TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 11, 2022

TO: Persons on the attached mailing list

Re: Permit Number: 6606
Flint Hills Resources LLC
Ingleside Marine Terminal
Ingleside, San Patricio County
Regulated Entity Number: RN100222744
Customer Reference Number: CN605721935

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-referenced application. According to Title 30 Texas Administrative Code (TAC) Section 50.135, the ED's action became effective on the date of this letter, the date the ED signed the permit or other action. Enclosed is a copy of the ED's response to comments.

For certain matters, a **motion to overturn**, which is a request that the commission review the ED's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the ED's attorney and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the Commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or executive director action are governed by Texas Health and Safety Code Section 382.032.

Re: Permit Number 6606

Individual members of the public may seek further information by calling the TCEQ Public Education Program toll free at 1-800-687-4040.

Sincerely,

Laurie Gharis
Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality

Enclosure

cc: Air Section Manager, Region 14 - Corpus Christi

Project Number: 327436

MAILING LIST FOR PERMIT NUMBER: 6606
San Patricio County

FOR THE APPLICANT:

Bryan Ray
Terminal Manager
Flint Hills Resources LLC
PO Box 1092
Ingleside, TX 78362-1092

PROTESTANTS/INTERESTED PERSONS:

See Attached List

FOR THE EXECUTIVE DIRECTOR:

Contessa Gay
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Will Gao
Texas Commission on Environmental Quality
Office of Air
Air Permits Division, MC-163
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE PUBLIC EDUCATION PROGRAM:

Mr. David Greer
Texas Commission on Environmental Quality
Environmental Assistance Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Mr. Garrett Arthur
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

Ms. Laurie Gharis
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

CARL DANIEL AMSDEN
161 SUNSET
INGLESIDE TX 78362-4735

TARA ANDERS
4006 SANTA FE ST
CORPUS CHRISTI TX 78411-1241

MS CHRYSTAL BEASLEY
1612 K ST NW
WASHINGTON DC 20006-2802

MARIAH ANN BOONE
710 PONDER ST
CORPUS CHRISTI TX 78404-2710

LARA BREEDING
210 CAUSEWAY ST
PORTLAND TX 78374-1572

LARA ANN BREEDING
1030 BAYSHORE DR
INGLESIDE TX 78362-4647

MR PAYTON GRAY CAMPBELL
6214 LONDONDERRY DR
CORPUS CHRISTI TX 78415-3925

ELIDA CASTILLO
131 LERDO ST
TAFT TX 78390-2222

ELIDA CASTILLO
PO BOX 643
TAFT TX 78390-0643

TRISHA CHRISTIAN
802 N CARANCAHUA ST
CORPUS CHRISTI TX 78401-0098

ROBYN COBB
7032 LAKE VIEW DR
CORPUS CHRISTI TX 78412-5041

ANDI CORNETT
1022 CARMEL PKWY
CORPUS CHRISTI TX 78411-2122

COLIN COX
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

COLIN COX
1405 GARNER AVE
AUSTIN TX 78704-2846

TOM DALEY
904 SANDPIPER
INGLESIDE TX 78362-4840

MARGARET A DURAN
4022 CONGRESSIONAL DR
CORPUS CHRISTI TX 78413-2523

SALLY CLARK FARRIS
13043 HUNTERS BREEZE ST
SAN ANTONIO TX 78230-2822

DEBORAH A FERRELL
132 SUNSET
INGLESIDE TX 78362-4739

LARRY R FERRELL
132 SUNSET
INGLESIDE TX 78362-4739

CATHY FULTON
PO BOX 457
PORT ARANSAS TX 78373-0457

GUILLERMO GALLEGOS
7621 CEDAR BROOK DR
CORPUS CHRISTI TX 78413-5622

PATRICIA C GARDINER
14321 SCALLOP ST
CORPUS CHRISTI TX 78418-6044

JOSE GONZALES
4334 DEVON DR
CORPUS CHRISTI TX 78415-5130

PAUL GONZALES
630 CADDO ST
CORPUS CHRISTI TX 78412-2904

BOB GONZALEZ
8033 S PADRE ISLAND DR
CORPUS CHRISTI TX 78412-5238

ROBERT GRAHAM
919 SANDPIPER
INGLESIDE TX 78362-4688

BRUCE HARRY HENKHAUS
734 N SANDPIPER
INGLESIDE TX 78362

JENNIFER R HILLIARD
904 N SANDPIPER
CORPUS CHRISTI TX 78362

JENNIFER R HILLIARD
904 SANDPIPER
INGLESIDE TX 78362-4840

DONNA L HOFFMAN
1500 GREGORY ST
AUSTIN TX 78702-2732

LYNN HUGHES
2129 BAY BREEZE
PORTLAND TX 78374-4156

MRS WENDY HUGHES
2129 BAY BREEZE
PORTLAND TX 78374-4156

JEFFREY JACOBY
1301 CHICON ST
AUSTIN TX 78702-2151

JAMES E KLEIN
3501 MONTERREY ST
CORPUS CHRISTI TX 78411-1709

MRS UNEEDA E LAITINEN
102 MARKHAM PL
PORTLAND TX 78374-1418

YVONNE LANDIN
1134 CONCHO ST
CORPUS CHRISTI TX 78407-1124

CHARLOTTE LAWRENCE
440 WOODHAVEN
INGLESIDE TX 78362-4699

NAOMI LINZER
422 STAGES DR
CORPUS CHRISTI TX 78412-2810

THE HONORABLE J M LOZANO
PO BOX 2910
AUSTIN TX 78768-2910

THE HONORABLE J M LOZANO
1512 WILDCAT DR STE A
PORTLAND TX 78374-2840

NANCY LUBBOCK
155 WOODHAVEN
INGLESIDE TX 78362-4675

MICHELLE MACK
218 BAYSHORE DR
INGLESIDE TX 78362-4717

THOMAS MACK
218 BAYSHORE DR
INGLESIDE TX 78362-4717

BRANDT MANNCHEN
4300 DUNLAVY ST
HOUSTON TX 77006-5401

DR. KATHRYN A MASTEN
1006 SANDPIPER
INGLESIDE TX 78362-4689

DR. KATHRYN A MASTEN
PO BOX 25
VIENNA MD 21869-0025

ELI MCKAY
1008 MARGUERITE ST
CORPUS CHRISTI TX 78401-3319

STACEY MEANY
306 SUNSET
INGLESIDE TX 78362-4737

CARRIE ROBERTSON MEYER
4401 GULFBREEZE BLVD
CORPUS CHRISTI TX 78402-1517

MOLLY MORABITO
135 FAIR OAKS ST
SAN FRANCISCO CA 94110-2926

ANN R NYBERG
320 INGLEWOOD
INGLESIDE TX 78362-4843

JULIE ANN NYE
1018 BAYSHORE DR
INGLESIDE TX 78362-4647

PATRICK ARNOLD NYE
1018 BAYSHORE DR
INGLESIDE TX 78362-4647

JASMIN O'NEIL
934 DORTHY DR
CORPUS CHRISTI TX 78412-3451

JESSICA PALITZA
7350 MCARDLE RD
CORPUS CHRISTI TX 78412-4246

BLANCA PARKINSON
10801 SILVERTON DR
CORPUS CHRISTI TX 78410-2233

DOROTHY PENA
2114 MEADOWPASS DR
CORPUS CHRISTI TX 78414-2605

CHRISTOPHER L PHELAN
3806 KINGSTON DR
CORPUS CHRISTI TX 78415-3324

LYNNE GOEGLEIN PORTER
511 BAYSHORE DR
INGLESIDE TX 78362-4707

LYNNE GOEGLEIN PORTER
PO BOX 335
INGLESIDE TX 78362-0335

WILLIAM PORTER
511 BAYSHORE DR
INGLESIDE TX 78362-4707

BETH PRIDAY
PO BOX 610
INGLESIDE TX 78362-0610

ELIZABETH RIEBSCHLAEGER
PO BOX 364
CUERO TX 77954-0364

LISA T RILEY
344 INGLEWOOD
INGLESIDE TX 78362-4843

RICHARD ALAN ROARK
458 SUNSET
INGLESIDE TX 78362-4747

JULIE TRAVIS ROGERS
710 FURMAN AVE
CORPUS CHRISTI TX 78404-3222

A LESLIE ROZZELL
1030 BAYSHORE DR
INGLESIDE TX 78362-4647

ANDREA ROZZELL
1030 BAYSHORE DR
INGLESIDE TX 78362-4647

DEANDRA M SANCHEZ
801 RITTIMAN RD
SAN ANTONIO TX 78209-5537

JONAH SANDOVAL
424 SAUCON VIEW DR
BETHLEHEM PA 18015-5084

ENCARNACION SERNA
105 LOST CREEK DR
PORTLAND TX 78374-1449

JOELLEN FLORES SIMMONS
307 WINDJAMMER ST
ROCKPORT TX 78382-9767

LORI SIMMONS
214 CHESTNUT ST
AUDUBON NJ 08106-1512

ERROL ALVIE SUMMERLIN
1017 DIOMEDE ST
PORTLAND TX 78374-1914

JOHN TESTER
2105 S BASCOM AVE
CAMPBELL CA 95008-3271

JOHN TESTER
17550 BROOKHURST ST
FOUNTAIN VALLEY CA 92708-4747

JOHN TESTER
715 3RD ST
ALAMOSA CO 81101-2518

MS CHLOE TORRES
5430 SARATOGA BLVD
CORPUS CHRISTI TX 78413-2831

ANA TREVINO
4917 BRANSCOMB DR
CORPUS CHRISTI TX 78411-3901

LISA MONCRIEF TURCOTTE
PO BOX 42
PORT ARANSAS TX 78373-0042

CYNTHIA VALDES
809 BAYSHORE DR
INGLESIDE TX 78362-4933

VERONICA VELA
3806 KINGSTON DR
CORPUS CHRISTI TX 78415-3324

THOMAS CRAIG WADHAM
701 OAK RIDGE DR
INGLESIDE TX 78362

JAMES WALTON
108 BAYSHORE DR
INGLESIDE TX 78362-4855

SHEILA WALTON
108 BAYSHORE DR
INGLESIDE TX 78362-4855

JOHN STEPHEN WEBER
609 NAPLES ST
CORPUS CHRISTI TX 78404-2911

STEVEN WILDER
1215 BAYSHORE DR
INGLESIDE TX 78362-4701

SUSAN WILDER
1215 BAYSHORE DR
INGLESIDE TX 78362-4701

KEN WILLIS
316 INGLEWOOD
INGLESIDE TX 78362-4843

MARY BESS WILLIS
316 INGLEWOOD
INGLESIDE TX 78362-4843

AIMEE WILSON
1201 ELM ST
DALLAS TX 75270-2102

THE HONORABLE JUDITH ZAFFIRINI
PO BOX 12068
AUSTIN TX 78711-2068

THE HONORABLE JUDITH ZAFFIRINI
PO BOX 627
LAREDO TX 78042-0627

MELISSA ZAMORA
3917 BRAWNER PKWY
CORPUS CHRISTI TX 78411-3254

TCEQ AIR QUALITY PERMIT NUMBER 6606

APPLICATION BY	**§**	**BEFORE THE**
FLINT HILLS RESOURCES INGLESIDE, LLC	**§**	**TEXAS COMMISSION ON**
INGLESIDE MARINE TERMINAL INGLESIDE, SAN PATRICIO COUNTY	**§**	**ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: State Senator Judith Zaffirini, State Representative J. M. Lozano, Aimee Wilson (on behalf of the United States Environmental Protection Agency), Colin Cox (on behalf of the Environmental Integrity Project), Patrick Arnold Nye (on behalf of the Ingleside on the Bay Coastal Watch Association), Carl Daniel Amsden, Tara Anders, Chrystal Beasley, Mariah Ann Boone, Lara Breeding, Lara Ann Breeding, Payton Gray Campbell, Elida Castillo, Trisha Christian, Robyn Cobb, Andi Cornett, Tom Daley, Margaret A Duran, Sally Clark Farris, Deborah A Ferrell, Larry R Ferrell, Cathy Fulton, Guillermo Gallegos, Patricia C Gardiner, Jose Gonzales, Bob Gonzalez, Robert Graham, Bruce Harry Henkhaus, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Michelle Mack, Thomas Mack, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Carrie Robertson Meyer, Molly Morabito, Ann R Nyberg, Julie Ann Nye, Jasmin O'Neil, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Andrea Rozzell, Deandra M Sanchez, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Errol Alvie Summerlin, John Tester, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Cynthia Valdes, Veronica Vela, Thomas Craig Wadham, James Walton, Sheila Walton, John Stephen Weber, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

Description of Terminal

Flint Hills Resources Ingleside, LLC (Applicant) has applied to TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the modification of an existing terminal that may emit air contaminants.

This permit will authorize the Applicant to modify the Ingleside Marine Terminal. The Terminal is located at 103 Farm-to-Market Road 1069, Ingleside, San Patricio County, Texas 78362. Contaminants authorized under this permit include carbon monoxide (CO), hazardous air pollutants (HAPs), hydrogen sulfide (H_2S), nitrogen oxides (NO_X), organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM_{10} and $PM_{2.5}$, respectively), and sulfur dioxide (SO_2).

Procedural Background

Before work is begun on the modification of an existing facility that may emit air contaminants, the person planning the modification must obtain a permit amendment from the commission. This permit application is for a permit amendment of Air Quality Permit Number 6606.

The permit application was received on April 7, 2021 and declared administratively complete on April 9, 2021. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on April 29, 2021, in the *Corpus Christi Caller Times* and in Spanish on May 4, 2021, in *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 31, 2022, in English in the *Corpus Christi Caller Times* and in Spanish on March 29, 2022, in *La Prensa Comunidad*. A public meeting was held on July 14, 2022 at the Portland Community Center, Ballroom B, 2000 Billy G. Webb, Portland, Texas 78374. The notice of public meeting was mailed on June 14, 2022. The public comment period was extended to end on July 14, 2022, the day of the public meeting. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

COMMENTS AND RESPONSES

COMMENT 1: Public Meeting and Contested Case Hearing

Commenters requested that TCEQ hold either a public meeting or a contested case hearing regarding the proposed amendment for Flint Hills Resources' Permit 6606. Kathryn Masten also requested an extension of the public comment period.

(State Senator Judith Zaffirini, State Representative J. M. Lozano, Trisha Christian, Colin Cox, Sally Clark Farris, Guillermo Gallegos, Patricia C Gardiner, Bruce Harry Henkhaus, Jennifer R Hilliard, Nancy Lubbock, Brandt Mannchen, Kathryn Masten, Stacey Meany, Molly Morabito, Patrick Arnold Nye, Dorothy Pena, Christopher L Phelan, Richard Alan Roark, Julie Travis Rogers, Jonah Sandoval, Encarnacion Serna, Lori Simmons, Chloe Torres, Veronica Vela, and Susan Wilder)

RESPONSE 1: A public meeting was held on July 14, 2022 at 7:00 PM in Portland, Texas and the comment period was automatically extended to the close of the public meeting. The opportunity to request a Contested Case Hearing was during the Notice of Receipt of Application and Intent to Obtain Permit (NORI), otherwise known as the project's first public notice comment period. The NORI comment period started on October 19, 2021 and ended on November 18, 2021 and no hearing requests were received, therefore, there is no further opportunity to request a hearing.

COMMENT 2: Health Effects / Air Quality / Cumulative Effects

Commenters expressed concern about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Many commenters specifically questioned if TCEQ accounted for the cumulative effects of emissions of multiple properties in the surrounding area or were concerned with odors noticed in the city of Ingleside on the Bay. Encarnacion Serna expressed concern that the public would be inhaling Hazardous Air Pollutants (HAPs) from the site. Patrick Arnold Nye asked about $PM_{2.5}$ monitoring and health screening levels for $PM_{2.5}$.

(Tara Anders, Chrystal Beasley, Mariah Ann Boone, Lara Ann Breeding, Lara Breeding, Payton Gray Campbell, Elida Castillo, Trisha Christian, Robyn Cobb, Andi Cornett, Colin Cox, Tom Daley, Margaret A Duran, Sally Clark Farris, Deborah A Ferrell, Larry R Ferrell, Cathy Fulton, Guillermo Gallegos, Patricia C Gardiner, Jose Gonzales, Robert Graham, Bruce Harry Henkhaus, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Michelle Mack, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Carrie Robertson Meyer, Molly Morabito, Ann R Nyberg, Patrick Arnold Nye, Julie Ann Nye, Jasmin O'Neil, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, Andrea Rozzell, A Leslie Rozzell, Deandra M Sanchez, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Errol Alvie Summerlin, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Cynthia Valdes, Veronica Vela, Thomas Craig Wadham, Sheila Walton, James Walton, John Stephen Weber, Susan Wilder, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora)

RESPONSE 2: The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, potential impacts to human health and welfare or the

environment are determined by comparing the Applicant's proposed air emissions to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules. As described in detail below, the Executive Director determined that the emissions authorized by this permit are protective of both human health and welfare and the environment.

The United States (U.S.) Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment.[1] Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), sulfur dioxide (SO_2), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM_{10}), and PM less than or equal to 2.5 microns in aerodynamic diameter ($PM_{2.5}$).

The Applicant conducted a NAAQS analysis for SO_2, $PM_{2.5}$, and NO_2. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLC_{max}[2]) below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1, shown below, contains the results of the de minimis analysis.

Table 1. Modeling Results for De Minimis Review

Pollutant	Averaging Time	GLC_{max} (µg/m³)	De Minimis (µg/m³)
SO_2	1-hr	0.5	7.8
SO_2	3-hr	0.3	25
$PM_{2.5}$	Annual	0.006	0.2
NO_2	Annual	0.02	1

[1] 40 CFR 50.2.
[2] The GLC_{max} is the maximum ground level concentration predicted by the modeling.

All the pollutants evaluated are below the de minimis standard, should not cause or contribute to an exceedance of the NAAQS, and are protective of human health and the environment.

ESLs are specific guideline concentrations used in TCEQ's evaluation of certain pollutants. These guidelines are derived by the TCEQ's Toxicology Division and are based on a pollutant's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based ESLs are set below levels reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. The TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL. If an air concentration of a pollutant is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted.

The Applicant conducted a health effects analysis using the Modeling and Effects Review Applicability (MERA) guidance.[3] The MERA is a tool to evaluate impacts of non-criteria pollutants. It is a step-by-step process, evaluated on a chemical species by chemical species basis, in which the potential health effects are evaluated against the ESL for the chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined (less conservative) analysis. If the contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to "fall out" of the MERA process at that step because it is protective of human health and welfare. All pollutants satisfy the MERA criteria and therefore are not expected to cause adverse health effects, except for distillates (petroleum), crude oil pollutants.

The following pollutants did not meet the criteria of the MERA guidance document and required further analysis. Site-wide modeling was performed and demonstrated that the predicted concentrations will not exceed the ESL for the Distillates Annual Averaging time but will exceed for the Distillates 1-hour Averaging Time, as shown below in Table 2.

[3] *See* Air Permit Reviewer Reference Guide - APDG 5874 guidance document.

Table 2. Minor NSR Site-wide Modeling Results for Health Effects

Pollutant	CAS#	Averaging Time	GLC_{max} ($\mu g/m^3$)	GLC_{max} Location	GLC_{ni}[4] ($\mu g/m^3$)	GLC_{ni} Location	ESL ($\mu g/m^3$)
Distillates (petroleum), crude oil	68410-00-4	1-hr	7108	West Property Line	5583	East Property Line	3500
Distillates (petroleum), crude oil	68410-00-4	Annual	30	173m South	30	173m South	350

Table 3. Minor NSR Hours of Exceedance for Health Effects

Pollutant	Averaging Time	1 X ESL GLC_{ni}	2 X ESL GLC_{max}
Distillates (petroleum), crude oil	1-hr	15	1

The TCEQ Toxicology Division conducted an analysis for each pollutant with a predicted concentration above its ESL identified in Table 3, evaluated potential exposures, and assessed human health risks to the public. The Toxicology Division determined that the described impacts are acceptable given the conservative nature of both the ESLs and the emissions estimates.

Because this application has sulfur emissions, the Applicant conducted a state property line analysis to demonstrate compliance with TCEQ rules for net ground-level concentrations for sulfur dioxide (SO_2), hydrogen sulfide (H_2S), and sulfuric acid (H_2SO_4), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard.

[4] The GLC_{ni} is the maximum non-industrial ground level concentration predicted by the modeling.

Table 4. Project-Related Modeling Results for State Property Line

Pollutant	Averaging Time	GLC_{max} ($\mu g/m^3$)	De Minimis ($\mu g/m^3$)
SO_2	1-hr	0.5	20.42

Table 5. Site-Wide Modeling Results for State Property Line

Pollutant	Averaging Time	Project GLC_{max} ($\mu g/m^3$)	Previous GLC_{max} ($\mu g/m^3$)	Total GLC_{max} ($\mu g/m^3$)	Standard ($\mu g/m^3$)
H_2S	1-hr	5	24	29	108

The 1-hr H_2S GLC_{max} is the summation of the previous 2015 site-wide GLCmax (NSR project # 232031) and the current project GLC_{max}.

In summary, based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of proposed emission rates associated with this project.

COMMENT 3: Federal Applicability and HAP Emission Increases

EPA requested TCEQ provide clarification on why the PI-1 form did not include confirmation that the Ingleside Marine Terminal is subject to 40 Code of Federal Regulations (CFR) 63 Subpart A General Provisions and Subpart Y National Emission Standard for Marine Tank Vessel Loading Operations.

(Aimee Wilson)

RESPONSE 3: Flint Hills did not include MACT Y in the PI-1 because the dockside emissions were not affected by this amendment. Not including MACT Y in the PI-1 does not change whether the site is subject to NESHAP MACT Y. Special Condition 5 of the NSR Permit 6606 and the Unit Summary of Title V Permit 3454 both indicate that they are subject to MACT Y.

TCEQ requires all emissions increases to be evaluated for impacts regardless of whether they are a HAP or not. All HAP emissions were evaluated according to the Modeling Effects Review Applicability Guidance.[5] All emission increases were determined to meet the applicable requirements and are protective of the public.

TCEQ does not require the individual species or HAPS be listed on the Maximum Allowable Emissions Rate Table (MAERT) if they are a subspecies of a criteria pollutant, so no updates to the MAERT are necessary. All speciated emission calculations are located in the permit application.

COMMENT 4: Storage Tanks' Withdraw Rate

EPA recommended adding the withdraw rate to Special Condition 6. EPA and Blanca Parkinson also inquired about the source of the 60,000 barrels per hour (bbl/hr) representation.

(Blanca Parkinson and Aimee Wilson)

RESPONSE 4: Storage tanks 28087, 28088, 28089, and 28090 hourly withdraw rate is 60,000 bbl/hr. The applicant is limited to a maximum withdraw rate based on their permit application representations on page 1 of the permit application. Per the Expansion Project's original request, the marine loading maximum hourly throughput is 60,000 bbl/hr; however, the storage tanks were represented at 40,000 bbls/hr initially. The storage tanks calculations were revised to include the updated withdraw rate and reflect the maximum operations. The withdraw rate for each storage tank may be found in the draft Special Conditions Attachment A for Permit 6606.

COMMENT 5: Merit of the Lead Acid Paper (LAP) and HAPs Sampling

EPA and another commenter expressed concern about the storage tanks' H_2S sampling and averaging time, and the merit of the LAP test. EPA questioned why TCEQ did not require Keco 205L analyzer testing for all H_2S sampling.

(Encarnacion Serna and Aimee Wilson)

RESPONSE 5: Flint Hills Resources is required to perform a LAP test protocol twice monthly, per Special Condition 6, if the American Petroleum Institute (API) gravity is less than 25, and annually if the API gravity is greater than 25. The LAP test follows protocols verified by the American Society for Testing and Materials (ASTM) which includes ASTM D5705, ASTM D4057, ASTM D4084-82, and ASTM D4468-85/D4045-81.

---

[5] https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf

- ASTM D5705 – Standard Test Method for Measurement of Hydrogen Sulfide in Vapor Phase Above Residual Fuels Oils

- ASTM D4057 – Standard Practice for Manual Sampling of Petroleum and Petroleum Products

- ASTM D4084-82 – Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)

- ASTM D4468-85/D4045-81 – Standard Test Method for Total Sulfur in Gaseous Fuels by hydrogenolysis and Rateometic Colorimetry

Crude oil naturally contains H_2S and the percentage of concentration depends on the source of the crude oil. Ingleside Marine Terminal supports the Flint Hills' Corpus Christi refinery where the terminal is expected to receive crude oil with varying crude oil densities. Per the United States' Energy Information Administration (EIA), API gravity is defined as "density of liquid petroleum products". API gravity is measured in degrees and the lower the API gravity, the higher the density and lower possibility of material-to-air contact evaporation.

API gravity indicates how quickly H_2S will evaporate into the headspace of the storage tanks when in contact with air. The lower the API gravity, the denser the material, and the higher the concentration of H_2S. Predictably, crude oil with a lower API gravity will contain more H_2S compounds; therefore, the contact between the air in the headspace of the storage tanks and the liquid surface can result in a higher gaseous H_2S in the headspace than higher API gravity crude oils.

Since several academic articles and other sites have verified that API gravity and the H_2S concentration of crude oil are correlated, the agency has accepted monitoring frequency based on the API gravity. Flint Hills Resources calculated the maximum crude oil throughput and performed a site-wide modeling for health impacts. The preliminary model indicated that crude oil impacts exceeded the ESLs. Flint Hills Resources limited the potential impacts of crude oil by artificially restricting how many storage tanks may be loaded at a given time and by implementing total hourly control device limitations. Ingleside Marine Terminal is authorized to store and load crude oil within the framework of their modeling and toxicology limitations so it is unlikely that the concentration of the crude oil will be frequently changed. Thus, the two monthly samplings for higher H_2S crude oil and annual sampling for lower H_2S concentration is acceptable.

The Keco 205L analyzer is required for higher H_2S concentration in the crude oil or crude oil with an API gravity lower than 25. The agency is aware that the Keco 205L analyzer is able to quantify H_2S concentrations more accurately. However, the LAP test is used to determine which crude oil batch needs to be sampled. The LAP test has been verified by the ASTM to be sensitive enough to detect H_2S at 0.0297 part per million by weight (ppmw) so if a negative result is indicated, Special Condition 7 requires that the crude oil is tested with a Keco 205L analyzer.

COMMENT 6: Crude Oil Special Conditions

EPA requested an explanation of the crude oil properties and potential conflicting conditions. Specifically, EPA asked if the barges and ships at the terminal are loaded with the same crude and stabilized condensate that is stored within the tanks listed in Special Condition 6. They also asked why the H_2S concentration limit is different for the barge and ship loading compared to the storage tank H_2S concentration limit.

(Aimee Wilson)

RESPONSE 6: Special Condition 6 puts a limit on the material stored in the storage tanks at the site and Special Condition 7 puts a limit on the material that is loaded into barges from the storage tanks. It is a common practice to segregate stored materials based upon their specifications to different storage tanks to allow for transfer or sale of different specification materials. As the flow of material goes from storage tanks to barges, barge loading is naturally going to have more emissions per hour. As the emission rates will be higher, a lower H_2S concentration is required to compensate for the higher rate in order to meet emission limits. The material transferred to barges is also tested before it is loaded. Thus, a lower H_2S limit on materials loaded onto barges limits the H_2S emissions from barge loading.

TCEQ does not establish a best available control technology (BACT) H_2S limit on crude oil since it is inherent to crude oil and gets processed out in downstream processes (e.g., sulfur recovery units). Refineries are designed based upon the expected sulfur content of the crude oil and need sulfur for proper plant operations. H_2S limits are required to ensure that the site is not exceeding permitted limits and did not trigger prevention of significant deterioration (PSD) modifications or have impacts issues.

COMMENT 7: Collection Efficiency

EPA asked if the third collection efficiency test had been conducted for inerted vessel loading, if performing three tests in 2015 would ensure compliance after 7 years, and if TCEQ can be assured that there is no degradation to the collection equipment as it ages.

(Aimee Wilson)

RESPONSE 7: The applicant conducted the third collection efficiency test on August 23, 2015. This applicant was part of the group of facilities that conducted testing that TCEQ used to develop the updated marine loading collection efficiency guidance. After review of the data submitted, TCEQ has concluded that higher collection efficiencies are achieved with the identification and repair of leaks at the beginning of the loading cycle. Special Condition 9 requires audio, visual, and olfactory (AVO) leak checks during the loading process once every eight hours during the loading operation for onshore equipment and on board the ship. Any liquid leaks that are detected require that the site stop loading until it is fixed. If a vapor leak is detected a first attempt at repair must be made but loading does not need to stop. However, if loading continues then the site is only allowed to claim 95 percent capture credit.

COMMENT 8: Vacuum Assisted Loading

Encarnacion Serna asked why vacuum-assisted loading is not used on an inerted marine vessel, as stated in Special Condition 8.

(Encarnacion Serna)

RESPONSE 8: Coast Guard regulations do not allow vacuums to be applied to inerted vessels for safety reasons. Vacuum-assisted loading cannot be used on an inerted vessel because it will remove the nitrogen blanket and render it no longer inerted. In accordance with these regulations, Special Condition 8 establishes requirements for collected VOC emissions from loading into inerted and non-inerted marine vessels, including routing to the Marine Vapor Combustor Unit (MVCU).

COMMENT 9: Product Temperature

EPA requested a clarification of Special Condition 13 asking if the referenced temperature is the product temperature, if there is a maximum loading temperature, and if there is monitoring.

(Aimee Wilson)

RESPONSE 9: The referenced temperature in Special Condition 13 is the temperature of the product being loaded into marine vessels. TCEQ policy is to require 95º Fahrenheit or maximum expected worst-case temperature whichever is higher be used to calculate the true vapor pressure. Special Condition 17 requires that a monthly average temperature be recorded, but it does not specify the frequency of monitoring.

COMMENT 10: Liquid Knockout Pot Discharge Pressure

EPA requested clarification on the averaging time of the pressure monitoring for non-inerted barge loading and that Special Condition 14 be updated to add averaging time.

(Aimee Wilson)

RESPONSE 10: The applicant is required to monitor the liquid knockout pot pressure every 15-minutes which is consistent with EPA's definition of continuous monitoring. Any pressure reading under 1.5 inches water column is considered non-compliant. Since any pressure reading would be a deviation there is no need to add an averaging time and, therefore, it is not necessary to update Special Condition 14.

COMMENT 11: Visual Inspections and Seal Gap Federal Requirement References

EPA states that Special Condition 15 does not include enough information to indicate if the tanks are internal or external floating tanks and what monitoring is required.

(Aimee Wilson)

RESPONSE 11: TCEQ typically references the general monitoring section of NSPS Kb and does not require that the NSR permit specify which specific monitoring requirements each tank must follow. Each tank must follow the appropriate monitoring based on whether it is an internal or external floating roof tank. Internal floating roof tanks are required to be monitored according to 40 CFR § 60.113b(a), and external floating roof tanks are required to be monitored according to 40 CFR § 60.113b(b). 40 CFR § 63.1063(d) can be used for both internal and external floating roof tanks.

TK-28067, TK-28070R and TK-28077 are internal floating roof tanks. TK-28068, TK-28069, TK-28071, TK-28072, TK-28073, TK-28074, TK-28075, TK-28076, TK-28080 and TK-28066 are external floating roofs.

COMMENT 12: Incremental Emissions Increases

EPA expressed concern that Special Condition 18 allows for the permit limits to be exceeded. EPA also requested that TCEQ explain the condition and make publicly available any emissions that were reported that exceeded the baseline actual emissions.

(Aimee Wilson)

RESPONSE 12: All non-confidential records submitted to TCEQ are available for the public viewing upon request.

Special Condition 18 does not provide an exemption for the site to exceed its permitted emission limits. The permit holder must comply with the limits on the maximum allowable emission rate table for all operations that are authorized by the permit. Special Condition 18 ensures compliance with the incremental emission analysis used in TCEQ Project 284633, which authorized an increase in the permitted throughput for the site. Based on an EPA PSD Applicability Determination letter for Murphy Oil[6], Flint Hills used an incremental analysis to calculate the emission increases from the existing facilities that were part of that project. Incremental emissions may be used to calculate emission increases for "existing facilities that are being modified but are experiencing an emission increase as a result of a change."[7]

Special Condition 18 requires the permit holder to maintain records to determine whether the actual emissions exceed the baseline emissions by more than the incremental emissions thus triggering an updated federal applicability analysis. Per the condition, if the updated federal applicability results in a project increase that exceeds the major source thresholds, a report would be submitted by the permit holder. TCEQ has not received a report that these emission thresholds have been exceeded. The company confirmed that the incremental increases were accurate during the application for this current project.

COMMENT 13: Marine Vapor Combustor Unit (MVCU) Control Efficiency

EPA stated that it is unclear from the NSR permit whether the MVCUs are subject to NESHAP MACT Y. EPA also asked if the DRE applied to both HAPs and VOC, and what monitoring is done to ensure compliance.

(Aimee Wilson)

RESPONSE 13: The vapor combustion units (VCUs) are required to achieve 99.9-percent control of the waste gas. The VCU has a combustion chamber firebox temperature monitor. The pilot flame is also required to be monitored. The applicant is required to perform sampling after achieving the maximum operation rate to establish the minimum temperature at which the VCUs must operate to achieve the required minimum control efficiency. After sampling is conducted, the minimum actual temperature must be maintained above the minimum temperature established during the stack test during loading operations. Additionally, per Special Condition 20(D), if the "maximum…crude oil and stabilized condensate loading operations recorded…is greater than that recorded during the test periods, stack sampling shall be performed at the new operating conditions…" The applicant is restricted from installing (and operating) an atmospheric bypass without a flow monitor or installing car-seals, a

[6] https://www.epa.gov/sites/default/files/2015-07/documents/murphy.pdf
[7] *See* Air Permit Reviewer Reference Guide - APDG 5881v8 (Revised 01/22) guidance document.

physical restriction to operating the bypass, on the bypass. Car-seals must be inspected monthly to verify the position of the values and that flow out of the bypass is prevented.

Special Condition 20(D) does not permit the exceedance of any other established permit condition. The purpose of Special Condition 20(D) is to account for situations where the plant owner/operator is not able to test at the maximum authorized rate during the initial 180-day period after the permit is issued, when testing must be conducted. Special Condition 20(D) allows for subsequent testing to occur if the loading rate exceeds the rate that was previously tested but does not allow any permit limit to be exceeded.

Texas has a split permitting program and Title V permits are issued separately from the NSR permits. The Title V permit will have the documentation for which specific sources are subject to which regulation. The NSR permit will generally state which regulation applies to the facilities authorized by the NSR Permit. Title V Permit O3454 indicates that the previous MVCU was subject to MACT Y and since these are replacement units then they will be subject to MACT Y.

COMMENT 14: Marine Vessel Stack Testing

EPA asked if the initial stack testing has taken place and if Special Condition 15 allows the site to stack test outside permitted scenarios. EPA also asked if the site could be exempt from stack testing in the future.

(Aimee Wilson)

RESPONSE 14: The site commenced operation of the MVCUs in December 2019 and has completed the required stack testing.

As stated in Response 13 (Marine Vapor Combustor Unit (MVCU) Control Efficiency), if actual production rates exceed the rate that the control devices were previously tested, then the permit holder must test at the higher rate within 120 days. This does not allow an exceedance of a permit limit but does allow for testing to be conducted in the event that future operations exceed the rate at which the equipment was originally tested.

COMMENT 15: Audio, Visual and Olfactory (AVO) Checks Frequency

EPA asked why a monthly AVO is adequate for these units in petroleum service and if a more frequent AVO could be performed.

(Aimee Wilson)

RESPONSE 15: The site is currently subject to the 28PET fugitive monitoring program and is currently only required to do monthly inspections for VOC emissions. Ninety days after issuance of this permit, the site will be required to implement the 28VHP fugitive monitoring program which requires weekly AVO inspections. Additionally, the site does daily AVO inspections for H_2S leaks for components in H_2S service.

COMMENT 16: Continuous Monitoring of Control Devices

EPA asked TCEQ to ensure the special conditions are enforceable so that the equipment operates as represented, and that representations for modeling be made enforceable.

(Aimee Wilson)

RESPONSE 16: The external floating roof and internal floating roof storage tanks are required to meet the inspection requirements and frequency in NSPS Kb.

The MVCUs are required to perform temperature monitoring on a 6-minute averaging period. The temperature instrumentation is required to maintain the equipment according to the manufacturer's instructions and the applicant is required to calibrate it at least annually. The pilot flame is required to be detected by ultraviolet scanner, a thermocouple, a temperature element, or an agency approved equivalent measurement device.

The H_2S concentration change for marine loading was updated in the permit and must be tested before each loading operation. Only four tanks were represented to have working losses at any given time in the modeling. There was nothing written into the special conditions that require this, but representations in a permit application are enforceable pursuant to 30 TAC 116.116(a) and Condition 10 "Compliance with Rules" of the General Conditions. The modeling had restrictions on Maintenance, Startup, and Shutdown (MSS) emissions authorized by Permit by Rule Registration No. 107625. These restrictions are not written into permit 6606 since they are not authorized by the NSR permit.

COMMENT 17: Loading Operations of Marine Vessel

Encarnacion Serna claimed that text in Special Condition 9D (1) and (2) are contradicted and nullified by 9D (3).

(Encarnacion Serna)

RESPONSE 17: Special Condition 9D (1) describes actions taken upon a liquid leak, whereas Special Condition 9D (2) describes actions taken upon a vapor leak. Special Condition 9D (1) states that if a liquid leak is detected and "cannot be repaired immediately", then the "loading operation shall cease until the leak is repaired." Special Condition 9D (2) states that if a vapor leak is detected, that a "first attempt"

"shall be made to repair the leak" and "loading operations need not be ceased" if the first attempt is unsuccessful. Special Condition 9D (3) states that if the "attempt to repair the leak is not successful and loading continues" then a collection efficiency of 95 percent shall be used to calculate the emissions from the loading operation.

Special Condition 9D (3) is only intended to be applied to (2), as (2) states that loading can continue if a vapor leak is detected but the repair attempt should be documented.

COMMENT 18: Access to Rule Citations

Encarnacion Serna requested easier access to rule citations relevant to the permit.

(Encarnacion Serna)

RESPONSE 18: Flint Hills Ingleside is a major source and has a Title V permit, O3454. The Title V permit contains all the relevant rule citations for the plant.

COMMENT 19: Quarterly Deviation Reporting

Commenters stated that the applicant should perform quarterly deviation reporting and include additional information in the deviation report.

(Blanca Parkinson and Encarnacion Serna)

RESPONSE 19: State and federal rules require that the sites that have a Title V permit submit semi-annual reporting of deviations. Flint Hills Ingleside is a major source and has a Title V permit and is subject to semi-annual deviation reporting in addition to any other reports required by the state and federal rules. The regional office and EPA have the authority to request any information they deem necessary, but it is not necessary to include additional information with deviation reporting.

COMMENT 20: Diesel Fuel Monitoring and Recordkeeping

Encarnacion Serna stated calibration and accuracy requirements of monitors and recordkeeping of diesel fuel is insufficient.

(Encarnacion Serna)

RESPONSE 20: The calibration and accuracy requirements for the instrumentation and recordkeeping of diesel fuel is consistent with recently issued permits and TCEQ guidance on monitoring requirements. These requirements are appropriate given the type of sources and the amount of emissions at the site.

COMMENT 21: Sulfur Dioxide and Hydrogen Sulfide Net Concentration Requirements

Patrick Arnold Nye questioned if the sulfur dioxide (SO_2) and hydrogen sulfide (H_2S) net concentration requirements of 30 TAC Chapter 112 will be complied with.

(Patrick Arnold Nye)

RESPONSE 21: Flint Hills Resources conducted a Texas State Property Line Analysis de minimis evaluation on the project's proposed increases in hourly SO_2 and H_2S emissions, per 30 TAC 112.3, 30 TAC 112.31, 30 TAC 112.32 and TCEQ Modeling Guidelines. TCEQ reviewed this analysis and found the air quality analysis to be acceptable for SO_2 and H_2S. *See* Response 2 (Health Effects / Air Quality/ Cumulative Effects) for more information on the health effects review.

COMMENT 22: Vapor Combustor Monitoring and Maintenance

Patrick Arnold Nye asked how the MVCUs will be maintained to meet manufacturer specifications and/or operated in a manner that is consistent with minimizing emissions, including how 98 percent of the H_2S in crude oil will be converted to SO_2 through combustion. Mr. Nye also asked about the cleaning and routine inspections of the site, specifically of the vapor combustors.

(Patrick Arnold Nye)

RESPONSE 22: The MVCUs are control devices that are subject to Title V Compliance Assurance Monitoring (CAM) requirements. CAM is a federal monitoring program established under 40 CFR Part 64 that ensures control devices have sufficient monitoring, testing, and recordkeeping requirements to show compliance with an emission limitation or standard. The MVCUs meet CAM requirements by continuously monitoring the firebox temperatures at an averaging period of 6 minutes or less with an accuracy of the greater of the plus or minus 2 percent of the temperature being measured expressed in degrees Celsius or plus or minus 2.5 ºC. This ensures that the average firebox temperature is kept at a minimum of 1600 ˚F, which translates into a minimum of 99.9 percent waste gas destruction efficiency and the minimum conversion of 98 percent H_2S into SO_2 in crude oil through combustion. The monitoring, testing, and recordkeeping requirements for MVCUs can be found in Special Conditions 24, 25, and 26 of the permit.

MVCU maintenance includes operational checks prior to any barge loading and site-wide quarterly routine maintenance performed by a third-party company, John Zink. Site employees also perform hourly inspection rounds whenever the MVCUs are operational.

COMMENT 23: Actual Emissions

Patrick Arnold Nye asked how the phrase "significant amount" of "actual emissions" in Special Condition 18 is defined in the context of "actual emissions" exceeding "baseline actual emissions."

(Patrick Arnold Nye)

RESPONSE 23: The significant amount of actual emissions exceedance is defined in 30 TAC § 116.12(13) - Nonattainment and Prevention of Significant Deterioration Review Definitions. This is a method of determining if a proposed emission increase will trigger nonattainment or prevention of significant deterioration review. The summation of the proposed project emission increases in tons per year with all other creditable source emission increases and decreases during the contemporaneous period is compared to the significant level for that pollutant. If the significant level is exceeded, then prevention of significant deterioration and/or nonattainment review is required.

COMMENT 24: Stack Sampling

Patrick Arnold Nye questioned if stack sampling is the best available method to determine levels of air contaminant considering the requirement to perform stack testing 60 days after the maximum operating rate. Mr. Nye also questioned the frequency that stack tests are done and if they are reported.

(Patrick Arnold Nye)

RESPONSE 24: Special Condition 20 for stack sampling, establishes the actual pattern and quantities of air contaminants being emitted into the atmosphere. The stack sampling is conducted in accordance with the appropriate procedures of the TCEQ Sampling Procedures Manual and the U.S. EPA Reference Methods. Emissions from this facility were determined by actual stack testing data. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

Special Condition 20 (D) allows for subsequent testing to occur if the loading rate exceeds the rate that was previously tested but does not allow any permit limit to be exceeded.

Special Condition 20 (E) requires one copy of the final sampling report be forwarded to the appropriate TCEQ Regional Office and the sampling reports shall comply with Chapter 14, Contents of Sampling Reports of the TCEQ Sampling Procedures Manual. This chapter provides guidance for submitting air emission test reports.

COMMENT 25: Heated Storage Tanks

Patrick Arnold Nye asked how many heated storage tanks Flint Hills Ingleside will have, and if they will have vapor recovery systems or if they are routed to vapor combustors. Additionally, Mr. Nye asked how naptha, diesel, coker gas oil, and #6 fuel oil, which are stated to be stored at increased temperatures and stirred to maintain viscosity, will be kept at such states, and if cutter stock/hazardous waste will be added to the thick fuel oil, and how these emissions would be controlled.

(Patrick Arnold Nye)

RESPONSE 25: Flint Hills Resources Ingleside's marine terminal is not currently authorized to have any heated storage tanks on site. Naptha, diesel, coker gas oil, and #6 fuel oil are not authorized to be stored at increased temperatures.

MSS operations are authorized under Permit by Rule (PBR) Registration No. 107625. Maintenance activities, such as tank landings and tank cleaning, is controlled by an internal combustion engine or thermal oxidizer authorized by PBR Registration No. 107625.

COMMENT 26: Temperatures of Loading Operations

Patrick Arnold Nye asked where the temperatures of 80 °F and 73.5 °F for the hourly and annual emission rates of loading operations, respectively, originated from. Mr. Nye also asked, as it is stated that the temperatures could be higher, what happens when the temperatures are higher, and if there are records kept of loading temperatures.

(Patrick Arnold Nye)

RESPONSE 26: The temperatures for hourly and annual loading operations found in the permit application are temperatures derived from national weather sources. As stated in the application, loading emissions are estimated through Equation 1 of the AP-42, Fifth Edition, Section 5.2, where lower temperatures used in the calculation would result in a more conservative emission rate. Actual temperatures during loading may be higher but would represent a less conservative emission rate estimate. Additionally, the true vapor pressure used in the calculation is based on crude oil with a Reid Vapor Pressure (RVP) of 10 pounds per square inch, absolute (psia), that represents a worst-case vapor pressure, consistent with TCEQ guidance on loading calculations.

Flint Hills Ingleside is required to keep records describing calculated emissions of VOC from all storage tanks and loading operations, described in Special Condition 17 of the permit; this includes the VOC monthly average temperature in degrees Fahrenheit.

COMMENT 27: Shore Power for Marine Loading

Kathryn Masten asked why shore power is not used by docking ships during marine loading processes, as opposed to ships idling during loading.

(Kathryn Masten)

RESPONSE 27: TCEQ does not have jurisdiction to require marine vessels to be fully powered by shore or stop the marine vessel from idling during loading operations.

COMMENT 28: Accuracy of MVCU Firebox Temperature

Encarnacion Serna asked why the accuracy of the firebox temperature monitor in Special Condition 24 is limited by the greater of plus or minus 2 percent of the temperature being measured expressed in ºC or plus or minus 2.5 ºC, and states that the required accuracy should be the smaller of the criteria.

(Encarnacion Serna)

RESPONSE 28: TCEQ is only allowing the greater of plus or minus 2 percent of the temperature being measured expressed in ºC or plus or minus 2.5 ºC for any instrument errors or temperature variance that may occur during operations.

COMMENT 29: Good Practices

Patrick Arnold Nye asked how "good air pollution control practices and "good combustion practices" are defined by TCEQ.

(Patrick Arnold Nye)

RESPONSE 29: Regarding "good air pollution control practices," control devices shall follow manufacture operational procedures to meet vendor guaranteed requirements.

Regarding "good combustion practices," combustion occurs when fossil fuels such as natural gas react with oxygen in the air to produce heat. Natural gas is mostly methane (CH_4), which when combined with air, produces carbon dioxide and water along with heat. Unless combustion is properly controlled, incomplete combustion results in high concentrations of undesirable products such as soot, carbon monoxide (CO), sulfur dioxide (SO_2), and nitrogen oxides (NO_x). Good combustion practices are the optimization of air and fuel flow to minimize incomplete combustion. It is very common for BACT for certain pollutants from combustion sources to be controlled and reduced through good combustion practices.

COMMENT 30: Operator Training Procedures

Patrick Arnold Nye requested a description of Flint Hills Ingleside's current operator training procedures to ensure proper operation and combustion efficiency of the VCUs.

(Patrick Arnold Nye)

RESPONSE 30: Flint Hills Ingleside's operator training procedure includes direction from the site's operator training manual to comply with coast guard requirements, training with third-party company John Zink, training to ensure operations occur with no visible opacity, and reporting any opacity events to TCEQ.

COMMENT 31: Method 21 Gas Analyzers

Patrick Arnold Nye asked if Toxic Vapor Analyzers (TVAs) are used for Method 21 leak detection for measuring hydrocarbon concentrations. Mr. Nye also asked what gases are used to calibrate Method 21 instruments.

(Patrick Arnold Nye)

RESPONSE 31: TCEQ does not specify the type of gas analyzers a site must use. Special Condition 21 only requires the gas analyzer to conform to requirements listed in Method 21 of 40 CFR Part 60, Appendix A. The gas analyzer shall be calibrated with methane. In addition, the response factor of the instrument for a specific VOC of interest shall be determined and meet the requirements of Section 8 of Method 21. If a mixture of VOCs is being monitored, the response factor shall be calculated for the average composition of the process fluid.

COMMENT 32: Opacity Reports by the Public

Patrick Arnold Nye asked if TCEQ accepts citizen-collected evidence for opacity measurements using Method 9, Method 22, and/or EPA Method 82/ASTM D7520-16. Mr. Nye also asked what the specific requirements are to meet TCEQ standards.

(Patrick Arnold Nye)

RESPONSE 32: Individuals are encouraged to report any concerns about nuisance issues or suspected non-compliance with the terms of any permit or other environmental regulation by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. TCEQ reviews all complaints received. If the terminal is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at www.tceq.texas.gov/nav/cec/.

Citizen-collected evidence may be used in enforcement actions. *See* 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at www.tceq.texas.gov (under Publications, search for Publication Number 278).

COMMENT 33: Monitors

Commenters stated that there are no TCEQ air monitoring stations in San Patricio County and requested that an air monitor be located in their area. Commenters also questioned if fenceline monitoring was being implemented at the Flint Hills Ingleside site.

(Mariah Ann Boone, Elida Castillo, Tom Daley, Larry R Ferrell, Jose Gonzales, Jennifer R Hilliard, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Nancy Lubbock, Thomas Mack, Kathryn A Masten, Carrie Robertson Meyer, Ann R Nyberg, Patrick Arnold Nye, Jasmin O'Neil, Blanca Parkinson, Lynne Goeglein Porter, Julie Travis Rogers, Andrea Rozzell, A Leslie Rozzell, Encarnacion Serna, Errol Alvie Summerlin, Thomas Craig Wadham, Sheila Walton, John Stephen Weber, and Steven Wilder)

RESPONSE 33: Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on the TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the

availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new and select "Air Monitoring Network Announcements."

Stationary air monitors are sited to measure air quality that is representative of a broader area or region. Therefore, monitors are not typically placed to measure the impacts from specific industrial facilities.

The Flint Hills Resources Ingleside Terminal does not currently have fenceline monitoring capabilities at the site. There is no federal or state requirement for marine terminals to install and maintain fenceline monitoring at the facilities. Flint Hills Resources is required to perform monitoring to demonstrate compliance with the permitted limits to ensure protectiveness of their site. *See* Response 43 (Demonstrate Compliance with the Permit) for more details of monitoring.

COMMENT 34: Climate Change

Commenters expressed concern about the effects of this project in relation to climate change. Patrick Arnold Nye asked about the permit's Greenhouse Gases (GHG) reporting requirements.

(Tara Anders, Chrystal Beasley, Elida Castillo, Robyn Cobb, Sally Clark Farris, Patricia C Gardiner, Donna L Hoffman, Uneeda E Laitinen, Nancy Lubbock, Kathryn A Masten, Ann R Nyberg, Patrick Arnold Nye, Jessica Palitza, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, Encarnacion Serna, Chloe Torres, Ana Trevino, James Walton, and Melissa Zamora)

RESPONSE 34: EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no NAAQS for GHGs, including no PSD increment. Climate change modeling and evaluations of risks and impacts are typically conducted for changes in emissions that are orders of magnitude larger than the emissions from individual projects that might be analyzed in permit reviews. Thus, EPA has concluded it would not be meaningful to evaluate impacts of GHG emissions on a local community in the context of a single permit. For these reasons, TCEQ has determined that an air quality analysis for GHG emissions would provide no meaningful data and has not required the Applicant to perform one.

COMMENT 35: Access to Permit Documents

Commenters stated that they did not have access to the permit documents.

(Richard Alan Roark and Encarnacion Serna)

RESPONSE 35: 30 TAC § 39.405 requires the Applicant to provide copies of the application and the Executive Director's preliminary decision at a public place in the

county in which the facility is located or proposed to be located. The rules also require the public have an opportunity to review and copy these materials. In addition, the application, including any subsequent revisions to the application, must be available for review for the duration of the comment period. The Applicant represented that the application was made available at the Ingleside Public Library. In addition, a copy of the application was also available at the TCEQ Corpus Christi Regional Office and the TCEQ Central Office.

COMMENT 36: Jurisdictional Issues

Location / Zoning: Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools.

(Margaret A Duran and Sally Clark Faris)

Quality of Life / Aesthetics / Property Value: Commenters expressed concern about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property value.

(Tara Anders, Mariah Ann Boone, Lara Ann Breeding, Elida Castillo, Colin Cox, Sally Clark Farris, Larry R Ferrell, Jose Gonzales, Jennifer R Hilliard, Lynn Hughes, Wendy Hughes, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Nancy Lubbock, Michelle Mack, Kathryn A Masten, Carrie Robertson Meyer, Ann R Nyberg, Jasmin O'Neil, Jessica Palitza, Lynne Goeglein Porter, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Andrea Rozzell, Deandra M Sanchez, Joellen Flores Simmons, Errol Alvie Summerlin, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Sheila Walton, John Stephen Weber, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora)

RESPONSE 36:

Location / Zoning: TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable by TCEQ. Zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements.

TCEQ Region 14 (Corpus Christi) Office conducted a site review of the area on April 29, 2021. According to that site review, nuisance, odor, and hazard potentials were low. The review also described the surrounding land use as industrial, and the nearest off-property receptor is a building at an adjacent facility approximately 350 feet away. The distance from the facility to the nearest property line, according to the site review,

is approximately 200 feet. The recommendation of the Regional Office was to proceed with the permit review and the site review indicated no reasons to deny the permit application.

Although TCEQ cannot consider zoning or land use, TCEQ does conduct a health effects review to ensure that there will be no adverse impacts to human health and welfare. As described in Response 2 (Health Effects / Air Quality / Cumulative Effects), a protectiveness review was conducted for all contaminants emitted. The maximum concentrations were evaluated at the property line, at the nearest off-property receptor, and at any schools located within 3,000 feet of the facilities and were found to be protective of human health and the environment.

Quality of Life / Aesthetics / Property Value: TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny an air quality permit.

COMMENT 37: Best Available Control Technology (BACT)

Commenters questioned the control technology proposed in the application.

(Colin Cox, Jennifer R Hilliard, James E Klein, Kathryn A Masten, Patrick Arnold Nye, Richard Alan Roark, Encarnacion Serna, Ken Willis, and Aimee Wilson)

RESPONSE 37: BACT is 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 considered technically practical and economically reasonable for the facility. BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations. The Applicant has represented in the permit application that BACT will be used for the proposed new and modified sources.

The contaminants authorized by this permitting action are carbon monoxide (CO), hazardous air pollutants (HAPs), hydrogen sulfide (H_2S), nitrogen oxides (NO_X), organic compounds, particulate matter including particulate matter with diameters of 10 microns or less (PM_{10}) and 2.5 microns or less ($PM_{2.5}$) and sulfur dioxide (SO_2). The primary control measures applied to this facility are an internal floating deck or "roof" or equivalent control on storage tanks, an external floating roof tank with double seal or secondary seal technology on storage tanks provided the primary seal consists of either a mechanical shoe seal or a liquid-mounted seal and the secondary seal is rim-mounted, and MVCUs for marine loading activities. The permit reviewer evaluated the proposed BACT and confirmed it to be acceptable.

COMMENT 38: Emission Rates and Calculations

Commenters questioned the accuracy and methodology for determining the emission rates for the proposed project.

(Carl Daniel Amsden, Colin Cox, Lynn Hughes, Wendy Hughes, Kathryn A Masten, Patrick Arnold Nye, Blanca Parkinson, Encarnacion Serna, and Aimee Wilson)

RESPONSE 38: Emissions from this facility were determined by using AP-42 Section 7.1 calculation guidance for storage tanks, AP-42 following TCEQ guidance for marine loading and VCU control emissions, stack testing data, and TCEQ's fugitive guidance document APDG 6422. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

COMMENT 39: Federal Applicability

Commenters expressed concern about the quantity of emissions that will result from the project and if the project requires federal review, specifically if the emissions from MSS from PBR Registration No. 107625 should have been included in the federal review calculation, or if the site's recent 2019 expansion project should affect this project's federal applicability analysis. Commenters also stated that the project should calculate project emission increases based upon baseline actual emissions.

(Colin Cox, Kathryn A Masten, Patrick Arnold Nye, and Richard Alan Roark)

RESPONSE 39: A PSD major site is defined as a site emitting over 250 tons per year (tpy) of any one pollutant if it is an unnamed source or 100 tpy of any one pollutant if it is one of 28 sources named in 40 CFR § 52.21(b)(1)(a). Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires PSD review. This site is a named source and has proposed emission rates greater than 100 tpy of at least one pollutant, making it a major source. In addition, the proposed increases of the VOC pollutants are above the defined significant emission rates and are subject to PSD permitting. The proposed increases of all other pollutants with this project are below the significant emission rates and are not subject to PSD permitting.

Flint Hills did not aggregate emissions from PBR Registration No. 107625, which authorized tank MSS emissions with Project No. 292889, or emission from the 2019 expansion project, and these emissions were not affected sources that should be included in the project emission increases. EPA's final action on project aggregation

for the NSR Program[8] states that projects should be technically and economically related to be aggregated. Projects that are more than three years apart are presumed to not be technically and economically related and should not be aggregated unless there is a compelling reason. Therefore, the project increases are still below the significant emission rates and are not subject to PSD permitting.

This project calculated project emission increases based on Potential to Emit (PTE) minus baseline actual emissions. It was not calculated based upon PTE to PTE.

Nonattainment New Source Review (NNSR) permitting is applicable for major sites, defined as a site emitting over the threshold for the nonattainment pollutant in that county. Texas nonattainment area designations are specified in 40 CFR § 81.344. Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires netting. If the project's net emissions are greater than the netting threshold, the project is subject to NNSR permitting. Because the site is not located in a nonattainment county, the project is not subject to NNSR permitting.

COMMENT 40: Environmental Impact Study

Commenters requested that an additional environmental impact study be conducted prior to authorization of this project, including a regional airshed study.

(Jennifer R Hilliard, Kathryn A Masten, Richard Alan Roark, Encarnacion Serna, and John Stephen Weber)

RESPONSE 40: Environmental Assessments and Environmental Impact Statements (EIS) are a specific requirement for federal agencies under the National Environmental Policy Act (NEPA). An EIS is not required for state actions such as this permit. However, both the TCAA and TCEQ rules provide for an extensive review of the application to ensure that emissions from the proposed facility will not violate the NAAQS and will not be expected to adversely affect human health or the environment. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

Furthermore, regional airshed studies are also not required for state actions such as this permit. This type of analysis may be conducted for counties or areas that are not in attainment for the NAAQS. For example, TCEQ addresses regional ozone formation through the SIP development process rather than through individual permitting actions to determine what must be done to bring the area county back into compliance with the NAAQS since ozone is a regional issue.

[8] Federal Register Vol. 74, No. 10, pg. 2376 dated January 15, 2009

COMMENT 41: Environmental Justice

Commenters raised concerns regarding the environmental justice implications of this project.

(Deborah A Ferrell, Jose Gonzales, Blanca Parkinson, Ana Trevino, and Lisa Moncrief Turcotte)

RESPONSE 41: Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. For further information, contact the Office of the Chief Clerk at 512-239-3300. More information may also be found on the TCEQ website: https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance.

COMMENT 42: Corporate Profits

Commenters questioned the corporate profits made by this project at a cost to the surrounding community.

(Colin Cox, Deborah Ferrell, Patrick Arnold Nye, and Jessica Palitza)

RESPONSE 42: TCEQ is not authorized to consider a company's financial status nor its profits in determining whether a permit should be issued. TCEQ's review of this company's application included analysis of health impacts and application of BACT, and based on this review, the facility should comply with all applicable health effects guidelines and emission control requirements. Continued compliance with health effects guidelines and BACT requirements is expected if the company operates in compliance with the permit terms and conditions.

Individuals are encouraged to report any environmental concerns at the facility by contacting the Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. TCEQ evaluates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 43: Demonstrate Compliance with Permit

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis.

(Payton Gray Campbell, Colin Cox, Deborah A Ferrell, Lynn Hughes, Wendy Hughes, James E Klein, Uneeda E Laitinen, Kathryn A Masten, Patrick Arnold Nye, Encarnacion Serna, and Sheila Walton)

RESPONSE 43: Special conditions have been included as part of the proposed permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions will be monitored by the MVCU firebox temperature monitoring, the 28 VHP LDAR program for fugitive monitoring, storage tank visual inspections and seal gap measurements in accordance with NSPS Kb to verify fitting and seal integrity, storage tank hydrogen sulfide (H_2S) sampling twice monthly if the American Petroleum Institute (API) gravity is less than or equal to 25 and once annually if the API gravity is greater than 25, monthly marine loading and storage tanks throughput recordkeeping, a marine vessel leak check once every 12-month period, pressure monitoring of the vacuum-assisted vapor collection system, an AVO for H_2S leaks at least once per day, and an AVO check for marine vessel and MVCU leaks once every 8 hours. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it may be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

Citizen-collected evidence may be used in such an action. *See* 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law. The information, if gathered according to agency procedures and guidelines, can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at http://www.tceq.texas.gov (under Publications, search for document number 278).

COMMENT 44: Compliance History

Commenters asked about the compliance history of the Applicant and the site.

(Carl Daniel Amsden, Tara Anders, Lara Ann Breeding, Payton Gray Campbell, Colin Cox, Margaret A Duran, Sally Clark Farris, Cathy Fulton, Bob Gonzalez, Jennifer R Hilliard, James E Klein, Kathryn A Masten, Patrick Arnold Nye, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, Richard Alan Roark, A Leslie Rozzell, Encarnacion Serna, Joellen Flores Simmons, Sheila Walton, John Stephen Weber, Susan Wilder, Steven Wilder, and Melissa Zamora)

RESPONSE 44: During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: https://www.tceq.texas.gov/rules/index.html.

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 – complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 – 55.00 – generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations.

This site has a rating of 0.18 and a classification of Satisfactory. The company rating has a rating of 0.18, and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 45: Inspections

Commenters asked how often the facility will be inspected and expressed concern that TCEQ has not performed inspections adequately.

(Colin Cox, Jennifer R Hilliard, James E Klein, Patrick Arnold Nye, and Encarnacion Serna)

RESPONSE 45: The Regional Office performs investigations of the plant on a regular schedule as required. The investigation may include an announced or unannounced inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

Additional investigations will occur in response to complaints reported by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. For example, a "priority one" case means serious health concerns exist, and that case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exist; therefore, it will be investigated within 30 days. In addition, the investigation schedule may be increased if violations are found, violations are repeated, or if a regulated entity is classified as an unsatisfactory performer.

COMMENT 46: Violations / Enforcement

Commenters questioned the consequences of violating the terms of the permit and expressed concern about the violation history of Flint Hills Resources, particularly as it pertains to their "high priority violator" status in the EPA ECHO database.

(Carl Daniel Amsden, Chrystal Beasley, Lara Breeding, Lara Ann Breeding, Payton Gray Campbell, Trisha Christian, Robyn Cobb, Andi Cornett, Colin Cox, Margaret A Duran, Sally Clark Farris, Guillermo Gallegos, Patricia C Gardiner, Bob Gonzalez, Robert Graham, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Naomi Linzer, Nancy Lubbock, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Molly Morabito, Ann R Nyberg, Julie Ann Nye, Patrick Arnold Nye, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Chloe Torres, Ana Trevino, Cynthia Valdes, Veronica Vela, Sheila Walton, James Walton, John Stephen Weber, Susan Wilder, and Melissa Zamora)

RESPONSE 46: Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history. Compliance history ratings are considered during permit application reviews.

Flint Hills has two high priority violations listed through the EPA "Enforcement and Compliance History Online" database, one for late reporting and one for a failed stack test (the company has since retested and passed), that are currently being resolved by the TCEQ's Office of Compliance and Enforcement. These violations are considered when evaluating the site's compliance history.

COMMENT 47: Other Required Authorizations

Commenters asked if other authorizations are required for this project.

(Colin Cox, Ann R Nyberg, Patrick Arnold Nye, and Encarnacion Serna)

RESPONSE 47: Although TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this proposed permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review. However, the Applicant may be required to apply for separate authorizations for water quality, water usage, or the handling of waste.

COMMENT 48: Optical Gas Imaging (OGI)

Commenters expressed concern with the videos of the Optical Gas Imagery (OGI) footage taken by Tim Doty of EarthWorks, a non-profit organization. Commenters suggested that the videos showed that Flint Hills Resources was improperly maintaining their storage tanks.

(Chrystal Beasley, Mariah Ann Boone, Lara Ann Breeding, Lara Breeding, Payton Gray Campbell, Andi Cornett, Larry R Ferrell, Robert Graham, Jennifer R Hilliard, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Kathryn A Masten, Eli Mckay, Carrie Robertson Meyer, Ann R Nyberg, Patrick Arnold Nye, Jasmin O'Neil, Lynne Goeglein Porter, Julie Travis Rogers, Andrea Rozzell, Errol Alvie Summerlin, Cynthia Valdes, Sheila Walton, Steven Wilder, and Melissa Zamora)

RESPONSE 48: OGI is not used to determine compliance with the permitted emission limits of tanks. Tanks are permitted sources of emissions and detection of emissions is not an indication of being out of compliance. Compliance is determined by performing the proper inspections of the floating roof required by the permit and federal rules and limiting withdrawal rates to the maximum permitted rates.

TCEQ does take reports of emissions detected by OGI seriously and may send out investigators to look into these reports. Response 44 (Compliance History) states how to contact TCEQ with concerns and further information.

CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

Contessa N. Gay, Staff Attorney
Environmental Law Division
State Bar Number 24107318
PO Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY