

SOAH DOCKET NO. 582-22-0201
TCEQ DOCKET NO. 2021-0942-AIR

APPLICATION BY	§	BEFORE THE STATE OFFICE
PORT ARTHUR LNG, LLC	§	
FOR AIR QUALITY PERMIT NOS.	§	OF
158420, PSDTX1572, AND	§	
GHGPSDTX198	§	ADMINISTRATIVE HEARINGS
PORT ARTHUR, JEFFERSON COUNTY	§	

**EXECUTIVE DIRECTOR'S RESPONSE AND EXCEPTIONS TO THE PROPOSAL FOR
DECISION**

TO: Honorable Administrative Law Judges (ALJs) Meitra Farhadi and Heather Hunziker:

The Texas Commission on Environmental Quality (TCEQ) Executive Director (ED) has reviewed the Proposal for Decision (PFD) and proposed order and maintains his position that the review of the application and draft permit met all applicable statutory and regulatory requirements. Executive Director staff performed the necessary review to ensure that the draft permit would meet all federal and state requirements and would be protective of human health and welfare. Therefore, the Executive Director excepts to the PFD's recommendations that the Draft Permit be revised to require the refrigeration compression turbines achieve nitrogen oxide (NO_x) controls of 5 parts per million, volume dry (ppmvd) at 15% oxygen (O₂), and carbon monoxide (CO) controls of 15 ppmvd at 15% O₂; and the thermal oxidizers to achieve NO_x controls of 0.053 lb/MMBtu (pounds per one metric million British thermal unit). The Executive Director contends that the PFD's recommendations to revise the Draft Permit are not Best Available Control Technology (BACT) and are not required for this permit.

I. Background

On September 12, 2019, Port Arthur LNG (PALNG or Applicant) submitted its application for a new source review (NSR) permit for authorization of a natural gas liquefaction plant and export terminal (plant).¹ If issued, Air Quality Permit Numbers 158420, PSDTX1572, and GHGPSDTX198 would authorize construction of the Port Arthur LNG plant in Port Arthur, Jefferson County, Texas.² The plant would consist of four liquefaction trains and include several new facilities.³ The particular facilities at issue in this contested case hearing are refrigeration compression turbines, power generation turbines, thermal oxidizers, flares, and fugitive emissions.⁴

During the public comment period on the application, the Commission received one hearing request from the Port Arthur Community Action Network (PACAN).⁵ The Commission considered the application at a regularly scheduled Commissioners' Agenda meeting, in which the Commission referred PACAN's hearing request to the State Office of Administrative Hearings (SOAH) for a determination on whether its member, John Beard, was an affected person pursuant to applicable laws.⁶ In SOAH Order No. 1, the ALJ determined that Mr. Beard qualified as an affected person; therefore, the ALJ concluded that PACAN met the requirements for associational standing and granted PACAN party status.⁷ The Commission referred ten issues for hearing; however, the Protestant, PACAN, only offered evidence to rebut the prima

¹ Executive Director (ED) Exhibit (Ex.) ED-14, Construction Permit Source Analysis & Technical Review, at 0613.

² ED Ex. ED-15, Executive Director's Response to Public Comment, at 0621-22.

³ ED Ex. ED-3, Preliminary Determination Summary, at 0049.

⁴ Proposal for Decision (PFD), at 15.

⁵ *Id.*, at 3.

⁶ *Id.*, at 4.

⁷ *Id.*, at 4.

facie case on one issue: whether the controls in the draft permit constitute Best Available Control Technology (BACT).⁸ Therefore, the ALJs found that the prima facie demonstration stands, and the Applicant met the burden of proof for the other nine referred issues.⁹ As to the remaining issue, the PFD identified the fundamental dispute as whether the emission limits proposed in the Draft Permit constitute BACT.¹⁰ Specifically, PACAN alleges that the Draft Permit does not require BACT-level emission limits for five different emission sources: refrigeration compression turbines, power generation turbines, flares, thermal oxidizers, and fugitives.¹¹ The ALJs found that the Applicant met its burden of proof on all contested issues except for the application of BACT to the refrigeration compression turbines and thermal oxidizers.¹²

The ALJs acknowledged that TCEQ is authorized to administer the federal PSD permitting program and does so through its rules.¹³ In accordance with the Texas Clean Air Act (TCAA), the TCEQ shall grant a permit to construct a facility if it finds:

- (1) The proposed facility for which a permit...is sought will use at least the [BACT], considering the technical practicability and economic reasonableness of reducing or eliminating the emissions resulting from the facility; and
- (2) no indication that the emissions from the facility will contravene the intent of [TCAA], including protection of the public's health and physical property.¹⁴

The TCEQ's rules define BACT as:

An air pollution control method for a new or modified facility that through experience and research, has proven to be operational, obtainable, and capable of reducing or eliminating emissions from the facility, and is

⁸ *Id.*, at 9; Findings of Fact 111-131, 54, 57, 68-70.

⁹ PFD, at 9.

¹⁰ *Id.*, at 15.

¹¹ *Id.*, at 15.

¹² *Id.*, at 72.

¹³ *Id.*, at 7.

¹⁴ Tex. Health & Safety Code § 382.0518(b).

considered technically practical and economically reasonable for the facility. The emissions reduction can be achieved through technology such as the use of add-on control equipment or by enforceable changes in production processes, systems, methods, or work practice.¹⁵

The PFD noted that “EPA uses a “top down” approach, whereas TCEQ applies a “three tier” approach in performing a BACT analysis, but both methods should reach the same conclusion.”¹⁶ In addition, the PFD correctly noted that the “Applicant used both EPA’s top-down method and TCEQ’s three-tier process to establish BACT for the proposed PALNG Project,” and “ED [s]taff determined that the Application met BACT requirements...”¹⁷ The EPA and TCEQ each have their own guidance documents to assist applicants, permit reviewers, and the public in conducting a BACT review.¹⁸ The EPA issued its guidance in the New Source Review Workshop Manual for Prevention of Significant Deterioration and Nonattainment Area Permitting¹⁹, and the TCEQ issued the Air Permit Reviewer Reference Guide, APDG 6110, Air Pollution Control: How to Conduct a Pollution Control Evaluation.²⁰ The TCEQ’s guidance refers to and includes an explanation of EPA’s top-down method because applicants may use either EPA’s top-down or TCEQ’s three-tiered methodology or both when determining whether their applications meet BACT.²¹ In the present case, PALNG opted to use both methodologies in BACT determination for the refrigeration compression turbines.²²

¹⁵ 30 Tex. Admin. Code § 116.10(1).

¹⁶ PFD, at 10. These approaches have been thoroughly outlined in the testimony, closing arguments, and PFD; therefore, they will not be detailed in these Exceptions.

¹⁷ *Id.*, at 15.

¹⁸ ED Ex. ED-1, Prefiled Testimony of Dr. Benjamin Hansen, at 0021:27-28 and 0023:25-27.

¹⁹ See ED Ex. ED-6, New Source Review Workshop Manual: Prevention of Significant Deterioration and Nonattainment Area Permitting (NSR Manual).

²⁰ See ED Ex. ED-5, Air Permit Reviewer Reference Guide, APDG 6110, Air Pollution Control: How to Conduct a Pollution Control Evaluation (APDG 6110).

²¹ *Id.*, at 0114.

²² ED Ex. ED-1, at 0024:36-37.

A key aspect of the EPA top-down method is that to be considered BACT, the technology must be “demonstrated and potentially available.”²³ The EPA NSR manual states, “[t]echnologies which have not yet been applied to (or permitted for) full scale operations need not be considered available; an applicant should be able to purchase or construct a process or control device that has already been *demonstrated in practice*.”²⁴ (emphasis added) In its guidance, EPA also states, “[t]o satisfy legislative requirements of BACT, EPA believes that the applicant must focus on technologies with a *demonstrated* potential to achieve the highest levels of control.”²⁵ (emphasis added)

TCEQ's guidance document, APDG 6110, includes the EPA top-down method as Appendix E and concurs with EPA's guidance, stating “the emission reduction option(s) should have been successfully demonstrated in Texas and the United States.”²⁶ Further, APDG 6110 acknowledges that some applicants may “may propose control(s) that are beyond accepted BACT (i.e., resulting in emission reductions that are higher than accepted BACT).”²⁷ As the ED's expert witness, Dr. Benjamin Hansen, testified,

“[A] key part of what drives...the lowering of the BACT determination is when a technology is demonstrated to be used and to produce the results in practice, it doesn't make sense for us to require a type of technology or a level of control that hasn't been demonstrated to be effective and to actually work in practice.”²⁸

The emphasis on demonstrated technology is important in the determination of BACT for PALNG's proposed plant because the PFD's recommended changes to the emission limits have not been demonstrated.

²³ See ED Ex. ED-6 at 0247.

²⁴ *Id.*, at 0241.

²⁵ *Id.*, at 0242.

²⁶ ED Ex. ED-5, at 0120.

²⁷ *Id.*, at 0115.

²⁸ Hearing on the Merits (HOM), at 601:7-13.

II. BACT

A. Refrigeration Compression Turbines

The plant will consist of four LNG trains, and each LNG train will require the use of two GE Frame 7EA gas-fired refrigeration compression turbines for a total of eight turbines and four heat-recovery units at the plant.²⁹ The function of these turbines is to pressurize natural gas into a liquid state for transport.³⁰ In its BACT analysis for these turbines, the Applicant identified and evaluated SCONO_xTM, SCR, Selective Non-Catalytic Reduction (SNCR), dry low NO_x (DLN) burners, water injection, and good combustion practices as NO_x reduction options.⁵⁹ The Applicant eliminated SCONO_xTM and SNCR due to technical infeasibility and did not select water injection because it would be less effective at reducing NO_x than DLN.⁶⁰ Dr. Hansen reviewed PALNG's analyses regarding the other NO_x reduction options and agreed that DLN, without an SCR add-on, is the appropriate control option for the turbines.³¹ He also concurred that a NO_x limit of 9 ppmvd met BACT.³² But PACAN argues that SCR add-on technology is necessary and that the option was incorrectly excluded as economically unreasonable due to errors in PALNG's cost effectiveness evaluation.³³

In their analysis, the ALJs' discussion focuses on two aspects of the BACT review: (1) the NO_x and CO limits of other permitted LNG plants, and (2) PALNG's cost effectiveness analysis for SCR.³⁴ The ALJs found that the NO_x and CO emissions limits do not constitute BACT for the refrigeration compression turbines and recommended

²⁹ ED Ex. ED-3, at 0049.

³⁰ ED Ex. ED-1, at 0028:1-3.

³¹ *Id.*, at 0029:7-10.

³² *Id.*, at 0028:23-24.

³³ See PACAN Closing Argument, at 18-30.

³⁴ PFD, at 34-39.

lowering those limits in the Draft Permit. For the reasons outlined below, the ED respectfully disagrees with the ALJs recommendations and maintains his position that PALNG's application and Draft Permit meet all applicable federal and state rules and regulations.

1. The NO_x Emissions Limit

Consistent with the concept that BACT can be expressed as an emissions limitation,³⁵ the draft permit requires that the refrigeration compression turbines meet a NO_x emissions limit of 9 ppmvd at 15% O₂³⁶ using low-NO_x burner technology,³⁷ and 25 ppmvd at 15% O₂ for CO.³⁸ After reviewing the evidence, the ALJs recommended the emissions limits be changed to a NO_x limit of 5 ppmvd at 15% O₂, and a CO limit of 15 ppmvd at 15% O₂,³⁹ which are the same limits included in Golden Pass LNG's and Rio Grande LNG's permits.

The PFD noted inconsistencies between other permitted LNG plants in Texas and Port Arthur LNG's proposed plant. Specifically, "Golden Pass LNG...has a permitted BACT NO_x limit of 5 ppm on its GE Frame 7EA refrigerant compressor turbines using SCR."⁴⁰ Golden Pass LNG is proposed to be located in the same general geographic area as Port Arthur LNG and thus the ALJs stated, "Golden Pass LNG faces the same construction site conditions" as Port Arthur LNG.⁴¹ Furthermore, the PFD noted that "Rio Grande LNG, permitted in 2018 and amended 2020, has a permitted BACT NO_x

³⁵ ED Ex. ED-1, at 0019:29-32.

³⁶ ED Ex. ED-13 (Draft Permit), at 3, Special Conditions.

³⁷ *Id.*

³⁸ *Id.*

³⁹ PFD, at 72.

⁴⁰ *Id.*, at 35.

⁴¹ *Id.*

limit of 5 ppm on its refrigerant compressor turbines using DLN.”⁴² Therefore, the ALJs determined that BACT should be “at least equivalent to those previously accepted” as BACT and Port Arthur LNG’s emission limit should be lower.⁴³ However, BACT is evaluated on a case-by-case basis and a blanket application of another LNG plant’s emission limit to Port Arthur LNG ignores key details pertaining to the BACT review for this plant.

As discussed, a key component of a BACT determination is that the technology must be demonstrated.⁴⁴ Neither Golden Pass LNG⁴⁵ nor Rio Grande LNG⁴⁶ are operational; therefore, the controls proposed in their permits have not been demonstrated to achieve the limits in their permits and are actually “beyond BACT.” The TCEQ accepted these proposed limits in accordance with its guidance – “An applicant may propose control(s) that are beyond accepted BACT (i.e., resulting in emission reductions that are higher than accepted BACT).”⁴⁷ However, because those plants are not operational, the proposed limits cannot be verified and do not represent BACT across the board for all LNG plants.

The ED’s expert witness, Dr. Benjamin Hansen, reviewed both Golden Pass LNG and Rio Grande LNG as well as other LNG plant permits in the course of his review of Port Arthur LNG’s application.⁴⁸ Even after reviewing that information, he determined that a NO_x emission limit of 9 ppmvd met BACT.⁴⁹ To meet the 5 ppmvd NO_x limit in its permit, Golden Pass LNG proposed to use SCR with its refrigeration compression

⁴² *Id.*

⁴³ *Id.*, at 12, 72.

⁴⁴ See ED Ex. ED-6 at 0247 and ED Ex. ED-5 at 0115.

⁴⁵ ED Ex. ED-1, at 0029:24-26.

⁴⁶ HOM, at 116:1-4.

⁴⁷ ED Ex. ED-5 at 0115.

⁴⁸ ED Ex. ED-1, at 0020:17-21.

⁴⁹ *Id.*, at 0028:23-24.

turbines.⁵⁰ As Dr. Hansen testified, “The other examples, Golden Pass, Driftwood, and Lake Charles, are not yet operational, and we cannot require a technology on a trial basis. It needs to be an established technology, and SCR on these types of turbines is not yet an established technology.”⁵¹ While the ALJs recommended lowering the permitted emission limits from the refrigeration compressor turbines, the PFD did not recommend requiring SCR to do so. Even with that recommendation, SCR with these types of turbines has not been demonstrated to meet the 5 ppmvd limit and cannot be considered BACT. Rio Grande LNG’s permit also includes a NO_x limit of 5 ppmvd; however, Rio Grande LNG proposed to meet the 5 ppmvd limit using dry low NO_x (DLN) burners,⁵² which the ED acknowledges is the control proposed by Port Arthur LNG. However, Rio Grande LNG, like Golden Pass LNG, is not operational, so using DLN to meet the 5 ppmvd limit has also not been demonstrated. Therefore, its limit should also not be considered BACT.

Furthermore, different emission limits for refrigeration compression turbines across a variety of LNG plants is not unexpected. As noted in APDG 6110,

For individual elements, there will be some situations where one or more of the proposed levels of performance vary (higher or lower) from those previously proposed and accepted as BACT. However, the overall emission reduction performance level should be evaluated based on the overall ability of the proposal to reduce or eliminate emissions from the facility.⁵³

Therefore, a difference in emission limits from one LNG plant to another, regardless of their proximity to each other, is not indicative of the lower limit meeting BACT and the higher limit not. Consistent with the EPA and TCEQ BACT methods, Dr.

⁵⁰ See *id.*, at 0029:21-27.

⁵¹ *Id.*, at 0029:24-27.

⁵² PFD, at 37, 72.

⁵³ ED Ex. ED-5, at 0119.

Hansen, reviewed Port Arthur LNG's BACT analysis and found that "[t]he use of DLN burners controlled to 9 ppmvd is within the range of recently issued combustion turbine permits...and satisfies BACT."⁵⁴ Therefore, the ED excepts to the ALJs recommendation that the NO_x emission limit on the refrigeration compression turbines be lowered to 5 ppmvd.

2. Cost Effectiveness Analysis

As part of a BACT analysis, an applicant may perform a cost analysis to determine whether a control is economically reasonable. In other words, the cost analysis determines the cost effectiveness, which is the dollars per ton of pollutant emissions reduced.⁵⁵ According to the EPA NSR Manual, "the applicant should demonstrate to the satisfaction of the permitting agency that costs of pollutant removal for the control alternative are disproportionately high when compared to the cost of control for that particular pollutant and source in recent BACT determinations."⁵⁶ PALNG performed two cost analyses, one in 2019 and one in 2020, to determine whether installing SCR on the refrigeration compression turbines was economically reasonable, and both estimates determined that the cost for installing SCR was estimated to exceed \$20,000 per ton of NO_x removed.⁵⁷ Dr. Hansen reviewed the Applicant's cost analyses and concurred with those determinations.⁵⁸ In his review, Dr. Hansen ensured that Port Arthur LNG performed both cost analyses correctly.⁵⁹ He found that the "cost evaluation was generally acceptable and within the range of cost

⁵⁴ ED Ex. ED-1, at 0028:23-24.

⁵⁵ ED Ex. ED-6, at 0261.

⁵⁶ *Id.*, at 0262.

⁵⁷ ED Ex. ED-1, at 0029-30.

⁵⁸ *Id.*

⁵⁹ *Id.*, at 0030:1-15.

estimates for similar projects in Texas.”⁶⁰ However, the ALJs did not find that SCR was economically unreasonable.

The basis of the ALJs finding lies in the correct baseline emissions rate to use when performing the cost analysis. The PFD correctly noted that “when performing a cost analysis, the inlet concentration should be the baseline emissions rate without additional pollution controls”⁶¹ also known as the “upper boundary uncontrolled emissions for the source.”⁶² In this case, PALNG originally used the NO_x emission limit of 15 ppmvd for the baseline emissions rate for the 2019 cost analysis but then updated it to 9 ppmvd in the 2020 supplemental cost analysis.⁶³ The update more accurately reflected the manufacturer guarantee of 9 ppmvd, which became the baseline emission rate.⁶⁴ To review Port Arthur LNG’s cost analysis, Dr. Hansen reviewed the basis for its assumptions and the cost calculation sheet, which followed standard EPA methodology.⁶⁵ Dr. Hansen did not change his determination when Port Arthur LNG provided an updated cost analysis.⁶⁶ For the first cost effectiveness analysis that used a baseline of 15 ppmvd, “the cost of building and operating an SCR would be in the range of approximately \$20,454 to \$27,880 per ton of NO_x removed”, while in the supplemental cost analysis that used a baseline of 9 ppmvd, the range was a “revised cost estimate of \$22,510 to \$23,000 per ton of NO_x removed...based on an alternative set of assumptions.”⁶⁷ Dr. Hansen explained that this is because as technology has advanced over time, the refrigeration compression turbines have

⁶⁰ *Id.*, at 0030:5-6.

⁶¹ PFD, at 36.

⁶² ED Ex. ED-6, at 0267.

⁶³ PFD, at 36.

⁶⁴ HOM, at 620:10-11.

⁶⁵ ED Ex. ED-1, at 0030:2-3.

⁶⁶ *Id.*, at 0030:14-15.

⁶⁷ *Id.*, at 0030:12-13.

become more efficient, meaning they are emitting less NO_x, so there is less that the SCR can do to reduce NO_x.⁶⁸ Dr. Hansen also agreed that 9 ppmvd used in the 2020 supplemental cost analysis was an appropriate baseline to determine cost effectiveness.⁶⁹

However, the PFD stated, “that the preponderance of the evidence demonstrated that while originally the DLN has an emission rate of 25 ppmvd NO_x, the updated version has a baseline emission rate of 15 ppmvd.”⁷⁰ The ALJs determined “SCR becomes a cost effective control when the baseline emissions value of 15 ppm is used.”⁷¹ But 15 ppmvd is the same rate that was used by the Applicant in the first cost analysis it submitted with the application, which Dr. Hansen testified led to the same conclusion; that the cost of installing SCR “exceeded \$20,000 per ton NO_x removed.”⁷² The ALJs referred to a chart provided by the Protestant⁷³; however, the record reflects the only basis for the numbers provided is the testimony of the Protestant’s witness. Dr. Hansen also testified that 9 ppmvd was the appropriate baseline emissions because the upper limit of 9 ppmvd is an instance of emissions from a lower polluting process being used when calculating the cost effectiveness of adding post process emissions controls to an inherently lower polluting process.⁷⁴ This concept is in accordance with EPA’s cost analysis guidance in its NSR Manual.⁷⁵ The ED maintains his position that Dr. Hansen properly reviewed the Applicant’s cost effectiveness analysis and his

⁶⁸ HOM, at 621:1-622:17.

⁶⁹ *See id.*, at 622:11-13.

⁷⁰ PFD, at 36.

⁷¹ *Id.*

⁷² ED Ex. ED-1, at 0028:20-22.

⁷³ PFD, at 37.

⁷⁴ *See* HOM, at 603:18-604:5; 622:11-13.

⁷⁵ *See*, ED-6, at 0267. “When calculating the cost effectiveness of adding post process emissions controls to certain inherently lower polluting processes, baseline emissions may be assumed to be the emissions from the lower polluting process itself.” *Id.*

determination that the numbers provided by Port Arthur LNG in its initial and subsequent cost-effective analyses were acceptable.⁷⁶

3. CO Emission Limit

Port Arthur LNG proposed a CO emission limit of 25 ppmvd at 15% O₂ for the refrigeration compression turbines.⁷⁷ ED staff reviewed this proposed limit and agreed that it meets BACT.⁷⁸ Although the ALJs found that “PACAN failed to rebut the Prima Facie Demonstration that use of an oxidation catalyst to control CO emissions is not cost effective”, the ALJs recommended that the CO emission limit for the refrigeration compression turbines be lowered from 25 ppmvd to 15 ppmvd.⁷⁹ The basis for their recommendation was that the Applicant’s proposed emission limit of 25 ppmvd for CO is not “at least” equivalent to Rio Grande LNG, which is also located in an attainment area and permitted with a CO emission limit of 15 ppmvd through the use of good combustion practices.⁸⁰ As with the NO_x emission limit, the limit in Rio Grande LNG’s permit is not demonstrated in practice. Rio Grande LNG is not in operation⁸¹, so there is no way to verify whether Rio Grande LNG will be able to attain the 15 ppmvd CO emission limit. Therefore, the 15 ppmvd emission limit is not BACT. The ED maintains his position that the CO emission limit of 25 ppmvd at 15% O₂ for the refrigeration compression turbines meets BACT.

⁷⁶ HOM, at 622:11-17.

⁷⁷ ED Ex. ED-1, at 0028:14.

⁷⁸ *Id.*, at 0028:9-10.

⁷⁹ PFD, at 39 and 72.

⁸⁰ *Id.*, at 39.

⁸¹ HOM, at 116:1-4.

B. BACT for the Thermal Oxidizers

Port Arthur LNG represented in its application that it would use low NO_x burners to achieve an emission rate of 0.06 lb/MMBtu for NO_x, which is the limit included in the Draft Permit.⁸² Dr. Hansen testified that this emission level “is consistent with a BACT level that we at the TCEQ see as a current reasonable emission level for NO_x”⁸³ and this is confirmed by the TCEQ’s BACT tables.⁸⁴ The ALJs recommended the emission rate in the Draft Permit be changed to 0.053 lb/MMBtu on the basis that the thermal oxidizers at Lake Charles LNG are permitted at 0.053 lb/MMBtu.⁸⁵ However, the 0.053 lb/MMBtu has not been demonstrated in practice because Lake Charles LNG has not been constructed and thus is not operating.⁸⁶ Lake Charles LNG has yet to complete construction so the limits in its permit are not demonstrated in practice. Therefore, the ED does not agree that the thermal oxidizer limit in that permit represents BACT.

Additionally, the PFD stated that the record did not establish adequate consideration of Lake Charles LNG’s thermal oxidizer technology and recommended changing the limit to 0.053 lb/MMBtu. The ED does not agree that without further evaluation it is appropriate to lower the limit to match Lake Charles and declare it is BACT.

III. Conclusion

The Executive Director has demonstrated that the evidence establishes that the application and draft permit meet all applicable statutory and regulatory requirements

⁸² ED Ex. ED-5, at 0115.

⁸³ HOM, 633:5-7.

⁸⁴ ED Ex. ED-10.

⁸⁵ PFD, at 60-62.

⁸⁶ HOM, 155:20-156:1.

and is protective of human health and welfare. Therefore, the Executive Director excepts to the ALJs' recommendations that the Draft Permit be revised to require the refrigeration compression turbines achieve NO_x controls of 5 ppmvd at 15% O₂, and CO controls of 15 ppmvd at 15% O₂; and the thermal oxidizers to achieve NO_x controls of 0.053 lb/MMBtu. The Executive Director contends that the ALJs' recommendations to revise the Draft Permit are not BACT and are not required for this permit. Therefore, the Executive Director respectfully requests that the Commission grant these exceptions.

Respectfully submitted,

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Executive Director's Response to the Proposal for Decision have been served on the counsel for all parties via electronic mail, and on the TCEQ Office of the Chief Clerk and the State Office of Administrative Hearings via e-filing, on this 9th day of June 2022.



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