

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 3, 2015

TO: Persons on the attached mailing list.

RE: Navasota South Peakers Operating Company I, L.L.C.
Permit Nos. 120973 and PSDTX1420

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ central office, the TCEQ San Antonio regional office, and at the Wilson County Public Library, 1 Library Lane, Floresville, Wilson County, Texas. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Rd, San Antonio, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at <http://www.tceq.texas.gov/goto/comments> or by mail to the following address:

Bridget C. Bohac, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Bridget C. Bohac
Chief Clerk

BCB/ms

Enclosure

MAILING LIST
for
Navasota South Peakers Operating Company I, L.L.C.
Permit Nos. 120973 and PSDTX1420

FOR THE APPLICANT:

Frank Giacalone, Chief Executive Officer
Navasota South Peakers Operating
Company I, L.L.C.
403 Corporate Wood Drive
Magnolia, Texas 77354

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Brian Christian, Director
Texas Commission on Environmental
Quality
Environmental Assistance Division
Public Education Program MC-108
P.O. Box 13087
Austin, Texas 78711-3087

Amy Browning, Staff Attorney
Texas Commission on Environmental
Quality
Environmental Law Division MC-173
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Sean O'Brien, Technical Staff
Texas Commission on Environmental
Quality
Air Permits Division MC-163
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Vic McWherter, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK
via electronic mail:

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

ADCOCK , LANE
4240 COUNTY ROAD 437
STOCKDALE TX 78160-6373

ADCOCK , LILLIAN & TOMMY
811 N PARKER AVE
NIXON TX 78140-3135

BARSCH , WANDA A
4131 ELM CREEK RD
SEGUIN TX 78155-0776

BURRIER , RICHARD
2220 FM 1107
STOCKDALE TX 78160-6288

BURRIER , RICKY
PO BOX 757
STOCKDALE TX 78160-0757

CANNON , ROBERT & SANDY
2728 COUNTY ROAD 438
STOCKDALE TX 78160-6314

CHILDRESS , LARRY
1943 FM 3335
STOCKDALE TX 78160-6454

COLEMAN , MR ELBERT ALLEN
176 COUNTY ROAD 471
NIXON TX 78140-4012

COLEMAN , GINGER
PO BOX 70
STOCKDALE TX 78160-0070

COLEMAN , NORMAN
588 COUNTY ROAD 116
NIXON TX 78140-4060

DAVENPORT , PHYLLIS
253 WINTER FROST
CIBOLO TX 78108-4210

DE LEON , MAGDALENE
707 N FM 108
SMILEY TX 78159-5991

DIXON , DONNA
PO BOX 331
STOCKDALE TX 78160-0331

EMBREY , CHERYL
3270 COUNTY ROAD 448
NIXON TX 78140-4011

FARRIS , ED R
1800 SAINT JAMES PL STE 450
HOUSTON TX 77056-4109

FISCHER , LOUISE
1237 COUNTY ROAD 475
NIXON TX 78140-4019

GIBBS JR , W J
1012 C ST
FLORESVILLE TX 78114-2224

GONZALES , ARMANDINA M
1713 COUNTY ROAD 475
NIXON TX 78140-4087

GONZALES , MR ERNEST R
1709 COUNTY ROAD 475
NIXON TX 78140-4087

GORDON , BROOKE
3473 COUNTY ROAD 475
NIXON TX 78140-4013

HEWELL , JOE & MARY
PO BOX 733
NIXON TX 78140-0733

HEWELL JR , MR JOHN B
12330 FM 1681
NIXON TX 78140-4103

HEWELL , TRES
111 MONTWOOD
SEGUIN TX 78155-1215

HOBBS , CHARLES H
6596 FM 1681
STOCKDALE TX 78160-6682

JACKSON , DICKIE
1103 4TH ST
FLORESVILLE TX 78114-2014

JACKSON , JIM
5866 COUNTY ROAD 117
NIXON TX 78140-4085

KORZEKWA , MS MARY ANN
PO BOX 139
PANDORA TX 78143-0139

KOTARA , DAKOTA
KOTARA BOYS ELECTRICAL TEAM LLC
2095 COUNTY ROAD 475
NIXON TX 78140-4116

KOTARA , DEAN
KOTARA BOYS ELECTRICAL TEAM LLC
2095 COUNTY ROAD 475
NIXON TX 78140-4116

KOTARA , JOSETTE
PO BOX 318
STOCKDALE TX 78160-0318

KUYKENDALL , ALTON
2177 COUNTY ROAD 448
STOCKDALE TX 78160-6361

KUYKENDALL , ALTON & PAT
2177 COUNTY ROAD 448
STOCKDALE TX 78160-6361

LAMASTUS , SUE
4086 COUNTY ROAD 437
STOCKDALE TX 78160-6319

LOESSIN , THOMAS
12725 FM 1347
STOCKDALE TX 78160-6774

LOVE , KAY
PO BOX 700
STOCKDALE TX 78160-0700

MAY , LUKE
PO BOX 61
STOCKDALE TX 78160-0061

MCGREW , JEFF
PO BOX 575
STOCKDALE TX 78160-0575

MCGREW , RALPH
PO BOX 43
STOCKDALE TX 78160-0043

MILLER , JAMES & KATHY
PO BOX 224
PANDORA TX 78143-0224

POMPO , NOAH
1190 SCHNEIDER RD
SEGUIN TX 78155-7751

POTTER , MARK
3630 BELGIUM LN
SAN ANTONIO TX 78219-2506

RILEY , FRANK & LISA
876 COUNTY ROAD 433
STOCKDALE TX 78160-6492

SCHWARTZ , GEORGINA
3006 BELVOIR DR
SAN ANTONIO TX 78230-4410

SCRIBNER , CHARLES
PO BOX 189
STOCKDALE TX 78160-0189

SCRIBNER , CHARLES WAYNE
1405 COUNTY ROAD 475
NIXON TX 78140-4028

SCRIBNER , REBECCA
PO BOX 243
STOCKDALE TX 78160-0243

SMITH , BRIAN & MELISSA
1358 COUNTY ROAD 438
STOCKDALE TX 78160-3201

TALLEY , ELIZABETH
1236 COUNTY ROAD 475
NIXON TX 78140-4019

TALLEY , MRS LORNNA
1497 COUNTY ROAD 476
NIXON TX 78140-4079

TALLEY JR , ROLAND
1497 COUNTY ROAD 476
NIXON TX 78140-4079

WAGENER , RUTHIE
PO BOX 163
GILLETT TX 78116-0163

WAITE , CHUCK
2351 COUNTRY GRACE
NEW BRAUNFELS TX 78130-8933

WEBB , CLARK & TERRY
941 BURGESS ST
SEGUIN TX 78155-6705

WERLEY , DENNIS
1285 COUNTY ROAD 477
STOCKDALE TX 78160-6731

WERLEY , MRS PATTI
1285 COUNTY ROAD 477
STOCKDALE TX 78160-6731

WHITE , THOMAS E
1358 COUNTY ROAD 438
STOCKDALE TX 78160-3201

WILEY , LARRY
104 N MESQUITE
STOCKDALE TX 78160-6629