

Pat Drake

From: drakelandcattle@aol.com
Sent: Monday, June 01, 2015 2:17 PM
To: Pat Drake
Subject: Fwd: Application by Georgia-Pacific Gypsum, LLC concerning Air Quality Permit No. 20851: potential withdrawal of your hearing request

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2015 JUN -2 PM 2:37
CHIEF CLERKS OFFICE

NSR
80569

REVIEWED
JUN 02 2015
By AP

WH

Sent from my iPhone

Begin forwarded message:

From: Todd Burkey <todd.burkey@tceq.texas.gov>
Date: June 1, 2015 at 12:35:09 PM CDT
To: "drakelandcattle@aol.com" <drakelandcattle@aol.com>
Subject: FW: Application by Georgia-Pacific Gypsum, LLC concerning Air Quality Permit No. 20851: potential withdrawal of your hearing request

From: Todd Burkey
Sent: Friday, May 15, 2015 5:42 PM
To: drakelandcattle@aol.com
Subject: Application by Georgia-Pacific Gypsum, LLC concerning Air Quality Permit No. 20851: potential withdrawal of your hearing request

Re: Application by Georgia-Pacific Gypsum, LLC concerning Air Quality Permit No. 20851

confidential communication in furtherance of ADR efforts

Dear Don P. (Pat) Drake,

I am a mediator with the Alternative Dispute Resolution ("ADR") Program of the Texas Commission on Environmental Quality ("TCEQ" or "Commission"). I have seen a recent email communication from you concerning the above-referenced permit application. Your email indicates that you intent to withdraw your request for public hearing on Permit Number 20851. You reserve the right to contest discharge of these particulates at a later date, if levels of these pollutants are such, to constitute a hazard to surrounding areas or if new information with regards to existing or additional pollutants becomes known, which negatively impacts safety, health or danger to the environment. However, you also approve of forwarding your email to notify the appropriate personnel of your intent to withdraw your request for public hearing on Permit #20851.

If you do not wish for the Commission to consider whether or not to grant your hearing request at a future Commission Agenda meeting, the Commission will need to be able to point to a withdrawal letter that is part of the agency's official record on the application. While requiring hearing requesters to formally withdraw requests might seem overly burdensome, the Commission has traditionally required formal withdrawal letters in an effort to protect the hearing request process and to make sure that the Commission specifically considers all timely filed requests unless it is absolutely clear that the requester unconditionally does not want to go forward with the administrative process. In addition to attempting

to coordinate voluntary mediation efforts, my office also attempts to assist hearing requesters that no longer wish to pursue the hearing process due to changed circumstances. This is the reason that I have reached out to contact you today after reviewing your email.

I have attached a withdrawal form for you to consider use to effectuate your expressed withdrawal. The form has standard withdrawal language that the Commission's Office of General Counsel has previously approved for effectuating hearing request withdrawals with a minimum of information. If you decide to withdraw your hearing request, one other hearing request from Charles Drake and one protest letter from Joan Baker remain pending for this matter. If you decide to sign the withdraw form, you can return the form to me via PDF copy to my email address, fax it to me at 512-239-4015, or mail it to the below address. I will file the withdrawal form for you and notify the other parties on the mailing list of your filing. The official record of this application will include both your hearing request email letter dated February 13, 2012, and the withdrawal form if you choose to submit it. Your consideration of the withdrawal form is completely voluntary. Your withdrawal obviously only affects the current application that you protested and in no way will limit your public participation in future applications at the facility. If you choose not to formally withdraw, the Commission will consider your hearing request letter at a later scheduled Agenda meeting.

Please do not hesitate to contact me if you have any questions relating to the Application and the Commission's hearing request process. Thank you for your attention to this matter.

Sincerely,

Todd Burkey, Attorney-Mediator

Alternative Dispute Resolution Program, Office of General Counsel

Texas Commission on Environmental Quality

P.O. Box 13087, MC-222, Austin, Texas 78711-3087

512/239-2941 Fax: 512/239-4015 email: Todd.Burkey@tceq.texas.gov

Form Withdrawal Letter:

Bridget C. Bohac, Chief Clerk

Office of the Chief Clerk, MC-105

Texas Commission on Environmental Quality

P.O. Box 13087

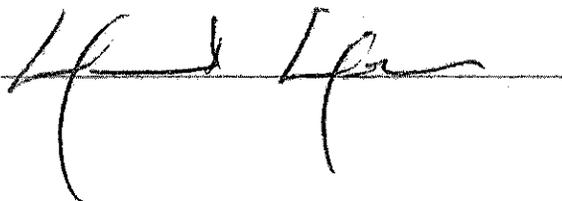
Austin, Texas 78711-3087

Re: **Application by Georgia-Pacific Gypsum, LLC concerning Air Quality Permit No. 20851**

Dear Chief Clerk,

I, Don Patrick (Pat) Drake, hereby withdraw my request for a contested case hearing on the above-referenced application, and no longer wish to protest this application.

Sincerely,



6-1-2015

Don Patrick (Pat) Drake

Date

398 Drake Rd

Quanah Tx 79252-7368

From: PUBCOMMENT-OPA
To: PUBCOMMENT-OCC2
Date: 2/14/2012 10:31 AM
Subject: Fwd: Public comment on Permit Number 20851
Place: PUBCOMMENT-OCC2

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>>> PUBCOMMENT-OCC 2/14/2012 8:32 AM >>>

>>> <drakelandcattle@aol.com> 2/13/2012 9:45 PM >>>

REGULATED ENTY NAME ACME GYPSUM FACILITY

RN NUMBER: RN100216209

PERMIT NUMBER: 20851

DOCKET NUMBER:

COUNTY: HARDEMAN

PRINCIPAL NAME: GEORGIA-PACIFIC GYPSUM LLC

CN NUMBER: CN603141128

FROM

NAME: Don Patrick Drake

E-MAIL: drakelandcattle@aol.com

COMPANY:

ADDRESS: 398 DRAKE RD

QUANAH TX 79252-7368

PHONE: 9406636143

FAX:

COMMENTS: I request a Contested Case Hearing with regards to the application pending by Georgia Pacific - Acme, Texas plant, to amend Permit # 20851 to allow discharge of particulate matter which is caustic organic compounds, carcinogens and hazardous air pollutants. I am a farmer/rancher in the area with ranch land that borders and joins the Georgia Pacific quarry and plant and maintain a residence on the ranch land within 1.5 miles of the plant to the East. I was not sent a notice of intent to file this application by Georgia Pacific and became aware of it only by reading the local Quanah paper. I object to the fact that as a person directly impacted by the discharge of toxic and hazardous cancer causing particulate matter into the air that I was not advised prior to the application so I could object and offer comments to halt this unsafe and environmentally irresponsible action. These compounds are by the admission of Georgia Pacific in the application notice, described as hazardous compounds. These compounds by definition are caustic and toxic and when exposed to animals and to humans can cause cancer. I raise cattle and horses that graze pastures, which will be exposed to these hazardous compounds as this air discharged by GP settles on grass and native plants and are ingested by livestock. The impact of these compounds absorbed into water and plant life and consumed by grazing livestock and wildlife cannot be accurately gauged but cannot be assumed to be healthy. This is an environmentally irresponsible action which must not be allowed to occur. I look forward to being notified of a date for a hearing to contest this application, in person.

MW