

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

December 5, 2014

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

Re: Executive Director's Motion for Remand of the application by NRG Texas Power, LLC for permit No. WQ0002430000 TCEQ Docket No. 2014-1371-IWD.

Dear Ms. Bohac,

Enclosed please find the original and seven (7) copies of the "Executive Director's Motion for Remand." Please do not hesitate to call me at (512) 239-0611, or Anthony Tatu at (512) 239-5778 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Michael T. Parr II". The signature is written in a cursive style and is positioned above a horizontal line.

Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

cc: Mailing List

Enclosure

TCEQ Docket No. 2014-1371-IWD

**APPLICATION by
NRG TEXAS POWER, LLC
for TPDES Permit No.
WQ0002430000**

§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

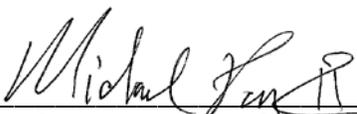
EXECUTIVE DIRECTOR'S MOTION FOR REMAND

TO THE GENERAL COUNSEL OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The Executive Director (ED) requests that the above-referenced application, which is set as item no. 2 on the December 10, 2014 agenda, be remanded back to the ED for the reasons set forth below.

On August 11, 2014, the Executive Director (ED) filed his Response to Comment (RTC) for Permit No. WQ0002430000 with the Texas Commission on Environmental Quality's Office of the Chief Clerk. The RTC, however, did not address comments made by Sierra Club in a written letter received by the Chief Clerk's Office on May 19, 2014. Because May 19, 2014 was the date the comment period closed for the above mentioned permit, the comments made by Sierra Club were timely comments not responded to in the ED's RTC. The ED requests that this application be remanded so that the ED may respond to the comments made by Sierra Club in its May 19, 2014 letter.

Respectfully submitted,

By  _____

Michael T. Parr II, *Staff Attorney*

Environmental Law Division

State Bar No. 24062936

P.O. Box 13087, MC 173

Austin, Texas 78711-3087

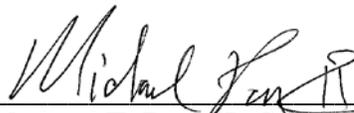
Telephone No. 512-239-0611

Facsimile No. 512-239-0606

REPRESENTING THE EXECUTIVE
DIRECTOR OF THE TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 5, 2014, the attached "Executive Director's Motion for Remand" was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and was delivered via first class mail, facsimile and/or hand delivered to those persons on the attached mailing list.



Michael T. Parr II, *Staff Attorney*
Environmental Law Division
State Bar No. 24062936

MAILING LIST
NRG Texas Power, LLC
DOCKET NO. 2014-1371-IWD; PERMIT NO.
WQ0002430000

FOR THE APPLICANT:

Robert Eyeington
Envir Specialist
NRG Texas Power, LLC
3964 FM Road 39
Jewett, Texas 75846
Tel: (903) 626-9512
Fax: (903) 626-9501
Robert.eyeington@NRGEnergy.com

Ted Long
MGR Water Resources
NRG Texas Power, LLC
1201 Fannin Street, NRG Tower
Houston, Texas 77002-6929
Tel: (713) 795-6213
Fax: (713) 705-7431
Ted.long@NRGEnergy.com

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Gordon Cooper, Technical Staff
Texas Commission on Environmental
Quality
Water Quality Division, MC-148
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-1963
Fax: (512) 239-4430

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4000
Fax: (512) 239-5678

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic Mcwherter, Public Interest Counsel
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

**FOR ALTERNATIVE DISPUTE
RESOLUTION**
via electronic mail:

Kyle Lucas
Texas Commission on Environmental
Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-4010
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Bridget C. Bohac
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER:

Joshua Smith
Sierra Club
85 2nd Street, Floor 2
San Francisco, California 94105-3456

INTERESTED PERSONS:

Marcie Alexander
Environmental Integrity Project
1002 West Avenue
Austin, Texas 78701-2056

Jennifer Duggan
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005-4939