

**TCEQ AIR QUALITY PERMIT NUMBER 175173  
TCEQ DOCKET NUMBER 2024-1918-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>WOLF HOLLOW II POWER, LLC</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>WOLF HOLLOW II</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>GRANBERRY, HOOD COUNTY</b>	<b>§</b>	

**EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS AND REQUESTS FOR RECONSIDERATION**

**I. INTRODUCTION**

The Executive Director of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for reconsideration and contested case hearing submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), TEX. HEALTH & SAFETY CODE (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in TEX. WATER CODE (TWC) § 5.556.<sup>1</sup> This statute is implemented through the rules in 30 TEX. ADMIN. CODE (TAC) Chapter 55, Subchapter F.

Maps showing the location of the proposed plant are included with this Response and have been provided to all hearing requesters listed on the service list for this application. In addition, a current compliance history report, technical review summary, and a copy of the draft permit prepared by the Executive Director’s staff have been filed as backup material for the commissioners’ agenda. The Executive Director’s Response to Public Comment (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the chief clerk for the Commission’s consideration.

**II. PLANT DESCRIPTION**

Wolf Hollow II Power, LLC (Applicant) has applied to TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

These permits for New Source Review (NSR), Prevention of Significant Deterioration (PSD,) and Greenhouse Gas Prevention of Significant Deterioration (GHGPSD) will authorize the Applicant to construct new power generation facilities to be known as the Wolf Hollow III (“WHIII”) expansion that will expand the existing Wolf Hollow II Power Plant. The plant is located at 8787 Wolf Hollow Ct, Granbury, Hood County. Contaminants authorized under these permits include carbon monoxide, nitrogen oxides, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, hazardous air pollutants, organic compounds, sulfur

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.statutes.legis.state.tx.us](http://www.statutes.legis.state.tx.us). Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml), or follow the “Rules” link on the TCEQ website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

dioxide, sulfur hexafluoride, and sulfuric acid mist. The proposed plant will also emit greenhouse gases.

### III. PROCEDURAL BACKGROUND

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 175173, Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1636, and Greenhouse Gas (GHG) PSD Air Quality Permit Number GHGPSDTX238.

The permit application was received on January 25, 2024, and declared administratively complete on July 31, 2024. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI, first public notice) for this permit application was published in English on March 2, 2024, in the *Hood County News*, and in Spanish on March 5, 2024, in the *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD, second public notice) was published on August 10, 2024, in English in the *Hood County News*, and in Spanish on August 6, 2024, in the *La Prensa Comunidad*. A public meeting was held on Monday, September 9, 2024, at 7:00 PM at the Lake Granbury Conference Center, located at 621 East Pearl Street, Granbury, Texas 76048. The notice of public meeting was published in English on August 10, 2024, in the *Hood County News*, and in Spanish on August 6, 2024, in the *La Prensa Comunidad*. The public comment period ended on September 11, 2024. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The Executive Director's RTC was filed with the Chief Clerk's Office on November 15, 2024, and transmitted to all interested persons on November 22, 2024, including those who asked to be placed on the mailing list for this application and those who submitted comments or requests for a contested case hearing. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision. The letter also explained that hearing requestors should specify any of the Executive Director's responses to comments they dispute and the factual basis they dispute, in addition to listing any disputed issues of law or policy.

The time for requests for reconsideration and hearing requests ended on December 13, 2024. TCEQ received 148 timely hearing requests that were not withdrawn during the comment period from the persons listed in Attachments A, B, and C of this Response, which have been filed separately in this matter. The majority of these hearing requests consisted of a form letter. TCEQ received 36 timely requests for reconsideration from the persons listed in Attachment D of this Response. The majority of these requests for reconsideration consisted of a form letter.

#### **IV. APPLICABLE LAW FOR REQUESTS FOR RECONSIDERATION**

Any person may file a request for reconsideration of the Executive Director's decision. However, for the Commission to consider the request, it must substantially comply with the following requirements set forth in 30 TAC § 55.201(e): give the name, address, daytime telephone number and, when possible, fax number of the person who files the request; expressly state that the person is requesting reconsideration of the Executive Director's decision; and give reasons why the decision should be reconsidered.

#### **V. RESPONSE TO REQUESTS FOR RECONSIDERATION**

Although the Executive Director determined that the permit application meets the applicable rules and requirements, a final decision to approve the draft permit has not been made. The application must be considered by the commissioners of the TCEQ at a regularly scheduled public meeting before any final action can be taken on the application.

The TCEQ received timely requests for reconsideration from Geraldine Lathers, Nannette Samuelson, Cherie Gore, Daniel Scott Lakey, Deanna Lakey, Travis Copenhaver, Shernice Copenhaver, Chris B. Brooking, Thomas Weeks, Mark Beatty, Mary Allard, Ronnie Allard, Beverley A. Potts, Larry M. Potts, Donna Adair, Robert Adair, David Blankenship, Karen Pearson, Virginia Browning, Margaret Killion, Robert D. Killion, Courtney Pedroza, Jonathan Pedroza, Nancy Rhode, Daniel R. Rhode, Amy Rawle, John W. Highsmith, Cynthia Marie Highsmith, and Cheryl Shadden. In general, the requests for reconsideration reiterated concerns that the Executive Director responded to in the RTC. The requestors referenced several RTC responses with which they disagreed with. Where a response was not directly mentioned the Executive Director will respond to the requests for reconsideration under the RTC Response that best matches the issue or concern. The Executive Director provides the following response to the requests for reconsideration.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 10: Noise and Light Pollution**

Geraldine Lathers, Nannette Samuelson, Cherie Gore, Daniel Scott Lakey, Deanna Lakey, Travis Copenhaver, Shernice Copenhaver, Chris B. Brooking, Thomas Weeks, Mark Beatty, Mary Allard, Ronnie Allard, Beverley A. Potts, Larry M. Potts, Donna Adair, Robert Adair, David Blankenship, Karen Pearson, Virginia Browning, Margaret Killion, Robert D. Killion, Courtney Pedroza, Jonathan Pedroza, Nancy Rhode, Daniel R. Rhode, Amy Rawle, John W. Highsmith, Cynthia Marie Highsmith, and Cheryl Shadden (the requestors) raised concerns over nearby operations from MARA, a tenant of Wolf Hollow. The requestors stated that the noise pollution violates 30 TAC 101.4, and that ongoing nuisance lawsuits against MARA should be considered in this application.

**EXECUTIVE DIRECTOR'S RESPONSE:** The Executive Director responded to concerns regarding noise and light pollution in Response 10 of the RTC.

Concerns regarding noise and light pollution are outside the TCEQ's jurisdiction. Therefore, the TCEQ does not have the authority to consider these concerns in the review of an air quality permit application. Additional litigation is outside the scope of the review of this application, including any ongoing nuisance lawsuits against the Applicant or other entities. However, the Executive Director explained the health

effects review conducted to ensure that there will be no adverse impacts to human health and welfare throughout the RTC and, in particular, Response 1.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 17: Emission Rates and Calculations**

Requestors disagree with Executive Director's Response 17. Requestors disagree with the assertion that there are no mercury emissions from natural gas-fired turbines. They requested an analysis of the gas streams that will be feeding the proposed plant. They questioned whether emissions for mercury meet the Mercury and Air Toxics Standards (MATS). Requestors requested limits for mercury, as well as testing of the stream. The amount of mercury and the need to test for it were both asked to be reconsidered.

**EXECUTIVE DIRECTOR'S RESPONSE:** The Executive Director responded to concerns about emissions rates and calculations, including concerns about mercury emissions, in Response 17 of the RTC.

In accordance with 30 TAC § 116.116(a), the Applicant is bound by its representations, including the represented performance characteristics of the control equipment. In addition, the Executive Director explained how emissions from the proposed plant were calculated. These calculations were reviewed by the permit reviewer who determined they were conducted correctly using appropriate methodologies and control efficiencies. As explained in the RTC, according to EPA's AP-42 Vol. 1, Chapter 3.1: Stationary Gas Turbines, there are no emission factors for mercury or other heavy metals—including lead—from natural gas-fired turbines. Typically, natural gas fired simple-cycle combustion turbine permits do not include emission rate limits for heavy metals, such as mercury and lead.

The requestors did not provide information on what specifically they allege were deficient about the emissions calculations for mercury.

Therefore, the Executive Director does not have additional information to provide beyond what was included in the RTC.

### **REQUEST FOR RECONSIDERATION OF RESPONSE 23: Demonstrate Compliance with Permit**

Requestors disagree with the Executive Director's response that the applicant will be able to demonstrate compliance with the draft permit. Requestors state that they do not believe Wolf Hollow can satisfy their minor source designation, and that no enforcement clauses exist to help ensure that. Requestors bring up concerns with the operating hours and compliance with them as well. They maintain that there is no mechanism by which the applicant will be held to compliance, including no clauses or tools that ensure proper operation.

#### **EXECUTIVE DIRECTOR'S RESPONSE:**

The Executive Director responded to concerns about compliance requirements included in the draft permit in the RTC. In Response 23, the Executive Director explained how emissions will be required to be monitored and what records the Applicant will be required to keep to demonstrate compliance. Response 23 also explained the special conditions included in the proposed permit to ensure the

Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions will be monitored by stack testing, continuous fuel flow monitoring, audio, visual, and olfactory (AVO) checks, fuel usage monitoring, and recordkeeping. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. Further, this permit is for a major source and not a minor source, and the permit review was conducted on this basis. An applicant is bound to the representations in its permit application and may be subject to enforcement action if it does not comply with those representations. Accordingly, the Executive Director does not have additional information to provide beyond what was included in the RTC.

#### **REQUEST FOR RECONSIDERATION OF RESPONSE 25: Compliance History/Violations/Enforcement.**

Requestors state issues with the applicant and their history in the area, stating that it disagrees with the Executive Director's response and maintains that there is no mechanism by which the applicant will be held to compliance.

**EXECUTIVE DIRECTOR'S RESPONSE:** The Executive Director acknowledges Requestors concerns about the Applicant's compliance history in multiple timely comments. Requestors stated that compliance changes are warranted but did not state what specific changes they believe should be made to the draft permit. As explained throughout the RTC, the draft permit lists the only emissions proposed to be authorized. In addition, the Executive Director responded to comments concerning the Applicant's compliance history in Response 25.

The Response explained how the Applicant's compliance history was reviewed by the Executive Director's staff during the technical review of the application. The Response provided compliance history ratings for the site and the Applicant, which are "high" and "high," respectively. TCEQ rules provide that unsatisfactory performers may be subject to additional oversight to improve environmental compliance. See 30 TAC § 60.3 (Use of Compliance History). Accordingly, the Executive Director did not propose changes to the permit to address compliance because a satisfactory compliance history rating did not warrant changes to the draft permit.

## **VI. THE EVALUATION PROCESS FOR HEARING REQUESTS**

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

### **A. Response to Hearing Requests**

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

### **B. Hearing Request Requirements**

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the name, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;
- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor

should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and

- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

### **C. Requirement that Requestor be an Affected Person/"Affected Person" Status**

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, an affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
  - 1) whether the interest claimed is one protected by the law under which the application will be considered;
  - 2) distance restrictions or other limitations imposed by law on the affected interest;
  - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
  - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
  - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
  - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
  - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the Commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the Commission. In addition, Commission rules also include a

general prohibition against causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the Commission to consider, to the extent consistent with case law:

1. the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
2. the analysis and opinions of the Executive Director; and
3. any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

#### **D. Referral to the State Office of Administrative Hearings**

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The Commission may not refer an issue to SOAH for a contested case hearing unless the Commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

### **VII. ANALYSIS OF THE HEARING REQUESTS**

The commission received timely hearing requests from the following persons: Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hansel, Karen Pearson, Donna Adair, Shenice Copenhaver, Daniel Scott Lakey, Travis Copenhaver, Mark Beatty, David Blankenship, Lisa Blankenship, Robert Adair, Corey Webster, Jacob Webster, Toby Mitchell, Steven Potts, Tanner Randall, Barbara Potts, Beverley A. Potts, Larry M. Potts, Maci English, Mary Allard, Ronnie Allard, Geraldine Lathers, Daniel R. Rhode, Nancy Rhode, Gwyneth Rhode, Courtney Pedroza, Jonathan Pedroza, Tommy Engle, Deanna Lakey, Deanna Jones, Margaret Killion, Robert D. Killion, Thomas Weeks, Ted Hayes, Wyveda Dowdy, Brent Hayes, Kim Tibljas, Edward J. Tibljas, Linda Hayes, Tom Weeks, Christine Brooking, Kay Dykes, Tom Dykes, Bruce Chase, Amy Rawle, Wesley Rawle, Mark Matthews, Lindsey Stewart, Zachary Q. Stewart, Jeff Seider, Leann Seider, William Seider, Briana G. Seider, Chris Rubel, Janet M. Lowery, Douglas Houg, Martin Ruback, William Faraizl, Monica Brown, Cynthia Marie Highsmith, Michael Graft, Melanie Graft, Sheri Shaw, Van Austin Williams, John W. Highsmith, James Bell, Patricia Larson, Randall D. Larson, Keisha Doss, Peter Wolf, Shannon Wolf, Annabel Wullaert, Rae Waldrod, Santiago Torres, Curtis Brooks, Marie Brooks, Christian Brooks, A. Brooks, Amanda Sims, Hunter Sims, Frank Moffitt, Brad Peden, Kim Burton, Greg Johnson, Roberta Hannula, Roland Hannula, Richard Tanner, Kenneth Hall, Juanita Hall, Timothy J. Kurcz, Marcia L. Kurcz, Suzanne Sloan, David T. Raffa, Olean Roberts, Randall J. Love,



Andrea M. Barber, Ricky Carmack, Lynnsey Goller, Brett Niebes, Tim Harris, John W. Highsmith, Nikki Sopchak, Courtney Hubbell, Mary E. McGuffey, Dale Russell, Karen J. Russell, Audrie Tibljas, Christy Rains, Liana Oechsle, C. R. Rains, Joseph Webber, Paul Holliday, Rhonda Holliday, Walter Wimberley, Mary Wimberley, Melanie R. Taylor, Timothy Taylor, Jimmy Wimberley, Richard Brunning, John Joslin, Barbara Meuter, Eva Royer, Mark Rogers, Gina Rogers, Concerned Citizen, Texas State Representative DeWayne Burns. The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Persons the Executive Director Recommends the Commission Find are Affected Persons

1. Cheryl Shadden

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Cheryl Shadden is an affected person.

Ms. Shadden submitted seven requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in her hearing request were based on timely filed comments. Ms. Shadden lives approximately 0.50 miles away from the proposed facility and raises the personal justiciable interests of health effects and impacts on animals and livestock, the cumulative impact emissions from surrounding plants, and whether the emissions from the proposed permits would cause Hood County to violate the "Clean Air Act standards" for particulate matter. Ms. Shadden also raised personal justiciable interests of noise from nearby plants and violations at nearby plants, the impact that the proposed plant would have on road construction, and the economic consequences of the proposed plant.

Based on the location of her property, issues raised, and interests affected by the application, Cheryl Shadden has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Cheryl Shadden is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Shadden raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

**Issue 2: Whether the proposed permits would be protective of flora and fauna.**

**Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.**

**Issue 4: Whether the proposed plant will negatively affect property values and the local economy.**

**Issue 5: Whether the proposed permits would be protective of air quality.**

**Issue 6: Whether the proposed permits would authorize emissions that would trigger non-attainment status for particulate matter in Hood County.**

**Issue 7: Whether the proposed plant would impact road construction.**

**Issue 8: Whether authorization of the proposed plant would impact the activity of other nearby plants.**

**Issue 9: Whether the cumulative effects from nearby plants will harm the health of the nearby community.**

## 2. Nick Browning

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Nick Browning is an affected person.

Mr. Browning submitted three requests for a contested case hearing during the comment period. His hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in his hearing request were based on timely filed comments. Mr. Browning lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including effects from the emissions on his hypertension and on his general health as he recovers from repeated pneumonia infections, impacts on animals and wildlife, and air emissions from the proposed facility.

Based on the location of his property, issues raised, and interests affected by the application, Nick Browning has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Nick Browning is an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mr. Browning raised the following issues that were also raised in his timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

**Issue 2: Whether the proposed permits would be protective of flora and fauna.**

**Issue 3: Whether the proposed permits would be protective of air quality.**

## 3. Virginia Browning

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Virginia Browning is an affected person.

Mrs. Browning submitted three requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Some of the issues raised in her hearing request were based on timely filed comments. Mrs. Browning lives approximately 0.75 miles away from the proposed facility and raises

the personal justiciable interests of health effects, including effects that emissions from the proposed plant may have on her recovery from brain surgery, impacts on animals and wildlife, and noise from nearby plants.

Based on the location of her property, issues raised, and interests affected by the application, Virginia Browning has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Virginia Browning is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mrs. Browning raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

**Issue 2: Whether the proposed permits would be protective of flora and fauna.**

**Issue 3: Whether authorization of the proposed plant would impact the activity of other nearby plants.**

#### 4. Helen Hensel

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Helen Hensel is an affected person.

Ms. Hensel submitted a request for a contested case hearing during the comment period. Her hearing request was in writing, provided the required contact information, and included issues that are the basis of the hearing request. Ms. Hensel lives approximately 0.63 miles away from the proposed facility and raises the personal justiciable interests of health effects, including impacts from a severe sulfur allergy.

Based on the location of her property, issues raised, and interests affected by the application, Helen Hensel identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Helen Hensel is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Hensel raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

#### 5. Karen Pearson

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Karen Pearson is an affected person.

Ms. Pearson submitted three requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing request. Ms. Pearson lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including hypertension and cardiac events, loss

of animal life and wildlife, property value concerns, and the impact on air quality from emissions from the proposed plant, from the proposed facility.

Based on the location of her property, issues raised, and interests affected by the application, Karen Pearson identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Karen Pearson is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Pearson raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

**Issue 2: Whether the proposed permits would be protective of flora and fauna.**

**Issue 3: Whether the proposed plant will negatively affect property values and the local economy.**

**Issue 4: Whether the proposed plant will be protective of air quality.**

#### 6. Shenice Copenhaver

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Shernice Copenhaver is an affected person.

Ms. Copenhaver submitted two requests for a contested case hearing during the comment period. Her hearing requests were in writing, provided the required contact information, and included comments and issues that are the basis of her hearing request. Ms. Copenhaver lives approximately 0.75 miles away from the proposed facility and raises the personal justiciable interests of health effects, including health impacts to her asthma.

Based on the location of her property, issues raised, and interests affected by the application, Shernice Copenhaver identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find Shenice Copenhaver is an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Copenhaver raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

#### 7. Daniel Scott Lakey

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the Commission find that Daniel Scott Lakey is an affected person.

Mr. Lakey submitted three requests for a contested case hearing during the comment period. His hearing requests were in writing, provided the required contact information, and included issues that are the basis of his hearing request. Some of the issues raised in this hearing request were based on timely filed comments. Mr. Lakey lives approximately 0.85 miles away from the proposed facility and raises the personal

justiciable interests of health effects, impacts on animals, livestock, and plants, including his bees and the cantaloupes he grows, and air emissions from the proposed facility. Mr. Lakey also raises the issues of noise pollution from nearby plants and the effect that approval of these proposed permits would have on the activity of those plants.

Based on the location of his property, issues raised, and interests affected by the application, Daniel Scott Lakey has identified personal justiciable interests not common to members of the general public. Therefore, the Executive Director recommends that the Commission find that Daniel Scott Lakey is an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Mr. Lakey raised the following issues that were also raised in his timely comments:

**Issue 1: Whether the proposed permits would be protective of human health.**

**Issue 2: Whether the proposed permits would be protective of flora.**

**Issue 3: Whether the proposed permits would be protective of air quality.**

**Issue 4: Whether authorization of the proposed plant would impact the activity of other nearby plants.**

- B. Persons the Executive Director Recommends the Commission Find are not Affected Persons
1. Individuals that did not meet the requirements of 30 TAC § 55.201: John Joslin, Barbara Meuter, Gina Rogers, Mark Rogers, Texas State Representative DeWayne Burns, Cynthia Marie Highsmith, and Concerned Citizen.

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d) for determining whether a requestor is an affected person, and recommends the commission finds that John Joslin, Barbara Meuter, Gina Rogers, Cynthia Marie Highsmith, Mark Rogers, and Concerned Citizen are not affected persons.

These individuals submitted a timely request for a contested case hearing. However, these individuals did not submit sufficient information to determine their complete name and/or address. Ms. Highsmith submitted corrupted files for her requests, so agency staff could not evaluate her request. Because the requesters did not provide the information required by 30 TAC 55.201(d)(1) for requesting a hearing, the Executive Director recommends that the commission finds that the requestors listed above are not affected persons because they did not meet the criteria set forth in 30 TAC § 55.201.

2. Individuals that did not meet the requirements of 30 TAC § 55.203
  - a. Hearing Requests with Form Letters

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find the persons listed in Attachments A and B are not affected persons.

The requesters listed in Attachment A each submitted a hearing request as part of a timely filed comment. The hearing requests were identical form letters submitted individually by each requester. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing requests. In the hearing requests, some of the requesters expressed a general concern that emissions from the proposed plant may harm the nearby community and negatively affect the environment. The requestors mentioned that some people might have health issues and difficulty breathing, as well as concerns about the potential contaminants, air emissions, and greenhouse gases from the plant. However, the hearing requests did not describe any likely impact of the regulated activity on the health and safety of the requester or on the use of property of the individual requester. Therefore, the requesters listed in Attachment A did not raise personal justiciable interests. The ED recommends that the commission find that the requesters listed in Attachment A are not affected persons based on the criteria in 30 TAC § 55.203.

In their hearing requests, requesters listed in Attachment A raised the following issues:

**Issue 1: Whether the proposed plant will be protective of air quality.**

**Issue 2: Whether the proposed permits would be protective of human health.**

**Issue 3: Whether the proposed plant will negatively impact the water quality of the Brazos River and Lake Granbury.**

**Issue 4: Whether the proposed plant will negatively impact the land.**

**Issue 5: Whether the proposed plant will negatively impact the Texas power grid.**

**Issue 6: Whether the cumulative effects from nearby plants will harm the health of the nearby community.**

**Issue 7: Whether there will be significant noise pollution from the plant.**

**Issue 8: Whether the plant will be a minor source.**

**Issue 9: Whether the proposed plant will negatively affect property values.**

The requestors listed in Attachment B each signed a form letter hearing request as part of a timely filed comment. The hearing requests were a single form letter with each requestor's name, signature, and address. The hearing requests were in writing, provided the required contact information, and included issues that are the basis of the hearing requests. In the hearing requests, some of the requesters expressed concern that emissions from the proposed plant may harm the nearby community and negatively affect the environment. The requestors mentioned that they were concerned about air pollution, noise, cumulative impact, and the health effects on the nearby community. However, the hearing requests did not describe any likely impact of the regulated activity on the health and safety of the requester or on the use of property of individual requester. Therefore, the requesters listed in Attachment B did not raise personal justiciable interests. The ED recommends that the commission find that the requesters listed in Attachment B are not affected persons based on the criteria in 30 TAC § 55.203.

In their hearing requests, the requestors listed in Attachment B raised the following issues:

**Issue 1: Whether the cumulative effects from nearby plants will harm the health of the nearby community.**

**Issue 2: Whether the proposed permits would be protective of human health.**

**Issue 3: Whether there will be significant noise pollution from the plant.**

**Issue 4: Whether the Applicant was responsible for violations documented with other nearby entities.**

b. Hearing Requestors outside of 4 miles from the plant

The hearing requests of Monica Brown, Patricia Larson, Randall D. Larson, and John Highsmith were in writing, provided the required contact information, and included issues that are the basis of their hearing requests.

i. John W. Highsmith

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find John W. Highsmith is not an affected person.

Mr. Highsmith submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Highsmith expressed concern regarding the activity of Constellation Energy and Marathon Digital. Mr. Highsmith additionally said that Constellation Energy is the applicant but does not cite the correct proposed permits numbers for the proposed permits at issue. He also expressed concern about the health effects from the emissions that would be authorized under the proposed permits. Mr. Highsmith also voices concern about mercury in the natural gas that may be emitted from the plant. Mr. Highsmith also expresses concern for the noise pollution from existing plants in the area owned by different entities. However, the hearing request did not describe any likely impact

of the regulated activity on Mr. Highsmith's health and safety or on the use of his property. Therefore, Mr. Highsmith did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Highsmith resides approximately 4.22 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Highsmith's address relative to the location of the plant, his health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that John W. Highsmith is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, John W. Highsmith raised the following issues:

**Issue 1: Whether the emissions authorized under the proposed permits will be protective of human health.**

**Issue 2: Whether the authorizations of entities other than the applicant for these proposed permits can be evaluated.**

**Issue 3: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.**

**Issue 4: Whether there will be significant noise pollution from the plant.**

ii. Audrie Tibljas

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Audrie Tibljas is not an affected person.

Ms. Tibljas submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Tibljas expressed concern that her family's ranch is near the proposed facility. In Ms. Tibljas's request, she provided the street address of the family ranch but did not include the city. Assuming that the ranch is located in Granbury, then the ranch would be approximately 0.64 miles away from the proposed facility. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Tibljas's health and safety. Additionally, the hearing request did not describe any likely impact of the regulated activity on the use of her property. Therefore, Ms. Tibljas did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Tibljas resides approximately 6.01 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the



dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Tibljas's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Audrie Tibljas is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Audrie Tibljas raised the following issue:

**Issue 1: Whether the proposed plant will negatively affect nearby houses.**

iii. Liana Oechsle

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Liana Oechsle is not an affected person.

Ms. Oechsle submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachments A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Oechsle expressed concern that noise from the proposed facility might make her delay construction of a house at a property she owns at an unspecified location. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Oechsle's health and safety or the impact that the regulated activity might pose for her personal residence. Ms. Oechsle did not provide an address for any property she owned other than the address of her residence, so the impact of the proposed plant on any additional property she owns cannot be properly evaluated. Therefore, Ms. Oechsle did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Oechsle resides approximately 9.53 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Oechsle's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Liana Oechsle is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Liana Oechsle raised the following issues:

**Issue 1: Whether the proposed plant will negatively affect nearby land.**

**Issue 2: Whether there will be significant noise pollution from the proposed plant.**

iv. Monica Brown

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Monica Brown is not an affected person.

Ms. Brown submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Brown expressed concern that the natural gas for the proposed plant's turbines might contain mercury, resulting in mercury emissions. She also expressed concern about the frequency of noise that may come from the proposed plant and surrounding industry. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Brown's health and safety or on the use of her property. Therefore, Ms. Brown did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Brown resides approximately 6.12 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Brown's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Monica Brown is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Monica Brown raised the following issues:

**Issue 1: Whether there will be significant noise pollution from the plant.**

**Issue 2: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.**

v. James Bell

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find James Bell is not an affected person.

Mr. Bell submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Bell expressed concern that the natural gas for the proposed plant's turbines might contain mercury, resulting in mercury emissions. He also expressed concern about the frequency of noise that may come from the proposed plant and surrounding industry. However, the hearing request did not describe any likely impact of the regulated activity on Mr. Bell's health and safety or on the use of his property. Therefore, Mr. Bell did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Bell resides approximately 5.88 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of

Mr. Bell's address relative to the location of the plant, his health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that James Bell is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, John W. Highsmith raised the following issues:

**Issue 1: Whether there will be significant noise pollution from the plant.**

**Issue 2: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.**

vi. Patricia Larson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Patricia Larson is not an affected person.

Ms. Larson submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Larson expressed concern that the proposed plant is too close to nearby neighborhoods. She also expressed concern that the emissions from the proposed plant may trigger non-attainment status of Hood County, but did not specify for which criteria pollutants non-attainment would potentially be triggered. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Larson's health and safety or on the use of her property. Therefore, Ms. Larson did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Ms. Larson resides approximately 5.46 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Larson's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Liana Oechsle is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Patricia Larson raised the following issues:

**Issue 1: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.**

**Issue 2: Whether the proposed plant was too close to nearby houses.**

vii. Walter Wimberley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Walter Wimberley is not an affected person.

Mr. Wimberley submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of his hearing request. Mr. Wimberley expressed concern that he fishes in Lake Granbury and his COPD might cause him to have breathing problems from the plant's emissions. However, the hearing request did not specifically describe where on Lake Granbury Mr. Wimberley fishes. Lake Granbury has a surface area of 8,310 acres, or nearly 13 square miles, so it cannot be accurately determined if Mr. Wimberley fishes in an area that would experience impacts to the ambient air from the proposed plant's emissions. Therefore, Mr. Wimberley did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Wimberley resides approximately 9.18 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Wimberley's address relative to the location of the plant, his health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Walter Wimberley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Walter Wimberley raised the following issue:

**Issue 1: Whether the proposed plant will negatively affect human health.**

viii. Mary Wimberley

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Mary Wimberley is not an affected person.

Ms. Wimberley submitted a hearing request as part of a timely filed comment. The hearing request was the same identical form letter as the hearing requests submitted by the persons listed in Attachment A. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Ms. Wimberley expressed concern that she has COPD and has a hard time breathing, so she is concerned with additional air pollution.

Based on the address provided, the ED determined that Ms. Wimberley resides approximately 9.56 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes.

Given the distance of Ms. Wimberley's address relative to the location of the plant, her health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Mary Wimberley is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Mary Wimberley raised the following issues:

**Issue 1: Whether the proposed permits would be protective of human health.**

ix. Randall D. Larson

The ED reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a person is an affected person and recommends the commission find Randall D. Larson is not an affected person.

Mr. Highsmith submitted a hearing request as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. Mr. Larson expressed concern that the proposed plant is too close to nearby neighborhoods. He also expressed concern that the emissions from the proposed plant may trigger non-attainment status of Hood County, but did not specify for which criteria pollutants non-attainment would potentially be triggered. However, the hearing request did not describe any likely impact of the regulated activity on Mr. Larson's health and safety or on the use of his property. Therefore, Mr. Larson did not raise a personal justiciable interest.

Based on the address provided, the ED determined that Mr. Larson resides approximately 5.46 miles from the location of the plant. For air authorizations, distance from the proposed plant is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a plant. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Larson's address relative to the location of the plant, his health and safety would not be impacted in a manner different from the general public. Therefore, the ED recommends that the commission find that Randall D. Larson is not an affected person based on the criteria set out in 30 TAC § 55.203.

In his hearing request, Randall D. Larson raised the following issues:

**Issue 1: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.**

**Issue 2: Whether the proposed plant was too close to nearby houses.**

c. Hearing Requestors residing in the immediately surrounding location

i. Donna Adair

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the Commission find that Donna Adair is not an affected person.

Ms. Adair submitted a hearing request during the comment period. The hearing request was in writing and provided the required contact information. Some of the

issues raised in the hearing request were based on timely filed comments. In her hearing request, Ms. Adair expressed concern about adverse health effects on the residents near the proposed plant from the emissions that would be authorized under the proposed permits. Ms. Adair also voices concern about the impact of the emissions authorized under the proposed permits on plants and animals, as well as the land and water nearby. She also expressed concern about Hood County being pushed into nonattainment by the emissions from the proposed plant, further voicing concern about the economic impact that a nonattainment designation would have. She further voiced concern about the impact that approving these proposed permits would have on the operation of nearby plants. However, the hearing request did not describe any likely impact of the regulated activity on Ms. Adair's health and safety or on the use of her property. Therefore, Ms. Adair did not raise a personal justiciable interest.

Using the address provided, the Executive Director determined that she lives approximately 0.96 miles from the proposed plant. Based on her location relative to the proposed plant, the Executive Director does expect the regulated activity to have an impact on Ms. Adair's health in a way that is not common to members of the general public. However, because she failed to raise a personal justiciable interest in her hearing request, the Executive Director recommends that the Commission find that Donna Adair is not an affected person based on the criteria set out in 30 TAC § 55.203.

In her hearing request, Ms. Adair raised the following issues that were also raised in her timely comments:

**Issue 1: Whether the proposed plant was too close to nearby houses.**

**Issue 2: Whether there will be significant noise pollution from the plant.**

**Issue 3: Whether authorization of the proposed plant would impact the activity of other nearby plants.**

**Issue 4: Whether the proposed plant will be protective of air quality**

**Issue 5: Whether the proposed permits would be protective of human health.**

**Issue 6: Whether the proposed permits would be protective of flora and fauna.**

**Issue 7: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.**

**Issue 8: Whether the proposed plant was too close to nearby houses.**

**Issue 9: Whether the proposed plant will negatively impact the water quality of nearby bodies of water.**

### **VIII. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing**

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.<sup>2</sup> The issues raised for this application and the Executive Director's analysis and recommendations follow.

#### ***Issue 1: Whether the proposed permits would be protective of human health.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hensel, Karen Pearson, Shenice Copenhaver, Daniel Scott Lakey, and Mary Wimberley who the Executive Director recommends are affected persons. The issue was also raised by Donna Adair and requestors in Attachment A, who the ED recommends are not affected persons.

The Executive Director recommends referring this issue to SOAH.

#### ***Issue 2: Whether the proposed permits would be protective of flora and fauna.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Virginia Browning, and Karen Pearson who the Executive Director recommends the Commission find are affected persons. The issue was also raised by Donna Adair, who the ED recommends is not an affected person.

The Executive Director recommends referring this issue to SOAH.

#### ***Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, who the Executive Director recommends the Commission find is an affected person. This issue was raised by Patricia Larson, Randall D. Larson, and Donna Adair, who the ED recommends are not affected persons.

The Executive Director recommends referring this issue to SOAH.

#### ***Issue 4: Whether the proposed permits would be protective of air quality.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft proposed permits. The issue was raised by Cheryl Shadden, Nick Browning, Karen Pearson, and Daniel Scott Lakey, who the Executive Director recommends the Commission find are affected persons. The issue

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<sup>2</sup> TEX. GOVT. CODE § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

was also raised by requestors in Attachment A and Donna Adiar, who the ED recommends the Commission find are not affected persons.

**The Executive Director recommends referring this issue to SOAH.**

***Issue 5: Whether the cumulative effects from nearby plants will harm the health of the nearby community.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by Cheryl Shadden, who the ED recommends the commission find is an affected person. This issue was raised by the requestors in Attachments A and B, who the ED recommends are not affected persons.

**The Executive Director recommends referring this issue to SOAH.**

***Issue 6: Whether there will be significant noise pollution from the plant.***

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider noise pollution or noise abatement measures.

The ED recommends the commission not refer this issue to SOAH.

***Issue 7: Whether the Applicant was responsible for violations documented with other nearby entities.***

This issue involves an undisputed question of fact, and it is not relevant and material to the issuance of the draft permit. TCEQ cannot consider legal action against entities other than the Applicant, nor can TCEQ consider the compliance history of any entities outside of the Applicant or the Site. The Applicant for this permit is Wolf Hollow II Power, LLC, and ongoing litigation against other nearby entities are not within the scope of this permit review.

The ED recommends the commission not refer this issue to SOAH.

***Issue 8: Whether the proposed plant will negatively impact the water quality of nearby bodies of water, including the Brazos River and Lake Granbury.***

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. While the TCEQ is responsible for the environmental protection of all media, including water, the TCAA specifically addresses air related issues. This permit, if issued, would regulate the control and abatement of air emissions only; and therefore, issues regarding water quality are not within the scope of this permit review.

The ED recommends the commission not refer this issue to SOAH.



***Issue 9: Whether the proposed plant will negatively impact the land.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit. This issue was raised by requestors in Attachments A and B, as well as Liana Oechsle, who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

***Issue 10: Whether the proposed plant will negatively impact the Texas power grid.***

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permits. The TCEQ's jurisdiction is limited to the issues set forth in statute, specifically the TCAA. This issue was raised by the requestors in Attachments A who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

***Issue 11: Whether the plant will be a minor source.***

This issue involves an undisputed question of fact. The proposed permits would authorize the operation of a major source.

The ED recommends the commission not refer this issue to SOAH.

***Issue 12: Whether the proposed plant will negatively affect property values.***

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the impact on property values for the surrounding community.

The ED recommends the commission not refer this issue to SOAH.

***Issue 13: Whether the natural gas streams used to fuel the proposed plant's turbines will result in mercury emissions.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permits. This issue was raised by Monica Brown, John W. Highsmith, and James Bell, who the ED recommends are not affected persons.

The ED recommends the commission not refer this issue to SOAH.

***Issue 14: Whether the proposed plant was too close to nearby houses.***

This issue involves a disputed question of fact, and was not withdrawn, and but it is not relevant and material to the issuance of the draft permits. TCEQ's jurisdiction is limited to the issues set forth in statute. TCEQ does not have authority to consider the plant location choices of an applicant unless a statute or rule imposes distance requirements.

The ED recommends the commission not refer this issue to SOAH.

***Issue 15: Whether authorization of the proposed plant would impact the activity of other nearby plants.***

This issue involves a disputed question of fact, and was not withdrawn; however, it is not relevant and material to the issuance of the draft permit. The TCEQ's jurisdiction is limited to the issues set forth in statute. The TCEQ does not have the authority to consider the impact on another plant's activity. TCEQ's permit review is confined to the activity or proposed activity of the proposed plant covered by the permit application.

The ED recommends the commission not refer this issue to SOAH.

***Issue 16: Whether the proposed plant will negatively affect nearby houses.***

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permits. This issue was raised by the Audrie Tibljas who the ED recommends is not an affected person.

The ED recommends the commission not refer this issue to SOAH.

## **IX. Executive Director's Recommendation**

The Executive Director respectfully recommends the following actions by the Commission:

1. The Executive Director recommends that the Commission find that Cheryl Shadden, Nick Browning, Virginia Browning, Helen Hensel, Karen Pearson, Donna Adair, Shenice Copenhaver, and Daniel Scott Lakey are affected persons and grant their hearing requests for Permits No. 175173 and PSDTX1636.
2. The Executive Director recommends the Commission find that the remaining hearing requestors are not affected persons and deny their hearing requests.
3. The Executive Director recommends that the Commission deny the requests for reconsideration.
4. If referred to SOAH, refer the following issues as raised by an affected person as identified by the Executive Director:

***Issue 1: Whether the proposed permits would be protective of human health.***

***Issue 2: Whether the proposed permits would be protective of flora and fauna.***

***Issue 3: Whether the proposed permits would result in the exceedance of the NAAQS for any of the criteria pollutants in Hood County.***

***Issue 4: Whether the proposed permits would be protective of air quality.***

***Issue 5: Whether the cumulative effects from nearby plants will harm the health of the nearby community.***

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director  
Office of Legal Services

Charmaine K. Backens, Deputy Director  
Environmental Law Division



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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

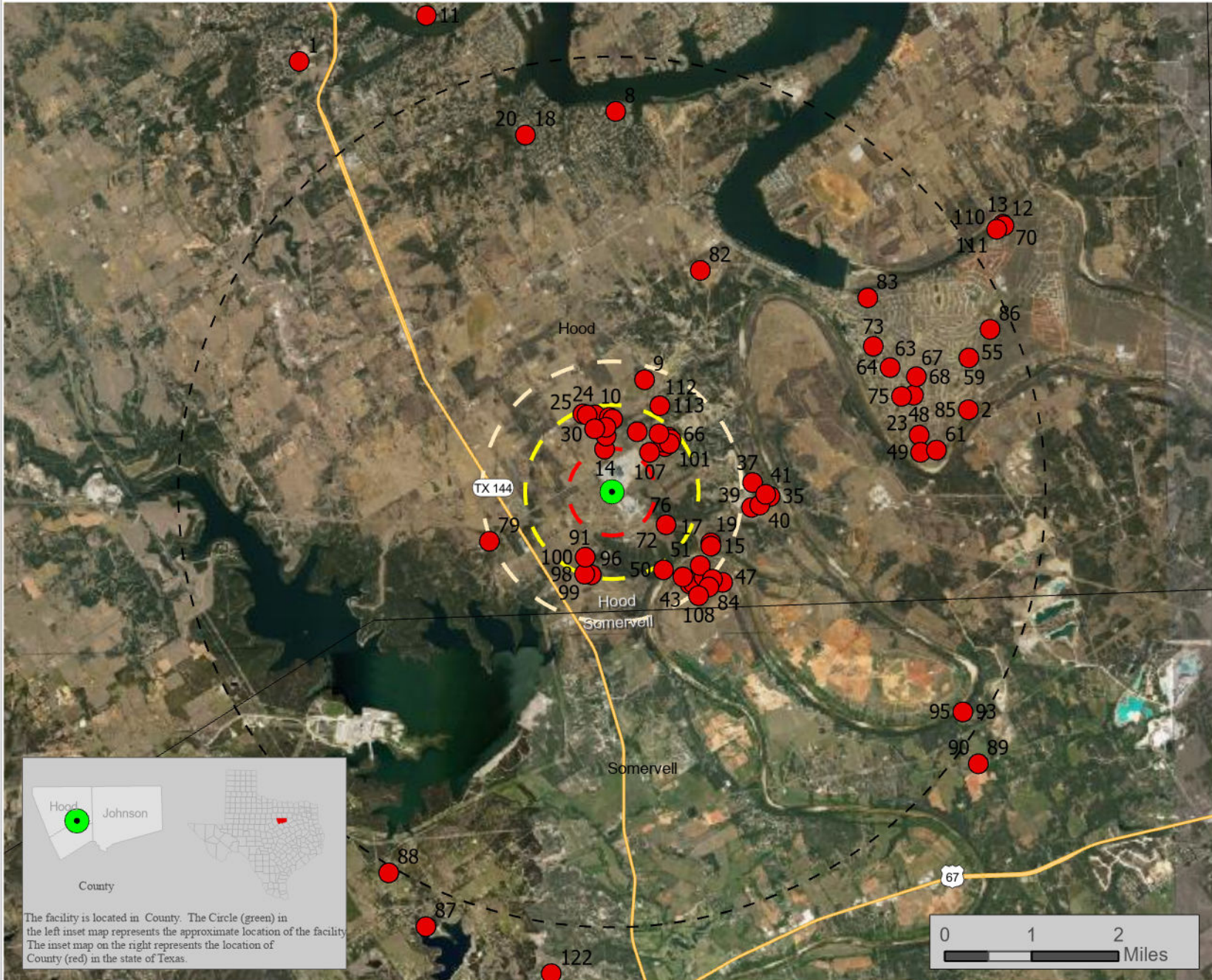
# Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636



*Protecting Texas by  
Reducing and  
Preventing Pollution*

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

Texas Commission on Environmental Quality  
GIS Team (Mail Code 197)  
P.O. Box 13087  
Austin, Texas 78711-3087  
Date: 1/6/2025  
CRF 0116138  
Cartographer: MAttoh



- Facility Point
- Requestors
- ┌ 0.5-Mile Radius From Facility Point
- ┌ 1.0-Mile Radius From Facility Point
- ┌ 1.5-Mile Radius From Facility Point
- ┌ 5.0-Mile Radius From Facility Point
- Texas Counties



The facility is located in Hood County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Hood County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

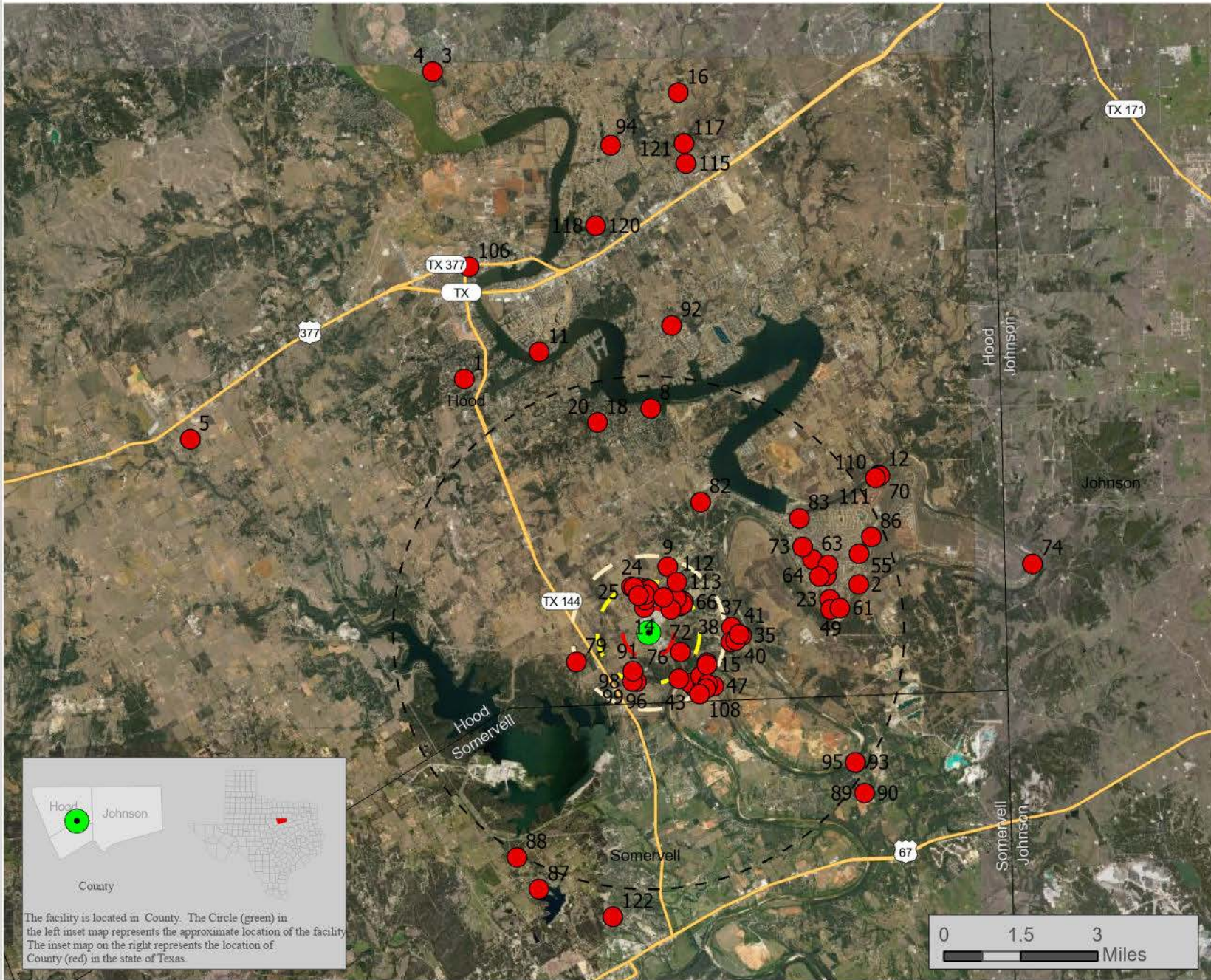
# Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636



Protecting Texas by  
Reducing and  
Preventing Pollution

Map Requested by TCEQ Office of Legal Services  
for Commissioners' Agenda

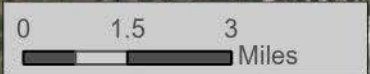
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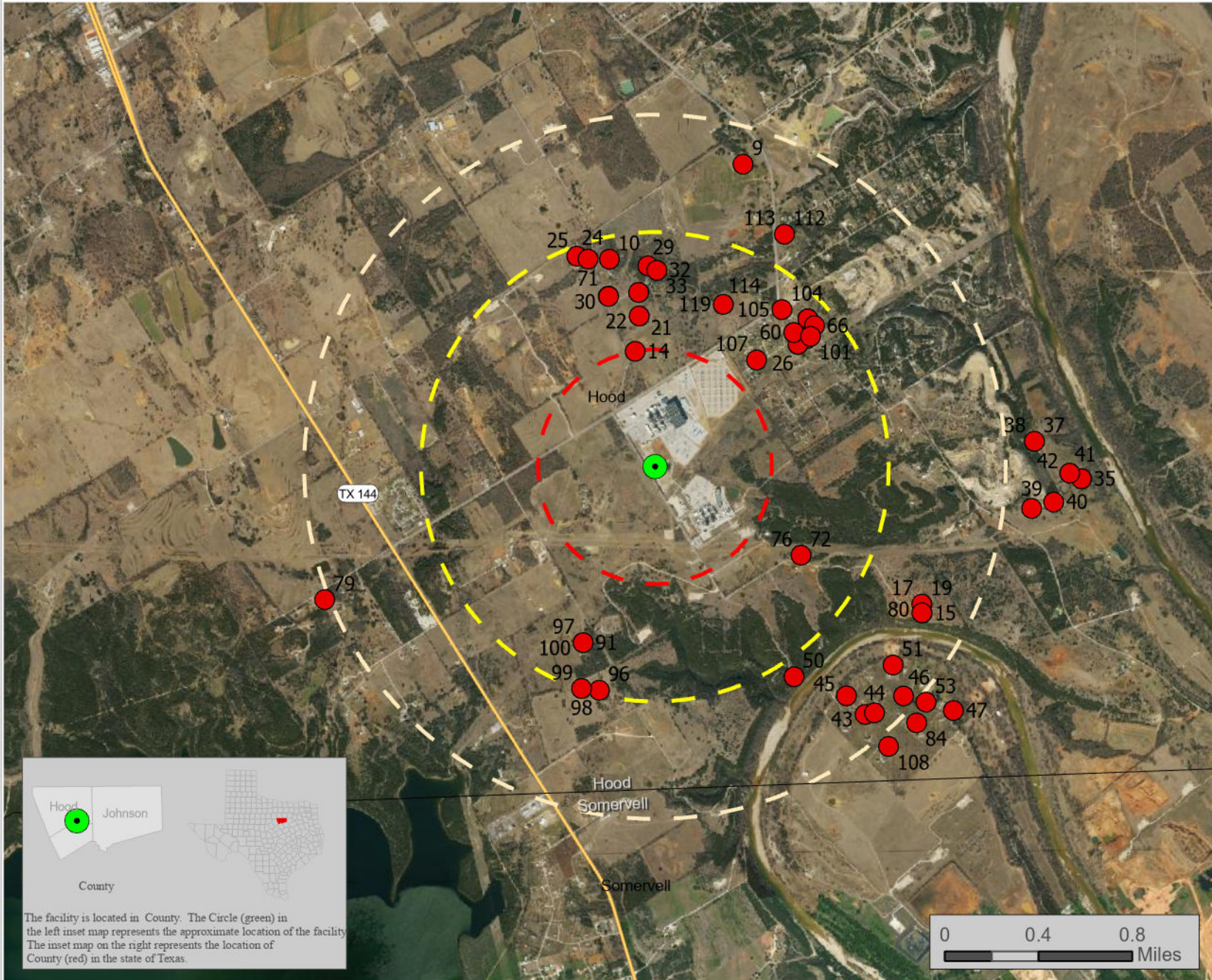
# Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636



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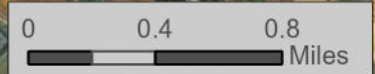
- Facility Point
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ATTACHMENT A



Michael Graft  
Melanie Graft  
Sheri Shaw  
Travis Copenhaver  
Van Austin Williams  
Janet M Lowery  
Mark Beatty  
Robert Adair  
Nikki Sopchak  
Courtney Hubbell  
Mary E. McGuffey  
Dale Russell  
Karen J Russell  
Ted Hayes  
Christy Rains  
C. R. Rains  
Wyveda Dowdy  
Brent Hayes  
Kim Tibljas  
Edward J. Tibljas  
Linda Hayes  
Tom Weeks  
Christine Brooking  
Thomas Weeks  
Kay Dykes  
Tom Dykes  
Eva Royer  
Joseph Webber  
Paul Holliday  
Rhonda Holliday  
Amy Rawle  
Wesley Rawle  
Melanie R. Taylor  
Timothy Taylor  
Jimmy Wimberley  
Richard Brunning

Attachment B

Thomas Weeks  
Amy Rawle  
Wesley Rawle  
Deanna Jones  
Margaret Killion  
David T. Raffa  
Olean Roberts  
Randall J. Love  
Robert D. Killion  
Andrea M. Barber  
Jeff Seider  
Ricky Carmack  
Leann Seider  
Briana G. Seider  
Lynnsey Goller  
Tim Harris  
Brett Niebes  
Geraldine Lathers  
Daniel R. Rhode  
Nancy Rhode  
Ronald Hannula  
Gwyneth Rhode  
Richard Tanner  
Courtney Pedroza  
Kenneth Hall  
Juanita Hall  
Jonathan Pedroza  
Tommy Engle  
Timothy J. Kurcz  
Marcia L. Kurcz  
Deanna Lakey  
Suzanne Sloan  
Amanda Sims  
Hunter Sims  
Douglas Houg  
Martin Ruback

Mark Matthews  
William Faraizl  
Frank Moffitt  
Brad Peden  
Kim Burton  
Bruce Chase  
Chris Rubel  
Mary Allard  
Greg Johnson  
Ronnie Allard  
Roberta Hannula  
Corey Webster  
Jacob Webster  
Toby Mitchell  
Steven Potts  
Tanner Randall  
Barbara Potts  
Beverley A. Potts  
Larry M. Potts  
Maci English  
Rae Waldrod  
Santiago Torres  
Curtis Brooks  
Marie Brooks  
Christian Brooks  
A. Brooks  
William Seider  
Keisha Doss  
Lindsey Stewart  
Peter Wolf  
Zachary Q. Stewart  
Shannon Wolf  
David Blankenship  
Lisa Blankenship  
Annabell Wullaert  
Robert Adair

ATTACHMENT C

Monica Brown  
Cynthia Marie Highsmith  
Michael Graft  
Melanie Graft  
Sheri Shaw  
Travis Copenhaver  
Shenice Copenhaver  
Van Austin Williams  
Janet M. Lowery  
Mark Beatty  
James Bell  
Patricia Larson  
Randall D. Larson  
Cheryl Shadden  
William Seider  
Keisha Doss  
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Walter Wimberley  
Nick Browning  
Mary Wimberley  
Melanie R. Taylor  
Virginia Browning  
Timothy Taylor  
Jimmy Wimberley  
Richard Brunning  
John Joslin  
Barbara Meuter  
Gina Rogers  
Mark Rogers  
Texas State Representative DeWayne Burns  
Concerned Citizen

ATTACHMENT D

Geraldine Lathers  
Nannette Samuelson  
Cherie Gore  
Daniel Scott Lakey  
Deanna Lakey  
Travis Copenhaver  
Shernice Copenhaver  
Chris B. Brooking  
Thomas Weeks  
Mark Beatty  
Mary Allard  
Ronnie Allard  
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Amy Rawle  
Cheryl Shadden  
John W. Highsmith  
Cynthia Marie Highsmith



# Appendix A for Wolf Hollow II Power, LLC Air Quality Permit Nos. 175173, GHGPSDTX 238, and PSDTX1636, GIS Map

Name	Lat	Long	State	Distance to Facility Point
<b>1-BROWN, MONICA</b>	32.409868	-97.79533	TX	6.12 Miles
<b>2-HIGHSMITH,CYNTHIA MARIE</b>	32.349512	-97.66478	TX	4.22 Miles
<b>3-GRAFT, MICHAEL</b>	32.496934	-97.803874	TX	11.72 Miles
<b>4-GRAFT, MELANIE</b>	32.496934	-97.803874	TX	11.72 Miles
<b>5-SHAW, SHERI</b>	32.39434	-97.887371	TX	9.73 Miles
<b>6-COPENHAVER, TRAVIS</b>	32.344778	-97.724106	TX	0.85 Miles
<b>7-COPENHAVER, SHENICE</b>	32.344778	-97.724106	TX	0.85 Miles
<b>8-WILLIAMS, VAN AUSTIN</b>	32.40047	-97.7331	TX	4.37 Miles
<b>9-LOWERY, JANET M</b>	32.355646	-97.728496	TX	1.34 Miles
<b>10-BEATTY, MARK</b>	32.349947	-97.738405	TX	0.91 Miles

<b>11-BELL,JAMES</b>	32.41709	-97.77007	TX	5.88 Miles
<b>12-LARSON,PATRICIA</b>	32.380329	-97.657222	TX	5.46 Miles
<b>13-LARSON,RANDALL D</b>	32.380329	-97.657222	TX	5.46 Miles
<b>14-SHADDEN,CHERYL</b>	32.34422	-97.736657	TX	0.50 Miles
<b>15-SEIDER, WILLIAM</b>	32.327682	-97.716079	TX	1.30 Miles
<b>16-DOSS, KEISHA</b>	32.489588	-97.721759	TX	10.54 Miles
<b>17-STEWART, LINDSEY</b>	32.328234	-97.716096	TX	1.28 Miles
<b>18-WOLF, PETER</b>	32.396847	-97.751004	TX	4.22 Miles
<b>19-STEWART, ZACHARY Q</b>	32.328234	-97.716085	TX	1.28 Miles
<b>20-WOLF, SHANNON</b>	32.396847	-97.751004	TX	4.22 Miles
<b>21-BLANKENSHIP, DAVID</b>	32.346399	-97.73631	TX	0.65 Miles
<b>22-BLANKENSHIP, LISA</b>	32.346399	-97.73631	TX	0.65 Miles
<b>23-WULLAERT, ANNABEL</b>	32.345488	-97.674589	TX	3.60 Miles
<b>24-ADAIR, ROBERT</b>	32.35017	-97.740782	TX	0.96 Miles
<b>25-ADAIR, DONNA</b>	32.35017	-97.740782	TX	0.96 Miles

<b>26-WEBSTER, COREY</b>	32.344432	-97.724751	TX	0.80 Miles
<b>27-WEBSTER, JACOB</b>	32.344432	-97.724751	TX	0.80 Miles
<b>28-MITCHELL, TOBY</b>	32.344432	-97.724751	TX	0.80 Miles
<b>29-POTTS, STEVEN</b>	32.349489	-97.735603	TX	0.86 Miles
<b>30-RANDALL, TANNER</b>	32.347654	-97.738548	TX	0.75 Miles
<b>31-POTTS, BARBARA</b>	32.349489	-97.735603	TX	0.86 Miles
<b>32-POTTS, BEVERLEY A</b>	32.349195	-97.734954	TX	0.84 Miles
<b>33-POTTS, LARRY M</b>	32.349195	-97.734954	TX	0.84 Miles
<b>34-ENGLISH, MACI</b>	32.347663	-97.738516	TX	0.75 Miles
<b>35-WALDROD, RAE</b>	32.335775	-97.704224	TX	1.83 Miles
<b>36-TORRES, SANTIAGO</b>	32.33578	-97.704235	TX	1.83 Miles
<b>37-BROOKS, CURTIS</b>	32.33815	-97.707614	TX	1.63 Miles
<b>38-BROOKS, MARIE</b>	32.33815	-97.707614	TX	1.63 Miles
<b>39-BROOKS, CHRISTIAN</b>	32.334008	-97.70792	TX	1.62 Miles
<b>40-BROOKS, A</b>	32.33437	-97.7063	TX	1.71 Miles

<b>41-SIMS, AMANDA</b>	32.336138	-97.705082	TX	1.77 Miles
<b>42-SIMS, HUNTER</b>	32.336138	-97.705082	TX	1.77 Miles
<b>43-HOUG, DOUGLAS</b>	32.321492	-97.720401	TX	1.39 Miles
<b>44-RUBACK, MARTIN</b>	32.321578	-97.719714	TX	1.41 Miles
<b>45-MATHEWS, MARK</b>	32.322666	-97.721737	TX	1.27 Miles
<b>46-FARAIZL, WILLIAM</b>	32.322584	-97.717563	TX	1.44 Miles
<b>47-MOFFITT, FRANK</b>	32.321619	-97.713942	TX	1.65 Miles
<b>48-PEDEN, BRAD</b>	32.352149	-97.675544	TX	3.65 Miles
<b>49-BURTON, KIM</b>	32.342606	-97.674375	TX	3.59 Miles
<b>50-CHASE, BRUCE</b>	32.32391	-97.725536	TX	1.07 Miles
<b>51-RUBEL, CHRIS</b>	32.324508	-97.718284	TX	1.32 Miles
<b>52-ALLARD, MARY</b>	32.347855	-97.736312	TX	0.75 Miles
<b>53-JOHNSON, GREG</b>	32.322172	-97.715927	TX	1.53 Miles
<b>54-ALLARD, RONNIE</b>	32.347855	-97.736317	TX	0.75 Miles
<b>55-HANNULA, ROBERTA</b>	32.358157	-97.664464	TX	4.40 Miles

<b>56-LATHERS,GERALDINE</b>	32.34445	-97.724751	TX	0.80 Miles
<b>57-ROHDE, DANIEL R</b>	32.346013	-97.723989	TX	0.91 Miles
<b>58-ROHDE, NANCY</b>	32.346013	-97.723989	TX	0.91 Miles
<b>59-HANNULA, ROLAND</b>	32.358157	-97.664469	TX	4.40 Miles
<b>60-ROHDE, GWYNETH</b>	32.345181	-97.725041	TX	0.82 Miles
<b>61-TANNER, RICHARD</b>	32.342918	-97.671243	TX	3.77 Miles
<b>62-PEDROZA, COURTNEY</b>	32.346	-97.723981	TX	0.91 Miles
<b>63-HALL, KENNETH</b>	32.356828	-97.680051	TX	3.51 Miles
<b>64-HALL, JUANITA</b>	32.356828	-97.680051	TX	3.51 Miles
<b>65-PEDROZA, JONATHAN</b>	32.346	-97.723981	TX	0.91 Miles
<b>66-ENGLE, TOMMY</b>	32.345583	-97.723514	TX	0.91 Miles
<b>67-KURCZ, TIMOTHY J</b>	32.355221	-97.6749	TX	3.75 Miles
<b>68-KURCZ, MARCIA L</b>	32.355221	-97.6749	TX	3.75 Miles
<b>69-LAKEY, DEANNA</b>	32.347663	-97.738531	TX	0.75 Miles
<b>70-SLOAN, SUZANNE</b>	32.380081	-97.656993	TX	5.46 Miles

<b>71-JONES, DENNA</b>	32.349981	-97.739966	TX	0.93 Miles
<b>72-KILLION, MARGARET</b>	32.331413	-97.724841	TX	0.73 Miles
<b>73-RAFFA, DAVID T</b>	32.360444	-97.683271	TX	3.45 Miles
<b>74-ROBERTS, OLEAN</b>	32.35426	-97.606491	TX	7.63 Miles
<b>75-LOVE, RANDALL J</b>	32.351988	-97.677912	TX	3.52 Miles
<b>76-KILLION, ROBERT D</b>	32.331413	-97.724841	TX	0.73 Miles
<b>77-BARBER, ANDREA M</b>	32.351988	-97.677906	TX	3.52 Miles
<b>78-SEIDER, JEFF</b>	32.328234	-97.716096	TX	1.28 Miles
<b>79-CARMACK, RICKY</b>	32.329265	-97.759716	TX	1.52 Miles
<b>80-SEIDER, LEEANN</b>	32.328234	-97.716096	TX	1.28 Miles
<b>81-SEIDER, BRIANA G</b>	32.3277	-97.7161	TX	1.30 Miles
<b>82-GOLLER, LYNNSEY</b>	32.373684	-97.717059	TX	2.74 Miles
<b>83-HARRIS,TIM</b>	32.36852	-97.684158	TX	3.70 Miles
<b>84-NIEBES,BRETT</b>	32.320903	-97.716649	TX	1.56 Miles
<b>85-HIGHSMITH, JOHN W</b>	32.349516	-97.664785	TX	4.22 Miles

<b>86-SOPCHAK, NIKKI</b>	32.362852	-97.660183	TX	4.75 Miles
<b>87-HUBBELL, COURTNEY</b>	32.265244	-97.773759	TX	5.44 Miles
<b>88-MCGUFFEY, MARY E</b>	32.274336	-97.780874	TX	5.08 Miles
<b>89-RUSSELL, DALE</b>	32.290493	-97.6643	TX	5.25 Miles
<b>90-RUSSELL, KAREN J</b>	32.290493	-97.6643	TX	5.25 Miles
<b>91-HAYES, TED</b>	32.326286	-97.74089	TX	0.81 Miles
<b>92-TIBLJAS, AUDRIE</b>	32.423819	-97.725535	TX	6.01 Miles
<b>93-RAINS, CHRISTY</b>	32.299176	-97.667128	TX	4.77 Miles
<b>94-OECHSLE, LIANA</b>	32.475121	-97.744727	TX	9.53 Miles
<b>95-RAINS, C R</b>	32.299189	-97.667131	TX	4.77 Miles
<b>96-DOWDY, WYVEDA</b>	32.32332	-97.739782	TX	0.98 Miles
<b>97-HAYES, BRENT</b>	32.326281	-97.740898	TX	0.81 Miles
<b>98-TIBLJAS, KIM</b>	32.323452	-97.74108	TX	1.00 Miles
<b>99-TIBLJAS, EDWARD J</b>	32.323452	-97.74108	TX	1.00 Miles
<b>100-HAYES, LINDA</b>	32.326281	-97.740898	TX	0.81 Miles

<b>101-WEEKS, TOM</b>	32.344926	-97.72382	TX	0.87 Miles
<b>102-BROOKING,CHRISTINE</b>	32.344926	-97.72382	TX	0.87 Miles
<b>103-WEEKS, THOMAS</b>	32.344926	-97.72382	TX	0.87 Miles
<b>104-DYKES, KAY</b>	32.346613	-97.725869	TX	0.86 Miles
<b>105-DYKES, TOM</b>	32.346613	-97.725869	TX	0.86 Miles
<b>106-ROYER, EVA</b>	32.441536	-97.792962	TX	7.95 Miles
<b>107-HENSEL, HELEN</b>	32.343529	-97.727801	TX	0.63 Miles
<b>108-WEBBER,JOSEPH</b>	32.319482	-97.718736	TX	1.55 Miles
<b>109-LAKEY,DANIEL SCOTT</b>	32.347645	-97.73852	TX	0.75 Miles
<b>110-HOLLIDAY, PAUL</b>	32.379509	-97.658447	TX	5.37 Miles
<b>111-HOLLIDAY, RHONDA</b>	32.379509	-97.658447	TX	5.37 Miles
<b>112-RAWLE,AMY</b>	32.351267	-97.725575	TX	1.14 Miles
<b>113-RAWLE, WESLEY</b>	32.351267	-97.725575	TX	1.14 Miles
<b>114-PEARSON,KAREN</b>	32.347011	-97.73014	TX	0.75 Miles
<b>115-WIMBERLEY, WALTER</b>	32.469547	-97.719682	TX	9.18 Miles



<b>116-BROWNING,NICK</b>	32.347007	-97.730144	TX	0.75 Miles
<b>117-WIMBERLEY, MARY</b>	32.475192	-97.720185	TX	9.56 Miles
<b>118-TAYLOR, MELANIE R</b>	32.452464	-97.75033	TX	8.00 Miles
<b>119-BROWNING,VIRGINIA</b>	32.347012	-97.730149	TX	0.75 Miles
<b>120-TAYLOR, TIMOTHY</b>	32.452455	-97.75033	TX	8.00 Miles
<b>121-WIMBERLEY, JIMMY</b>	32.475192	-97.720185	TX	9.56 Miles
<b>122-BRUNNING, RICHARD</b>	32.256985	-97.74927	TX	5.58 Miles

**MAILING LIST**

**Wolf Hollow Power, LLC**

**DOCKET NO. 2024-1918-AIR; PERMIT NO. 175173**

**FOR THE CHIEF CLERK:**

*via electronic filing*

Laurie Gharis, Chief Clerk  
Texas Commission on  
Environmental Quality  
Office of Chief Clerk, MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
[Laurie.Gharis@tceq.texas.gov](mailto:Laurie.Gharis@tceq.texas.gov)

**FOR THE APPLICANT:**

*via electronic mail*

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