

STATE of TEXAS
HOUSE OF REPRESENTATIVES

2008A
16R

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0730
800-643-7026
FAX 512-463-8447

RECEIVED BY OPA
TRACKING # 8925
ASSIGNED TO: OPA



CCO# 7733

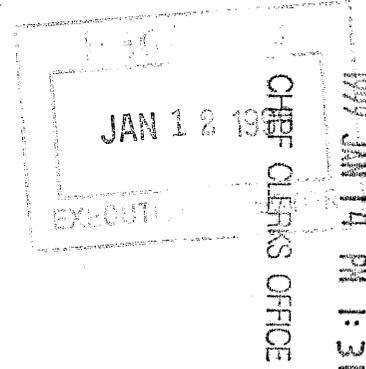
TRANSPORTATION
CHAIRMAN

CORRECTIONS
MEMBER

JAN 12 1999
CLYDE ALEXANDER

P.O. Box 750
Athens, Texas 75751-0750
903-675-1990

DUE DATE: 1-20-99 January 8, 1999



TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

Jeff Saitis
Executive Director
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Saitis,

In regards to my July 27, 1998, letter regarding the Dynegy Midstream, Inc. permit renewal, I would like to clarify some comments.

Dynegy may be a new company to many of us in Henderson County, but I have learned in the last several months that Dynegy is an international company with a long track record in the petrochemical industry. The people who operated and managed the plant as Warren Petroleum perform that same service for Dynegy.

I'd like to clarify the intent of my July 27 letter. I was not aware of the Texas Natural Resource Conservation Commission's (TNRCC) distinction between a public meeting and a public hearing. It is my understanding now that a public hearing is an administrative process requiring protesters to become a party in legal standing to the permit process. I considered a public hearing to be similar to what we have in the Legislature, which does not follow the Administrative Procedures Act or require party status. I did not want to shackle my constituents with legal bills for which they are unwilling or unable to take care of. At the time my intent was to request a public meeting. My staff verbally discussed this distinction with TNRCC staff and consequently a public meeting was scheduled for October 8.

I appreciated the TNRCC conducting a public meeting in Payne Springs to allow the citizens the opportunity to voice their concerns about the plant and its operation. The community's input spurred



Dynegy to hold meetings with individual constituents to address their concerns and answer questions.

If, after a thorough review by the TNRCC, the facts warrant a public hearing I would support holding one. The TNRCC should decide whether to hold a public hearing based on the facts and information provided by both the permit applicant and individuals in the community and not on my letter of July 27. I hope this clarifies my views on the permit renewal. If you have any questions or need more information, please feel free to contact me.

Sincerely,



Clyde Alexander
State Representative
District 12

CHA/twt

cc: Tim Friday, TNRCC, Permit Engineer
Alan Owens, TNRCC, Office of Public Assistance
Carmen Cernosek, TNRCC, Intergovernmental Relations Division
Len Hesseltine, Vice President, Dynegy Midstream
Ben Sebree, Texas Oil and Gas Association
Don Donaldson, Concerned Citizens of Cedar Creek Lake
Kim Temple, Concerned Citizens of Cedar Creek Lake

STATE of TEXAS
HOUSE OF REPRESENTATIVES

OPA
JAN 12 1998

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0730
800-643-7026
FAX 512-463-8447



COO#7733

TRANSPORTATION
CHAIRMAN

CORRECTIONS
MEMBER

CLYDE ALEXANDER

P.O. Box 750
Athens, Texas 75751-0750
903-675-1990

January 8, 1999

Jeff Saitis
Executive Director
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

CHIEF CLERKS OFFICE
1999 JAN 12 AM 11:02
TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

Dear Mr. Saitis,

RENEWAL AQP # 6051 + 6052

In regards to my July 27, 1998, letter regarding the Dynegy Midstream, Inc. permit renewal, I would like to clarify some comments.

Dynegy may be a new company to many of us in Henderson County, but I have learned in the last several months that Dynegy is an international company with a long track record in the petrochemical industry. The people who operated and managed the plant as Warren Petroleum perform that same service for Dynegy.

I'd like to clarify the intent of my July 27 letter. I was not aware of the Texas Natural Resource Conservation Commission's (TNRCC) distinction between a public meeting and a public hearing. It is my understanding now that a public hearing is an administrative process requiring protesters to become a party in legal standing to the permit process. I considered a public hearing to be similar to what we have in the Legislature, which does not follow the Administrative Procedures Act or require party status. I did not want to shackle my constituents with legal bills for which they are unwilling or unable to take care of. At the time my intent was to request a public meeting. My staff verbally discussed this distinction with TNRCC staff and consequently a public meeting was scheduled for October 8.

I appreciated the TNRCC conducting a public meeting in Payne Springs to allow the citizens the opportunity to voice their concerns about the plant and its operation. The community's input spurred



Dynegy to hold meetings with individual constituents to address their concerns and answer questions.

If, after a thorough review by the TNRCC, the facts warrant a public hearing I would support holding one. The TNRCC should decide whether to hold a public hearing based on the facts and information provided by both the permit applicant and individuals in the community and not on my letter of July 27. I hope this clarifies my views on the permit renewal. If you have any questions or need more information, please feel free to contact me.

Sincerely,



Clyde Alexander
State Representative
District 12

CHA/twt

cc: Tim Friday, TNRCC, Permit Engineer
Alan Owens, TNRCC, Office of Public Assistance ✓
Carmen Cernosek, TNRCC, Intergovernmental Relations Division
Len Hesseltine, Vice President, Dynegy Midstream
Ben Sebree, Texas Oil and Gas Association
Don Donaldson, Concerned Citizens of Cedar Creek Lake
Kim Temple, Concerned Citizens of Cedar Creek Lake