LSC

LAW OFFICES OF
TEXAS RIO GRANDE LEGAL AID, INC.
1111 North Main St.
SAN ANTONIO, TEXAS 78212

Telephone (210) 212-3700 FAX (210) 212-3772

September 15, 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 16 AM 10: 25
CHIEF CLERKS OFFICE

LA DONNA CASTANUELA
CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC 105
P.O. BOX 13087
AUSTIN, TEXAS 78711-3087

VIA FAX NO. 512-239-3311
AND REGULAR MAIL

Re: **TCEQ DOCKET NO. 2008-0293-AIR**; TCEQ FLEXIBLE AIR QUALITY PERMIT NO. 8803A, PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AIR QUALITY PERMIT NO. PSD-TX-413M8

Dear Ms. Castañuela:

Enclosed for filing in the above referenced matter, please find an original and eleven copies of the following document:

(1) CITIZENS FOR ENVIRONMENTAL JUSTICE'S REPLY TO EXECUTIVE DIRECTOR'S RESPONSE TO REQUESTS FOR RECONSIDERATION AND HEARING REQUESTS.

Please contact me at the number above if you have any questions regarding this filing.

Sincerely,

Enrique Valdivia
Attorney at Law

cc: Service List

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 SEP 16 AM 10: 25

CHIEF CLERKS OFFICE

TCEQ DOCKET NO. 2008-0293-AIR

TCEQ FLEXIBLE AIR QUALITY PERMIT NO. 8803A
PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AIR QUALITY PERMIT NO. PSD-TX-413M8

APPLICATION BY	§	**BEFORE THE**
	§	
FLINT HILLS RESOURCES, LP	§	**TEXAS COMMISSION ON**
	§	
NUECES COUNTY TEXAS	§	**ENVIRONMENTAL QUALITY**

CITIZENS FOR ENVIRONMENTAL JUSTICE'S REPLY TO EXECUTIVE DIRECTOR'S RESPONSE TO REQUESTS FOR RECONSIDERATION AND HEARING REQUESTS

TO THE HONORABLE COMMISSIONERS OF THE TCEQ:

Citizens for Environmental Justice (CFEJ) through its attorney Texas Rio Grande Legal Aid, files this response to the Executive Director's recommendations in the above referenced case.

Citizens for Environmental Justice (CFEJ), is a grassroots environmental organization based in Corpus Christi Texas. CFEJ works in collaboration with it's members who are residents living near the "Refinery Row" area of Corpus Christi to promote the goal of environmental justice for their community. CFEJ trains and organizes its members into "Bucket Brigades" which conduct air sampling, testing and monitoring in Refinery Row. Applicant's facility is one of many such facilities located in Refinery Row. Many individual members of CFEJ are affected persons in that they live or work within five miles of Applicant's facility. CFEJ members thus have higher risks of exposure to the facility's emissions than the general public.

One of CFEJ's members, Mr. Jim Miller, resides at 1906 Tuloso Rd, Corpus Christi Texas 78409. Mr. Miller's home telephone number is 361-241-0394. His residence is less than two miles South of the Applicant's facility. Mr. Miller sometimes uses an oxygen tank to help him breathe. Because of his physical condition and the location of his residence Mr. Miller faces risks of harmful exposure to emissions from Applicant's facility greater than and distinct from the general public's.

For the foregoing reasons CFEJ believes it has standing to request a contested case hearing in the case.

WHEREFORE, PREMISES CONSIDERED, CFEJ respectfully prays that its request for contested case hearing on the issues raised in this case be granted and that it be further granted party status in that proceeding.

Respectfully submitted,

Enrique Valdivia, SBN 20429100
Texas Rio Grande Legal Aid
1111 N. Main St.
San Antonio, TX 78212
(210) 212-3700; (210) 212-3772 fax.

ATTORNEYS FOR CITIZENS FOR
ENVIRONMENTAL JUSTICE

CERTIFICATE OF SERVICE

On the 15th th day of September, 2008, an original and 11 true and correct copies of the foregoing instrument were filed with the Office of the Chief Clerk and served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, facsimile, electronic mail, and/or hand delivery.

ENRIQUE VALDIVIA

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 SEP 16 AM 10: 25
CHIEF CLERKS OFFICE

MAILING LIST
FLINT HILLS RESOURCES, LP
DOCKET NO 2008-0293-AIR; PERMIT NO 880 a

FOR THE EXECUTIVE DIRECTOR:
Mark R. Vickery, P.G., Executive Director
Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services
Robert Martinez, Director
Environmental Law Division
Erin Selvera, Staff Attorney
Environmental Law Division
Texas Commission on Environmental Quality
P.O. Box 13087, MC 173
Austin, Texas 78711-3087

FOR THE APPLICANT:
Eric Kaysen, Environmental Manager
Flint Hills Resources, LP
P.O. Box 2608
Corpus Christi, Texas 78403-2608
Tel: (361) 242-5429
Fax: (361) 244-8647

FOR PUBLIC INTEREST COUNSEL:
Mr. Garrett Arthur
Texas Commission on Environmental Quality
Public Interest Counsel, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-5757
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:
Ms. Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC 108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE RESOLUTION
Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC 222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:
Ms. LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER:
Suzie Canales
Chair, Citizens for Environmental Justice
5757 Staples St., Ste 2506
Corpus Christi, Texas 78413-3732
cfej2000@gmail.com

Denny Larson, Executive Director
Refinery Reform Campaign
739 Cortland Avenue
San Francisco, CA 94110-5628
denny@gcmonitor.org

Benjamin J. Wakefield
1920 L. St. N.W. Ste 800
Washington, DC 20036-5004