

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NUMBER 128432

APPLICATION Valley NG Power Company LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Air Quality Permit Number 128432, which would authorize construction of two natural gas-fired simple cycle combustion turbine generating units at the Valley Steam Electric Station located at 1040 CR 1225, Savoy, Fannin County, Texas 75479. 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. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=33.6275&lng=-96.368055&zoom=13&type=r>. The facility will emit the following contaminants: organic compounds, nitrogen oxides, carbon monoxide, sulfur dioxide, sulfuric acid, and particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was received by the TCEQ on December 23, 2014. The application will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and the Bonham Public Library, 305 East 5th Street, Bonham, Fannin County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review in the Dallas/Fort Worth regional office of the TCEQ.

The executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, a request for a public meeting, or a request for a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. **The deadline to submit public comments is 30 days after newspaper notice is published.**

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application will be held if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

If only comments are received on the application, the response to comments, along with notice of the executive director's action on the application, will be mailed to everyone who submitted comments or is on the mailing list for this application.

The executive director will complete the technical review, issue a preliminary decision on the application, and a Notice of Application and Preliminary Decision will be published and mailed to those who are on the mailing list for this application. That notice will contain the final deadline for submitting public comments. If a hearing request is timely filed in response to this Notice of Receipt of Application and Intent to Obtain Air Permit, the time period for requesting a contested case hearing will be extended to thirty days after the mailing of the executive director's response to comments. **If no hearing requests are received by the end of the 30-day comment period following the last publication of this Notice of Receipt of Application**

and Intent to Obtain Permit, there is no further opportunity to request a contested case hearing. However, when no hearing requests are timely received, the applicant shall publish a Notice of Application and Preliminary Decision that provides an opportunity for public comment and to request a public meeting.

After the final deadline for public comments following the Notice of Application and Preliminary Decision, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. If comments are received, the response to comments, along with the executive director's decision on the application, will then be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. **Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (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; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing and the interests which 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.

Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application mailed by the Office of the Chief Clerk by sending a written 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 www.tceq.texas.gov/about/comments.html, 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. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing 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 Valley NG Power Company LLC, 1601 Bryan Street, Dallas, Texas 75201-3430 or by calling Mr. Jeremy Halland, Luminant Generation Company LLC, at (214) 812-1275.

Notice Issuance Date: January 13, 2015