

**GIDDINGS TIMES & NEWS**  
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**County hires consultant  
to study gas power plant**

***Independent opinion sought on pollution impact***

The Lee County Commissioners Court will soon be contracting with Hagle Consulting LLC to get an independent opinion about the environmental impact the proposed Sandow Lakes Energy natural gas power plant would have on Lee County.

The court unanimously approved acting upon an engagement agreement with Hagle during the Monday, Dec. 9 meeting of the court.

According to County Judge Frank Malinak, Steve Hagel previously served as an executive with the Texas Commission on Environmental Quality (TCEQ).

“We want him to review the Sandow Lakes Energy permit application, go through it, go through the numbers,” Malinak told the audience that attended the court meeting.

“The numbers don’t mean anything to us and the commissioners court, and they certainly don’t mean anything to me. We want him to tell us what those numbers mean, and if there is a health and safety threat to our citizens up there in that area.”

The gas plant would be located in the community of Blue, and the permit application notes there are around 100 homes nearby.

A community group opposing the plant’s location called Move the Gas Plant (MTGP) points out there is also a Christian school for girls and a historic church in the area.

MTGP has issued several statements criticizing Malinak’s desire to hire a consultant. At a previous meeting of the court, the commissioners approved spending up to \$25,000 for a consultant’s service.

“Right now we have experts from Sandow Lakes who have given us information, and we’ve got the MTGP information,” explained Malinak. “We’re kind of in the middle, so we felt like it was necessary to seek a consultant on this.”

“When you start hiring consultants, kind of a round number that you look at is \$20,000 to \$25,000,”

he continued. “We don’t plan on spending near that kind of money, because we don’t think it’s going to entail that much work.”

#### Representation

“We may ask him to appear before the commissioners court, and we may ask him to appear before a public meeting that we have asked TCEQ to hold,” said Malinak.

“I can say that I’m opposed to that plant being at that proposed site, also,” he said. “I also sent a letter to TCEQ asking for a public meeting at a local venue, likely in Lexington. We have not heard back from them as to when that might be, but we believe that our consultant would also attend that meeting and speak on our behalf. We believe that Representative Stan Gerdes and Senator Lois Kolkhorst are with us on this.”

By a unanimous vote, it was clear commissioners are on board with the hiring of the consultant. “I also think it’s important to know exactly what’s coming out of the plant,” said Commissioner Alan Turner.

#### Dissenting opinion

Travis Brown, a spokesman for MTGP, still questioned the need to spend money for third-party consultant. “Even if this is the cleanest plant in the world and it did not admit [*sic*] any air pollution whatsoever, it can still have a huge negative impact on our community up there, and particularly on the 100 families who live within a mile-and-a-half of this site,” he told the court.

Brown then said that MTGP was “confused” about the sequence of events surrounding the hiring of the consultant, along with next Monday’s special meeting of the court to consider MTGP’s resolution against the plant, which was submitted back in August.

“Previously you said that the court would not consider a resolution on this until you’ve completed your investigation,” stated Brown. “I assume this study would be part of that investigation. I assume the study is not going to be done by next Monday, obviously.”

“Based on the fact that you’re not going to have the study done, it appears like you’re just going to vote it down, because you don’t have the results of your study to make a decision,” Brown continued.

#### Comparing threats

“We know that you’re not requiring a study of the composting facility out here before you adopted

the resolution on that,” said Brown. “Common sense tells you that kind of facility does not belong in [a] rural county. At the same time, common sense should tell you that the Sandow Lakes Energy power plant -- pollution or no pollution -- does not belong in our community up there. So we’re a little confused about what’s going on.”

#### Former employee

Brown then took his critique in a new direction. “You should seriously consider recusing yourself from voting on this issue,” he told Malinak. “Kayla Schnell is now the communications person for Sandow Lakes Ranch. I’m sure you guys all know there is nothing wrong with her taking a better job. We would probably do the same thing, but Kayla functioned not only as the county’s permit officer, but your executive assistant for the term you’ve been in office – basically your ‘right hand man.’ It may not technically be a conflict of interest, but ethically, it does raise some questions.”

Since Brown’s statements were considered public comments, neither Judge Malinak nor the commissioners could respond to any of the topics or concerns he raised.

#### Future planning

County Attorney Martin Placke advised that any comments made by the court could only focus on the agenda item involving Hagle Consulting LLC.

“There may be other things in the future that come up where it would be beneficial for us to hire a consultant,” Malinak told the audience. “I don’t want to waste anybody’s money -- certainly not the county’s money – but it’s one of those necessary things that I think we need to do.”

#### Apples and oranges

After the meeting of the commissioners court, Judge Malinak explained to the Times & News that the compost facility and the gas plant are two entirely different situations. “We’re having to act fast on the compost issue because the opportunity for public comments with TCEQ end the first week of January,” he noted.

The judge also believes the ordinance the county adopted in 2018 that sets aside a specific area for landfills will come into play. “We wanted to act immediately,” he said.

In comparison, a county has no leverage in the location of a gas power plant, which is more entwined with the state.

“We’re just trying to comply with their demands,” Malinak said of MTGP. “I have no idea how the commissioners will vote on the MTGP resolution this coming Monday.”

Malinak had previously indicated he was working on an alternate resolution concerning the gas plant. “If the commissioners pass the MTGP resolution as-is, the alternate isn’t needed,” he explained.

#### Doing what’s right

As for Kayla Schnell’s previous position with the county, the judge acknowledged that she had been his ‘go-to’ person, but the need for his self-recusal wasn’t warranted.

“Anyone who works with her will see how talented she is,” he said. “She may be an asset to us in her new position. One-third of Sandow Lakes Ranch is in Lee County.”

Schnell has earned a Master’s degree in Public Administration from Tarleton State University and is graduating this Thursday.

Malinak also noted that the county has asked to speak with the expert advisors aligned with MTGP, but the request was turned down.

“I am doing what I think is the right thing for Lee County,” he concluded.