

Jon Niermann, *Chairman*
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Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 7, 2022

To: Persons on the Attached Mailing List (by Email and Fax only)

Re: Motion to Overturn concerning the Executive Director's approval of the application by Flint Hills Resources Ingleside, LLC for Air Quality Permit No. 6606; TCEQ Docket No. 2022-1541-AIR.

This letter is in response to the Motion to Overturn (Motion) filed on November 2, 2022, by Colin Cox on behalf of Ingleside on the Bay Coastal Watch Association and Coastal Alliance to Protect our Environment, requesting that the Commission overturn the Executive Director's approval of the application by Flint Hills Resources Ingleside, LLC (Applicant) for Air Quality Permit No. 6066. Complete copies of the Motion may be obtained from the Office of Chief Clerk, TCEQ, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087.

Title 30, Section 50.139 of the Texas Administrative Code authorizes the General Counsel to extend the time for the Texas Commission on Environmental Quality (Commission) to act on a motion to overturn up to 90 days after the date written notice of the Executive Director's action is mailed to the Applicant. Accordingly, this letter shall serve as the order extending the time for the Commission to act on the Motion until **Wednesday, December 14, 2022**.

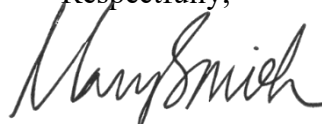
The Applicant, the Executive Director and the Office of Public Interest Counsel are hereby notified that they are encouraged to file response briefs with regard to the issues raised in the Motion. These briefs must be filed with the Chief Clerk's Office no later than **5:00 p.m. on Monday, November 21, 2022**. The Movant may file a reply brief with the Chief Clerk's Office no later than **5:00 p.m. on Thursday, December 1, 2022**.

In addition, the Commission has set the Motion for consideration at its public meeting scheduled to begin at **9:30 A.M. on Wednesday, December 14, 2022**. The Commission will consider the MTO and all timely responses and replies. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at: https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html eight days before the Agenda.

The Commission will take oral argument on this matter during the public meeting. The Movant or its representative may speak first and save part of its time for rebuttal. The Movant will have five minutes of oral argument time. The Executive Director will speak next, followed by the Office of Public Interest Counsel. The Executive Director and the Office of Public Interest Counsel will each have five minutes for their respective oral presentations.

If you have any questions about the public meeting or related matters, please contact Elaine Lucas, Assistant General Counsel, at elaine.lucas@tceq.texas.gov.

Respectfully,

A handwritten signature in black ink that reads "Mary Smith". The signature is written in a cursive style with a large, prominent "M" and "S".

Mary Smith
General Counsel

Mailing List

Mailing List
Flint Hills Resources Ingleside, LLC
TCEQ Docket No. 2022-1541-AIR

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