



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

September 3, 2015

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: An Application by Navasota South Peakers Operating Company I, L.L.C for new State Air Quality Permit No. 120973 and Prevention of Significant Deterioration Air Quality Permit No. PSDTX1420 and the related Hearing Requests; TCEQ Docket No. 2015-1170-AIR.

This letter addresses the timeliness of a filing for the above-referenced matter. Specifically, the Office of Public Interest Counsel (OPIC) filed a response to hearing requests on August 31, 2015. Afterwards, OPIC became aware of a clerical error affecting its recommendation to the Commission. OPIC filed an amended response to hearing requests on September 2, 2015.

30 Texas Administrative Code ("TAC") § 55.254(e) provides that a written response to a hearing request may be filed no later than 23 days before the Commission meeting at which the Commission is scheduled to evaluate the hearing request. The Commission is scheduled to consider this matter at its September 23, 2015 agenda meeting. Therefore, the deadline to file a response brief for this matter was August 31, 2015.

The Office of General Counsel ("OGC") finds that OPIC's amended response to hearing requests clarifies its recommendation to the Commission, and will not unfairly surprise or prejudice the hearing requesters, the applicant, or the Executive Director. OGC finds that extending the deadline by one day is appropriate under the circumstances. Therefore, OGC on its own motion extends the deadline to file response briefs in the above-referenced matter to 5:00 p.m. on September 2, 2015, pursuant to the Commission Resolution issued on February 2, 2009, Docket No. 2009-0059-RES, and 30 TAC § 10.3.

If you have any questions concerning this matter, please contact Tim Reidy, Assistant General Counsel, at (512) 239-0969.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall  
General Counsel

Mailing List

Mailing List  
Navasota South Peakers Operating Company I, L.L.C.  
TCEQ Docket No. 2015-1170-AIR

James D. Braddock  
Haynes & Boone, LLP  
600 Congress Avenue, Suite 1300  
Austin, Texas 78701  
512/867-8462 FAX 512/867-8692

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311

Frank Giacalone  
Navasota South Peakers  
Operating Company I, L.L.C.  
403 Corporate Wood Drive  
Magnolia, Texas 77354  
281/252-5202 FAX 832/442-3259

Brian Christian  
TCEQ Environmental Assistance Division MC 108  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3100 FAX 512/239-5678

Jeff Maida  
Navasota South Peakers  
Operating Company I, L.L.C.  
403 Corporate Wood Drive  
Magnolia, Texas 77354  
281/560-6640

Kyle Lucas  
TCEQ Alternative Dispute Resolution MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4010 FAX 512-239-4015

Bill Skinner  
Navasota South Peakers  
Operating Company I, L.L.C.  
403 Corporate Wood Drive  
Magnolia, Texas 77354  
281/252-5202 FAX 832/442-3259

Lornna Talley  
1497 County Road 476  
Nixon, Texas 78160

Patti Werley  
1285 County Road 477  
Stockdale, Texas 78160

Amy Browning, Staff Attorney  
TCEQ Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606

Sean O'Brien, Technical Staff  
TCEQ Air Permits Division MC 163  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-1137 FAX 512/239-7815

Vic McWherter  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377