

**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****TCEQ DOCKET NO. 2026-0291-IWD Re: Permit No. WQ0002105000 Fayette Power Project (LCRA)****AMENDED SUPPLEMENTAL RESPONSE AND REQUEST FOR CONTESTED CASE HEARING****Submitted by:** Elizabeth K. Parry 2233 Ross Prairie Church Rd Fayetteville, TX 78940

**I. INTRODUCTION AND AMENDMENT** This Amended Supplemental Response is formally submitted to ensure the accuracy of the physical and biological damage documented on my property. OPIC's reliance on a "three-mile" radius to determine affected person status is arbitrary and legally invalid when confronted with concrete, physical injury in fact.

**II. DOCUMENTED PHYSICAL DAMAGE (INJURY IN FACT)** The 100% containment failure of LCRA's 23 groundwater monitoring wells, combined with fugitive coal ash particulate deposition, has resulted in undeniable third-party tort damage on my property.

Under Texas law, domestic animals are classified as property. Veterinary pathology conducted on an animal residing exclusively on my property confirms the following physical damages caused by LCRA's unpermitted discharges and fugitive dust:

- **Tissue Embedding and Amputation (Soil Deposition):** Medical pathology conducted on a feline residing exclusively on my property identified "birefringent crystalline material (silica-like) embedded in tissue" deeply within the animal's paw. This was accompanied by a "chronic inflammatory response" with "no infectious cause." This proves that toxic, inorganic silica has physically coated the soil of my property. The daily ground contact with this deposited coal ash has caused severe physical damage, necessitating the amputation of one toe, with the ongoing risk of requiring a full pad amputation.
- **Selenium Bioaccumulation:** Heavy metal testing of the animal demonstrated "elevated selenium levels relative to reference ranges." Selenium is a highly toxic, bioaccumulative constituent of coal ash.
- **Direct Causation:** The medical pathology established a direct, site-specific environmental trigger: "Indoor conditions → lesions improved. Outdoor exposure → lesions recurred."

Because LCRA's operations are actively causing physical, medically documented property damage and toxic soil deposition at my residence, I possess a concrete and particularized injury that grants me absolute statutory standing as an Affected Person.

Respectfully submitted,

**/s/ Elizabeth K. Parry**

# **SUPPLEMENTAL RESPONSE AND REQUEST FOR CONTESTED CASE HEARING**

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: Permit No. WQ0002105000

Fayette Power Project (LCRA)

Submitted by:

Elizabeth K. Parry

2233 Ross Prairie Church Rd

Fayetteville, TX 78940

## **I. INTRODUCTION**

This submission supports a request for a contested case hearing and provides evidence of selenium-related environmental exposure pathways and impacts.

## **II. AFFECTED PERSON STATUS**

I reside approximately five miles from the facility and rely on well water, surface features, and environmental exposure pathways.

## **III. SELENIUM CONCERN**

Selenium is associated with coal combustion residuals and is subject to reduced monitoring and relaxed limits in the permit amendment.

## **IV. EXPOSURE PATHWAYS**

Airborne particulate transport, surface water interaction, drought-related concentration, and groundwater influence all contribute to exposure.

## **V. SUPPORTING EVIDENCE**

Environmental indicators, biological uptake, and pathology findings support exposure.

Veterinary pathology specifically identified birefringent crystalline (silica-like) material embedded in the feline's paw tissue, accompanied by chronic inflammation and no infectious cause. This indicates dermal contact with environmental particulates rather than inhalation exposure.

## **VI. RE-EXPOSURE PATTERN**

Indoor healing and outdoor recurrence of lesions support the presence of an external environmental trigger associated with outdoor conditions.

## **VII. OPIC DEFICIENCIES**

OPIC analysis fails to account for airborne transport, deposition, drought effects, and biological/pathological evidence.

## **VIII. REQUEST**

Reject OPIC recommendation, recognize standing, and grant a contested case hearing.

## **IX. CONCLUSION**

A credible selenium-related environmental exposure pathway is demonstrated and warrants full evidentiary review.

Respectfully submitted,

Elizabeth K. Parry