

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2009

THE HONORABLE HENRY GARRETT
MAYOR OF CORPUS CHRISTI
PO BOX 9277
CORPUS CHRISTI TX 78469-9277

Re: State, Hazardous Air Pollutant, Plant-Wide Applicability, and
Prevention of Significant Deterioration Permits
Permit Numbers: 85013, HAP48, PAL41, and PSD-TX-1138
Electric Generation Facility
Corpus Christi, Nueces County
Regulated Entity Number: RN105520779
Customer Reference Number: CN603358771

Dear Mayor Garrett:

We have enclosed a copy of the public notice for Las Brisas Energy Center, LLC, which would authorize construction of a petroleum coke-fired electric generation facility at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. We have mailed the public notice to the company for publication in a local newspaper. A copy of the public notice is being sent to you in accordance with Title 30 Texas Administrative Code § 116.111. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Hyde".

Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting and Registration

RAH/RH/ssl

Enclosures

cc: Mr. Shanon DiSorbo, P.E., Vice President, RPS JDC, Inc., Houston
Air Section Manager, Region 14 - Corpus Christi
Air Permits Section Chief, New Source Review, Section (6PD-R), Environmental
Protection Agency, Region 6, Dallas

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2009

THE HONORABLE LOYD NEAL
NUECES COUNTY COURTHOUSE
901 LEOPARD RM 303
CORPUS CHRISTI TX 78401

Re: State, Hazardous Air Pollutant, Plant-Wide Applicability, and
Prevention of Significant Deterioration Permits
Permit Numbers: 85013, HAP48, PAL41, and PSD-TX-1138
Electric Generation Facility
Corpus Christi, Nueces County
Regulated Entity Number: RN105520779
Customer Reference Number: CN603358771

Dear Judge Neal:

We have enclosed a copy of the public notice for Las Brisas Energy Center, LLC, which would authorize construction of a petroleum coke-fired electric generation facility at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. We have mailed the public notice to the company for publication in a local newspaper. A copy of the public notice is being sent to you in accordance with Title 30 Texas Administrative Code § 116.111. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Hyde".

Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting and Registration

RAH/RH/ssl

Enclosures

cc: Mr. Shanon DiSorbo, P.E., Vice President, RPS JDC, Inc., Houston
Air Section Manager, Region 14 - Corpus Christi
Air Permits Section Chief, New Source Review, Section (6PD-R), Environmental
Protection Agency, Region 6, Dallas

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2009

MR. JOHN P BUCKNER
EXECUTIVE DIRECTOR
COASTAL BEND COUNCIL OF GOVERNMENTS
PO BOX 9909
CORPUS CHRISTI TX 78469-9909

Re: State, Hazardous Air Pollutant, Plant-Wide Applicability, and
Prevention of Significant Deterioration Permits
Permit Numbers: 85013, HAP48, PAL41, and PSD-TX-1138
Electric Generation Facility
Corpus Christi, Nueces County
Regulated Entity Number: RN105520779
Customer Reference Number: CN603358771

Dear Mr. Buckner:

We have enclosed a copy of the public notice for Las Brisas Energy Center, LLC, which would authorize construction of a petroleum coke-fired electric generation facility at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. We have mailed the public notice to the company for publication in a local newspaper. A copy of the public notice is being sent to you in accordance with Title 30 Texas Administrative Code § 116.111. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. A. Hyde".

Richard A. Hyde, P.E., Director
Air Permits Division
Office of Permitting and Registration

RAH/RH/ssl

Enclosures

cc: Mr. Shanon DiSorbo, P.E., Vice President, RPS JDC, Inc., Houston
Air Section Manager, Region 14 - Corpus Christi
Air Permits Section Chief, New Source Review, Section (6PD-R), Environmental
Protection Agency, Region 6, Dallas

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2009

MR JOHN UPCHURCH
MANAGING PARTNER
LAS BRISAS ENERGY CENTER LLC
11011 RICHMOND AVE
HOUSTON TX 77042-6720

Re: State, Hazardous Air Pollutant, Plant-Wide Applicability, and
Prevention of Significant Deterioration Permits
Permit Numbers: 85013, HAP48, PAL41, and PSD-TX-1138
Electric Generation Facility
Corpus Christi, Nueces County
Regulated Entity Number: RN105520779
Customer Reference Number: CN603358771

Dear Mr. Upchurch:

The Texas Commission on Environmental Quality (TCEQ) Executive Director has completed the technical review of your application and has prepared a preliminary decision and draft permit.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- ④ Notices for Newspaper Publication (Examples A and B)
- ④ Public Notice Checklist
- ④ Instructions for Public Notice
- ④ Public Notice Verification Form (TCEQ 20244-Air)
- ④ Affidavit of Publication and Alternative Language Affidavit of Publication
- ④ Notification List
- ④ Draft Permit
- ④ Executive Director's Preliminary Decision

Please note that it is **very important** that you follow **all** directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

Mr. John Upchurch
Page 2
January 7, 2009

Re: Permit Numbers 85013, HAP48, PAL41, and PSD-TX-1138

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

If you have any questions regarding publication requirements, please contact the TCEQ Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Mr. Randy Hamilton, P.E., at (512) 239-1512.

Sincerely,



LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality

LDC/RH/ssl

Enclosures

cc: Mr. Shanon DiSorbo, P.E., Vice President, RPS JDC, Inc., Houston
Air Section Manager, Region 14 - Corpus Christi
Air Permits Section Chief, New Source Review, Section (6PD-R), Environmental
Protection Agency, Region 6, Dallas

Project Number: 138509

bcc: Ms. Dede Sigman, TCEQ Environmental Law Division, MC-173, Austin

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AIR QUALITY PERMITS

PROPOSED AIR QUALITY PERMIT NUMBERS: 85013 HAP48, PAL41, AND PSD-TX-1138

APPLICATION AND PRELIMINARY DECISION. Las Brisas Energy Center, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of State Air Quality Permit Number 85013, Hazardous Air Pollutant (HAP) Major Source [FCAA § 112(g)] Permit Number HAP48, Plant-Wide Applicability Limit (PAL) Permit Number PAL41, and Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSD-TX-1138, which would authorize construction and operation of a petroleum coke-fired power plant at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. The application was submitted to the TCEQ on May 19, 2008, and subsequently updated. The proposed facilities will emit the following air contaminants: sulfur dioxide, nitrogen oxides, carbon monoxide, particulate matter (including particulate matter less than 10 microns and less than 2.5 microns in diameter), volatile organic compounds, sulfuric acid, fluorides (as hydrogen fluoride) lead, mercury, ammonia, hydrochloric acid, and other products of petroleum coke combustion and emission control.

The degree of PSD increment predicted to be consumed by the proposed facilities and other increment-consuming sources in the area is as follows:

Sulfur Dioxide

Maximum Averaging Time	Maximum Increment Consumed (ug/m ³)	Allowable Increment (ug/m ³)
3-hour	236	512
24-hour	78	91
Annual	9	20

Particulate Matter

Maximum Averaging Time	Maximum Increment Consumed (ug/m ³)	Allowable Increment (ug/m ³)
24-hour	29.7	30
Annual	4	17

EXAMPLE A

Page 2

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed (ug/m ³)	Allowable Increment (ug/m ³)
Annual	7	25

The TCEQ Executive Director has determined that the emissions of air contaminants from the proposed facilities will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and “best available control technology” will be used for the control of these contaminants. In addition, the “maximum achievable control technology emission limitation for new sources” will be used for the control of hazardous air pollutants.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facilities must operate. The TCEQ Executive Director has made a preliminary decision to issue the permit. The permit application, TCEQ Executive Director’s preliminary decision, and draft permit will be available for viewing and copying at the TCEQ Central Office, 12100 Park 35 Circle, Austin, Texas 78753; the TCEQ Corpus Christi Regional Office, NRC Building, Suite 1200, 6300 Ocean Drive, Unit 5839, Corpus Christi, Texas 78412-5839; and at the Corpus Christi Central Library, 805 Comanche Street, Corpus Christi, Nueces County, Texas, beginning the first day of publication of this notice. The facility’s compliance file, if any exists, is available for public review at the TCEQ Corpus Christi Regional Office, NRC Building, Suite 1200, 6300 Ocean Drive, Unit 5839, Corpus Christi, Texas, 78412-5839.

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

PUBLIC COMMENT/PUBLIC MEETING. The TCEQ held a public meeting at 7:00 p.m. on October 7, 2008, at Del Mar College Center for Economic Development, Room 106, 3209 South Staples Street, Corpus Christi, Texas. You may submit additional public comments or request another public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the TCEQ Executive Director determines that there is substantial public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

You may request a public meeting or submit additional written public comment by writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www.tceq.state.tx.us/about/comments.html within 30 days of the date of newspaper publication of this notice.

After the deadline for public comment, the TCEQ Executive Director will consider the comments and prepare a response to all relevant and material or otherwise significant public comment. **The response to comments, along with the TCEQ Executive Director’s decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director’s decision.**

EXAMPLE A

Page 3

OPPORTUNITY FOR A CONTESTED CASE HEARING. You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. **A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing from TCEQ.** A contested case hearing request must include the following: (1) your name (or for a group or association, the name of an official representative), mailing address, daytime phone number, and fax number, if any; (2) the applicant's name and permit number(s); (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a manner not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or association, the one or more members who have standing to request a hearing and the interests that the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application, permit(s), or both, which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following the date of newspaper publication of this notice to the TCEQ Office of the Chief Clerk, at the address provided in the public comment/public meeting section above.

A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period that have not been withdrawn. Issues that are not raised in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. Timely hearing request(s) have been received by the TCEQ. However, if all timely contested case hearing requests have been withdrawn and no additional comments are received, the TCEQ Executive Director may issue final approval of the application. If all timely hearing requests are not withdrawn, the TCEQ Executive Director will not issue final approval of the permit and will forward the application and requests to the TCEQ Commissioners for their consideration at a scheduled commission meeting.

INFORMATION. If you need more information about this permit application or the permitting process, please call the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our Web site at www.tceq.state.tx.us.

Further information may also be obtained from Las Brisas Energy Center, LLC, 11011 Richmond Avenue, Houston Texas 77042 or by calling Mr. Shanon DiSorbo, P.E., Vice President, RPS JDC, Inc., at (832) 239-8019.

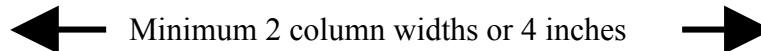
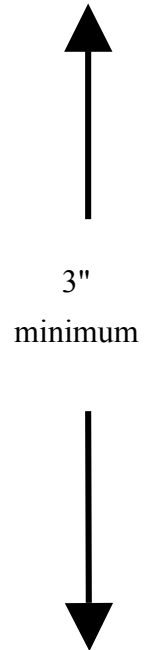
Date: January 7, 2009

EXAMPLE B

Publication Elsewhere in the Newspaper:

TO ALL INTERESTED PERSONS AND PARTIES:

Las Brisas Energy Center, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of State Air Quality Permit Number 85013, Hazardous Air Pollutant (HAP) Major Source [FCAA § 112(g)] Permit Number HAP48, Plant-Wide Applicability Limit (PAL) Permit Number PAL41, and Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSD-TX-1138, which would authorize construction and operation of a petroleum coke-fired power plant at 6059 Joe Fulton Corridor, Corpus Christi, Nueces County, Texas. Additional information concerning this application is contained in the public notice section of this newspaper.



PUBLIC NOTICE CHECKLIST

Notice of Application and Preliminary Decision for an Air Quality Permit (2nd Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the “Instructions for Public Notice” section of this package.

Within 33 calendar days after date of this letter
<p>Publish <i>Notice of Application and Preliminary Decision for an Air Quality Permit</i> in the same newspaper(s) in which you published <i>Notice of Receipt of Intent to Obtain Permit</i> for this application</p> <ul style="list-style-type: none">- Example A must be published in “public notice” section of newspaper. Review for accuracy prior to publishing.- Example B (if applicable) must be published in prominent location (other than “public notice”) in same issue of newspaper <p>Provide copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director’s preliminary decision (including the draft permit) at a public place for review and copying. Keep them there for duration of the designated comment period.</p>
First day of newspaper publication
<p>Review published newspaper notice for accuracy. If errors, contact Air Permits Division.</p> <p>Ensure copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director’s preliminary decision (including the draft permit) are at the public place.</p>
Within 10 business days after date of publication
<p>Mail original newspaper clippings showing publication date and newspaper name to</p> <p>Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105 Attn: Notice Team P.O. Box 13087 Austin, Texas 78711-3087</p> <p>Mail photocopies of newspaper clippings showing publication date and newspaper name to persons listed on <i>Notification List</i>.</p>
Within 30 calendar days after date of publication
<p>Mail original affidavit of publication and alternative language affidavit of publication (if applicable) to</p> <p>Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105 Attn: Notice Team P.O. Box 13087 Austin, Texas 78711-3087</p> <p>Mail photocopies of affidavits to persons listed on <i>Notification List</i>.</p>
Within 10 business days after end of the designated comment period
<p>Mail Public Notice Verification Form to</p> <p>Texas Commission on Environmental Quality Office of the Chief Clerk, MC-105 Attn: Notice Team P.O. Box 13087 Austin, Texas 78711-3087</p> <p>Mail photocopies of Public Notice Verification Form to persons listed on <i>Notification List</i>.</p>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



INSTRUCTIONS FOR PUBLIC NOTICE

For New Source Review & Prevention of Significant Deterioration Air Permit

NOTICE OF APPLICATION AND PRELIMINARY DECISION

We have completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions:

Review Notice

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice or font/style without prior approval from the TCEQ.

Newspaper Notice

- ☞ You must publish the enclosed *Notice of Application and Preliminary Decision for an Air Quality Permit* within **33 calendar days** after the date this information was mailed to you (see date of letter).
- ☞ You must publish the enclosed *Notice of Application and Preliminary Decision for an Air Quality Permit* at your expense, in the same newspaper(s) in which you published the *Notice of Receipt and Intent to Obtain Permit* for this application. The newspaper must be a newspaper that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper must be of general circulation in the municipality nearest the location.
- ☞ You must publish this notice in one issue of any applicable newspaper.
- ☞ You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the newspaper. *Example B* must be published in the **same issue** of the newspaper as *Example A*; however, it must be published in a prominent location (other than the public notice section). *Example B* refers the public to the "public notice" section of the newspaper where *Example A* provides more information regarding the permit application.

- ☞ Example B must be a total of at least **6-column inches (standard advertising units)** with a height of at least **3 inches** and a horizontal dimension of **2-column widths**. If the newspaper chosen does not use standard advertising units for measurement, the notice must be at least **12 square inches** with the shortest side of at least **3 inches**.
- ☞ The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice

In certain circumstances, applicants for air permits must complete notice in alternative languages.

- ☞ Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the facility or proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (newspaper notice).
- ☞ Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools eligible to be taught in a bilingual education program at a different location, alternative language notice is required.
- ☞ If triggered, publications of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision for an Air Quality Permit*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- ☞ The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- ☞ Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. To assist applicants in meeting these requirements, the TCEQ has provided the *Public Notice Verification Form* (enclosed). You must fill out the *Public Notice Verification Form* indicating your compliance with the requirements regarding publication in an alternative language. This form is also available at www.tceq.state.tx.us/goto/air/publicnotice.

☞ It is suggested the applicant work with the local school district to do the following:

- (a) determine if a bilingual program is required in the district;
 - (b) determine which language is required by the bilingual program;
 - (c) locate the nearest elementary and middle schools; and
 - (d) determine if any students attending either school are entitled to be enrolled in a bilingual educational program.
- **If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language.** Since the most common bilingual programs are in Spanish, the TCEQ has provided example Spanish notice templates for your use. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Electronic versions of the Spanish templates are available through the TCEQ Air Permits Division webpage at www.tceq.state.tx.us/goto/air/publicnotice.
 - If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

Public Comment Period

- The public comment period should last at least **30 calendar days**. With the exception of renewals and concrete batch plants whose comment period should last at least **15 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held or if second notice is required. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

Proof of Publication

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit **original newspaper clippings or tear sheets** of each published notice which shows the complete notice that was published, the date of publication, and the name of the newspaper to the TCEQ Office of the Chief Clerk within **10 business days** after the date of publication.

- You must submit an **original publisher's affidavit of publication and alternate language affidavit of publication (if applicable)** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit forms.** The affidavits must clearly identify the applicant's name and permit number. You are encouraged to submit the affidavit with the original newspaper clippings described above.
- You must submit the *Public Notice Verification Form* to the TCEQ Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met bilingual notice requirements.
- The **original publisher's affidavits, *Public Notice Verification Form*, and original newspaper clippings of the published notices** must be mailed to:

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clippings you send to the TCEQ Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted.
- Photocopies of newspaper clippings, affidavits, and verifications must also be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication *on time***, the TCEQ may suspend further processing on your application or take other actions.

Sign Posting

Applications for air quality permits are not required to post signs during the *Notice of Application and Preliminary Decision*.

Application in a Public Place

- ☞ You must provide a copy of the complete application (including any subsequent revisions) and the TCEQ Executive Director's preliminary decision (including the draft permit), at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- ☞ A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).

- ☞ This copy must be accessible to the public for review and copying. The copy must be available beginning on the first day of newspaper publication and remain in place until the commission has taken action on the application or the commission refers issues to the State Office of Administrative Hearings.
- ☞ If the application is submitted to the TCEQ with information marked as “CONFIDENTIAL,” you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: “Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality, Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087.”
- ☞ You must submit verification of file availability using the *Public Notice Verification Form* within **10 business days** after end of the publications’ designated comment period. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the application was in a public place during the entire public comment period.

General Information

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Application and Preliminary Decision*.

If you have questions or need assistance regarding publication requirements, please contact the TCEQ Office of the Chief Clerk at (512) 239-3300 or the project reviewer listed in the cover letter.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

Applicant Name: Las Brisas Energy Center, LLC

Site or Facility Name: Las Brisas Energy Center

TCEQ Account Number (if applicable): N/A Permit Numbers: 85013, HAP48, PAL41, PSD-TX-1138

Regulated Entity Number: RN105520779 Customer Number: CN603358771

All applicants must complete all applicable portions of this form. The completed form should be sent to the TCEQ to the attention of the Office of the Chief Clerk. For more information regarding public notice, refer to the instructions in the public notice package.

ALTERNATIVE LANGUAGE CHECKLIST			
I have contacted the appropriate school district.			<input type="checkbox"/> YES <input type="checkbox"/> NO
A bilingual education program is required by the Texas Education Code in the district.			<input type="checkbox"/> YES <input type="checkbox"/> NO
School District:		Phone No.:	
Person Contacted:		Date:	
The name of the elementary school nearest to the proposed or existing facility is:			
The name of the middle school nearest to the proposed or existing facility is:			
The following language(s) is/are utilized in the bilingual program:			
If an applicable bilingual program exists, then applicants must publish a notice and/or post signs, as outlined in the Instructions for Public Notice and certify as applicable on this form.			
ALTERNATIVE LANGUAGE VERIFICATION			
I verify that the area addressed by this permit application is subject to alternative language public notice requirements.			<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that the applicant has conducted a diligent search for a newspaper or publication of general circulation in both the municipality and county in which the facility is located (or proposed to be located).			<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that no such newspaper or publication was found in any of the alternative language(s) in which notice is required.			<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that the publisher of the newspapers listed below refuse to publish the notice as requested, and no other newspaper or publication in the same language and of general circulation was found in the municipality or county in which the facility is located (or proposed to be located).			<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
Newspaper:		Language:	
I verify that bilingual sign(s) required by the TCEQ were posted. <i>(if applicable)</i>			<input type="checkbox"/> YES <input type="checkbox"/> NO
I verify that original tear sheets of the newspaper alternative language notice(s) and the requested affidavits have been sent to the TCEQ.			<input type="checkbox"/> YES <input type="checkbox"/> NO
Signed by:		Applicant:	
Title:		Date:	



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Public Notice Verification Form
Air Permit

Applicant Name: Las Brisas Energy Center, LLC

Site or Facility Name: Las Brisas Energy Center

TCEQ Account Number (if applicable): N/A Permit Numbers: 85013, HAP48, PAL41, PSD-TX-1138

Regulated Entity Number: RN105520779 Customer Number: CN603358771

NEW SOURCE REVIEW PERMIT NOTICE VERIFICATION

I verify that the required signs (for 1st notice) were posted in accordance with the regulations and instructions of the TCEQ ☐ YES ☐ NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instructions of the TCEQ. ☐ YES ☐ NO

Notice of Receipt of Application and Intent to Obtain Permit (1st Notice):
I verify that a copy of the complete air quality application, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. ☐ YES ☐ NO

Notice of Application and Preliminary Decision (2nd Notice, if applicable):
I verify that a copy of the complete air quality application and draft permit, and any revisions, are available for review and copying at the public place indicated below from the first day after newspaper publication; and

I also verify that the air quality application and draft permit, and any revisions, will remain in the designated public place until either:
(1) the TCEQ acts on the application; or
(2) the application is referred to the State Office of Administrative Hearings (SOAH) for hearing. ☐ YES ☐ NO

Name of Public Place:

Address of Public Place:

Signed by:

Title:

Date:

FEDERAL OPERATING PERMIT (TITLE V) NOTICE VERIFICATION

I verify that the required signs were posted in accordance with the regulations and instructions of the TCEQ. ☐ YES ☐ NO

I verify that original tear sheets of the newspaper notices and the requested affidavits have been furnished in accordance with the regulations and instruction of the TCEQ. ☐ YES ☐ NO

I verify that a copy of the complete air quality application and draft permit, and any revisions, were available for review and copying at the public place indicated below throughout the duration of the public comment period. ☐ YES ☐ NO

Name of Public Place:

Address of Public Place:

Signed by:

Title:

Date:

Applicant Name: Las Brisas Energy Center, LLC
 Permit Nos.: 85013, HAP48, PAL41, PSD-TX-1138
 Notice of Application & Preliminary Decision

My Commission Expires

Applicant Name: Las Brisas Energy Center, LLC
 Permit Nos.: 85013, HAP48, PAL41, PSD-TX-1138
 Notice of Application & Preliminary Decision

My Commission Expires _____

NOTIFICATION LIST

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavits of Publication*, the *Alternative Language Affidavit of Publication (if applicable)*, and a completed copy of the *Public Notice Verification Form*. Originals should be sent to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. **Copies** should be sent to the following:

U.S. Environmental Protection Agency
Region 6
Attn: Air Permits (6PD-R)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Texas Commission on Environmental Quality
Office of Permitting and Registration
Air Permits Division, MC-163
Mr. Randy Hamilton, P.E.
P.O. Box 13087
Austin, Texas 78711-3087

Texas Commission on Environmental Quality
Corpus Christi Regional Office
NRC Building Suite 1200
6300 Ocean Drive, Unit 5839
Corpus Christi, Texas 78412-5839