

TCEQ DOCKET NO. 2026-0298-AIR

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|------------------------------------|---|------------------------------------|
| APPLICATION BY | § | BEFORE THE TEXAS COMMISSION |
| MPH BASTROP PEAKERS, LLC | § | |
| FOR AIR QUALITY PERMIT NOS. | § | ON |
| 178585, PSDTX1658, AND | § | |
| GHGPSDTX247 | § | ENVIRONMENTAL QUALITY |

MPH BASTROP PEAKERS, LLC’S MOTION TO REMAND

TO THE GENERAL COUNSEL OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Pursuant to 30 Tex. Admin. Code § 50.137, MPH Bastrop Peakers, LLC (“MPH”) respectfully requests that the General Counsel of the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) remand the application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247 (the “Application”) to the Executive Director for issuance. All timely filed contested case hearing requests have been withdrawn, as explained below. MPH also requests that the TCEQ Chief Clerk remove the Application from the Commission’s April 15, 2026, agenda.

The following individuals submitted timely contested case hearing requests on the Application: Benjamin Covington, Jaid and Dawn Gallo, Phyllis Gillum, Claudia Mann, and Yvette Munoz. Benjamin Covington, Jaid and Dawn Gallo, and Phyllis Gillum each withdrew their hearing requests before the Chief Clerk issued her March 11, 2026, letter setting the Application for the Commission’s April 15, 2026, agenda. Their withdrawal letters were included with the Chief Clerk’s March 11, 2026, agenda setting letter and are attached hereto as Exhibit A.

After the Application was placed on the Commission’s April 15, 2026, agenda, Claudia Mann signed a letter withdrawing her January 24, 2025, contested case hearing request. Yvette Munoz also signed a letter withdrawing her November 13 and 14, 2025, hearing requests. Those withdrawal letters are attached hereto as Exhibit B.

Because all timely hearing requests have now been withdrawn, Applicant respectfully requests that this matter be remanded to the Executive Director for issuance in accordance with 30 Tex. Admin. Code § 50.137. MPH also requests that the Chief Clerk remove the Application from the Commission's April 15, 2026, agenda.

Respectfully submitted this 17th day of March 2026.

BAKER BOTTS L.L.P.

By: /s/ Christopher C. Thiele
Christopher C. Thiele
State Bar No. 24013622
910 Louisiana St
Ste 3000
Houston, Texas 77002-4995
(713) 229-1234

Derek McDonald
State Bar No. 00786101
401 South 1st Street
Suite 1300
Austin, Texas 78704
(512) 322-2500

**ATTORNEYS FOR MPH
BASTROP PEAKERS,
LLC**

CERTIFICATE OF CONFERENCE

Counsel for MPH Bastrop Peakers, LLC conferred with the following parties regarding this motion.

The following representatives for the parties do not oppose the foregoing *MPH Bastrop Peakers, LLC's Motion to Remand*.

FOR THE EXECUTIVE DIRECTOR

Contessa Gay, Staff Attorney
Texas Commission on Environmental Quality Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

The following representatives for the parties take no position on the foregoing *MPH Bastrop Peakers, LLC's Motion to Remand*.

FOR PUBLIC INTEREST COUNSEL

Michael McCarthy, Attorney
Texas Commission on Environmental Quality Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

/s/ Christopher C. Thiele
Christopher C. Thiele

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MPH Bastrop Peakers, LLC's Motion for Remand has been e-filed and served on the following counsel/persons by electronic mail and/or regular U.S. mail on this 17th day of March 2026.

FOR THE EXECUTIVE DIRECTOR

Via Electronic and U.S. Mail

Contessa Gay, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Allison Jackson, Technical Staff
Texas Commission on Environmental Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL

via Electronic and U.S. mail:

Michael McCarthy, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATE DISPUTE RESOLUTION

via Electronic and U.S. mail:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK

Via e-Filing

Docket Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>

REQUESTORS:

via U.S. mail:

Benjamin Covington
107 S. Mockingbird Cir.
Cedar Creek, TX 78612-3043

Phyllis Gillum
120 S. Mockingbird Circle
Cedar Creek, TX 78612-3044

Dawn and Jaid Gallo
171 Oak River Dr.
Cedar Creek, TX 78612-3085

Claudia Mann
183 Oak River Dr.
Cedar Creek, TX 78612-3086

Yvette Munoz
118 N. Mockingbird Cir.
Cedar Creek, TX 78612-3031

/s/ Christopher C. Thiele

Christopher C. Thiele

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Exhibit A

Benjamin Covington
107 S. Mockingbird Circle
Cedar Creek, Texas 78612

November 17, 2025

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Withdrawal of Contested Case Hearing Request and Public Comments
Application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247
MPH Bastrop Peakers, LLC

Dear Ms. Gharis,

I am writing to withdraw my January 31, 2025, request for a contested case hearing and public comments regarding MPH Bastrop Peakers, LLC's application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247. After participation in the public meeting and learning more about the project, I have decided I do not wish for a contested case hearing to be held.

Thank you for accepting this withdrawal of my hearing request and comments regarding this permit application.

Sincerely,

Benjamin Covington

November 14, 2025

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Withdrawal of Jaid Gallo's Contested Case Hearing Request and Public Comments
Application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247
MPH Bastrop Peakers, LLC

Dear Ms. Gharis,

We are writing to withdraw the request for a contested case hearing and public comments regarding MPH Bastrop Peakers, LLC's application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247 filed by Jaid Gallo the January 31, 2025.

Thank you for accepting this withdrawal of Jaid Gallo's hearing request and comments regarding this permit application.

Sincerely,



Jaid Gallo



Dawn Marie Gallo

Phyllis Gillum
120 S. Mockingbird Circle
Cedar Creek, TX 78612-3044

October 16, 2025

OCT 20 2025 10:32 AM
TCEQ DCC

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Reviewed By DS
OCT 20 2025 WC
WH

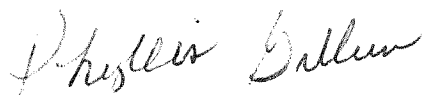
Re: Withdrawal of Contested Case Hearing Request and Public Comments
Application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247
MPH Bastrop Peakers, LLC

Dear Ms. Gharis,

I am writing to withdraw my January 30, 2025, request for a contested case hearing and public comments regarding MPH Bastrop Peakers, LLC's application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247.

Thank you for accepting the withdrawal of my hearing request and comments regarding this permit application.

Sincerely,



Phyllis Gillum

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Exhibit B

Yvette Munoz
118 N. Mockingbird Circle
Cedar Creek, Texas 78612-3031

March 12, 2026

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

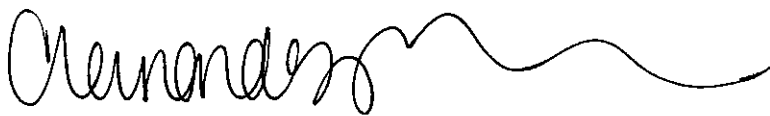
Re: Withdrawal of Contested Case Hearing Requests
Application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247
MPH Bastrop Peakers, LLC

Dear Ms. Gharis,

Please accept this letter as my withdrawal of my November 13 and 14, 2025, requests for a contested case hearing regarding MPH Bastrop Peakers, LLC's application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247. Upon further consideration, I have decided I do not wish for a contested case hearing to be held.

Thank you for accepting this withdrawal of my hearing requests regarding this permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvette Munoz", with a long, wavy horizontal line extending to the right.

Yvette Munoz

Claudia Mann
183 Oak River Drive
Cedar Creek, Texas 78612-3086

March 12, 2026

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Withdrawal of Contested Case Hearing Request
Application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247
MPH Bastrop Peakers, LLC

Dear Ms. Gharis,

Please accept this letter as my withdrawal of my January 24, 2025, request for a contested case hearing regarding MPH Bastrop Peakers, LLC's application for Air Quality Permit Nos. 178585, PSDTX1658, and GHGPSDTX247. Upon further consideration, I have decided I do not wish for a contested case hearing to be held.

Thank you for accepting this withdrawal of my hearing request regarding this permit application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Claudia Mann', with a long horizontal flourish extending to the right.

Claudia Mann