

**TCEQ AIR QUALITY PERMIT NUMBER 177380, PSDTX1650, and GHGPSDTX244
TCEQ DOCKET NUMBER 2025-1310-AIR**

APPLICATION BY	§	BEFORE THE
SL ENERGY POWER PLANT I, LLC	§	TEXAS COMMISSION ON
SL ENERGY POWER PLANT I	§	ENVIRONMENTAL QUALITY
LEXINGTON, LEE COUNTY	§	

**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR
RECONSIDERATION**

I. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for reconsideration and contested case hearing submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Tex. Health & Safety Code (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.¹ This statute is implemented through the rules in 30 Tex. Admin. Code (TAC) Chapter 55, Subchapter F.

Maps showing the location of the proposed plant are included with this Response and have been provided to all hearing requesters listed on the service list for this application. In addition, a current compliance history report, technical review summary, and a copy of the draft permit prepared by the Executive Director’s staff have been filed as backup material for the commissioners’ agenda. The Executive Director’s Response to Public Comment (RTC), which was transmitted by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the Commission’s consideration.

II. PLANT DESCRIPTION

SL Energy Power Plant I, LLC (Applicant) has applied to TCEQ for a New Source Review Authorization under THSC § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct the SL Energy Power Plant I. The facility is proposed to be located at the following driving directions: from Lexington, head west on Farm-to-Market Road 112/ Farm-to-Market Road 696 West for 1.1 miles. Turn left onto Farm-to-Market Road 696 West and travel 10.4 miles. Turn right on County Road 306 and travel 1.6 miles. Take a slight right to stay on County Road 306 and travel 0.8 mile to site, Lexington, Lee County, Texas 78947.

The facility will emit the following contaminants: carbon monoxide, hazardous air pollutants (HAPs), nitrogen oxides (NO_x), organic compounds, particulate matter, including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively), sulfur dioxide, and sulfuric acid mist. The proposed facility will also emit greenhouse gases.

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the “Rules” link on the TCEQ website at www.tceq.texas.gov.

III. PROCEDURAL BACKGROUND

Before work begins on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 177380, Prevention of Significant Deterioration (PSD) Permit Number PSDTX1650, and Greenhouse Gas (GHG) Permit Number GHGPSDTX244. The permit application was received on August 29, 2024, and declared administratively complete on September 4, 2024. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI, first public notice) for this permit application was published in English on September 12, 2024, in the *Austin American-Statesman* and in Spanish on September 17, 2024, in *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for Air Quality Permits (NAPD, second public notice) was published on March 20, 2025, in English in the *Austin American-Statesman* and in Spanish on March 19, 2025, in *La Prensa Comunidad*. A public meeting was held on April 24, 2025, at the American Legion Hall Post 6, 304 South Rockdale Street, Lexington, Texas 78947. The Notice of Public Meeting was mailed on March 21, 2025. The public comment period ended on April 24, 2025. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The Executive Director's RTC was filed with the Chief Clerk's Office on July 18, 2025, and instructions on how to access the electronic document or request a hard copy were transmitted to all interested persons on July 24, 2025, including those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision. The letter also explained that hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis they dispute, in addition to listing any disputed issues of law or policy.

The time for requests for reconsideration and hearing requests ended on August 25, 2025. TCEQ received timely hearing requests that were not withdrawn from the following persons: Brian Dickey, Heidi Graham, and Perales, Allmon & Ice, P.C. on behalf of Move the Gas Plant (MTGP). TCEQ received timely requests for reconsideration from the following persons: Brian Dickey, Heidi Graham, Rebecca Green, and Amy Magnuson.

IV. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION

Any person may file a request for reconsideration of the Executive Director's decision. However, for the Commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the Executive Director's decision; and give reasons why the decision should be reconsidered.

V. RESPONSE TO REQUESTS FOR RECONSIDERATION

Although the Executive Director determined that the permit application meets the applicable rules and requirements, a final decision to approve the draft permit has not been made. The application must be considered by the commissioners of the TCEQ at a

regularly scheduled public meeting before any final action can be taken on the application.

TCEQ received timely requests for reconsideration from Brian Dickey, Heidi Graham, Rebecca Green, and Amy Magnuson. In general, the requests for reconsideration raised concerns that the Executive Director responded to in the RTC. Where a response was not directly mentioned, the Executive Director will respond to the requests for reconsideration under the RTC Response that best matches the issue or concern. The Executive Director provides the following response to the requests for reconsideration:

COMMENT 1: Health Effects / Air Quality / Cumulative Effects

Amy Magnuson requests reconsideration due to concerns about adverse impacts to her health. Ms. Magnuson states that she has Graves disease and is concerned that operation of the proposed plant will exacerbate her symptoms. Ms. Magnuson also requests reconsideration due to concerns that operation of the plant will adversely impact air quality and result in pollution.

Brian Dickey and Heidi Graham request reconsideration due to concerns about the Additional Impacts Analysis completed as part of the PSD Air Quality Analysis. Mr. Dickey and Ms. Graham are concerned about the accuracy of the Applicant's growth analysis as it relates to future development in the area.

EXECUTIVE DIRECTOR'S RESPONSE 1: The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, potential impacts to human health and welfare or the environment are determined by comparing the Applicant's proposed air emissions to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules. Response 1 of the RTC includes an evaluation of this project's impacts in relation to NAAQS, TCEQ ESLs, and TCEQ rules.

As explained in Response 1, the Applicant performed an Additional Impacts Analysis as part of the PSD AQA. The applicant conducted a growth analysis and determined that population will not significantly increase as a result of the proposed project. The growth analysis consists of estimating how much new growth (residential, industrial, commercial, or other growth) is likely to occur in the area to support the proposed permit under review. The Additional Impacts Analyses are reasonable, and possible adverse impacts from this project are not expected.

Based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of proposed emission rates associated with this project.

COMMENT 5: Monitors/Monitoring for Air Quality Analysis

Brian Dickey and Heidi Graham request reconsideration due to concerns about the lack of air monitors in the surrounding area of the plant. Mr. Dickey and Ms. Graham also request that the Applicant be required to install an air monitoring station within a mile of the proposed plant.

EXECUTIVE DIRECTOR'S RESPONSE 5: As explained in Response 5, due to cost and logistical constraints, monitors are not typically placed to measure the impacts from specific industrial facilities. The placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues. The Executive Director also provided information on the Annual Monitoring Network Plan and how to make requests for additional air monitoring or identifying air monitoring needs.

COMMENT 8: Application Representations/Review Process/Emission Calculations

Brian Dickey and Heidi Graham request reconsideration due to concerns about the accuracy of the manufacturer's guarantee as it relates to the varieties of fuel sources and possible differences in gas composition that may be used by the facility.

EXECUTIVE DIRECTOR'S RESPONSE 8: VOC emissions, including heavier hydrocarbons, from this facility were determined by the manufacturer's data and guarantee for the turbines, and mathematical equations calculated according to the EPA's Compilation of Air Pollutant Emission Factors, AP-42 Manual. Emissions of individual greenhouse gas chemicals, including methane and carbon dioxide, from this facility were determined by EPA's list of default emission factors for the use of natural gas in general stationary fuel combustion sources, as provided in 40 CFR Tables C-1 and C-2 to Subpart C of Part 98. Natural gas composition can vary depending on the field quality. However, these emissions accommodate any field quality or pipeline quality natural gas. TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum material throughput on both an hourly and an annual basis. The analysis also conservatively assumed the operating schedule of facilities or activities at the site as 24 hours per day.

Once all emission rates have been verified, the draft permit is created. The draft permit includes a Maximum Allowable Emissions Rate Table (MAERT) which limits the quantity of emissions an applicant can emit into the atmosphere. The draft permit also includes the operational representations which are documented in the draft Special Conditions and are the basis upon which the emissions were determined. The Special Conditions included within this permit will require stack testing to be conducted under worst case conditions to verify the preliminary vendor provided data. This sampling shall occur within 60 days after achieving the maximum operating rate, including the maximum natural gas flow rate, at which the turbine will be operated, but no later than 180 days after initial start-up of the unit, and at such other times as may be required by the TCEQ Executive Director.

In Response 8, the Executive Director explained that as provided in 30 TAC § 116.116(a), the Applicant is bound by its representations in the application and those representations become an enforceable part of the permit, including production rates, authorized emission rates, equipment, and represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits listed in the MAERT. If the Applicant deviates

from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action. Additional proposals to modify or alter a permit after it has been issued requires an Applicant to submit another permit application for review.

COMMENT 10: Draft Permit/Compliance with Permit

Brian Dickey and Heidi Graham requested reconsideration due to concerns about potential compliance issues with the applicant, as their request for reconsideration detailed a number of complaints against the Applicant.

EXECUTIVE DIRECTOR'S RESPONSE 10: In Response 10, the Executive Director explained the process for individuals to report nuisance issues or suspected noncompliance. Response 10 also explained the use of citizen collected evidence in an enforcement proceeding, per 30 TAC § 70.4.

COMMENT 11: Location / Zoning / Historic Sites

Rebecca Green requests reconsideration due to concerns about the location of the proposed plant. Ms. Green suggested that the Applicant choose a more suitable location that is not near a church, historic sites, and homes. She asks that the Applicant consider moving the plant to another area of their property.

EXECUTIVE DIRECTOR'S RESPONSE 11: The Executive Director explained in Response 11 that TCEQ generally does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. Additionally, TCEQ also does not consider the location of historic sites or conduct a land use review of historic sites for air quality permit applications.

COMMENT 12: Traffic / Trucks / Roads

Amy Magnuson requests reconsideration due to concerns that operation of the proposed plant will cause an increase of traffic in the area.

EXECUTIVE DIRECTOR'S RESPONSE 12: As explained in Response 12, TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. For many authorizations, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application. Although TCEQ rules prohibit creation of a nuisance, TCEQ does not have jurisdiction to consider traffic, road safety, or road repair costs when determining whether to approve or deny a permit application.

COMMENT 17: Miscellaneous

Brian Dickey and Heidi Graham request reconsideration due to concerns about the lease agreements and business relationships between the Applicant and third parties.

EXECUTIVE DIRECTOR'S RESPONSE 17: As discussed in Response 17, comments regarding an Applicant's business relationships are outside the scope of the air permit review or do not pertain to the current project or site. Furthermore, TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements.

VI. THE EVALUATION PROCESS FOR HEARING REQUESTS

A. Response to Hearing Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;

- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requester be an Affected Person/ "Affected Person" Status

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
 - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the Commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the Commission. In addition, Commission rules also include a general prohibition against

causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the Commission to consider, to the extent consistent with case law:

- 1) the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
- 2) the analysis and opinions of the Executive Director; and
- 3) any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, requests for a contested case hearing by a group or association, on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

VII. ANALYSIS OF THE HEARING REQUESTS

TCEQ received timely hearing requests that were not withdrawn from the following persons: Brian Dickey, Heidi Graham, and Perales, Allmon & Ice, P.C. on behalf of Move the Gas Plant (MTGP). The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requesters qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

1. Brian Dickey

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Brian Dickey is not an affected person.

Mr. Dickey submitted one hearing request during the comment period and two hearing requests during the hearing request period. His hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. Mr. Dickey attached his initial hearing request made during the comment period to his hearing request made during the hearing request period. Mr. Dickey stated that his residence is less than 3,000 feet from the proposed plant. The hearing requests raise concerns about adverse health effects, as the family suffers from health issues including asthma, lung cancer, heart conditions, and sensitivity to exposure to chemicals. The hearing requests also raised concerns about potential damage to their property, lowered property values, and an increase in traffic and road deterioration. Other concerns raised include noise pollution, light pollution, adverse impacts to surface water and groundwater, and adverse impacts to local flora and fauna, particularly the Houston Toad.

Based on the address provided, the Executive Director determined that Mr. Dickey resides approximately 1.11 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The Executive Director required and reviewed a detailed modeling analysis to evaluate air emission impacts to ambient air adjacent to and surrounding the facility. These reviews concluded that the project emissions would result in ambient concentrations below relevant National Ambient Air Quality Standards (NAAQS). In addition, an evaluation of impacts from emissions from pollutants without a NAAQS demonstrated that the project would result in ambient concentrations below TCEQ effects screening levels. Notably, these analyses are focused on areas of highest concentration, which were within 160 meters (525 feet) of the modeled site. Accordingly, as requesters extend in distance from the facility, the likelihood of any impacts to their health continue to diminish and provide an even greater margin of safety. For these reasons, and given the distance of Mr. Dickey's address relative to the location of the plant, his health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the Commission find that Brian Dickey is not an affected person.

In his hearing request, Mr. Dickey raised the following issues:

Issue 1: Whether the proposed permits are protective of human health.

Issue 2: Whether operation of the proposed plant will adversely affect air quality.

Issue 3: Whether the proposed permits are protective of flora and fauna, including livestock and local wildlife.

Issue 4: Whether operation of the proposed plant would result in the Austin Metro Area becoming nonattainment for ozone and PM_{2.5}.

Issue 5: Whether the proposed permit accurately includes all BACT requirements.

Issue 6: Whether the proposed permit includes accurate emission rates and calculations.

Issue 7: Whether the proposed permit reflects accurate modeling and considers background emission calculations.

Issue 8: Whether the proposed permit includes all applicable rule requirements, including the emission limits of 30 TAC § 111.153(c).

Issue 9: Whether operation of the proposed plant will contribute to nuisance noise or nuisance light pollution.

Issue 10: Whether operation of the proposed plant will adversely impact property values or the use and enjoyment of the property.

Issue 11: Whether tax abatements, tax benefits, or business contracts of the Applicant were considered during permit application review.

Issue 12: Whether the proposed plant location is appropriate.

Issue 13: Whether the proposed plant would adversely impact traffic and road conditions.

Issue 14: Whether operation of the proposed plant would adversely impact surface water and groundwater of the surrounding area.

Issue 15: Whether a full impacts analysis was completed regarding the Houston Toad.

2. Heidi Graham

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Heidi Graham is not an affected person.

Mr. Brian Dickey submitted one hearing request during the comment period and two hearing requests during the hearing request period on behalf of his wife, Heidi Graham. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Mr. Dickey attached his initial hearing request made on behalf of Heidi Graham during the comment period to his hearing request made during the hearing request period. Mr. Dickey stated that his and Ms. Graham's residence is less than 3,000 feet from the proposed plant. The hearing requests raise concerns about adverse health effects, as the family suffers from health issues including asthma, lung cancer, heart conditions, and sensitivity to exposure to chemicals. The hearing requests also raised concerns about potential damage to their property, lowered property values, and an increase in traffic and road deterioration. Other concerns raised include noise pollution, light pollution, adverse impacts to surface water and groundwater, and adverse impacts to local flora and fauna, particularly the Houston Toad.

Based on the address provided, the Executive Director determined that Ms. Graham resides approximately 1.11 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the

dispersion and effects of individual air contaminants emitted from a plant. The Executive Director required and reviewed a detailed modeling analysis to evaluate air emission impacts to ambient air adjacent to and surrounding the facility. These reviews concluded that the project emissions would result in ambient concentrations below relevant National Ambient Air Quality Standards (NAAQS). In addition, an evaluation of impacts from emissions from pollutants without a NAAQS demonstrated that the project would result in ambient concentrations below TCEQ effects screening levels. Notably, these analyses are focused on areas of highest concentration, which were within 160 meters (525 feet) of the modeled site. Accordingly, as requesters extend in distance from the facility, the likelihood of any impacts to their health continue to diminish and provide an even greater margin of safety. For these reasons, and given the distance of Ms. Graham's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the Commission find that Heidi Graham is not an affected person. The following issues were raised in the hearing request:

Issue 1: Whether the proposed permits are protective of human health.

Issue 2: Whether operation of the proposed plant will adversely affect air quality.

Issue 3: Whether the proposed permits are protective of flora and fauna, including livestock and local wildlife.

Issue 4: Whether operation of the proposed plant would result in the Austin Metro Area becoming nonattainment for ozone and PM_{2.5}.

Issue 5: Whether the proposed permit accurately includes all BACT requirements.

Issue 6: Whether the proposed permit includes accurate emission rates and calculations.

Issue 7: Whether the proposed permit reflects accurate modeling and considers background emission calculations.

Issue 8: Whether the proposed permit includes all applicable rule requirements, including the emission limits of 30 TAC § 111.153(c).

Issue 9: Whether operation of the proposed plant will contribute to nuisance noise or nuisance light pollution.

Issue 10: Whether operation of the proposed plant will adversely impact property values or the use and enjoyment of property.

Issue 11: Whether tax abatements, tax benefits, or business contracts of the Applicant were considered during permit application review.

Issue 12: Whether the proposed plant location is appropriate.

Issue 13: Whether the proposed plant would adversely impact traffic and road conditions.

Issue 14: Whether operation of the proposed plant would adversely impact surface water and groundwater of the surrounding area.

Issue 15: Whether a full impacts analysis was completed regarding the Houston Toad.

3. Perales, Allmon & Ice P.C. on behalf of Move the Gas Plant (MTGP)

a) Whether the group or association submitted timely comments on the application.

MTGP submitted four written comments and requests for a contested case hearing during the comment period and three contested case hearing requests during the hearing request period. MTGP also left an oral comment at the public meeting, and several members of the group submitted timely comments. Therefore, the Executive Director recommends that the Commission find that MTGP has met this requirement of associational standing.

b) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

MTGP identified several members of their group that it asserts would otherwise have standing to request a hearing in their own right. MTGP identified the following members of their group: Rachel Cain Bailey, Hugh Brown, Susan Davis, William Davis, Brian Dickey, Lucia Dodson, Kourtney Jirasek, Tonya Leslie, Tim Leslie, Trish Siler, and Donna Westbrook. Kourtney Jirasek and Donna Westbrook withdrew their hearing request on September 23, 2025, and September 24, 2025, respectively.

The remaining individuals cited by MTGP are all at least 0.73 miles away from the facility. As noted above, the Executive Director required and reviewed a detailed modeling analysis to evaluate air emission impacts to ambient air adjacent to and surrounding the facility. These reviews concluded that the project emissions would result in ambient concentrations below relevant National Ambient Air Quality Standards (NAAQS). In addition, an evaluation of impacts from emissions from pollutants without a NAAQS demonstrated that the project would result in ambient emissions below TCEQ effects screening levels. Notably, these analyses are focused on areas of highest concentration, which were within 160 meters (525 feet) of the modeled site. Accordingly, as requesters extend in distance from the facility, the likelihood of any impacts to their health continue to diminish and provide an even greater margin of safety. Therefore, even though some of the members cited by MTGP are as close as 0.73 miles from the proposed facility, the Executive Director believes that, based on its technical analysis, that they are unlikely to be affected in a manner different from the public, and therefore recommends denying MTGP's hearing request.

c) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

As described in their hearing request, MTGP is a non-profit community membership organization based in Lexington, Texas, dedicated to protecting its community and its members' interests from the harmful effects on air quality that would be caused by the proposed Plant's construction and operations. Therefore, the Executive Director recommends that the Commission find that MTGP has met this requirement for associational standing.

d) Whether the claim asserted, or the relief requested requires the participation of the individual members of the case.

The relief requested does not require the participation of individual members of the case. Therefore, the Executive Director recommends that the Commission find that the MTGP has met this requirement of associational standing.

While MTGP met certain requirements for associational standing under 30 TAC § 55.205(b), it did not identify a member entitled to standing in their own right. Therefore, the Executive Director recommends that the Commission find that MTGP is not an affected organization, and further deny their hearing request.

In their hearing request, MTGP raised the following issues that were also raised in their timely comments:

Issue 1: Whether the proposed permits are protective of human health.

Issue 2: Whether operation of the proposed plant will adversely affect air quality.

Issue 4: Whether operation of the proposed plant would result in the Austin Metro Area becoming nonattainment for ozone and PM_{2.5}.

Issue 5: Whether the proposed permit accurately includes all BACT requirements.

Issue 6: Whether the proposed permit includes accurate emission rates and calculations.

Issue 7: Whether the proposed permit reflects accurate modeling and considers background emission calculations.

Issue 8: Whether the proposed permit includes all applicable rule requirements, including the emission limits of 30 TAC § 111.153(c).

VIII. WHETHER ISSUES RAISED ARE REFERABLE TO SOAH FOR A CONTESTED CASE HEARING

The issues listed above were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.² However, the Executive Director does not recommend referral of any issues, because there are no affected persons in this matter.

IX. CONCLUSION

The Executive Director respectfully recommends that the Commission:

- 1) Deny the requests for reconsideration filed by Brian Dickey, Heidi Graham, Rebecca Green, and Amy Magnuson;
- 2) Find that Brian Dickey and Heidi Graham are not affected persons and deny their hearing requests; and
- 3) Find that Move the Gas Plant (MTGP) is not an affected association and deny their hearing request.

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on this 26th day of September 2025, a true and correct copy of the “Executive Director’s Response to Hearing Requests and Requests for Reconsideration” for Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244 was served on all persons on the service list by the undersigned via electronic filing, electronic mail, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Elizabeth Black, Staff Attorney
Environmental Law Division

Attachment A

Appendix A for SL Energy Power Plant I, LLC

ID	Name	Address	Lat	Long	Distance to Facility Point (Miles)
1	Rachel Cain Bailey	6059 County Road 309 Lexington, TX 78947	30.413486	-97.176544	0.73
2	Hugh Brown	3036 County Road 316 Lexington, TX 78947	30.413741	-97.159047	1.70
3	Susan Davis	3700 County Road 481 Thrall, TX 76578	30.441481	-97.208683	2.02
4	Wiliam Davis	3700 County Road 481 Thrall, TX 76578	30.441481	-97.208683	2.02
5	Brian Dickey	1161 Private Road 3063 Lexington, TX 78947	30.424181	-97.204503	1.11
6	Lucia Dodson	1541 County Road 312 Thrall, TX 76578	30.430527	-97.198395	1.05
7	Julie Drake	1483 County Road 312 Thrall, TX 76578	30.430623	-97.195762	0.96
8	Kevin Drake	1483 County Road 312 Thrall, TX 76578	30.430623	-97.195762	0.96
9	Heather Graham	1161 Private Road 3063 Lexington, TX 78947	30.424181	-97.204503	1.11
10	Kourtney Jisarek	1371 County Road 312 Thrall, TX 76578	30.428156	-97.193676	0.75

11	Tim Leslie	1425 County Road 312 Lexington, TX 78947	30.430132	-97.193848	0.87
12	Tonya Leslie	1425 County Road 312 Lexington, TX 78947	30.430132	-97.193848	0.87
13	Trish Siler	1501 County Road 312 Thrall, TX 76578	30.429801	-97.197601	0.98
14	Donna Westbrook	6209 County Road 309 Lexington, TX 78947	30.416887	-97.183863	0.23

SL Energy Power Plant I, LLC

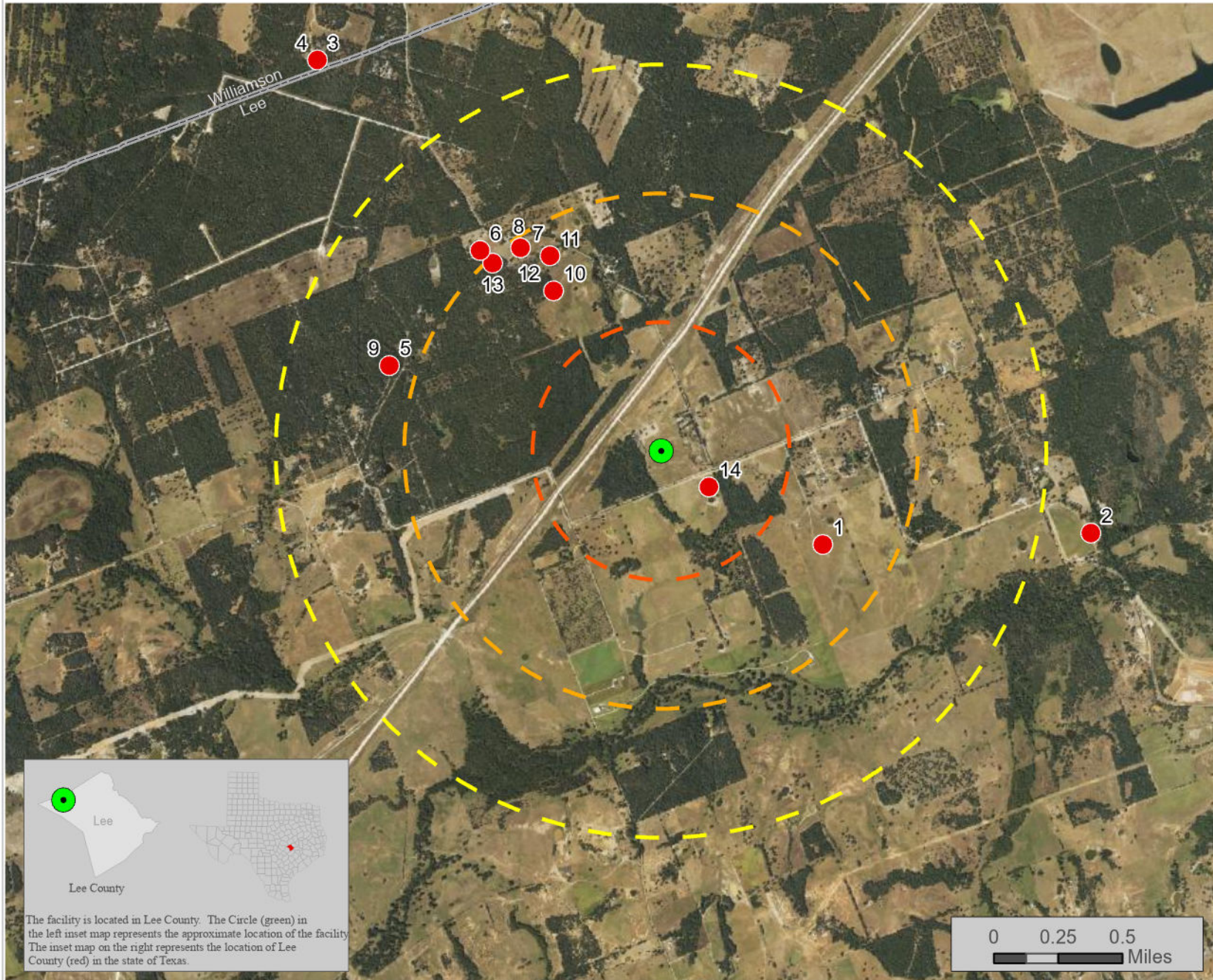
TCEQ Air Quality Permit No. 177380, PSDTX1650, and GHGPSDTX244

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 9/10/2025
CRF 0127614
Cartographer: AProvenc



- Requestors
- Facility Point
- ⏏ 0.5 Mile Radius
- ⏏ 1.0 Mile Radius
- ⏏ 1.5 Mile Radius
- County Boundary

Requestor distances from
Facility Point in Appendix A.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in Lee County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Lee County (red) in the state of Texas.

MAILING LIST
SL Energy Power Plant I, LLC
TCEQ Docket No./TCEQ Expediente N.º 2025-1310-AIR;
Air Permit No./Air Permiso N.º 177380, PSDTX1650, and GHGPSDTX244

FOR THE APPLICANT/PARA EL
SOLICITANTE

Tommy Hodges, Chief Operating Officer
SL Energy Power Plant I, LLC
2100 Ross Avenue, Suite 895
Dallas, Texas 75201

REQUESTER(S)/SOLICITANTE(S)/
INTERESTED PERSON(S)/PERSONA(S)
INTERESADA(S)

See attached list/Ver listado adjunto.

FOR THE EXECUTIVE DIRECTOR/PARA EL
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FOR ALTERNATIVE DISPUTE
RESOLUTION/PARA LA RESOLUCIÓN
ALTERNATIVA DE DISPUTAS

via electronic mail/vía correo electrónico:

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Alternative Dispute Resolution, MC-222
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