

To: Office of the Chief Clerk

2008 AUG 11 PM 3:07

Ref: Permit Number 81706, PSD -TX-1089, and HAP12  
Aspen Power LLC  
Lufkin Generating Plant  
Lufkin, Angelina County  
Regulated Entity Number RN 105224877  
Customer ref # CN603188699

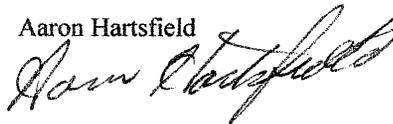
CHIEF CLERKS OFFICE

This letter is a request for a MOTION TO OVERTURN for the commission to review the TCEQ Executive Director's decision of a final approval of the above referenced application.

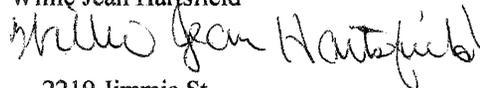
REASONS

1. On a letter dated 7-22-2008 received from the TCEQ thanking us for a letter withdrawing our hearing request regarding Aspen Power LLC/Air Quality Permit #81706 & PSD-TX1089 prompted our immediate attention. A phone conversation with the TCEQ Chief Clerk provided us with the information and the fraudulent documents. I Aaron Hartsfield had not seen or signed the documents which were used as a basis to approve the application. The signature was fraudulently used from the initial statements signed in opposition of the plant and property use. We are still in opposition of the Aspen Plant and concerned of the legitimacy of some the other 13 neighbors which signed letters in support of the plant previously opposing it(List B).
- 2 The Air Dispersion Model performed by the applicant was recent to the EPA on 4-19-2008 raises a serious concern because the site elevation is 70 to 90 feet below the adjacent neighborhood , schools and retirement community living. The EPA was unable to give an informed opinion at the time of the July 25, 2008 Executive Directors response to public comments.
3. To us it is negligence for the TCEQ to allow Aspen to emit CO2 values greater than the plants which have proven to emit lower CO2 emissions given the proposed location. The TCEQ has expanded on this issue by allowing Aspen to utilize the improper (BACT) Best Available Control Technology . A major concern is not forcing Aspen to use the PM CEM (Continuous Emission Monitoring System. Since it has proven to us that it cannot be trusted to be neighbor hood friendly alluding to statement number 1. PM CEMS measuring the pollutants of interest seem to provide a greater degree of confidence that the proposed plant is operating as intended for the Environmental Agencies and the Public.
4. The TCEQ has allowed Aspen to use the ESP (electrostatic precipitator) instead of the fabric filter bag house. Even though the ESP (.020 to .032) has a lower initial level the extreme is much greater than the fabric filter(.023 to.025).

Aaron Hartsfield



Willie Jean Hartsfield



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