

**TCEQ DOCKET NO. 2022-1552-AIR**

**APPLICATION BY EXFLUOR  
RESEARCH CORPORATION FOR  
AIR QUALITY PERMIT NO. 165848  
IN WILLIAMSON COUNTY, TEXAS**

§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**HEARING REQUESTOR ELIZABETH ANN FRIOU'S  
REPLY TO RESPONSES TO HEARING REQUESTS**

TO THE HONORABLE COMMISSIONERS:

Elizabeth Ann Friou (“Friou”) owns property within .1 miles from Exflur’s proposed operations and files this her Reply to Responses to Hearing Requests (the “Reply”) filed by the Executive Director of the Texas Commission on Environmental Quality (“ED”), the Office of Public Interest Counsel (“OPIC”) and Exflur Research Corporation (“Exflur”).

**I. Reply to TCEQ ED’s Response**

The ED properly concluded that Friou is an affected person and recommended that her hearing request be granted.<sup>1</sup>

**II. Reply to OPIC’s Response**

OPIC also properly concluded that Friou is an affected person and recommended that her request be granted.<sup>2</sup>

**III. Reply to Exflur’s Response**

Exflur also properly concluded that Friou has a personal justiciable interest in Exflur’s application.<sup>3</sup> However, their conclusion appears to be conditioned upon Friou providing additional demonstration that she owns her property across the street from Exflur’s proposed site. Exflur is correct, Ann Wheelock Friou Individually and as the Independent Executor of the Estate of

---

<sup>1</sup> ED’s Response at pdf pp. 40.

<sup>2</sup> OPIC’s Response at 18-19.

<sup>3</sup> Exflur’s Response at 25-26.

Thomas Friou as Trustee is the record owner of both parcels identified as Map ID 5 on Exflur's Map 2.<sup>4</sup> As shown on the attached Affidavit of Identity, Ann Wheelock Friou is the same person as Elizabeth Ann Friou.<sup>5</sup> Accordingly, Friou has a right, title, and interest impacted by Exflur's application, has a personal justiciable interest as set out in her hearing requests, and is an affected person.

#### IV. Conclusion

Friou incorporates herein her previously filed requests for contested case hearing, respectfully requests that she be granted affected person status and that her request for a contested case hearing be granted, and respectfully requests any other relief to which she is entitled.

Respectfully Submitted,

GRAVES, DOUGHERTY, HEARON & MOODY, P.C.  
401 Congress Avenue, Suite 2700  
Austin, Texas 78701  
Telephone: (512) 480-5639  
Telecopier: (512) 536-9939

By: /s/ Natasha J. Martin

Natasha J. Martin  
State Bar No. 24083255  
[nmartin@gdhm.com](mailto:nmartin@gdhm.com)

ATTORNEY FOR ELIZABETH ANN FRIOU

---

<sup>4</sup> See Exflur's Response at Attachment A, JW-Ex-2, Map 2 (labeling Friou's property as Map ID 5); See also ED's Response at Map B (labeling Friou's property as Map ID 4); See also Elizabeth Ann Friou's October 11, 2022 Contested Case Hearing Request, Attachment A (labeling Friou's property as Friou Parcels 1 and 2)

<sup>5</sup> See Exhibit A, Affidavit of Identity.

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document has been forwarded via electronic filing, electronic mail, electronic submittal or U.S. Mail to the persons on the attached Service List on this the 5<sup>th</sup> day of December 2022.

By: /s/ Natasha J. Martin  
Natasha J. Martin

**SERVICE LIST  
EXFLUOR RESEARCH CORPORATION  
TCEQ DOCKET NO. 2022-1552-AIR  
PERMIT NO. 165848**

**FOR THE CHIEF CLERK:**

*via electronic filing*  
Laurie Gharis, Chief Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk  
P.O. Box 13087, MC-105  
Austin, TX 78711-3087

**FOR THE APPLICANT:**

Derek Seal  
MCGINNIS LOCHRIDGE  
600 Congress Ave Ste 2100  
Austin, Texas 78701  
Tel: (512) 495-6188  
Fax: (512) 505-6388  
[dseal@mcginnislaw.com](mailto:dseal@mcginnislaw.com)

Thomas Bierschenk  
Exflur Research Corporation  
2350 Double Creek Drive  
Round Rock, Texas 78664  
Tel: (512) 310-9044  
Fax: (512) 310-9045  
[bierschenk\\_t@exflur.com](mailto:bierschenk_t@exflur.com)

**FOR THE TCEQ EXTERNAL RELATIONS  
DIVISION**

Ryan Vise, Deputy Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711  
Tel: (512) 239-4000  
Fax: (512) 239-5678  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

**FOR THE PUBLIC INTEREST COUNSEL:**

Pranjal Mehta  
Texas Commission on Environmental  
Quality  
Office of Public Interest Counsel  
P.O. Box 13087, MC-103  
Austin, TX 78711-3087  
[Pranjal.Mehta@Tceq.Texas.Gov](mailto:Pranjal.Mehta@Tceq.Texas.Gov)

**FOR ALTERNATIVE DISPUTE  
RESOLUTION**

*via electronic mail:*  
Kyle Lucas  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711  
Tel: (512) 239-0687  
Fax: (512) 239-4015  
[kyle.lucas@tceq.texas.gov](mailto:kyle.lucas@tceq.texas.gov)

**FOR THE REQUESTERS:**

Nicole Elizabeth Bauer  
800 Hidden Bear Rd.  
Liberty Hill, TX 78642-4634  
[nicole.e.imperial@gmail.com](mailto:nicole.e.imperial@gmail.com)

Anne and Thomas Beville  
443 County Road 278  
Liberty Hill, TX 78642-4378  
[akbeville@gmail.com](mailto:akbeville@gmail.com)

Terry G. Cook, Commissioner,  
Williamson County Precinct 1  
1801 E Old Settlers Blvd. Ste. 110  
Round Rock, TX 78664-1905  
[terry.cook@wilco.org](mailto:terry.cook@wilco.org)

Sheryl Marie Farley  
6600 County Road 200  
Liberty Hill, TX 78642-3725  
[sheryl.farley@gmail.com](mailto:sheryl.farley@gmail.com)

Jillian Gabriel  
105 Lark St.  
Leander, TX 78641-1890  
[jillian.gabriel@gmail.com](mailto:jillian.gabriel@gmail.com)

Richard Grabish  
201 Shady Oaks Trl.  
Liberty Hill, TX 78642-3944  
[rfgabish@msn.com](mailto:rfgabish@msn.com)

Kelley Heath  
205 Talon Grasp Trl.  
Leander, TX 78641-2595  
[KELLEYHEATH1@GMAIL.COM](mailto:KELLEYHEATH1@GMAIL.COM)

Suzanne Johnson  
1400 County Road 236  
Florence, TX 76527-4918  
[suzjohnson@prodigy.net](mailto:suzjohnson@prodigy.net)  
Catherine Johnston  
4960 Highway 138  
Florence, TX 76527-4901  
[ctr2000@hotmail.com](mailto:ctr2000@hotmail.com)

Alycen Malone  
158 Barn Owl Loop  
Leander, TX 78641-1881  
[alycenmalone@gmail.com](mailto:alycenmalone@gmail.com)

Charles Ely McCormick  
440 W Pleasantview Dr.  
Hurst, TX 76054-3504  
[chasomcc@gmail.com](mailto:chasomcc@gmail.com)

Charles McCormick  
2035 Woodglen Dr.  
Round Rock, TX 78681-2605  
[chasomcc@gmail.com](mailto:chasomcc@gmail.com)

Erin McCormick  
19926 Park Holw  
San Antonio, TX 78259-1924/  
1250 County Road 208  
Florence, TX 76527-4628  
[erin.mccormick90@gmail.com](mailto:erin.mccormick90@gmail.com)

Joyce McCormick  
2301 Ohlen Rd.  
Austin, TX 78757-7758  
[chasomcc@gmail.com](mailto:chasomcc@gmail.com)

Nickolas McCormick  
1050 County Road 208  
Florence, TX 76527-4277  
[jimmy.nicholasmccormick@gmail.com](mailto:jimmy.nicholasmccormick@gmail.com)

Timothy McDaniel  
1800 County Road 208  
Florence, TX 76527-4235  
[twmcdaniel@hotmail.com](mailto:twmcdaniel@hotmail.com)

Karen Milone  
208 N. Haven Dr.  
Liberty Hill, TX 78642-2387  
[Karen.milone@cnxcorp.com](mailto:Karen.milone@cnxcorp.com)

Henry N. Mulvihill Jr.  
PO Box 831945  
Richardson, TX 75083-1945  
[theplan@swbell.net](mailto:theplan@swbell.net)

Patricia McCormick Mulvihill  
8 Lundys Ln.  
Richardson, TX 75080-2343  
[patmulv@swbell.net](mailto:patmulv@swbell.net)

Joe J. Pacheco  
201 Cowboy Trl.  
Liberty Hill, TX 78642-3954  
[joejpacheco@gmail.com](mailto:joejpacheco@gmail.com)

Chris and Renee Peyton  
121 Night Bloom Path  
Liberty Hill, TX 78642-2365  
[Topher.peyton@gmail.com](mailto:Topher.peyton@gmail.com)  
[renerisingsun@gmail.com](mailto:renerisingsun@gmail.com)

Jennifer Spies  
8907 Rustic Cv.  
Austin, TX 78717-4853  
[jccspies@gmail.com](mailto:jccspies@gmail.com)

Sandra Lee Thurman  
190 County Road 208  
Florence, TX 76527-4472  
[slthurman1951@gmail.com](mailto:slthurman1951@gmail.com)

Brittany D. Varner  
PO Box 1532  
Liberty Hill, TX 78642-1532  
[brittdvarner@gmail.com](mailto:brittdvarner@gmail.com)

Harold Charles Wardlaw and  
Peggy Anne Wardlaw  
19910 Park Rnch.  
San Antonio, TX 78259-1934  
[HaroldWardlaw@gmail.com](mailto:HaroldWardlaw@gmail.com)  
[peggywardlaw@hotmail.com](mailto:peggywardlaw@hotmail.com)

Shannon White-Shubert  
3404 Cortina Ln.  
Round Rock, TX 78681-2417  
[swshubert@gmail.com](mailto:swshubert@gmail.com)

Haziel McCormick Williams  
19926 Park Holw.  
San Antonio, TX 78259-1924  
[haziel.williams@gmail.com](mailto:haziel.williams@gmail.com)

**For Elizabeth Ann Friou  
Natasha J. Martin  
Graves Dougherty Hearon & Moody PC  
401 Congress Ave. Ste. 2700  
Austin, TX 78701-4071  
[nmartin@gdhm.com](mailto:nmartin@gdhm.com)**

**For the North San Gabriel Alliance  
Lauren Ice  
Perales Allmon & Ice PC  
1206 San Antonio St.  
Austin, TX 78701-1834  
[christa@txenvirolaw.com](mailto:christa@txenvirolaw.com)  
[lauren@txenvirolaw.com](mailto:lauren@txenvirolaw.com)**

**For TCEQ Executive Director**

Betsy Peticolas, Staff Attorney  
Environmental Law Division  
(512) 239-6033

Abigail Adkins, Staff Attorney  
Environmental Law Division  
(512) 239-2496

PO Box 13087, MC 173  
Austin, Texas 78711-3087

[Betsy.Peticolas@Tceq.Texas.Gov](mailto:Betsy.Peticolas@Tceq.Texas.Gov)

[Abigail.Adkins@Tceq.Texas.Gov](mailto:Abigail.Adkins@Tceq.Texas.Gov)

AFFIDAVIT OF IDENTITY

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §



TRV           2017090067  
2 PGS

BEFORE ME, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared Elizabeth Ann Friou ("Affiant"), known to me to be the person who subscribed her name below, who, after having first been duly sworn by me, on oath deposes and says:

That she, Affiant, is the same person as Ann Wheelock Friou.

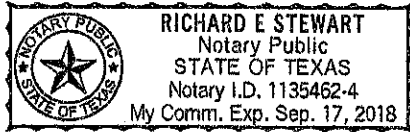
EXECUTED this 28<sup>th</sup> day of May, 2017.

AFFIANT:

Elizabeth Ann Friou  
Elizabeth Ann Friou

SUBSCRIBED AND SWORN TO BEFORE ME this the 28<sup>th</sup> day of May, 2017

2017.



Richard E. Stewart  
NOTARY PUBLIC, State of Texas

My Commission Expires:

Sept. 17, 2018.

Print Name Richard E. Stewart

THE STATE OF TEXAS           §  
  §  
COUNTY OF ~~TRAVIS~~ Hays   §  
  RES

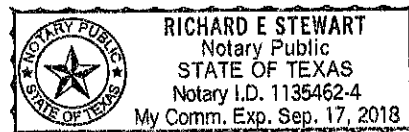
This instrument was acknowledged before me on May 28, 2017, by **Elizabeth Ann Friou**.

[SEAL]

Richard E. Stewart  
NOTARY PUBLIC, State of Texas  
Print Name: Richard E. Stewart

My Commission Expires:

Sept. 17, 2018.



**RETURN**

HURST SAVAGE & VANDERBURG LLP  
814 W 10TH ST  
AUSTIN TX 78701

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Jun 06, 2017 10:22 AM 2017090067

RAMIREZA: \$30.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS