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MAR 03 2010

BY

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66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR -3 AM 9:40

CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
5. I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way too late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ or the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sanderson's' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.
6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.
7. Those affected by this permit will not be able to access all of their property due to water and erosion.

mw

8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
9. I would ask that Response #36: page 24 of the Executive Director's decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Generating LLC's proposed waste water.
10. It would be my opinion the TCEQ has written draft permit No. WQ000487000 in such a way as to excuse themselves from future responsibility of their actions in this matter.
11. In an email dated 2-10-2010 @ 9:57:39 A.M. forwarded by Tres Koenings, Industrial Permit Team, Wastewater Permitting Section of the TCEQ, and I quote his own words: "the decision to grant the wastewater permit to Navarro has not been made yet."
12. On that same day (2-10-2010) letters were sent out by mail to every person (pro or con) of the Executive Director's decision to grant the preliminary permit to Navarro Generating LLC. How many hours of overtime did that take?
13. ### That's the fastest work ever done by government !!
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15. The 14th Amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permitted the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.
16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Tom Blake

Name: Tom Blake

Address: 322 Knight Circle

Phone: 903-389-3048

Email: tblake@postpach.com ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR -3 AM 9:40
CHIEF CLERKS OFFICE

INP 66032

RFR HR

OPA

FEB 26 2010

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 26 AM 10: 07

CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Jeannette Blanton

Name: Jeannette Blanton

Address: 127 Bullrun
Streetman, Tx

Phone: 214-232-3311

Email: jeanb@indinsgrp.com

IWD
66032

RFR HR

OPA

FEB 25 2010

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 25 AM 10: 32

CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

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With great respect, sincerely,

Signature: Terry B Burroughs

Name: Terry B Burroughs

Address: 152 Knights Circle
Streetman, Tx 75859

Phone: 903-389-2933

Email: terrybb@valornet.com ✓

IWD
66032

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 FEB 24 PM 3: 02

CHIEF CLERKS OFFICE

RFR OPA
HR FEB 25 2010
BY EB

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Janet Cornwall

Name: Janet Cornwall

Address: 359 Stonewall Dr
Streetman Tx 75859

Phone: (903) 389-8972

Email: janetlee@valornet.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 3:03
CHIEF CLERKS OFFICE

OPA

H

MAR 17 2010

BY ll

TWD 66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR 16 PM 2:27

CHIEF CLERKS OFFICE

Ladonna Castanuela,
Chief Clerk TCEQ,
MC-105 PO BOX 13087
Austin,TX.78711-3087

Dear Ms. Castanuela,

Please consider this written request my desire for a contested case hearing in reference to Navarro Generating LLC, TPDES Permit No. WQ000487000. I declare I have affected party status concerning the proposed permit based upon the following reasons.

#1. I own land and live within three miles of the outfall/flow of the proposed discharge waste water of Navarro Generating LLC's proposed future site.

#2. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit. I have every reason to think no TCEQ employee visited the discharge waste water site prior to the preliminary decision.

#3. I dispute the human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point.I live, own land, raise animals and crops within that three miles and I must be considered before the final permit is granted. After the final permit is granted I would lose all power to argue my concerns and would be forced to live with degradation of my quality of life and property.

#4. I find great fault there is no effluent data submitted with the application because the Navarro facility has not been built as of this date. Please refer #3 again. I do not want the TCEQ to initiate any permit amendments or additional monitoring after the fact. I will be affected before they take action.

#5. I further declare the final approval of this permit will affect my ability to access all parts of my property due to water and erosion.

#6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the wishes of the affected parties in favor of Navarro Generating LLC and for that reason I must have a contested case hearing to protect my own rights.

Finally, but not least, I want to respond to statements made in Response # 36: page 24 of the Decision of the Executive Director. The TCEQ failed to meet their obligation to protect the public within the three miles of initial outfall/flow of the waste water discharge. It is my opinion the TCEQ has avoided their responsibility to the public in this preliminary draft permit to avoid any future fault with their decision. To admit in writing the issuance of this permit does not grant to the permit-tee the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant me a contested case hearing as an affected party. My 14th amendment right guarantees me equal protection under the laws. The final approval of this permit would be an invasion of my personal right to a contested case hearing.

Sincerely,

Leria Roberts Denboer

MW

Mail to:

PM OPA
H DEC 29 2008
BY BL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 47

CHIEF CLERKS OFFICE

IWD
WQ0032

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is _____ miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
(✓) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
(✓) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek Tanks
(✓) Richland and Pin Oak Creeks overflow which affects my ability to travel
(✓) Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
( ) Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( ) I use water from the creek to irrigate my land.

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Tina Roberts Denbow
(Signature)

Name: Tina Roberts Denbow

Address: 1028 Hidden Hills

City, State, Zip Code Corsicana, Tx 75110

Telephone number: 903-641-0448

mw

Mail to:

PM
H

OPA

WD
WQ032

DEC 29 2008

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 49

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

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I live in Navarro County at the address listed below, which is 1/2 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

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Please help us protect our good water quality in Navarro County.

Sincerely,

Bryan L Downs

(Signature)

Name: BRYAN DOWNS

Address: 6346 SW COUNTY ROAD 2150

City, State, Zip Code RICHLAND, TX 76681

Telephone number: 972-489-9955

MW

IWD
66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 25 AM 10: 32

CHIEF CLERKS OFFICE

RFR HR

OPA

FEB 25 2010

BY EB

February 21, 2010

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TCEQ, MC-105
P.O. Box 13087
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15. The 14th Amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permitted the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.
16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Tim Eaves

Name: TIM Eaves

Address: 1015 Oak Tree Dr
Fort Worth, Tx 76140

Phone: 817-483-9075

Email: tjeaves@dot11net.net ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 25 AM 10: 33
CHIEF CLERKS OFFICE

TWP / 66032

RFR
HR

OPA

MAR 01 2010

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR -1 AM 10: 58

CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee ever visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
5. I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way too late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ or the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sanderson's' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.
6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.
7. Those affected by this permit will not be able to access all of their property due to the effluent discharged with the waste water.

MW

8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Sharon Ellis

Name: SHARON ELLIS

Address: 9649 VIEWSIDE DR and 282 Stonewall Drive
DALLAS, TX 75231 Streetman, TX 75859

Phone: 214-341-1957 and 214-680-5810

Email: sharonellis@swbell.net ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR -1 AM 10:58
CHIEF CLERKS OFFICE

IWD
66032

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 FEB 25 AM 10: 31

CHIEF CLERKS OFFICE

OPA

RFR
HR FEB 25 2010
BY EB

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

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With great respect, sincerely,

Signature: Sharon Findley
Name: SHARON FINDLEY
Address: 183 KINGSWOOD DR
STREETMAN TX 75859
Phone: 903 389 9262
Email: SLFINDLEY@WINDSTREAM.NET

IWD
66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 2: 53

CHIEF CLERKS OFFICE

RPR OPA
HR FEB 25 2010
BY EB

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Deloris Graves

Name: Deloris Graves

Address: 15125 Sapphire
Streetman, Tx

Phone: 903-599-6127 972-223-6058

Email: dgraves@desotoisd.org

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:53
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 FEB 24 PM 3:06

CHIEF CLERKS OFFICE

IWD
66032

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

OPA
RFR
AR
FEB 25 2010
BY EB

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Edmond F Graves

Name: Edmond F. Graves

Address: 15125 Sapphire Lane
Streetman, Tx 75859

Phone: 903-599-6127

Email: egraves001@tx.rr.com ✓

OPA

H
RFR

MAR 16 2010

BY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR 15 PM 3:00

CHIEF CLERKS OFFICE

IWD
66032

LAW OFFICE OF WENDI HAMMOND
7325 Augusta Circle
Plano, TX 75025
PH: (972) 746-8540 Wendi_Hammond@sbcglobal.net FAX: (469) 241-0430

March 12, 2010

VIA ~~Electronic Filing: http://www.tceq.state.tx.us/about/comments.html~~ Fax: 512/239-3311
LaDonna Castanuela
TCEQ Office of the Chief Clerk; MC 105
P.O. Box 13087
Austin, TX 78711-3087

RE: Request for Contested Case Hearing & Request for Reconsideration of Executive Director's Decision
Application of Navarro Generating LLC for a Gas-Fired Power Plant in Navarro County
TPDES Permit No. WQ0004870000

Dear Ms. Castanuela:

The following Requests for Contested Case Hearing and Requests for Reconsideration in the above named and numbered matter are filed on behalf of Citizens Opposed to Power Plants, COPPs for Clean Air (COPPs), and KIDS for Clean Air.

I. Requests for Contested Case Hearing

The following organizations previously requested a public meeting and a contested case hearing on behalf of their members, including those who live and/or recreate in Navarro County, surrounding counties, downwind counties, and downstream counties particularly those members that will be affected by the new plant in a way not common to the general public:

- COPPS for Clean Air (COPPS),
- Citizens Opposed to Power Plants, and
- KIDS for Clean Air.

These organizations now reassert those previous requests for a contested case hearing because the Executive Director's decision fails to address all of the concerns and comments of the organizations and their members. All contact with these organizations should be through legal counsel:

Wendi Hammond
Law Office of Wendi Hammond
7325 Augusta Circle
Plano, Texas 75025
Phone: (972) 746-8540
Fax: (469) 241-0430

mw

Each organization has members that live, work and/or recreate in the immediate area of the proposed power plant and/or members that live, work and/or recreate in areas downwind and/or downstream of the proposed plant which will be impacted by plant's air pollutants and wastewater discharges. This includes, but is not limited to, members that live off of, work in and/or recreate in the unnamed tributary of Little Pin Oak Creek, Little Pin Oak Creek and/or Richland-Chambers Reservoir. For example, our members use water from Little Pin Oak Creek or Richland-Chambers Reservoir as a drinking water supply for humans and livestock, fishing, boating, swimming, bird watching, hunting, etc.

These members will be adversely affected from the proposed wastewater pollutants including, but not limited to, each of the pollutants listed within the application's material safety data sheets.

All of the organizations are small nonprofit membership organizations dedicated to protecting families, property, agriculture and natural resources of its members, their descendants and the public from the consequences of pollution caused by power plants in Texas. A number of each organization's members live, work and recreate in areas downwind and downstream of the wastewater and air pollution to be discharged by the proposed power plant. Therefore, the health, homes, livelihoods and aesthetic enjoyment of the organizations' members (and others) will be adversely affected by Applicant's proposed power plant.

Each of the organization's purpose includes, but is not limited to, protecting its membership from the adverse effects from power plants such as Applicant's proposed plant. As such, the interests the organizations seek to protect are germane to each of the organization's purpose. Furthermore, neither the claim asserted nor the relief requested requires the participation of organizations' individual members in the case; and one or more members of each organization would otherwise have standing to request a hearing in their own right. For example:

- Daniel Roberts and family, are members of Citizens Opposed to Power Plants and COPPs for Clean Air (COPPs). Box 174 Richland, TX 76681. He and his family live approximately within ½ to 1 mile downstream from the proposed Outfall on the unnamed tributary of Little Pin Oak. He is concerned that the wastewater from the proposed plant will adversely affect his and his family's property, livelihood and/or aesthetic enjoyment of the unnamed tributary of Little Pin Oak Creek and/or Richland-Chambers Reservoir and surrounding recreation areas. This includes, but is not limited to, adverse effects to his and his family's general enjoyment of the outdoors such as hiking, fishing, nature-watching and camping.

- Mr. Jason Hammond and his family are members of KIDS for Clean Air. The family lives in Collin County, Plano, Texas 75025, an area located within a county recommended to be classified as nonattainment for violations of the ozone NAAQS 75 ppb standard, already classified as nonattainment for violating the 85 ppb ozone NAAQS standard, and previously classified as nonattainment for violating the 1 hour ozone NAAQS standard. Collin County is located downwind from the proposed plant. He is concerned that the wastewater from the proposed plant will adversely affect his and his family's aesthetic enjoyment of the Richland-Chambers Reservoir and surrounding recreation areas. This includes, but is not limited to, adverse effects to his and his family's general enjoyment of the outdoors such as hiking, fishing, nature-watching and camping.

The organizations raise the following issues that are relevant and material to the decision on the application.

II. Relevant and Material Disputed Issues

Relevant and material disputed issues to be addresses at a hearing include the following:

1) **The Application and Draft Permit do not comply with all federal and state laws and regulations.**
2) **The Application and Draft Permit would cause health hazards, nuisances and/or other adverse effects to the public and environment.**
3) **The Application and Draft Permit would allow contamination of ground and surface waters.**
4) **The Application and Draft Permit do not comply with requisite analysis and use of best available technology.**
5) **The Application and Draft Permit will allow violation(s) of water quality standards.**
6) **The Application and Draft Permit will allow degradation of the receiving waters.**
7) **Notice did not comply with all federal and state laws and regulations.**

Therefore, the permit should not be granted.

All of these issues were raised during the public comment period. Numerous examples to illustrate the above relevant and material disputed issues were provided in writing and orally during the public comment period by the above-named organizations and separately by the organizations' individual members. Further explanation has been provided in subsequent hearing requests filed by the organization's individual members. None of those hearing requests should be interpreted as limiting the scope and number of the above relevant and material disputed issues. Likewise, the below request for reconsideration of the executive director's decision provides additional examples, without any limitation, on the above outlined relevant and material disputed issues.

All of the Executive Director's response to comments (RTC) are disputed based upon all of the facts raised in all of the written and oral public comments provided by groups/individuals opposed to the issuance of this permit. This includes, but is not limited to, facts raised during the question/answer period of the informal portion held at the public meeting.

III. Request for Reconsideration of the Executive Director's Decisions

In addition to the requests for contested case hearing, the organizations request reconsideration of the Executive Director's Decision.

During the public comment period, pictures were provided which establish the fact that water pools within the discharge route. The Executive Director's RTC too narrowly addresses the disputed issues raised by these pictures and other public comments as merely "flooding issues" which TCEQ repeatedly asserts is "not addressed in the wastewater permitting process." The Executive Director, however, should have addressed these facts more broadly as raising disputes about the draft permit's potential to adversely impact water quality because the agency staff made certain assumptions about the impact of the wastewater discharge. These assumptions include, but are not limited to, the concentration of pollutants that will reach the Richland-Chambers Reservoir as a result of this draft permit.

All of the application and agency assumptions, however, were called into question by the public comments and evidence provided. For example:

- It is highly likely that the discharge route may at times have low flow which would allow the pollutants in the wastewater discharge to pool and accumulate to a much higher concentrations until a small rain event causes the concentrated wastewater pollutants to finally reach the Richland-Chambers Reservoir. Under that highly likely scenario, the Richland-Chambers Reservoir will be subjected to potential water quality impacts that the executive director never considered – but should have – due to the public comments provided.

- Alternatively, the proposed wastewater discharge stream may actually cause the unnamed tributary of Little Pin Oak Creek and/or Little Pin Oak Creek to be a perennial water body, which could affect the designated uses assumed by the application as well as other assumptions.

Additionally, the changes made to the draft permit in response to public comment still do not address all of the concerns raised in the public comments. For example, there still is no analysis required prior to "commencement of commercial operations" although wastewater and stormwater discharges may occur during construction and pre-testing for commercial operations.

Conclusion

The public meeting held for this matter failed to provide answers to all of the public's questions and concerns. Likewise, the Executive Director's Response to Comments fails to encompass and respond to the breadth and scope of all of the public comments, especially the comments provided during the public meeting.

Furthermore, these comments are in addition to and supplement any public comments and/or hearing requests and/or requests for reconsideration provided previously or subsequently by the organizations or its members. Likewise, these public comments and hearing requests incorporate by reference (for inclusion as part of the administrative record) any submissions, oral or written, provided by other individuals or organizations protesting this application and issuance of the proposed permit as well as any issues of concern raised by EPA.

Therefore, the matter should be reconsidered by the executive director and the permit should not be granted, or alternatively, the matter should be sent to a contested case hearing.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

Wendi Hammond

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR 15 PM 3:00
CHIEF CLERKS OFFICE

IWD 66032

RFR OPA
H MAR 12 2010
BY KY

LAW OFFICE OF WENDI HAMMOND
7325 Augusta Circle
Plano, TX 75025
PH: (972) 746-8540 Wendi_Hammond@sbcglobal.net FX: (469) 241-0430

March 12, 2010

VIA ~~Electronic Filing: http://www.tceq.state.tx.us/about/comments.html~~ Fax: 512/239-3311
LaDonna Castanuela
TCEQ Office of the Chief Clerk; MC 105
P.O. Box 13087
Austin, TX 78711-3087

RE: Request for Contested Case Hearing & Request for Reconsideration of Executive Director's Decision
Application of Navarro Generating LLC for a Gas-Fired Power Plant in Navarro County
TPDES Permit No. WQ0004870000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 2010 MAR 12 PM 12:13 CHIEF CLERKS OFFICE

Dear Ms. Castanuela:

The following Requests for Contested Case Hearing and Requests for Reconsideration in the above named and numbered matter are filed on behalf of Citizens Opposed to Power Plants, COPPs for Clean Air (COPPs), and KIDS for Clean Air.

I. Requests for Contested Case Hearing

The following organizations previously requested a public meeting and a contested case hearing on behalf of their members, including those who live and/or recreate in Navarro County, surrounding counties, downwind counties, and downstream counties particularly those members that will be affected by the new plant in a way not common to the general public:

- COPPS for Clean Air (COPPS),
- Citizens Opposed to Power Plants, and
- KIDS for Clean Air.

These organizations now reassert those previous requests for a contested case hearing because the Executive Director's decision fails to address all of the concerns and comments of the organizations and their members. All contact with these organizations should be through legal counsel:

Wendi Hammond
Law Office of Wendi Hammond
7325 Augusta Circle
Plano, Texas 75025
Phone: (972) 746-8540
Fax: (469) 241-0430

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 2010 MAR 12 PM 12:13 CHIEF CLERKS OFFICE

MW

Each organization has members that live, work and/or recreate in the immediate area of the proposed power plant and/or members that live, work and/or recreate in areas downwind and/or downstream of the proposed plant which will be impacted by plant's air pollutants and wastewater discharges. This includes, but is not limited to, members that live off of, work in and/or recreate in the unnamed tributary of Little Pin Oak Creek, Little Pin Oak Creek and/or Richland-Chambers Reservoir. For example, our members use water from Little Pin Oak Creek or Richland-Chambers Reservoir as a drinking water supply for humans and livestock, fishing, boating, swimming, bird watching, hunting, etc.

These members will be adversely affected from the proposed wastewater pollutants including, but not limited to, each of the pollutants listed within the application's material safety data sheets.

All of the organizations are small nonprofit membership organizations dedicated to protecting families, property, agriculture and natural resources of its members, their descendants and the public from the consequences of pollution caused by power plants in Texas. A number of each organization's members live, work and recreate in areas downwind and downstream of the wastewater and air pollution to be discharged by the proposed power plant. Therefore, the health, homes, livelihoods and aesthetic enjoyment of the organizations' members (and others) will be adversely affected by Applicant's proposed power plant.

Each of the organization's purpose includes, but is not limited to, protecting its membership from the adverse effects from power plants such as Applicant's proposed plant. As such, the interests the organizations seek to protect are germane to each of the organization's purpose. Furthermore, neither the claim asserted nor the relief requested requires the participation of organizations' individual members in the case; and one or more members of each organization would otherwise have standing to request a hearing in their own right. For example:

- Daniel Roberts and family, are members of Citizens Opposed to Power Plants and COPPs for Clean Air (COPPs). Box 174 Richland, TX 76681. He and his family live approximately within ½ to 1 mile downstream from the proposed Outfall on the unnamed tributary of Little Pin Oak He is concerned that the wastewater from the proposed plant will adversely affect his and his family's property, livelihood and/or aesthetic enjoyment of the unnamed tributary of Little Pin Oak Creek and/or Richland-Chambers Reservoir and surrounding recreation areas. This includes, but is not limited to, adverse effects to his and his family's general enjoyment of the outdoors such as hiking, fishing, nature-watching and camping.

- Mr. Jason Hammond and his family are members of KIDS for Clean Air. The family lives in Collin County, Plano, Texas 75025, an area located within a county recommended to be classified as nonattainment for violations of the ozone NAAQS 75 ppb standard, already classified as nonattainment for violating the 85 ppb ozone NAAQS standard, and previously classified as nonattainment for violating the 1 hour ozone NAAQS standard. Collin County is located downwind from the proposed plant. He is concerned that the wastewater from the proposed plant will adversely affect his and his family's aesthetic enjoyment of the Richland-Chambers Reservoir and surrounding recreation areas. This includes, but is not limited to, adverse effects to his and his family's general enjoyment of the outdoors such as hiking, fishing, nature-watching and camping.

The organizations raise the following issues that are relevant and material to the decision on the application.

II. Relevant and Material Disputed Issues

Relevant and material disputed issues to be addresses at a hearing include the following:

1) **The Application and Draft Permit do not comply with all federal and state laws and regulations.**
2) **The Application and Draft Permit would cause health hazards, nuisances and/or other adverse effects to the public and environment.**
3) **The Application and Draft Permit would allow contamination of ground and surface waters.**
4) **The Application and Draft Permit do not comply with requisite analysis and use of best available technology.**
5) **The Application and Draft Permit will allow violation(s) of water quality standards.**
6) **The Application and Draft Permit will allow degradation of the receiving waters.**
7) **Notice did not comply with all federal and state laws and regulations.**

Therefore, the permit should not be granted.

All of these issues were raised during the public comment period. Numerous examples to illustrate the above relevant and material disputed issues were provided in writing and orally during the public comment period by the above-named organizations and separately by the organizations' individual members. Further explanation has been provided in subsequent hearing requests filed by the organization's individual members. None of those hearing requests should be interpreted as limiting the scope and number of the above relevant and material disputed issues. Likewise, the below request for reconsideration of the executive director's decision provides additional examples, without any limitation, on the above outlined relevant and material disputed issues.

All of the Executive Director's response to comments (RTC) are disputed based upon all of the facts raised in all of the written and oral public comments provided by groups/individuals opposed to the issuance of this permit. This includes, but is not limited to, facts raised during the question/answer period of the informal portion held at the public meeting.

III. Request for Reconsideration of the Executive Director's Decisions

In addition to the requests for contested case hearing, the organizations request reconsideration of the Executive Director's Decision.

During the public comment period, pictures were provided which establish the fact that water pools within the discharge route. The Executive Director's RTC too narrowly addresses the disputed issues raised by these pictures and other public comments as merely "flooding issues" which TCEQ repeatedly asserts is "not addressed in the wastewater permitting process." The Executive Director, however, should have addressed these facts more broadly as raising disputes about the draft permit's potential to adversely impact water quality because the agency staff made certain assumptions about the impact of the wastewater discharge. These assumptions include, but are not limited to, the concentration of pollutants that will reach the Richland-Chambers Reservoir as a result of this draft permit.

All of the application and agency assumptions, however, were called into question by the public comments and evidence provided. For example:

- It is highly likely that the discharge route may at times have low flow which would allow the pollutants in the wastewater discharge to pool and accumulate to a much higher concentrations until a small rain event causes the concentrated wastewater pollutants to finally reach the Richland-Chambers Reservoir. Under that highly likely scenario, the Richland-Chambers Reservoir will be subjected to potential water quality impacts that the executive director never considered – but should have – due to the public comments provided.

- Alternatively, the proposed wastewater discharge stream may actually cause the unnamed tributary of Little Pin Oak Creek and/or Little Pin Oak Creek to be a perennial water body, which could affect the designated uses assumed by the application as well as other assumptions.

Additionally, the changes made to the draft permit in response to public comment still do not address all of the concerns raised in the public comments. For example, there still is no analysis required prior to "commencement of commercial operations" although wastewater and stormwater discharges may occur during construction and pre-testing for commercial operations.

Conclusion

The public meeting held for this matter failed to provide answers to all of the public's questions and concerns. Likewise, the Executive Director's Response to Comments fails to encompass and respond to the breadth and scope of all of the public comments, especially the comments provided during the public meeting.

Furthermore, these comments are in addition to and supplement any public comments and/or hearing requests and/or requests for reconsideration provided previously or subsequently by the organizations or its members. Likewise, these public comments and hearing requests incorporate by reference (for inclusion as part of the administrative record) any submissions, oral or written, provided by other individuals or organizations protesting this application and issuance of the proposed permit as well as any issues of concern raised by EPA.

Therefore, the matter should be reconsidered by the executive director and the permit should not be granted, or alternatively, the matter should be sent to a contested case hearing.

Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

Wendi Hammond

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR 12 PM 12:13
CHIEF CLERK'S OFFICE

TCEQ Public Meeting Form

Monday, December 7, 2009

Navarro Generating LLC
Proposed TPDES Permit No. WQ0004870000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 DEC -8 PM 3:17
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Wendi Hammond

Address: 7325 Augusta Circle

City/State: Plano TX **Zip:** 75025

Phone: (972) 746 8540

E-mail:

Please note, e-mail addresses are subject to public disclosure under the "Texas Public Information."

☒ **Please add me to the mailing list.**

Are you here today representing a municipality, legislator, agency, or group? ☒ Yes ☐ No

If yes, which one? CoPPs for Clean Air, IGDs for Clean Air, etc

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ **I wish to provide formal oral comments.**

☒ **I wish to provide formal written comments at tonight's public meeting.**

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

LAW OFFICE OF WENDI HAMMOND
7325 Augusta Circle
Plano, TX 75025
PH: (972) 746-8540 Wendi_Hammond@sbcglobal.net FX: (469) 241-0430

December 7, 2009

OPA RECEIVED
DEC 07 2009
AT PUBLIC MEETING

VIA EHAND DELIVERY AT PUBLIC COMMENT MEETING
LaDonna Castanuela
TCEQ Office of the Chief Clerk; MC 105
P.O. Box 13087
Austin, TX 78711-3087

RE: Public Comment and Request for Hearing
Application of Navarro Generating LLC for a Gas-Fired Power Plant in Navarro County
TPDES Permit No. WQ0004870000

Dear Ms. Castanuela:

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I. Requests for Contested Case Hearing and Public Meeting

The following organizations request a public meeting and a contested case hearing on behalf of their members, including those who live and/or recreate in Navarro County, surrounding counties, downwind counties, and downstream counties particularly those members that will be affected by the new plant in a way not common to the general public:

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- Citizens Opposed to Power Plants, and
- KIDS for Clean Air.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 DEC -8 PM 3:17
CHIEF CLERKS OFFICE

All contact with these organizations should be through legal counsel:

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limited to, members that live off of, work in and/or recreate in the unnamed tributary of Little Pin Oak Creek, Little Pin Oak Creek and/or Richland-Chambers Reservoir. For example, our members use water from Little Pin Oak Creek or Richland-Chambers Reservoir as a drinking water supply for humans and livestock, fishing, boating, swimming, bird watching, hunting, etc.

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6) **The Application and Draft Permit will allow degradation of the receiving waters.**
7) **Notice did not comply with all federal and state laws and regulations.**

Therefore, the permit should not be granted.

For purposes of illustration only and not intended to be construed as any limitation on the above issues, the organizations provide specific examples illustrating their questions, comments and concerns regarding the application and draft permit identified by the above relevant and material issues:

- The application is incomplete, contains inaccuracies and/or fails to include all necessary and required information.

- The application fails to provide adequate information concerning the impact of access roads, utility lines and construction easements involved in the project.

- FEMA maps may not accurately reflect all 100-year frequency flood levels, and sole reliance upon those maps may not be proper.

- The application states for what purposes the raw water supply will be "primarily" used rather than identifying all purposes.

- The application states that additional construction for potable water treatment capability is possible, yet the application fails to account for, review and analyze impacts, if any, from this additional construction. Likewise, the application fails to identify where this construction, or the construction of the potable water well will exist.

- The application fails to properly identify the raw water storage tank.

- The application fails to properly review what impact(s) may occur if the Mixed Bed is not regenerated every seven days as assumed by the application.

- The application fails to identify and properly review the type, amount, frequency and disposal of pollutants resulting from regular maintenance of the power plant. Likewise the draft permit fails to place appropriate limits on such pollutants as well as provide adequate record-keeping, reporting and monitoring of such pollutants.

- Why is powdered activated carbon being injected "at various times" to control taste? The application is unclear on whether the representations provided on page 1 of attachment T-2 are requirement of the application and permit or not. Is the pump station a facility under the control of the Applicant?

- The draft permit fails to require as limits the assumptions utilized in the application analyses in Attachment T-6. Without requiring these limits, the application fails to adequately analyze the potential adverse effects of the proposed wastewater discharge.

- The permit application fails to adequately analyze the wastewater's potential impact on the downstream domestic drinking water supply intake.

- The application fails to adequately identify and analyze the general characteristic of the water body as natural storm and floodwater runoff.

- The application fails to adequately identify and analyze the uses of the receiving waters and water body other than livestock watering. This includes, but is not limited to non contact recreation, contact recreation, picnic park activities, and fishing.

- The application and draft permit are improper in that "[a]ll determinations are preliminary and subject to additional review and/or revisions." As such, the application is incomplete and the public has not been afforded the opportunities for and protections of public participation as provided by state and federal law.

- The antidegradation review is inadequate and incomplete. For example, information available to the public fails to adequately address what the change is, how the determination was made, what was reviewed, etc.

- The discharge may have an effect on federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. The application and subsequent review is inadequate and incomplete.

- The technology-based limits within the application and draft permit are incomplete, inadequate and/or incorrect.

- Requirement Nos. 11 & 13 of the draft permit are inadequate and improper. It circumvents meaningful public participation concerning the monitoring, recordkeeping and reporting requirements.

- The draft permit is inadequate and improperly allows the development of a storm water pollution prevention plan that circumvents meaningful public participation and review of for compliance with federal and state laws, rule sand regulations.

- The effluent limits for Outfall 002 for including, but not limited to, TOC, oil and grease and pH are not appropriate or not properly established.

- The application fails to adequately identify and analyze the "wilderness" description of the receiving waters, especially the receiving waters further downstream from the outfalls.

- The organizations question the consistency and compatibility of the application and proposed permit with the applicable water quality management plan.

- The application does not contain adequate facility designs and specifications.

- The proposed permit fails to provide in clear and enforceable terms the character of the discharge.

- The proposed permit fails to provide in clear and enforceable terms the character of the flow limitations.

- The draft permit fails to comply with federal and state enforceability requirements because the application and draft permit fail to require necessary information, reporting and/or recordkeeping.

- The draft permit does not require sufficient frequency and type of monitoring (e.g., whole toxicity monitoring, etc.) to detect violations or evaluate water criteria, degradation and/or toxicity as the conditions of discharge and conditions in the receiving waters change from time to time.

- The application and draft permit fail to appropriately consider any unpleasant odor quality of the effluent and the possible adverse effect that it might have on the receiving body of water having an established recreational standard.

- The draft permit requires testing of Outfall 001 & 002 discharge 90 days after the permit is issued; however, the plant may not be operational at that time. The initial discharge may or may not actually be the first time industrial wastewater is discharged in any amount from outfall 001 or when the plant is operational for outfall 002. For example, some wastewater discharge may occur during construction and/or pre-start up testing. The testing may not accurately reflect the analysis that would happen when the plant is operational.

- The Applicant's compliance history at this or other facilities require denial of the application, or at the very least, close scrutiny of the information in the application and additional conditions and terms in the proposed permit to minimize the likelihood of future violations.

- The application and draft permit fail to comply with the requisite federal and state laws and regulations concerning Best Technology Available (BTA).

- The application and draft permit fail to minimize adverse environmental impacts.

- The draft permit improperly undermines public participation by postponing analysis and determinations concerning Best Technology Available (BTA) analysis for minimizing Adverse Environmental Impact (AEI) until after the permit is issued by the agency.

- Effluent limitations are not properly based on 40 CFR part 423; water quality-based effluent limits should have been imposed on the draft permit; and the new source determination was not properly performed.

- TCEQ improperly developed the proposed draft permit on documents that are not compatible with or approved by federal and/or state law requirements.

- The application and draft permit fail to include all necessary information, analysis and requirements to comply with the elements of the antidegradation policy and requisite analysis with regard to <u>any</u> pollutant.

- The application and draft permit fail to include all necessary information, analysis and requirements to comply with all requisite water quality criteria.

- The public notices regarding this permit application have been inadequate and/or incorrect and therefore, TCEQ must republish notice to allow the public its opportunity to review the complete application and provide meaningful and informed comments.

- Applicant's and TCEQ's actions have caused the public to review and comment on an incomplete application and draft permit in violation of federal and state laws and regulations as illustrated by the issues identified in the other comments discussing missing application information and technical analysis.

- The proposed permit fails provide in clear and enforceable terms limits specifically keyed to characteristics for treatment and disposal.

- The proposed permit fails to provide in clear and enforceable terms rates of application to the waters including, but not limited to, the quantity, quality, flow, location of disposal and conditions for disposal.

- The proposed permit fails to provide in clear and enforceable terms adequate monitoring and reporting requirements including, but not limited to, sufficient frequency and type of monitoring to detect violations.

- The application inadequately describes the soils, ground waters, surface waters, or the location of wells, faults, fractures, sink holes, wetlands, etc..

- The application and draft permit inadequately address the inclusion of additional wastestreams including, but not limited to, low volume waste sources, metal cleaning wastewater, etc.. This includes, but is not limited, providing effluent limitations for pollutants resulting from metal cleaning.

- The organizations question the adequacy of the impoundments, outfall canals, and outfall routes to protect the surface and groundwaters from contamination. This includes, but is not limited to, the construction, liners, berms, etc..

- The application and draft permit improperly identify and limit outfall parameters including, but not limited to, Biochemical Oxygen Demand (BOD) monitoring, chlorine residual monitoring, maximum chlorine residual limits.

- The application and draft permit fail to adequately address the individual and cumulative effects of the discharged pollutants (including, but not limited to, selenium, mercury, radioactive pollutants, etc.) and the potential adverse impacts on the public and environment. The inadequacies include, but are not limited to, effluent limitations, monitoring, analysis, record keeping and reporting.

- The draft permit fails to adequately address and include limitations for the pollutants provided in the material safety data sheets provided with the application.

- The draft permit fails to adequately require monitoring, record-keeping and reporting to comply with "free available chlorine" and "total residual chlorine limitations.

- The application and draft permit fail to adequately address, review, analyze the impact of the discharge from outfalls 001 and 002 on the downstream receiving waters. For example, downstream areas are already subject to flooding and significant erosion under existing circumstances. The increased waterflow in the receiving waters resulting from the proposed plant will further these problems. See, e.g., Attachments A thru L.

Conclusion

This permit should be denied. Furthermore, these comments are in addition to and supplement any public comments and/or hearing requests provided previously or subsequently by the organizations or its members. Likewise, these public comments and hearing requests incorporate by reference (for inclusion as part of the administrative record) any submissions, oral or written, provided by by other individuals or organizations protesting this application and issuance of the proposed permit as well as any issues of concern raised by EPA.

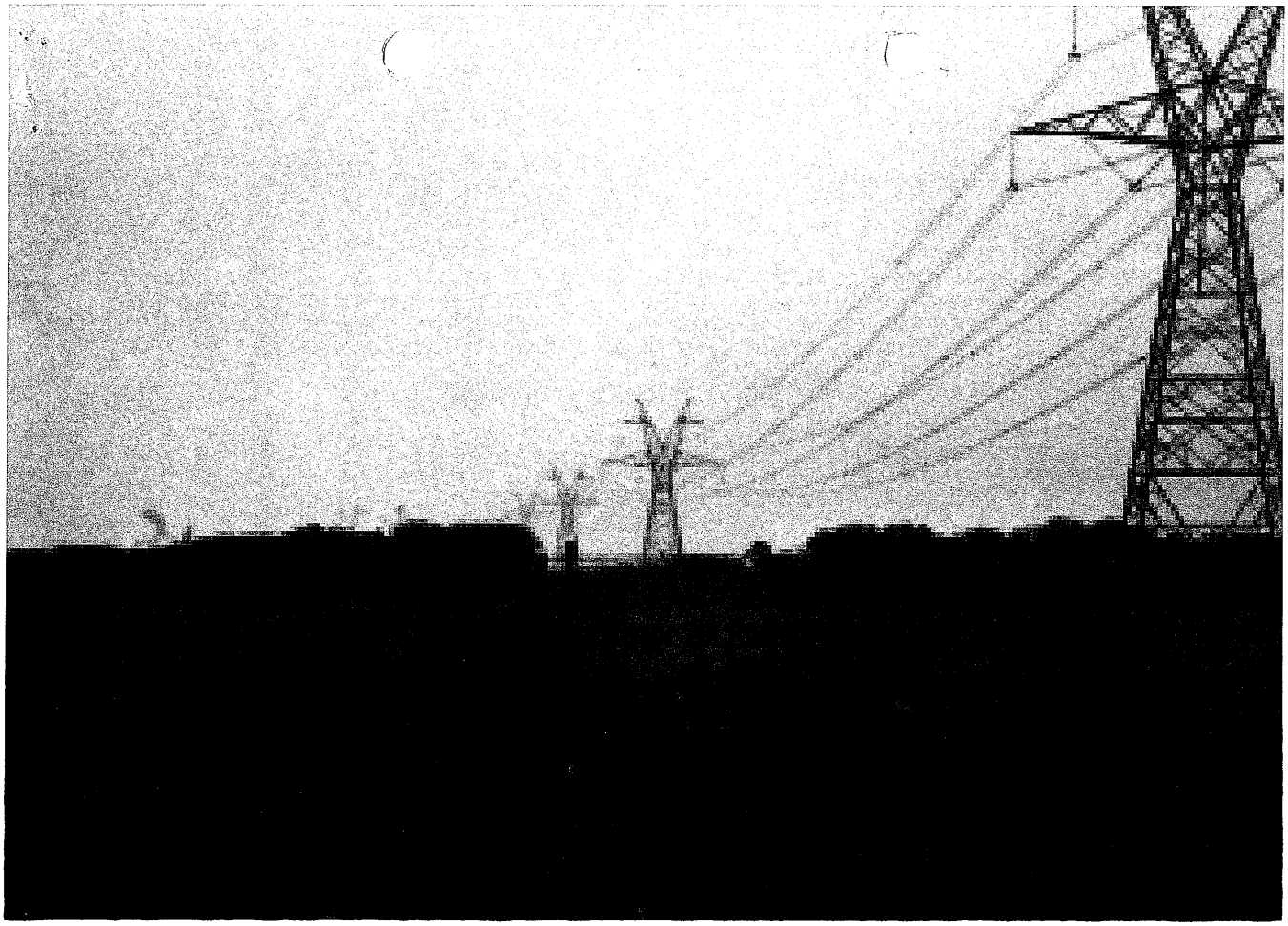
Thank you for your attention to this matter. If you have any questions, feel free to contact me.

Sincerely,

Wendi Hammond

Unnamed tributary to Elk Oak On Parcel 14 (Attachment A-4)

Attachment A



Posted notice sign

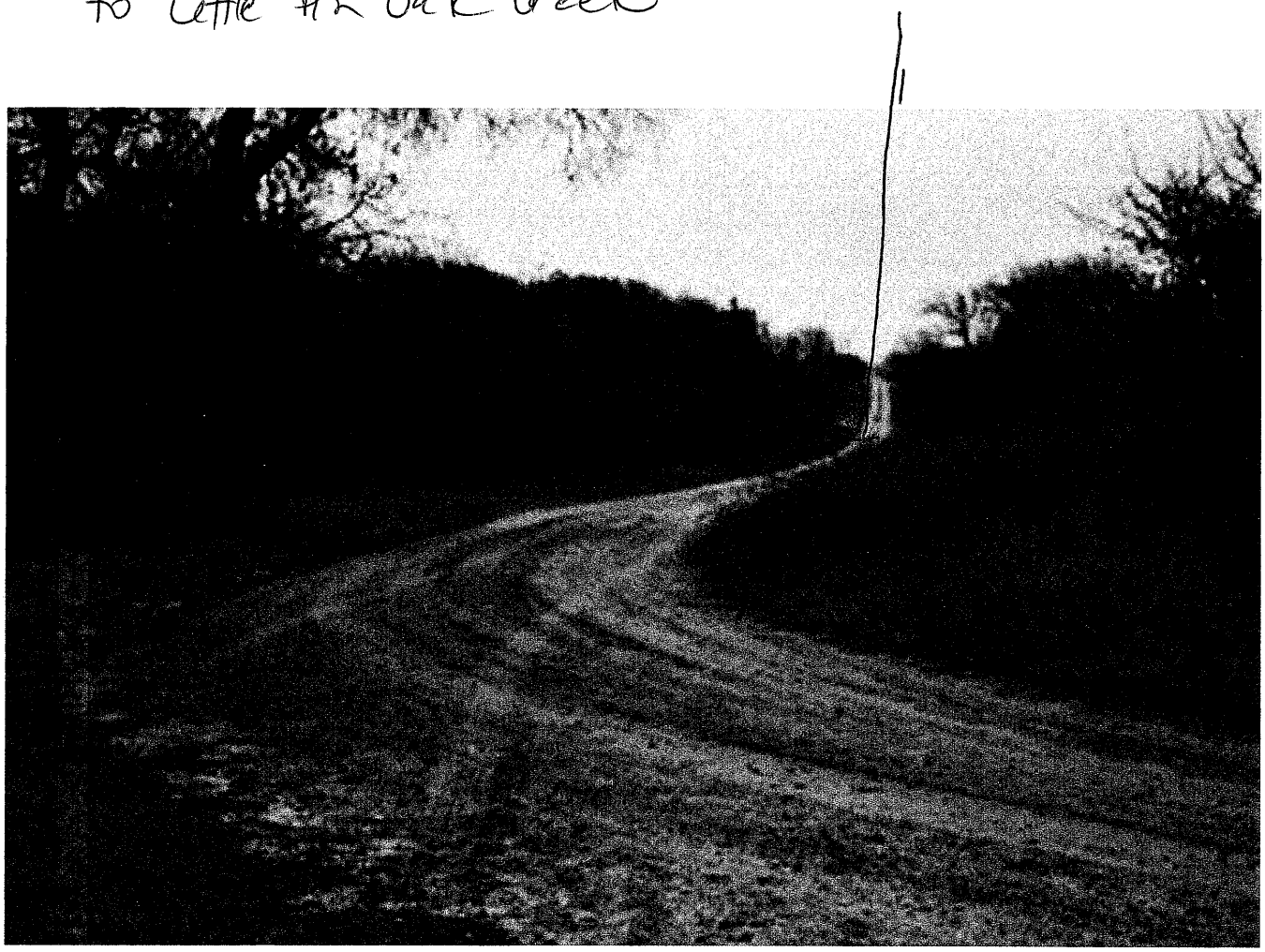
Attachment B

(Upstream view)

Unnamed tributary to Little Pin Oak Creek at boundary between application parcels 12 and 14 (Attachment A-4)

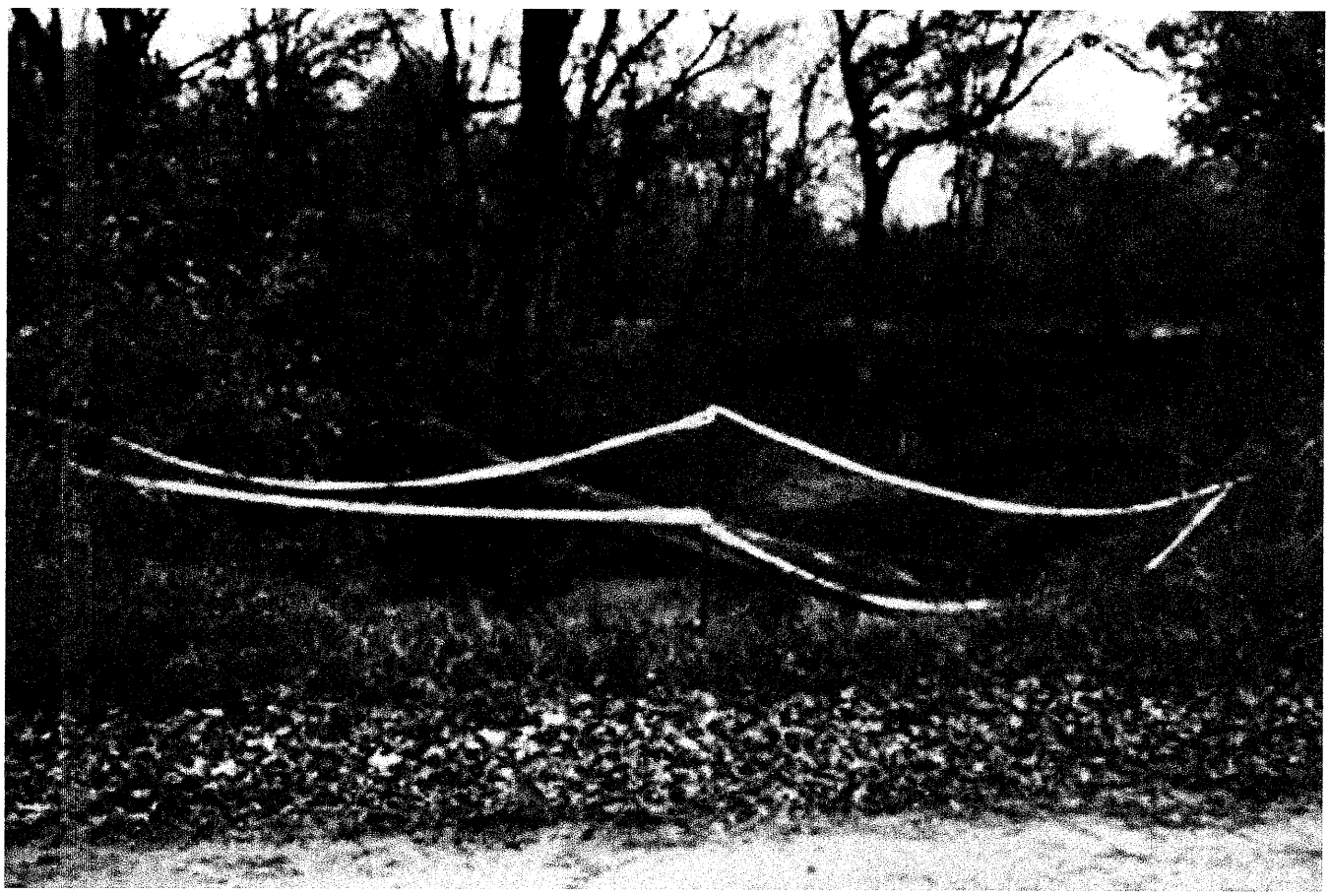
Attachment C

County Rd. crossing unnamed tributary to Little Pin Oak Creek



(northeast view)

Attachment D



Existing erosion of Little Pin Oak Creek affecting County Rd. 2390 upstream of wooden bridge.

Attachment L

(up stream view)

Unnamed Tributary to Little Pin Oak crossed by County Rd. 2150

Attachment E

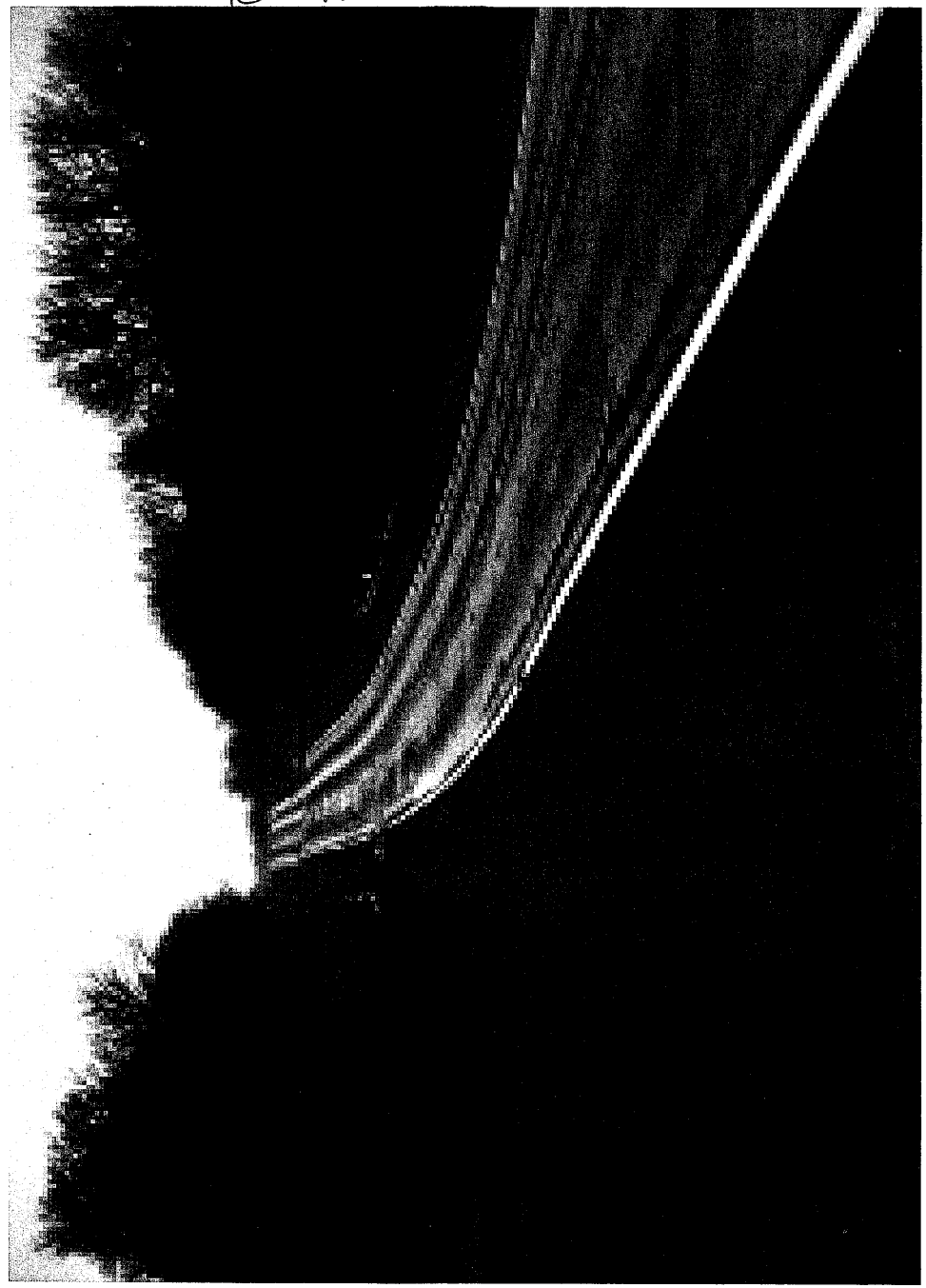
(down stream view)

~~Unnamed~~ Unnamed tributary to Little Pin Oak crossed by County Rd. 2150.

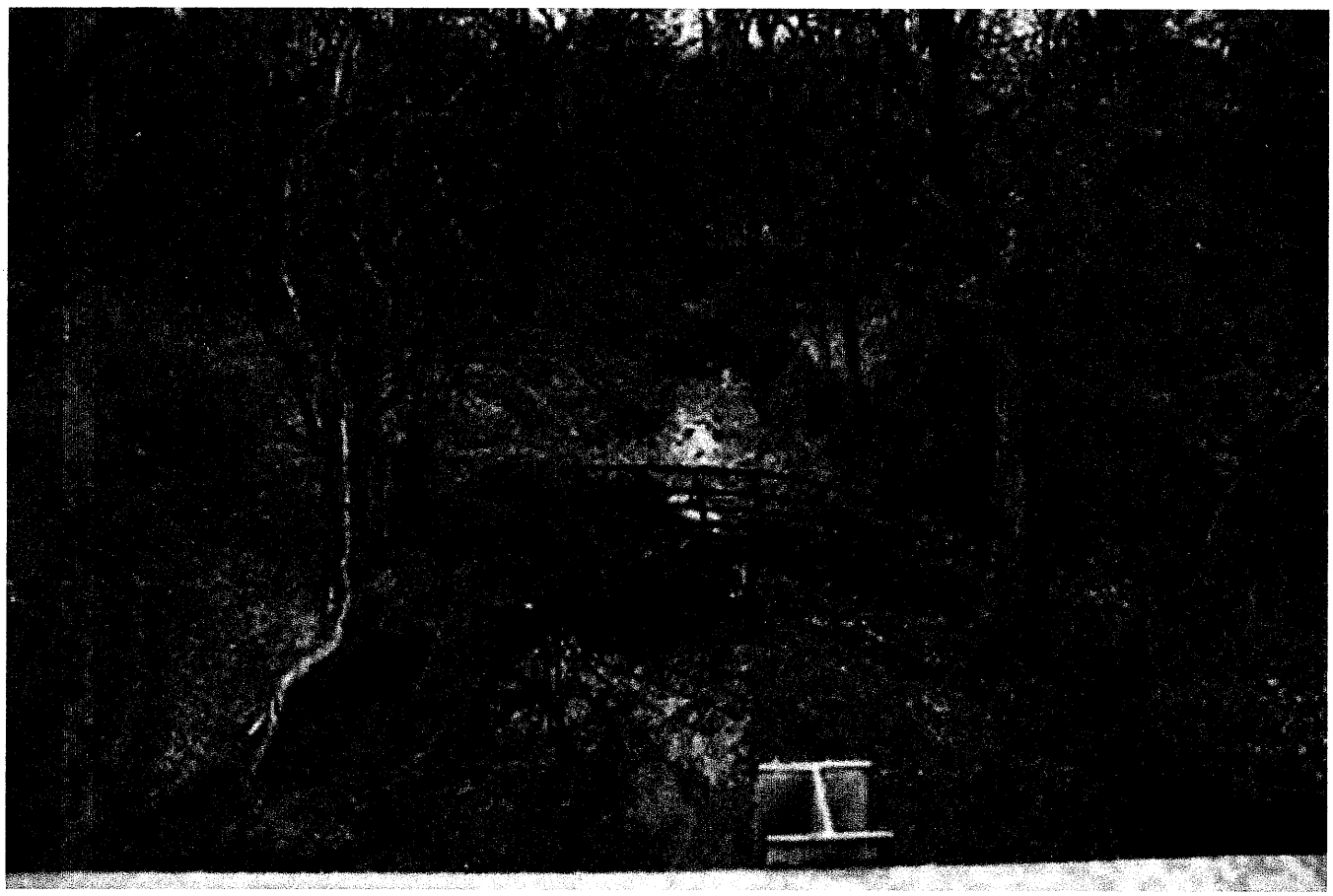
Attachment F

South ~~West~~ bound. Highway 14 facing west towards unamed tributary to Pin Oak Creek.

Highway 14 crossing unamed tributary to Little Pin Oak



Attachment G



~~Hwy~~ Hwy 14 crossing of unamed tributary to Little Pin Oak Creek facing East.

Attachment H

Southern Pacific Railway

North bound Highway 14 rail crossing

Attachment I

wooden bridge over county rd 2390 crossing Little Pin Oak Creek (downstream view).

Attachment J

wooden bridge over county rd. 2310
crossing Little Pin Oak Creek (upstream view).

Attachment K

IrD 66032

February 21, 2010

OPA

RFR HR FEB 25 2010

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 2:43

CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
5. I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way too late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ or the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sanderson's' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.
6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.
7. Those affected by this permit will not be able to access all of their property due to water and erosion.

mw

8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
9. I would ask that Response #36: page 24 of the Executive Director's decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Generating LLC's proposed waste water.
10. It would be my opinion the TCEQ has written draft permit No. WQ000487000 in such a way as to excuse themselves from future responsibility of their actions in this matter.
11. In an email dated 2-10-2010 @ 9:57:39 A.M. forwarded by Tres Koenings, Industrial Permit Team, Wastewater Permitting Section of the TCEQ, and I quote his own words: "the decision to grant the wastewater permit to Navarro has not been made yet."
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13. ### That's the fastest work ever done by government !!
14. The Director's decision was dated 2-10-2010. Tres Koenings received an email on 2-05-2010 of pictures of the dry ditch in flood stage. Please add them to my comments now. I have many copies.
15. The 14th Amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permitted the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.
16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: _____

Name: Aimee Hess

Address: 6967 SE CR 2385
Streetman Tx 75859

Phone: _____

Email: _____

IWD 66032

OPA

RFR HR FEB 26 2010

BY EB

CHIEF CLERKS OFFICE

2010 FEB 26 PM 2:49

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
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6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.
7. Those affected by this permit will not be able to access all of their property due to water and erosion.

8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Pat Hoeldtke

Name: PAT HOELDTKE

Address: 923 GRANDVIEW
CORSICANA, TX 75109

Phone: 903-641-0421

Email: _____

IWD 166032

RFR HR OPA

FEB 26 2010

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 26 PM 2:48

CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
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7. Those affected by this permit will not be able to access all of their property due to water and erosion.

mw

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Raymond Hoeldtke

Name: RAYMOND HOELDTKE

Address: 723 GRANDVIEW
CORSICANA, TX 75109

Phone: 903-641-0421

Email: _____

South & Western
THE SPECIALTY COMPANY

IWD
66032

OPA
RFR
HR FEB 24 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 23 AM 10: 25
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ0004870000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
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972.855.2900 • 800.492.5351 • 972.855.2970 Fax
P.O. Box 9015 • 15835 Quorum Drive • Addison, Texas 75001-9015
www.southandwestern.com

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7. Those affected by this permit will not be able to access all of their property due to water and erosion.
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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: J. J. Horan

Name: JJ Horan

Address: 14757 Celestial Pl.

Dallas TX 75254

Phone: 972-855-2903

Email: jj-horan@southandwestern.com ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IWD 66032

RFR OPA

HR FEB 25 2010

BY EB

2010 FEB 25 AM 10: 32

CHIEF CLERKS OFFICE

2010 FEB 25 AM 10: 31

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

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1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
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16. **I therefore request a Contested Case Hearing in this matter.**

With great respect, sincerely,

Signature: Janet Hummel

Name: Janet Hummel

Address: 716 Grandview Dr.
Corsicana, Tx. 75109

Phone: 903-872-6496

Email: janethummel@gmail.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 25 AM 10: 31
CHIEF CLERKS OFFICE

RFR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OPA

2010 MAR -4 PM 2:20

MAR 05 2010

CHIEF CLERKS OFFICE

BY RP

IWD
66032

March 3,2010

LaDonna Castanuela
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

Please take note that this is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC,TPDES,PERMIT NO. WQ0~~00-48~~7000, for the following reasons.
WQ0004870000

The water coming from the #1 outflow pipe must be your consideration. The TCEQ should be the watch person for all the citizens of the state of TEXAS. In the past I have seen where the TCEQ has shown their concern for water or rain fall on certain commercial property so that it would not lead to pollution in any of the streams or creeks near by. Why is this not a concern of yours now?

The water route that has been chosen is not a good choice and will erode the land and cause more problems in the future. There is concern now for the erosion of the creeks that go into Richland Creek Lake. I live within a two-mile distance from the Love Bridge where the two creeks come together and when it rains and there is flooding the water is very powerful and goes out of banks at times. This water goes on land where cattle graze and people have gardens, which they use for food.

My husband and I live here along with our daughter, son-in-law and two grandsons that play outside most of the time. We are greatly concerned about all that is going on with this decision of the TCEQ. We also have read the letter that Vicky Prater has sent you and we concur completely with all of the reasons she has listed. Please take time to reconsider your grant. Thank you.

Helen J.Hyden
181 SW CR 0020
Corsicana. Texas 75110

903 875 0040

Helen J. Hyden
3-02-2010

MW

Mail to:

PM
H

OPA
DEC 29 2008
BY BP

IWD
166032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 48

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is 1 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
( ) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
( ) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
( )Richland and Pin Oak Creeks overflow which affects my ability to travel
( )Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
(✓)Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( )I use water from the creek to irrigate my land.

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Constance Jones
(Signature)

Name: Constance L. Jones

Address: 13412 Hwy 14

City, State, Zip Code Richland, TX 76681

Telephone number: 903/362-3333

nw

Mail to:

PM
H

OPA
DEC 29 2008
BY BR

IND
660032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 48

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

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( ) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
( ) Richland and Pin Oak Creeks overflow which affects my ability to travel
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Please help us protect our good water quality in Navarro County.

Sincerely,

Ella Mae Jones
(Signature)

Name: ELLA MAE JONES

Address: [redacted] 13412 Hwy 14

City, State, Zip Code RICHLAND TX 76681

Telephone number: 903-362-3333

mw

Mail to:

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

PM OPA
DEC 29 2008
BY BP

IWD
066032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 48

CHIEF CLERKS OFFICE

Dear Ms. Castanuela,

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I live in Navarro County at the address listed below, which is 1/2 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
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( ) Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( ) I use water from the creek to irrigate my land.
X I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Patricia Jones
(Signature)

Name: PATRICIA JONES

Address: 6346 SW County Road 2150

City, State, Zip Code RICHLAND, TX 76681

Telephone number: 972-489-9955

mw

Mail to:

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

13412 Hwy 14

Own property

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is 1 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
( ) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
( ) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
( )Richland and Pin Oak Creeks overflow which affects my ability to travel
( )Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
(✓)Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( )I use water from the creek to irrigate my land.

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Patricia J. Jones
(Signature)

Name: PATRICIA J JONES

Address: 6346 SWCR 2150

City, State, Zip Code RICHLAND TX 76681

Telephone number: 972-489-9955

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 DEC 29 AM 10:49
CHIEF CLERKS OFFICE

IWD
66632

PM OPA
H DEC 29 2008
BY 6P

mw

I&D
66032

RFR
HR

OPA
FEB 26 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 26 AM 10: 01
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
5. I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way too late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ or the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sanderson's' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.
6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.
7. Those affected by this permit will not be able to access all of their property due to water and erosion.

MW

8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
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14. The Director's decision was dated 2-10-2010. Tres Koenings received an email on 2-05-2010 of pictures of the dry ditch in flood stage. Please add them to my comments now. I have many copies.
15. The 14th Amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permitted the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.
16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Barbara Lawrence
Name: Barbara Lawrence
Address: 286 Lincoln Dr.
Streetman, Tx 75859
Phone: (903) 389-4301
Email: blawrence@tgti.net ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 26 AM 10:01
CHIEF CLERKS OFFICE

IXP / 66032

February 21, 2010

RFR OPA

HR FEB 26 2010

BY GB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 26 AM 10: 02

CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

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3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
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mw

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9. I would ask that Response #36: page 24 of the Executive Director's decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Generating LLC's proposed waste water.
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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Daniel A. Lawrence

Name: Dan Lawrence

Address: 286 Lincoln Dr.
Streetman, Tx 75859

Phone: (903) 889-4305

Email: danlawrence@tgti.net ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 26 AM 10: 02
CHIEF CLERKS OFFICE

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 3/10/2010 8:03 AM
Subject: CORRECTION Fwd: Public comment on Permit Number WQ0004870000
Place: PUBCOMMENT-OCC2

H
RFR

>>> PUBCOMMENT-OPA 3/5/2010 1:52 PM >>>

RFR
>>> PUBCOMMENT-OCC 3/5/2010 1:01 PM >>>

ILID 66032

>>> <cowhorsequeen@hughes.net> 3/5/2010 12:40 PM >>>

REGULATED ENTY NAMENAVARRO ENERGY CENTER
RN NUMBER:RN105572895
PERMIT NUMBER:WQ0004870000
DOCKET NUMBER:
COUNTY:NAVARRO
PRINCIPAL NAME:NAVARRO GENERATING LLC
CN NUMBER:CN603384736
FROM
NAME: Jennifer Muir
E-MAIL:cowhorsequeen@hughes.net
COMPANY: Bob robert
ADDRESS:PO BOX 2244
CORSICANA TX 75151-2244
PHONE:9036731827
FAX:9036731827
COMMENTS: Dear Ms. Castanuela, This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC,TPDES PERMIT NO. WQ000487000, for the following reasons. #1 The TCEQ needs to consider and understand that their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe, such as soil erosion and ground water quality. #2 The proposed power plant discharge water route, for the first three miles, is no more than a dry ditch that has been created after years of flooding in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the cheap way out by discharging their waste water at the expense of private land owners. #3 Those affected by this permit will not be able to access all of their property due to water levels and potential erosion. #4 The TCEQ is forcing their preliminary decision to grant this permit against the wishes of the people directly affected by the outflow. #5 When children are outside playing, hunting, fishing, and exploring on their own parents land as well as any public land in the path of that waste water, will the constant flow of discharged water create a tempting water park for kids? Should TCEQ be protecting them now with the preliminary decision??? As written, the TCEQ's responsibility in this permit ends at the point of discharge (outfall #1). Who will answer for loss of life and damage when the worse happens? And it's not if, but when it happens. It must be the TCEQ. If you grant a final permit for Navarro Generating LLC (WQ000487000) without a contested case hearing, you have failed your job! You have the job of protecting the public. Please allow both parties an opportunity to face each other at a hearing in Austin. #6 Everyone along the route of discharged waste water coming from Navarro Generating LLC should have been notified of the pending permit, all the way to Richland Chambers Lake. We swim and eat our fish from that lake and it is also our present and future source of drinking water. We have a right to know what plans the TCEQ has for our water. #7 I maintain the preliminary decision to grant this permit was based solely on the information provided in the permit applicant and NO TCEQ employee has ever visited the site. Do applicants get to set their own standards and guidelines for the TCEQ to follow? Why hasn't anyone from your office come to see how the area in question would be impacted? #8 I disagree that the human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue that the landowners, on the route of discharge within those three miles, must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for and should visit the site before a final permit is granted. He does have the responsibility to protect and serve the public's best interest. #9 Effluent Data collected after the initial discharge of waste water is way too late to help private landowners if there are problems detected. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ nor the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sandersons' Chicken Farms permits and the STINK this year? What is the difference between land and air rights? The TCEQ cannot pick and choose their responsibilities when making decisions. #10 I would ask that Response #36: page 24 of the Executive Directors decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Generating LLC's proposed waste water. #11 In my opinion, the TCEQ has written draft permit no. WQ000487000 in such a way to excuse themselves from future responsibility of their actions in this matter. #12 Tres Koenings received an email on 2-05-2010 of pictures of the dry ditch in flood stage. Please add them to my comments now. #13 The 14th amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law! To admit, in writing, the

mw

issuance of this permit does not grant to the permittee the right to use private or public property for the conveyance of waste water along the discharge route described in this permit, is just cause to grant the affected party landowners a CONTESTED CASE HEARING. We are only asking for an equal voice in this decision. Please here us out. We do not want our quality of life affected by this power plant today or in the future. Sincerely, Robert and Jennifer Muir

February 21, 2010

IWD
66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:48
CHIEF CLERKS OFFICE
OPA

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RFR
HR FEB 25 2010
BY GB

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
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16. I therefore request a Contested Case Hearing in this matter.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:48
CHIEF CLERKS OFFICE

With great respect, sincerely,

Signature: Fran Nickell

Name: Fran Nickell

Address: 3007 Etheridge Point Ln

Kerens, Texas 75144

Phone: 903-396-2262

Email: fnick281@aol.com

PS I am a legal resident of Navarro County, Texas. I am registered to vote and plan to do so. Is Barton Creek in Austin the only place that gets adequate protection? Please help us protect our environment, both air and water.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 2:52

CHIEF CLERKS OFFICE

RPR OPA

HR FEB 25 2010

BY EB

IWD 66032

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Ken Nickell

Name: Ken Nickell

Address: 3007 Etheridge Point Ln

Kerens, Texas 75144

Phone: 903-396-2262

Email: knick281@aol.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:53
CHIEF CLERKS OFFICE

PS I am a legal resident of Navarro County, Texas. I am registered to vote and plan to do so. Is Barton Creek in Austin the only place that gets adequate protection? Please help us protect our environment, both air and water.

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RFR OPA

MAR 0 2 2010

BY BP

IWD 166032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR -1 PM 2:57
CHIEF CLERKS OFFICE

Dear Ms. Castanuela,

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#1 The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.

#2 The proposed power plant discharge water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.

#3 I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.

#4 I would DISPUTE the human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.

#5 I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way to late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ nor the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sandersons' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.

#6 I would assert the TCEQ is forcing their preliminary decision to grant this permit against the will of the people affected.

#7 Those affected by this permit will not be able to access all of their property due to water and erosion.

#8 The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director , after the fact is to late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?

#9 I would ask that Response #36: page 24 of the Executive Directors decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Grenerating LLC's proposed waste water.

#10 It would be my opinion the TCEQ has written draft permit no. WQ000487000 in such a way to excuse themselves from future responsibility of their actions in this matter.

#11 In an email dated 2-10-2010 @ 9:57:39 A.M. forwarded by Tres Koenings, Industrial Permit Team,Wastewater Permitting Section of the TCEQ, and I quote his own words (the decision to grant the wastewater permit to Navarro has not been made yet.)

12 On that same day (2-10-2010) letters were sent out by mail to every person (pro or con) of the Executive Director's decision to grant the preliminary permit to Navarro Generating LLC. How many hours of overtime did that take?

#13### That's the FASTEST work ever done by government !!.

#14 The Director's decision was dated 2-10-2010. Tres Koenings received an email on 1-29-10 of pictures of the dry ditch in flood stage. Please add them to my comments now. I have many copies.

#15 The 14th amendment right guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permittee the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.

MW

Please include also :

#16 I would assume with great reason the TCEQ must consider more than the quality of water coming from outfall #1, such as soil and ground water quality.

#17 The TCEQ should take responsibility for all school buses and the children inside traveling that waste water discharge route daily for 9 months each year, twice a day, every year forever.

#18 When those same children are not in school they are outside playing, hunting, fishing, and exploring on their own parents' land as well as any public land in the path of that waste water discharge. Will the constant flow of discharged water create a tempting water park for country kids to enjoy and should not the TCEQ be protecting them now in the preliminary decision??? As written now, the TCEQ's responsibility in this permit ends at the point of discharge (outfall #1). Who will answer for loss of life and damage when the worse happens? It's not if, but when it happens. It must be the TCEQ if you grant a final permit for Navarro Generating LLC (WQ000487000) without a contested case hearing. No power plants can operate without permits from the State of Texas and the buck stops in your offices. TCEQ does not stand for < Texas Creating Environmental Quackery>. You have the job of protecting the public--- not the big business polluters 1st and the public 2nd. Please allow both parties an opportunity to face each other at the table of decision in Austin, Texas.

#19 Everyone along the route of discharged waste water coming from Navarro Generating LLC should have been notified by certified mail all the way to Richland Chambers Lake. We swim, eat our caught fish from that lake and that is our future drinking or present drinking water. We have a right to know what the TCEQ plans for our future in that water.

#20 I find great fault with our State Rep. Byron Cook, of Navarro, County, Texas, Chairman of the House Committee on Environmental Regulations. What control does he hold over the TCEQ and could that control effect the preliminary decision to grant Navarro Generating LLC a water discharge permit?

Sincerely,

Vicky Prater
P.O. Box 1896
Corsicana,Texas 75151
903-879-5841

Vicky Prater 2/26/10

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR -1 PM 2:57
CHIEF CLERKS OFFICE

IWD
166032

12-10-08

PRATER PROPERTIES
REAL ESTATE INVESTING

VICKY PRATER
P.O. BOX 1896
CORSICANA, TX 75151
OFFICE (903) 872-5392
FAX (903) 872-2801
HOME (903) 874-8925

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2008 DEC 15 AM 10:33
CHIEF CLERKS OFFICE
OPA
DEC 16 2008
BY

Ms. Castanuela
Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Tx. 78711-3087

Dear Ms Castanuela,

In reference to the water permit #WQ0004870000 (EPA ID# TX0131814) for Navarro Generating - Navarro Energy I have great concerns. I have contacted the people on the Affected Landowner Information list provided to us at our local library and these people knew nothing about any discharges

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Water crossing their land coming from Navarro Energy. Each one of them was deeply concerned with the issue and should have been notified by certified mail. You will be hearing from them ASAP.

My second concern is the limit of 3 miles the TCEQ only requires to identify affected landowners. All landowners subject to the discharged water all the way to Richland Chambers Lake should be made aware of Navarro Energy's Waste Water crossing their land and

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be given an opportunity to respond to this discharge water and their land rights.

I have looked at the permit and the chemical list and am not convinced this water free flowing down a gully will not cause problems to the environment and drinking water in Richland Chambers Lake. It is also very obvious the engineer who designed the discharge water has violated the natural flow of water in that area. I have been to the location in person all 3 miles of it and can see future problems.

Vicky Prater

CC: EPA: M. FLORES
WATER Quality

Mail to:

1 WD
166032 PM OPA HR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DEC 16 2008

2008 DEC 15 AM 10:33

BY _____ CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is _____ miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

( ) the creek(s) run across my property
( ) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
( ) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
( )Richland and Pin Oak Creeks overflow which affects my ability to travel
( )Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
( )Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( )I use water from the creek to irrigate my land.

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Vicky Prater
(Signature)

Name: VICKY PRATER

Address: P.O. BOX 1896

City, State, Zip Code CORSICANA, TX. 75151

Telephone number: 903 879-5841

I highly oppose any power plant discharge water entering our future drinking water at Richland Chambers Lake. MW

(2) & (13)

TCEQ Public Meeting Form

Monday, December 7, 2009

Navarro Generating LLC
Proposed TPDES Permit No. WQ0004870000

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 DEC -8 PM 3:17
CHIEF CLERKS OFFICE

PLEASE PRINT:

Name: Vicky Crater

Address: P.O. Box 1896

City/State: Corsicana Tx Zip: 75151

Phone: 903, 879-5841

E-mail:

Please note, e-mail addresses are subject to public disclosure under the "Texas Public Information."

☒ Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group? ☐ Yes ☐ No

If yes, which one? Self

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓ BELOW

☒ I wish to provide formal oral comments. I'll mail written comments 12/8/09

☐ I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this to the person at the information table. Thank you.

MW

VP#1

OPA RECEIVED
DEC 07 2009
AT PUBLIC MEETING
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 DEC -8 PM 3:17
CHIEF CLERKS OFFICE

Written Comments to the TCEQ concerning Navarro Generating LLC:

The members of Copps for Clean Air are opposing this Water Permit discharge as we have opposed Navarro Generating LLC's air permit. We do not want our land, our water nor our children's lives put at risk by this discharge of polluted water. We have more than made it known we do not want your power plant here in Navarro County and we are going

P#2

all the way to Austin, Texas to prove out point. No company, city or county governments have a right to force an unwanted industry on an unwilling public. We do not want Navarro Generating Co here and we are going to see this fight to the Bloody end.

Vicky Prater
P.O. Box 1896
CORSICANA, TX 75151
903-879-5841

OPA RECEIVED
2009 OHIEF CLERKS OFFICE
3: 17 AM PUBLIC MEETING
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Vicky Prater
P.O. Box 1896
Corsicana, Tx. 75151
903-879-5841 phone

OPA
JUN 23 2009
BY DT

1 of 8

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 JUN 22 PM 3:07
CHIEF CLERKS OFFICE

NSR 64269
IWD 66032

Tx. Comm. on Environmental Quality
Office of the Chief Clerk MC-105
P.O. Box 13087
Austin, Tx. 78711-3087

RE: Navarro Generating LLC's Air Permit No. 85534 + PSD-TX 1143 + PAL 21 and their Industrial Wastewater discharge permit No. WQ 0004870000.

As a lifelong resident of Navarro County I am deeply concerned with our present and future air quality. Due to the fact we are considered a rural area and our population numbers are divided up in Navarro, Freestone,

and Limestone counties we have been denied air monitors in favor of larger populations. What we have not been denied is an abusive number of coal fired power plants south of Navarro County that appears to be growing. Plain common sense could lead to the assumption there is a cumulative amount of VOC, NO_x, CO, SO_2 PMs 10 and 2.5 in the counties below Navarro. Big Brown I & II and N.R.G. I + II prove emissions are a problem and cap and trade

practices push those emissions even higher. Navarro County being north of these coal fired power plants and subject to winds from the south at least 70% of the time would explain the haze we see on a regular occurrence (almost daily) coming at us from the south.
No disrespect meant here, but how in God's name could this area of Texas air even be considered attainment? Hence no air monitors.

I understand Navarro County will get an air monitor but I

feel that action would be to late to help during the permitting of Navarro Generating LLC. (Please note here also to late to help with the two other power plants called L.S. Power's Pin Oak Creek and My Power Corporation's Lakeside Energy Center during their permitting process.)
I also understand these are gas fired power plants and should be cleaner if they use a "good quality" of gas instead of the "cheapest" and use the Best possible technology available to operate. Knowing Big

Brown's air permit will be renewed in 2010 eliminates any arguments that gas is cleaner. Navarro Generating LLC (Pin Oak Creek and Lakeside Energy) will only add more tons of emissions to our existing problem. The Tx. Comm. on Environmental Quality has failed to protect the peoples air quality in Navarro, Freestone, Limestone and other counties south of us. Air monitors in coal country should have never been an after thought.

For all the reasons I have stated I respectfully request not only Navarro Generating LLC's application for an air permit be <u>denied</u> but all applications for power plant permits in Navarro, Freestone, Limestone and unprotected <no air monitors> areas to our south be denied. It is time that proper air monitoring data has an opportunity to catch up with air permits approved. Failure to take action in this matter would indicate the T.C.E.Q. is pulled between political interest and public interest.

V.P.

Water Discharge Permit Comments:

Navarro Generating LLC has the intention of discharging 1 1/2 mgd of used water back to Richland Chambers Lake via an outflow pipe. To free flow that much water over open country, private land, to Richland Creek, back to public drinking water leaves to many questions to be answered. What are the health issues? What are the flood issues? What are the effects on wildlife? What are the effects on aquatic animals or plants? What might

happen to country children when they find that new found water-fall to enjoy? Navarro Generating LLC's planned discharge of water from their power plant is an insult and hazar to public welfare and should be <u>denied</u>.

My comments have been forwarded to:

E.P.A. Region 6 Dallas, Tx.

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

DKD 66032

RFR OPA
HR FEB 26 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 26 PM 2:48
CHIEF CLERKS OFFICE

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
4. I would DISPUTE that human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point. I would argue landowners on the route of discharge within those three miles must be considered. The Director does not live in the path of the proposed discharged waste water that he granted the preliminary permit for, and he should visit the site before a final permit is granted. He does have a position to protect and serve the public's best interest.
5. I find great fault there is NO effluent data submitted with the application as the Navarro facility has not been built yet! After the fact, is way too late to help private landowners within those three miles of discharge. Their quality of life and land will be degraded from day one of discharge. No actions could come fast enough from the TCEQ or the EPA to undo the damage suffered by these private landowners. REFERENCE: How many times will the TCEQ go back to Freestone County to address the problems with Sanderson's' Chicken Farms permits and the STINK this year? If I read news reports correctly, Chairman of the House Committee on Environmental Regulations, State REP. Byron Cook, is looking in to that matter. What is the difference between land and air rights? The TCEQ can not pick and choose their responsibilities when making decisions.
6. I would assert the TCEQ is forcing their preliminary decision to grant this permit

against the will o e people affected.

7. Those affected by this permit will not be able to access all of their property due to water and erosion.
8. The draft permit requires 48-hour Acute and 24-hour Acute freshwater toxicity testing. Those landowners would call that closing the gate after all the animals had escaped. Really Mr. Director, after the fact is too late! Are you really protecting the best interest of the affected people of Navarro County, Texas in your preliminary decision?
9. I would ask that Response #36: page 24 of the Executive Director's decision be reviewed. The TCEQ has failed to meet their obligation to protect the public within the three miles of initial outfall/flow of Navarro Generating LLC's proposed waste water.
10. It would be my opinion the TCEQ has written draft permit No. WQ000487000 in such a way as to excuse themselves from future responsibility of their actions in this matter.
11. In an email dated 2-10-2010 @ 9:57:39 A.M. forwarded by Tres Koenings, Industrial Permit Team, Wastewater Permitting Section of the TCEQ, and I quote his own words: "the decision to grant the wastewater permit to Navarro has not been made yet."
12. On that same day (2-10-2010) letters were sent out by mail to every person (pro or con) of the Executive Director's decision to grant the preliminary permit to Navarro Generating LLC. How many hours of overtime did that take?
13. ### That's the fastest work ever done by government !!
14. The Director's decision was dated 2-10-2010. Tres Koenings received an email on 2-05-2010 of pictures of the dry ditch in flood stage. Please add them to my comments now. I have many copies.
15. The 14th Amendment guarantees equal protection under the law! Who better than the TCEQ to enforce that law? To admit in writing the issuance of this permit does not grant to the permitted the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant the affected party landowners a CONTESTED CASE HEARING. The TCEQ can not sidestep nor pass their responsibility in this matter to any others.
16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Don Rapp

Name: DON RAPP

Address: 4-NORA Ct.
PANTEGO TX. 76013

Phone: 817-944-7664 C.

Email: N/A

Also Res. At:
725 GRANDVIEW-RD.
CORSICANA TX. 75109

TWD
66030

OPA

H MAR 17 2010

BY _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR 16 PM 2:26

CHIEF CLERKS OFFICE

Ladonna Castanuela,
Chief Clerk TCEQ,
MC-105 PO BOX 13087
Austin,TX.78711-3087

Dear Ms. Castanuela,

Please consider this written request my desire for a contested case hearing in reference to Navarro Generating LLC, TPDES Permit No. WQ000487000. I declare I have affected party status concerning the proposed permit based upon the following reasons.

#1. I own land and live within three miles of the outfall/flow of the proposed discharge waste water of Navarro Generating LLC's proposed future site.

#2. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit. I have every reason to think no TCEQ employee visited the discharge waste water site prior to the preliminary decision.

#3. I dispute the human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point.I live, own land, raise animals and crops within that three miles and I must be considered before the final permit is granted. After the final permit is granted I would lose all power to argue my concerns and would be forced to live with degradation of my quality of life and property.

#4. I find great fault there is no effluent data submitted with the application because the Navarro facility has not been built as of this date. Please refer #3 again. I do not want the TCEQ to initiate any permit amendments or additional monitoring after the fact. I will be affected before they take action.

#5. I further declare the final approval of this permit will affect my ability to access all parts of my property due to water and erosion.

#6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the wishes of the affected parties in favor of Navarro Generating LLC and for that reason I must have a contested case hearing to protect my own rights.

Finally, but not least, I want to respond to statements made in Response # 36: page 24 of the Decision of the Executive Director. The TCEQ failed to meet their obligation to protect the public within the three miles of initial outfall/flow of the waste water discharge. It is my opinion the TCEQ has avoided their responsibility to the public in this preliminary draft permit to avoid any future fault with their decision. To admit in writing the issuance of this permit does not grant to the permit-tee the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant me a contested case hearing as an affected party. My 14th amendment right guarantees me equal protection under the laws. The final approval of this permit would be an invasion of my personal right to a contested case hearing.

Sincerely,

Barbara S. Roberts
Daniel Roberts

MW

Mail to:

PM
H

OPA

DEC 29 2008

BY BP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 56

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

IWD
066032

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is 2 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
(✓) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
(✓) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
(✓) Richland and Pin Oak Creeks overflow which affects my ability to travel
(✓) Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
( ) Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( ) I use water from the creek to irrigate my land.

Tanks

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Daniel Roberts, Barbara Roberts
(Signature)

Name: Daniel Roberts, BARBARA ROBERTS

Address: P.O. Box 174

City, State, Zip Code Richland Tex. 76681

Telephone number: 903-362-3332

mw

Ladonna Castanuela,
Chief Clerk TCEQ,
MC-105 PO BOX 13087
Austin,TX.78711-3087

IWD/66032

OPA

MAR 17 2010

BY dl

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR 16 PM 2:26

CHIEF CLERKS OFFICE

Dear Ms. Castanuela,

Please consider this written request my desire for a contested case hearing in reference to Navarro Generating LLC, TPDES Permit No. WQ000487000. I declare I have affected party status concerning the proposed permit based upon the following reasons.

#1. I own land and live within three miles of the outfall/flow of the proposed discharge waste water of Navarro Generating LLC's proposed future site.

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#3. I dispute the human health toxic criteria is not applicable if the effluent does not reach a perennial body of water within three miles of the discharge point.I live, own land, raise animals and crops within that three miles and I must be considered before the final permit is granted. After the final permit is granted I would lose all power to argue my concerns and would be forced to live with degradation of my quality of life and property.

#4. I find great fault there is no effluent data submitted with the application because the Navarro facility has not been built as of this date. Please refer #3 again. I do not want the TCEQ to initiate any permit amendments or additional monitoring after the fact. I will be affected before they take action.

#5. I further declare the final approval of this permit will affect my ability to access all parts of my property due to water and erosion.

#6. I would assert the TCEQ is forcing their preliminary decision to grant this permit against the wishes of the affected parties in favor of Navarro Generating LLC and for that reason I must have a contested case hearing to protect my own rights.

Finally, but not least, I want to respond to statements made in Response # 36: page 24 of the Decision of the Executive Director. The TCEQ failed to meet their obligation to protect the public within the three miles of initial outfall/flow of the waste water discharge. It is my opinion the TCEQ has avoided their responsibility to the public in this preliminary draft permit to avoid any future fault with their decision. To admit in writing the issuance of this permit does not grant to the permit-tee the right to use private or public property for the conveyance of waste water along the discharge route described in this permit is just cause to grant me a contested case hearing as an affected party. My 14th amendment right guarantees me equal protection under the laws. The final approval of this permit would be an invasion of my personal right to a contested case hearing.

Sincerely,

Tonya Roberto

Mail to:

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

pm OPA
H DEC 29 2008
BY BP
IWD
06032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 55

CHIEF CLERKS OFFICE

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

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I live in Navarro County at the address listed below, which is 10 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
(✓) my animals and wild life drink from the creek
(✓) my stock tanks get run-off from the creek
(✓) children and workers have access to the creek
( ) my well water might be affected
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(✓) Richland and Pin Oak Creeks overflow which affects my ability to travel
(✓) Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
( ) Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( ) I use water from the creek to irrigate my land.

I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

Tonya Roberts
(Signature)

Name: Tonya Roberts

Address: 120 Martin Rd.

City, State, Zip Code Corsicana Tex. 75110

Telephone number: 903 875-5159

mw

IWD
66032

February 21, 2010

RFR OPA
HR FEB 25 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:57
CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

1. The TCEQ must consider their responsibility to the public extends further than the quality of water coming out of the #1 outflow pipe.
2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
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7. Those affected by this permit will not be able to access all of their property due to water and erosion.

MW

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Barbara J Stanley

Name: BARBARA J. STANLEY

Address: 240 Stonewall Dr.

Streetman, TX 75859

Phone: 903-389-4621

Email: bjstanley@windstream.net ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 3:01

CHIEF CLERKS OFFICE

IWD
66032

RFR
HR

OPA
FEB 25 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 3:05
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Lonnie V. Strebeck

Name: LONNIE STREBECK

Address: 302 LINCOLN DR.
STREETMAN TX 75859

Phone: 903-389-6136

Email: LVSTREBECK@YAHOO.COM ✓

February 21, 2010

IWD 66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 3:06

CHIEF CLERKS OFFICE

OPA

RFR HR FEB 25 2010

BY EB

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Jack R. Suggs, Susan G Suggs

Name: JACK & SUSAN SUGGS

Addres

Mr Jack R Suggs
155 June Blvd
Streetman TX 75859-3188

Phone:

Email: jaysuggs@windstream.net

Mail to:

PM OPA 166032 WD

H DEC 29 2008

BY BF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2008 DEC 29 AM 10: 48

CHIEF CLERKS OFFICE

Ms. LaDonna Castanuela
Chief Clerk, MC-105
Texas Commission on Air Quality
PO Box 13087
Austin, Texas 78711-3087

Dear Ms. Castanuela,

The proposed Navarro Generating LLC has filed a water permit application #WQ0004870000 (EPA ID# TX0131814) with the TCEQ to use water and discharge waste water into the public waters of Navarro County and the state of Texas. Navarro Generating seeks to discharge large volumes of waste water containing numerous harmful contaminants from its electric utility generating plant into the public waters of Navarro County and the state of Texas.

As a resident of Navarro County who is concerned about water quality in the area, I am requesting a public meeting be held by the TCEQ on this waste water permit request, and as an affected person living in Navarro County I request a contested case hearing on the Navarro Generating's waste water discharge permit application #WQ0004870000.

I live in Navarro County at the address listed below, which is 1/2 miles from the location of the proposed facility and will be affected by the water use and waste water discharges by Navarro Generating if the water permit is approved by the TCEQ.

I am requesting affected party status for the following reasons:

(✓) the creek(s) run across my property
(✓) my animals and wild life drink from the creek
( ) my stock tanks get run-off from the creek
(✓) children and workers have access to the creek
( ) my well water might be affected
( ) we eat fish from the creek
(✓) Richland and Pin Oak Creeks overflow which affects my ability to travel
(✓) Richland and Pin Oak Creeks overflow which affects my ability to access part of my property
( ) Richland and Pin Oak Creeks overflow which affects hay production in my hay meadows
( ) I use water from the creek to irrigate my land.
X I use water at our property for gardening, residence, and other purposes. Our water use and the quality of local water will be affected by Navarro Generating's waste water discharges. I do not want to see our water quality degraded as it will be by Navarro Generating's waste water permit if it is approved, since I am concerned that degradation will lead to poor water quality making the water unsafe for public drinking purposes and unsanitary for other uses as well.

Please help us protect our good water quality in Navarro County.

Sincerely,

James L Thompson
(Signature)

Name: James L Thompson

Address: 6346 SW County Road 2150

City, State, Zip Code Richland, TX 76681

Telephone number: 972.489.6362

IWD
66032

February 21, 2010

OPA

RFR
HR FEB 25 2010

BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 FEB 24 PM 2:49

CHIEF CLERKS OFFICE

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Deanna Tompkins

Name: Deanna Tompkins

Address: 15008 SE CR 2359A
Streetman TX 75859

Phone: 903 599 2571

Email: detine@aol.com

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:49
CHIEF CLERKS OFFICE

IND
66032

RPR OPA
HR FEB 25 2010
BY QB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:49
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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With great respect, sincerely,

Signature: Tommy Tompkins

Name: Tommy Tompkins

Address: 15008 SE CR 2359A
Streetman, TX 75859

Phone: 903 599.2571

Email: detime@aol.com ✓

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 2:49
CHIEF CLERKS OFFICE

IWD 66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2010 MAR -1 AM 10: 53

CHIEF CLERKS OFFICE

RFR HR OPA

MAR 01 2010

BY BP

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

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16. I therefore request a Contested Case Hearing in this matter.

With great respect, sincerely,

Signature: Kathy Troop
Name: Kathy Troop
Address: 183 Bull Run
Streetman, TX 75859
Phone: 903/389-6690
Email: _____

RFR
HR OPA
MAR 0 1 2010
BY _____
IWD
66032

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR -1 AM 10: 54
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Cle
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

RE: Navarro Generating LLC, TPDES Permit No. WQ000487000

Dear Ms. Castanuela,

This is a request for reconsideration of the Executive Director's decision to grant a preliminary permit to Navarro Generating LLC, TPDES PERMIT NO. WQ000487000. I request reconsideration for the following reasons:

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2. The proposed power plant water route within the first three miles is no more than a dry ditch that Mother Nature created after years of flooding water in that area. Rather than build a pipeline to discharge their waste water, Navarro Generating LLC has chosen to take the free and cheap way of discharging their waste water at the cost of private land owners.
3. I maintain the preliminary decision to grant this permit was based solely on the information provided in the application permit and NO TCEQ employee every visited the site. At what point did the TCEQ decide paperwork was better than feet on the ground? Do applicants now set their own standards and guidelines for the TCEQ to follow? In the TCEQ's efforts to go by the book on this one, you failed the affected parties.
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Signature: Stan Troop

Name: Stan Troop
Address: 183 Bull Run
Streetman, TX 75859
Phone: 903/389-6690
Email:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAR -1 AM 10:54
CHIEF CLERKS OFFICE

IWD
66032

RFR OPA
HR FEB 25 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 3:04
CHIEF CLERKS OFFICE

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

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With great respect, sincerely,

Signature: Carl Ward

Name: CARL WARD

Address: 6967 SE County Rd 2385
Streetman Tx 75859

Phone: _____

Email: _____

IWD
606032

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 FEB 24 PM 3:05

CHIEF CLERKS OFFICE

RFR HR OPA
FEB 25 2010
BY GB

February 21, 2010

LaDonna Castanuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

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Signature: [signature]

Name: Ron Watkins

Address: 3400 Wentwood Dr.
Dallas Tx 75225

Phone: 214-365-9737

Email: Waterski19@Hotmail.com ✓

IWD
66032

RFR
MR

OPA
FEB 25 2010
BY EB

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 FEB 24 PM 3:07
CHIEF CLERKS OFFICE

February 21, 2010

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Signature: _____

Name: Charles J. Wilson

Address: 5405 Falls Road

Dallas, TX 75220

Phone: 214-691-2556

Email: cwilson@cambridgecos.com