

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Monday, September 21, 2015 12:10 PM
To: PUBCOMMENT-OCC2
Cc: PUBCOMMENT-ELD; PUBCOMMENT-APD; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 122733
Attachments: Request for Reconsideration of the Executive Director's Decision_TCEQ_1.pdf

RFR

*NSR
93736*

From: sdecraene@centurylink.net [<mailto:sdecraene@centurylink.net>]
Sent: Sunday, September 20, 2015 2:51 PM
To: DoNot Reply
Subject: Public comment on Permit Number 122733

REGULATED ENTY NAME HALYARD HENDERSON ENERGY CENTER

RN NUMBER: RN107670341

PERMIT NUMBER: 122733

DOCKET NUMBER:

COUNTY: HENDERSON

PRINCIPAL NAME: HALYARD ENERGY HENDERSON LLC

CN NUMBER: CN604656827

FROM

NAME: Shannon DeCraene, *Sandra L. Bunch, Norma Mullican*

E-MAIL: sdecraene@centurylink.net

COMPANY: The King's Rein

ADDRESS: 13323 FM 2588
LARUE TX 75770-5509

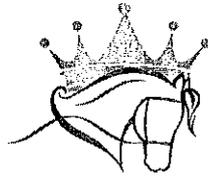
PHONE: 9036755536

FAX:

COMMENTS: See comments in attached pdf file.

MW

September 21, 2015



The King's Rein.

EQUINE ASSISTED OUTREACH

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

Re: Request for Reconsideration of the Executive Director's Decision -
Halyard Energy Henderson, LLC; Halyard Henderson Energy Center Permit No. 122733

Dear Ms. Bohac,

I am writing to request reconsideration of the Executive Director's decision on the Halyard Henderson Energy Center Permit No. 122733. I believe the decision should be reconsidered on the grounds specified in the "Request for Reconsideration" portion of this letter.

OVERVIEW OF SITUATION

How the property is used:

The King's Rein, is a Texas non-profit Equine Assisted outreach program with 501c3 status pending. We currently serve 3 counties: Anderson, Henderson and Smith counties. The non-profit operates on my farm property which is located at 13323 FM 2588, Laure, Tx 75770, 1/2 mile from the proposed Power Plant site.

The people that come to The King's Rein Equine Assisted Outreach for therapy have physical, mental, emotional and behavioral challenges in addition to a variety of health issues. The purpose of our program is to aid in the healing and restoration of individuals who have suffered traumatic events or hardships.

How The King's Rein Equine Assisted Outreach will be impacted by the proposed power plant location:

I consider myself, The King's Rein non-profit that I am a Board of Director for, the people the non-profit serves and my property to be directly affected by the permit decision and that granting the permit would specifically and directly affect myself, the non-profit operated there and the people it serves, in ways not shared by the general public.

It is a very real concern that any emissions or pollutants could have an adverse affect on these people that come for therapeutic and healing purposes.

There is also a very real concern that the possibility of Power Plant emissions or pollutants being so close to where the Non-profit program is operated will have a direct impact/adverse affect on the Equine Therapy program in that people may stop coming and/or future groups may want not come because they are concerned about emissions or pollutants and the risk they present to the people that have serious health issues. Even the stigma of emissions/pollutants, located so closely to our base of operations can have an effect on our operation.. The King's Rein makes it's own natural fly spray specifically because some of the Participants who come who have serious sensitivities to chemical substances and carcinogens.

An added concern is about possible increase in noise from the proposed power plant and the affect it may have on the people that come for therapy that have sensory issues, as well as the potential to disturb the horses while participants are engaging with them.

The location of the proposed power plant from the non-profit's location will most definitely interfere with the use and enjoyment of the property and the program and organization that operates there. First, it would impact the non-profit, in our ability to freely serve whoever desires to come; then it would impact the individuals, groups and organizations, who desire to participate in our program's activities and benefits obtained for those in their care – that they would no longer want to, or be able to participate and benefit from the program. And finally it impacts the individuals themselves, who are the ones who personally experience the physical, mental and emotional improvements and healing from our program.

There is no absolute guarantee the TCEQ or Halyard Energy can give that nothing will ever happen regarding the levels of pollutants & emissions being released. For the participants with more serious health issues, the stigma of potential emissions will be hard to remove from their concerns.

I know the proposed location in Larue is most attractive to Halyard Energy due to the access of natural gas, electricity and related cost-efficiencies, however they do have other sites that will serve their purposes - on the other hand, it is not financially feasible for us to relocate our operation's location.

We serve people with real issues, sufferings and struggles - they experience real improvement, development and healing through our program. Their lives are enhanced and changed markedly for the better through the program we offer. Every single child deserves the opportunity to benefit from the care and therapies we offer that can help them live the fullest life possible.

The number of clients we serve is growing steadily and we want to protect the groups who are currently participating, the groups that are waiting to participate, as well as individuals and groups to come in the future. We do not want to see anyone denied access to our program due to real or perceived health risks in relation to the Power Plant location.

Our organization desires the ability to receive aid and financial support from any and all donors that wish to support us. We do not want to lose donors or financial support because the groups they are interested in supporting cannot or will not participate due to the real or perceived health risks of emissions or pollutants from a power plant located in such close proximity.

REQUEST FOR RECONSIDERATION OF THE EXECUTIVE DIRECTOR'S DECISION

From the Executive Director's Response to Public Comment 1: Air Quality/Health Effects:

1a. (Page 2)

TCEQ ED Response 1:

"The primary standards are those that the Administrator of the EPA determines are necessary with an *adequate* margin of safety, to protect the public health, including sensitive members of the population, such as *children*, the elderly and *individuals with existing lung or cardiovascular conditions.*"

Our Position:

For the participants in our program, which are primarily children with past exposure to drugs and chemicals - an *adequate* margin of safety does not provide them confidence that they will not experience potential harmful effects from the plant's emissions.

The margin of safety is only *adequate* - not good, excellent, above standard. This margin of safety does not help the children that participate and their guardians feel at ease for their welfare. With our non-profit operation being located only 1/2 mile from the proposed Power Plant site - this is a very real concern and the TCEQ nor Halyard Henderson Energy can offer any guarantees that emissions from the plant will not affect any of these children.

1b. (Page 4)

TCEQ ED Response 1:

"In addition to complying with Federal and State standards and guidelines mentioned above, applicants must also comply with 30TAC 101.4, which prohibits nuisance conditions. Specifically, the rule states, "No person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be *injurious* to or *adversely affect human health or welfare*, animal life, vegetation, or property, or as *to interfere with the normal use and enjoyment of animal life*, vegetation, or property." As long as the facility is operated in compliance with the terms and conditions of the permit, nuisance conditions are not *expected*."

Our Position:

The Board of Directors and volunteers for our Equine Assisted Outreach program are very concerned about any potential noise discharges that may affect the behavior of a horse during a session and potentially "tend to be *injurious* to or *adversely affect human health or welfare*" of a participant/rider. Again, with our non-profit operation being located only 1/2 mile from the proposed Power Plant site - this is a very real concern and the TCEQ nor Halyard Henderson Energy can offer any guarantees regarding the safety of our participants if the therapy horse reacts/spooks at an emission noise.

From the Executive Director's Response to Public Comment 2: Property Values/Aesthetics/Light/Noise/Traffic

2a. (Page 4)

Public Comment 2:

"Commenter's expressed concern that the location of the facility would affect property values, *including the ability to generate or maintain business*. These commenter's voiced concern about the close proximity of the proposed facility to their homes or places of business, *which may affect their privacy and enjoyment.*"

TCEQ ED Response 2:

"The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider *noise*, or light pollution, zoning, visual appearance, effects on property values, or facility location choices made by an applicant when determining whether to approve or deny a permit application..."

As set forth in TCAA, 382.052, *the TCEQ shall consider possible adverse health risks on individuals attending schools that are located within 3,000 feet of a facility or proposed facility*. A protectiveness review must be conducted for all contaminants emitted. The maximum concentrations are evaluated at the property line, at the nearest off-property receptor, *and at any schools located within 3,000 feet of the facilities*. There are no schools within 3,000 feet of the proposed facility. Also, the project passed a health effects (impacts) review."

Our Position:

With our non-profit operation being located only 1/2 mile (2,640 feet) from the proposed power plant site, *the ability to generate or maintain business and the use and enjoyment of the property* will be greatly affected. Participants and their legal guardians, organizations that participate as well as volunteers, who are afraid of being so close to chemical emissions and pollutants, will stop participating. This issue will have a continual and perpetual affect on our organizations current and future growth in all areas, but especially regarding, participants, volunteers and potential donors.

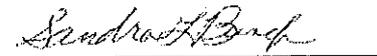
And, even though the TCEQ does not have jurisdiction to make a permit decision based on noise - the noise would be disruptive to the program's environment - and the environment has a great impact on the participants growth and healing. This, in effect, would *greatly hinder the privacy and enjoyment of the property*. Even though the TCEQ does not have jurisdiction to consider noise, *the noise factor can also be a safety issue when working with children and equines - which could potentially be a risk of injury vs just a health risk*. This needs to be considered carefully, regardless of who has jurisdiction.

The TCEQ ED's response said "*The TCEQ shall consider Possible adverse health risks on individuals attending schools that are located within 3,000 feet of a facility or proposed facility.*" Most individuals attending schools are children. Children are the primary participants in our program, only they attend sessions vs classes. The property our program operates from is *2,640 feet* from the proposed power plant site.

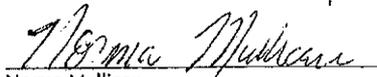
Regarding the Power Plant's proposed location - The scope of impact for us is very great. I appreciate your careful reconsideration of our position and the points we have refuted.
Respectfully,



Shannon DeCraene
President, The King's Rein



Sandra L. Bunch
Treasurer



Norma Mullican
Secretary

September 27, 2014

To: the Texas Commission on Environmental Quality
Office of the Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

*NSR
93736*

REVIEWED
OCT 01 2014
By *[Signature]*

2014 OCT -1 AM 9:53
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I REQUEST A CONTESTED CASE HEARING REGARDING HALYARD ENERGY HENDERSON, LLC PROPOSED POWER PLANT IN LARUE, TX (Permit#122733)

I request a contested case hearing based on being personally adversely affected as follows:

I consider myself and my property to be personally affected by the permit decision and that granting the permit would specifically affect me in ways not shared by the general public.

I operate an Equine Therapy program on my farm property which is located at 13323 FM 2588, Laure, Tx 75770, 1/2 mile from the proposed Power Plant site.

The people that come for therapy have physical, mental and emotional challenges in addition to a wide variety of health issues, including but not limited to: Brain Injury, Autism, Lupus Disease, Cancer, Hyper-sensitivity to chemical substances, ADD and ADHD, PTSD, Heart Conditions, Down Syndrome, Auto-Immune Disease, Glut1 Deficiency Syndrome and Sensory Processing Disorders.

It is a very real concern that ANY emissions/Pollutants could have an adverse affect on these people that come for therapeutic and healing purposes.

There is also a very real concern that the possibility of Power Plant emissions/Pollutants being so close to where my program is operated could have a direct impact/adverse affect on my Equine Therapy program in that people may stop coming and/or future groups may want not come because they are concerned about emissions/Pollutants or even the 'stigma' of emissions/Pollutants and the health risks related to them.

One of my therapy horses has COPD which is expensive to treat and for which I have gone to great lengths to create a 'clean' atmosphere for her so that she can stay healthy and useful to the program. It takes a great deal of time, training and expense to get horses to the level where they can be used as therapy animals, and all of the time, training and expense has come from me personally.

The location of proposed power plant from my location will most definitely interfere with the use and enjoyment of my property and the program/business I operate here as well as those who come and intend to come here for therapeutic purposes.

I am also concerned about possible added noise from the proposed power plant and the affect it may have on the people that come for therapy that have sensory issues.

I appreciate your careful consideration of my concerns.
Respectfully,

[Handwritten Signature]

Shannon DeCraene
13323 FM 2588
Larue, TX 75770
903.675.5536

[Handwritten Initials]

Shannon DeCrawe
13323 FM 2588
LaRue, Texas 75770

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OCT 01 2014

TCEQ MAIL CENTER
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Texas Commission on Environmental
Office of the Chief Clerk
TCEQ
P.O. Box 13087
Austin, TX 78711-3087



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September 27, 2014

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

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CHIEF CLERKS OFFICE

SEP 29 2014

By *[Signature]*

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**I REQUEST A CONTESTED CASE HEARING REGARDING HALYARD ENERGY HENDERSON, LLC
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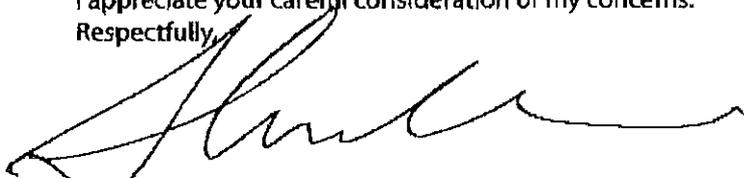
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I appreciate your careful consideration of my concerns.
Respectfully,



Shannan DeCraene
13323 FM 2588
Larue, TX 75770
903.675.5536

[Handwritten initials]

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number of pages including cover sheet: 2

attention to: Office of the Chief Clerk date: Sept. 29 / 2014

company: TCEQ from: Shannon DeCrane

phone #: _____ company: Regalo Ranch

fax #: 512.239.3311 senders phone #: 903.675.5536

comments: Request for Contested Case Hearing

re: Permit # 122733

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 CHIEF CLERKS OFFICE
 2014 SEP 29 AM 8:36

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 servicescenter####@officemax.com

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TCEQ Public Meeting Form
April 23, 2015

①

Halyard Energy Henderson, LLC
Air Quality Permit
Permit No. 122733

PLEASE PRINT

Name: Shannon De Craene

Mailing Address: 13323 FM 2588

Physical Address (if different): _____

City/State: Larue TX Zip: 75770

This information is subject to public disclosure under the Texas Public Information Act

Email: sdecraene@centurylink.net

Phone Number: 903, 675, 5536

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list. ✓

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting. ✓

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

mw

Marisa Weber

From: PUBCOMMENT-OCC
Sent: Thursday, October 09, 2014 11:47 AM
To: PUBCOMMENT-OCC2
Subject: FW: Public comment on Permit Number 122733

*NSR
93736*

H

From: Csgoziptexas@gmail.com [mailto:Csgoziptexas@gmail.com]
Sent: Thursday, October 09, 2014 11:37 AM
To: donotreply
Subject: Public comment on Permit Number 122733

REGULATED ENTY NAME HALYARD HENDERSON ENERGY CENTER

RN NUMBER: RN107670341

PERMIT NUMBER: 122733

DOCKET NUMBER:

COUNTY: HENDERSON

PRINCIPAL NAME: HALYARD ENERGY HENDERSON LLC

CN NUMBER: CN604656827

FROM

NAME: Carson Shultz

E-MAIL: Csgoziptexas@gmail.com

COMPANY: New York, Texas Zipline Adventures

ADDRESS: 7290 COUNTY ROAD 4328
LARUE TX 75770-4318

PHONE: 9036815450

FAX:

COMMENTS: Hello, I am a resident of LaRue, Tx and would like a contested case hearing for the proposed power plant to be constructed on CR4402 in Larue, Texas by Halyard Energy Henderson LLC. I own and operate a local Eco-Adventure tour (New York, Texas Zipline Adventures) and would like to know what ecological ramifications, and visual impedances and loss of aesthetics that the proposed power plant will have on my business. What is going to be done to eliminate light pollution from the facility? It is being constructed in

MS

a very rural, yet residential area and the lights, noise, and even traffic could be a large nuisance to our community. What effect will the Halyard Energy power plant have on the water quality in the area and what will be the plants source of water? In this rural area, most citizens have no access to public water authorities and will this cause any contamination of the local citizens only water source? Also, where will the plant be accessing water and at what rate? What will be the effect of a large power plant using well water to the water table and how will it effect other water wells in the area? Halyard has proposed an 8 acre build site for the proposed power plant. If Halyard attempts to expand the size of the plant, can they be stopped? What effect will the proposed Halyard power plant have on local wildlife, as well as the many farm animals that provide a large basis of income for the local community? What are the risks of air pollution and the effects that it will have on the local citizens, wildlife and even crops? Things such as sulfuric acid mist and airborne particle contaminates? The answers to any or all of these questions would be greatly appreciated.