

How to ask for a contested case hearing

Citizens need to request a contested case hearing within the 30 day comment period.

According to the public notice all requests for a contested case hearing must include the following information:

1. Your name (or for a group or association, an official representative; mailing address; daytime phone number; fax number (if any))
2. Applicant's name and permit number (State Air Quality Permit No. 70861 and PSD Air Quality Permit No. PSD-TX-P1039)
3. The statement **"I/we request a contested case hearing"**
4. A specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public
5. Physical address and the location and distance of your property relative to the facility
6. A description of how you use the property which may be impacted by the facility;

If being submitted by a group or association, the one or more members who have standing to request a hearing, i.e. are affected persons, and the interests which the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns.

Erik Hendrickson, the TCEQ permit engineer for this project, and he said that the request for contested case hearing must include the above information or the request may be denied. Also, requests must be based on issues for which TCEQ has jurisdiction, e.g. health issues. He said that noise, traffic and light are not under the jurisdiction of the TCEQ.

All requests for contested case hearings must be "timely," i.e. postmarked by March 22nd. In the letter requesting a contested case hearing you should also request to be put on the mailing list for this project so that you will be notified when the second notice occurs and be notified if (or the Executive Director) requests a direct referral to the State Office of Administrative Hearing Examiners

