

TCEQ DOCKET NO. 2025-1310-AIR

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

MTGP’S REPLY TO RESPONSES TO HEARING REQUESTS

TO THE HONORABLE COMMISSIONERS:

Neighbors for Neighbors, Inc., d/b/a Move the Gas Plant (“MTGP”) hereby submits this Reply to the Responses to Hearing Requests by SL Energy Power Plant I, LLC (the “Applicant” or “SL Energy”), the Executive Director (“ED”), and the Office of Public Interest Counsel (“OPIC”) regarding the Application by SL Energy Power Plant I, LLC for Proposed Air Quality Permit Nos. 177380, PSDTX1650, and GHGPSDTX244. The proposed permit would authorize construction and operation of the SL Energy Power Plant I (the “Plant”) in Lexington, Lee County, Texas. For the reasons given below, MTGP urges the Commission to find that MTGP is an “affected person,” grant its timely-filed hearing requests,¹ and refer the issues raised in these requests to the State Office of Administrative Hearings (“SOAH”) for a contested case hearing.

¹ Each request filed by MTGP was timely. The Applicant incorrectly contends that any hearing request filed after Saturday, August 23, 2025 should not be considered. However, because the 30th day after the Chief Clerk’s mailing of the response to Comments fell on a Saturday, the hearing request period ran until the end of the next day that was not a Saturday, Sunday or legal holiday (Monday, August 25, 2025) pursuant to 30 Tex. Admin. Code § 1.7.

I. MTGP's requests identify members who are affected persons.

As acknowledged by the ED,² MTGP has identified members with property interests within one mile of proposed emission sources. MTGP's requests have described these members' concerns related to their health, the health of their family members, and their use and enjoyment of property. These detailed interests are protected under Texas Health & Safety Code Chapter 382, and are reasonably related to the Plant's operations to be authorized under the proposed permit. Based on the location of their property and the nature of their interests, each identified MTGP member has a personable justiciable interest.³ Accordingly, MTGP has satisfied the requirement to identify one or more members who would have standing to request a hearing in their own right, as well as all other requirements of 30 Tex. Admin. Code § 55.205.⁴

MTGP members will be affected by increased levels of pollutants caused by SL Energy operations. Exceedances of National Ambient Air Quality Standards ("NAAQS")

² ED's Response to Hearing Requests at 12 and Attachment A.

³ The only meaningful disagreement concerning MTGP's requests is whether MTGP has identified affected members who would otherwise have standing in their own right. However, to create a smokescreen diverting attention from the relevant legal analysis, Applicant contends that MTGP has misused the public participation process. The unfounded assertion is based only on the fact that two members publicly have noted some of the possible consequences of a hearing. But the noted comments are not inconsistent with MTGP's environmental concerns, nor do the Commission's rules allow for a litmus test and second-guessing of strategies in opposing the placement of a polluting power plant in MTGP members' neighborhood. The overall concern of MTGP is the protection of air quality and the health and interests of its members. All MTGP statements and strategies referenced by the Applicant are encompassed within this overarching purpose.

⁴ For applications filed on or after September 1, 2015, a request by a group or association for a contested case may not be granted unless all of the following requirements are met: (1) comments on the application are timely submitted by the group or association; (2) the request identifies, 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 are germane to the organization's purpose; and (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case. 30 Tex. Admin. Code § 55.205(b).

de minimis levels are predicted for six criteria pollutants as a result of the Plant's emissions.⁵ For example, the predicted maximum ground level concentration of PM_{2.5} for a 24-hour averaging period is 9 µg/m³ (in excess of the NAAQS *de minimis* level of 1.2 µg/m³), and the predicted maximum ground level concentration of PM_{2.5} for an annual averaging time period is 1.35 µg/m³ (in excess of the *de minimis* level of 0.13 µg/m³).⁶ Thus, even the Applicant's modeling (which MTGP challenges in its requests), and the ED's own reporting of location information for MTGP members,⁷ logically supports the conclusion that MTGP members would experience elevated levels of PM_{2.5} and other pollutants exceeding NAAQS *de minimis* levels.

The ED "believes"⁸ that the impact of the proposed facility upon MTGP members would be too small for these members to be affected persons. In stating this belief, the ED relies in part on SL Energy's modeling results representing that maximum concentrations of criteria pollutants would be below *de minimis* levels, or otherwise below the applicable NAAQS.⁹ Then, for other pollutants without NAAQS, the ED emphasizes that maximum ground level concentrations of contaminants occurring at a distance of 160 meters (or 525 feet) from emission sources are predicted to be below the state's effects screening levels.¹⁰ The inference to be drawn is an ED position that even if a person is only 525 feet from emission sources, they would not experience an adverse impact from the Plant's emissions.

⁵ See Applicant's Response to Hearing Requests at 12.

⁶ See Applicant's Response to Hearing Requests at 12.

⁷ See ED's Response to Hearing Requests Attachment A.

⁸ See ED's Response to Hearing Requests at 12.

⁹ *Id.*

¹⁰ *Id.*

Following the reasoning provided for the ED's recommendation to deny MTGP's requests, no member of the public could ever be considered an "affected person" on any application. The ED always makes a determination that an application meets applicable requirements before hearing requests are evaluated by the Commission. The ED's reasoning ignores the fact that MTGP has raised issues that *dispute* the sufficiency of the Application and *dispute* the accuracy and reliability of Applicant's modeling and the sufficiency of the ED's technical review.

Furthermore, it must be noted that the ED commonly reduces the "affected person" inquiry to a bright-line issue of whether a person's property is located within one mile of a permitted emission point. Here, the ED's analysis is not only flawed, but also perplexingly inconsistent with past determinations and recommendations.

For example, earlier this year, the ED recommended granting several hearing requests on the application by Wolf Hollow II Power, LLC ("Wolf Hollow") for a permit authorizing operation of new power generation facilities in Granbury, Hood County, Texas (the "Wolf Hollow Application").¹¹ On February 13, 2025, the Commission granted four of these requests, and referred the following issues for hearing: (1) whether the draft permit will be protective of the health of requesters, their families, and their animals, livestock, and wildlife; and (2) whether the draft permit will be protective of air quality.¹² The four requesters that the Commission found to be affected persons had property and related

¹¹ TCEQ Air Quality Permit Nos. 175173 and PSDTX1636.

¹² See Interim Order concerning the Application by Wolf Hollow II Power, LLC for Air Quality Permit Nos. 175173 and PSDTX1636; TCEQ Docket No. 2024-1918-AIR (**Attachment A** to this Brief).

interests located at respective distances of 0.50 miles (one requester), 0.75 miles (two requesters), and 0.85 miles (one requester) from emission sources. As shown in Table 1 below, a comparison of predicted maximum ground level concentrations shows that pollutant levels for SL Energy would be *higher* than the levels that were predicted for Wolf Hollow for the following criteria pollutants and averaging times: SO₂ 1-hour; SO₂ 3-hour; PM₁₀ 24-hour; PM₁₀ annual; PM_{2.5} 24-hour; PM_{2.5} annual; NO₂ annual; CO 1-hour; and CO 8-hour.¹³

Table 1: Comparison of GLC_{MAX} Levels Provided by Wolf Hollow and SL Energy

Pollutant and Averaging Period	<i>De Minimis</i> GLC_{MAX} (µg/m³)	Wolf Hollow GLC_{MAX} (µg/m³)	SL Energy GLC_{MAX} (µg/m³)
SO ₂ 1-hour	7.8	1.87	4.1
SO ₂ 3-hour	2.5	1.06	4
PM ₁₀ 24-hour	5	1.83	9
PM ₁₀ Annual	1	0.36	1.4
PM _{2.5} 24-hour	1.2	4.28	9
PM _{2.5} Annual	0.13	0.67	1.35
NO ₂ Annual	1	0.58	2
CO 1-hour	2000	181	1251
CO 8-hour	500	19	983

In addition, as Table 1 shows, the SL Energy air quality analyses predict that six NAAQS *de minimis* emission levels will be exceeded, whereas the analyses for Wolf Hollow predicted three exceedances of NAAQS *de minimis* levels. Furthermore, for two pollutant levels above *de minimis* that SL Energy and Wolf Hollow have in common, SL

¹³ The information regarding maximum predicted ground level concentrations of pollutants for the Wolf Hollow facility is taken from the January 17, 2025 Wolf Hollow Applicant's Response to Requests for Reconsideration and Requests for Contested Case Hearing (**Attachment B** to this Brief) at 8. The information for SL Energy is taken from this Applicant's Response to Hearing Requests at 12.

Energy's predicted total maximum ground level concentrations of PM 2.5 24-hour and PM 2.5 annual *exceed* the levels predicted for Wolf Hollow.¹⁴

But in evaluating the pending hearing requests for SL Energy, the ED not only dismissed the affected person status of MTGP members beyond one mile, but also dismissed affected persons much closer to emission sources. For example, the ED has confirmed that the location of affected MTGP member Trish Siler's property is within one mile of the proposed Plant. As discussed in MTGP's requests, Ms. Siler is a disabled U.S. Army veteran who was exposed to toxic emissions from burning oil fields, among numerous other toxic emission sources, while she served in the Gulf War. Emissions from the proposed Plant would adversely affect Ms. Siler's health by exacerbating her existing health conditions, which include migraines, thyroid nodules, fibromyalgia, and multiple chemical sensitivity (MCS). MTGP has further explained that this affected member and her family spend much of their time outdoors gardening, tending to their cows, goats, and chickens, and enjoying a variety of other outdoor recreational activities. MTGP has demonstrated that Ms. Siler is an affected person with a personal justiciable interest not common to the general public. Yet, under the ED's analysis, this member would be denied the contested case hearing to which she and her family are entitled under state law.

Likewise, Bill and Susan Davis have provided a sufficient explanation of their personal justiciable interests. As MTGP discussed in its hearing requests, the Applicant's

¹⁴ The NAAQS analysis provided for Wood Hollow predicted total maximum ground level concentrations (including background concentrations) as follows: 21.79 µg/m³ for PM 24-hour; and 8.45 µg/m³ for PM 2.5 Annual. *See* Attachment B at 9. The analysis provided for the SL Energy Application predicts such total maximum concentrations as follows: 26 µg/m³ for PM 2.5 24-hour; and 8.6 µg/m³ for PM 2.5 Annual. *See* Applicant's Response to Hearing Requests at 12.

flawed modeling cannot support a conclusion that neighboring residents and landowners are unlikely to experience health impacts or diminished air quality. In the experience of Mr. and Ms. Davis, the prevailing winds and the varying elevations of land in the area of the Plant have not been evaluated properly to account for likely impacts on their health and their use and enjoyment of property. The modeling assumes the area around the Plant is flat; however, this is an inaccurate characterization of the topography. Also, as MTGP discussed in its requests, the monitoring data used for evaluating background levels of contaminants is not from the local area and not representative of local conditions. In short, there's no justification for many of the assumptions used in the modeling. In addition, for all other reasons detailed in Dr. Sahu's report included with MTGP's requests, the modeling is flawed. MTGP notes again that threshold party standing determinations cannot be based on a presumption that the Applicant and ED ultimately would prevail on substantive disputed issues (such as the accuracy and reliability of modeling and predicted emission levels).

While there is no bright-line distance test, proximity to emission sources is a factor to be considered for affected person analyses under 30 Tex. Admin. Code § 55.203. Considering their interests in protecting their health and use and enjoyment of their property, their proximity to emission sources, and all other factors in 30 Tex. Admin. Code § 55.203, identified MTGP members are affected persons with a personal justiciable interest affected by the Application in a manner that is not common to members of the general public.

II. Applicable law requires the granting of MTGP’s hearing request.

The analysis of a hearing request under the “justiciable interest” test of Texas Water Code § 5.115(a) is the same as that for judicial standing in Texas courts. *See, e.g., Heat Energy Advanced Tech., Inc. v. W. Dallas Coal. for Envtl. Justice*, 962 S.W.2d 288, 295 (Tex. App.—Austin 1998, pet. denied). Accordingly, TCEQ’s governing statutes and rules regarding affected persons and their right to a hearing are consistent with the judicial constitutional standing principles of Article III. While Senate Bill 709 clarified the factors that the Commission may consider in applying this standard, Senate Bill 709 did not alter the core element of the affected person inquiry as an issue of whether a person possesses a justiciable interest.¹⁵ As the Fifth Circuit has noted in applying such standing principles, “[T]he Constitution draws no distinction between injuries that are large, and those that are comparatively small.” *Cramer v. Skinner*, 931 F.2d 1020, 1027 (5th Cir. 1991). In affirming this principle, the United States Supreme Court has noted that the standing threshold “serves to distinguish a person with a direct stake in the outcome of litigation—even though small—from a person with a mere interest in the problem.” *U.S. v. Students Challenging Regul. Agency Procedures (SCRAP)*, 412 U.S. 669, 734 (1973). MTGP and its members have shown they have a direct stake in the protectiveness of the proposed permit.

If a person demonstrates that they satisfy the definition of an affected person—that is, that they possess “a personal justiciable interest related to a legal right, duty, privilege,

¹⁵ *See* Tex. Water Code § 5.115(a) (“For the purpose of an administrative hearing held by or for the commission involving a contested case, “affected person,” or “person affected,” or “person who may be affected” means a person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the administrative hearing.”).

power, or economic interest affected by the administrative hearing”—and if they raise a relevant disputed issue of fact that was also raised in their comments, then the Commission must grant the hearing request. The Commission enjoys no discretion to deny a hearing request if all requirements have been met. Tex. Water Code § 5.556; 30 Tex. Admin. Code § 55.211(c); *see also City of Waco v. Tex. Comm’n on Env’tl. Quality*, 346 S.W.3d 781, 824 (Tex. App.—Austin 2011), *rev’d on other grounds*, 413 S.W.3d 409, 411 (Tex. 2013). Adoption of the ED and Applicant’s position—that TCEQ has unfettered discretion to resolve the merits of a permit in determining who has standing for a contested case hearing—would undermine the foundation of the agency’s legislatively-mandated public participation process and deprive affected persons of due process.

Applying the constitutional standing principles of Article III, the United States Supreme Court has held that if the merits of a plaintiff’s claim are intertwined with a challenge to plaintiff’s standing, then disputed facts must be decided in the plaintiff’s favor and the case should progress to its merits stage. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992); *see also Williamson v. Tucker*, 645 F.2d 404, 415–16 (5th Cir. 1981) (attacks on the merits of a plaintiff’s claim as a jurisdictional question can only be granted if the “there are no issues of material fact.”). Therefore, the argument that TCEQ has absolute discretion to resolve all disputed issues of material fact in its preliminary determination of who is an affected directly contradicts well-established constitutional principles for evaluating standing.

To be clear, affected persons need not prove the merits of their case in order to demonstrate standing to obtain a hearing. *Heat Energy Advanced Tech., Inc. v. W. Dallas*

Coal. for Envtl. Justice, 962 S.W.2d 288, 295 (Tex. App.—Austin 1998, pet. denied); *see also City of Waco*, 346 S.W.3d at 824 (explaining that the affected person determination for a wastewater discharge permit “is analogous to a civil claimant’s right to have disputed material fact issues determined at trial,” and, therefore, “[w]here ‘affected person’ status turns on the same disputed facts” the Commission is precluded “from determining those facts without affording the hearing requestor...a contested case hearing.”). The affected person standard “simply requires them to show that they will potentially suffer harm or have a justiciable interest that will be affected.” *United Copper Indus., Inc. v. Grissom*, 17 S.W.3d 797, 803 (Tex. App.—Austin 2000, pet. dismiss’d) (reversing TCEQ’s denial of hearing request for air permit because TCEQ improperly weighed evidence against hearing requestor at the standing phase).¹⁶

Furthermore, caselaw cited by the Applicant is distinguishable. In *Sierra Club v. Texas Commission on Environmental Quality*, 455 S.W.3d 214 (Tex. App.—Austin 2014, pet. denied), the Court reviewed affected person determinations with respect to a radioactive materials facility license for which the Commission had jurisdiction under a different statutory framework, the Texas Radiation Control Act, Texas Health & Safety Code Chapter 401. The Court found organization members were not “affected persons” after determining their property interests were located more than three miles from the proposed facility, they did not spend time near the proposed facility, and they raised

¹⁶ *See also Heckman v. Williamson Cnty.*, 369 S.W.3d 137, 149–50 (Tex. 2012) (holding that courts construe pleadings liberally in favor of plaintiffs, accept allegations in pleadings as true to determine if pleader has alleged sufficient facts to demonstrate jurisdiction, and if defendant challenges the existence of jurisdictional facts in the plaintiffs’ pleadings, then, the defendant must present undisputed, relevant evidence negating the existence of the court’s jurisdiction, to prevail on plea to the jurisdiction).

concerns about traffic and railway safety that were outside the Commission’s jurisdiction. *Sierra Club v. Tex. Comm’n on Env’tl. Quality*, 455 S.W.3d at 224–25.

Similarly, the *City of Waco* decision by the Texas Supreme Court is distinguishable and does not support a denial of MTGP’s hearing requests. In *City of Waco*, the Texas Supreme Court was presented with the issue of whether TCEQ erred in denying the City’s hearing request opposing an application to amend a wastewater discharge permit subject to Texas Water Code Chapter 26. The decision of the appellate court was reversed, not on grounds related to an affected person analysis, but because the Court found there was no right to hearing under unique statutory provisions applicable to that particular type of permit amendment application. The Court focused on whether a legal right to a contested case hearing even existed under the applicable provisions of the Texas Water Code: “[E]ven assuming the City might otherwise qualify as an affected person under the statute’s definition, it may still not be entitled to a public hearing if section 26.028(d)’s exception reasonably applies.”¹⁷ *City of Waco*, 413 S.W.3d at 424.

The Court thus focused its analysis on whether the Commission properly exercised its discretion to deny a hearing on an amended permit that maintains or improves the quality of the wastewater discharge and that neither significantly increases the quantity of waste authorized to be discharged, nor changes materially the pattern or place of discharge—*irrespective of whether the City of Waco demonstrated it was an affected person. Id.* at 423.

¹⁷ The exception to which the court referred, found in Texas Water Code § 26.028(d), exempts from public hearing requirement applications to amend or renew water quality permits if the applicant is not applying to: (1) increase significantly the quantity of waste authorized to be discharged; or (2) change materially the pattern or place of discharge; and the activities to be authorized will maintain or improve the quality of waste authorized to be discharged. *City of Waco*, 413 S.W.3d at 419.

Ultimately, the Court determined that there was no legal right to a contested case hearing because of an exception to that permit amendment application under Texas Water Code § 26.028(d). *Id.* at 424 (distinguishing *Grissom*, 17 S.W.3d 797, and *Heat*, 962 S.W.2d 288). Consequently, the Court never reached the issue of whether the City was an affected person. In short, *City of Waco* involved a different type of permit application, under a different statute, with different contested case hearing requirements than the SL Energy Application. Unlike in *City of Waco*, there is no exception to the right to a public hearing that applies here. The *City of Waco* case simply does not support Applicant's recommendation to deny the pending hearing requests.

Furthermore, in *Collins v. Texas Natural Resource Conservation Commission*, 94 S.W.3d 876 (Tex. App.—Austin 2002, no pet.), the Commission *did* refer disputed issues of fact to SOAH regarding the accuracy of an applicant-provided map and the hearing requester's location. *Collins*, 94 S.W.3d at 881. Only after adopting the Administrative Law Judge's findings of fact and conclusions of law determining that the applicant's map was accurate did the Commission deny the pending hearing request. The Court further noted that, under applicable law for this particular regulated activity, the applicant's concentrated animal feeding operation could have qualified for a standard permit without even the opportunity for a contested case hearing because of the distance between permanent odor sources and occupied structures. *Id.* at 883. For these reasons, the *Collins* case is distinguishable and does not support denial of MTGP's hearing request.

III. Denying hearing requests based solely on disputed materials and opinions provided by the ED and Applicant deprives hearing requesters of due process.

Adopting the position of ED and Applicant—denying hearing requests because the application file contains some basis to support issuance of the permit (though that basis is disputed)—would deprive requesters of due process. When requesters have otherwise shown that their interests are not common to the general public because of their location or other factors, deciding disputed technical issues against them without the opportunity for meaningful scrutiny violates their due process rights. MTGP and its members have raised issues disputing whether application information is accurate and reliable, and whether the ED’s technical review is sufficient. Due process requires the opportunity for meaningful scrutiny of the issues before the merits of an application can be decided. The Applicant and ED’s approach here would deprive Texans of due process by creating an insurmountable burden for any affected person to challenge the ED’s determination that an application is technically complete. Adopting this flawed analysis of standing would undermine the spirit and purpose of the agency’s statutory public participation procedures. To be clear, before hearing requests are ever considered by the Commission, the ED must first declare the application technically complete and prepare a draft permit—meaning the ED (alone) has determined the application is accurate and includes the information required by applicable statutes and rules. *See* 30 Tex. Admin. Code § 281.21. The declaration of technical completeness will be contained in the file regardless of the validity of any issues raised in timely-filed affected persons’ hearing requests which question the accuracy and reliability of the ED’s review. To deny standing to a facility’s neighbors by way of presuming a

disputed technical review is accurate and reliable would be unsupportable by the caselaw discussed in Section II. The Applicant and ED's approach violates due process rights afforded members of the public under applicable law.

IV. Conclusion

For the reasons stated above, MTGP has identified affected members with personal justiciable interests and met all other requirements of 30 Tex. Admin. Code § 55.205. MTGP respectfully requests that the Commission grant its hearing requests and refer the issues raised in these requests to SOAH for a contested case hearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that, on October 10, 2025, a true and correct copy of the foregoing document was served upon the following parties via electronic mail and certified mail, return receipt requested.

/s/ Vic McWherter

Vic McWherter

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ATTACHMENT A

Brooke T. Paup, *Chairwoman*
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Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 20, 2025

TO: Persons on the attached mailing list

RE: Wolf Hollow II Power, LLC
TCEQ Docket No. 2024-1918-AIR
Air Quality Permit Nos. 175173, PSDTX1636 and GHGPSDTX238

Enclosed is a copy of an interim order issued by the Commission regarding the above-referenced matter.

Under 30 TAC § 80.118(d), it is the responsibility of the applicant to provide the Office of Chief Clerk two copies of the original application, including all revisions to the application, so that this matter may be docketed with SOAH in a timely manner. **The Chief Clerk's Office cannot begin the SOAH docketing process without having received the application.**

Should you have any questions, please contact Ellie Guerra of the Texas Commission on Environmental Quality's Office of the Chief Clerk (MC 105) at (512) 239-3329.

Sincerely,

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis
Chief Clerk

LG/erg

Enclosure

Brooke T. Paup, *Presidenta*
Bobby Janecka, *Comisario*
Catarina R. Gonzales, *Comisionada*
Kelly Keel, *Directora Ejecutiva*



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS
Protegiendo a Texas mediante la Reducción y Prevención de la Contaminación
20 de febrero de 2025

PARA: Personas en la lista de correo adjunta

RE: Wolf Hollow II Power, LLC
TCEQ Expediente N.º 2024-1918-AIR
Permiso de Calidad del Aire Nos. 175173, PSDTX1636 y GHGPSDTX238

Se adjunta copia de una orden provisional dictada por la Comisión en relación con el asunto antes mencionado.

Según 30 TAC § 80.118(d), es responsabilidad del solicitante proporcionar a la Oficina del Secretario Jefe dos copias de la solicitud original, incluidas todas las revisiones de la solicitud, para que este asunto pueda registrarse ante la SOAH de manera oportuna. .
La Oficina del Secretario Oficial no puede iniciar el proceso de registro de la SOAH sin haber recibido la solicitud.

Si tiene alguna pregunta, comuníquese con Ellie Guerra de la Oficina del Secretario Oficial de la Comisión de Calidad Ambiental de Texas (MC 105) al (512) 239-3329.

Atentamente,

A handwritten signature in black ink that reads "Laurie Gharis".

Laurie Gharis
Secretaria Oficial

LG/erg

Recinto

MAILING LIST/LISTA DE CORREO
Wolf Hollow II Power, LLC
TCEQ Docket No./TCEQ Expediente N.º 2024-1918-AIR
Permit Nos./Permiso N.ºs 175173, GHGPSDTX238, and/y PSDTX1636

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BROOKS , MARIE
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GORE , CHERIE
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KILLION , ROBERT D
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GRANBURY TX 76049-4303

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MILLER , GARY & KATHY
2224 VIENNA DR
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MITCHELL , TOBY
2407 ROSEHILL LN
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MOFFITT , FRANK
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2401 BLISS CT
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O'BRIEN , GLADYS
711 MILTON CT
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OCHOA , BRIANA
4910 MOSS ROCK TRL
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OECHSLE , LIANA
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PEDEN , BRAD
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8691 MITCHELL BEND CT
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PEDROZA , JONATHAN
8691 MITCHELL BEND CT
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PEDROZA , COURTNEY
2125 OSPREY CT
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1989 POTTS CT
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POTTS , BEVERLEY A
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POTTS , LARRY M
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RAINS , C R
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RAINS , CHRISTY
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ROHDE , GWYNETH
2410 ROSEHILL LN
GRANBURY TX 76048-7751

ROHDE , NANCY
8691 MITCHELL BEND CT
GRANBURY TX 76048-7702

ROSE , ANNIE
2111 CASH POINT CT
GRANBURY TX 76049-8073

ROYER , EVA
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10097 ORCHARDS BLVD
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RUSSELL , DALE
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SEIDER , LEANN
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GRANBURY TX 76048-6460

WOLF , SHANNON
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GRANBURY TX 76048-6460

WOLFORD , ANDREW J
2309 VIENNA DR
GRANBURY TX 76048-1469

WOLFORD , LINDA
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER

concerning the application by Wolf Hollow II Power, LLC for Air Quality Permit Nos. 175173 and PSDTX1636; TCEQ Docket No. 2024-1918-AIR.

On February 13, 2025, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing and reconsideration concerning the application by Wolf Hollow II Power, LLC (Applicant) for Air Quality Permit Nos. 175173 and PSDTX1636. The application seeks authorization to construct new power generation facilities that will expand the existing Wolf Hollow II Power Plant. The plant is located at 8787 Wolf Hollow Court, Granbury, Hood County, Texas.

The requests for hearing and reconsideration were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing and reconsideration filed by the Executive Director, the Office of Public Interest Counsel, and the Applicant; requesters' timely replies; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Shenice and Travis Copenhaver, Daniel Lakey, Karen Pearson, and Cheryl Shadden are affected persons and granted their requests for hearing. The Commission determined that the remaining hearing requests and requests for reconsideration be denied.

The Commission next determined whether the granted requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment

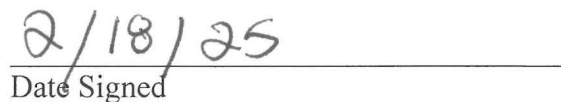
period, and that are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to the State Office of Administrative Hearings (SOAH) for a contested case hearing: 1) Whether the draft permit will be protective of the health of the requesters, their families, and their animals, livestock, and wildlife; and 2) Whether the draft permit will be protective of air quality. Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing requests of Shenice and Travis Copenhaver, Daniel Lakey, Karen Pearson, and Cheryl Shadden are hereby GRANTED;
- 2) The remaining hearing requests and requests for reconsideration are hereby DENIED;
- 3) The following issues are referred to SOAH for a contested case hearing on the application:
 - A) Whether the draft permit will be protective of the health of the requesters, their families, and their animals, livestock and wildlife; and
 - B) Whether the draft permit will be protective of air quality.
- 4) All issues not identified as being referred to SOAH in Ordering Provision No. 3 are hereby DENIED;
- 5) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and
- 6) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


For the Commission


Date Signed

ATTACHMENT B

**TCEQ AIR QUALITY PERMIT NUMBER 175173
TCEQ DOCKET NUMBER 2024-1918-AIR**

APPLICATION BY	§	BEFORE THE TEXAS
WOLF HOLLOW II POWER, LLC	§	COMMISSION ON
WOLF HOLLOW II	§	
GRANBERRY, HOOD COUNTY	§	ENVIRONMENTAL QUALITY

**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 mailed 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

Wolf Hollow II Power, LLC (Applicant) has applied to TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

These permits for New Source Review (NSR), Prevention of Significant Deterioration (PSD,) and Greenhouse Gas Prevention of Significant Deterioration (GHGPSD) will authorize the Applicant to construct new power generation facilities to be known as the Wolf Hollow III (“WHIII”) expansion that will expand the existing Wolf Hollow II Power Plant. The plant is located at 8787 Wolf Hollow Ct, Granbury, Hood County. Contaminants authorized under these permits include carbon monoxide, nitrogen oxides, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, hazardous air pollutants, organic compounds, sulfur

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.

dioxide, sulfur hexafluoride, and sulfuric acid mist. The proposed plant will also emit greenhouse gases.

III. PROCEDURAL BACKGROUND

Before work is begun 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 175173, Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1636, and Greenhouse Gas (GHG) PSD Air Quality Permit Number GHGPSDTX238.

The permit application was received on January 25, 2024, and declared administratively complete on July 31, 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 March 2, 2024, in the *Hood County News*, and in Spanish on March 5, 2024, in the *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD, second public notice) was published on August 10, 2024, in English in the *Hood County News*, and in Spanish on August 6, 2024, in the *La Prensa Comunidad*. A public meeting was held on Monday, September 9, 2024, at 7:00 PM at the Lake Granbury Conference Center, located at 621 East Pearl Street, Granbury, Texas 76048. The notice of public meeting was published in English on August 10, 2024, in the *Hood County News*, and in Spanish on August 6, 2024, in the *La Prensa Comunidad*. The public comment period ended on September 11, 2024. 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 November 15, 2024, and transmitted to all interested persons on November 22, 2024, 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 December 13, 2024. TCEQ received 148 timely hearing requests that were not withdrawn during the comment period from the persons listed in Attachments A, B, and C of this Response, which have been filed separately in this matter. The majority of these hearing requests consisted of a form letter. TCEQ received 36 timely requests for reconsideration from the persons listed in Attachment D of this Response. The majority of these requests for reconsideration consisted of a form letter.

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.

The TCEQ received timely requests for reconsideration from Geraldine Lathers, Nannette Samuelson, Cherie Gore, Daniel Scott Lakey, Deanna Lakey, Travis Copenhaver, Shernice Copenhaver, Chris B. Brooking, Thomas Weeks, Mark Beatty, Mary Allard, Ronnie Allard, Beverley A. Potts, Larry M. Potts, Donna Adair, Robert Adair, David Blankenship, Karen Pearson, Virginia Browning, Margaret Killion, Robert D. Killion, Courtney Pedroza, Jonathan Pedroza, Nancy Rhode, Daniel R. Rhode, Amy Rawle, John W. Highsmith, Cynthia Marie Highsmith, and Cheryl Shadden. In general, the requests for reconsideration reiterated concerns that the Executive Director responded to in the RTC. The requestors referenced several RTC responses with which they disagreed with. 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.

REQUEST FOR RECONSIDERATION OF RESPONSE 10: Noise and Light Pollution

Geraldine Lathers, Nannette Samuelson, Cherie Gore, Daniel Scott Lakey, Deanna Lakey, Travis Copenhaver, Shernice Copenhaver, Chris B. Brooking, Thomas Weeks, Mark Beatty, Mary Allard, Ronnie Allard, Beverley A. Potts, Larry M. Potts, Donna Adair, Robert Adair, David Blankenship, Karen Pearson, Virginia Browning, Margaret Killion, Robert D. Killion, Courtney Pedroza, Jonathan Pedroza, Nancy Rhode, Daniel R. Rhode, Amy Rawle, John W. Highsmith, Cynthia Marie Highsmith, and Cheryl Shadden (the requestors) raised concerns over nearby operations from MARA, a tenant of Wolf Hollow. The requestors stated that the noise pollution violates 30 TAC 101.4, and that ongoing nuisance lawsuits against MARA should be considered in this application.

EXECUTIVE DIRECTOR'S RESPONSE: The Executive Director responded to concerns regarding noise and light pollution in Response 10 of the RTC.

Concerns regarding noise and light pollution are outside the TCEQ's jurisdiction. Therefore, the TCEQ does not have the authority to consider these concerns in the review of an air quality permit application. Additional litigation is outside the scope of the review of this application, including any ongoing nuisance lawsuits against the Applicant or other entities. However, the Executive Director explained the health

effects review conducted to ensure that there will be no adverse impacts to human health and welfare throughout the RTC and, in particular, Response 1.

REQUEST FOR RECONSIDERATION OF RESPONSE 17: Emission Rates and Calculations

Requestors disagree with Executive Director's Response 17. Requestors disagree with the assertion that there are no mercury emissions from natural gas-fired turbines. They requested an analysis of the gas streams that will be feeding the proposed plant. They questioned whether emissions for mercury meet the Mercury and Air Toxics Standards (MATS). Requestors requested limits for mercury, as well as testing of the stream. The amount of mercury and the need to test for it were both asked to be reconsidered.

EXECUTIVE DIRECTOR'S RESPONSE: The Executive Director responded to concerns about emissions rates and calculations, including concerns about mercury emissions, in Response 17 of the RTC.

In accordance with 30 TAC § 116.116(a), the Applicant is bound by its representations, including the represented performance characteristics of the control equipment. In addition, the Executive Director explained how emissions from the proposed plant were calculated. These calculations were reviewed by the permit reviewer who determined they were conducted correctly using appropriate methodologies and control efficiencies. As explained in the RTC, according to EPA's AP-42 Vol. 1, Chapter 3.1: Stationary Gas Turbines, there are no emission factors for mercury or other heavy metals—including lead—from natural gas-fired turbines. Typically, natural gas fired simple-cycle combustion turbine permits do not include emission rate limits for heavy metals, such as mercury and lead.

The requestors did not provide information on what specifically they allege were deficient about the emissions calculations for mercury.

Therefore, the Executive Director does not have additional information to provide beyond what was included in the RTC.

REQUEST FOR RECONSIDERATION OF RESPONSE 23: Demonstrate Compliance with Permit

Requestors disagree with the Executive Director's response that the applicant will be able to demonstrate compliance with the draft permit. Requestors state that they do not believe Wolf Hollow can satisfy their minor source designation, and that no enforcement clauses exist to help ensure that. Requestors bring up concerns with the operating hours and compliance with them as well. They maintain that there is no mechanism by which the applicant will be held to compliance, including no clauses or tools that ensure proper operation.

EXECUTIVE DIRECTOR'S RESPONSE:

The Executive Director responded to concerns about compliance requirements included in the draft permit in the RTC. In Response 23, the Executive Director explained how emissions will be required to be monitored and what records the Applicant will be required to keep to demonstrate compliance. Response 23 also explained the special conditions included in the proposed permit to ensure the

Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions will be monitored by stack testing, continuous fuel flow monitoring, audio, visual, and olfactory (AVO) checks, fuel usage monitoring, and recordkeeping. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. Further, this permit is for a major source and not a minor source, and the permit review was conducted on this basis. An applicant is bound to the representations in its permit application and may be subject to enforcement action if it does not comply with those representations. Accordingly, the Executive Director does not have additional information to provide beyond what was included in the RTC.

REQUEST FOR RECONSIDERATION OF RESPONSE 25: Compliance History/Violations/Enforcement.

Requestors state issues with the applicant and their history in the area, stating that it disagrees with the Executive Director's response and maintains that there is no mechanism by which the applicant will be held to compliance.

EXECUTIVE DIRECTOR'S RESPONSE: The Executive Director acknowledges Requestors concerns about the Applicant's compliance history in multiple timely comments. Requestors stated that compliance changes are warranted but did not state what specific changes they believe should be made to the draft permit. As explained throughout the RTC, the draft permit lists the only emissions proposed to be authorized. In addition, the Executive Director responded to comments concerning the Applicant's compliance history in Response 25.

The Response explained how the Applicant's compliance history was reviewed by the Executive Director's staff during the technical review of the application. The Response provided compliance history ratings for the site and the Applicant, which are "high" and "high," respectively. TCEQ rules provide that unsatisfactory performers may be subject to additional oversight to improve environmental compliance. See 30 TAC § 60.3 (Use of Compliance History). Accordingly, the Executive Director did not propose changes to the permit to address compliance because a satisfactory compliance history rating did not warrant changes to the draft permit.

VI. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

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 name, 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 Requestor 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.

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

The commission received timely hearing requests from the following persons: Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hansel, Karen Pearson, Donna Adair, Shenice Copenhaver, Daniel Scott Lakey, Travis Copenhaver, Mark Beatty, David Blankenship, Lisa Blankenship, Robert Adair, Corey Webster, Jacob Webster, Toby Mitchell, Steven Potts, Tanner Randall, Barbara Potts, Beverley A. Potts, Larry M. Potts, Maci English, Mary Allard, Ronnie Allard, Geraldine Lathers, Daniel R. Rhode, Nancy Rhode, Gwyneth Rhode, Courtney Pedroza, Jonathan Pedroza, Tommy Engle, Deanna Lakey, Deanna Jones, Margaret Killion, Robert D. Killion, Thomas Weeks, Ted Hayes, Wyveda Dowdy, Brent Hayes, Kim Tibljas, Edward J. Tibljas, Linda Hayes, Tom Weeks, Christine Brooking, Kay Dykes, Tom Dykes, Bruce Chase, Amy Rawle, Wesley Rawle, Mark Matthews, Lindsey Stewart, Zachary Q. Stewart, Jeff Seider, Leann Seider, William Seider, Briana G. Seider, Chris Rubel, Janet M. Lowery, Douglas Houg, Martin Ruback, William Faraizl, Monica Brown, Cynthia Marie Highsmith, Michael Graft, Melanie Graft, Sheri Shaw, Van Austin Williams, John W. Highsmith, James Bell, Patricia Larson, Randall D. Larson, Keisha Doss, Peter Wolf, Shannon Wolf, Annabel Wullaert, Rae Waldrod, Santiago Torres, Curtis Brooks, Marie Brooks, Christian Brooks, A. Brooks, Amanda Sims, Hunter Sims, Frank Moffitt, Brad Peden, Kim Burton, Greg Johnson, Roberta Hannula, Roland Hannula, Richard Tanner, Kenneth Hall, Juanita Hall, Timothy J. Kurcz, Marcia L. Kurcz, Suzanne Sloan, David T. Raffa, Olean Roberts, Randall J. Love,

Andrea M. Barber, Ricky Carmack, Lynnsey Goller, Brett Niebes, Tim Harris, John W. Highsmith, Nikki Sopchak, Courtney Hubbell, Mary E. McGuffey, Dale Russell, Karen J. Russell, Audrie Tibljas, Christy Rains, Liana Oechsle, C. R. Rains, Joseph Webber, Paul Holliday, Rhonda Holliday, Walter Wimberley, Mary Wimberley, Melanie R. Taylor, Timothy Taylor, Jimmy Wimberley, Richard Brunning, John Joslin, Barbara Meuter, Eva Royer, Mark Rogers, Gina Rogers, Concerned Citizen, Texas State Representative DeWayne Burns. The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Persons the Executive Director Recommends the Commission Find are Affected Persons

1. Cheryl Shadden

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 Cheryl Shadden is an affected person.

Ms. Shadden submitted seven requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in her hearing request were based on timely filed comments. Ms. Shadden lives approximately 0.50 miles away from the proposed facility and raises the personal justiciable interests of health effects and impacts on animals and livestock, the cumulative impact emissions from surrounding plants, and whether the emissions from the proposed permits would cause Hood County to violate the "Clean Air Act standards" for particulate matter. Ms. Shadden also raised personal justiciable interests of noise from nearby plants and violations at nearby plants, the impact that the proposed plant would have on road construction, and the economic consequences of the proposed plant.

Based on the location of her property, issues raised, and interests affected by the application, Cheryl Shadden has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Cheryl Shadden is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Shadden raised the following issues that were also raised in her timely comments:

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

Issue 2: Whether the proposed permits would be protective of flora and fauna.

Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

Issue 4: Whether the proposed plant will negatively affect property values and the local economy.

Issue 5: Whether the proposed permits would be protective of air quality.

Issue 6: Whether the proposed permits would authorize emissions that would trigger non-attainment status for particulate matter in Hood County.

Issue 7: Whether the proposed plant would impact road construction.

Issue 8: Whether authorization of the proposed plant would impact the activity of other nearby plants.

Issue 9: Whether the cumulative effects from nearby plants will harm the health of the nearby community.

2. Nick Browning

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 Nick Browning is an affected person.

Mr. Browning submitted three requests for a contested case hearing during the comment period. His hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in his hearing request were based on timely filed comments. Mr. Browning lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including effects from the emissions on his hypertension and on his general health as he recovers from repeated pneumonia infections, impacts on animals and wildlife, and air emissions from the proposed facility.

Based on the location of his property, issues raised, and interests affected by the application, Nick Browning has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Nick Browning is an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mr. Browning raised the following issues that were also raised in his timely comments:

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

Issue 2: Whether the proposed permits would be protective of flora and fauna.

Issue 3: Whether the proposed permits would be protective of air quality.

3. Virginia Browning

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 Virginia Browning is an affected person.

Mrs. Browning submitted three requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in her hearing request were based on timely filed comments. Mrs. Browning lives approximately 0.75 miles away from the proposed facility and raises

the personal justiciable interests of health effects, including effects that emissions from the proposed plant may have on her recovery from brain surgery, impacts on animals and wildlife, and noise from nearby plants.

Based on the location of her property, issues raised, and interests affected by the application, Virginia Browning has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Virginia Browning is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mrs. Browning raised the following issues that were also raised in her timely comments:

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

Issue 2: Whether the proposed permits would be protective of flora and fauna.

Issue 3: Whether authorization of the proposed plant would impact the activity of other nearby plants.

4. Helen Hensel

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Helen Hensel is an affected person.

Ms. Hensel submitted a request for a contested case hearing during the comment period. Her hearing request was in writing, provided the required contact information, and included issues that are the basis of the hearing request. Ms. Hensel lives approximately 0.63 miles away from the proposed facility and raises the personal justiciable interests of health effects, including impacts from a severe sulfur allergy.

Based on the location of her property, issues raised, and interests affected by the application, Helen Hensel identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Helen Hensel is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Hensel raised the following issues that were also raised in her timely comments:

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

5. Karen Pearson

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Karen Pearson is an affected person.

Ms. Pearson submitted three requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Ms. Pearson lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including hypertension and cardiac events, loss

of animal life and wildlife, property value concerns, and the impact on air quality from emissions from the proposed plant, from the proposed facility.

Based on the location of her property, issues raised, and interests affected by the application, Karen Pearson identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Karen Pearson is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Pearson raised the following issues that were also raised in her timely comments:

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

Issue 2: Whether the proposed permits would be protective of flora and fauna.

Issue 3: Whether the proposed plant will negatively affect property values and the local economy.

Issue 4: Whether the proposed plant will be protective of air quality.

6. Shenice Copenhaver

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Shernice Copenhaver is an affected person.

Ms. Copenhaver submitted two requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included comments and issues that are the basis of her hearing request. Ms. Copenhaver lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including health impacts to her asthma.

Based on the location of her property, issues raised, and interests affected by the application, Shernice Copenhaver identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Shenice Copenhaver is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Copenhaver raised the following issues that were also raised in her timely comments:

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

7. Daniel Scott Lakey

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Daniel Scott Lakey is an affected person.

Mr. Lakey submitted three requests for a contested case hearing during the comment period. His hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. Some of the issues raised in this hearing request were based on timely filed comments. Mr. Lakey lives approximately 0.85 miles away from the proposed facility and raises the personal

justiciable interests of health effects, impacts on animals, livestock, and plants, including his bees and the cantaloupes he grows, and air emissions from the proposed facility. Mr. Lakey also raises the issues of noise pollution from nearby plants and the effect that approval of these proposed permits would have on the activity of those plants.

Based on the location of his property, issues raised, and interests affected by the application, Daniel Scott Lakey has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Daniel Scott Lakey is an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mr. Lakey raised the following issues that were also raised in his timely comments:

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

Issue 2: Whether the proposed permits would be protective of flora.

Issue 3: Whether the proposed permits would be protective of air quality.

Issue 4: Whether authorization of the proposed plant would impact the activity of other nearby plants.

B. Persons the Executive Director Recommends the Commission Find are not Affected Persons

1. Individuals that did not meet the requirements of 30 TAC § 55.201: John Joslin, Barbara Meuter, Gina Rogers, Mark Rogers, Texas State Representative DeWayne Burns, Cynthia Marie Highsmith, and Concerned Citizen.

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d) for determining whether a requestor is an affected person, and recommends the commission finds that John Joslin, Barbara Meuter, Gina Rogers, Cynthia Marie Highsmith, Mark Rogers, and Concerned Citizen are not affected persons.

These individuals submitted a timely request for a contested case hearing. However, these individuals did not submit sufficient information to determine their complete name and/or address. Ms. Highsmith submitted corrupted files for her requests, so agency staff could not evaluate her request. Because the requesters did not provide the information required by 30 TAC 55.201(d)(1) for requesting a hearing, the Executive Director recommends that the commission finds that the requestors listed above are not affected persons because they did not meet the criteria set forth in 30 TAC § 55.201.

2. Individuals that did not meet the requirements of 30 TAC § 55.203
 - a. Hearing Requests with Form Letters

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find the persons listed in Attachments A and B are not affected persons.

The requesters listed in Attachment A each submitted a hearing request as part of a timely filed comment. The hearing requests were identical form letters submitted individually by each requester. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing requests. In the hearing requests, some of the requesters expressed a general concern that emissions from the proposed plant may harm the nearby community and negatively affect the environment. The requestors mentioned that some people might have health issues and difficulty breathing, as well as concerns about the potential contaminants, air emissions, and greenhouse gases from the plant. However, the hearing requests did not describe any likely impact of the regulated activity on the health and safety of the requester or on the use of property of the individual requester. Therefore, the requesters listed in Attachment A did not raise personal justiciable interests. The ED recommends that the commission find that the requesters listed in Attachment A are not affected persons based on the criteria in 30 TAC § 55.203.

In their hearing requests, requesters listed in Attachment A raised the following issues:

Issue 1: Whether the proposed plant will be protective of air quality.

Issue 2: Whether the proposed permits would be protective of human health.

Issue 3: Whether the proposed plant will negatively impact the water quality of the Brazos River and Lake Granbury.

Issue 4: Whether the proposed plant will negatively impact the land.

Issue 5: Whether the proposed plant will negatively impact the Texas power grid.

Issue 6: Whether the cumulative effects from nearby plants will harm the health of the nearby community.

Issue 7: Whether there will be significant noise pollution from the plant.

Issue 8: Whether the plant will be a minor source.

Issue 9: Whether the proposed plant will negatively affect property values.

The requestors listed in Attachment B each signed a form letter hearing request as part of a timely filed comment. The hearing requests were a single form letter with each requestor's name, signature, and address. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing requests. In the hearing requests, some of the requesters expressed concern that emissions from the proposed plant may harm the nearby community and negatively affect the environment. The requestors mentioned that they were concerned about air pollution, noise, cumulative impact, and the health effects on the nearby community. However, the hearing requests did not describe any likely impact of the regulated activity on the health and safety of the requester or on the use of property of individual requester. Therefore, the requesters listed in Attachment B did not raise personal justiciable interests. The ED recommends that the commission find that the requesters listed in Attachment B are not affected persons based on the criteria in 30 TAC § 55.203.

In their hearing requests, the requestors listed in Attachment B raised the following issues:

Issue 1: Whether the cumulative effects from nearby plants will harm the health of the nearby community.

Issue 2: Whether the proposed permits would be protective of human health.

Issue 3: Whether there will be significant noise pollution from the plant.

Issue 4: Whether the Applicant was responsible for violations documented with other nearby entities.

b. Hearing Requestors outside of 4 miles from the plant

The hearing requests of Monica Brown, Patricia Larson, Randall D. Larson, and John Highsmith were in writing, provided the required contact information, and included issues that are the basis of their hearing requests.

i. John W. Highsmith

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find John W. Highsmith is not an affected person.

Mr. Highsmith submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Highsmith expressed concern regarding the activity of Constellation Energy and Marathon Digital. Mr. Highsmith additionally said that Constellation Energy is the applicant but does cite the correct proposed permits numbers for the proposed permits at issue. He also expressed concern about the health effects from the emissions that would be authorized under the proposed permits. Mr. Highsmith also voices concern about mercury in the natural gas that may be emitted from the plant. Mr. Highsmith also expresses concern for the noise pollution from existing plants in the area owned by different entities. However, the hearing request did not describe any likely impact

of the regulated activity on Mr. Highsmith's health and safety or on the use of his property. Therefore, Mr. Highsmith did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Highsmith resides approximately 4.22 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Highsmith'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 ED recommends that the commission find that John W. Highsmith is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, John W. Highsmith raised the following issues:

Issue 1: Whether the emissions authorized under the proposed permits will be protective of human health.

Issue 2: Whether the authorizations of entities other than the applicant for these proposed permits can be evaluated.

Issue 3: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.

Issue 4: Whether there will be significant noise pollution from the plant.

ii. Audrie Tibljas

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Audrie Tibljas is not an affected person.

Ms. Tibljas submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Tibljas expressed concern that her family's ranch is near the proposed facility. In Ms. Tibljas's request, she provided the street address of the family ranch but did not include the city. Assuming that the ranch is located in Granbury, then the ranch would be approximately 0.64 miles away from the proposed facility. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Tibljas's health and safety. Additionally, the hearing request did not describe any likely impact of the regulated activity on the use of her property. Therefore, Ms. Tibljas did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Tibljas resides approximately 6.01 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Tibljas'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 ED recommends that the commission find that Audrie Tibljas is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Audrie Tibljas raised the following issue:

Issue 1: Whether the proposed plant will negatively affect nearby houses.

iii. Liana Oechsle

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Liana Oechsle is not an affected person.

Ms. Oechsle submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachments A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Oechsle expressed concern that noise from the proposed facility might make her delay construction of a house at a property she owns at an unspecified location. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Oechsle's health and safety or the impact that the regulated activity might pose for her personal residence. Ms. Oechsle did not provide an address for any property she owned other than the address of her residence, so the impact of the proposed plant on any additional property she owns cannot be properly evaluated. Therefore, Ms. Oechsle did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Oechsle resides approximately 9.53 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Oechsle'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 ED recommends that the commission find that Liana Oechsle is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Liana Oechsle raised the following issues:

Issue 1: Whether the proposed plant will negatively affect nearby land.

Issue 2: Whether there will be significant noise pollution from the proposed plant.

iv. Monica Brown

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Monica Brown is not an affected person.

Ms. Brown submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Brown expressed concern that the natural gas for the proposed plant's turbines might contain mercury, resulting in mercury emissions. She also expressed concern about the frequency of noise that may come from the proposed plant and surrounding industry. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Brown's health and safety or on the use of her property. Therefore, Ms. Brown did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Brown resides approximately 6.12 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Brown'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 ED recommends that the commission find that Monica Brown is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Monica Brown raised the following issues:

Issue 1: Whether there will be significant noise pollution from the plant.

Issue 2: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.

v. James Bell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find James Bell is not an affected person.

Mr. Bell submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Bell expressed concern that the natural gas for the proposed plant's turbines might contain mercury, resulting in mercury emissions. He also expressed concern about the frequency of noise that may come from the proposed plant and surrounding industry. However, the hearing request did not describe any likely impact of the regulated activity on Mr. Bell's health and safety or on the use of his property. Therefore, Mr. Bell did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Bell resides approximately 5.88 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of

Mr. Bell'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 ED recommends that the commission find that James Bell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, John W. Highsmith raised the following issues:

Issue 1: Whether there will be significant noise pollution from the plant.

Issue 2: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.

vi. Patricia Larson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Patricia Larson is not an affected person.

Ms. Larson submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Larson expressed concern that the proposed plant is too close to nearby neighborhoods. She also expressed concern that the emissions from the proposed plant may trigger non-attainment status of Hood County, but did not specify for which criteria pollutants non-attainment would potentially be triggered. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Larson's health and safety or on the use of her property. Therefore, Ms. Larson did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Larson resides approximately 5.46 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Larson'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 ED recommends that the commission find that Liana Oechsle is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Patricia Larson raised the following issues:

Issue 1: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

Issue 2: Whether the proposed plant was too close to nearby houses.

vii. Walter Wimberley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Walter Wimberley is not an affected person.

Mr. Wimberley submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. Mr. Wimberley expressed concern that he fishes in Lake Granbury and his COPD might cause him to have breathing problems from the plant's emissions. However, the hearing request did not specifically describe where on Lake Granbury Mr. Wimberley fishes. Lake Granbury has a surface area of 8,310 acres, or nearly 13 square miles, so it cannot be accurately determined if Mr. Wimberley fishes in an area that would experience impacts to the ambient air from the proposed plant's emissions. Therefore, Mr. Wimberley did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Wimberley resides approximately 9.18 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Wimberley'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 ED recommends that the commission find that Walter Wimberley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Walter Wimberley raised the following issue:

Issue 1: Whether the proposed plant will negatively affect human health.

viii. Mary Wimberley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Mary Wimberley is not an affected person.

Ms. Wimberley submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Wimberley expressed concern that she has COPD and has a hard time breathing, so she is concerned with additional air pollution.

Based on the address provided, the ED determined that Ms. Wimberley resides approximately 9.56 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 natural resource that is the subject of this permit is the ambient air an individual breathes.

Given the distance of Ms. Wimberley'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 ED recommends that the commission find that Mary Wimberley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mary Wimberley raised the following issues:

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

ix. Randall D. Larson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Randall D. Larson is not an affected person.

Mr. Highsmith submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Larson expressed concern that the proposed plant is too close to nearby neighborhoods. He also expressed concern that the emissions from the proposed plant may trigger non-attainment status of Hood County, but did not specify for which criteria pollutants non-attainment would potentially be triggered. However, the hearing request did not describe any likely impact of the regulated activity on Mr. Larson's health and safety or on the use of his property. Therefore, Mr. Larson did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Larson resides approximately 5.46 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 natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Larson'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 ED recommends that the commission find that Randall D. Larson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Randall D. Larson raised the following issues:

Issue 1: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

Issue 2: Whether the proposed plant was too close to nearby houses.

c. Hearing Requestors residing in the immediately surrounding location

i. Donna Adair

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 Donna Adair is not an affected person.

Ms. Adair submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. Some of the

issues raised in the hearing request were based on timely filed comments. In her hearing request, Ms. Adair expressed concern about adverse health effects on the residents near the proposed plant from the emissions that would be authorized under the proposed permits. Ms. Adair also voices concern about the impact of the emissions authorized under the proposed permits on plants and animals, as well as the land and water nearby. She also expressed concern about Hood County being pushed into nonattainment by the emissions from the proposed plant, further voicing concern about the economic impact that a nonattainment designation would have. She further voiced concern about the impact that approving these proposed permits would have on the operation of nearby plants. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Adair's health and safety or on the use of her property. Therefore, Ms. Adair did not raise a personal justiciable interest.

Using the address provided, the Executive Director determined that they she lives approximately 0.96 miles from the proposed plant. Based on her location relative to the proposed plant, the Executive Director does expect the regulated activity to have an impact on Ms. Adair's health in a way that is not common to members of the general public. However, because she failed to raise a personal justiciable interest in her hearing request, the Executive Director recommends that the Commission find that Donna Adair is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Adair raised the following issues that were also raised in her timely comments:

Issue 1: Whether the proposed plant was too close to nearby houses.

Issue 2: Whether there will be significant noise pollution from the plant.

Issue 3: Whether authorization of the proposed plant would impact the activity of other nearby plants.

Issue 4: Whether the proposed plant will be protective of air quality

Issue 5: Whether the proposed permits would be protective of human health.

Issue 6: Whether the proposed permits would be protective of flora and fauna.

Issue 7: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

Issue 8: Whether the proposed plant was too close to nearby houses.

Issue 9: Whether the proposed plant will negatively impact the water quality of nearby bodies of water.

VIII. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed 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 The issues raised for this application and the Executive Director's analysis and recommendations follow.

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

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hensel, Karen Pearson, Shenice Copenhaver, Daniel Scott Lakey, and Mary Wimberley who the Executive Director recommends are affected persons. The issue was also raised by Donna Adair and requestors in Attachment A, who the ED recommends are not affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 2: Whether the proposed permits would be protective of flora and fauna.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Virginia Browning, and Karen Pearson who the Executive Director recommends the Commission find are affected persons. The issue was also raised by Donna Adair, who the ED recommends is not an affected person.

The Executive Director recommends referring this issue to SOAH.

Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, who the Executive Director recommends the Commission find is an affected person. This issue was raised by Patricia Larson, Randall D. Larson, and Donna Adair, who the ED recommends are not affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 4: Whether the proposed permits would be protective of air quality.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Karen Pearson, and Daniel Scott Lakey, who the Executive Director recommends the Commission find are affected persons. The issue

² TEX. GOVT. CODE § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

was also raised by requestors in Attachment A and Donna Adiar, who the ED recommends the Commission find are not affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 5: Whether the cumulative effects from nearby plants will harm the health of the nearby community.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Cheryl Shadden, who the ED recommends the commission find is an affected person. This issue was raised by the requestors in Attachments A and B, who the ED recommends are not affected persons.

The Executive Director recommends referring this issue to SOAH.

Issue 6: Whether there will be significant noise pollution from the plant.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider noise pollution or noise abatement measures.

The ED recommends the commission not refer this issue to SOAH.

Issue 7: Whether the Applicant was responsible for violations documented with other nearby entities.

This issue involves an undisputed question of fact, and it is not relevant and material to the issuance of the draft permit. TCEQ cannot consider legal action against entities other than the Applicant, nor can TCEQ consider the compliance history of any entities outside of the Applicant or the Site. The Applicant for this permit is Wolf Hollow II Power, LLC, and ongoing litigation against other nearby entities are not within the scope of this permit review.

The ED recommends the commission not refer this issue to SOAH.

Issue 8: Whether the proposed plant will negatively impact the water quality of nearby bodies of water, including the Brazos River and Lake Granbury.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air related issues. This permit, if issued, would regulate the control and abatement of air emissions only; and therefore, issues regarding water quality are not within the scope of this permit review.

The ED recommends the commission not refer this issue to SOAH.

Issue 9: Whether the proposed plant will negatively impact the land.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by requestors in Attachments A and B, as well as Liana Oechsle, who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

Issue 10: Whether the proposed plant will negatively impact the Texas power grid.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permits. The TCEQ's jurisdiction is limited to the issues set forth in statute, specifically the TCAA. This issue was raised by the requestors in Attachments A who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

Issue 11: Whether the plant will be a minor source.

This issue involves an undisputed question of fact. The proposed permits would authorize the operation of a major source.

The ED recommends the commission not refer this issue to SOAH.

Issue 12: Whether the proposed plant will negatively affect property values.

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the impact on property values for the surrounding community.

The ED recommends the commission not refer this issue to SOAH.

Issue 13: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permits. This issue was raised by Monica Brown, John W. Highsmith, and James Bell, who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

Issue 14: *Whether the proposed plant was too close to nearby houses.*

This issue involves a disputed question of fact, and was not withdrawn, and but it is not relevant and material to the issuance of the draft permits. TCEQ's jurisdiction is limited to the issues set forth in statute. TCEQ does not have authority to consider the plant location choices of an applicant unless a statute or rule imposes distance requirements.

The ED recommends the commission not refer this issue to SOAH.

Issue 15: *Whether authorization of the proposed plant would impact the activity of other nearby plants.*

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the impact on another plant's activity. TCEQ's permit review is confined to the activity or proposed activity of the proposed plant covered by the permit application.

The ED recommends the commission not refer this issue to SOAH.

Issue 16: *Whether the proposed plant will negatively affect nearby houses.*

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permits. This issue was raised by the Audrie Tibljas who the ED recommends is not an affected person.

The ED recommends the commission not refer this issue to SOAH.

IX. Executive Director's Recommendation

The Executive Director respectfully recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find that Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hensel, Karen Pearson, Donna Adair, Shenice Copenhaver, and Daniel Scott Lakey are affected persons and grant their hearing requests for Permits No. 175173 and PSDTX1636.
2. The Executive Director recommends the Commission find that the remaining hearing requestors are not affected persons and deny their hearing requests.
3. The Executive Director recommends that the Commission deny the requests for reconsideration.
4. If referred to SOAH, refer the following issues as raised by an affected person as identified by the Executive Director:

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

Issue 2: Whether the proposed permits would be protective of flora and fauna.

Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.

Issue 4: Whether the proposed permits would be protective of air quality.

Issue 5: Whether the cumulative effects from nearby plants will harm the health of the nearby community.

Respectfully submitted,

Texas Commission on Environmental Quality

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Charmaine K. Backens, Deputy Director
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636

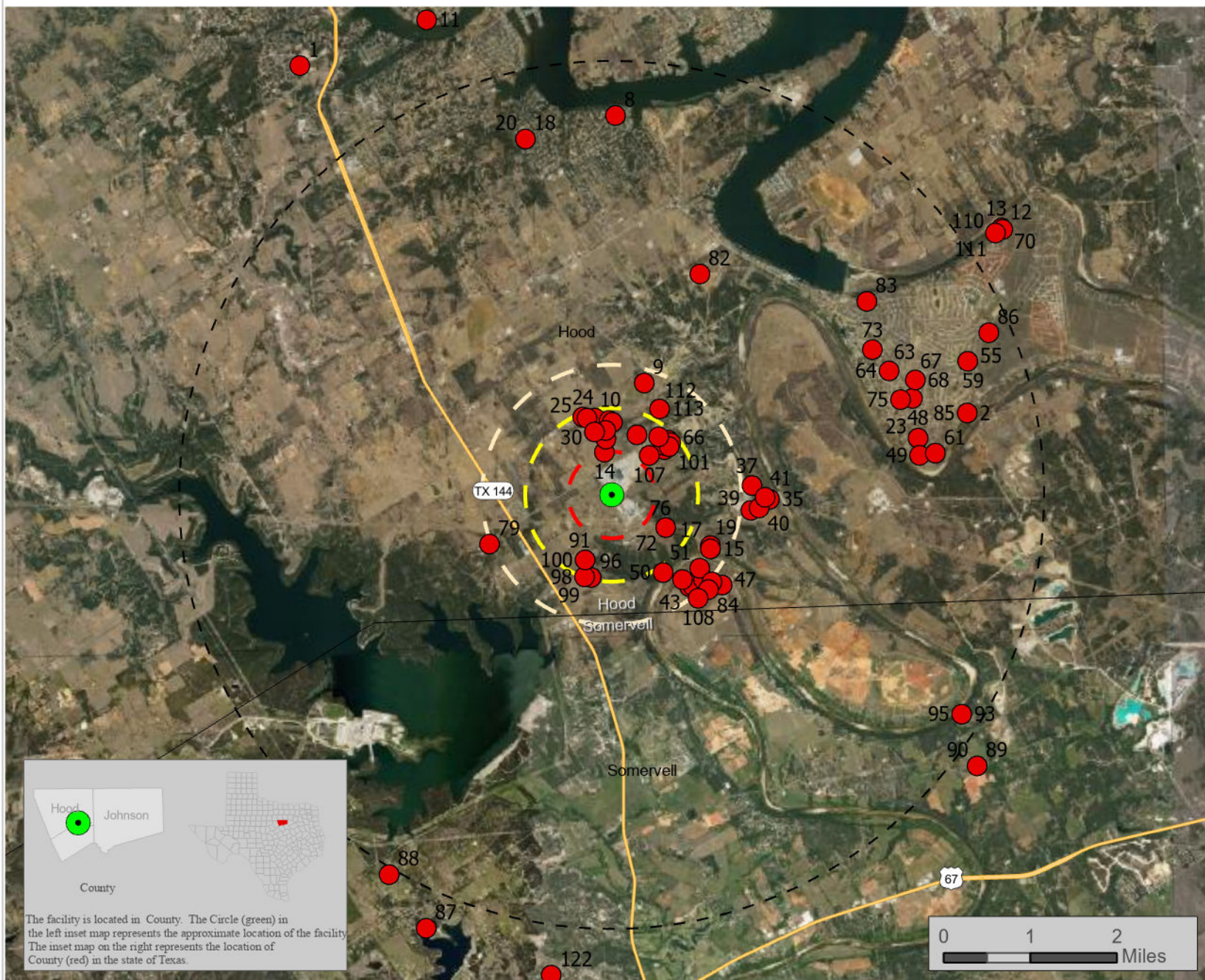


Protecting Texas by
Reducing and
Preventing Pollution

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

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 1/6/2025
CRF 0116138
Cartographer: MAttoh

- Facility Point
- Requestors
- 0.5-Mile Radius From Facility Point
- 1.0-Mile Radius From Facility Point
- 1.5-Mile Radius From Facility Point
- 5.0-Mile Radius From Facility Point
- Texas Counties



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.

Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636

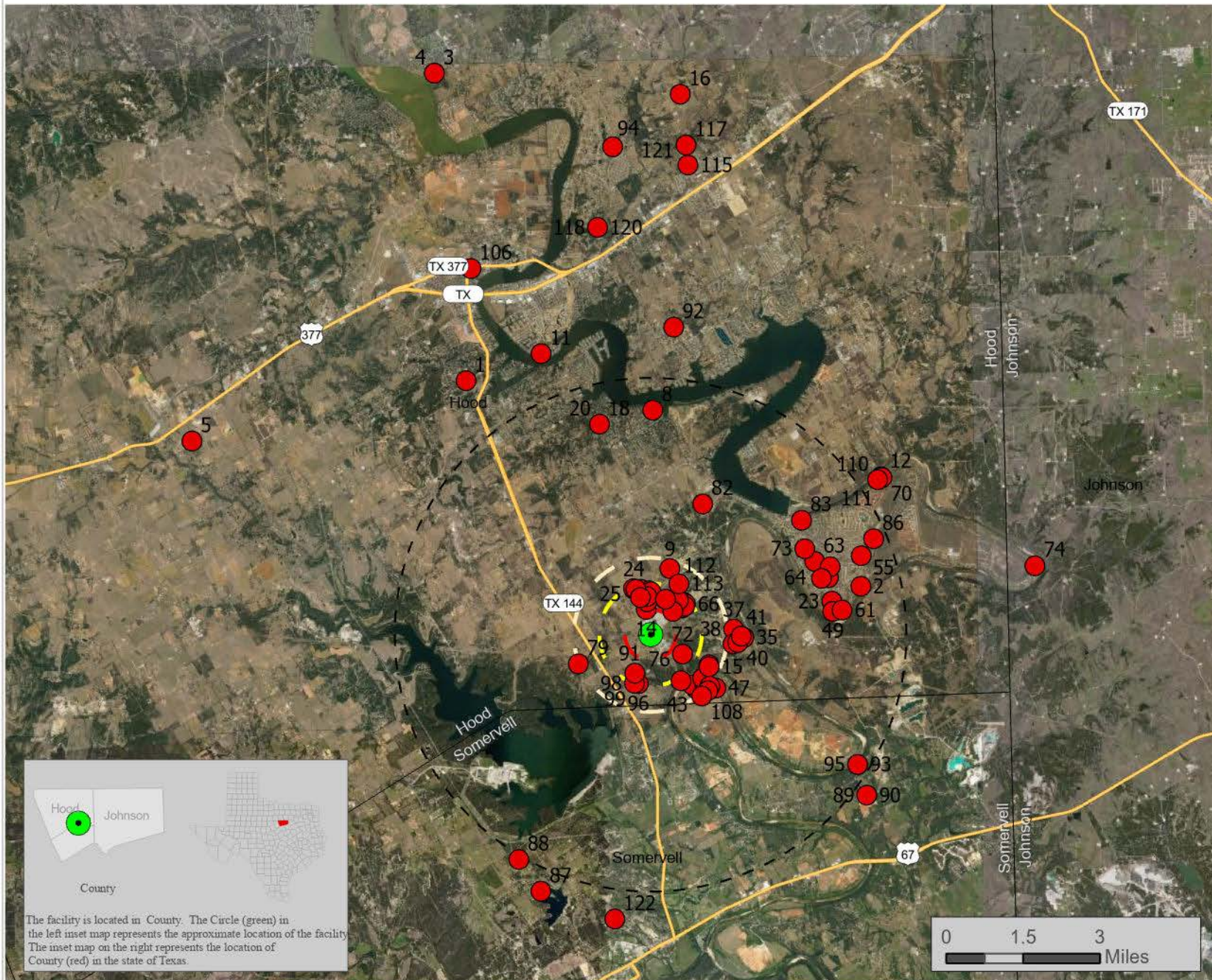


Protecting Texas by
Reducing and
Preventing Pollution

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

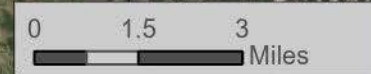
Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 1/6/2025
CRF 0116138
Cartographer: MAttoh

- Facility Point
- Requestors
- 0.5-Mile Radius From Facility Point
- 1.0-Mile Radius From Facility Point
- 1.5-Mile Radius From Facility Point
- 5.0-Mile Radius From Facility Point
- Texas Counties



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.



Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636



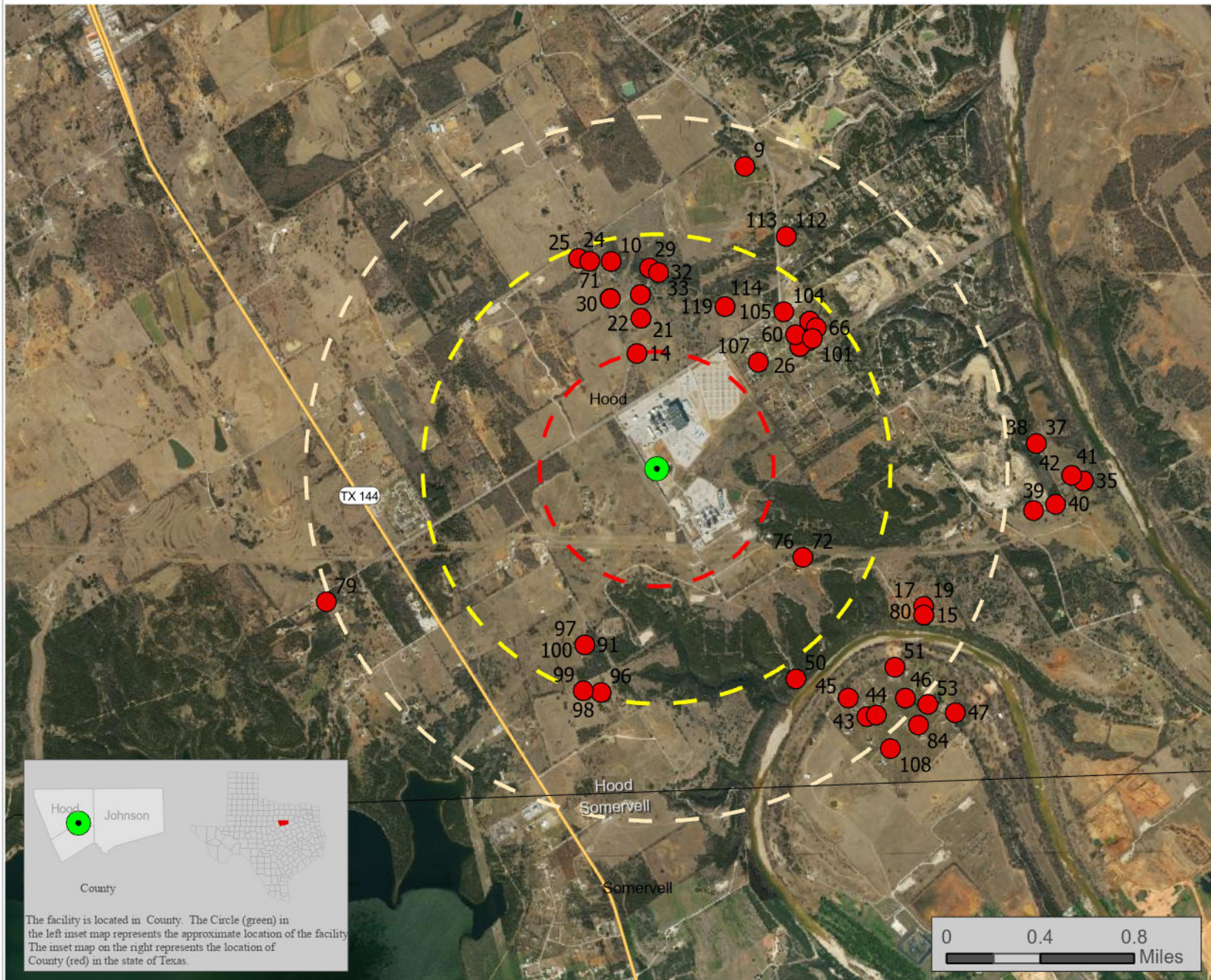
Protecting Texas by
Reducing and
Preventing Pollution

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

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 1/6/2025
CRF 0116138
Cartographer: MAttoh



- Facility Point
- Requestors
- 0.5-Mile Radius From Facility Point
- 1.0-Mile Radius From Facility Point
- 1.5-Mile Radius From Facility Point
- 5.0-Mile Radius From Facility Point
- Texas Counties



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.

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Travis Copenhaver
Van Austin Williams
Janet M Lowery
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Courtney Hubbell
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Karen J Russell
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Christy Rains
C. R. Rains
Wyveda Dowdy
Brent Hayes
Kim Tibljas
Edward J. Tibljas
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Tom Weeks
Christine Brooking
Thomas Weeks
Kay Dykes
Tom Dykes
Eva Royer
Joseph Webber
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Rhonda Holliday
Amy Rawle
Wesley Rawle
Melanie R. Taylor
Timothy Taylor
Jimmy Wimberley
Richard Brunning

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Tim Harris
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Nancy Rhode
Ronald Hannula
Gwyneth Rhode
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Amanda Sims
Hunter Sims
Douglas Houg
Martin Ruback

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Frank Moffitt
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Bruce Chase
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Jacob Webster
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Maci English
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Marie Brooks
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Zachary Q. Stewart
Shannon Wolf
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Cynthia Marie Highsmith

Appendix A for Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636, GIS Map

Name	Lat	Long	State	Distance to Facility Point
1-BROWN, MONICA	32.409868	-97.79533	TX	6.12 Miles
2-HIGHSMITH,CYNTHIA MARIE	32.349512	-97.66478	TX	4.22 Miles
3-GRAFT, MICHAEL	32.496934	-97.803874	TX	11.72 Miles
4-GRAFT, MELANIE	32.496934	-97.803874	TX	11.72 Miles
5-SHAW, SHERI	32.39434	-97.887371	TX	9.73 Miles
6-COPENHAVER, TRAVIS	32.344778	-97.724106	TX	0.85 Miles
7-COPENHAVER, SHENICE	32.344778	-97.724106	TX	0.85 Miles
8-WILLIAMS, VAN AUSTIN	32.40047	-97.7331	TX	4.37 Miles
9-LOWERY, JANET M	32.355646	-97.728496	TX	1.34 Miles
10-BEATTY, MARK	32.349947	-97.738405	TX	0.91 Miles

11-BELL,JAMES	32.41709	-97.77007	TX	5.88 Miles
12-LARSON,PATRICIA	32.380329	-97.657222	TX	5.46 Miles
13-LARSON,RANDALL D	32.380329	-97.657222	TX	5.46 Miles
14-SHADDEN,CHERYL	32.34422	-97.736657	TX	0.50 Miles
15-SEIDER, WILLIAM	32.327682	-97.716079	TX	1.30 Miles
16-DOSS, KEISHA	32.489588	-97.721759	TX	10.54 Miles
17-STEWART, LINDSEY	32.328234	-97.716096	TX	1.28 Miles
18-WOLF, PETER	32.396847	-97.751004	TX	4.22 Miles
19-STEWART, ZACHARY Q	32.328234	-97.716085	TX	1.28 Miles
20-WOLF, SHANNON	32.396847	-97.751004	TX	4.22 Miles
21-BLANKENSHIP, DAVID	32.346399	-97.73631	TX	0.65 Miles
22-BLANKENSHIP, LISA	32.346399	-97.73631	TX	0.65 Miles
23-WULLAERT, ANNABEL	32.345488	-97.674589	TX	3.60 Miles
24-ADAIR, ROBERT	32.35017	-97.740782	TX	0.96 Miles
25-ADAIR, DONNA	32.35017	-97.740782	TX	0.96 Miles

26-WEBSTER, COREY	32.344432	-97.724751	TX	0.80 Miles
27-WEBSTER, JACOB	32.344432	-97.724751	TX	0.80 Miles
28-MITCHELL, TOBY	32.344432	-97.724751	TX	0.80 Miles
29-POTTS, STEVEN	32.349489	-97.735603	TX	0.86 Miles
30-RANDALL, TANNER	32.347654	-97.738548	TX	0.75 Miles
31-POTTS, BARBARA	32.349489	-97.735603	TX	0.86 Miles
32-POTTS, BEVERLEY A	32.349195	-97.734954	TX	0.84 Miles
33-POTTS, LARRY M	32.349195	-97.734954	TX	0.84 Miles
34-ENGLISH, MACI	32.347663	-97.738516	TX	0.75 Miles
35-WALDROD, RAE	32.335775	-97.704224	TX	1.83 Miles
36-TORRES, SANTIAGO	32.33578	-97.704235	TX	1.83 Miles
37-BROOKS, CURTIS	32.33815	-97.707614	TX	1.63 Miles
38-BROOKS, MARIE	32.33815	-97.707614	TX	1.63 Miles
39-BROOKS, CHRISTIAN	32.334008	-97.70792	TX	1.62 Miles
40-BROOKS, A	32.33437	-97.7063	TX	1.71 Miles

41-SIMS, AMANDA	32.336138	-97.705082	TX	1.77 Miles
42-SIMS, HUNTER	32.336138	-97.705082	TX	1.77 Miles
43-HOUG, DOUGLAS	32.321492	-97.720401	TX	1.39 Miles
44-RUBACK, MARTIN	32.321578	-97.719714	TX	1.41 Miles
45-MATHEWS, MARK	32.322666	-97.721737	TX	1.27 Miles
46-FARAIZL, WILLIAM	32.322584	-97.717563	TX	1.44 Miles
47-MOFFITT, FRANK	32.321619	-97.713942	TX	1.65 Miles
48-PEDEN, BRAD	32.352149	-97.675544	TX	3.65 Miles
49-BURTON, KIM	32.342606	-97.674375	TX	3.59 Miles
50-CHASE, BRUCE	32.32391	-97.725536	TX	1.07 Miles
51-RUBEL, CHRIS	32.324508	-97.718284	TX	1.32 Miles
52-ALLARD, MARY	32.347855	-97.736312	TX	0.75 Miles
53-JOHNSON, GREG	32.322172	-97.715927	TX	1.53 Miles
54-ALLARD, RONNIE	32.347855	-97.736317	TX	0.75 Miles
55-HANNULA, ROBERTA	32.358157	-97.664464	TX	4.40 Miles

56-LATHERS,GERALDINE	32.34445	-97.724751	TX	0.80 Miles
57-ROHDE, DANIEL R	32.346013	-97.723989	TX	0.91 Miles
58-ROHDE, NANCY	32.346013	-97.723989	TX	0.91 Miles
59-HANNULA, ROLAND	32.358157	-97.664469	TX	4.40 Miles
60-ROHDE, GWYNETH	32.345181	-97.725041	TX	0.82 Miles
61-TANNER, RICHARD	32.342918	-97.671243	TX	3.77 Miles
62-PEDROZA, COURTNEY	32.346	-97.723981	TX	0.91 Miles
63-HALL, KENNETH	32.356828	-97.680051	TX	3.51 Miles
64-HALL, JUANITA	32.356828	-97.680051	TX	3.51 Miles
65-PEDROZA, JONATHAN	32.346	-97.723981	TX	0.91 Miles
66-ENGLE, TOMMY	32.345583	-97.723514	TX	0.91 Miles
67-KURCZ, TIMOTHY J	32.355221	-97.6749	TX	3.75 Miles
68-KURCZ, MARCIA L	32.355221	-97.6749	TX	3.75 Miles
69-LAKEY, DEANNA	32.347663	-97.738531	TX	0.75 Miles
70-SLOAN, SUZANNE	32.380081	-97.656993	TX	5.46 Miles

71-JONES, DENNA	32.349981	-97.739966	TX	0.93 Miles
72-KILLION, MARGARET	32.331413	-97.724841	TX	0.73 Miles
73-RAFFA, DAVID T	32.360444	-97.683271	TX	3.45 Miles
74-ROBERTS, OLEAN	32.35426	-97.606491	TX	7.63 Miles
75-LOVE, RANDALL J	32.351988	-97.677912	TX	3.52 Miles
76-KILLION, ROBERT D	32.331413	-97.724841	TX	0.73 Miles
77-BARBER, ANDREA M	32.351988	-97.677906	TX	3.52 Miles
78-SEIDER, JEFF	32.328234	-97.716096	TX	1.28 Miles
79-CARMACK, RICKY	32.329265	-97.759716	TX	1.52 Miles
80-SEIDER, LEEANN	32.328234	-97.716096	TX	1.28 Miles
81-SEIDER, BRIANA G	32.3277	-97.7161	TX	1.30 Miles
82-GOLLER, LYNNSEY	32.373684	-97.717059	TX	2.74 Miles
83-HARRIS,TIM	32.36852	-97.684158	TX	3.70 Miles
84-NIEBES,BRETT	32.320903	-97.716649	TX	1.56 Miles
85-HIGHSMITH, JOHN W	32.349516	-97.664785	TX	4.22 Miles

86-SOPCHAK, NIKKI	32.362852	-97.660183	TX	4.75 Miles
87-HUBBELL, COURTNEY	32.265244	-97.773759	TX	5.44 Miles
88-MCGUFFEY, MARY E	32.274336	-97.780874	TX	5.08 Miles
89-RUSSELL, DALE	32.290493	-97.6643	TX	5.25 Miles
90-RUSSELL, KAREN J	32.290493	-97.6643	TX	5.25 Miles
91-HAYES, TED	32.326286	-97.74089	TX	0.81 Miles
92-TIBLIAS, AUDRIE	32.423819	-97.725535	TX	6.01 Miles
93-RAINS, CHRISTY	32.299176	-97.667128	TX	4.77 Miles
94-OECHSLE, LIANA	32.475121	-97.744727	TX	9.53 Miles
95-RAINS, C R	32.299189	-97.667131	TX	4.77 Miles
96-DOWDY, WYVEDA	32.32332	-97.739782	TX	0.98 Miles
97-HAYES, BRENT	32.326281	-97.740898	TX	0.81 Miles
98-TIBLIAS, KIM	32.323452	-97.74108	TX	1.00 Miles
99-TIBLIAS, EDWARD J	32.323452	-97.74108	TX	1.00 Miles
100-HAYES, LINDA	32.326281	-97.740898	TX	0.81 Miles

101-WEEKS, TOM	32.344926	-97.72382	TX	0.87 Miles
102-BROOKING,CHRISTINE	32.344926	-97.72382	TX	0.87 Miles
103-WEEKS, THOMAS	32.344926	-97.72382	TX	0.87 Miles
104-DYKES, KAY	32.346613	-97.725869	TX	0.86 Miles
105-DYKES, TOM	32.346613	-97.725869	TX	0.86 Miles
106-ROYER, EVA	32.441536	-97.792962	TX	7.95 Miles
107-HENSEL, HELEN	32.343529	-97.727801	TX	0.63 Miles
108-WEBBER,JOSEPH	32.319482	-97.718736	TX	1.55 Miles
109-LAKEY,DANIEL SCOTT	32.347645	-97.73852	TX	0.75 Miles
110-HOLLIDAY, PAUL	32.379509	-97.658447	TX	5.37 Miles
111-HOLLIDAY, RHONDA	32.379509	-97.658447	TX	5.37 Miles
112-RAWLE,AMY	32.351267	-97.725575	TX	1.14 Miles
113-RAWLE, WESLEY	32.351267	-97.725575	TX	1.14 Miles
114-PEARSON,KAREN	32.347011	-97.73014	TX	0.75 Miles
115-WIMBERLEY, WALTER	32.469547	-97.719682	TX	9.18 Miles

116-BROWNING,NICK	32.347007	-97.730144	TX	0.75 Miles
117-WIMBERLEY, MARY	32.475192	-97.720185	TX	9.56 Miles
118-TAYLOR, MELANIE R	32.452464	-97.75033	TX	8.00 Miles
119-BROWNING,VIRGINIA	32.347012	-97.730149	TX	0.75 Miles
120-TAYLOR, TIMOTHY	32.452455	-97.75033	TX	8.00 Miles
121-WIMBERLEY, JIMMY	32.475192	-97.720185	TX	9.56 Miles
122-BRUNNING, RICHARD	32.256985	-97.74927	TX	5.58 Miles

MAILING LIST

Wolf Hollow Power, LLC

DOCKET NO. 2024-1918-AIR; PERMIT NO. 175173

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COUNTY: HOOD

PRINCIPAL NAME: WOLF HOLLOW II POWER LLC, CN604679639

FROM

FILED BY:

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