

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 17, 2026

The Honorable Stan Gerdes
Texas House of Representatives
P.O. Box 12910
Austin, Texas 78711-2910

Re: Pacifico CCK Energy 1, L.L.C. / Registration No. 185019

Dear Representative Gerdes:

Thank you for your letter to the Texas Commission on Environmental Quality (TCEQ) requesting a public meeting regarding the Air Quality Standard Permit for Electric Generating Units (EGUs) Registration No. 185019, for Pacifico CCK Energy 1, LLC (Pacifico). On August 14, 2026, Pacifico submitted a registration application to authorize construction of a natural gas-fired power plant under the standard permit for EGUs, proposed to be located at 382 Earl Callahan Road in Cedar Creek, Texas. The registration application is currently undergoing administrative and technical review.

Standard permits, such as the Air Quality Standard Permit for EGUs, are a streamlined mechanism to authorize minor sources for specific facilities, activities, and equipment and contain common conditions and operating requirements previously determined to be protective of human health and the environment. When the Standard Permit was developed, the process included public notice and comment opportunities, as well as a public hearing. All comments were considered and received a written response as part of TCEQ's final adoption of the standard permit.

Facility-specific registrations to use such permits that TCEQ staff determines to be administratively and technically complete are not subject to public participation requirements set forth in 30 Texas Administrative Code Chapter 39. The site you described in your letter is seeking a facility-specific registration that is not subject to public participation requirements. However, a registration to use the Air Quality Standard Permit for EGUs, if approved, is subject to a motion to overturn under 30 Texas Administrative Code Chapter 50, providing a person with an opportunity to challenge an executive director's decision before the commission. In any event, a facility operating under a standard permit must still comply with all terms and conditions of the standard permit and all other applicable state and federal air quality requirements.

If, after administrative and technical review, a facility is determined to be ineligible to be registered under the Air Quality Standard Permit for EGUs, then the facility would need to obtain authorization under another permitting mechanism, such as the New Source Review case-by-case permit. In such an instance, the permit application would be subject to the public participation requirements set forth in 30 Texas Administrative Code Chapter 39. No determination has been made at this time as to Pacifico's eligibility as its registration application is undergoing administrative and technical review.

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TCEQ appreciates your interest in environmental issues. If you have any further questions, please contact Samuel Short, Deputy Director, Air Permits Division, at (512) 239-5363 or Grant McLoughlin, Director, Intergovernmental Relations Division, at (512) 239-3500.

Sincerely,

A handwritten signature in black ink, appearing to read "K Keel". The signature is written in a cursive, flowing style.

Kelly Keel
Executive Director
Texas Commission on Environmental Quality