

P.O. Box 753
Madisonville, Texas 77864-0753
March 2, 2009

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2009 FEB 26 PM 2: 58

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Office of the Chief Clerk
Texas Commission on Environmental Quality
Post Office Box 13087, MC-105
Austin, Texas 78711-3087

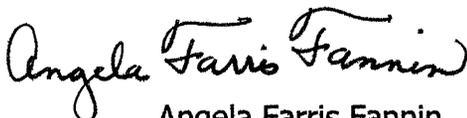
Re: Reply to Response of the Executive Director of the TCEQ and to
Madison Bell Partners, LP Permit No. 83378 and PSD-TX-1105: Docket No.
2008-1786-AIR

Dear Ms. Castanuela:

Enclosed for filing is the original and seven copies of the reply of Angela Farris Fannin and Charles Strawther and Patsy Strawther to the response of the Executive Director of the TCEQ to the Hearing Requests and to the applicant's response to the Hearing Requests.

If you have questions or concerns, please call (936)-348-6009 or email us at dawn@tconline.net

Sincerely,


Angela Farris Fannin


Charles Strawther


Patsy W. Strawther

Enclosures

P.O. Box 753
Madisonville, Texas 77864-0753
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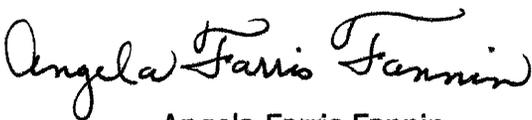
To: Persons on the Attached Mailing List

Re: Requestor's Reply to Response of the Executive Director of the TCEQ and to Applicant Madison Bell Partners, LP Permit No. 83378 and PSD-TX-1105: Docket No. 2008-1786-AIR

Enclosed is a copy of the Requestor's Reply to the Response of the Executive Director of the TCEQ and to the Applicant Madison Bell Partners, LP Permit No. 83378 and PSD-TX-1105: Docket No. 2008-1786-AIR as filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality of the state of Texas, on March 2, 2009.

If you have questions or concerns, please call (936) 348-6009 or email us at dawn@tconline.net

Sincerely,


Angela Farris Fannin


Charles Strawther


Patsy W. Strawther

Enclosures

TCEQ AIR QUALITY PERMIT NO 83378 AND
PREVENTION OF SIGNIFICANT DETERIORATION PERMIT NO PSD-TX-1105

APPLICATION BY
MADISON BELL PARTNERS, L.P.
CENTRAL PLANT
MADISONVILLE,
MADISON COUNTY

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CHIEF CLERKS OFFICE

2009 FEB 26 PM 2:58

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

REPLY TO RESPONSE OF THE EXECUTIVE DIRECTOR OF THE TCEQ

And to Madison Bell Partners, LP

BY ANGELA FARRIS FANNIN AND

CHARLES STRAWTHER AND PATSY STRAWTHER, REQUESTORS

Angela Farris Fannin and Charles Strawther and Patsy Strawther file this reply to the Executive Director of the Texas Commission on Environmental Quality and to the Commissioners.

As stated on Page 6 of the Executive Director's Response to Hearing Requests, "Therefore, the ED asserts that the Strawthers and Ms. Fannin qualify as affected persons under TCEQ rules."

Request for Air Quality Monitor

Because of the qualification that we met as stated above, we feel that the potential for emissions from the Madison Bell facility combined with other emissions that already exist in the area pose a possible risk factor for humans, plants, wildlife, and livestock in the immediate area as well as a radius of at least one mile or more. For this reason we request that an air quality monitor be placed on the current Madison Bell Energy plant site and on the Strawther and Fannin properties to measure the current hydrogen sulfide and other emissions coming from Madisonville Mid-Stream Gas Processing Plant located southeast and south of the named properties. Since proof does not exist that definite harm could not be caused by possible emissions from a non-existent plant--- neither does proof exist that harm can be caused by possible emissions from the same unless a basis for comparison is established before these additional emissions begin to be deposited into the environment. (The sour gas plant is located off of FM 1372 approximately one mile south/southeast of the proposed Madison Bell Energy plant site and the Strawther property. The sour gas plant is 600 feet south of the Fannin's south property line.)

As stated in the response from the ED of the TCEQ on page 1, "These actions will authorize equipment that will emit the following air contaminants in a significant amount:" The key word here is **significant**. What amount must exist before the emission is deemed significant?

Unique Case

This case is unique because the extremely close proximity of other current emissions from sources already in place must be measured and added to the estimated or established potential emissions from the Madison Bell Energy Center in order to make a responsible decision about the safety of the air around the small but highly significant community of Cottonwood.

We charge the TCEQ with the task of protecting ALL of the taxpayers of our county rather than a few special interest groups.

Field Study

A field study designed to calculate the amount of carbon, sulfur dioxide, nitrogen, sulfuric acid, organic compounds and other air contaminants already present in the affected area has not been done. A need exists for this type of study to be done before the Madison Bell plant is constructed so that a valid "before and after" comparison can be made. In our opinion, the distances of affected persons from the Madison Bell Plant location specified in previous rebuttals are not accurate; therefore, there is a need for a field survey complete with field notes performed by a professional engineer.

A "paper application" should not be tailored to fit within the guidelines of Texas statute without the back-up of actual field tests and site visits to take air monitoring samples as well as soil and water data. Our physical well-being is at stake.

Health and Welfare of the Fannin Family and the Strawther Family

The Strawther family enjoys the freedom of outdoor daily activities around the property located on their property that has been in the Strawther family for over 100 years. As the grandchildren and nieces and nephews ride horses around the farm the potential danger for damage to these young lives as well as the horses is a real threat.

The hay production from the land yields between 300 and 500 bales per year depending on the number of cuttings as well as rainfall. The threat to vegetation cannot be definitely determined at this time due to the fact that the current emissions from existing conditions have not been measured. The Strawther family depends on the income from the hay sales during the year.

Additionally, Charles Strawther suffers from Chronic Obstructive Pulmonary Disease (COPD) as well as asthma. The likelihood of emissions prohibiting him from frequenting his land for the purposes stated above is a very real possibility.

The Fannin family maintains an active ranch with livestock over the 508 acre space. The welfare of the livestock and its earning potential is a very real concern for us. Although Jerry and I are retirees, we enjoy an active lifestyle and participate in many activities that require movement over the entire ranch. None of the family is confined to the home located on Highway 21. Our opinion is that family members would be adversely affected by the pollutants in the air as they move around the ranch. We believe that there is a possibility that our livestock could be adversely affected also. Please see the attached map showing the route taken as daily routines are performed on the ranch. Also, keep in mind that the basic tasks of living and working on both the Fannin and Strawther properties places the residents in close proximity to the significant pollutants as these are emitted in the initial state of full strength----and not as these emissions become weaker as these filter across the property to finally rest at the site of the ranch home on State Highway 21. (Shown in charts submitted by Madison Bell Partners, LP)

The requestors hold a firm opinion that the level of emissions from the Madison Bell Energy plant will severely interfere with the livelihood gained from the animal and plant

life from the respective properties as well as inhibit the healthy enjoyment of life associated with the natural environment.

At the present time, the Fannins carry hydrogen sulfide monitors in their vehicles and/or on their person when going about their daily routine on the ranch. This is an added protection for the family.

The Fannin property (approximately 508 acres) has the majority of the acreage to be impacted by the emissions. From different points on the Fannin acreage, affected areas are from 1000 feet to ½ mile from the proposed equipment site of Madison Bell Energy Center. The prevailing winds influence this property the most.

Wildlife

In 1993 the Texas Parks and Wildlife Department stocked the general area around and including the Fannin property with wild turkeys. The most recent sighting was in February of 2009. Angela Fannin is a registered participant in this program. Care should be taken not to disturb this form of rare wild life, the Eastern Turkey.

Education of the Community

Many disadvantaged families live in the impact area and do not have the means or education to understand the types of volatile compound emissions (sulfur dioxide, sulfuric acid, others) that will be released into the air. In our opinion, these emissions will affect children who are involved in outdoor activity. The TCEQ should consider educational programs to inform these families of the project, the potential harm from emissions, and maps of the impacted areas.

Many uneducated and poverty ridden members of the Cottonwood Community have not had the chance to learn of the Madison Bell power plant project. Many do not even read the local newspaper. Our opinion is that even if the local newspaper is read, it provides only a tightly controlled biased version of events.

The only public meeting allowed in the county was obtained at the request of Representative Jim Dunnam. No notice was published in the local newspaper. Little opportunity was given for advertisement since the meeting was called at the last minute.

Concern for Public Welfare

The letter of support from the Madison County Economic Development Corporation shows no concern for the welfare of the inhabitants of the Cottonwood Community. The two concerns expressed in the letter relate to economic development of the community as well as the natural resources of the county. No mention is made of concern for the health of the taxpayers who support the county through taxes on a regular year after year basis.

In a like manner, the letter signed by the members of the Commissioners' Court of Madison County expresses concern for the employment of citizens while ignoring the fact that their physical health could be threatened to the point that working at gainful employment would be impossible.

Discrimination

In our opinion, an air of discrimination surrounds the permitting process when adequate education about the effects of the contaminants is not readily available to the average citizen of Madison County, Texas. In our opinion, controlled information and education combined with the threat of social and economic ostracism to local working class citizens lends itself to an atmosphere of suppression. This is in direct opposition to President Obama's current administration as it supports clean air, reduction of emissions, and awareness of climate change.

Recommendations

We recommend that the request for a contested case hearing be granted and that the maximum expected duration of the contested case hearing, if held, would be nine months.

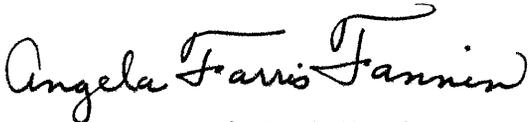
We also recommend that the TCEQ honor the requests that are made in this letter in order to be fully accountable to and to serve **all** of the citizens of Madison County, Texas.

Remember these slogans of the TCEQ:

"Take care of Texas. It's the only one we've got."

"Protecting Texas by Reducing and Preventing Pollution."

Respectfully submitted,



Angela Farris Fannin



Charles Strawther



Patsy W. Strawther

Enclosures

Mailing List(Requestors)
Madison Bell Partners, LP
Docket No. 2008-1786-AIR; Permit Nos. 83378; PSDTX1105

For the Applicant

Via Regular Mail

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Executive Director of the TCEQ

Via Regular Mail

For the Executive Director
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Page 2 Mailing List (Requestors)

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Requestors:

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Charles and Patsy Strawther

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Tel: 936-348-5866

Modified Map (by requestors)

Fannin Property
(Outlined in Red)
Strawther Property
(Outlined in Blue)
Daily Route
(Indicated in Orange)

Hearing Requester Map
Madison Bell Partners, LP Permit No. 83378 and PSD-TX-1105
TCEQ Docket No. 2008-1786-AIR
Map Requested by TCEQ Office of Legal Services
for Commissioners Agenda March 11, 2009

Protecting Texas by
Reducing and
Preventing Pollution



Texas Commission on Environmental Quality
618 Tenth (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087

February 2, 2009

0 0.1 0.2 0.4 Miles

Projection: Texas Statewide Mapping System
(TSM/S)
Scale: 1:19,802

Legend
c: Protestant
Site Boundary

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information and the requestor information from the applicant. The counties are U.S. Census Bureau 1997 TIGER/Line Data (1:100,000). The background of this map is a source: photograph from the 2004 U.S. Department of Agriculture Imagery Program. The imagery is one-meter Color-Infrared (CIR). The image classification number is 1001_1_1.

This map depicts the following:
(1) The approximate location of the proposed facility. This is labeled "Project Site Boundary".
(2) The approximate location of the proposed equipment. This is labeled "Equipment Location".
(3) The approximate location of the protestant. The accuracy is unknown.
(4) A circle and arrow depicting the 1-mile radius. This is labeled "1-Mile Radius".

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This map was not generated by a licensed surveyor, and is included for illustrative purposes only. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use. For more information concerning this map, contact the Information Resources Division at (512) 239-0800.

