

Texas Commission on Environmental Quality

TO: Office of Chief Clerk, Executive Director and TCEQ Board.

FROM: Daniel S. Lakey

SUBJECT: Disagreement with the Executive Directors findings.

Applicant: Wolf Hollow II Power, LLC

Permit No.: 175173, GHGPSDTX238, and PSDTX1636

Program: Air

Docket No.: 2024-1918-AIR

I am:

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I live .6 miles from the Wolf Hollow II plant.

I disagree with the Executive Directors findings in the 1-3-2025 Letter.

Beginning roughly December, The health of my wife has been significantly deteriorating. She has gone from working full-time to be unable to work at all. She has had multiple car accidents from blackouts while driving, and now has not driven a car in months. We believe this is cause from the pollution coming from Wolf Hollow. In the same period, I have had an inability to sleep. I cannot remember that last night I slept more than 3-4 hours continuous in my home. In December 2024, I spent 3 days in Houston Texas where I experienced 2 nights of full sleep uninterrupted. I believe the pollution is causing my inability to sleep.

I moved into the area thinking it would be safe, but in the past year, the output from Wolf Hollow II has increased. The plant is running more, harder and louder than before. The blow off valves go off more often and the overall quality of life around the plant has deteriorated. Adding a third plant will only make things worse.

Constellation, is not a good neighbor! They are not a trustworthy company. They are not someone that we can trust to monitor their increased emissions. They are not a company that can be trusted to be honest in their dealings with the state of Texas or its representatives. They prove this on a daily basis in their actions in the community and in their filings with the TCEQ. In their reply APPLICANT'S RESPONSE TO REQUESTS FOR RECONSIDERATION AND REQUESTS FOR CONTESTED CASE HEARING, there are misrepresentations and provable lies that they have filed with the state.

First, they claim that the TCEQ cannot deal with noise pollution but spend 70% of the filing defending the noise coming from the property. They then slander me personally in the filing. While the Noise Pollution coming from Constellation property is not part of "Air Quality", there handling of it proves, they are not an honest company and have zero regard for the residence around the plant or the laws of the state of Texas. How can we trust a company to monitor pollution, maintain a safe living area, and protect the environment of Texas and its residents when they are dishonest in their legal filings? In the open hearing when I had my opportunity to speak, this is the area I addressed, I do not, and you should not trust a company that openly pollutes its neighbors while claiming, if you allow it more air pollution, they promise not to be too much air pollution?

On Page 5 of their response, They state "Ms. Cheryl Shadden, who has a prominent sign on her property stating "No Bitcoin Noise." This is a true statement. They then state "Similarly, Mr. Daniel Lakey also put up a sign on his property protesting the bitcoin noise. This is 100% total LIE! I do not appreciate them lying about me at all. They cite 7 Alex Boyer, Residents near Granbury file lawsuit against Bitcoin mining company, FOX 4 NEWS (Oct. 10, 2024, 3:52 PM), <https://www.fox4news.com/news/granbury-bitcoin-mining-lawsuit-noise-complaints>. If you watch the video, there is no indications of any signs on my property. There never has been any signs on my property. Not a political sign, not a no trespassing sign, not beware of dog sign and most definitely not a bitcoin sign. They have told this lie to convince the TCEQ I am only concerned about noise and not about overall pollution.

On page 3 that mention Citizens Concerned About Wolf Hollow ("CCWH") and they make the false claim, "It appears this purported citizens group, which includes several of those who filed hearing requests and requests for reconsideration, is represented and funded by outside, anti-cryptomining interests". The "group" is neighbors working together to protect our neighborhood. We are represented by Earth Justice in a lawsuit against Marathon to mitigate the noise they produce. Earth Justice is not and Anti-cryptomining firm, they are anti-pollution. In order to file the lawsuit, Earth Justice asked us to name the neighborhood for the filing. We are neighbors united, whose life and health are being negatively affected by Constellation and their tenants. We do not have any official group. For the lawsuit, I am 1 of 5 that has the ability to speak for the neighborhood. That is it. ANY implication that we are funded, especially funded by "outside, anti-cryptomining interests" is 100% false and again stated to persuade the TCEQ on false pretenses we do not have an interest in our air quality.

Again, on page 3 Constellation admits to leasing property to Marathon. "Granbury, Texas is the site of a bitcoin mine, which is operated by Marathon Digital Holdings, Inc. ("Marathon"). The bitcoin operation is located on property that has been leased from Applicant." They also make the following admission. "There is an ongoing nuisance lawsuit from damaged citizens against

[Marathon], located on Constellation's Wolf Hollow property. Constellation should deal with resolving this lawsuit before building a new natural gas plant on the Wolf Hollow site." They again admit and recognize there is a noise issue in this statement on page 5. "Noise from the bitcoin mine is the actual issue that concerns residents; the public comments (and litigation) are focused on noise and complaints about bitcoin mining, not environmental issues concerning Applicant." They also on page 7 accept the following. "The Requestors have made it clear that they would like Wolf Hollow to take action to address the noise concerns coming from Marathon." "Those complaints need to be addressed to Marathon." Constellation is fully aware and admits there is a noise problem coming from their property but they claim this is the wrong forum? Stating "Whether or not the residents of Hood County have a valid complaint regarding noise from Marathon's bitcoin mining operation, it is not appropriate to allow the contested case hearing process to be misused as leverage to attempt to somehow resolve Hood County residents' lawsuit against Marathon." This is the correct forum. It shows constellations full understanding they are impacting those around them and complete lack of interest in solving the problem. What will they do if they exceed the proposed pollution levels? What will they do if they exceed allowable operating hours? Lie? Mislead? Stay silent? Exactly, what they are doing about the current noise pollution escaping their property today. Their response here shows they are willing to lie about the neighbors, unwilling to work with them to solve problems, and completely driven by profit. I will ask again How can we trust them not to illegally pollute our air when they already turn a blind eye to the pollution they have coming from their property? How can we give them elevated pollution levels and trust the will maintain them?

Constellation also makes this claim on page 14. "While the vast majority of hearing requests related to air emissions are extremely generic in nature – concerns about "air pollution" and opposition to "air pollutants" – the requests for reconsideration focus on a single air pollutant, mercury, making it the requestors' primary environmental concern (a misguided concern for the reasons discussed below)." We are not scientists and we do not have the means to test the air quality in the area. Has the state? Has the state verified my land does not have elevated pollution levels before allowing Constellation to pollute more? We cannot trust Constellation to tell the truth. Constellation also states this "Natural gas-fired EGUs are not subject to MATS." This is true, but they are implying they do not produce Mercury which is not true. In April of 2024 The EPA Finalized Updates to the Mercury and Air Toxics Standards for Power Plants. There are new restrictions on Gas fired plants. "New gas-fired power plants will be covered under these rules. In particular new base load gas-fired power plants will be required to capture 90% of their carbon dioxide emissions starting in 2032. Intermediate and low load power plants are subject to less stringent standards. Currently operating gas-fired power plants, which account for [approximately 40% of today's power generation](#), are not covered by the new rule. Those plants will be addressed under [a different set of regulations](#). EPA is currently gathering input on these regulations in a [non-regulatory public docket](#)." A low load plant operates under 40% of their capacity. The proposed Wolf Hollow 3 is a low load plant operating (39.95%). However, the new regulations (set to come out) will target these plants to reduce their pollution. Something Constellation is not discussing with the State of Texas or the residents of Hood County. Once built they will not have to meet new higher standards until 2032 or even 2039. They are in a hurry to build a plant they know will not meet the new EPA standards so they can pollute at greater rates for 8-12 years before having to reduce their pollution to new standards. They may be in current regulations, but cannot wait for a

contested hearing, because they will have to follow new guidelines they do not wish to follow. The new regulations will clearly impact plants operating under 40%. Something they are looking to avoid. They are rushing for no reason than to have a lower standard so the can “claim” they are in guidelines.

While I admit, my first letter was about noise, this process is new to me. I thought TCEQ was about pollution, not limited to “Air” Pollution. This is a learning process for all of us. I will still maintain, that Constellation should not be allowed to build a new plant. They wish to build a 39.95% operating plant to avoid the regulations put on a 100% operating plant. Why? To pollute more. They do not want a contested hearing because new regulations on are coming for the under 40% operating plants and they want to pollute more under the grandfather clause from the EP. If they truly cared about the community, they would be building their new plant to the same standards as the 100% plants, but they are not! Constellation will deceive, hide, and Lie in order to build a new plant and create more pollution. How can we trust them? They lied about me? They lied about the people in the neighborhood? They have bought 300 acres for a data mine, bringing more pollution in the area. They are not building a power plant to the same standards as 100% operating plants because the 39.95% allows more pollution than if they requested a 40.05% operating model. They simply are not honest!

This is simply not a company the State of Texas needs to trust with its air quality.

Sincerely,

Daniel S Lakey

From: lakeytx@yahoo.com
To: [EFiling](#)
Subject: Filing on Permit Number/Docket Number 2024-1918-AIR
Date: Thursday, January 30, 2025 2:25:59 PM
Attachments: [Air.docx](#)

FILING CONFIRMATION NUMBER 174519542025030

REGULATED ENTY NAME WOLF HOLLOW II

RN NUMBER: RN108779729

PERMIT NUMBER: PSDTX1636

DOCKET NUMBER: 2024-1918-AIR

COUNTY: HOOD

PRINCIPAL NAME: WOLF HOLLOW II POWER LLC, CN604679639

FROM

FILED BY: Deanna E Lakey

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DOCUMENT NAME: Air.docx

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is for Commission consideration at an open meeting, General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.