

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
NAVASOTA SOUTH PEAKERS OPERATING COMPANY I, L.L.C.
SOAH Docket No. 582-16-0772
TCEQ Docket No. 2015-1170-AIR
Proposed Permit Nos. 120973 and PSDTX1420

APPLICATION.

Navasota South Peakers Operating Company I, L.L.C., 403 Corporate Wood Drive, Magnolia, Texas 77354-2758, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit 120973 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1420, which would authorize construction of the Union Valley Energy Center. The site can be reached as follows: go 4.5 miles northwest of Nixon on FM 1681 then take CR 475 south for 1 mile; the property is located on the east side of CR 475 where CR 475 turns back to the south, Nixon, Wilson County, Texas 78140. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, and particulate matter including particulate matter with diameters of 10 micrometers or less and 2.5 micrometers or less. In addition, the facility will emit the following air contaminants: volatile organic compounds, sulfur dioxide, and sulfuric acid mist.

A full PSD increment analysis was not required because the predicted impacts of all pollutants subject to PSD increment review were below the significant impact level for each pollutant.

The Executive Director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, Executive Director's preliminary decision, draft permit, and the Executive Director's preliminary determination summary and Executive Director's air quality analysis, 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 Road, San Antonio, Texas.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing at:

10:00 a.m. – November 30, 2015
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701

The contested case hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on September 30, 2015. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

MAILING LIST.

You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION.

Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comments, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ may be obtained electronically at <http://www.tceq.texas.gov>

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 1-800-687-4040. General information regarding the TCEQ can be found at <http://www.tceq.texas.gov/>.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Further information may also be obtained from Navasota South Peakers Operating Company I, L.L.C. at the address stated above or by calling Mr. Bill Skinner, Director of Engineering at 281-252-5221.

Issued: October 20, 2015

A handwritten signature in black ink that reads "Bridget C. Bohac". The signature is written in a cursive, flowing style.

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality