

January 6, 2009

Office of Chief Clerk, ATTN: Agenda Docket Clerk
MC-105, TCEQ
P.O. Box 13087
Austin, TX 78711-3807

TO: All parties commissioned to address issues of contested case hearings.
WHAT: Contested Case Hearing regarding Permit No. **81570**
When: 9:30am February 11, 2009
Where: Room 201 S of Building E, 12100 Park 35 Circle, Austin, TX

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 JAN - 8 PM 3: 55
CHIEF CLERKS OFFICE

Enclosed is a copy of a letter which was prepared and delivered to self by Terry Caviness that does not reflect my wishes as an "affected person." As an "affected person" I believe the following issues reflect the genuine concern I have regarding air permit no **81570**.

1. A beef processing plant was built and permitted for a certain number head of cattle. (relative **uncovered** size and specification of lagoons intact) .
2. Immediately following operation of this beef processing plant this facility received citations by the Amarillo Regional Office for recorded readings that exceed the State of TEXAS property line standard according to the TAC 112.31 (0.12PPM). Consistent recorded readings as high as 0.20 ppm are on record. (This led to a proposal of covering the lagoons.)
3. **To date only 2 of 4 lagoons are covered.**
4. Again, just recently this "affected person" has experienced odors **invading the home "strong enough to wake one at night" that warrant TCEQ intervention.**
5. In a recent phone conversation to Natasha John she understood this "affected person's" home was southwest of this facility post an inspection or tour of the area provided by Terry Caviness . My property is north of this facility and my home is NE of the lagoons. In this county it should be **noted there are prevailing SW winds** which carry any and all H2S emissions across my property, home, and barn that I occupy daily.
6. According to the federal agency for Toxic Substances and Disease Registry exposure to low concentrations of H2S can cause respiratory problems, headache, nausea, fatigue, eye irritation, and possible neurological problems. In higher concentrations, H2S can cause paralysis of the respiratory system which result in fainting or even death.
7. Further concerns that need addressed is the facility **Co-owned** by Terry Caviness where the by-products of this "State of the Art" new packing plant are hauled. This facility is continuously cited. A December 15, 2008 letter from TCEQ informing self of Docket No. 2007-1838-AIR -E; Enforcement Case No **34875, Complaint No 96318 remains open until requirements of the order are fulfilled. This was issued May 21, 2008!**
8. I have occupied this land since 1965 and I **appeal** to you as the commission which is authorized to protect human health and safety, and natural resources to extensively evaluate your steps in issuing air permits to a facility that is not currently in compliance and has a **negative track record for maintaining compliance!**

If there are any questions, please feel free to contact the EPA'S Assistant Administrator for Enforcement and Compliance Assurance on the federal level.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kevin L. Sanders".

Kevin L. Sanders, "Affected Person"
Adjacent Property Owner/
Home and Barn occupy
Productive Farming Practice

***Please note continued expansion of this facility with Uncovered lagoons will not be acceptable. Existing lagoons are already a problem. (see enclosed maps)**

2008

Office of the Chief Clerk
MC-105, TCEQ
PO Box 13087
Austin, TX 78711-3087

November 24, 2008

To Whom It May Concern:

The purpose of this memo is to withdraw my request of May 31, 2007, for a contested case hearing in reference to permit no. 81570.

Respectfully Submitted,

TERRY CAVINESS

Kevin L. Sanders

11-25-08

Kevin -

IF THIS LETTER LOOKS
O.K. PLEASE SIGN AND
MAIL TO ME AND I WILL
SEND IT TO THE
STATE OF TEXAS.

HOPFULLY THIS WILL
COMPLETE OUR AIR
PERMIT.

THANK YOU,

