

Richard Paces

From: Amancio Gutierrez <Amancio.Gutierrez@tceq.texas.gov>
Sent: Wednesday, October 1, 2025 5:03 PM
To: Richard Paces
Cc: Kristi Mills-Jurach; Cynthia Gandee; Brittney Teakell
Subject: Re: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing
Attachments: Response to Kerr County Questions_Final.pdf

Good afternoon, Commissioner Paces,

Please see the attached document with TCEQ's responses.

Thank you,
Amancio Gutierrez
Acting Deputy Director
Critical Infrastructure Division
Texas Commission on Environmental Quality (TCEQ)
Phone: 512-239-0076
Cell: 737-270-0655
Email: amancio.gutierrez@tceq.texas.gov

How is our customer service?

Fill out our online customer satisfaction survey at www.tceq.texas.gov/goto/customersurvey

From: Amancio Gutierrez
Sent: Friday, September 26, 2025 1:40 PM
To: Richard Paces <richard.paces@ccourt.kerrcountytexas.gov>
Subject: RE: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Good afternoon, Commissioner Paces,

Yes, a draft response is currently progressing through our management chain for review and approval. I hope to have it sent to you by late next week.

Thank you,

Amancio Gutierrez

Interim Deputy Director

Critical Infrastructure Division

Texas Commission on Environmental Quality (TCEQ)

Phone: 512-239-0076

Cell: 737-270-0655

Email: amancio.gutierrez@tceq.texas.gov

How is our customer service?

Fill out our online customer satisfaction survey at www.tceq.texas.gov/goto/customersurvey

From: Richard Paces <richard.paces@ccourt.kerrcountytexas.gov>
Sent: Thursday, September 25, 2025 5:38 PM
To: Amancio Gutierrez <Amancio.Gutierrez@tceq.texas.gov>
Subject: RE: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Amancio,

I should have read Kelly's email closer to pick up on his retirement as of the end of August. I trust you are working on this now as indicated in Kelly Cook's last email?

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2 and President of the HCESRPC Board

(830) 343-9107

From: Richard Paces
Sent: Thursday, September 25, 2025 5:36 PM
To: Kelly Cook <kelly.cook@tceq.texas.gov>
Cc: Amancio Gutierrez <Amancio.Gutierrez@tceq.texas.gov>
Subject: RE: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Kelly,

Any progress on the answers to the questions from our April 16th HCESRPC meeting? We are still anxiously awaiting your response.

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2 and President of the HCESRPC Board

(830) 343-9107

From: Kelly Cook <kelly.cook@tceq.texas.gov>
Sent: Thursday, August 28, 2025 11:24 AM
To: Richard Paces <richard.paces@ccourt.kerrcountytexas.gov>
Cc: Amancio Gutierrez <Amancio.Gutierrez@tceq.texas.gov>
Subject: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

You don't often get email from kelly.cook@tceq.texas.gov. [Learn why this is important](#)

Commissioner Paces,

I apologize for the delay. The TCEQ is currently working to answer the questions from the HCESRPC meeting and should have responsive information back to you within the next few weeks.

Additionally, I am retiring from State Service on August 31, 2025. For future correspondence with TCEQ please contact Amancio Gutierrez, Interim Deputy Director for TCEQ's Critical Infrastructure Division. Amancio's email is Amancio.gutierrez@tceq.texas.gov.

Thank you.

Kelly W. Cook, Deputy Director

Critical Infrastructure Division

Office of Compliance and Enforcement

Texas Commission on Environmental Quality

From: Kelly Cook

Sent: Thursday, August 21, 2025 9:55 AM

To: Richard Paces <richard.paces@ccourt.kerrcountytexas.gov>

Subject: Re: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Sir,

I am in a deposition all day today but will try to get back with you soon.

Sent from my iPhone

On Aug 20, 2025, at 4:03 PM, Richard Paces <richard.paces@ccourt.kerrcountytexas.gov> wrote:

Kelly,

I refer you to the meeting between the HCESRPC and TCEQ on April 16th. As you will recall, TCEQ committed to seeking answers to a list of questions and to providing specific information as requested by the Commission and documented in the meeting minutes to which you provided input. It has now been more than 4 months and we have yet to hear anything from TCEQ. Please let me know what is holding up your response. If you are waiting on information specific to one issue, please indicate this to be the case and provide all other answers and information that you can. I look forward to hearing from you promptly.

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2 and President of the HCESRPC Board

(830) 343-9107

Please note that my email address has changed. Kindly update your contact information.

From: Richard Paces <rpaces@co.kerr.tx.us>

Sent: Wednesday, June 4, 2025 6:25 PM

To: 'Kelly Cook' <kelly.cook@tceq.texas.gov>

Subject: RE: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Kelly,

I have yet to hear anything from you in response to my email on May 12th. Are you able to provide me any of the requested information as described below? I look forward to hearing from you.

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2 and President of the HCESRPC Board

(830) 343-9107

From: Richard Paces [<mailto:rpaces@co.kerr.tx.us>]

Sent: Monday, May 12, 2025 7:11 PM

To: 'Kelly Cook' <kelly.cook@tceq.texas.gov>

Subject: HCESRPC Board Meeting Minutes - Follow Up on Information TCEQ Committed to Providing

Dear Kelly,

The minutes from our April 16th HCESRPC Board meeting were approved with the changes you provided. They are posted on our website under the Meeting Minutes page and I have attached a copy for your easy reference. I refer you to the meeting minutes, specifically to the issues raised to which TCEQ committed to seeking answers to the questions and information below and providing it to the Commission:

1. How to file a petition for rule-making?
2. Information from the 85 BESS construction notifications and 59 notifications of 10,000 lbs. or more hazardous substance storage on BESS sites, including location, developer, size, megawatts, etc.
3. Regarding TCEQ's New Technology Implementation Grant for BESS:

1. How much money does TCEQ have to disburse to BESS projects through the NTIG program?
2. What is the source of these funds?
3. How many applications did TCEQ receive for NTIG BESS grants?
4. How many NTIG BESS grant applications have been approved?
5. May we have a list of the BESS project applications approved? Will the approved projects be posted online, and if so, how can it be accessed?

4. Does TCEQ define BESS as “dispatchable energy generating units” or “generating assets,” and if so, can residents who live near a BESS request a “contested hearing”? What is the procedure to request such a “contested hearing”?
5. Does TCEQ plan to conduct an independent review on the Moss Landing BESS fire?
6. For our Hill Country Counties which are suffering from prolonged drought, could the TCEQ request a water disaster declaration leading to a moratorium on developments which place an inordinate additional demand on the water supply? How often have such development permits been denied, following cases which went all the way to the 3 TCEQ Commissioners?
7. TCEQ will provide us a contact in the Department of Health Services, whom we can contact about potential health impacts of BESS.
8. Where does TCEQ receive its guidance for wind and solar policy in relation to the grid?

Members from the public also specifically asked TCEQ:

9. to contact the Governor and Dan Patrick and ask for whatever authority they need to protect us from the dangers of BESS;
10. to reconsider granting any funds to BESS facilities through their NTIG program.

I ask that you provide our Commission with the answers to the above questions or an update on progress made to date. I look forward to hearing from you.

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2 and President of the HCESRPC Board

(830) 343-9107

From: Kelly Cook [<mailto:kelly.cook@tceq.texas.gov>]
Sent: Friday, May 2, 2025 1:59 PM
To: Richard Paces <rpaces@co.kerr.tx.us>
Subject: RE: Meeting Minutes

Commissioner Paces,

Thank you again for sending a copy of draft meeting minutes. I have made one correction in Tracked Changes regarding TCEQ seeking cost recovery for our response actions. On the second page it states “They sue local government to recover the expenses of these activities” but should read “They may seek cost recovery from the responsible parties to recover the expenses of these activities.”

Thanks.

Kelly W. Cook, Deputy Director
Critical Infrastructure Division
Office of Compliance and Enforcement
Texas Commission on Environmental Quality

From: Richard Paces <rpaces@co.kerr.tx.us>
Sent: Thursday, May 1, 2025 6:11 PM
To: Kelly Cook <kelly.cook@tceq.texas.gov>
Subject: RE: Meeting Minutes
Importance: High

Kelly,

Here is an advance copy of the meeting minutes. Let me know if you think we missed anything or got anything wrong regarding our discussion. Note that the meeting video is available on our website at: www.HCESRPC.com.

Kind regards,

Rich Paces

Kerr County Commissioner, Precinct 2

(830) 343-9107

From: Kelly Cook [<mailto:kelly.cook@tceq.texas.gov>]

Sent: Monday, April 28, 2025 9:04 AM

To: Richard Paces <rpaces@co.kerr.tx.us>

Subject: RE: Meeting Minutes

Ok, thank you!

Kelly W. Cook, Deputy Director

Critical Infrastructure Division

Office of Compliance and Enforcement

Texas Commission on Environmental Quality

From: Richard Paces <rpaces@co.kerr.tx.us>

Sent: Sunday, April 27, 2025 1:43 PM

To: Kelly Cook <kelly.cook@tceq.texas.gov>

Subject: RE: Meeting Minutes

Kelly,

I have not yet received the minutes from the meeting. Our secretary had to take a trip out of town, but I am told that she will have them complete by this coming Wednesday. I will send you a copy as soon as they are available. Also, you can view the meeting video via our website: www.HCESRPC.com as it is already posted.

Best regards,

Rich

From: Kelly Cook [<mailto:kelly.cook@tceq.texas.gov>]

Sent: Friday, April 25, 2025 4:45 PM

To: rpaces@co.kerr.tx.us

Subject: Meeting Minutes

Commissioner Paces,

I hope you are doing well today.

I just wanted to ask if you might have a copy of the HCESRPC meeting minutes from our visit on April 16th. We would like to make sure we capture all your questions correctly.

Thank you and have a great weekend.

Kelly W. Cook, Deputy Director

Critical Infrastructure Division

Office of Compliance and Enforcement

Texas Commission on Environmental Quality