

Mr. Steven Janus
Senior Program Manager
Level (3) Communications, LLC
7581 West 103rd Avenue
Westminster, Colorado 80021

Re: Permit by Rule Registration
Emergency Diesel Engine Generator
Houston, Harris County and Dallas County

Dear Mr. Janus:

This is in response to your registration for the installation of three emergency diesel generators at each of the following sites:

2323 Bryan Street, Dallas, Texas 75201 (Dallas County)
520 Post Oak Boulevard, Houston, Texas 77027 (Harris County)
806 Main Street, Houston, Texas 77002 (Harris County).

We understand that the expected hours of operation for each generator are less than or equal to 150 hours per year. However, the information submitted in support of the request has been evaluated and found to be insufficient to determine whether all the requirements of Chapter 106 of 30 Texas Administrative Code (TAC) have been met. Therefore, we cannot confirm your claim of this permit by rule at this time.

Deficiencies are summarized below:

You did not provide the normal annual operating schedule of the primary facilities at each of the above sites. This information is required to confirm that the operation of emergency generators is less than 10 percent of the normal annual operating schedule of the primary facilities.

To assist you in your submittal, a copy of 30 TAC §106.511 and the applicable checklist are enclosed. You may resubmit, with appropriate corrections, a revised letter, and/or a new permit by rule registration request (PI-7). Please include all previously-assigned Texas Natural Resource Conservation Commission (TNRCC) Account ID, permit, or permit by rule registration numbers in your new submittal if applicable. In addition, please provide the TNRCC with the name and telephone number of the person who should be contacted regarding this registration.

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You are reminded that Sections 382.0518(a) and 382.057 of the Texas Clean Air Act, Texas Health and Safety Code, Chapter 382, provide that a construction permit must be obtained or permit by rule fully complied with before work is begun on the construction of a new facility or modification of an existing facility that may emit air contaminants.

Your cooperation in this matter is appreciated. If you have any questions concerning this permit by rule, please call Ms. Laterria May at (713) 767-3598 or write to her at Texas Natural Resource Conservation Commission, Office of Permitting, Remediation, and Registration, Air Permits Division (MC-162), P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Duncan F. Stewart, P.E. Manager
Permit by Rule/General Operating Permits Section
Air Permits Division
Texas Natural Resource Conservation Commission

DS/LM/bw

Enclosures

cc: Mr. Charles Murray, Air Section Manager, Tyler Region
Mr. Tony Walker, Air Section Manager, Arlington Region
Mr. Rob Barrett, Director, Harris County Public Health and Environmental Services,
Pollution
Control Department, Pasadena
Mr. Manuel Aguirre, P.E., Chief, Bureau of Air Quality
Control, Health and Human
Services Department, Houston
Mr. David Miller, Section Manager, Air Pollution Control Program, Environmental
and Health
Services, Dallas

AIR PERMITS DIVISION MC-162

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SR PROGRAM MGR
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