



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

August 24, 2015

TO: Persons on the attached mailing list.

RE: Halyard Energy Henderson, LLC; Halyard Henderson Energy Center  
Permit No. 122733

**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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 Tyler Regional Office, and the Clint W. Murchison Memorial Library, 121 South Prairieville Street, Athens, Henderson County, 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/ka

Enclosure

MAILING LIST  
for  
Halyard Energy Henderson, LLC; Halyard Henderson Energy Center  
Permit No. 122733

FOR THE APPLICANT:

Christopher DePodesta  
Halyard Energy Henderson, LLC  
1200 Smith Street, Suite 1600  
Houston, Texas 77002

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

Sierra Redding, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087

Joe Janecka, Technical Staff  
Texas Commission on Environmental  
Quality  
Air Permits Division MC-163  
P.O. Box 13087  
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL  
via electronic mail:

Vic McWherter, Attorney  
Texas Commission on Environmental  
Quality  
Public Interest Counsel MC-103  
P.O. Box 13087  
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

ANDERSON , CHERI  
11181 LOOP 60  
LARUE TX 75770-2115

BALL , LYDINA  
5627 STATE ROUTE 88  
KINSMAN OH 44428-9767

BARKER , KACHIA  
414 HIGHLAND DR  
ATHENS TX 75751-3158

BAUCOM , APRIL  
12558 FM 2588  
LARUE TX 75770-5518

BAUCOM , KEVIN  
12558 FM 2588  
LARUE TX 75770-5518

BITZ , MR KENNETH W  
8563 COUNTY ROAD 4402  
LARUE TX 75770-5905

BITZ , SHERRY  
8563 COUNTY ROAD 4402  
LARUE TX 75770-5905

BOLES , MARILYN  
13601 FM 2588  
LARUE TX 75770-5520

BOLES , OLIN  
13601 FM 2588  
LARUE TX 75770-5520

BOWLES JR , CHARLES M  
10395 COUNTY ROAD 4402  
LARUE TX 75770-5912

BOWLES , RILLA  
10395 COUNTY ROAD 4402  
LARUE TX 75770-5912

CRAWFORD , CATHERINE  
8664 FM 607 N  
BROWNSBORO TX 75756-6556

CRAWFORD , DELBERT  
12449 FM 2588  
LARUE TX 75770-5507

CRAWFORD , SHERRY  
12001 FM 2588  
LARUE TX 75770-5512

CUMMINGS , BARBARA  
9216 FM 607 S  
LARUE TX 75770-2105

DEBUSK , NICOLE  
11050 COUNTY ROAD 4400  
LARUE TX 75770-6124

DEBUSK , PATRICK  
11050 COUNTY ROAD 4400  
LARUE TX 75770-6124

DECRAENE , SHANNON  
13323 FM 2588  
LARUE TX 75770-5509

DELANA , VALERIE J  
8417 FM 59  
ATHENS TX 75751-8134

DENNIS , LEANN  
10742 COUNTY ROAD 4404  
LARUE TX 75770-6114

DONALSON , JARELL COOK  
7488 COUNTY ROAD 4712  
LARUE TX 75770-3522

DOUGLAS , SHERRY  
PO BOX 72  
POYNOR TX 75782-0072

DUCKER , SANDRA  
6423 COUNTY ROAD 4836  
LARUE TX 75770-3510

ERWIN , RODERICK  
13314 COUNTY ROAD 4400  
LARUE TX 75770-6118

ETHERIDGE , LAURA  
PO BOX 135  
POYNOR TX 75782-0135

FIRMAN , JESSICA  
504 E COLLEGE ST  
ATHENS TX 75751-2520

GARCIA , ALEX  
8501 COUNTY ROAD 4528  
LARUE TX 75770-6324

GARCIA , KASEY  
8501 COUNTY ROAD 4528  
LARUE TX 75770-6324

GIORDANO , DENISE  
7481 COUNTY ROAD 4712  
LARUE TX 75770-3522

GOULD , DEBORAH  
10365 COUNTY ROAD 4402  
LARUE TX 75770-5912

GOULD JR , MR HARRY BLAINE  
10365 COUNTY ROAD 4402  
LARUE TX 75770-5912

GOULD , HARRY BLAINE  
10365 COUNTY ROAD 4402  
LARUE TX 75770-5912

GRAY , ROBERT  
10298 COUNTY ROAD 4402  
LARUE TX 75770-5926

GRIFFIS JR , FRANK E  
8226 FM 607 S  
LARUE TX 75770-3918

HAMBRICK , BONNIE  
13310 COUNTY ROAD 4400  
LARUE TX 75770-6118

HAMBRICK , CAMERON  
13310 COUNTY ROAD 4400  
LARUE TX 75770-6118

HAMBRICK , FRED  
13306 COUNTY ROAD 4400  
LARUE TX 75770-6118

HAMBRICK , LATONYA  
13314 COUNTY ROAD 4400  
LARUE TX 75770-6118

HAMBRICK , RONNIE  
13310 COUNTY ROAD 4400  
LARUE TX 75770-6118

HAMBRICK , TEMIKO  
13306 COUNTY ROAD 4400  
LARUE TX 75770-6118

HARGETT , KELLY  
3786 COUNTY ROAD 4316  
LARUE TX 75770-3127

HARRIS , AIMEE  
12181 US HIGHWAY 175 E  
LARUE TX 75770-2125

HILL , CHERYL  
11388 LOOP 60  
LARUE TX 75770-2120

HILTON , SUSAN  
510 AN CR 4841  
PALESTINE TX 75803

HOLLOWELL , BETTY  
6198 COUNTY ROAD 4508  
ATHENS TX 75752-6448

HUMPHREY , MELANI  
19274 FAWN CRK  
FLINT TX 75762-9341

INMON , ERIC  
7075 WATERS EDGE DR  
LARUE TX 75770-5044

INMON , SHIRLENE  
7075 WATERS EDGE DR  
LARUE TX 75770-5044

JOHNSTON , JESSICA  
10360 COUNTY ROAD 4402  
LARUE TX 75770-5912

KNOX , BECKIE & STEVE  
10801 COUNTY ROAD 4520  
LARUE TX 75770-5331

KNOX , BECKIE  
10801 COUNTY ROAD 4520  
LARUE TX 75770-5331

KNOX , STEVE  
10810 COUNTY ROAD 4520  
LARUE TX 75770-5331

KNOX , STEVE  
10801 COUNTY ROAD 4520  
LARUE TX 75770-5331

LARUE , JANET  
12881 FM 2588  
LARUE TX 75770-5511

LARUE , MICHAEL G  
12881 FM 2588  
LARUE TX 75770-5511

LORENZ , SUSAN  
13323 FM 2588  
LARUE TX 75770-5509

MASCORRO , PATTY  
16697 N ELM ST  
FRANKSTON TX 75763-2245

MCCLELLAND , AMY  
10802 COUNTY ROAD 4520  
LARUE TX 75770-5331

MCCLELLAND , JUSTIN  
10802 COUNTY ROAD 4520  
LARUE TX 75770-5331

MC GEE , DEBRA  
119 TRAIL RIDGE RD  
ATHENS TX 75751-9059

MCGUIN , RAY  
11895 COUNTY ROAD 4400  
LARUE TX 75770-6122

MILLS , MARSHA  
4616 FM 2495  
ATHENS TX 75752-5911

MUECKE , BRENT  
5880 COUNTY ROAD 4518  
LARUE TX 75770-5351

NUCKOLLS , JENIFER  
203 TRAIL RIDGE RD  
ATHENS TX 75751-9061

PARROTT , SHEILA  
PO BOX 539  
FRANKSTON TX 75763-0539

PATTON , JOHN  
8905 COUNTY ROAD 4402  
LARUE TX 75770-5909

PATTON , ROSE  
8905 COUNTY ROAD 4402  
LARUE TX 75770-5909

PAUL , BETTY  
13365 COUNTY ROAD 4400  
LARUE TX 75770-6118

PAUL , JAMES  
13365 COUNTY ROAD 4400  
LARUE TX 75770-6118

PENNEY , PAM  
3710 E FM 837  
PALESTINE TX 75803-0157

POSTON , WILLIAM  
11171 LOOP 60  
LARUE TX 75770-2115

RICHARDSON , KRISTINA  
791 AN CR 486  
PALESTINE TX 75803

ROUNSAVALL , EDITH  
5780 COUNTY ROAD 4507  
ATHENS TX 75752-6513

ROYALL SR , TUCKER  
412 S ROYALL ST  
PALESTINE TX 75801-3638

RUSHING , DARRELL  
13445 COUNTY ROAD 4400  
LARUE TX 75770-6119

RUSHING , DON R  
13445 COUNTY ROAD 4400  
LARUE TX 75770-6119

RUSHING , MARY A  
13445 COUNTY ROAD 4400  
LARUE TX 75770-6119

SERGEANT , PATRICIA  
1123 AN CR 484  
PALESTINE TX 75803

SHERRELL , AMY  
3715 COUNTY ROAD 4330  
LARUE TX 75770-2711

SHULTZ , CARSON  
NEW YORK TEXAS ZIPLINE ADVENTURES  
7290 COUNTY ROAD 4328  
LARUE TX 75770-4318

SINGLETON , MICHAEL  
940 AN CR 484  
PALESTINE TX 75803

SNYDER , SHAINA  
8490 ZEBRA XING  
LARUE TX 75770-4943

SOLIS , PAMALA  
8163 COUNTY ROAD 4402  
LARUE TX 75770-5904

VANTASSELL , KAREN J  
12820 COUNTY ROAD 4343  
LARUE TX 75770-2336

VICK SR , LONNIE  
9460 COUNTY ROAD 4402  
LARUE TX 75770-5918

WILCOX , DREW  
10705 COUNTY ROAD 4520  
LARUE TX 75770-5339

WILLIAMS , JENNIFER  
13353 COUNTY ROAD 4400  
LARUE TX 75770-6118

WYLIE , CHANTAL  
4656 US HIGHWAY 175 E  
ATHENS TX 75752-6248

YOUNG , BARBARA  
13380 COUNTY ROAD 4400  
LARUE TX 75770-6118

YOUNG , GEORGE  
13380 COUNTY ROAD 4400  
LARUE TX 75770-6118