

COMMITTEES:  
PENSIONS  
GOVERNMENT EFFICIENCY & REFORM



TEXAS HOUSE OF REPRESENTATIVES  
PHIL STEPHENSON  
DISTRICT 85

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2014 JUN 12 AM 10:19

CHIEF CLERKS OFFICE

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

June 10th, 2014

*NSR  
88299*

RE: Notice of Application and Preliminary Decision for Air Quality Permit

To whom it may concern,

The purpose of this correspondence is to formally request a public meeting regarding the Proposed Air Quality Permit Numbers: 111724 and PSDTX1374 for Indeck Wharton, LLC (600 N. Buffalo Grove Rd., Ste. 300, Buffalo Grove, IL 60089-2432). Attached you will find a copy of the notice we received.

This issue has been brought to my attention by the citizens of Danevang. They have solicited my involvement, and as I have the honor to serve them as the State Representative of Wharton County, I am compelled to act on their behalf.

If it is at all possible to host this meeting in Danevang, or El Campo, these constituents would greatly appreciate it. There is no point in rushing this; please wait until all information is in before you choose a time and date, or begin discussing times and dates with my staff.

Please keep my office in the loop regarding this request as well as any information that may be applicable. We will continue to help in any way we can.

Thank you,

Representative Phil Stephenson

REVIEWED *pm*

JUN 12 2014

By *bl*

*me*

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY PERMIT PROPOSED AIR QUALITY PERMIT NUMBERS: 111724 AND PSDTX1374

**APPLICATION AND PRELIMINARY DECISION.** Indeck Wharton, LLC, 600 N Buffalo Grove Rd., Ste 300, Buffalo Grove, IL 60089-2432, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit 111724 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1374, which would authorize construction of the Indeck Wharton Energy Center at the west side of State Route 71, 3350 feet south of the intersection of Route 71 and County Road 424 in Danevang, about 0.50 mile south of the center of Danevang, Wharton County, Texas 77432. This application was submitted to the TCEQ on June 18, 2013. The proposed facility will emit the following air contaminants in a significant amount: nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and volatile organic compounds. In addition, the facility will emit the following air contaminants: hazardous air pollutants.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

**Nitrogen Dioxide**

MAXIMUM AVERAGING TIME	MAXIMUM INCREMENT CONSUMED ( $\mu\text{g}/\text{m}^3$ )	ALLOWABLE INCREMENT ( $\mu\text{g}/\text{m}^3$ )
Annual	6.3	25

The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants. The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and at the El Campo City Hall, 315 E. Jackson Street, El Campo, Wharton County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk St., Ste. H, Houston, Texas.

**INFORMATION AVAILABLE ONLINE.** These documents are accessible through the Commission's Web site at [www.tceq.texas.gov/gato/cid](http://www.tceq.texas.gov/gato/cid); the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, the air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above, the El Campo City Hall, 315 E. Jackson Street, El Campo, Wharton County, Texas, provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.046944&lng=-96.213611&zoon=13&type=r>

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application, if requested by an interested person, or if requested by a local legislator. A public meeting is not a contested case hearing. You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.

After the deadline for public comment, the executive director will consider the comments and prepare a response to all public comment. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application.

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or association, then one or more members who have standing to request a hearing and the interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period that have not been withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

**EXECUTIVE DIRECTOR ACTION.** If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

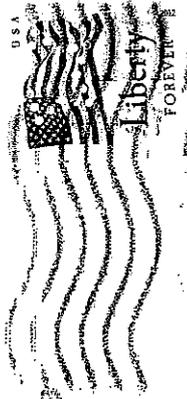
**MAILING LIST.** You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/about/comments.html](http://www.tceq.texas.gov/about/comments.html), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. Further information may also be obtained from Indeck Wharton, L.L.C. at the address stated above or by calling Mr. James S. Schneider, Senior Environmental Engineer at 847-520-3212.

Notice Issuance Date: May 12, 2014



PHIL STEPHENSON  
 TEXAS HOUSE OF REPRESENTATIVES  
 834 THIRD STREET · ROSENBERG, TEXAS 77471



NORTH HOUSTON TX 773

10 JUN 2014 PM 11

TEXAS  
 COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY

2014 JUN 12 AM 9:55

CHIEF CLERKS OFFICE

**RECEIVED**

JUN 12 2014

TCEQ MAIL CENTER  
 MT

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



78711308787

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 10, 2014

The Honorable Phil Stephenson  
Texas House of Representatives  
P. O. Box 2910  
Austin, Texas 78768

Dear Representative Stephenson:

Thank you for your letter requesting a public meeting regarding pending air quality permit application number 111724/PSDTX 1374 by Indeck Wharton, LLC in Wharton County.

We will work with your staff to schedule the public meeting at a time and location that is convenient for you and your constituents.

If you have any questions, please contact me at (512) 239-3900 or Ms. Bridget C. Bohac, Chief Clerk, at (512) 239-3300.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Hyde".

Richard A. Hyde, P.E.  
Executive Director

Handwritten initials in cursive script, possibly "MCA", located in the bottom right corner of the page.



COMMITTEES:  
PENSIONS  
GOVERNMENT EFFICIENCY & REFORM

TEXAS HOUSE OF REPRESENTATIVES  
PHIL STEPHENSON  
DISTRICT 85

CHIEF CLERKS OFFICE

2014 JUN 10 AM 9:59

TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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

June 10th, 2014

RE: Notice of Application and Preliminary Decision for Air Quality Permit

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Please keep my office in the loop regarding this request as well as any information that may be applicable. We will continue to help in any way we can.

Thank you,

Representative Phil Stephenson

RECEIVED  
TRACKING: COMM 41551 JUN 10 2014  
ASSIGNED TO: \_\_\_\_\_ By [Signature]

REVIEWED

PM

JUN 10 2014

DUE DATE: \_\_\_\_\_



COMMITTEES:  
PENSIONS  
GOVERNMENT EFFICIENCY & REFORM

TEXAS HOUSE OF REPRESENTATIVES  
PHIL STEPHENSON  
DISTRICT 85

TEXAS  
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ON ENVIRONMENTAL  
QUALITY  
2014 JUN 10 PM 9:59  
CHIEF CLERKS OFFICE

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

*MSR*  
*88299*

June 10th, 2014

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Thank you,

Representative Phil Stephenson

REVIEWED *PM*

JUN 10 2014

By *[Signature]*

*MSR*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2014 JUN 10 AM 9:59

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY PERMIT

PROPOSED AIR QUALITY PERMIT NUMBERS: L11724 AND PSDTX1374

CHIEF CLERK'S OFFICE

APPLICATION AND PRELIMINARY DECISION. Indeck Wharton, LLC, 600 N Buffalo Grove Rd., Ste 300, Buffalo Grove, TX 77009, 2432, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit L11724 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1374, which would authorize construction of the Indeck Wharton Energy Center at the west side of State Route 71, 3350 feet south of the intersection of Route 71 and County Road 424 in Dancovang, about 0.50 mile south of the center of Dancovang, Wharton County, Texas 77432. This application was submitted to the TCEQ on June 18, 2013. The proposed facility will emit the following air contaminants in a significant amount: nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and volatile organic compounds. In addition, the facility will emit the following air contaminants: hazardous air pollutants.

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Nitrogen Dioxide

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The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants. The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and at the El Campo City Hall, 315 E. Jackson Street, El Campo, Wharton County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk St., Ste. H, Houston, Texas.

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Notice Issuance Date: May 12, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

# Fax

06/10/2014

From: Kate McWhorter

E-mail: Kaitlyn.McWhorter@House.State.TX.US

Phone: (281)232-7900

Fax: (281)232-7901

Company Name: TX House District 85, Rep. Phil Stephenson

To: Office of the Chief Clerk

Phone: N/A

Fax: (512)239-3311

Company Name: Texas Commission on Environmental Quality

Pages: Cover + 2

CHIEF CLERK'S OFFICE

2014 JUN 10 AM 9:59

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Comments: **Public Meeting Request** regarding proposed air quality permit numbers: 111724 and PSDTX1374 for Indeck Wharton, LLC. Notice was issued May 12<sup>th</sup>, 2014.