

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## EXAMPLE A

### NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AIR QUALITY PERMITS

AIR QUALITY PERMIT NUMBERS 109148, PSDTX1358M2, AND GHGPSDTX41M2

**APPLICATION AND PRELIMINARY DECISION.** Golden Spread Electric Cooperative, Inc., 4747 S Loop 289 Ste 220, Lubbock, TX 79424-2224, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to State Air Quality Permit 109148, modification to Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1358M2, and modification to Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX41M2 for emissions of GHGs, which would authorize modification to the Antelope Elk Energy Center located at 1454 County Road 315, Abernathy, Hale County, Texas 79311. The existing facility will emit the following air contaminants in a significant amount: greenhouse gases and nitrogen oxides. In addition, the facility will emit the following air contaminants: carbon monoxide, hazardous air pollutants, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide and sulfuric acid mist.

A full PSD increment analysis was not required because the predicted impacts of all pollutants subject to PSD increment review were below the significant impact level for each pollutant.

This application was submitted to the TCEQ on July 12, 2024. The executive director has determined that the emissions of air contaminants from the existing facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Lubbock regional office, and the Abernathy Public Library, 811 Avenue D, Abernathy, Hale County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas. The application, including any updates, is available electronically at the following webpage: <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>.

**INFORMATION AVAILABLE ONLINE.** These documents are accessible through the Commission's Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid); the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above, the Abernathy Public Library, provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-101.8436,33.8655&level=13>.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting to the Office of the Chief Clerk at the address below. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application, if requested by an interested person, or if requested by a local legislator. A public meeting is not a contested case hearing. You may submit additional written

**public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.**

After the deadline for public comment, the executive director will consider the comments and prepare a response to all relevant and material or significant public comment. **The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or is on a mailing list for this application. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.**

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** You may request a contested case hearing regarding the portions of the application for State Air Quality Permit Number 109148 and for PSD Air Quality Permit Number PSDTX1358M2. There is no opportunity to request a contested case hearing regarding the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX41M2. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants, other than GHGs, from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

**EXECUTIVE DIRECTOR ACTION.** The executive director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit GHGPSDTX41M2. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn regarding State Air Quality Permit Number 109148 and for PSD Air Quality Permit Number PSDTX1358M2, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the State Air Quality Permit Number 109148 and for PSD Air Quality Permit Number PSDTX1358M2 and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

**MAILING LIST.** You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.** Public comments and requests must be submitted either electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Golden Spread Electric Cooperative Inc at the address stated above or by calling Mr. Patrick Murin PE, Principal Consultant at (713) 819-6115.

Notice Issuance Date: June 13, 2025