO PHONE CALLS PLEASE.**

Business Opp.

For Less Recycling! Truck Mounted Equipment For free estimates Call Denny Stephens 972-524-5025

DOES YOUR CARPET STINK?
Pet Stains, Odor? New carpet in 3 bedrooms Only \$899! financing available! 972-564-9800 Stinky Carpet Solutions restrictions apply

EVENT PHOTOGRAPHY
• Weddings
• Birthdays
• Anniversaries
• Reunions, etc.
Also get great pictures for your scrapbooks and albums. Hourly rates. 214-642-1838

GOOD SANDY LOAM
all types rock driveways installed. Reasonable prices. Rusty Hargrove, 972-563-2535, 972-977-5391

Home Health Care
Reasonable rates. References available. 903-413-1590 or 972-563-2996.

HOUSE CLEANING.
12 years experience. References provided. 972-551-3787

LET EVERYONE KNOW ABOUT YOUR TRADE OR BUSINESS SERVICE Advertise It in the TERRELL TRIBUNE Classifieds
Call Rhonda @ 972-563-SELL

Windshield Repair & Handyman Services
L. D. Sparks, Jr. (214) 577-5705 Free Estimates

Child Care
CHILD CARE
in my home. 6 yrs previous experience. Please call Crystal at 972-551-1533

School Transportation?
Need a ride to and from school? Child care before and after school. I drop off and pick up from Kennedy & Burnett Elementary. Meals and snacks provided. 20+ years child care exp. Hrs: 6am-6pm. 972-551-1533

COUCH & LOV.
Country style (blue). 972-551-22

Hunting & F
2500 AC DEER
Mule deer, white turkey & hogs. available. 972-551

AKC LAB PUI
(Yellow & Blue) For sale or trade. Out of hunting. Champion Pedigree sire. 9 wks old. De removed. Call 972-5506 or 903-560-1

DOVE HUNT
88 acres, mesquite near Kaufman. 972-932-2692 for c

Boats/Fishing
'81 SKI NAUT
wake tower, CD speakers, fat sa trans, new tires o \$8,500 214-912-88

Guns & Am
7mm MAGNUM
model 700, BDL, 3x9x4mm scope, i condition, shot \$450, Sonny Whi 212-3620

Pets
AKC LAB PUP
(Yellow & Blue) For sale or trade. Out of hunting. Champion Pedigree sire. 9 wks old. De removed. Call 972-5506 or 903-560-1

Farming Ser
ERNIE ROYS TR SERVICES
Mowing, Posthole, Driveways, Tilling. Leveled 972-524-2 or 972-754-2677-c

Livestock & S
ARABIAN HO
Registered, 13 y dapple grey, grea loving personality gentle, well trained 972-962-6054 after

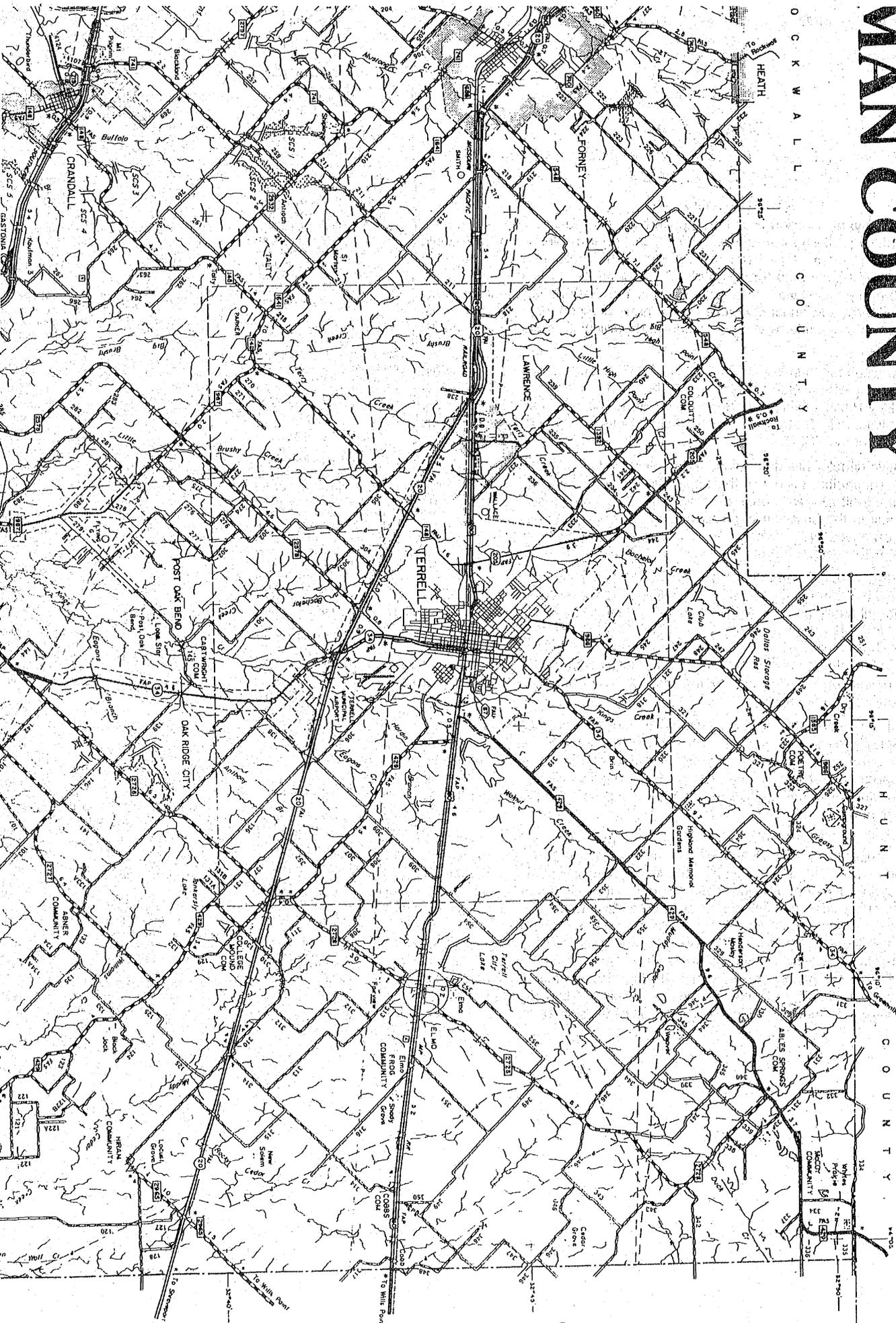
BETTER CA QUICKLY TO YOUR OWN PRETTY CHIC
All Bantams: Jc

MAN COUNTY

O C K W A L L C O U N T Y

H U N T

C O U N T Y



PLAT FOR THE
PER KINS RESERVE
20423 & 31
L-28330 - See Well

EXHIBIT B

C O U N T Y

ORDERS WITH EFFECTIVE DATES FROM 9/01/96 THROUGH 8/31/97 - FINAL FISCAL YEAR 1997 REPORT

Pro-gram	Entity Name	ID No.	Reg.	County	Order Effective Date	Assessed Penalty	Deferred/ Remitted Penalty	Settled Penalty	SEP Cost	
AGRI	GRAND CANYON DAIRY	2950	4	ERATH	08/08/1997	\$8,400.00	\$0.00	\$8,400.00	\$0.00	
AGRI	WEST, RONALD	03566	4	JOHNSON	08/08/1997	\$29,200.00	\$9,200.00	\$20,000.00	\$0.00	
AGRI	BUENA VISTA DAIRY - TISCARENO, JULIO	NONE	4	ERATH	07/28/1997	\$16,130.00	\$16,130.00	\$0.00	\$0.00	
AGRI	MORRISON, CAROL	NONE	4	ERATH	07/28/1997	\$9,200.00	\$0.00	\$9,200.00	\$0.00	
AGRI	GERALD OOSTEN DBA G&P HOLSTEIN	03142	4	ERATH	07/11/1997	\$6,950.00	\$0.00	\$6,950.00	\$0.00	
AGRI	HINTON, DON DAIRY	02521	5	HOPKINS	03/26/1997	\$8,320.00	\$0.00	\$8,320.00	\$0.00	
AGRICULTURE ORDERS ISSUED:						6	\$78,200.00	\$25,330.00	\$52,870.00	\$0.00
AIR	C & C PAINT AND BODY	DB3697B	4	DALLAS	08/29/1997	\$1,000.00	\$0.00	\$1,000.00	\$0.00	
AIR	DESERT MOTORS	BE1400Q	6	EL PASO	08/29/1997	\$500.00	\$0.00	\$500.00	\$0.00	
AIR	FREDDIE PAINT & BODY	DB4181L	4	DALLAS	08/29/1997	\$500.00	\$0.00	\$500.00	\$0.00	
AIR	GROCE COMPANY	HG0295P	12	HARRIS	08/29/1997	\$4,000.00	\$1,200.00	\$2,800.00	\$0.00	
AIR	PRO FINISH BODY AND PAINT SHOP	BE1467H	6	EL PASO	08/29/1997	\$500.00	\$0.00	\$500.00	\$0.00	
AIR	TEXAS BEST SIGNS	DB3952I	4	DALLAS	08/29/1997	\$500.00	\$0.00	\$500.00	\$0.00	
AIR	VETROTEX CERTAINTEED	WH0014S	3	WICHITA	08/29/1997	\$180,000.00	\$90,000.00	\$90,000.00	\$90,000.00	
AIR	BLUDWORTH BOND SHIPYARD, INC.	GB0593H	12	GALVESTON	08/27/1997	\$7,275.00	\$0.00	\$7,275.00	\$0.00	
AIR	BUILDERS MARBLE COMPANY	CP0158R	4	COLLIN	08/27/1997	\$3,450.00	\$690.00	\$2,760.00	\$0.00	
AIR	DALVANT CORPORATION	KB0002G	4	KAUFMAN	08/27/1997	\$1,500.00	\$0.00	\$1,500.00	\$0.00	
AIR	LOUISIANA PACIFIC CORPORATION	HF0010B	10	HARDIN	08/27/1997	\$136,450.00	\$0.00	\$136,450.00	\$0.00	
AIR	SUN COUNTRY MOTORS	EE1595U	6	EL PASO	08/27/1997	\$500.00	\$0.00	\$500.00	\$0.00	
AIR	WESTSIDE BODY SHOP	DB4339A	4	DALLAS	08/27/1997	\$500.00	\$100.00	\$400.00	\$0.00	
AIR	ALLWASTE RECOVERY SYSTEMS	DB1138K	4	DALLAS	08/19/1997	\$4,000.00	\$0.00	\$4,000.00	\$0.00	
AIR	CASITA ENTERPRISES	NB0063E	4	NAVARRO	08/19/1997	\$750.00	\$150.00	\$600.00	\$0.00	

EXHIBIT C

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

November 12, 2003

Ms. Yvonne Perkins
20423 County Road 331
Quinlan TX 75474

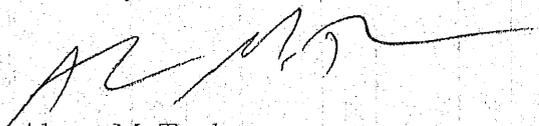
Re: Complaint Investigation at: Dalvant Corporation
Hwy 429 & CR 330, Terrell, Kaufman County, Texas
Complaint #24501

Dear Ms. Perkins:

The Texas Commission on Environmental Quality (TCEQ) appreciates your interest in the above-referenced matter. Your involvement is valuable in assisting the TCEQ in its efforts to protect the State's air quality. Our investigation has been completed and the results are enclosed for your information.

If you have additional questions or concerns, please do not hesitate to contact Mr. Chester Rayford, Jr. at 817/588-5876.

Sincerely,


Alyssa M. Taylor
Air Section Team Leader
DFW Region Office

AMT/CLR/tap

Enclosure: Copy of Investigation Report

EXHIBIT D

REPLY TO: REGION 4 • 2309 GRAVEL DR. • FORT WORTH, TEXAS 76118-6951 • 817/588-5800 • FAX 817/588-5700

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

Texas Commission on Environmental Quality

Investigation Report

DALVANT CORPORATION

DALVANT CORPORATION

RN100807478

Investigation # 152824

Incident # 24501

Investigator: CHESTER RAYFORD

Site Classification

MAJ 0-15 FINS

Conducted: 07/29/2003 -- 07/29/2003

SIC Code: 1311

Program(s): AIR NEW SOURCE PERMITS

Investigation Type : Compliance Investigation

Location : 8.3 MI N OF US 80

Additional ID(s) : KB0002G
674

Address: ; ,

Activity Type : AIR COMPLAINT - Complaint Investigation

Principal(s) :

Role

Name

RESPONDENT

DALVANT CORPORATION

Contact(s) :

Role

Title

Name

Phone

Regulated Entity Contact
Regulated Entity Mail Contact

CONTRACT FOREMAN MR DON MALLORY
OWNER MR WILLIAM HUDSON

Work (214) 691-9437

Participated in Investigation

CONTRACT FOREMAN MR DON MALLORY

Cell (903) 312-5383

Other Staff Member(s) :

Role

Name

SUPERVISOR

ALYSSA TAYLOR

Associated Check List

Checklist Name

Unit Name

AIR INVESTIGATION TYPE
COMPLAINT INVESTIGATION - AIR

Tawakoni Plant
Tawakoni Plant

Investigation Comments :

COMPLAINANT INFORMATION:

COMPLAINANT NAME/ADDRESS: See Confidential File (Ref: Incident Tracking No. 24501).

TIME, DATE, FREQUENCY, DURATION OF THE ODOR: 7:25 PM, 07/11/2003, Intermittent, Current.

DESCRIPTION OF THE ALLEGED EFFECTS: The complainant stated that a nearby sour gas well owned by the Dalvant Corporation was giving off fumes and causing an odor nuisance.

INVESTIGATION INFORMATION:

METEOROLOGICAL DATA AT THE TIME OF THE INVESTIGATION: Winds were out of the south

Mallory, Contract Pumper, for technical assistance with this investigation.

On 7/30/03, the writer contacted Mr. Mallory via telephone and apprised him of the nature of the investigation. Mr. Mallory stated that on 7/11, 17, and 28/03, the separator dump valve (SDV) malfunctioned causing the spillage of fluid into the flare gas line. The SDV malfunction was due to the lack of pressure to operate the dump valves. Mr. Mallory went on to detail the maintenance and corrective actions to solve the malfunctioning of the SDV. The writer then requested Mr. Mallory to submit documentation detailing the spilling events, maintenance, and corrective actions taken to solve the SDV malfunctions.

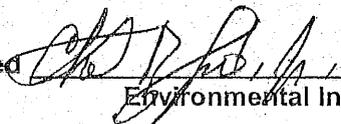
On 8/22/03, the writer again contacted Mr. Mallory to request the documentation previously requested for the spillage event, maintenance, and corrective actions taken to solve the SDV malfunctions.

On 8/28/03, Mr. Mallory faxed a letter to the writer stating that the SDV malfunction had been resolved (see Attachment 2, Separator Dump Valve Maintenance).

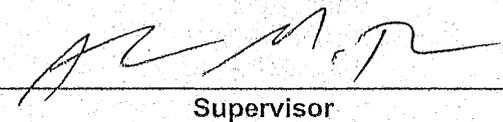
RECOMMENDATION:

1. Nuisance odor not confirmed. Close Incident Tracking No. 24501.
2. Send copy of final report to complainant.
3. Maintain routine surveillance.

No Violations Associated to this Investigation

Signed 
Environmental Investigator

Date 10/30/03

Signed 
Supervisor

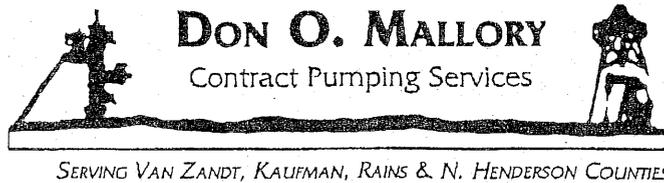
Date 10-30-03

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type): _____
- Investigation Report
- Sample Analysis Results
- Manifests
- NOR

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify): _____

1270 VZCR 2604
Mabank, Texas 75147
E-mail: ogpumper@vzinet.com



Res.: 903-848-1138
Mobile: 903-880-2153
Pager: 1-800-516-2966
Fax: 903-848-1183

August 27, 2003

Mr. Chester Rayford
TNRCC Region 4
2309 Gravel Drive
Ft. Worth, Texas 76118

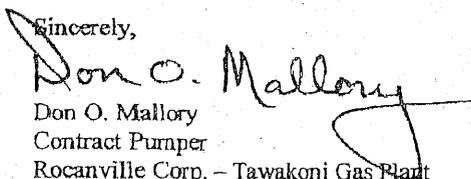
RE: Rocanville Corporation - Tawakoni Gas Plant (Kaufman County, Texas)

Dear Mr. Rayford:

This is an explanation of the sequence of events leading to complaints about an odor at the Tawakoni gas plant site. On July 11, 2003, I found my separator dump valves dumping fluid into the flare gas line. I found the cause to be that I had no supply pressure to operate my dump valves. This required supply pressure of 30# comes from the air compressor mounted on the pumpjack across the road from the flare and plant site at the Melton well. I adjusted the pressure regulator on the compressor to achieve 30# supply pressure at the separator dump valve controllers. This allowed the dumps to start dumping properly and quit overflowing fluid to the flare. When fluid does enter the flare gas line, it has a fluid overflow sump at the base of the flare and a firewall around it. This fluid has a rotten egg smell to it, since it is sour crude. I had a vacuum truck come and remove all the fluid from the sump and firewall that afternoon. On July 17, 2003, I arrived to find the same problem had occurred again. I had the vacuum truck come and remove this fluid once again. On July 28, 2003, I found the fluid dumping to the flare again. I proceeded to have a new stainless steel air supply line laid from the air compressor to the separator dump valve controllers since the existing PVC supply line was obviously clogged or collapsed. In addition, I installed a new dump valve controller on the separator that handles most the fluid. That next morning, on July 29, 2003, I had the vacuum truck come and remove the fluid at the flare sump and firewall. On August 1, 2003, I had a backhoe remove the fluid stained soil from the firewall. As of today, I have had no further trouble with separator dump valves sending any fluid to the flare gas line.

If you have any further questions regarding this matter, please feel free to contact me at 903-312-5383.

Sincerely,


Don O. Mallory
Contract Pumping
Rocanville Corp. - Tawakoni Gas Plant

Cc: Rocanville Corporation - Dallas, Texas

240	03	AMERICO ENERGY RESOURCES, LLC	DURKEE (FAIRBANKS SAND)	HARRIS	07/16/03	Producer	01301
217	03	HAMMAN OIL & REFG. CO.	BIG CREEK	FORT BEND	07/17/03	Producer	00365
252	02	BROWN, C. DOUGLAS, LLC	KEERAN (6400)	VICTORIA	07/17/03	Producer	08701
448	08	PIONEER NATURAL RES. USA, INC.	ROBERDEAU, S. (CLEAR FORK LOWER)	MIDLAND	07/18/03	Producer	21022
285	8A	OCCIDENTAL PERMIAN LTD.	WASSON	GAINES	07/19/03	Producer	18910
393	8A	EXXONMOBIL OIL CORPORATION	ROBERTSON, N. (CLEAR FORK 7100)	GAINES	07/20/03	Producer	60580
204	03	GENESIS PIPELINE TEXAS, L.P.	NO FIELD NAME	WHARTON	07/21/03	Transporter	00000
450	09	IPACT	WICHITA COUNTY REGULAR	WICHITA	07/23/03	Producer	18357
	08	R.K.G. OPERATIONS, INC.	MOSS (GRAYBURG)	ECTOR	07/23/03	Producer	12062
352	06	EXXONMOBIL OIL CORPORATION	HAWKINS	WOOD	07/24/03	Producer	05743
238	02	ALLIANT SOUTH TEXAS PL, L.P.	NO FIELD NAME	REFUGIO	07/28/03	Transporter	00000
330	08	SAGE ENERGY COMPANY	ARENOSO (STRAWN DETRITUS)	WINKLER	07/28/03	Producer	24535
348	05	ROCANVILLE CORP. *	TAWAKONI (SMACKOVER)	KAUFMAN	07/29/03	Producer	01907
287	8A	OCCIDENTAL PERMIAN LTD.	WASSON	YOAKUM	07/30/03	Producer	60000
200	03	TRANSTEXAS GAS CORPORATION	BONUS, SW. (WILCOX)	WHARTON	07/31/03	Producer	00000
405	03	TEXAS INDEPENDENT EXPLOR LTD.	NO FIELD NAME	GALVEST	07/31/03	Producer	00000

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