

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 9:01 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Submitting a Request for a Contested Case Hearing.docx

eComment – RFR
Attachment - H

From: nicole.e.imperial@gmail.com <nicole.e.imperial@gmail.com>
Sent: Thursday, October 13, 2022 9:29 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Nicole Elizabeth Bauer

EMAIL: nicole.e.imperial@gmail.com

COMPANY:

ADDRESS: 800 HIDDEN BEAR RD
LIBERTY HILL TX 78642-4634

PHONE: 4079027928

FAX:

COMMENTS: This is a rapidly growing area (north of austin) the city of Liberty Hill is expected to become the largest city in coming years within Williamson county and the proposed activity at Exflur Research is going to affect not only immediate residents but also seep into the water systems (such as the San Gabriel River) which runs through what will

be huge cities such as Liberty Hill and Leander (which was named the best city to live in in the USA in 2019 and one of the fastest growing cities in Texas). These areas are bringing a LOT of money to Texas and by polluting them, you will be pushing people out and therefore companies out. I urge you to reconsider.

Submitting a Request for a Contested Case Hearing
on Exflur Research Corp's Application for a New Air Permit No. 165848

Submit your hearing request by 5:00 PM on October 13.

The easiest method is to submit your request online: <https://www14.tceq.texas.gov/epic/eComment/>. First, enter Exflur's draft permit number 165848. Then, after providing your contact information, you'll be able to upload one Word or PDF document.

You can also mail your comments, but you'll want to mail them in ASAP, because they must be received by TCEQ by October 13 to be considered. Mail to:

Laurie Gharis, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

The following template provides the minimum information you should include in your request. You may use this template as a guide, but you must fill in the personal information. Provide as much detail as you can about the location of your property relative to the Exflur site, how you use your property, and how you feel your use would or could be impaired by the Exflur operation, if the permit were granted.

October 13, 2022

To the Office of the Chief Clerk:

My name is Nicole Bauer, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848.

I own 3.5 acres where I live with my family as my primary residence. I estimate that my property is about 25 miles northwest from the Exflur property and we are located near the river that would toxins from the Exflur property to our home.

My family and guests enjoy spending time outside on my property and we utilize our property to grow food for our family as well as have animals and wildlife providing us food and protection . We have young children who enjoy playing outside regularly and elderly family members who regularly enjoy being outside, playing outside, gardening outside and watching the birds and other wildlife. I am concerned that the air emissions and water contamination from the proposed Exflur facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events.

Signed:

Nicole Bauer
800 Hidden Bear Rd. Liberty Hill, TX 78642
407-902-7928

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:43 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: akbeville@gmail.com <akbeville@gmail.com>
Sent: Wednesday, October 12, 2022 11:24 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Anne Beville

EMAIL: akbeville@gmail.com

COMPANY:

ADDRESS: 443 COUNTY ROAD 278
LIBERTY HILL TX 78642-4378

PHONE: 5126532299

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: Our names are Anne Beville and Thomas Beville Jr., and we request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. We own 11.1 acres, where we live with our family, pets, and bees, as our primary residence. Our property is about 12 miles south from the Exflur property. Our family, and future family who inherit this property, enjoy spending time outside on my property. We have many pets, including dogs, cats, pot belly pig, ducks, and we have 12 beehives, and regularly

enjoy sitting outside to enjoy nature and wildlife. I am concerned that the air emissions from the proposed Exfluor facility will reach my property and be harmful to the health of my family, pets, and beehives. We are relying on the beehives as an agricultural exemption, in addition to providing pollinators to my gardens and local area. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events. Signed: Anne and Thomas Beville 443 Country Road 278, Liberty Hill, TX 78642 512-653-2299

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:42 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: akbeville@gmail.com <akbeville@gmail.com>
Sent: Wednesday, October 12, 2022 11:22 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Anne Beville

EMAIL: akbeville@gmail.com

COMPANY:

ADDRESS: 443 COUNTY ROAD 278
LIBERTY HILL TX 78642-4378

PHONE: 5126532299

FAX:

COMMENTS: See attached

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 11, 2022 4:05 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

NSR
124292

From: akbeville@gmail.com <akbeville@gmail.com>
Sent: Monday, April 11, 2022 2:54 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Anne Beville

EMAIL: akbeville@gmail.com

COMPANY:

ADDRESS: 443 COUNTY ROAD 278
LIBERTY HILL TX 78642-4378

PHONE: 5126532299

FAX:

COMMENTS: Do not want my well water affected by chemicals used in this plant.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 2:51 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: terry.cook@wilco.org <terry.cook@wilco.org>
Sent: Friday, October 14, 2022 9:58 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Terry G Cook

EMAIL: terry.cook@wilco.org

COMPANY: Williamson County

ADDRESS: 1801 E OLD SETTLERS BLVD Suite 110
ROUND ROCK TX 78664-1905

PHONE: 5122448610

FAX:

COMMENTS: I ask that a Contested Case Hearing be granted for the case of Exflur for the construction of a manufacturing site amongst residential homes in Williamson County. Many questions have not been clarified concerning the manufacturing of chemicals, aerial dispersion from the process, and waste management of the resultant dry powders in the production cycle. While concerns are not limited to air quality, an additional hearing would greatly

benefit the neighborhood and perhaps the manufacturer, Exfluor. I first completed this form early aft on 10/13 but never got confirmation.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:44 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Letter to the TCEQ from Sheryl Farley1.pdf

H

From: sheryl.farley@gmail.com <sheryl.farley@gmail.com>
Sent: Wednesday, October 12, 2022 1:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: MS Sheryl M Farley

EMAIL: sheryl.farley@gmail.com

COMPANY:

ADDRESS: 6600 COUNTY ROAD 200
LIBERTY HILL TX 78642-3725

PHONE: 5127717539

FAX:

COMMENTS: See attached pdf

October 13, 2022

To the Office of the Chief Clerk:

My name is Sheryl Farley, and I request a contested case hearing on Exflour Research Corporation's Application for a New Air Permit No. 165848.

My husband and I have lived at 6600 County Road 200, Liberty Hill, Texas for the last fifteen years. We own 20 acres with livestock approximately 3 miles south of the Exflour property as the crow flies right on the North Fork of the San Gabriel.

We have enjoyed our primary residence free from any industry that we know of and are concerned for our safety and the safety of our livestock. We don't believe that our area is suitable for an industry (particularly Exflour) for several reasons, among them: The surrounding properties are RESIDENTIAL!! People have lived there for generations and more people are moving there! The area and roads are not suited for additional industrial traffic; the infrastructure of police and fire are not suited for industrial facilities like Exflour or any other waste-creating industries. I firmly believe that the company just wants a nice place to land their employees so they don't have to commute. They have actually said as much at some of the meetings we have attended! Why can't this facility stay where it is in Round Rock with the proper industrial facilities surrounding??? Additionally, as reiterated by the North San Gabriel Alliance and backed by experts in the field, I am "concerned that the air emissions from the proposed Exflour facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways (especially the North Fork of the San Gabriel where we live) and will travel to our property and into our groundwater, contaminating our water well, with rain events."]

Signed:

Sheryl Farley

6600 County Road 200

512-771-7539 or 512-771-7515

Your are welcome to call day or night, but please identify yourself clearly and properly

Michael O'Malley

From: PUBCOMMENT-OCC
Sent: Monday, May 2, 2022 3:24 PM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

From: sheryl.farley@gmail.com <sheryl.farley@gmail.com>
Sent: Monday, May 2, 2022 12:46 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: MS Sheryl Farley

EMAIL: sheryl.farley@gmail.com

COMPANY:

ADDRESS: 6600 COUNTY ROAD 200
LIBERTY HILL TX 78642-3725

PHONE: 5127717539

FAX:

COMMENTS: Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exfluror Research Corporation chemical manufacturing facility on County Road 236. Under no circumstances should this company be allowed in my neighborhood!

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 6, 2022 8:53 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: sheryl.farley@gmail.com <sheryl.farley@gmail.com>
Sent: Tuesday, April 5, 2022 10:42 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: MS Sheryl Marie Farley

EMAIL: sheryl.farley@gmail.com

COMPANY:

ADDRESS: 6600 COUNTY ROAD 200
LIBERTY HILL TX 78642-3725

PHONE: 5127717539

FAX:

COMMENTS: I am vehemently opposed to this business in my area. I live on a 20-acre ranch (WITH CATTLE) right on the North Fork of the San Gabriel. Our property line goes to the middle of the river. We plan to use our river water to irrigate our property! We know people who use the river water for their drinking water!! This will kill the value of our property!! THIS MUST NOT BE ALLOWED!!

NSR
124292

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, June 20, 2022 9:46 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

H

From: eafriou@gmail.com <eafriou@gmail.com>
Sent: Sunday, June 19, 2022 10:09 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Elizabeth Ann Friou

EMAIL: eafriou@gmail.com

COMPANY:

ADDRESS: 5203 RIDGE OAK DR
AUSTIN TX 78731-4811

PHONE: 5124155772

FAX:

COMMENTS: I request a contested hearing regarding Air Quality Permit 165848, Exflur Research Corp. I would be Exflur's immediate neighbor--our property lines are 41 feet apart, across Williamson County Road 236, should the plant be permitted to operate there. The toxic gas or particulate matter Exflur emits under permit or through accidental leakage will fall out on me personally, on my ranching employees, and on my land, livestock, and wildlife. I am asthmatic

and I fear the permit will not protect my health from Exflur's daily 24-hour release of gases, or the health of my employees, livestock, wildlife, and land. My employees and I work outdoors, grazing horses and managing pasture.

Melissa Schmidt

From: PUBCOMMENT-OCC
Sent: Tuesday, May 10, 2022 1:51 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

NSR
124292

H

From: eafriou@gmail.com <eafriou@gmail.com>
Sent: Tuesday, May 10, 2022 1:39 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Elizabeth Ann Friou

EMAIL: eafriou@gmail.com

COMPANY:

ADDRESS: 5203 RIDGE OAK DR
AUSTIN TX 78731-4811

PHONE: 5124155772

FAX:

COMMENTS: I am adding to a previous request for a contested hearing on Exflur Research Corp. Air Permit 165848: I would be Exflur's immediate neighbor (50 yards to the south) on Williamson County Rd 236, should the plant be permitted to operate there. The toxic gas or particulate matter it emits under permit or through accidental leakage, spillage, or explosion will fall out on me personally and my land and livestock. I graze horses and I work outdoors, managing pasture. Thank you.

Michael O'Malley

From: PUBCOMMENT-OCC
Sent: Monday, May 2, 2022 3:22 PM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

H

From: eafriou@gmail.com <eafriou@gmail.com>
Sent: Monday, May 2, 2022 10:37 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Elizabeth Ann Friou

EMAIL: eafriou@gmail.com

COMPANY:

ADDRESS: 5203 RIDGE OAK DR
AUSTIN TX 78731-4811

PHONE: 5124155772

FAX:

COMMENTS: I request a contested hearing regarding Air Quality Permit 165848, Exfluor Research Corp.

TCEQ Registration Form

June 16, 2022

①

Exflor Research Corporation Proposed Air Quality Permit No. 165848

PLEASE PRINT

Name: Elizabeth Ann Friou

Mailing Address: 5203 Ridge Oak Dr., Austin, TX 78731

Physical Address (if different): 2100 CR 234, Florence, TX 76527

City/State: Austin TX Zip: 78731

****This information is subject to public disclosure under the Texas Public Information Act****

Email: efriou@gmail.com

Phone Number: (512) 415-5772

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? NORTH Sam Gabriel Alliance + myself

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, April 7, 2022 8:02 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: eafriou@gmail.com <eafriou@gmail.com>
Sent: Wednesday, April 6, 2022 8:34 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Elizabeth Ann Friou

EMAIL: eafriou@gmail.com

COMPANY:

ADDRESS: 5203 RIDGE OAK DR
AUSTIN TX 78731-4811

PHONE: 5124532008

FAX:

COMMENTS: I am adding to an earlier comment of mine here: Due to critical health and environmental concerns I urgently request that TCEQ take action to DENY Permit No. 165848, Exflur Research, 1100 County Road 236, Florence, Williamson County, Texas 76527, and if needed, I join the residents of the area requesting an in-person "public meeting" in the local County Road 236 area at a location to be determined.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 6, 2022 8:44 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: eafriou@gmail.com <eafriou@gmail.com>
Sent: Tuesday, April 5, 2022 9:23 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Elizabeth Ann Friou

EMAIL: eafriou@gmail.com

COMPANY:

ADDRESS: 5203 RIDGE OAK DR
AUSTIN TX 78731-4811

PHONE: 5124155772

FAX:

COMMENTS: The Exflur Company would be my immediate neighbor on CR236 where my family has owned a ranch for 100+ years. The toxins it produces will harm me, my livestock, my land and groundwater, my land value and the livelihoods of myself and my tenant rancher. It will do the same to hundreds of neighbors in the vicinity. Its effluent will poison the drinking water of Georgetown and Round Rock. This chemical plant has no business locating in this residential/agricultural area in the North San Gabriel River drainage.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 18, 2022 9:20 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

RFR

From: jillgabz@gmail.com <jillgabz@gmail.com>
Sent: Saturday, April 16, 2022 6:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Jillian Gabriel

EMAIL: jillgabz@gmail.com

COMPANY:

ADDRESS: 105 LARK ST
LEANDER TX 78641-1890

PHONE: 7189828141

FAX:

COMMENTS: This company and plant is a danger to the residents and nature in this area. The plant is a repeat offender for leaking and pollution. The chemicals they wish to dump are toxic to the river and the communities directly and indirectly near it. What board of sound mind would allow a chemical plant in the middle of residential neighborhoods, a natural river, park and agricultural site. The chemicals do not break down and will surely pollute the air in the immediate and surrounding areas. Have you we learned nothing from history? By allowing this plant you are allowing

disease and death. I beg you as a resident to reconsider and not allow this to ruin San Gabriel community, if you care little for nature think of the repercussions for human life. This plant does not belong between two neighborhoods. This plant does not belong next to our river!

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, April 19, 2022 2:04 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: jillian.gabriel@gmail.com <jillian.gabriel@gmail.com>
Sent: Tuesday, April 19, 2022 10:06 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Jillian Gabriel

EMAIL: jillian.gabriel@gmail.com

COMPANY:

ADDRESS: 105 LARK ST
LEANDER TX 78641-1890

PHONE: 7189828141

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exfluor Research Corporation on Williamson County Road 236. This pending Exfluor Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflor Research Corporation chemical manufacturing facility on County Road 236.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 6, 2022 8:54 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

RFR

From: rfgrabish@msn.com <rfgrabish@msn.com>
Sent: Tuesday, April 5, 2022 9:48 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Richard Grabish

EMAIL: rfgrabish@msn.com

COMPANY:

ADDRESS: 201 SHADY OAKS TRL
LIBERTY HILL TX 78642-3944

PHONE: 3143247005

FAX:

COMMENTS: You are caked by citizens and taxpayers to protect the land, air and water of this beautiful state. To foster and preserve an environment that is healthy. Giving Exflur permission to build a plant in the midst of our homes and ranches sets a dangerous and harmful precedent. What this plant discharges into our air, land and water may create toxic pollutants affecting our lives and the lives of our children. Please reconsider your decision. Do not allow this project to go forward.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:38 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: KELLEYHEATH1@GMAIL.COM <KELLEYHEATH1@GMAIL.COM>
Sent: Tuesday, October 11, 2022 9:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: KELLEY HEATH

EMAIL: KELLEYHEATH1@GMAIL.COM

COMPANY:

ADDRESS: 205 TALON GRASP TRL
LEANDER TX 78641-2595

PHONE: 7202612505

FAX:

COMMENTS: To the Office of the Chief Clerk: My name is Kelley Heath, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. In our home live myself, my husband and both our children. This is our only residence. We are too close to the Exflur property. My family and guests enjoy spending time outside on my property. We have young children who enjoy playing outside regularly and elderly family members who regularly enjoy sitting outside and watching the birds and other wildlife. I am concerned that the air emissions from the

proposed Exfluor facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events. Signed: Kelley Heath 205 Talon Grasp Trl Leander TX 78641 (720)261-2505

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 25, 2022 9:02 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: KELLEYHEATH1@GMAIL.COM <KELLEYHEATH1@GMAIL.COM>
Sent: Sunday, April 24, 2022 8:35 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: KELLEY HEATH

EMAIL: KELLEYHEATH1@GMAIL.COM

COMPANY:

ADDRESS: 205 TALON GRASP TRL
LEANDER TX 78641-2595

PHONE: 7202612505

FAX:

COMMENTS: Please vote NO! I do not want my kids growing up in close radius to this, risking their and my future health. This belongs in a commercial area, no where near residences. Please do not allow our home to become contaminated with experiential chemicals that cause health risks. There are too many kids and families in this area. You will destroy our health as well as the value of property for families.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, April 22, 2022 4:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: KELLEYHEATH1@GMAIL.COM <KELLEYHEATH1@GMAIL.COM>
Sent: Friday, April 22, 2022 3:45 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: KELLEY HEATH

EMAIL: KELLEYHEATH1@GMAIL.COM

COMPANY:

ADDRESS: 205 TALON GRASP TRL
LEANDER TX 78641-2595

PHONE: 7202612505

FAX:

COMMENTS: Please vote NO! I do not want my kids growing up in close radius to this, risking their and my future health. This belongs in a commercial area, no where near residences. Please do not allow our home to become contaminated with experiential chemicals that cause health risks. There are too many kids and families in this area. You will destroy our health as well as the value of property for families.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 20, 2022 9:20 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: KELLEYHEATH1@GMAIL.COM <KELLEYHEATH1@GMAIL.COM>
Sent: Tuesday, April 19, 2022 6:37 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: KELLEY HEATH

EMAIL: KELLEYHEATH1@GMAIL.COM

COMPANY:

ADDRESS: 205 TALON GRASP TRL
LEANDER TX 78641-2595

PHONE: 7202612505

FAX:

COMMENTS: Please vote NO! I do not want my kids growing up in close radius to this, risking their and my future health. This belongs in a commercial area, no where near residences. Please do not allow our home to become contaminated with experiential chemicals that cause health risks. There are too many kids and families in this area. You will destroy our health as well as the value of property for families.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:38 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: 2022.10.13 NSGA Final Hearing Request.pdf

H
RFR

From: ray@txenvirolaw.com <ray@txenvirolaw.com>
Sent: Thursday, October 13, 2022 4:44 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Lauren Ice

EMAIL: ray@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the included document for hearing requests.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

October 13, 2022

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

via: TCEQ Comments Online

Re: Request for a Contested Case Hearing and Reconsideration on the Application of Exflur Research Corporation for Air New Source Review Permit No. 165848.

Dear Ms. Gharis:

On behalf of North San Gabriel Alliance (“NSGA” or the “Alliance”), I am submitting this request for a contested case hearing and reconsideration on the application by Exflur Research Corporation (“Exflur”) for proposed Permit No. 165848 (the “Application”) that would authorize the construction of the Exflur Research facility to be located at 1100 County Road 236, Florence, Williamson County, Texas 76527.

This hearing request supplements and is in addition to the comments and hearing requests submitted on April 1, June 3, and June 16, 2022. The Response to Comments issued by the Executive Director does not resolve issues previously raised by NSGA. NSGA may be contacted through my office at the address and telephone number indicated above.

I. North San Gabriel Alliance is an “affected person.”

North San Gabriel Alliance requests a contested case hearing. As previously mentioned, NSGA is a Texas non-profit organization that works to protect the natural environment, homes, crops, animals, and property of people who live, work, farm, ranch, and recreate in the area of the North Fork of the San Gabriel River, in Williamson and Burnet Counties, Texas. The interests NSGA seeks to protect in contesting a permit that would increase air pollution and risks of accidents and spills that could lead to surface and groundwater contamination in Williamson County are germane to its purpose as a local conservation and stewardship organization.

The Alliance is also a membership organization, with members who own property and live in the immediate vicinity of the site of the proposed Exflur facility, including those within one mile of the site. These members possess a justiciable interest that will be impacted by the proposed facility in a manner not shared by the general public. And neither the claim asserted or relief requested, i.e., denial of the Exflur permit application, would require the participation of any of NSGA's individual members.

Included with this request are the identities of several members of the Alliance that would otherwise have stood to request a hearing in their own right.

1. Charles Ray Williams, Jr. and Haziel McCormick Williams

Charles Ray Williams, Jr. and Haziel McCormick Williams are married and are members of NSGA. Ms. Williams owns a total of 31 acres of property in two separate tracts, located on County Road 208, Florence, Texas 76527. One of their tracts of land is about 0.56 miles north of the Exflur property and the other is less than 0.8-mile northwest, an estimated 0.7 and 0.9 miles, respectively, from the emission points identified in the Exflur application. Mr. Williams is a Registered Professional Engineer in the State of Texas and worked for 9 years as a hazardous material manager for the Air Force. The Williams and their family and guests frequently use this property for nature walks, wildlife observation, bird watching, outdoor recreation and exercise, rest and relaxation, and mental health retreats. They have recently taken out a loan from Frost Bank that they intend to use in the immediate future to build a retirement residence home. They have begun clearing the land and have moved a travel trailer onto the location to stay in while staging construction projects. This retirement home has been a vision under planning for many years but will not be possible if the quality of their life at that location is threatened by toxic chemicals. Ms. Williams suffers from and has been treated for decades for idiopathic anaphylaxis. This condition manifests itself as intense allergic reactions that lead to a rapid, life threatening loss of consciousness, when she is exposed to minute quantities of many airborne environmental factors. The Williams' current and future use will be impacted by adverse air quality and the danger they could expose themselves and their family members and guests to harmful chemical pollutants.

2. Patricia McCormick Mulvihill

Patricia McCormick Mulvihill is a member of NSGA and a Trustee for approximately 31 acres of property owned by her children located at 1050 County Road 208, Florence, Texas 76527. This property is located about 0.67 miles north of the Exflur property and an estimated 0.80 miles north of the emission points identified in the Exflur application. Ms. Mulvihill and her family and guests frequently use this property for nature walks, wildlife observation, bird watching, outdoor recreation and exercise, rest and relaxation, and mental health retreats. Ms. Mulvihill intends in the near future to build a residence home to be used in retirement. This home site has been planned for many years but will not be possible

if threatened by toxic chemicals. Ms. Mulvihill's current and future use will be impacted by adverse air quality and the danger that going outside could expose her and her family members and guests to harmful chemical pollutants.

3. Margaret Peggy Anne McCormick Wardlaw

Peggy McCormick Wardlaw is a member of NSGA and owns an interest in the McCormick Children's Family Limited Partnership, a 25-acre tract located at 1050 County Road 208, Florence, Texas 76527 (same street address but separate parcel from the Mulvihill property), as well as another 30-acre tract northwest of the proposed Exflor. The FLP property is located approximately 0.8 miles from the Exflor property (an estimated 0.95 miles from the emission points) while the Wardlaw property is located approximately 0.85 miles from the Exflor property (an estimated 1.0 mile from the emission points). Ms. Wardlaw uses the FLP ranch for recreational and residential purposes, including raising cattle and exotic game, as well as deer and wild turkey hunting. They consume the meat from the game they hunt and are concerned it could be contaminated by harmful chemicals. They also spend time outdoors at the ranch and their grandchildren play outside on the grass. Ms. Wardlaw's current and future use of her properties would be impacted by adverse air quality, and the danger that the harmful chemical pollutants could pose to her and her young grandchildren.

II. The Commission should refer the following issues for a hearing.

The following issues were raised by North San Gabriel Alliance during the comment period and were not withdrawn. They are within the jurisdiction of the TCEQ and, therefore, should be referred to SOAH for a hearing. NSGA maintains its request for a hearing on all issues raised in its prior comments and hearing requests, including, without limitation:

1. Whether the Draft Permit will adversely affect air quality, human health and welfare, and the environment (RTC 5).

The Alliance disagrees with the ED's response and maintains that it has not been demonstrated that the Draft Permit will be protective of human health and welfare and the environment, particularly sensitive subgroups such as children, the elderly, or people with existing respiratory conditions.

The ED's Health Effects Modeling Results show that hydrogen fluoride and fluorine were modeled to exceed the ESLs. In the case of 1-hr hydrogen fluoride, the GLCmax was higher than the $3 \mu\text{g}/\text{m}^3$ ESL ($3.9 \mu\text{g}/\text{m}^3$), while the 1-hour GLCmax for fluorine was nearly double the $2 \mu\text{g}/\text{m}^3$ (also $3.9 \mu\text{g}/\text{m}^3$). The ED's Response to Comment No. 5 simply states, "The TCEQ's Toxicology Division conducted an analysis of hydrogen fluoride and fluorine, in order to evaluate potential exposures and assess human health risks to the public. The Toxicology Division determined that the potential impacts are acceptable given the

conservative nature of both the ESLs and the emissions estimates.” The ED acknowledged that he received many comments regarding PFAs and “forever chemicals,” but made no attempt to address those comments. This is not an insignificant oversight and supports the Commission reconsidering the ED’s position on the Draft Permit. See Attachment A, a letter from Neil Carman, which supports reconsideration of the ED’s Draft Permit pursuant to this issue and several other issues raised below. The Alliance disagrees that the proper analysis was conducted. Thus, the Alliance disagrees that it has been demonstrated that the emissions will not harm human health and welfare or the environment. The Commission should refer this issue to a hearing.

2. Whether the Draft Permit will adversely affect animal life, including endangered species, vegetation, and property (RTC 6).

The Alliance disagrees with the ED’s response and maintains that it has not been demonstrated that the Draft Permit will be protective of animal life, including livestock, wildlife, and endangered species, or of vegetation and surrounding property.

The ED’s response acknowledges that the TCEQ has jurisdiction and the obligation to ensure that it does not permit the discharge of one or more air contaminants or combination thereof, in such concentration or of such duration that may tend to injure or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property. As was previously explained, the Alliance disagrees that the proper analysis was conducted or that the ED considered impacts of PFAs and “forever chemicals.” Thus, the Alliance disagrees that it has been demonstrated that the emissions will not harm animal life, vegetation, and property. The Commission should refer this issue to a hearing.

3. Whether the air dispersion modeling and evaluation of the surrounding area was adequate (RTC 7).

The Alliance disagrees with the ED’s response that the air dispersion modeling was appropriate and representative of site-specific conditions, and that the procedures, methodology, predictions and results are acceptable. Thus, the Commission should refer this issue to a hearing.

4. Whether emissions calculations were correct (RTC 13).

The Alliance disagrees with the ED’s response that the Applicant has necessarily demonstrated that the appropriate methodologies and control efficiencies were used in calculating emissions rates. The Commission should refer this issue to a hearing.

5. Whether the BACT analysis was proper and the Draft Permit will achieve the use of BACT (RTC 12).

The Alliance disagrees with the ED that the best available control technology for the sources and types of contaminants emitted was considered and will be achieved under the Draft Permit, particularly given the dangerous chemicals that will be emitted from the proposed facility. As mentioned previously, the ED acknowledged many comments regarding PFAs and “forever chemicals,” but made no attempt to address those comments with regard to its BACT analysis or its determination of whether the Draft Permit will be protective of human health and welfare, and the environment. Therefore, the Commission should refer this issue to a hearing.

6. Whether the allowance of chemical flexibility in the Draft Permit is appropriate (RTC 14).

The Alliance disagrees with the ED’s response that the allowance of chemical flexibility is appropriate at this site and for this applicant. The Commission should refer this issue to a hearing.

7. Whether the Draft Permit’s hours of operations are appropriate (RTC 15).

The Alliance disagrees with the ED’s response that no conditions exist that would allow the TCEQ to limit the hours of operation at the proposed facility. The Commission should refer this issue to a hearing.

8. Whether the Draft Permit’s monitoring and recordkeeping requirements are adequate to ensure compliance (RTC 16).

The Alliance disagrees with the ED’s response that the monitoring and recordkeeping requirements in the Draft Permit and its special conditions will ensure compliance. Exflur’s extensive poor compliance and disaster response history, NSGA reiterates its comment that the monitoring and recordkeeping requirements will not ensure compliance with all rules and requirements. The Commission should refer this issue to a hearing.

9. Whether the company’s history of noncompliance justifies changes to the Draft Permit (RTC 21).

While the ED’s response indicates that a compliance history review of both the company and the site is conducted during technical review of the application, the response does not indicate whether any changes were made to the permit. The Alliance believes changes are justified based on Exflur’s history of noncompliance at its existing facility. Therefore, the

Commission should refer this issue to a hearing. The Alliance also notes for the record that it submitted comments on this topic, which were not acknowledged in the ED's Response to Comments.

10. Whether the Risk Management Plan requirement in the Draft Permit is adequate (RTC 22).

The Alliance disagrees with the ED's response that the requirement to submit a Risk Management Plan in the future and after issuance of the Draft Permit is adequate. Exflour has an existing facility that has had at least one documented emergency event, in which the proper permit procedures were not followed. Any new permit must not allow for special conditions to be added after-the-fact to ensure compliance with the applicable requirements. The Commission should refer this issue to a hearing.

III. Conclusion

For all these reasons, North San Gabriel Alliance requests the Commission reconsider the ED's draft permit. NSGA also requests a contested case hearing with regard to the issues raised in this and prior hearing requests.

Respectfully submitted,

/s/ Lauren Ice
Lauren Ice

PERALES, ALLMON & ICE, P.C.
1206 San Antonio Street
Austin, Texas 78701
Tel. (512) 469-6000
Fax (512) 482-9346
lauren@txenvirolaw.com

Attorney for North San Gabriel Alliance

ATTACHMENT A



October 10, 2022

North San Gabriel Alliance
1250 County Road 208
Florence, Tx 76527

Re: Urgent health and environmental concerns over PFAS and HF chemicals

North San Gabriel Alliance for public release:

I have observed over 42 years in Texas many sacrifice zones of neighborhoods and fenceline communities where people live next to fully permitted industrial facilities which are often spewing out a toxic soup of chemicals, and, in my experience, often releasing a mixture of chemicals contributing to effects in these neighborhoods, based on interviews with residents.

I emphasize becoming well aware of these kinds of health issues after working for 12 years in the field for TCEQ and having traveled extensively throughout Texas to meet with citizens all over the state suffering from industrial air pollution impacts.

Texans have little idea of the enormous extent to which toxic air pollution occurs routinely in unregulated rural areas of the state, and industrial air pollution remains a serious challenge today.

Today, hundreds of highly toxic chemicals are being released into the community air supply close to Texas urban centers and hundreds of small communities.

Local citizens are breathing cancer-causing agents like benzene, 1,3-butadiene, vinyl chloride, ethylene oxide and others despite intensive efforts to reduce such emissions. Progress is slow.

Industrial plants can be leaky with so much equipment handling and processing these chemicals listed in the 1990 Federal Clean Air Act Amendments as "hazardous" air pollutants (HAPs – 189 initially listed) in Title III.

A recent movie "Dark Waters" stars Mark Ruffalo and Tim Robbins that highlights a true story in West Virginia where a chemical plant released hazardous organofluorine chemicals into the air and water resulting with people in the community drinking the contaminated water and suffering various illnesses including cancer.

Now, another group of toxic chemicals of concern are being produced by combining fluorine with carbon into hazardous organofluorines known chemically as *per- and polyfluoroalkyl compounds*, which are turning out to be extremely harmful to human health.

The fact is that *per- and polyfluoroalkyl* substances (PFAS) are being manufactured in the U.S. by the chemical industry and a major public health concern is PFAS chemicals were not adequately evaluated for human health effects until decades after being mass produced and used in many commercial products where human exposure may occur or from exposure to environmental releases to the air, water, food and soil in the U.S.

Initially synthesized in the 1940s, PFAS, including PFOA, PFOS and PTFE, are a class of 9,000+ man-made chemicals with fluorine. Known as "**forever chemicals**" because they don't break down in the environment due to the stability of the fluorine-carbon bonds, PFAS bioaccumulate in human bodies and can be harmful at ultra-low concentrations in the low parts per trillion range where too little environmental or human monitoring is being done in Texas to sample for them.

How toxic are PFAS compounds to human health?

PFAS have been linked to cancer, autoimmune disease, thyroid disease, liver damage, decreased fertility, birth defects, hormone disruption, obesity, decreased immunity, and high blood pressure.

The federal EPA has recently raised serious public health and environmental concerns over this PFAS chemistry where people may be exposed, and residues may survive for decades in the environment as persistent chemicals.

One concern is it's estimated that up to 90% of the Earth's population has been exposed to PFAS substances with trace residues inside of them and PFAS are difficult for the liver to breakdown.

PFAS and related organofluorines appear to have a toxicity similar to the notorious Dioxins and Dibenzofurans that were found to have contaminated the Vietnam herbicide Agent Orange and left some 50,000 U.S. veterans exposed and suffering with various illnesses after Vietnam.

Recently on August 26, 2022, the U.S. EPA Administrator Michael Regan announced a proposal to list historically common PFAS, PFOA and PFOS, as hazardous substances under the Superfund law and even to ban production of some organofluorines as too dangerous to produce because of concerns over human exposures and environmental releases.

U.S. EPA administrator Michael Regan stated: “Communities have suffered far too long from exposure to these *forever chemicals*. Under this proposed rule, U.S. EPA will both help protect communities from PFAS pollution and seek to hold polluters accountable.”

PFAS testing has identified them in food packaging, nonstick cookware, stain and water-resistant clothing, and firefighting foam. Yet the public is generally uninformed about PFAS dangers.

However, investigations by groups such as Toxin Free USA and others have discovered that PFAS are becoming increasingly pervasive in consumer products.

As an example of mounting public concerns over PFAS use and contamination, on October 5, 2022, the public interest group Toxin Free USA, a nonprofit dedicated to consumer protection and education, filed a lawsuit against Procter & Gamble (P&G) for deceptive marketing of Oral-B Glide dental floss based on results of a screening test for *per- and polyfluoroalkyl* substances (PFAS).

Toxin Free USA emphasized in its press release that Oral-B Glide floss prominently features “Pro-Health” on the packaging.

Toxin Free USA also noted that P&G’s Pro-Health line is “aimed at consumers willing to pay more for products that touted health benefits, as opposed to flavor or cosmetic appeal.” But the group noted that P&G failed to disclose PFAS in their products.

Frankly, my opinion is that the U.S. EPA and the TCEQ need to ban most of these PFAS, PFOA and PFOS compounds from production and the FDA needs to ban them from consumer products.

I have been aware of legal loopholes applied by industry where precise air monitoring is almost never required by TCEQ in plant air permit special conditions such as for toxic volatile organic compounds (VOCs) – among the most toxic substances emitted by plants – from smokestacks, flares, process vents, cooling towers, etc. across the state, and my concern is the vast majority of industrial plants merely have to file self-reports of “estimates” for their VOC air pollution rather than using a Continuous Emissions Monitoring System (CEMS) to obtain a

precise measurement and characterize each VOC species that can be detected by modern analytical instruments available for several decades.

The routine use of self-reported "estimates" for VOCs is one flaw in the TCEQ's annual Emissions Inventory or PSD database and the same applies to the EPA's annual TRI data.

VOC analyzers used as CEMS exist to measure and identify 68+ organic compounds, but they are generally never required by TCEQ partly due to costs for companies earning profits in the billions of dollars a year. Both U.S. EPA and TCEQ have been reluctant to mandate widespread use of VOC CEMS despite the availability of the technology for a long time.

Even today, TCEQ investigators tend to rely on minimal analytical tools to measure VOCs at industrial plants, although the agency does have a Mobile Laboratory it sends out from Austin, but the agency chemists can only handle a small number of trips a year. TCEQ has been under pressure to improve its Mobile Lab and Mobile Sampling Van capabilities and has added more Mobile Vans equipped with modern technology such as gas chromatographs-mass spectrometers that have been available since the 1960s.

For years, EPA used its TAGA truck or Trace Atmospheric Gas Analyzer vehicle that travels across the US with modern analyzers to test the air for VOCs. In front of a large Houston refinery in March 2008, the TAGA vehicle picked up a benzene spike that was not reported by the refinery during a major upset event where the refinery self-reported a release of certain chemicals, except it had failed to report any hazardous benzene as required by the federal Clean Air Act.

Once an existing plant has a new air permit amendment or its new plant construction permit, the problem is that industry personnel will more often ignore local residents if air pollution problems occur. It is common for the plant to later request additional permitting for expanded production. The result is what started as a small facility can become a major, mostly unregulated, regional polluter. The impacts may not be known for decades.

After working at the TCEQ for 12 years, I learned that every single air permit was flawed with loopholes, lack of effective air monitoring for VOCs as mentioned previously, and that the flawed air permits resulted in citizens complaining that sometimes lead to air enforcement cases for the TCEQ's Regional Field Offices. I was kept busy for 12 years to address flawed permits by pursuing enforcement options where it was possible, and where citizens made complaints.

A chemical specialty plant making a few PFAS chemicals is the Exflur Research Corporation's facilities in Round Rock, and it's seeking a new air permit to build a somewhat larger plant near Florence so it can expand or whatever it intends to do with the new plant.

I have a series of health and environmental concerns.

If the new plant has a single small or even a significant release of PFAS or other toxic chemicals, a contamination potential in the neighboring property could occur and render plants, animals, and soil too tainted to use. Yet clean up and environmental testing is exceptionally expensive putting a burden on residents to spend their own funds as I doubt if the TCEQ would do much sampling and analysis, although it might under public pressure. Would Exflur even admit it had a release?

Exflur's draft air permit lists several toxic chemicals of concern that, in my opinion, should have emissions at zero, although it's unknown if the new Exflur plant will be able to keep its air emissions at zero or the safest levels partly due to a lack of air monitoring of the Thermal Oxidizer stacks and potentially pushing the destruction efficiency of the two toxic waste incinerators.

As far as I can determine, specific PFAS chemicals may not be monitored continuously to verify if the Thermal Oxidizers are destroying the fluorine-carbon bonds at below a 10 ppmv limit required in the draft permit special conditions. The 10 ppmv concentration sounds on the surface to be low, but it equals 10,000 parts per billion by volume or 10,000,000 parts per trillion by volume, the latter number reveals a higher volume of PFAS chemicals could be allowed to escape destruction from the Thermal Oxidizers.

However, without a PFAS CEMS monitor constantly checking for PFAS chemicals, it's unknown if any or how much PFAS might be released. Exflur certainly has the option to install a PFAS CEM. Does this make the Exflur new plant safe? Not necessarily as industrial equipment will breakdown at some point and a question arises about the Round Rock's emissions and whether any site soil testing or area soil testing for PFAS has been conducted and made public.

Would Exflur agree to pay for off-site PFAS soil testing around the new Florence plant is another question, since it's not required in the draft air permit to take soil samples and analyze for PFAS.

However, I have no idea if Exflur is open or would agree to off-site PFAS testing near the Florence site, but generally companies in Texas tend to avoid such off-site tests as it could indicate liability that the companies want to avoid learning about. It might be helpful if Exflur agreed to perform off-site community PFAS soil

testing to verify the background concentrations of PFAS chemicals as a trace residue could potentially exist if rainfall has brought PFAS chemicals out of the atmosphere.

Fluorine-carbon bonds in PFAS are very tough chemical bonds to destroy and I am concerned that Exflor may emit unburned PFAS compounds along with Hydrogen Fluoride (HF) which is an extremely toxic substance by itself. It appears that HF will not be continuously monitored (Exflor could install HF CEMS) and, in my opinion, the only truly safe level is zero. HF emissions could impact local vegetation, animals, and more leaving trace residues.

In my view, Exflor's new plant should not be built due to the risk of Thermal Oxidizers failing to destroy the fluorine-carbon bonds, and HF and other toxic chemicals escaping and turning the surrounding community into a chemical industry sacrifice zone. I would encourage Exflor to either expand its current Round Rock plant or look for another site in an industrial park.

Contact me for further clarification as these topics are complex.

Neil Carman, PhD
Clean Air Program Director and former TCEQ field investigator
Lone Star Chapter Sierra Club
6406 N IH-35, suite 1806
Austin, Tx 78765

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, June 17, 2022 9:07 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848
Attachments: 2022.06.16 NSGA Supplemental Comments & Hearing Request.pdf

H

From: gwyneth@txenvirolaw.com <gwyneth@txenvirolaw.com>
Sent: Thursday, June 16, 2022 5:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Lauren Ice

EMAIL: gwyneth@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
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COMMENTS: On behalf of North San Gabriel Alliance, please see the attached public comments and request for a contested case hearing.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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Austin, Texas 78701
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Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

June 16, 2022

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

via: TCEQ Comments Online

Re: Comments and Request for a Contested Case Hearing on the Application of Exflur Research Corporation for Air New Source Review Permit No. 165848.

Dear Ms. Gharis:

On behalf of North San Gabriel Alliance (“NSGA” or the “Alliance”), I am submitting these comments and a request for a contested case hearing on the Application by Exflur Research Corporation (“Exflur”) for proposed Permit No. 165848 (the “Application”) that would authorize the construction of the Exflur Research facility to be located at 1100 County Road 236, Florence, Williamson County, Texas 76527.

These comments and hearing requests supplement the comments and hearing requests submitted on April 1, 2022 and June 3, 2022.

Extension of the Public Comment Period

The TCEQ should extend the public comment on this Application for a period of at least two weeks beyond its current deadline of June 16, 2022, which is also the date of the scheduled public meeting. This would allow the public to submit comments after hearing from TCEQ staff and Exflur representatives at the public meeting. The public meeting provides an opportunity for members of the community to learn and gather information about this proposed facility that they may not have known previously. Exflur did not consult with the landowners in this community before submitting its Application and there are details about the technical review process and preparation of the draft permit that are not made available. As such, community members deserve the opportunity to meaningfully digest and follow up on the information made available to them for the first time at the June 16 public meeting.

Exflur's History of Noncompliance

Exflur currently owns and operates an active facility located at 2350 Double Creek Drive in Round Rock, Texas. Exflur possesses a permit that authorizes it to discharge nondomestic wastewater from the Round Rock Facility into the Brushy Creek Regional Wastewater System (BCRWWS). Exflur has violated this permit, with exceedances of various constituents, no less than 18 times since April 2019 and has been required to pay multiple fines to the City of Round Rock, which operates the BCRWWS. It is worth noting that according to the Notices of Violation (NOVs) issued by the City of Round Rock, obtained through public records search, it seems certain constituents are tested only on a monthly basis or even less frequently, meaning that only one or two exceedances actually represents significant noncompliance, meaning 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the daily average limit multiplied by the applicable Technical Review Criteria (TRC). Attached as **Exhibit A** to these comments is a summary of violations that were the subject of NOVs issued by the City of Round Rock to Exflur between April 2019 and February 2022. The TCEQ should consider the poor compliance history of Exflur in Round Rock when evaluating the permit application at hand.

Exflur's History of Poor Emergency Response

On September 18, 2014, an emergency event occurred at the Round Rock facility. TCEQ conducted an emergency investigation and found that a gas cylinder containing Perfluorosuccinoyl fluoride (perfluorobutanediyl difluoride) was observed leaking by the facility. Exflur first noticed the problem at approximately 7:30 A.M. and failed to immediately contact emergency responders or TCEQ staff, as is required by its permit, or to notify its neighbors. Rather, Exflur staff attempted to combat the problem on its own. It was only after an employee with a neighboring company called 911 because he was having difficulty breathing, that emergency responders were notified of the issue. Subsequently, Round Rock ISD's Cedar Ridge High School was put under a shelter-in-place order and multiple nearby businesses were under evacuation orders, indicating that this was a very serious situation that Exflur and its team members did not take seriously. Some of those same team members will be responsible for emergency response at the proposed facility, and yet, no risk management plan or disaster response plan has been provided. Attached as **Exhibit B** is a TCEQ investigation report detailing the events of September 18-19, 2014.

The Environmentally-Sensitive Site

The area of the proposed facility is an environmentally sensitive one that would be significantly harmed by the pollution that would be generated from the proposed Exflur facility. As an example, Exflur's application for an Edwards Aquifer Contributing Zone Plan was withdrawn because Exflur could not meet the TCEQ's requirements with regard

to Exflur's storage tanks draining to the process pond, even though TCEQ staff provided several opportunities for Exflur to do so. This recent issue demonstrates that this area, which is subject to heightened protections, is unsuitable for the proposed facility, and it demonstrates that the Application has not provided for BACT. The Application is incomplete and must be returned.

Factually Incorrect or Omitted Information in the Application

In prior comments, NSGA provided an example of information provided by the Application that was incorrect (the Application states that the site is surrounded to the West, North, and South by forested land, and possibly agricultural land to the East. As many of the individual comments have already made clear, there are numerous ranches and homes in the vicinity of the Exflur site and in all directions, North, East, South, and West, from the site.) In light of Exflur's compliance and emergency response history, the Application should be returned so that the correct information can be evaluated, particularly with attention to the impacts on residences not identified in the Application.

Negative Impacts to Air Quality and Human Health

The Application has not demonstrated that it adequately considered impacts on human health, including sensitive subgroups such as children, the elderly, and people with existing respiratory conditions. Furthermore, it has not been demonstrated that the TCEQ applied ESLs or appropriately evaluated air dispersion modeling's anticipated impacts on human health. As previously stated, there are residences within close proximity to the proposed emissions points that the ESLs thresholds indicate will be impacted.

Negative Impacts to Plants, Livestock, Wildlife, and Endangered Species

In prior comments, NSGA pointed out that the Application did not provide information about livestock and forage grasses that are being grown on a property directly adjacent to the site and the fact that these plants and animals were not considered in the Application. The Application should be returned for evaluation of the correct information. In addition, this area is located in the Edwards Contributing Zone, and contains limestone features on other properties that could serve as conduits to the aquifer and as habitat for endangered species. An adequate site review must be conducted, and the site should be analyzed for the presence of threatened and endangered species.

Monitoring and Recordkeeping

Given Exflur's extensive poor compliance and disaster response history, NSGA reiterates its comment that the monitoring and recordkeeping requirements will not ensure compliance with all rules and requirements.

Cumulative Impacts

The Texas Clean Air Act allows a business to cause or contribute to air pollution, but only if that business holds an authorization from the TCEQ. That authorization requires a TCEQ finding of “no indication” that facility emissions will not contribute to air pollution that harms the public health, general welfare, or physical property. Exflor has not provided the cumulative impacts data necessary for TCEQ to make such a determination.

Air Modeling and Air Emissions Calculations

It is not clear that the air modeling was correct. For example, it not clear that the air modeling has included and properly evaluated all applicable emissions, such as fugitive emissions, or whether the emissions calculations include MSS activities. Nor is it clear that the emissions factors relied on are proper or the data was representative of site-specific conditions.

Special Conditions

The draft permit’s special conditions will not ensure compliance with all rules and requirements. Chemical flexibility should not be allowed.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

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Attorney for North San Gabriel Alliance

EXHIBIT A

**Exfluent Violations at Brushy Creek Regional Wastewater System
April 2019 - February 2022**

Exfluent in Round Rock holds a permit that authorizes it to discharge nondomestic wastewater into the Brushy Creek Regional Wastewater System (BCRWWS). The following violations were documented via public records from the City of Round Rock, which operates the BCRWWS.

	Date of Noncompliance	Description of Noncompliance	Fines Assessed
1.	2019 Sept. 18	Exceeded daily average limit for Fluoride – sample measured 912 mg/L where limit is 111.1 mg/L.	
2.	2019 Apr. – Sept.	Six-month period exceeded limit of 133.32 mg/L for Fluoride for 33% or more of samples collected during this period. See 40 CFR § 403.8(t)(2)(viii)(B).*	
3.	2019 Jul. – Dec.	Six-month period exceeded limit of 133.32 mg/L for Fluoride for 33% or more of samples collected during this period. See 40 CFR § 403.8(t)(2)(viii)(B).*	
4.	2019 Oct. 17	Exceeded daily average limit for Fluoride – sample measured 244 mg/L where limit is 111.1 mg/L.	
5.	2020 Jan. – June	Six-month period exceeded Mercury limit for 33% or more of samples collected during this period. See 40 CFR § 403.8(t)(2)(viii)(B).*	
6.	2020 Apr. 20	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.000421 mg/L. See 40 CFR § 403.8(t)(2)(viii)(B).*	
7.	2020 Apr. 20	Failed to provide oral notification to the City within 24 hours of receiving the results; Failed to submit a written notification to the City within 5 days of receiving the results.	
8.	2020 Apr. – Sept.	Six-month period exceeded Mercury limit for 33% or more of samples collected during this period. See 40 CFR § 403.8(t)(2)(viii)(B).*	
9.	2020 Jul. 21	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.00153 mg/L.	\$500 fine to City of Round Rock
10.	2020 Jul. 21	Exceeded daily average limit for Fluoride – sample measured 858 mg/L where limit is 111.1 mg/L.	\$500 fine to City of Round Rock
11.	2020 Aug. 20	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.000275 mg/L.	
12.	2020 Sept. 25	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.00104 mg/L.	\$500 fine to City of Round Rock

13.	2020 Oct. – 2021 Mar.	Six-month period exceeded limit of 133.32 mg/L for Fluoride for 33% or more of samples collected during this period. See 40 CFR § 403.8(t)(2)(viii)(B).*	\$500 fine to City of Round Rock
14.	2020 Dec. 3	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.000225 mg/L.	
15.	2021 Mar. 23	pH was below the 5.5 prohibitive discharge standard for 16 minutes.	
16.	2021 Mar. 23	Exceeded daily average limit for Fluoride – sample measured 266 mg/L where limit is 111.1 mg/L.	
17.	2021 Mar. 23	Exceeded Mercury limit of 0.0002 mg/L – sample measured 0.000766 mg/L.	
18.	2022 Feb. 15	pH was above the 9.5 prohibitive discharge standard for greater than 15 minutes.	

*Per City of Round Rock: “Specifically, ExFluor is in violation of 40 CFR 403.8(t)(2)(viii)(B), which states that an industrial user is in significant noncompliance for technical review criteria (TRC) violations if thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the daily average limit multiplied by the applicable Technical Review Criteria (TRC) (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).”

EXHIBIT B

AIR CO_RN104386388_Permit 84719_CO_20141118_Investigation Report
Texas Commission on Environmental Quality
Investigation Report

COPY

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please

Customer: Exflur Research Corporation
Customer Number: CN602696791

Regulated Entity Name: EXFLUOR RESEARCH

Regulated Entity Number: RN104386388

Investigation # 1209313	Incident Numbers 204883
Investigator: ZACH LANFEAR	Site Classification SMALL QUANTITY GENERATOR
Conducted: 09/18/2014 -- 09/22/2014	NAIC Code: 325998 SIC Code: 2869
Program(s): INDUSTRIAL AND HAZARDOUS WASTE AIR NEW SOURCE PERMITS EMERGENCY RESPONSE	
Investigation Type: Compliance Investigation	Location: 2350 Double Creek Dr, Round Rock, TX
Additional ID(s): 84719 87415 TXR000057448	
Address: 2350 DOUBLE CREEK DR, ROUND ROCK, TX , 78664	Local Unit: REGION 11 - AUSTIN Activity Type(s): UML1 - AIR UML1 - UPSETMAINTENANCE LEVEL 1 ER ONSITE - ER on-site investigation

Principal(s):

Role	Name
RESPONDENT	EXFLUOR RESEARCH CORPORATION

Contact(s):

Role	Title	Name	Phone	
Regulated Entity Contact	VICE PRESIDENT	MR THOMAS R BIRSCHENK PHD	Work	(512) 310-9044
			Fax	(512) 310-9045
Regulated Entity Contact	PHD, VICE PRESIDENT	DR TIMOTHY JUHLKE	Work	(512) 310-9044
			Fax	(512) 310-9045
Participated in Investigation	SENIOR RESEARCH CHEMIST	DR HAN-CHAO WEI	Work	(512) 310-9044
			Fax	(512) 310-9045
Participated in Investigation	OPERATIONS MANAGER	MR GREG GRIMES	Fax	(512) 990-0033
			Work	(512) 990-9903

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Other Staff Member(s):

Role	Name
Supervisor	CAROLYN RUNYON
Investigator	CHRISTOPHER KEFFER
Investigator	ABDERRAHMANE MAAMAR-TAVEB
QA Reviewer	CHRISTOPHER KEFFER
Investigator	CHAD AHLGREN

Associated Check List

<u>Checklist Name</u>	<u>Unit Name</u>
EMERGENCY RESPONSE INVESTIGATION	EXFLUOR RESEARCH
AIR EMISSIONS EVENT REVIEW (ON OR AFTER 01/05/2006)	EXFLUOR RESEARCH
EMERGENCY RESPONSE INVESTIGATION - EQUIPMENT MONITORING AND SAMPLING	EXFLUOR RESEARCH

Investigation Comments:

INTRODUCTION

The TCEQ Austin Region Office was notified at approximately 1000 hours on September 18, 2014, that the Exflur Research facility (Exflur; Regulated Entity No. RN104386388) owned and operated by Exflur Research Corporation (the respondent; Customer No. CN602696791) had an uncontrolled leaking cylinder of perfluorosuccinoyl fluoride (also known as perfluorobutanedioyl difluoride and tetrafluorosuccinoyl fluoride) in the storage building (Building 4); see also Incident No. 204883. The facility is located on the Edwards Aquifer Transition Zone at 2350 Double Creek Drive, Round Rock, Williamson County, Texas.

The TCEQ Austin Region Office conducted an immediate onsite Emergency Response Investigation because there was an air release that had allegedly impacted and had the potential to continue to impact human health. The incident was not determined to be a significant Homeland Security incident.

GENERAL FACILITY AND PROCESS INFORMATION

Exflur Research was issued Specialty Chemicals Manufacturing Facility New Source Review Permit No. 84719 (air permit) on September 22, 2009; see Attachment (att.) A: Exflur Research New Source Review Permit No. 84719. The facility produces a variety of specialty fluorocarbons by a process known as liquid-phase fluorination.

The facilities process vents from fluorine generators, fluorine reactors, thermal crackers, distillation units, hydrolysis reactors, bromination reactors and alcoholysis reactor are controlled by one of two Exhaust Gas Purification Systems (Emission Point Numbers (EPN) EP1-1 and EP2-1. Each system consists of two HF recovery units each venting to a caustic scrubber. Each HF recovery unit consists of a fluorine oxidizer followed by a fluorine recovery device and two HF adsorbers. The combination of HF recovery units and aqueous gas purification systems are designed to achieve 99% recovery efficiency for carbonyl fluoride, acyl fluoride, and other acidic compounds and meet Tier 1 Best Available Control Technology (BACT). There are additional EPNs that have low emission rates that are very conservative, do not require control, and meet case by case BACT. The storage building is used for storage and there are no emission controls for the building. At the time of the subject incident, only one of the production areas (Building 1) had been constructed.

Exflur was issued an Industrial Hazardous Waste Notice of Registration (NOR) on February 19, 2003 and amendments July 25 and September 25, 2007; Solid Waste Registration (SWR) No. 87415, EPA ID No. TXR000057448. According to the registration, Exflur is a small quantity generator (SQG) of hazardous waste. Production processes generate three main waste streams. Flammable hydrocarbon waste, corrosive waste byproducts, and spent cleaning solvent waste. For additional details see the NOR located in the Exflur SWR Registration No. 87415 file.

SUBJECT CHEMICAL INFORMATION

Attachment B – Material Safety Data Sheets (MSDS), contains Exflur's MSDS for perfluorosuccinoyl fluoride and perfluorosuccinic acid (perfluorobutanedioic acid).

Cameo Chemicals Chemical Datasheets for hydrogen fluoride hydrofluoric acid are included in att. B.

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BACKGROUND

Compliance History:

Exflur Research (Regulated Entity No. RN104386388), is "unclassified" and does not have a performance classification. Exflur Research Corporation (Customer No. CN602696791) is "unclassified" and does not have a performance classification. The compliance history rating is based on a five year period of September 1, 2009 through August 31, 2014. Additional information for previous investigations at the facility can be found in the TCEQ Central Records files.

Current Enforcement Actions:

This investigation will result in an enforcement action.

Agreed Orders, Court Orders, or Other Compliance Agreements:

The facility is currently under no Agreed Orders, Court Orders, or Other Compliance Agreements within the past 5 years.

Complaints:

A search of the TCEQ database revealed no complaints alleged against this facility within the past five years.

EMERGENCY RESPONSE INVESTIGATION

Daily Narrative:

The TCEQ Austin Region Office conducted an immediate on-scene Emergency Response Investigation on September 18, 2014. Zach Lanfear (the investigator), Christopher Keffer, Ab Maamar-Tayeb, P.E., and Chad Ahlgren, Environmental Investigators with the TCEQ Austin Region Office responded to the incident.

The investigators arrived at the Incident Command at approximately 1130 hours and checked in with the Incident Commander, Battalion Chief John Dittman, Round Rock Fire Department. The weather conditions at the time of arrival consisted of 83% relative humidity, 79 deg. Fahrenheit, southwest wind at 4.6 mph and overcast skies (Weather Underground; Wunderground.com). Round Rock ISD Cedar Ridge High School was under a shelter-in-place order, and multiple businesses near the facility were under evacuation orders. Nearby business evacuations and the High School shelter-in-place orders were given by Incident Command at 0837 hours.

According to on-scene first responders, a 911 call was made at approximately 0813 hours from the neighboring Christianson Air Conditioning and Plumbing (Christianson) business located at 1950 Louis Henna Boulevard, Round Rock, Texas. The Christianson facility property line is located approximately 250 feet due south of Exflur storage building. At 0817 hours the 911 caller reported observations of Exflur personnel spraying water on a visible gas cloud on the south side of the facility. The 911 caller reported Christianson personnel having difficulty breathing. Round Rock Fire Department responders arrived on-scene at approximately 0820 and observed facility personnel spraying water on the plume.

Approximate weather conditions at the time of the 911 call consisted of 100% relative humidity, 71.6 deg. Fahrenheit, southwest winds at 8.1 mph and overcast skies (Weather Underground; Wunderground.com).

Incident command informed the investigator that a 33 kilogram (72.7525 pound) cylinder was leaking perfluorosuccinoyl fluoride (perfluorobutanediyl difluoride, 98%) in the storage building. The Williamson County Hazardous Material Team re-entered the facility with facility personnel. The HAZMAT team and facility personnel transferred the liquid contents of the leaking cylinder into another cylinder during re-entry. The HAZMAT team reported residual vapors of perfluorosuccinoyl fluoride remained in the leaking cylinder and a plume of hydrogen fluoride and perfluorosuccinoyl fluoride remained inside in the building along with perfluorosuccinic acid (white powder) and possibly aqueous hydrofluoric acid. According to Exflur personnel, the perfluorosuccinoyl fluoride (emitted as a gas and/or aerosolized particles) was believed to be reacting completely or nearly completely to form hydrogen fluoride (or hydrofluoric acid when mixed with water) and perfluorosuccinic acid. Fluorine paper tests taken inside the building tested by the HAZMAT team tested strongly positive (rapid color change). Fluorine paper was used by Williamson County HAZMAT personnel to test outside air around the building and no color change was noted outside the building after the leaking cylinder was offloaded. At approximately 1130 hours, Incident Command established the green zone at 150 feet beyond the storage building and the shelter-in-place orders were lifted after the leaking cylinder was offloaded. Evacuation orders were lifted by Incident Command at approximately 1430 hours.

After being briefed on the current conditions of the incident, the investigator interviewed Mr. Timothy Juhlke,

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PhD, Vice President, Exflur Research Corporation. Mr. Juhlke stated that he was notified of the leak at approximately 0830 hours. Mr. Juhlke stated that facility personnel opened the building doors to try to determine the source of the gas plume. According to Mr. Juhlke, perfluorosuccinoyl fluoride is highly water reactive and readily reacts with water and high humidity to form hydrogen fluoride (gas) and/or hydrofluoric acid (aqueous) when mixed with water, and perfluorosuccinic acid (aka perfluorobutanedioic acid; white powder when dried).

The investigator later interviewed Mr. Juhlke, Mr. Tom Bierschenk, PhD, Vice President and Mr. Han-Chao Wei, PhD, Senior Research Chemist. Mr. Wei stated he first observed the odor and saw the gas plume at the storage building at approximately 0720 hours. Mr. Wei stated he then notified Mr. Bierschenk of the leak. Facility personnel made an entry into the building and immediately left the building. Facility personnel sprayed the gas plume and garage-style door with a water hose in order to "knock down" the gas plume emanating from void space around the door. According to Mr. Bierschenk, an employee was sent to Home Depot to purchase Tyvek suits at approximately 0730 hours and Exflur did not make a 911 call to report the emergency.

Approximate weather conditions at the time the leak was first observed by the facility (0720 hours according to Exflur facility personnel); consisted of 100% relative humidity, 71.6 deg. Fahrenheit, south winds at 4-6 mph and overcast skies.

Exflur contracted TAS Environmental Services (TAS) to mitigate the chemical plume inside the building and properly handle the waste. TAS personnel arrived onsite at approximately 1530 hours and proposed methods to mitigate the plume in the building were discussed with Incident Command, local Emergency Response personnel and TCEQ. It was agreed that an aluminum oxide chemical scrubber (already located onsite) would be constructed by TAS to pump fumes through the scrubber until the next morning when re-entry would be conducted by TAS. TAS personnel made an entry into the building to observe the conditions of the cylinders in the building. Some corrosion was noted on the subject leaking cylinder and a crack in the cylinder plumbing was noted. TAS and facility personnel constructed the scrubber and the scrubber was turned on at approximately 1930 hours on September 18, 2014. See att. C - Image Documentation, of the scrubber setup. Custody of the storage building was maintained by local Law Enforcement throughout the night while the scrubber system was running. TCEQ investigator's, the HAZMAT team and local emergency response personnel departed the site at approximately 2000 hours.

On September 19, 2014, at approximately 0800 hour, the investigator and Mr. Keffer returned to the site and met with Exflur personnel, Williamson County HAZMAT personnel and TAS personnel. At approximately 0830 TAS personnel entered the building to sample and observe the conditions of the building. TAS tested the material on the empty cylinder and reported it had a pH of 1, the floor had a neutral pH and a slight color change was observed on the fluorine paper; approximately 14 hours after the scrubber operation began.

TAS made two additional entries to begin decontaminating/neutralizing impacted surfaces and to neutralize the remaining gas in the building. At approximately 1018 hours, after the second entry, TAS reported no color change on the fluorine paper and successful neutralization. Williamson County HAZMAT turned the facility over to TAS for final decontamination and cleanup at 1035 hours and TCEQ investigators departed the site at 1040 hours.

The investigator concluded that emissions continued to be released from the storage building since it was not air tight until September 19, 2014, at 1018 hours when TAS Environmental reported no color change on the fluorine test paper.

On September 20, 2014, an insurance agent for Christianson Air Conditioning and Plumbing located at 1950 Louis Henna Boulevard, Round Rock, contacted Mr. Keffer and requested basic information pertaining to the Emergency Response Event that occurred at Exflur Research Corporation on September 18 & 19, 2014. The agent was provided the known information of what occurred at the emergency event and the chemical of concern that was released. The insurance agent stated a few people were taken to the hospital as a precaution. I requested that if anyone was injured that the insurance company contact us with the findings. No further communication was received from the insurance company.

On September 22, 2014, the investigator contacted Mr. Bierschenk, to discuss the outcome of the final cleanup. Mr. Bierschenk explained that TAS cleaned up the storage building and containerized the waste for final disposal. Mr. Bierschenk explained that he had seen cracks occur on old brass cylinder plumbing "T's" in the past. He explained that the crack on the subject cylinder appeared to be at the threads. He also explained that Exflur was

exploring ways to prevent future failures by replacing cylinder hardware on a routine basis.

On October 28, 2014, the investigator contacted Mr. Juhlke, to discuss the forthcoming TCEQ Exit Interview Form and the items contained in the form. The form included three (3) records requests and two (2) potential violations. The form contained questions for evaluating the emission event for affirmative defense. The Exit Interview Form was emailed to Mr. Juhlke the same day; see att. D – Exit Interview Form.

On October 29, 2014, a response to the Exit Interview Form was received from Mr. Bierschenk, via email; see att. E – Correspondence. The response included a "Recordable Emissions Event Record – Perfluorosuccinoyl fluoride" document and "TCEQ Response". Exflur estimated the duration of the event to be between 3.5 and 18 hours because the release began sometime between 1700 hours when staff left the facility for the day and ended at approximately 1100 hours when the contents of the leaking cylinder were offloaded. Exflur estimated 15 kg (33 lbs) of perfluorosuccinoyl fluoride was released which hydrolyzed to produce 3.1 kg (6.8 lbs) of hydrogen fluoride. The report stated that it is believed that nearly 100% of the perfluorosuccinoyl fluoride hydrolyzed before leaving the building and that only hydrogen fluoride was released. The report stated a ball valve located on the liquid dip-leg of the storage container developed a leak which caused the emission event.

The "TCEQ Response" included responses to all the questions identified in Items 2 and 3 of the Exit Interview Form. The response included a statement that lack of an adequate inspection program and the failure to install the valve with the seal part of the valve on the low pressure side of the container were contributing factors to the release. The response stated that the hydrogen fluoride monitor in Building 1 was out of calibration at the time of the incident. The response stated that records were not being maintained in accordance with Permit No. 84719, Special Condition No. 7 for the months of September 2013 to September 2014.

On November 13, 2014, an email was received from TAS that included an attached report. The report included a discussion of the TAS response and waste determination and disposal receipts; see att. F – TAS Action Report: Exflur Research. TAS reported that one 55-gallon drum of waste was generated and sent to Tradebe Treatment and Recycling (Regulated Entity No. RN106033392) for final disposal.

The investigator contacted Mr. Juhlke on November 13, 2014, to discuss the TAS report, and the Exflur response to the Exit Interview Form. The investigator explained that three violations would be alleged as a result of the investigation that included the two identified on the Exit Interview form and a third for failure to maintain records.

ADDITIONAL INFORMATION

Conclusion and Recommendations:

On September 18, 2014, approximately 15 kg (33 lbs) of Perfluorosuccinoyl fluoride (and subsequent hydrolysis into approximately 3.1 kg (6.8 pounds) of hydrogen fluoride) were released from the Exflur facility. The release was below the 100 pound reportable quantity according to 40 Code of Federal Regulations 302.4; however, the release resulted in a documented effect on human health and safety. Specifically, the release resulted in a 911 call from an adjacent facility with reports of health effects, shelter in place orders of a high school, evacuation orders of nearby businesses and complete closure of a section of a public roadway, Double Creek Drive. Consequently, three (3) violations were alleged, see Attached Summary of Violations. A Notice of Enforcement letter, dated November 18, 2014, was issued to Exflur. The alleged violations were referred to the TCEQ Enforcement Division.

NOE Date: 11/18/2014

**OUTSTANDING ALLEGED VIOLATION(S)
ASSOCIATED TO A NOTICE OF ENFORCEMENT**

Track Number: 553948

Compliance Due Date: To Be Determined

Violation Start Date: 10/18/2014

30 TAC Chapter 116.115(b)
5C THSC Chapter 382.085(a)
5C THSC Chapter 382.085(b)

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PERMIT 84719, Permit No. 84719, General Condition 14

Emissions from the facility must not cause or contribute to a condition of "air pollution" as defined in the Texas Clean Air Act §382.003(3), as codified in the Texas Health and Safety Code.

Alleged Violation:

Investigation: 1209313

Comment Date: 11/19/2014

Failure to comply with Permit No. 84719, General Condition No. 14, which states, "[e]missions from the facility must not cause or contribute to a condition of "air pollution" as defined in the Texas Clean Air Act §382.003(3), as codified in the Texas Health and Safety Code", where "air pollution" is defined under §382.003(3)(A) as, "the presence in the atmosphere of one or more air contaminants or combination of air contaminants in such concentration and of such duration that contaminants are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property."

On September 18, 2014, Exflur Research was responsible for an unauthorized emission event of approximately 15 kg (33 lbs) of Perfluorosuccinoyl fluoride (and subsequent hydrolysis into approximately 3.1 kg (6.8 pounds) of hydrogen fluoride) that resulted in a 911 call from an adjacent facility with reports of health effects, shelter-in-place orders of a high school, evacuation orders of nearby businesses and complete closure of a section of a public roadway, Double Creek Drive.

Recommended Corrective Action: In order to resolve the alleged violation, implement additional abatement measures as necessary to prevent a recurrence of the violation and obtain authorization as necessary for said abatement measures.

Track Number: 553949

Compliance Due Date: To Be Determined

Violation Start Date: 10/18/2014

30 TAC Chapter 116.115(c)
5C THSC Chapter 382.085(b)

PERMIT 84719, Permit No. 84719, Special Condition No.1

This permit authorizes emission only from those points listed in the attached table entitled Emission Sources - Maximum Allowable Emission Rates and the facilities covered by this permit are authorized to emit subject to the emission rate limits on the table and other operating requirements specified in the special conditions.

Alleged Violation:

Investigation: 1209313

Comment Date: 11/19/2014

Failure to comply with Permit No. 84719, Special Condition No. 1, which states, "[t]his permit authorizes emission only from those points listed in the attached table entitled Emission Sources - Maximum Allowable Emission Rates and the facilities covered by this permit are authorized to emit subject to the emission rate limits on the table and other operating requirements specified in the special conditions."

On September 18, 2014, an emission event occurred at Exflur Research that resulted in the release of approximately 15 kg (33 lbs) of perfluorosuccinoyl fluoride which hydrolyzed to give 3.1 kg (6.8 lbs) of hydrogen fluoride. These emissions are not authorized by Permit No. 84719.

Recommended Corrective Action: In order to resolve the alleged violation, immediately abate and contain the source of the unauthorized emission.

Resolution: On September 18, 2014, the leaking cylinder was offloaded and the leak was abated. Final decontamination and clean-up was completed on September 19, 2014.

Track Number: 553950

Compliance Due Date: To Be Determined

Violation Start Date: 9/1/2013

EXFLUOR RESEARCH - ROUND ROCK

9/18/2014 to 9/22/2014 Inv. # - 1209313

Page 7 of 8

30 TAC Chapter 116.115(c)
5C THSC Chapter 382.085(b)

PERMIT 84719, Permit No. 84719, Special Condition No.7

7(E): Date and time of each inspection shall be noted in the operator's log or equivalent. Records shall be maintained at the plant site of all repairs and replacements made due to leaks. These records shall be made available to representatives of the Texas Commission on Environmental Quality (TCEQ) upon request. These records shall be retained for a period of at least two years from the date on which the data is created and recorded.

Alleged Violation:

Investigation: 1209313

Comment Date: 11/19/2014

Failure to comply with Permit No. 84719, Special Condition No. 7. Special Condition Nos. 7(A)-7(E) state:

A. Audio, olfactory, and visual checks for hydrogen fluoride, fluorine and acid fluoride leaks within the operating area shall be made at least once per shift.

B. Upon detection of a leak, plant personnel shall immediately take the following actions:

1. Isolate the leak.
2. Commence repair or replacement of the leaking component.
3. Use a leak collection/containment system to prevent the leak until repair or replacement can be made if immediate repair is not possible.

C. The permit holder shall use a portable halide detector and potassium iodide strips in conjunction with the AVO monitoring program.

D. A Hydrogen Fluoride Monitor shall be installed in the production areas. The detection of any hydrogen fluoride constitutes a leak.

E. Date and time of each inspection shall be noted in the operator's log or equivalent. Records shall be maintained at the plant site of all repairs and replacements made due to leaks. These records shall be made available to representatives of the Texas Commission on Environmental Quality (TCEQ) upon request. These records shall be retained for a period of at least two years from the date on which the data is created and recorded.

According to the Exflur response to the Exit Interview Form received October 29, 2014, the records required under Special Condition 7(E) were not being maintained for the requested period of September 2013 through September 2014; and therefore, could not demonstrate compliance with Special Condition 7(A) through 7(D).

Recommended Corrective Action: In order to resolve the alleged violation, immediately begin maintaining records of each shift's inspections in accordance with Permit No. 84719, Special Condition No. 7.

Resolution: According to the facility's October 29, 2014, response to the TCEQ October 28, 2014, Exit Interview Form, said records have been kept since the incident.

Additional Issues

Description Did RP / RE contact appropriate Local government authorities, as necessary?


Additional Comments

The respondent did not contact local emergency responders. A neighboring business notified local emergency responders via 911 telephone call of the incident approximately 1 hour after the respondent became aware of the incident.

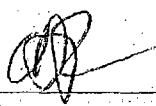
Description Did RP / RE conduct appropriate initial response actions?

Additional Comments

The respondent appeared to try to address the leaking cylinder by spraying water on the plume. However, the respondent was not capable of stopping the release without local emergency responder's assistance and equipment.

Signed 
Environmental Investigator

Date 11/18/2014

Signed 
Supervisor

Date 11/20/14

Attachments: (in order of final report submittal)

- Enforcement Action Request (EAR)
- Letter to Facility (specify type) : Notice of Enforcement
- Investigation Report
- Sample Analysis Results
- Manifests
- Notice of Registration

- Maps, Plans, Sketches
- Photographs
- Correspondence from the facility
- Other (specify) :

TCEQ Attachments A - F

NSR
124292

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Monday, June 6, 2022 9:27 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848
Attachments: 2022.06.03 NSGA Hearing Request2.pdf

H

From: christa@txenvirolaw.com <christa@txenvirolaw.com>
Sent: Friday, June 3, 2022 4:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Lauren Ice

EMAIL: christa@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX:

COMMENTS: Please see the attached hearing request.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

1206 San Antonio Street
Austin, Texas 78701
(512) 469-6000 • (512) 482-9346 (facsimile)
info@txenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

June 3, 2022

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

via: TCEQ Comments Online

Re: Request for a Contested Case Hearing on the Application of Exflur Research Corporation for Air New Source Review Permit No. 165848.

Dear Ms. Gharis:

On behalf of North San Gabriel Alliance (“NSGA” or the “Alliance”), I am submitting these comments and a request for a contested case hearing on the application by Exflur Research Corporation (“Exflur”) for proposed Permit No. 165848 (the “Application”) that would authorize the construction of the Exflur Research facility to be located at 1100 County Road 236, Florence, Williamson County, Texas 76527.

These comments and hearing requests supplement the comments and hearing request submitted on April 1, 2022. For the reasons identified below, Exflur’s Application should be referred to the State Office of Administrative Hearings for a contested case hearing.

I. North San Gabriel Alliance’s Comments

According to the Amended Consolidated NORI and NAPD, Exflur’s proposed facility would emit the following contaminants: carbon monoxide, hydrogen fluorides, hazardous air pollutants, nitrogen oxides, organic compounds, and particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The Alliance offers the following comments at this time.

1. The Exflur application contains factually incorrect information. For example, the Application states that the site is surrounded to the West, North, and South by forested land, and possibly agricultural land to the East. As many of the individual comments have already made clear, there are

numerous ranches and homes in the vicinity of the Exflur site and in all directions, North, East, South, and West, from the site.

2. The Application has failed to show that the Exflur facility will not negatively affect air quality, human health, and real property in the vicinity of the site. Some residents in the vicinity have respiratory problems that would be exacerbated by air pollutants (see NSGA's standing members below).
3. The Application has failed to show that the Exflur facility will not negatively affect plants and animals—including livestock and wildlife—and the local environment in the vicinity of the site. There are livestock being raised and forage grasses being grown on property directly adjacent to the site (see NSGA's standing members below), facts which were not considered by the Application.
4. The monitoring and recordkeeping requirements will not ensure compliance with all rules and requirements.
5. The Exflur site would be authorized to operate 24 hours per day, 365 days per year. This operating schedule is not protective of public health and the environment.
6. The Application has not shown that the air modeling and emissions calculations were conducted properly.
7. The Application fails to provide for emergency fire water pumps onsite and fails to include a risk management plan, making its emergency and disaster response plan inadequate.
8. The Application has not provided for Best Available Control Technology (BACT).
9. The Application does not demonstrate that an adequate site review was conducted of the property.

The NSGA reserves the right to supplement these comments prior to the formal comment deadline.

///

II. North San Gabriel Alliance's Request for a Contested Case Hearing

North San Gabriel Alliance requests a contested case hearing.

NSGA is a Texas non-profit organization that works to protect the natural environment, homes, crops, animals, and property of people who live, work, farm, ranch, and recreate in the area of the North Fork of the San Gabriel River, in Williamson and Burnet Counties, Texas. The interests NSGA seeks to protect in contesting a permit that would increase air pollution and risks of accidents and spills that could lead to surface and groundwater contamination in Williamson County are germane to its purpose as a local conservation and stewardship organization.

The Alliance is also a membership organization, with members who own property and live in the immediate vicinity of the site of the proposed Exflur facility, including those within one mile of the site. These members possess a justiciable interest that will be impacted by the proposed facility in a manner not shared by the general public. And neither the claim asserted or relief requested, i.e., denial of the Exflur permit application, would require the participation of any of NSGA's individual members.

Included with this request are the identities of several members of the Alliance that would otherwise have standing to request a hearing in their own right.

1. Ann Friou

One such member is Ann Friou. She owns a ranch located at 2100 County Road 209, Florence, Texas 75627, whose northern boundary is directly across CR 236 and adjacent to the proposed Exflur facility. Ms. Friou's ranch, which spans approximately 350 acres, has been in her family for more than a century. It is one of a number of historic "Century Ranches" in the area, ranches owned by one family for 100 years or more.

Ms. Friou grazes horses on her ranch, which is how she makes a significant part of her living in retirement. The horses, which are taken to summer camps for children to ride, are rotated on and off Ms. Friou's property throughout the year. She has long planned to retire to the ranch and is finishing a home that will soon become her primary residence. In addition to her ranching business and her planned primary residence, Ms. Friou utilizes her ranch for teaching and recreation. A Texas Master Naturalist, Ms. Friou leads educational nature tours on her property for interested groups. Her friends, family members, church congregation, and their young children also visit often to spend time outdoors, looking at wildlife and insects, picking wildflowers, and hunting for fossils.

Ms. Friou's ranch also provides habitat for native plants and grasses, which she works to protect and cultivate as forage for horses, deer, and other wildlife, and for the numerous species of butterflies and perennial and migratory birds that rely upon them. As a good

steward of the land, Ms. Friou also works to improve the grass and other vegetation to allow and encourage more water to seep into the Lower Trinity Aquifer, the primary source for all animal and human water consumption in the area. The aquifer's level has fallen in recent years and Ms. Friou has made a concerted effort to do her part in preserving and protecting its supply.

Ms. Friou's horse business, her residence, her pastures, and the educational and recreational use of her ranch would be adversely affected by the emissions from the proposed Exflour facility. Exflour's declared emissions and foul odors could endanger her health (Ms. Friou is asthmatic) and the health of her employees, family and friends, and livestock, as well as the wildlife, and impair her use and enjoyment of her property. Ms. Friou is also concerned about Exflour's impact on her pastures and the groundwater, particularly the potential for accidents, including emissions upsets, chemical spills, fires, and explosions in close proximity to historic ranches and residences.

2. Patricia McCormick Mulvihill

Another NSGA member is Patricia McCormick Mulvihill, who is Trustee for approximately 31 acres of property owned by her children located at 1050 County Road 208, Florence, Texas 76527, about 0.67 miles north of the Exflour property. Ms. Mulvihill and her family and guests frequently use this property for nature walks, wildlife observation, bird watching, outdoor recreation and exercise, rest and relaxation, and mental health retreats. Ms. Mulvihill intends in the near future to build a residence home to be used in retirement. This home site has been planned for many years but will not be possible if threatened by toxic chemicals. Ms. Mulvihill's current and future use will be impacted by adverse air quality and the danger that going outside could expose her and her family members and guests to harmful chemical pollutants.

3. Bryce Philip McCormick

A third member of the Alliance is Bryce Philip McCormick, whose primary residence at 1250 County Road 208, Florence, Texas 76527 sits on approximately 10 acres and who owns and ranches an additional 65 acres of property adjacent to Ms. Mulvihill's property. Mr. McCormick's home and ranch property are approximately 0.90 miles north of the Exflour property. He uses his property as his primary residence and raises cattle and goats on the ranch for meat consumption. In addition, the ranch is home to several charitable events each year, some of which are attended by more than 100 guests. Mr. McCormick's home and use of his ranch will be negatively impacted by adverse air quality and the danger that going outside could expose him and his family members and guests to harmful chemical pollutants.

III. Conclusion

For these reasons, North San Gabriel Alliance respectfully requests a contested case hearing on the proposed permit. Members of the Alliance may be contacted through us at the address and telephone number provided below.

Respectfully submitted,

/s/ Lauren Ice

Lauren Ice

PERALES, ALLMON & ICE, P.C.

1206 San Antonio Street

Austin, Texas 78701

Tel. (512) 469-6000

Fax (512) 482-9346

lauren@txenvirolaw.com

Attorney for North San Gabriel Alliance

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 4, 2022 7:43 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: 2022.04.01 NSGA Comments and Hearing Request with Attachments1.pdf

PM
H

From: gwyneth@txenvirolaw.com <gwyneth@txenvirolaw.com>
Sent: Friday, April 1, 2022 5:22 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Gwyneth Lonergan

EMAIL: gwyneth@txenvirolaw.com

COMPANY: Perales, Allmon & Ice, P.C.

ADDRESS: 1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

PHONE: 5124696000

FAX: 5124829346

COMMENTS: Please see the attached formal public comments, request for a public meeting, and request for a contested case hearing submitted on behalf of North San Gabriel Alliance.

PERALES, ALLMON & ICE, P.C.

ATTORNEYS AT LAW

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(512) 469-6000 • (512) 482-9346 (facsimile)
info@rxenvirolaw.com

Of Counsel:
David Frederick
Richard Lowerre
Brad Rockwell

April 1, 2022

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

via: TCEQ Comments Online

Re: Public Comments, Request for a Public Meeting, and Request for a Contested Case Hearing on the Application of Exflur Research Corporation for Air New Source Review Permit No. 165848.

Dear Ms. Gharis:

On behalf of North San Gabriel Alliance, I am submitting these formal public comments, request for a public meeting, and request for a contested case hearing on the application by Exflur Research Corporation (“Exflur”) for Permit No. 165848 (the “Application”) that would authorize the construction of the Exflur Research facility to be located at 1100 County Road 236, Florence, Williamson County, Texas 76527.

North San Gabriel Alliance (“NSGA” or the “Alliance”) is a Texas non-profit organization that works to protect the natural environment, homes, crops, animals, and property of people who live, work, farm, ranch, and recreate in the area of the North Fork of the San Gabriel River, in Williamson and Burnet Counties, Texas. The Alliance is a membership organization, with members who own property and live in the immediate vicinity of the site of the proposed Exflur facility, including those within one mile of the site. These members possess a justiciable interest that will be impacted by the proposed facility in a manner not shared by the general public.

For the reasons identified below, Exflur’s Application should be denied. In the alternative, the Exflur Application should be returned for failure to comply with the Commission’s notice requirements.

I. North San Gabriel Alliance's Comments

a. Exflur has failed to demonstrate compliance with TCEQ public notice requirements.

As an initial matter, there is no evidence that Exflur complied with public notice requirements in the Commission's rules. Based on information known to members of the Alliance, it is likely that Exflur failed to comply with the sign-posting requirement found in Texas Health and Safety Code (THSC), Section 382.056(c) and Title 30, Texas Administrative Code (TAC), Rule 39.604.

In accordance with THSC, Chapter 382, the Commission's rules impose strict requirements on sign-posting. The sign(s) must be placed at the site of the proposed facility declaring the filing of an application for a permit and stating the manner in which the Commission may be contacted for further information.¹ The sign(s) must consist of dark lettering on a white background and must be no smaller than 18 inches by 28 inches with letters no less than 1 ½ inches in size.² The sign(s) must be headed by prescribed wording and include particular wording and information.³

Additionally, the sign(s) "must be in place by the date of publication of the Notice of Receipt of Application and Intent to Obtain Permit [NORI] and must remain in place and legible throughout that public comment period."⁴ "Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must be visible from the street. . . ."⁵ Finally, alternative language sign posting is required whenever alternative language newspaper notice would be required.⁶

It is clear from the Commission's language that the intent behind specific posting requirements is to ensure that the signs are seen by those passing by the proposed site, so that those individuals have the opportunity to participate in the permitting processing, as provided for in THSC, Chapter 382.

Affidavits submitted by Exflur assert that the NORI was published in the *Williamson County Sun* on July 28, 2021 and in the *El Mundo Newspaper* on July 29, 2021. Assuming these records are accurate, this means that two signs—one in English and one in Spanish—were required to have been placed at the site of the proposed Exflur facility by July 28, 2021 and to have remained in place until at least August 30, 2021.

¹ 30 TAC § 39.604(a).

² *Id.* at 39.604(a)(1).

³ *Id.* at 39.604(a)(2).

⁴ *Id.* at 39.604(b).

⁵ *Id.* at 39.604(c).

⁶ *Id.* at 39.604(e).

It is worth mentioning that Agency instructions recommend that the signs remain in place until 30 days after the last newspaper publication of the second notice.⁷ In this case, Exflur affidavits assert that the second notice (the NAPD) was published in the *Williamson County Sun* on March 6, 2022 and in *El Mundo Newspaper* on March 10, 2022, meaning the *recommended* timeframe for keeping the sign posted would be ongoing and until at least April 9, 2022.

There is no actual evidence that Exflur posted the requisite signs by July 28, 2021 and ensured they remained in place for 30 days following, or that the signs complied with the Commission's strict rules regarding form, content, and location. Maude McCormick Allen, a local resident with a large, extended family, many of whom also live nearby, attested that, despite her driving past the site of the proposed Exflur facility about a dozen times during the 30-day time period in July and August 2021, she never observed a TCEQ sign posted on the Exflur property.⁸

Ms. Allen is a retired rural USPS mail carrier, who has seen at least three other TCEQ signs posted in other locations while on her mail route in the last four to five years.⁹ She is very familiar with the area around the site of the proposed Exflur facility, tries to be aware of changes in her surroundings, and observed other actual changes that occurred on the Exflur site around the time that the sign posting would have been required.¹⁰ Thus, she would have likely recognized a TCEQ sign had one been posted on the Exflur property in a place that was 100 percent visible from the street.

After Ms. Allen learned about the proposed Exflur facility, she drove to the site and observed one sign posted at the Exflur gate, which appeared to be an 8 ½-inch by 11-inch sign regarding permitting through Williamson County.¹¹ Ms. Allen's photos from March 15, 2022 and March 30, 2022 depict the sign posted on a flat surface to the left (west side) of the Exflur gate.¹² The content of the Williamson County sign is not legible from the

⁷ **Attachment 1**, Declaration of Administrative Completeness (July 14, 2021) (from TCEQ to Exflur, providing instructions and examples to comply with notice requirements, including Example C, Sign Posting, and instructing Exflur; "The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.")

⁸ **Attachment 2**, Affidavit of Maude McCormick Allen, ¶¶ 4, 7, 8, 11 (Mar. 30, 2022).

⁹ *Id.* at ¶¶ 5-6.

¹⁰ *Id.* at ¶¶ 4, 9-10.

¹¹ *Id.* at ¶¶ 12-13.

¹² *Id.* at Exhibits A-B.

street and there are no other signs visible in these two photos; Ms. Allen also attests that the Williamson County sign was the only sign that was posted in that location at that time.¹³

Ms. Allen's observations cast serious doubt on whether the requisite sign was posted during the requisite time period. Her observations also cast doubt as to whether the sign, if posted, was posted in a location that was within ten feet of the property line paralleling County Road 236 and was visible from the street, as is strictly required by Commission Rule 39.604(c).

Ms. Allen's photos depict a flat surface to the left (West side) of the Exflur gate that Exflur is apparently using for posting other permit-related signs or notices. But this location is not within ten feet of the property line paralleling County Road 236. Review of Williamson County Appraisal District's (WCAD) website and use of the WCAD's measuring tools indicate that this location is nearly 60 feet from the property line paralleling County Road 236.¹⁴ Even measuring from Exflur's fenceline along the road, the sign posting area is approximately 46 feet back from the fenceline. Ms. Allen's personal observations are consistent with these estimates.¹⁵ Therefore, even if Exflur posted a sign that met all other criteria, posting in this location would not comply with the Commission's rules, and could likely be a reason that no signs were observed during the initial comment period.

It is also worth mentioning that nothing in the public records provided by TCEQ staff show correspondence with Exflur that would indicate that Exflur followed the instructions provided by the TCEQ, particularly that Exflur was to read the sign template provided carefully and "notify the TCEQ if it has an error or omissions."¹⁶ TCEQ instructed Exflur to have any changes to the text prepared by the TCEQ to be approved by the agency.¹⁷ Changes would have likely been necessary, because the Application is being processed in an expedited manner, and pursuant to Commission rules, "[w]hen existing public notice requirements must be met and the applicant pays a surcharge as described in §101.601 of this title (relating to Surcharge), the applicable public notice must indicate that the application is being processed in an expedited manner."¹⁸ In addition, as was already established, Exflur was required to post a Spanish-language sign as well.

¹³ *Id.* at ¶ 13, Exhibits A-B.

¹⁴ See **Attachment 3**, created from the Williamson County Appraisal District's website, showing Parcel Identification Number R590750 for property owned by Exflur Research Corporation, *available at*: <https://portico.mygisonline.com/html5/?viewer=williamsontx> (last visited April 1, 2022).

¹⁵ See **Attachment 2**, Allen Affid. at ¶ 16.

¹⁶ **Attachment 1** at 10.

¹⁷ *Id.*

¹⁸ 30 TAC § 101.602.

In light of all of this information (or lack thereof) and concerns, Exflur should provide evidence of proper sign-posting, and if Exflur cannot, or in the alternative, Exflur must be required to provide initial notice (first notice of NORI) again, which would have the effect of re-opening the initial comment period.

b. Exflur's apparent failure to comply with the notice requirements has harmed local residents.

Often in permitting matters before the Commission, notice is improper and not in accordance with the Commission's rules, but neighbors somehow receive actual notice in a timely fashion anyway. In those instances, the failure to provide proper notice does not necessarily cause any harm. That is not the case here.

In this matter, Exflur's Application is being processed as a minor NSR permit application. Therefore, hearing requests were only timely if received in the initial 30-day comment period (by August 30, 2021). The Application was submitted to the TCEQ on July 9, 2021, and is being processed in an expedited manner. Many local residents did not receive actual notice of the proposed Exflur facility until early 2022, during the second notice and comment period.

Exflur acknowledges that its facility, if built, would emit several contaminants, including hydrogen fluorides, carbon monoxide, hazardous air pollutants, nitrogen oxides and organic compounds. Improper notice during the initial notice and comment period has effectively denied local residents their right to contest the permit Application and Exflur's proposal to emit hazardous air pollutants and other contaminants into their local environment. Because Exflur has not shown notice was proper, and since Exflur's apparent failure to comply with the notice requirements has harmed local residents and affected their right to a hearing, Exflur must be required to provide initial notice (first notice of NORI) again, which would have the effect of re-opening the initial comment period.

II. North San Gabriel Alliance's Request for a Public Meeting

North San Gabriel Alliance requests a public meeting. The Alliance was formed only recently when local residents learned of the proposed Exflur facility. As previously discussed, because public notice was deficient, local residents learned of the Application belatedly; however, the Alliance believes there is substantial public interest in the Application. This is a rural area, but one that is home to many residents who have lived in the area their entire lives and on land that has been in their family for generations.

In addition to residences, there are known historical sites and structures in the area, cattle, livestock, and crops that are dependent on the land, and tributaries on and near the Exflur site that drain across several properties to the North Fork of the San Gabriel River.

A public meeting would allow the community the opportunity to ask questions about the Application of Exfluor and of TCEQ staff. The Alliance requests that the public meeting be held in person and in the local community but with a remote participation option for those who may have mobility or health concerns (especially in light of the ongoing Covid-19 pandemic) considering many in the community are elderly.

III. North San Gabriel Alliance's Request for a Contested Case Hearing

North San Gabriel Alliance requests a contested case hearing. As previously mentioned, NSGA is a Texas non-profit organization that works to protect the natural environment, homes, crops, animals, and property of people who live, work, farm, ranch, and recreate in the area of the North Fork of the San Gabriel River, in Williamson and Burnet Counties, Texas. The Alliance is a membership organization, with members who own property and live in the immediate vicinity of the site of the proposed Exfluor facility, including those within one mile of the site. These members possess a justiciable interest that will be impacted by the proposed facility in a manner not shared by the general public.

One such member of NSGA is Patricia McCormick Mulvihill, who is Trustee for approximately 31 acres of property owned by her children located at 1050 County Road 208, Florence, Texas 76527, about 0.67 miles north of the Exfluor property. Ms. Mulvihill and her family and guests frequently use this property for nature walks, wildlife observation, bird watching, outdoor recreation and exercise, rest and relaxation, and mental health retreats. Ms. Mulvihill intends in the near future to build a residence home to be used in retirement. This home site has been planned for many years but will not be possible if threatened by toxic chemicals. Ms. Mulvihill's current and future use will be impacted by adverse air quality and the danger that going outside could expose her and her family members and guests to harmful chemical pollutants.

Another NSGA member is Bryce Philip McCormick, whose primary residence at 1250 County Road 208, Florence, Texas 76527 sits on approximately 10 acres and who owns and ranches an additional 65 acres of property (the "Ranch") adjacent to Ms. Mulvihill's property. Mr. McCormick's home and Ranch property are approximately 0.90 miles north of the Exfluor property. He uses his property as his primary residence and raises cattle and goats on the Ranch for meat consumption. In addition, the Ranch is home to several charitable events each year, some of which are attended by more than 100 guests. Mr. McCormick's home and use of his Ranch will be negatively impacted by adverse air quality and the danger that going outside could expose him and his family members and guests to harmful chemical pollutants.

IV. Conclusion

For all these reasons, North San Gabriel Alliance respectfully requests that the Application be denied. If not denied, the Application should be returned for failure to comply with the Commission's notice requirements. The Alliance also requests a public meeting and a contested case hearing. We reserve the right to supplement these comments.

Members of North San Gabriel Alliance may be contacted through my firm at the address and telephone number provided below.

Respectfully submitted,

/s/ Lauren Ice
Lauren Ice

PERALES, ALLMON & ICE, P.C.
1206 San Antonio Street
Austin, Texas 78701
Tel. (512) 469-6000
Fax (512) 482-9346
lauren@txenvirolaw.com

Attorney for North San Gabriel Alliance

ATTACHMENT 1

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 14, 2021

DR THOMAS BIRSCHENK PHD
VICE PRESIDENT
EXFLUOR RESEARCH CORPORATION
2350 DOUBLE CREEK DR
ROUND ROCK TX 78664-3801

Re: Declaration of Administrative Completeness Small Business Stationary Source Permit Application
Permit Number: 165848
Exflur Research Corporation
Exflur Research
Florence, Williamson County
Customer Reference Number: CN602696791
Regulated Entity Number: RN110969227

Dear Dr. Bierschenk:

The Texas Commission on Environmental Quality (TCEQ) has declared the above-referenced application, received on July 9, 2021, administratively complete on July 14, 2021. We also understand you have represented that this application is for a small business stationary source.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notices for Newspaper Publication (Examples A)
- Sign Posting Example (Example C)
- Public Notice Checklist
- Instructions for Public Notice
- Affidavit of Publication for Air Permitting (Form TCEQ-20533) and
- Alternative Language Affidavit of Publication for Air Permitting (Form TCEQ-20534)
- Web link to download Public Notice Verification Form (refer to Public Notice Instructions)
- Notification List

Please note that it is very important that you follow all directions in the enclosed instructions. If you do not, you may be required to republish the notice. Some common errors are the unauthorized changing of notice wording or font, omission of air contaminants, and inaccurate plant site location information represented in the application. Additional information can be found at www.tceq.texas.gov/permitting/air/bilingual/how1_2_pn.html or if you have any questions, please contact us before you proceed with publication.

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. **The processing of your application may be delayed if these time limitations are not met (i.e.; submitting proof of publication of the notice within 10 business days after publication, affidavits of publication within 30 calendar days after the date of publication, and public notice verification form within 10 business days after the end of the designated comment period).** This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

Dr. Thomas Bierschenk PHD
Page 2
July 14, 2021

Re: Permit: 165848

If you do not comply with **all** requirements described in the instructions, the TCEQ cannot continue processing the application and may take other actions. Please note that as your application undergoes the technical review, we may request additional information.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Mr. Steven Piper at (512) 239-1589.

Sincerely,

A handwritten signature in black ink, appearing to read "Johnny D. Bowers", with a long horizontal flourish extending to the right.

Johnny D. Bowers, Team Leader
Air Permits Initial Review Team
Air Permits Division
Texas Commission on Environmental Quality

Enclosures

cc: Air Section Manager, Region 11 - Austin
Air Permits Section Chief, New Source Review Section (6PD-R), U.S. Environmental Protection Agency, Region 6, Dallas

Project Number: 331049

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT

PROPOSED AIR QUALITY PERMIT NUMBER 165848

APPLICATION Exflur Research Corporation, has applied to the Texas Commission on Environmental Quality (TCEQ) for:
Issuance of Permit 165848

This application would authorize construction of the Exflur Research facility located at 1100 County Road 236, Florence, Williamson County, Texas 76527. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.791111&lng=-97.904166&zoom=13&type=r_ The facility will emit the following contaminants: hydrogen fluorides, carbon monoxide, hazardous air pollutants, nitrogen oxides and organic compounds.

This application was submitted to the TCEQ on July 9, 2021. The application will be available for viewing and copying at the TCEQ central office, the TCEQ Austin regional office, and the Eula Hunt Beck Florence Public Library, 207 East Main Street, Florence, Williamson County, Texas beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review in the Austin regional office of the TCEQ.

The executive director has determined the application is administratively complete and will conduct a technical review of the application.

PUBLIC COMMENT/PUBLIC MEETING You may submit public comments, or request a public meeting or a contested case hearing to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. After the deadline for public comments, the executive director will prepare a response to all public comments.

The purpose of a public meeting is to provide the opportunity to submit comments or ask questions about the application. A public meeting about the application will be held if the executive director determines that there is a significant degree of public interest in the application, if requested by an interested person, or if requested by a local legislator. A public meeting is not a contested case hearing.

After technical review of the application is complete, the executive director may prepare a draft permit and will issue a preliminary decision on the application. Notice of Application and Preliminary Decision for an Air Quality Permit will then be published and mailed to those who made comments, submitted hearing requests or are on the mailing list for this application. That notice will contain the final deadline for submitting public comments.

OPPORTUNITY FOR A CONTESTED CASE HEARING You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decision. Further, the Commission will only grant a hearing on those issues submitted during the public comment period and not withdrawn. **The deadline to submit a request for a contested case hearing is 30 days after newspaper notice is published. If a request is timely filed, the deadline for requesting a contested case hearing will be extended to 30 days after the mailing of the response to comments.**

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or for a group or

association, an official representative), mailing address, and daytime phone number; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing"; (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or an association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns.

If a hearing request is timely filed, following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for contested case hearing to the Commissioners for their consideration at a scheduled Commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

MAILING LIST In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices for this specific application by sending a written request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

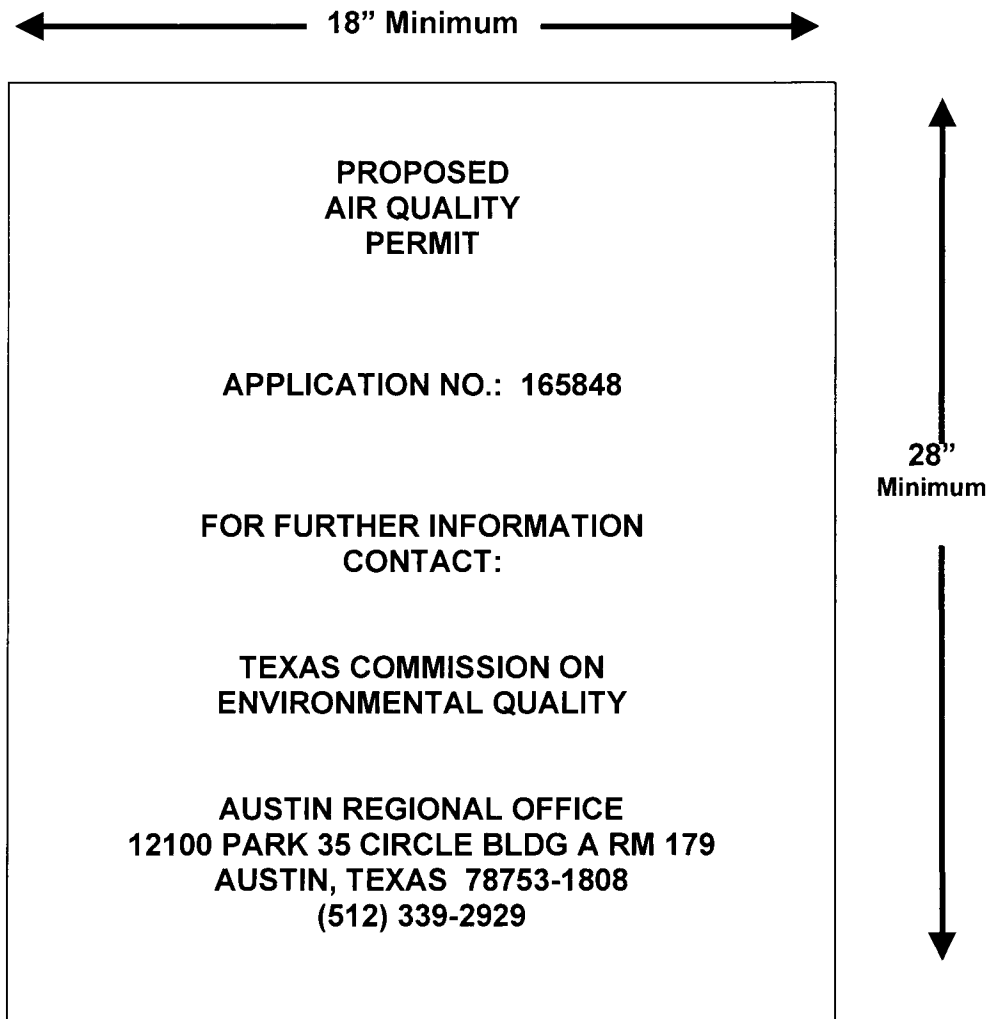
Further information may also be obtained from Exflour Research Corporation, 2350 Double Creek Drive, Round Rock, Texas 78664-3801 or by calling Dr. Thomas Bierschenk, PHD, Vice President at (512) 310-9044.

Notice Issuance Date: July 14, 2021

Example C

Sign Posting

Sign(s) must be in place on day of publication of first newspaper notice **and must remain in place and the lettering must be legible during that designated comment period (30 days)**. It is recommended that the signs remain in place until 30 days after the last newspaper publication of the second notice (either English or alternate language notice, whichever is later). Note - The information shown is an example only. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Each sign placed at the site must be located within 10 feet of each (every) property line paralleling a public highway, street or road. Signs must be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs shall be required along any property line paralleling a public highway, street, or road.



Sign(s) must be placed at whatever height above the ground is necessary for sign(s) to be 100% visible from the street.

WHITE BACKGROUND WITH BLACK LETTERS

All lettering must be no less than 1-1/2 inch block printed capitals.

Public Notice Checklist
Notice of Receipt of Application and Intent to Obtain Permit
(1st Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

Within 30 calendar days after date of administrative completeness letter
<p>Publish <i>Notice of Receipt of Application and Intent to Obtain Permit</i></p> <ul style="list-style-type: none">- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.- As part of the expedited permitting process, it is recommended that you publish immediately. <p>Provide copy of application at a public place for review and copying. Keep it there until end of the designated comment period.</p> <p>Prepare signs.</p>
First day of newspaper publication
<p>Review published newspaper notice for accuracy. If errors, contact Air Permits Division.</p> <p>Post signs and keep them up for duration of the designated comment period (see Example C).</p> <p>Ensure copy of application is at the public place.</p>
Within 10 business days after date of publication
<p>Proof of publication showing publication date and newspaper name should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice Team / AIR Expedited PermittingP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of newspaper clippings showing publication date and newspaper name to persons listed on <i>Notification List</i></p>
Within 30 calendar days after date of publication
<p>Affidavit of publication for air permitting and alternative language affidavit of publication for air permitting (if applicable) should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice Team / AIR Expedited PermittingP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of affidavits to persons listed on <i>Notification List</i></p>
Within 10 business days after end of the designated comment period
<p>Public Notice Verification Form should be emailed to PROOFS@tceq.texas.gov or mailed to:</p> <ul style="list-style-type: none">Texas Commission on Environmental QualityOffice of the Chief Clerk, MC-105Attn: Notice Team / AIR Expedited PermittingP.O. Box 13087Austin, Texas 78711-3087 <p>Mail or email, as instructed, photocopies of Public Notice Verification Form to persons listed on <i>Notification List</i></p>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Instructions for Public Notice For New Source Review Small Business Stationary Source Air Permit

Notice of Receipt of Application and Intent to Obtain Permit

Your application has been declared administratively complete and now you must comply with the following instructions:

Review Notice

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* within **30 calendar days** after the date of administrative completeness. As part of the expedited permitting process, it is recommended that you publish immediately. Refer to the cover letter for the date of administrative completeness.
- You must publish the enclosed *Notice of Receipt of Application and Intent to Obtain Permit* at your expense, in a newspaper that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper should be of general circulation in the municipality nearest to the location or proposed location.
- You must publish this notice in one issue of any applicable newspaper.
- You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the newspaper. The phrase "Example A" is not required to be published
- The bold text of the enclosed notice **must** be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

Alternative Language Notice

In certain circumstances, applicants for air permits must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at either the elementary or middle school nearest to the facility or proposed facility location. Bilingual education programs are determined on a district-wide basis. When students who are required to attend either school are eligible to be enrolled in a bilingual education program, some alternative language notice is required (signs, or signs and newspaper notice).

- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools eligible to be taught in a bilingual education program at a different location, alternative language notice is required.
- If triggered, publication of alternative language notices must be made in a newspaper or publication primarily printed in each language taught in the bilingual education program. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must still be posted adjacent to each English language sign.
- Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. You must fill out the **Public Notice Verification Form (Form TCEQ-20244)** indicating your compliance with the requirements regarding publication in an alternative language. **This form is available at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.**
- It is suggested the applicant work with the local school district to do the following:
 - (a) determine if a bilingual program is required in the district;
 - (b) determine which language is required by the bilingual program;
 - (c) locate the nearest elementary and middle schools; and
 - (d) determine if any students attending either school are eligible to be enrolled in a bilingual educational program.
- **If you determine that you must meet the alternative language notice requirements, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Spanish notice templates are available through the Air Permits Division Web site at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication.**
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

Public Comment Period

- The public comment period should last at least **30 calendar days**.
- The comment period will be longer if the last day of the public comment period ends on a weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

Proof of Publication

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within **10 business days** after the date of publication. Acceptable proofs of publication are 1) copies of the published notice or 2) the newspaper clippings of the published notice. If you choose to submit copies of the published notice to the Office of the Chief Clerk, copies must be on standard-size 8½" x 11" paper and must show the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain newspaper clippings or tear sheets of the notice for your records.
- You must submit an **affidavit of publication for air permitting and alternate language affidavit of publication for air permitting (if applicable)** to the Office of the Chief Clerk within **30 calendar days** after the date of publication. **You must use the enclosed affidavit forms.** The affidavits must clearly identify the applicant's name and permit number. You are encouraged to submit the affidavit with the proof of publication described above.
- You must submit the **Public Notice Verification Form (Form TCEQ-20244)** to the Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met bilingual notice requirements. **This form is available at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.**
- The **affidavits of publication, Public Notice Verification Form, and acceptable proof of publication of the published notices** should be emailed to PROOFS@tceq.texas.gov or mailed to:

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Attn: Notice Team / AIR Expedited Permitting
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit(s) you send to the Chief Clerk have all blanks on the affidavit filled in correctly.
- Photocopies of newspaper clippings, affidavits, and verifications must also be sent to those listed on the enclosed *Notification List* within the deadlines specified above.

Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. **If you fail to publish the notice or submit proof of publication on time, then** the TCEQ may suspend further processing on your application or take other actions.

Sign Posting

Applicants for air quality permits must also post signs.

- You must post at least one sign in English and as applicable, in each alternative language.

- Signs must be in place on the first day of publication in a newspaper and must remain in place and be legible and be visible from the street for the entire duration of the publications' designated comment period (see Example C).
- The sign template enclosed (*Example C*) is an example only. Read the sign template carefully and notify the TCEQ if it has an error or omissions. It is your responsibility to verify that the appropriate information pertaining to your application is accurate. Any changes to the text prepared by the TCEQ must be approved by the agency.
- Signs placed at the site must be located within 10 feet of each (every) property line paralleling a public street, road, or highway. Signs must be spaced at not more than 1,500-foot intervals. A minimum of one sign, but not more than three signs are required along any property line paralleling a public street, road, or highway. Sign(s) must be placed at a sufficient height above the ground that is necessary for sign(s) to be 100 percent visible from the street.
- All lettering on the sign must be no less than 1½" in height with block printed capital lettering. The sign must be at least 18" wide and 28" tall, and consist of black lettering on a white background.
- Alternative language signs are required if alternative notice is required, even if no newspaper can be found.
- Inspect each posted sign daily to ensure it is present and visible throughout the entire comment period.
- You must submit verification of sign posting using the **Public Notice Verification Form (Form TCEQ-20244)** within **10 business days** after end of the publications' designated comment period. Do not submit the *Public Notice Verification Form* verifying sign posting until after the comment period is over. You cannot certify that the sign posting is in compliance until after the comment period is over. **This form is available at** www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.

Application in a Public Place

- You must provide a copy of the administratively complete application at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated. For example, libraries, county courthouses, or city halls.
- The administratively complete application must be available beginning on the first day of newspaper publication and remain available during the entire public comment period.
- If the application is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality, Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability using the **Public Notice Verification Form (Form TCEQ-20244)** within **10 business days** after end of the publications' designated comment period. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the

application was in a public place during the entire public comment period. **This form is available at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.**

General Information

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Application and Intent to Obtain Permit*.

If you wish to obtain an electronic copy, please contact the initial reviewer who assisted in the preparation of this public notice package. The electronic version is available in Microsoft Word format only and can be requested once your application has been declared administratively complete. Please ensure that the electronic version is correct and consistent with the hard copies that were provided. Any revisions made may not be accepted. **You may download copies of the Public Notice Verification Form and Affidavits of publication by visiting our agency Web site at www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html.**

If you have questions or need assistance regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300 or the administrative reviewer listed in the cover letter.

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Exfluor Research Corporation
Permit No.: 165848
Application Received Date: July 9, 2021

AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, who being by me duly sworn, deposes and says that (s)he is *(Name of Person Representing Newspaper)*

the _____ of the _____
(Title of Person Representing Newspaper) *(Name of the Newspaper)*

that said newspaper is generally circulated in _____, Texas;
(The municipality or nearest municipality to the location of the facility or the proposed facility)

that the enclosed notice was published in said newspaper on the following date(s):

(Newspaper Representative's Signature)

Subscribed and sworn to before me this the _____ day of _____, 20____
to certify which witness my hand and seal of office.

[Affix Seal]

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

TCEQ-Office of the Chief Clerk
MC-105 Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

Applicant Name: Exflur Research Corporation
Permit No.: 165848
Application Received Date: July 9, 2021

ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____, who being by me duly sworn, deposes and says that (s)he is *(Name of Person Representing Newspaper)*

the _____ of the _____;
(Title of Person Representing Newspaper) *(Name of the Newspaper)*

that said newspaper is generally circulated in _____, Texas;
(The municipality or county in which the facility or proposed facility is located)

that the enclosed notice was published in said newspaper on the following date(s):

(Newspaper Representative's Signature)

Subscribe and sworn to before me this the _____ day of _____, 20____
to certify which witness my hand and seal of office.

[Affix Seal]

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires

Notification List

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication for Air Permitting*, the *Alternative Language Affidavit of Publication for Air Permitting (if applicable)*, and a completed copy of the *Public Notice Verification Form (Form TCEQ-20244)*. Acceptable proof of publication and any affidavits and Form TCEQ-20244 should be emailed to PROOFS@tceq.texas.gov or mailed to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, AIR Expedited Permitting, P.O. Box 13087, Austin, Texas 78711-3087.

Electronic copies should be submitted via email to the U.S. Environmental Protection Agency (EPA), **Region 6** at R6AirPermitsTX@EPA.gov. Please contact Ms. Aimee Wilson (wilson.aimee@epa.gov) at (214) 665-7596 if you have any questions pertaining to electronic submittals to the EPA.

Email copies to Mr. Joel Stanford at Joel.Stanford@tceq.texas.gov

Hard copies should be sent to the following:

Texas Commission on Environmental Quality
Air Section Manager
Austin Regional Office
12100 Park 35 Circle Bldg A Rm 179
Austin, Texas 78753-1808

For TCEQ Use Only

Permit Application Routing and Summary Sheet
Air Permits

This sheet should accompany all notices to be processed by the office of the chief clerk on the left side of the file folder.

Name of applicant: Exflur Research Corporation	
Facility/ Site name: Exflur Research	
TCEQ permit number: 165848	
Application received date: July 9, 2021	
Customer reference number: CN602696791	
Regulated entity number: RN110969227	
County: Williamson	Region: 11
Local program 1:	Local program 2:
Permit type: Permit Application	
Internal program routing	
Tech. team leader: Mr. Joel Stanford	Phone no. (512) 239-0270
APIRT team leader: Johnny Bowers	Date: July 14, 2021
Administratively reviewed by: Steve Piper	Phone no. (512) 239-1589
Administratively complete date:	July 14, 2021
Public viewing location must have internet access: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is 2nd public notice required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
*709 applies	

For TCEQ Use Only

Applicant and Contact Information

This sheet should accompany all notices to be processed by the office of the chief clerk on the right side of the file folder.

Applicant's main contact and address to be shown on permit:	
Name/Title: Thomas Bierschenk PHD, Vice President	
Company: Exfluor Research Corporation	
Street/Road: 2350 Double Creek Dr	
City/State/Zip: Round Rock, TX 78664-3801	
Telephone: (512) 310-9044	Fax: (512) 310-9045
Applicant's technical representative/ consultant:	
Name/Title: Luke Bernhard, EHS Manager	
Company: Exfluor Research Corporation	
Street/Road: 2350 Double Creek Dr	
City/State/Zip: Round Rock, TX 78664-3801	
Phone: (512) 310-9044	Fax: (512) 310-9045
Person responsible for publishing notice:	
Name/Title: Thomas Bierschenk PHD, Vice President	
Company: Exfluor Research Corporation	
Street/Road: 2350 Double Creek Dr	
City/State/Zip: Round Rock, TX 78664-3801	
Telephone: (512) 310-9044	Fax: (512) 310-9045

ATTACHMENT 2

AFFIDAVIT OF MAUDE MCCORMICK ALLEN

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

BEFORE ME, the undersigned notary public, on this day personally appeared Maude McCormick Allen, a person whose identity is known to me. After I administered an oath to her and upon her oath, she stated:

1. My name is Maude McCormick Allen. I am over eighteen (18) years of age and of sound mind and am otherwise competent and capable of making this affidavit. The facts testified to in this affidavit are within my personal knowledge and are true and correct.
2. I am on the Board of Directors of North San Gabriel Alliance, a Texas nonprofit organization.
3. I own about 175 acres of property where I also reside at 1251 County Road 208, Florence, Williamson County, Texas 76527. My property is approximately 1.3 miles from the proposed Exflur Research Corporation facility associated with proposed TCEQ Air Quality Permit No. 165848, and which, according to TCEQ, is to be located at 1100 County Road 236, Florence, Williamson County, Texas 76527.
4. Altogether, my immediate and extended family have owned nearly 1,500 acres in the area since 1852. My family, and many of my extended family members have lived on this property our entire lives. We are very familiar with the roads and the properties in the area.
5. I was a rural United States Postal Service mail carrier for 32 years. I retired last summer and my last day on the job was July 31, 2021.
6. Before becoming aware of the proposed Exflur facility, I have seen at least three TCEQ signs posted in other locations while on my mail route. One sign was for a proposed air quality permit for an asphalt plant on FM 487 near Florence, Texas. The other two were near quarries or concrete plants on Ronald Reagan Boulevard and FM 2843. I observed these TCEQ signs within the last four to five years.
7. I drove on County Road 236 past the site of the proposed Exflur facility once per day every weekday last summer up through July 31, 2021, because that was the route I would drive home when my mail carrier shift ended between 3:30 and 4:00 P.M.
8. I also drove on County Road 236 past the site of the proposed Exflur facility nearly every Saturday, if not every Saturday, last summer, because I would regularly drive into Georgetown to run other errands. On the Saturdays I did drive to Georgetown, I

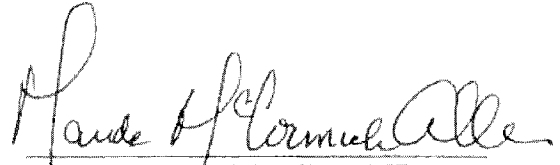
drove past the Exflur site twice each day, first on my way to Georgetown and again on my home again.

9. As a rural mail carrier and a longtime resident of the area, I always tried to be very aware of my surroundings. I also pride myself in noticing when changes have occurred, especially changes that I thought I or my neighbors needed to be concerned about. For example, I have stopped and knocked on neighbors' doors before if I thought that I should conduct a welfare check. On several occasions, I noticed that cattle were out or a mailbox was broken, and I would regularly stop and notify the property owner.
10. Between June and August 2021, on my regular drives past the site of the proposed Exflur facility, I observed that vegetation along the fenceline was being cleared and cleaned up. I specifically remember observing that vegetation near the gate was being cleared as was cedar trees around the well site was being cleared, which was visible from the road.
11. At no time during the months of June, July, or August, and at no time since, have I seen any sign on the site of the proposed Exflur facility notifying the public of a proposed air quality permit or any other permit from TCEQ.
12. I did not learn about the proposed Exflur facility or the proposed air quality permit until sometime in late January or early February 2022 when a family member told me about a sign that she had seen on the gate having to do with a septic system permit from Williamson County.
13. I drove by to see the sign for myself very soon after learning about it. That is when I first observed what appeared to be a standard 8 1/2-inch by 11-inch sign regarding permitting through Williamson County. At that time, that was the only sign posted in that location.
14. I drove by again on March 15, 2022, and took a photo of the gate. The gate and the sign looked the same as the site did the first time I saw the Williamson County sign.
15. Attached as **Exhibit A** is a photo I took on March 15, 2022. To take the photo, I pulled my car off of the north side of County Road 236 and took the photo while facing north, showing the Williamson County sign posted on the Exflur gate. The photograph in Exhibit A is a true and accurate depiction of what I saw on the site that day.
16. Based on my personal observations, I estimate that the Exflur fenceline that runs the length of the Exflur property is approximately 15 feet from the edge of County Road 236 near the gate. I estimate that the gate is at least another 30 feet from that fenceline.
17. Attached as **Exhibit B** is a photo I took on March 30, 2022. This photo shows the proximity of County Road 236 to the Exflur fenceline and to the Exflur gate. The photograph in Exhibit B is a true and accurate depiction of what I saw on the site that day.


18. I have observed the Exflur fence and gate in the same configuration for several decades. It was in the same configuration last summer during the months of June, July, and August, where the gate was at least 30 feet from the fenceline and another 15 feet from the road.

19. I still have never seen a sign on the Exflur site regarding the TCEQ air quality permit.


Further the Affiant sayeth not.


Maude McCormick Allen, Affiant

SWORN TO AND SUBSCRIBED before me this 30 day of March, 2022.


Notary Public, State of Texas

5/16/23
My Commission Expires:


Notary Public's Printed Name

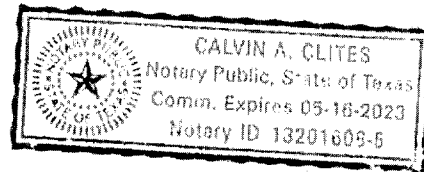


EXHIBIT A

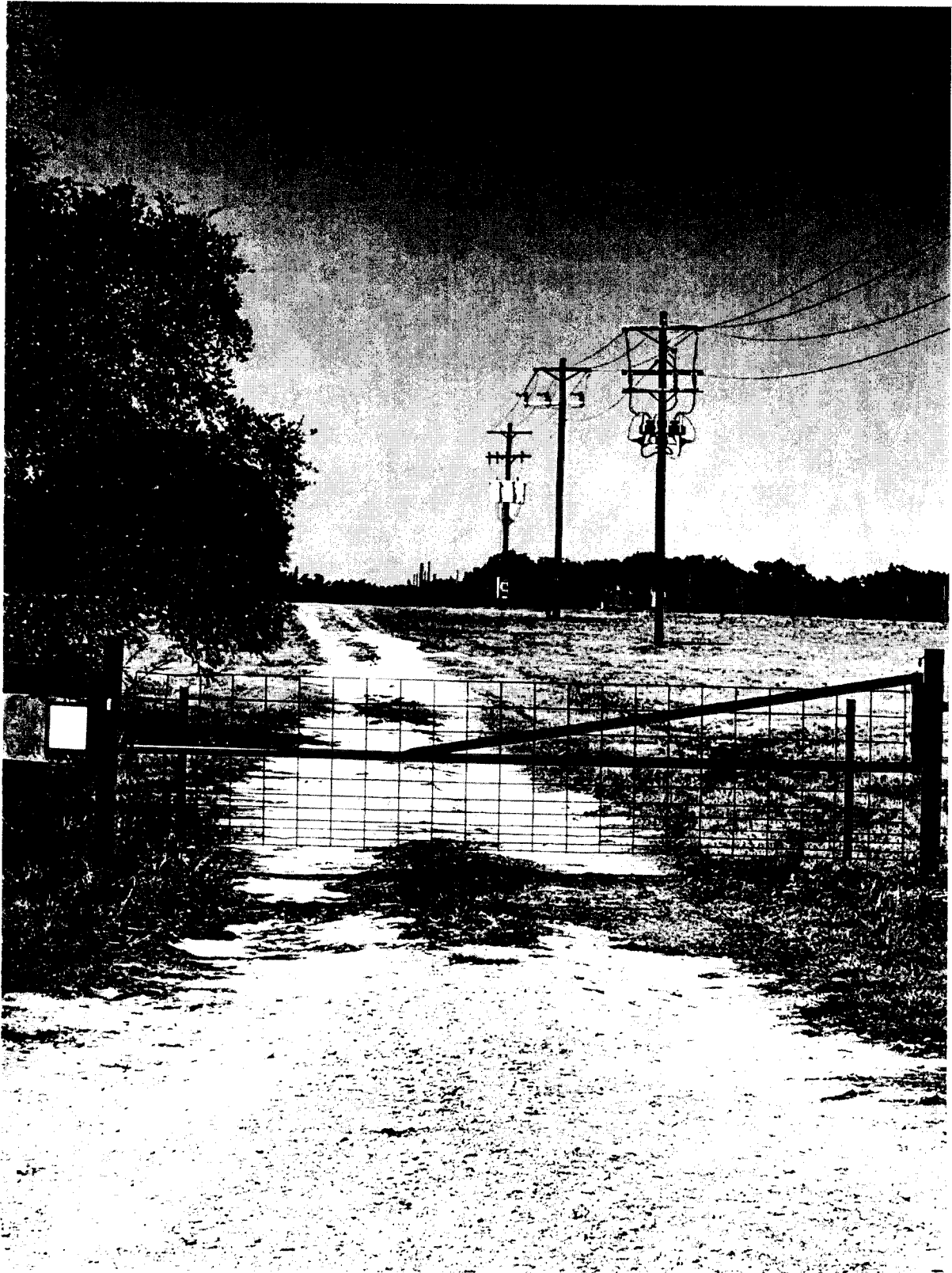


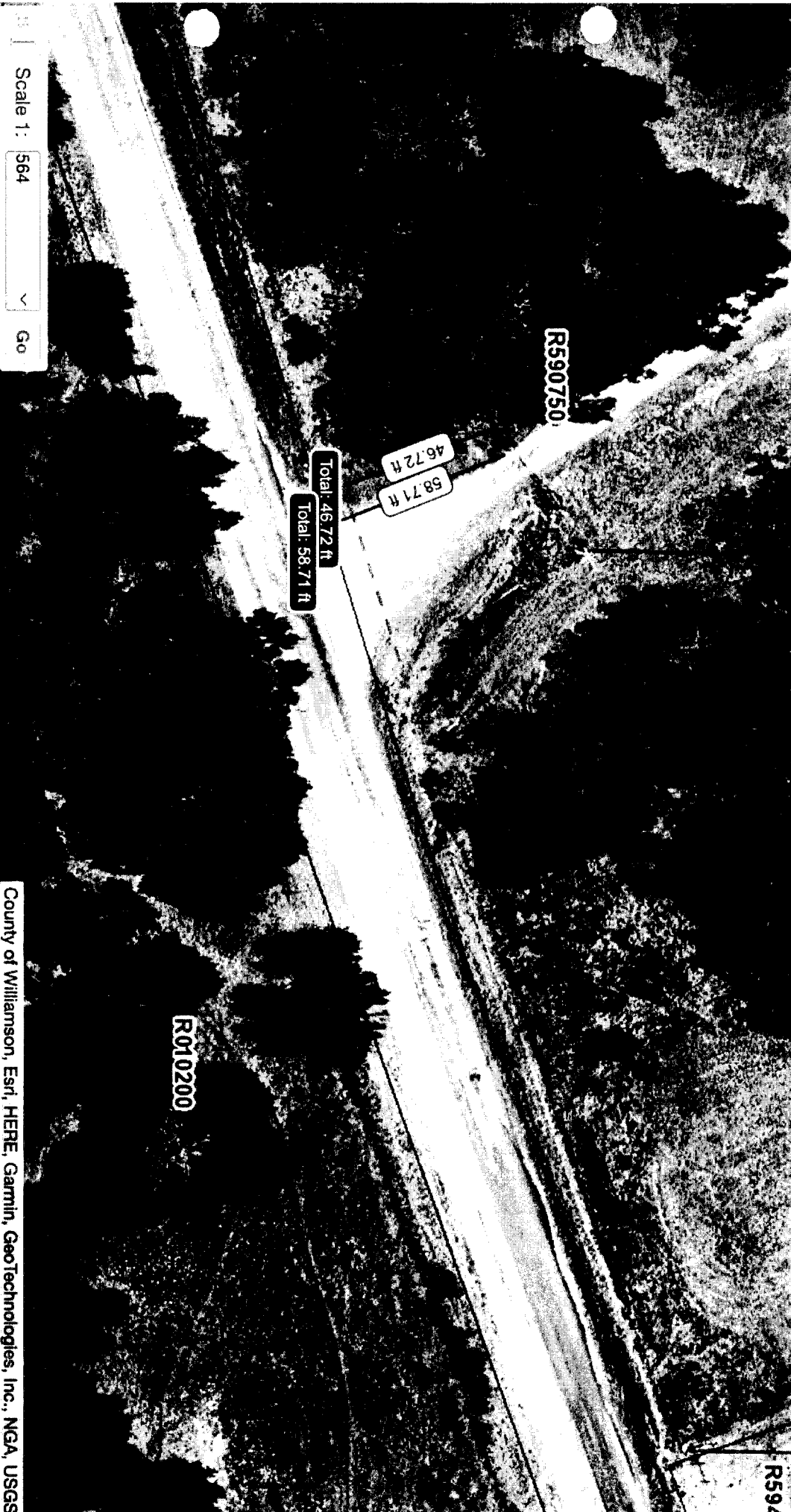
Photo Taken by Maude McCormick Allen on March 15, 2022.

EXHIBIT B



Photo Taken by Maude McCormick Allen on March 30, 2022.

ATTACHMENT 3



Scale 1: 564

Go

R590750

46.72 ft

58.71 ft

Total: 46.72 ft

Total: 58.71 ft

R010200

County of Williamson, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS

R594

6

TCEQ Registration Form

June 16, 2022

Exflor Research Corporation Proposed Air Quality Permit No. 165848

PLEASE PRINT

Name: LAUREN ICE

Mailing Address: 1206 SAN ANTONIO ST.

Physical Address (if different): _____

City/State: AUSTIN, TX Zip: 78752

This information is subject to public disclosure under the Texas Public Information Act

Email: lauren@txenvirolaw.com

Phone Number: (512) 469-6000

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? NORTH SAN GABRIEL ALLIANCE

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

NSR
124292

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, October 13, 2022 2:33 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: suzjohnson@prodigy.net <suzjohnson@prodigy.net>
Sent: Thursday, October 13, 2022 11:54 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Suzanne Johnson

EMAIL: suzjohnson@prodigy.net

COMPANY: Johnson Woods

ADDRESS: 1400 COUNTY ROAD 236
FLORENCE TX 76527-4918

PHONE: 7022493119

FAX:

COMMENTS: I request a contested case hearing. I have to question why this permit would ever be even considered for approval given the hazardous nature of the forever chemical products Exflur plans to produce adjacent to our residential and agricultural properties adjacent to Exflur's proposed location. Is there any proof of harmfulness of these chemicals we the neighbors can give or anything we can say that will stop the approval of this permit? I live, with my husband, and dog, about 1000 feet from where the Exflur chemical evaporation pond will be "evaporating" the harmful

forever chemicals into the air. We live off of rainwater that we collect on our property and our rainwater will be traveling through the chemicals from Exflor's evaporation pond. Please don't subject us and our neighbors, and our livestock and bees to these harmful chemicals. There are also several honey bee businesses with a substantial amount of money and time invested in raising honey bees within 300 feet of the proposed Exflor evaporation pond. Bees can't tell the difference between harmful, chemical laden water and fresh, safe water, so our honey (that we sell for consumption by humans) will be tainted by forever chemicals. This pond will also generate a terrible mosquito infestation for our residents and livestock, and any mosquito remediation actions will also harm our honey bees and honey businesses. Summary - reasons to reject the Exflor permit

1. Harmful chemicals released into the air from Exflor's planned evaporation pond is within 1000' of my house and will contaminate my household rain water collected at my house, and used for drinking, bathing, cooking, etc, which will then harm the health of me and my family.
2. Harmful chemicals released into the air by the Exflor evaporation pond will harm the health of those of us living adjacent to the Exflor property. This includes human beings, domestic pets, livestock, vegetable gardens, etc.
3. Harmful chemicals released into the air by the Exflor evaporation pond will harm the health of the honey bees in our community this nearly 100 hives of live bees on the surrounding adjacent property of the proposed Exflor evaporation pond.
4. Exflor's proposed chemical evaporation pond will cause a massive increase in the mosquito population and any remedy to reduce mosquitoes will also harm our bee businesses.

What evidence is needed to stop the approval of Exflor from producing these harmful chemicals in our residential and agricultural back yards? Please watch the documentary movie "The Devil We Know" that explains just how harmful these forever chemicals are to humans, animals and the environment, Please do the right thing for us the residents, animals and livestock in this community and do not approve this permit.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, October 13, 2022 2:28 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: suzjohnson@prodigy.net <suzjohnson@prodigy.net>
Sent: Thursday, October 13, 2022 10:05 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Suzanne Johnson

EMAIL: suzjohnson@prodigy.net

COMPANY: Johnson Woods

ADDRESS: 1400 COUNTY ROAD 236
FLORENCE TX 76527-4918

PHONE: 7022493119

FAX:

COMMENTS: I have to question why this permit would ever be even considered for approval given the hazardous nature of the forever chemical products Exflur plans to produce adjacent to our residential and agricultural properties adjacent to Exflur's proposed location. Is there any proof of harmfulness of these chemicals we the neighbors can give or anything we can say that will stop the approval of this permit? I live, with my husband, and dog, about 1000 feet from where the Exflur chemical evaporation pond will be "evaporating" the harmful forever chemicals into the air. We live

off of rainwater that we collect on our property and our rainwater will be traveling through the chemicals from Exflur's evaporation pond. Please don't subject us and our neighbors, and our livestock and bees to these harmful chemicals. There are also several honey bee businesses with a substantial amount of money and time invested in raising honey bees within 300 feet of the proposed Exflur evaporation pond. Bees can't tell the difference between harmful, chemical laden water and fresh, safe water, so our honey (that we sell for consumption by humans) will be tainted by forever chemicals. This pond will also generate a terrible mosquito infestation for our residents and livestock, and any mosquito remediation actions will also harm our honey bees and honey businesses. Summary - reasons to reject the Exflur permit

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3. Harmful chemicals released into the air by the Exflur evaporation pond will harm the health of the honey bees in our community this nearly 100 hives of live bees on the surrounding adjacent property of the proposed Exflur evaporation pond.
4. Exflur's proposed chemical evaporation pond will cause a massive increase in the mosquito population and any remedy to reduce mosquitoes will also harm our bee businesses.

What evidence is needed to stop the approval of Exflur from producing these harmful chemicals in our residential and agricultural back yards? Please watch the documentary movie "The Devil We Know" that explains just how harmful these forever chemicals are to humans, animals and the environment, Please also do the right thing for us the residents, animals and livestock in this community and do not approve this permit. Thank you.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 11, 2022 9:46 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: CCRs 20191206160029544 (1)1.pdf

From: SUZJOHNSON@PRODIGY.NET <SUZJOHNSON@PRODIGY.NET>
Sent: Monday, April 11, 2022 9:44 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: SUZANNE JOHNSON

EMAIL: SUZJOHNSON@PRODIGY.NET

COMPANY: Johnson Woods

ADDRESS: 1400 CR 236
Florence TX 76527

PHONE: 7022493119

FAX:

COMMENTS: I am requesting denial of this permit on the grounds the requesting party, Exflur Chemical, has not received permission from the declarant of the CC&R's for the property. Exflur is in violation of the Deed restrictions for their proposed use of this property and therefore should be denied any operating permits requested or associated with the running of their chemical plant business. Further they will be denied permission, due to their business would create

a noxious environment, which is in direct violation of section 1.01 (have not requested permission from declarant) and section 1.10 (noxious business not allowed) of the Deed Restrictions. The requesting party (Exfluor) states they have been "grandfathered in" and are not required to request permission from the declarant, but there is no such wording in the deed restrictions that state this, nor was Exfluor in business at the time the Deed Restrictions were filed, so they have not been approved, nor grandfathered in. Please deny this permit. I have attached the Deed Restrictions for your convenience. Thank you!

**DECLARATION
OF
COVENANTS, CONDITIONS, EASEMENTS & RESTRICTIONS**

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF WILLIAMSON §

County Road 236 Investments, LLC, a Texas limited liability company, (hereinafter the "Declarant"), being the owner of the legal and equitable title in and to the following described real property lying and being situated in the County of Williamson and the State of Texas and being more particularly described as follows, to-wit:

12.0 acres out of the William H. Magill Survey, Abstract 429, Williamson County, Texas, and further described in Exhibit A, attached hereto and made part hereof,

Declarant does hereby declare to impose upon the Property the following covenants, conditions, easements, and restrictions for the purpose of carrying out a uniform plan. The covenants, conditions, easements, and restrictions of this declaration (hereinafter the "Declaration") shall apply to and become a part of all legal instruments whereby title or possession to any portion of the Property is hereafter conveyed or transferred, such covenants, conditions, easements, restrictions, and limitations to run with the land and to be binding upon and inure to the benefit of all parties, now or hereafter, owning or using the above-described Property or any portion thereof, their heirs, executors, administrators, successors, and assigns.

ARTICLE 1

RESTRICTIONS

- 1.01 Uses: Single family residential is an approved use of the property. Home based businesses or light commercial uses may be permitted if the Declarant has given written consent of any such use in advance. No use can conflict with Paragraph 1.10 herein. Not more than two single-family residences may be constructed or placed on a tract. The term "single-family residence" shall include only site-built homes, barnominiums, mobile homes or modular homes which are not older than a 2014 model year based upon its date of manufacture. Move-on homes are allowed as long as they are site-built homes and any remodeling is complete within twelve (12) months of the closing date of the tract.

- 1.02 Size and Specifications: A residence may not be lived in or occupied until the residence is fully complete. Any residence constructed or moved on to any tract within the Property shall have not less than 1,000 square feet of heated and air-conditioned space, exclusive of basements, garages, and porches.

- 1.03 Setback Requirements and Front and Rear Building Lines: Residences, garages, or any other building of any kind constructed on any tract shall have a front building line setback of 25 feet from the front property line. The residences, garages, or any other

building of any kind shall be set back 15 feet from any side property line and 15 feet from any rear property line.

- 1.04 Quality Workmanship, Building Materials and Maintenance: All improvements and structures including but not limited to homes, garages, fences, storage buildings, and other improvements shall be constructed of quality, new material and in a workmanlike manner.
- 1.05 Rubbish and Debris: No rubbish or debris or any kind shall be placed or permitted to accumulate upon the Property and no odors shall be permitted to arise therefrom so as to render the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property or to its occupants.
- 1.06 Easements: Easements are hereby reserved and dedicated over and across a 15 foot strip along County Road 236, 15 feet along each side tract line, and 15 feet along the rear tract line, for the purpose of installing, maintaining and repairing, electric power, gas, telephone, water, cable, community mailbox station, drainage and/or any other similar utility lines, facilities, and services for the tracts in the Property. The easements reserved and dedicated hereby shall be for the general benefit of the Property. These easements shall inure to the benefit of, and may be used by, any public or private company entering into and upon the Property for such purposes, without the necessity of any further grant of such easement rights to such companies. Any property owner installing a fence or other improvement within the area encumbered by the easement does so at his own risk. If two or more tracts are owned by one owner and wish to be consolidated into a single building site, then these easement provisions and the setback provisions in paragraph 1.03 shall be applied to such resultant building site as if it were one original platted tract and no easements or setback lines will exist along the common tract line.
- 1.07 Restriction on Further Subdivision: There shall be no dividing, subdividing, or re-subdividing allowed of any of the tracts into smaller tracts for a period of at least five (5) years from the date of purchase of the tract with the exception.
- 1.08 Sewage: Wastewater and sewage shall be disposed of by means of private sanitary sewer systems or similar approved means of sanitary sewage disposal which meet the requirements of and are approved by all governmental authorities having jurisdiction thereof. No residence shall be used or occupied until sanitary sewage disposal facilities complying with this paragraph have been completely built and approved by the governmental authority.
- 1.09 Trash Disposal: No tract shall ever be used for or maintained as a dumping ground for rubbish, fill, road or construction materials, debris or junk.
- 1.10 Nuisances: No noxious, noisy, offensive, undesirable, unlawful or immoral activity shall be conducted on any tract, nor shall anything be done or permitted to be done thereon which may be or become a nuisance or annoyance to the owners of adjacent tracts. Any determination by the Declarant that an activity is noxious, noisy, offensive, undesirable or immoral shall be final and binding on all parties.

- 1.11 Unused Vehicles: The placement of junked, abandoned, wrecked, or non-operating items of any kind such as motor vehicles, boats, or other equipment or materials shall not be permitted on any portion of the Property. The repairing of motor vehicles, boats or any other items of a mechanic nature shall not be permitted on any tract, except within a garage or other comparable enclosed structure.
- 1.12 Boats and Trailers and Trucks: No commercial vehicles with more than 1 rear axle shall be allowed at any time other than during the construction of the primary residence, driveways or ancillary structures. No commercial vehicles will be stored on the tract for any reason. These vehicles include, but are not limited to, dump trucks of any kind, bobtails, belly dumps and trailers designed to be pulled by trucks with more than 1 rear axle.
- 1.13 Temporary Structures: No structure or improvement of a temporary character, tent, storage container, camper, shack, garage, barn or other outbuilding shall at any time be used as a residence or dwelling. A recreational vehicle or travel trailer may be used as a temporary residence, during the construction period for a permanent home, for a maximum period of twenty-four (24) months from the initial closing date of the tract. Any building considered a "tiny" home may only be used as a residence with the written consent of the Declarant.
- 1.14 Animals: In no event shall pigs, hogs, swine or dangerous animals be allowed on a tract under any condition. No pets or farm animals may be kept if they become offensive or a nuisance by virtue of their numbers, sight, odor or noise.

ARTICLE 2

GENERAL

- 2.01 Enforcement: Declarant, and any person owning any interest in any of the tracts in said Property, including mortgage interest, may enforce these restrictions through a proceeding at law or in equity against the person or persons violating or attempting to violate any covenant, condition, restriction, or limitation, either to prevent or to correct such violation, or to recover damages, or to obtain other relief for such violation. All expenses, including a reasonable attorney fee, shall be recovered from anyone violating these restrictions by the party bringing the suit.
- 2.02 Limitations of Liability: The Declarant shall not be liable in damages or otherwise to any owner of any tract within the Property by reason of mistake of judgment, negligence or nonfeasance arising out of or in connection with: (a) the approval or disapproval, or failure to approve or to disapprove any plans or specifications; (b) the enforcement of, or the failure to enforce, the covenants, conditions, easements and restrictions of this Declaration; or (c) any other action taken or not taken pursuant to the provisions of this Declaration.
- 2.03 Partial Invalidity: If any portion of this Declaration is declared illegal, invalid, or unenforceable by law or court order, such action shall not affect the validity of any other provision hereof. Failure to enforce any one or more provisions hereof shall not

constitute a waiver thereof as to future enforcement and shall not serve to invalidate any other provision of this Declaration.

- 2.04. Duration: These covenants, conditions, easements and restrictions shall run with the land and shall be binding upon and against the Property for a period of twenty-five (25) years from the date of recordation, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the then owners of seventy-five percent (75%) or more of the Property (by tract) has been recorded agreeing to change said covenants in whole or in part. No such agreement to change shall be effective unless made and recorded within three (3) months immediately prior to the date the covenants otherwise would be automatically extended.
- 2.05. Amendment: This Declaration may be amended by Declarant at any time, and from time to time, in its sole discretion.
- 2.06. Assignment of Declarant: Notwithstanding anything in this Declaration to the contrary, Declarant may assign, in whole or in part, any of its privileges, exemptions, rights and duties under this Declaration to any other person or entity and may permit the participation, in whole or in part, by any other person or entity in any of its privileges, exemptions, rights and duties hereunder.
- 2.07. No Warranty of Enforceability: While Declarant has no reason to believe that any of the restrictive covenants or other terms and provisions contained in this Declaration are or may be invalid or unenforceable for any reason or to any extent, Declarant makes no warranty or representation as to the present or future validity or enforceability of any such restrictive covenants, terms or provisions. Any owner acquiring a tract in reliance on one or more of such restrictive covenants, terms or provisions shall assume all risks of the validity and enforceability thereof and by acquiring the tract, agrees to hold Declarant harmless therefrom.
- 2.08. Interpretation: The provisions of this Declaration shall be liberally construed to effectuate the purposes of creating a uniform plan for the operation of the Property, and of promoting and effectuating the fundamental concepts of the Property set forth in this Declaration. This Declaration shall be construed and governed under the laws of the State of Texas.
- 2.09. Exemption of Declarant; Utility Easements:
- a. Without in any way limiting the generality of the preceding sentence, this Declaration shall not prevent or limit the right of Declarant to excavate and grade, to construct and alter drainage patterns and facilities, to construct any and all other types of improvements, sales and leasing offices and similar facilities, and to post signs incidental to construction, sales and leasing anywhere within the Property.
 - b. Declarant reserves the right to locate, construct, erect and maintain, or cause to be located, constructed, erected and maintained in and on any areas owned by Declarant, pipelines, conduits, wires and any improvements relating to a public utility function with the right of access to the same at any time for the purposes of repair and maintenance.

2.10 Laws and Regulations: All owners of any tracts within the Property shall at all times comply with all applicable laws, regulations and ordinances of municipal, county, state, federal or other governmental authorities.

IN WITNESS WHEREOF DECLARANT has caused this document to be executed by its duly authorized member this 6th day of December, 2019.

County Road 236 Investments, LLC
a Texas limited liability company

By: Ventana Hills, Ltd., Manager



By: Stewart Pate

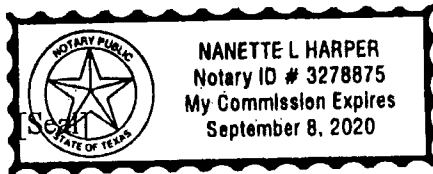
Its: Manager of White Bluff Development,
LLC, General Partner

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me this 6th day of December, 2019 by Stewart Pate, Manager of White Bluff Development, LLC, General Partner of Ventana Hills, Ltd., Manager of County Road 236 Investments, LLC, a Texas limited liability company, on behalf of said company.




NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:

County Road 236 Investments, LLC
10829 Jollyville Road
Austin, Texas 78759

Maples & Associates, Inc.

www.maplesinc.com • P.O. Box 893 • Lampasas, Texas 76550 • (512) 556-2078 • (512) 556-0500 fax • Firm No. 10097700

LEGAL DESCRIPTION OF A TRACT OF LAND IN WILLIAMSON COUNTY, TEXAS.

Being 12.00 acres of the William H. Magill Survey, Abst. No. 429 in Williamson County, Texas, and being part of a 224.71 acre tract of land described in a deed from Richard A. Box, Trustee of Box Place Charitable Remainder Trust, to County Road 236 Investments, LLC, dated August 13, 2019, recorded as Doc. No. 2019075032 of the Official Public Records of Williamson County, Texas; said 12.00 acres being more particularly described as follows;

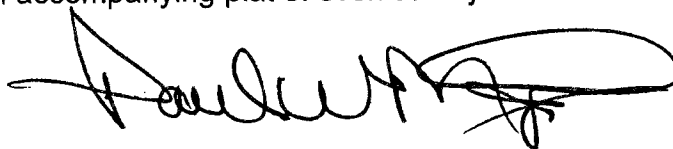
BEGINNING at a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set on the north line of said 224.71 acre tract and the south line of a 262.05 acre tract of land described in Exhibit B in a deed to Ernest Franklin Allen, as recorded in Vol. 1469, Page 876 of said official public records, and being approximately 9.4 feet north of a fence, from whence a 1/2 inch iron pin found in concrete at a fence corner for the northeast corner of said 224.71 acre tract brs. North 70° 19' 33" East, 7155.23 feet;

THENCE South 19° 36' 35" East, 1444.59 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set on the north line of County Road 236 and the south line of said 224.71 acre tract;

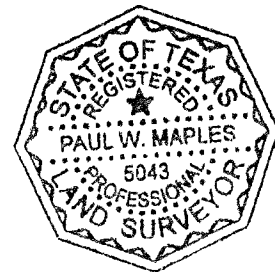
THENCE South 70° 00' 12" West, with the north line of said County Road 236, with the south line of said 224.71 acre tract, and along the general course of a fence, 361.60 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

THENCE North 19° 36' 35" West, 1446.63 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set on the north line of said 224.71 acre tract and the south line of said 262.05 acre tract, being approximately 10.3 feet north of a fence;

THENCE North 70° 19' 33" East, with the north line of said 224.71 acre tract, with the south line of said 262.05 acre tract, 361.59 feet to the PLACE OF BEGINNING, as surveyed on the ground on August 23, 2019, by MAPLES & ASSOCIATES, INC., and as shown on an accompanying plat of even survey date herewith.



Paul W. Maples, RPLS
©2019 All rights reserved.



**ELECTRONICALLY RECORDED
OFFICIAL PUBLIC RECORDS**

2019118015

Pages: 7 Fee: \$41.00
12/06/2019 03:57 PM



Nancy E. Rister

Nancy E. Rister, County Clerk
Williamson County, Texas

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, April 8, 2022 10:17 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: SUZJOHNSON@PRODIGY.NET <SUZJOHNSON@PRODIGY.NET>
Sent: Thursday, April 7, 2022 10:30 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: SUZANNE JOHNSON

EMAIL: SUZJOHNSON@PRODIGY.NET

COMPANY: Johnson Woods (Apiary - Bee Keeper)

ADDRESS: 1400 County Road 236
Florence TX 76527

PHONE: 7022493119

FAX:

COMMENTS: Dear Sir/Madam, I am requesting the denial of permit no. 165848, Exflur Research, 1100 County Road 236, Florence, Williamson County, Texas, 76527, due to detrimental environmental hazard potential, and critical health concerns for the residents, livestock, apiaries (dozens of beehives in the adjacent 48 acres), wildlife and pets that inhabit the area directly adjacent to this property. If needed, I join the other residents of the area requesting an in-person

"public meeting" in the local County Road 236 area at a location to be determined. Thank you for your consideration.
Sincerely, Suzanne Johnson

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, October 13, 2022 2:29 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: October 10, 2022 PFAS and HF Letter of Concern (1).pdf

H

From: ctr2000@hotmail.com <ctr2000@hotmail.com>
Sent: Thursday, October 13, 2022 8:44 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Catherine Johnston

EMAIL: ctr2000@hotmail.com

COMPANY:

ADDRESS: 4960 HIGHWAY 138
FLORENCE TX 76527-4901

PHONE: 2489390272

FAX:

COMMENTS: I would like to request a contested case hearing.



October 10, 2022

North San Gabriel Alliance
1250 County Road 208
Florence, Tx 76527

Re: Urgent health and environmental concerns over PFAS and HF chemicals

North San Gabriel Alliance for public release:

I have observed over 42 years in Texas many sacrifice zones of neighborhoods and fenceline communities where people live next to fully permitted industrial facilities which are often spewing out a toxic soup of chemicals, and, in my experience, often releasing a mixture of chemicals contributing to effects in these neighborhoods, based on interviews with residents.

I emphasize becoming well aware of these kinds of health issues after working for 12 years in the field for TCEQ and having traveled extensively throughout Texas to meet with citizens all over the state suffering from industrial air pollution impacts.

Texans have little idea of the enormous extent to which toxic air pollution occurs routinely in unregulated rural areas of the state, and industrial air pollution remains a serious challenge today.

Today, hundreds of highly toxic chemicals are being released into the community air supply close to Texas urban centers and hundreds of small communities.

Local citizens are breathing cancer-causing agents like benzene, 1,3-butadiene, vinyl chloride, ethylene oxide and others despite intensive efforts to reduce such emissions. Progress is slow.

Industrial plants can be leaky with so much equipment handling and processing these chemicals listed in the 1990 Federal Clean Air Act Amendments as "hazardous" air pollutants (HAPs – 189 initially listed) in Title III.

A recent movie "Dark Waters" stars Mark Ruffalo and Tim Robbins that highlights a true story in West Virginia where a chemical plant released hazardous organofluorine chemicals into the air and water resulting with people in the community drinking the contaminated water and suffering various illnesses including cancer.

Now, another group of toxic chemicals of concern are being produced by combining fluorine with carbon into hazardous organofluorines known chemically as *per- and polyfluoroalkyl compounds*, which are turning out to be extremely harmful to human health.

The fact is that *per- and polyfluoroalkyl* substances (PFAS) are being manufactured in the U.S. by the chemical industry and a major public health concern is PFAS chemicals were not adequately evaluated for human health effects until decades after being mass produced and used in many commercial products where human exposure may occur or from exposure to environmental releases to the air, water, food and soil in the U.S.

Initially synthesized in the 1940s, PFAS, including PFOA, PFOS and PTFE, are a class of 9,000+ man-made chemicals with fluorine. Known as "**forever chemicals**" because they don't break down in the environment due to the stability of the fluorine-carbon bonds, PFAS bioaccumulate in human bodies and can be harmful at ultra-low concentrations in the low parts per trillion range where too little environmental or human monitoring is being done in Texas to sample for them.

How toxic are PFAS compounds to human health?

PFAS have been linked to cancer, autoimmune disease, thyroid disease, liver damage, decreased fertility, birth defects, hormone disruption, obesity, decreased immunity, and high blood pressure.

The federal EPA has recently raised serious public health and environmental concerns over this PFAS chemistry where people may be exposed, and residues may survive for decades in the environment as persistent chemicals.

One concern is it's estimated that up to 90% of the Earth's population has been exposed to PFAS substances with trace residues inside of them and PFAS are difficult for the liver to breakdown.

PFAS and related organofluorines appear to have a toxicity similar to the notorious Dioxins and Dibenzofurans that were found to have contaminated the Vietnam herbicide Agent Orange and left some 50,000 U.S. veterans exposed and suffering with various illnesses after Vietnam.

Recently on August 26, 2022, the U.S. EPA Administrator Michael Regan announced a proposal to list historically common PFAS, PFOA and PFOS, as hazardous substances under the Superfund law and even to ban production of some organofluorines as too dangerous to produce because of concerns over human exposures and environmental releases.

U.S. EPA administrator Michael Regan stated: “Communities have suffered far too long from exposure to these *forever chemicals*. Under this proposed rule, U.S. EPA will both help protect communities from PFAS pollution and seek to hold polluters accountable.”

PFAS testing has identified them in food packaging, nonstick cookware, stain and water-resistant clothing, and firefighting foam. Yet the public is generally uninformed about PFAS dangers.

However, investigations by groups such as Toxin Free USA and others have discovered that PFAS are becoming increasingly pervasive in consumer products.

As an example of mounting public concerns over PFAS use and contamination, on October 5, 2022, the public interest group Toxin Free USA, a nonprofit dedicated to consumer protection and education, filed a lawsuit against Procter & Gamble (P&G) for deceptive marketing of Oral-B Glide dental floss based on results of a screening test for *per- and polyfluoroalkyl* substances (PFAS).

Toxin Free USA emphasized in its press release that Oral-B Glide floss prominently features “Pro-Health” on the packaging.

Toxin Free USA also noted that P&G’s Pro-Health line is “aimed at consumers willing to pay more for products that touted health benefits, as opposed to flavor or cosmetic appeal.” But the group noted that P&G failed to disclose PFAS in their products.

Frankly, my opinion is that the U.S. EPA and the TCEQ need to ban most of these PFAS, PFOA and PFOS compounds from production and the FDA needs to ban them from consumer products.

I have been aware of legal loopholes applied by industry where precise air monitoring is almost never required by TCEQ in plant air permit special conditions such as for toxic volatile organic compounds (VOCs) – among the most toxic substances emitted by plants – from smokestacks, flares, process vents, cooling towers, etc. across the state, and my concern is the vast majority of industrial plants merely have to file self-reports of “estimates” for their VOC air pollution rather than using a Continuous Emissions Monitoring System (CEMS) to obtain a

precise measurement and characterize each VOC species that can be detected by modern analytical instruments available for several decades.

The routine use of self-reported “estimates” for VOCs is one flaw in the TCEQ’s annual Emissions Inventory or PSD database and the same applies to the EPA’s annual TRI data.

VOC analyzers used as CEMS exist to measure and identify 68+ organic compounds, but they are generally never required by TCEQ partly due to costs for companies earning profits in the billions of dollars a year. Both U.S. EPA and TCEQ have been reluctant to mandate widespread use of VOC CEMS despite the availability of the technology for a long time.

Even today, TCEQ investigators tend to rely on minimal analytical tools to measure VOCs at industrial plants, although the agency does have a Mobile Laboratory it sends out from Austin, but the agency chemists can only handle a small number of trips a year. TCEQ has been under pressure to improve its Mobile Lab and Mobile Sampling Van capabilities and has added more Mobile Vans equipped with modern technology such as gas chromatographs-mass spectrometers that have been available since the 1960s.

For years, EPA used its TAGA truck or Trace Atmospheric Gas Analyzer vehicle that travels across the US with modern analyzers to test the air for VOCs. In front of a large Houston refinery in March 2008, the TAGA vehicle picked up a benzene spike that was not reported by the refinery during a major upset event where the refinery self-reported a release of certain chemicals, except it had failed to report any hazardous benzene as required by the federal Clean Air Act.

Once an existing plant has a new air permit amendment or its new plant construction permit, the problem is that industry personnel will more often ignore local residents if air pollution problems occur. It is common for the plant to later request additional permitting for expanded production. The result is what started as a small facility can become a major, mostly unregulated, regional polluter. The impacts may not be known for decades.

After working at the TCEQ for 12 years, I learned that every single air permit was flawed with loopholes, lack of effective air monitoring for VOCs as mentioned previously, and that the flawed air permits resulted in citizens complaining that sometimes lead to air enforcement cases for the TCEQ’s Regional Field Offices. I was kept busy for 12 years to address flawed permits by pursuing enforcement options where it was possible, and where citizens made complaints.

A chemical specialty plant making a few PFAS chemicals is the Exflur Research Corporation's facilities in Round Rock, and it's seeking a new air permit to build a somewhat larger plant near Florence so it can expand or whatever it intends to do with the new plant.

I have a series of health and environmental concerns.

If the new plant has a single small or even a significant release of PFAS or other toxic chemicals, a contamination potential in the neighboring property could occur and render plants, animals, and soil too tainted to use. Yet clean up and environmental testing is exceptionally expensive putting a burden on residents to spend their own funds as I doubt if the TCEQ would do much sampling and analysis, although it might under public pressure. Would Exflur even admit it had a release?

Exflur's draft air permit lists several toxic chemicals of concern that, in my opinion, should have emissions at zero, although it's unknown if the new Exflur plant will be able to keep its air emissions at zero or the safest levels partly due to a lack of air monitoring of the Thermal Oxidizer stacks and potentially pushing the destruction efficiency of the two toxic waste incinerators.

As far as I can determine, specific PFAS chemicals may not be monitored continuously to verify if the Thermal Oxidizers are destroying the fluorine-carbon bonds at below a 10 ppmv limit required in the draft permit special conditions. The 10 ppmv concentration sounds on the surface to be low, but it equals 10,000 parts per billion by volume or 10,000,000 parts per trillion by volume, the latter number reveals a higher volume of PFAS chemicals could be allowed to escape destruction from the Thermal Oxidizers.

However, without a PFAS CEMS monitor constantly checking for PFAS chemicals, it's unknown if any or how much PFAS might be released. Exflur certainly has the option to install a PFAS CEM. Does this make the Exflur new plant safe? Not necessarily as industrial equipment will breakdown at some point and a question arises about the Round Rock's emissions and whether any site soil testing or area soil testing for PFAS has been conducted and made public.

Would Exflur agree to pay for off-site PFAS soil testing around the new Florence plant is another question, since it's not required in the draft air permit to take soil samples and analyze for PFAS.

However, I have no idea if Exflur is open or would agree to off-site PFAS testing near the Florence site, but generally companies in Texas tend to avoid such off-site tests as it could indicate liability that the companies want to avoid learning about. It might be helpful if Exflur agreed to perform off-site community PFAS soil

testing to verify the background concentrations of PFAS chemicals as a trace residue could potentially exist if rainfall has brought PFAS chemicals out of the atmosphere.

Fluorine-carbon bonds in PFAS are very tough chemical bonds to destroy and I am concerned that Exflor may emit unburned PFAS compounds along with Hydrogen Fluoride (HF) which is an extremely toxic substance by itself. It appears that HF will not be continuously monitored (Exflor could install HF CEMS) and, in my opinion, the only truly safe level is zero. HF emissions could impact local vegetation, animals, and more leaving trace residues.

In my view, Exflor's new plant should not be built due to the risk of Thermal Oxidizers failing to destroy the fluorine-carbon bonds, and HF and other toxic chemicals escaping and turning the surrounding community into a chemical industry sacrifice zone. I would encourage Exflor to either expand its current Round Rock plant or look for another site in an industrial park.

Contact me for further clarification as these topics are complex.

Neil Carman, PhD
Clean Air Program Director and former TCEQ field investigator
Lone Star Chapter Sierra Club
6406 N IH-35, suite 1806
Austin, Tx 78765

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 11, 2022 9:02 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: Ctr2000@hotmail.com <Ctr2000@hotmail.com>
Sent: Sunday, April 10, 2022 8:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Catherine Johnston

EMAIL: Ctr2000@hotmail.com

COMPANY:

ADDRESS: 4960 HIGHWAY 138
FLORENCE TX 76527-4901

PHONE: 2489390272

FAX:

COMMENTS: "Hydrogen fluoride is an extremely dangerous chemical - eats your skin, including tissue in your lungs. You cannot ever get it on your body or breathe it. Vapor inhaled can be fatal. One drop on your fingernail and you'll lose your nail. This should never be released into the air. This is DEADLY dangerous. Exflur, by their own admission, will emit hydrogen fluoride if this plant is built." Robert F Harris Sr PhD. Retired Dow Chemical research scientist, organic chemistry. I do not want this chemical plant anywhere near my water or my body.

NSR
124292

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, September 28, 2022 8:41 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

RFR

From: alycenmalone@gmail.com <alycenmalone@gmail.com>
Sent: Tuesday, September 27, 2022 3:41 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Alycen Malone

EMAIL: alycenmalone@gmail.com

COMPANY:

ADDRESS: 158 BARN OWL LOOP
LEANDER TX 78641-1881

PHONE: 3235952765

FAX:

COMMENTS: This is for reconsideration of this permit. I cannot understand how this company had garnered its required permits. They have been known to leak and now they chose land that backs up to nature reserves and homes? This past spring, the area got hit with some awful tornadoes. What happens if the plant got destroyed by a tornado? Would toxic chemicals swirl directly into homes? Probably. What a liability. What about people's home values greatly decreasing because of the proximity to the plant now makes them undesirable? What about the fact the country roads surrounding

it cannot handle the truck traffic the business would bring? What about the fact that the utilities in the area are unstable or that the emergency services surrounding the site are not hazmat equipped? I believe the company plans to expand which is why they bought up so much land. In a few years how much more will they pollute if this is true? They could very easily go to a place that is built to handle this kind of mess, but what was the land too cheap to pass up? Who cares about anything other than money, right? There is so much wrong here it feels like the public is being gaslight endlessly into submission. Can you please stand up for all of us, and right a wrong? They can do their business elsewhere, where the damage is minimal. It's wildly unfair and frightening it's come this. It feels very David and Goliath. Please be our Erin Brockovich and stop this mess before it starts.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 18, 2022 9:20 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: alymal82@gmail.com <alymal82@gmail.com>
Sent: Saturday, April 16, 2022 8:16 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Alycen Malone

EMAIL: alymal82@gmail.com

COMPANY:

ADDRESS: 158 BARN OWL LOOP
LEANDER TX 78641-1881

PHONE: 3235952765

FAX:

COMMENTS: I am appalled. We DO NOT want this toxic chemical plant near us! Many people reside in this part of Williamson County. There are families, schools, children and wildlife at stake. Not to mention everyone who gets drinking water through the City of Georgetown. Please don't let this become an Erin Brockovich/Flint Michigan situation. Make them take their poison somewhere where it can't hurt so many people.



Natasha J. Martin
512.480.5639
512.536.9939 (fax)
nmartin@gdhm.com

NSR
165848

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

October 11, 2022

Filed Electronically

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

REVIEWED
OCT 14 2022 H
By GCW

TCEQ OCC
22OCT14 9:59AM

RE: *Request for Contested Case Hearing on Application by Exflur Research Corporation, Exflur Research, Florence, Williamson County; TCEQ Air Quality Permit Number 165848*

Dear Chief Clerk:

Elizabeth Ann Friou (Friou) requests a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 (“Draft Permit”) sought by Applicant Exflur Research Corporation, Exflur Research, Florence, Williamson County (“Exflur”) for the proposed Exflur research facility.

All contact with Elizabeth Ann Friou related to this request should be through her legal counsel:

Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5639
Fax: 512.536.9939
nmartin@gdhm.com

Support for Ms. Friou’s contested case hearing request follows.

I. Elizabeth Ann Friou is an “Affected Person” for Purposes of a Contested Case Hearing due to her Proximity to the Proposed Plant.

Ms. Friou has a significant interest in ensuring that air emissions from Exflur’s operations are safe. She is an Affected Person who will be impacted by the approval of the subject permit as she would be Exflur’s immediate neighbor directly across the street from where their plant would be located on Williamson County Road 236.

Ms. Friou is an Affected Person under 30 Tex. Admin. Code § 55.203. Ms. Friou owns two parcels within one mile of the proposed facility. The first parcel is located at 2100 CR 209, Florence, TX 76527 (“Parcel 1”). The nearest property line for Parcel 1 is only *41 feet* away from Exflur’s property line (0.01 miles). The nearest property line for the second parcel is 1,558 feet away from Exflur’s property line (“Parcel 2”) (0.29 miles). See attached map as *Exhibit 1* showing the location of Parcels 1 and 2. Parcels 1 and 2 consist of approximately 347 acres of land in Williamson County, which are a stone’s throw from the Exflur property. Ms. Friou’s property is well within the 1-mile standard typically used by TCEQ to declare a requestor an Affected Person.

II. Personal Justiciable Interest

Ms. Friou has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application under 30 Tex. Admin. Code § 55.203. Ms. Friou uses Parcels 1 and 2 for ranching operations and will suffer significant losses should the Draft Permit fail to protect her health and her interests. In her earlier comments, Ms. Friou expressed that the Executive Director, through the Draft Permit, has failed to adequately demonstrate that exposure to pollutants from Exflur’s operations would not harm her, her tenants, her ranch employees, her livestock or wildlife. This exposure is especially significant to Ms. Friou because she is asthmatic and suffers from chronic obstructive pulmonary disease (COPD). She has a personal justiciable interest in ensuring that her health and safety, and that of her tenants, employees and animals, will not be adversely impacted.

Ms. Friou has a personal justiciable interest in protecting her safety from a company that is known to not follow the rules. Exflur has a history of non-compliance and exposing the community to extremely dangerous chemicals. Since April 2019, Exflur has repeatedly violated the requirements of its nondomestic wastewater discharge permit at its Round Rock plant.¹ Also concerning, in 2014, Exflur recklessly leaked perfluorosuccinoyl fluoride from its facility, exposed businesses and schools to this harmful chemical, and failed to promptly respond to this emergency upset event as required by law.² Even if the emissions in the Draft Permit are protective, which the ED has not shown they are, the minimal to non-existent monitoring of emissions in the Draft Permit and the lack of a risk management plan, leave no way for Ms. Friou to know whether Exflur is operating in a manner protective of her health or interests if the permit is issued. Also, given this background, there is no guarantee that Exflur will operate in compliance with the Draft Permit, an issue that must be reviewed by a fact finder before any permit is issued.

¹ See North San Gabriel Alliance’s Contested Case Hearing Request filed with the TCEQ dated June 16, 2022, available here:

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=918640472022167&doc_name=2022%2E06%2E16%20NSGA%20Supplemental%20Comments%20%26%20Hearing%20Request%2Epdf

² *Id.*

Additionally, Ms. Friou has a personal justiciable interest in protecting the uses and enjoyment of her property. Ms. Friou personally grazes her horses and works outdoors managing her pasture. She wants to continue to be able to do that without risking her life or the possibly of ending her ranching operations. The ED has not shown that she will continue to be able to use and enjoy her property with a known repeat violator operating across the street. The failure to demonstrate that emissions at Parcels 1 and 2 will be protective, and that Exflour will comply with the permit, without an interruption in the use and enjoyment of her property is grounds for sending the Application to a fact finder.

Ms. Friou meets all the conditions to be named an Affected Person as she has personal justiciable interest not common to members of the general public due to the location of her property, her preexisting health conditions, her economic losses if she can no longer continue ranching, impacts to use and enjoyment of her property, impacts to agriculture and natural resources owned by Ms. Friou (including groundwater). The proposed facility and its related uses stand to significantly alter Ms. Friou's interests.

III. Relevant and Material Disputed Issues.

Ms. Friou seeks a contested case hearing on each issue raised in her written comments,³ oral comments at the public meeting,⁴ and the corresponding responses by the Executive Director in the Response to Comments ("RTC") document issued on September 13, 2022.⁵ Ms. Friou incorporates her written and oral comments, hearing request, and the RTC in full into this contested case hearing request. Ms. Friou raises the following relevant issues within TCEQ's jurisdiction:

1. Whether the emissions in the Draft Permit are safe for human health and safety?
2. Whether the emissions in the Draft Permit are safe for the health and safety of sensitive receptors with preexisting health conditions like asthma or COPD, which Ms. Friou has?
3. Whether the emissions in the Draft Permit are safe for agricultural animals and wildlife?
4. Whether sufficient monitoring and notice requirements are included in the Draft Permit?
5. Whether the Draft Permit interferes with the use and enjoyment of Ms. Friou's property?

³ Written comment and hearing request filed by Elizabeth Ann Friou on June 19, 2022.

⁴ TCEQ Public Meeting, June 16, 2022, available at https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=180414222022168&doc_name=2022%2D06%2D16%2Dexflour%2Dresearch%2Dcorporation%2D165848%2Dpmp%2Dformal%2DEmp3&type=audio&requesttimeout=5000 (Friou at 2:35).

⁵ Executive Director's Final Decision Letter and Response to Comments dated September 13, 2022, available at https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=680548462022256&doc_name=Ltr%20165848%2Epdf&requesttimeout=5000.

October 11, 2022

Page 4

The RTC fails to fully address these issues and to the extent that these issues are addressed, the Executive Director's response is based on disputed issues of fact and law.

Based on these issues and those raised by the North San Gabriel Alliance, which are incorporated herein by reference to the extent not inconsistent, Ms. Friou requests a contested case hearing on grounds that the Draft Permit: is not protective of human health and safety, does not protect sensitive receptors with preexisting health conditions like Ms. Friou's, is not safe for agricultural animals and wildlife, does not contain sufficient monitoring and notice requirements, and interferes with the use and enjoyment of Ms. Friou's property.

Ms. Friou respectfully requests that her contested case hearing request be granted, and for any other relief the Commission may grant Ms. Friou.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Natasha J. Martin

Natasha J. Martin
Texas Bar No. 24083255
401 Congress Ave., Suite 2700
Austin, Texas 78701-3744
Phone: 512 480-5639
Fax: 512 536-9939
nmartin@gdhm.com
ATTORNEY FOR ELIZABETH ANN FRIOU

NJM/mah
Enclosure

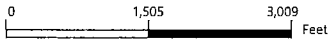
cc: Client

Exhibit 1



Friou Parcels 1 and 2*
Web Print: 10/07/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



*Parcel 1, R010200 and Parcel 2, R381158/Williamson Central Appraisal District

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Molly A. Henderson

From: donotreply@tceq.texas.gov
Sent: Tuesday, October 11, 2022 2:17 PM
To: Molly A. Henderson
Subject: TCEQ Confirmation: Your public comment on Permit Number 165848 was received.
Attachments: Friou Contested Case Hearing Request 10 11 20223.pdf

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Natasha J Martin

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 CONGRESS AVE 2700
AUSTIN TX 78701-4071

PHONE: 5124805793

FAX:

COMMENTS: Elizabeth Ann Friou's Contested Case Hearing Request is attached. Thank you.

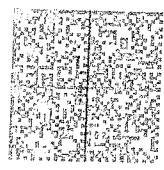
Based on TCEQ rule Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of comments, requests, or withdrawals using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your electronic comments or requests is the time this online system receives your comments or requests. Comments or requests are considered timely if received by 5:00 p.m. CST on the due date.

~~REVIEWED~~
OCT 14 2022
By GCW *HP*

GRAVES DOUGHERTY HEARON & MOODY

A PROFESSIONAL CORPORATION
401 CONGRESS AVENUE
SUITE 2700
AUSTIN, TEXAS 78701-3790

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



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OCT 14 2022
TOLSON CENTER
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GRAVES
DOUGHERTY
HEARON &
MOODY

Natasha J. Martin
512.480.5639
512.536.9939 (fax)
nmartin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

NSK
165848

October 11, 2022

Filed Electronically

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

REVIEWED

OCT 14 2022 H
By GCW

TCEQ OCC

22OCT14 9:59AM

RE: *Request for Contested Case Hearing on Application by Exflur Research Corporation, Exflur Research, Florence, Williamson County; TCEQ Air Quality Permit Number 165848*

Dear Chief Clerk:

Elizabeth Ann Friou (Friou) requests a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 (“Draft Permit”) sought by Applicant Exflur Research Corporation, Exflur Research, Florence, Williamson County (“Exflur”) for the proposed Exflur research facility.

All contact with Elizabeth Ann Friou related to this request should be through her legal counsel:

Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5639
Fax: 512.536.9939
nmartin@gdhm.com

Support for Ms. Friou’s contested case hearing request follows.

I. Elizabeth Ann Friou is an “Affected Person” for Purposes of a Contested Case Hearing due to her Proximity to the Proposed Plant.

Ms. Friou has a significant interest in ensuring that air emissions from Exflur’s operations are safe. She is an Affected Person who will be impacted by the approval of the subject permit as she would be Exflur’s immediate neighbor directly across the street from where their plant would be located on Williamson County Road 236.

Ms. Friou is an Affected Person under 30 Tex. Admin. Code § 55.203. Ms. Friou owns two parcels within one mile of the proposed facility. The first parcel is located at 2100 CR 209, Florence, TX 76527 (“Parcel 1”). The nearest property line for Parcel 1 is only *41 feet* away from Exflur’s property line (0.01 miles). The nearest property line for the second parcel is 1,558 feet away from Exflur’s property line (“Parcel 2”) (0.29 miles). See attached map as *Exhibit 1* showing the location of Parcels 1 and 2. Parcels 1 and 2 consist of approximately 347 acres of land in Williamson County, which are a stone’s throw from the Exflur property. Ms. Friou’s property is well within the 1-mile standard typically used by TCEQ to declare a requestor an Affected Person.

II. Personal Justiciable Interest

Ms. Friou has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application under 30 Tex. Admin. Code § 55.203. Ms. Friou uses Parcels 1 and 2 for ranching operations and will suffer significant losses should the Draft Permit fail to protect her health and her interests. In her earlier comments, Ms. Friou expressed that the Executive Director, through the Draft Permit, has failed to adequately demonstrate that exposure to pollutants from Exflur’s operations would not harm her, her tenants, her ranch employees, her livestock or wildlife. This exposure is especially significant to Ms. Friou because she is asthmatic and suffers from chronic obstructive pulmonary disease (COPD). She has a personal justiciable interest in ensuring that her health and safety, and that of her tenants, employees and animals, will not be adversely impacted.

Ms. Friou has a personal justiciable interest in protecting her safety from a company that is known to not follow the rules. Exflur has a history of non-compliance and exposing the community to extremely dangerous chemicals. Since April 2019, Exflur has repeatedly violated the requirements of its nondomestic wastewater discharge permit at its Round Rock plant.¹ Also concerning, in 2014, Exflur recklessly leaked perfluorosuccinoyl fluoride from its facility, exposed businesses and schools to this harmful chemical, and failed to promptly respond to this emergency upset event as required by law.² Even if the emissions in the Draft Permit are protective, which the ED has not shown they are, the minimal to non-existent monitoring of emissions in the Draft Permit and the lack of a risk management plan, leave no way for Ms. Friou to know whether Exflur is operating in a manner protective of her health or interests if the permit is issued. Also, given this background, there is no guarantee that Exflur will operate in compliance with the Draft Permit, an issue that must be reviewed by a fact finder before any permit is issued.

¹ See North San Gabriel Alliance’s Contested Case Hearing Request filed with the TCEQ dated June 16, 2022, available here:

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=918640472022167&doc_name=2022%2E06%2E16%20NSGA%20Supplemental%20Comments%20%26%20Hearing%20Request%2Epdf

² *Id.*

Additionally, Ms. Friou has a personal justiciable interest in protecting the uses and enjoyment of her property. Ms. Friou personally grazes her horses and works outdoors managing her pasture. She wants to continue to be able to do that without risking her life or the possibly of ending her ranching operations. The ED has not shown that she will continue to be able to use and enjoy her property with a known repeat violator operating across the street. The failure to demonstrate that emissions at Parcels 1 and 2 will be protective, and that Exflur will comply with the permit, without an interruption in the use and enjoyment of her property is grounds for sending the Application to a fact finder.

Ms. Friou meets all the conditions to be named an Affected Person as she has personal justiciable interest not common to members of the general public due to the location of her property, her preexisting health conditions, her economic losses if she can no longer continue ranching, impacts to use and enjoyment of her property, impacts to agriculture and natural resources owned by Ms. Friou (including groundwater). The proposed facility and its related uses stand to significantly alter Ms. Friou's interests.

III. Relevant and Material Disputed Issues.

Ms. Friou seeks a contested case hearing on each issue raised in her written comments,³ oral comments at the public meeting,⁴ and the corresponding responses by the Executive Director in the Response to Comments ("RTC") document issued on September 13, 2022.⁵ Ms. Friou incorporates her written and oral comments, hearing request, and the RTC in full into this contested case hearing request. Ms. Friou raises the following relevant issues within TCEQ's jurisdiction:

1. Whether the emissions in the Draft Permit are safe for human health and safety?
2. Whether the emissions in the Draft Permit are safe for the health and safety of sensitive receptors with preexisting health conditions like asthma or COPD, which Ms. Friou has?
3. Whether the emissions in the Draft Permit are safe for agricultural animals and wildlife?
4. Whether sufficient monitoring and notice requirements are included in the Draft Permit?
5. Whether the Draft Permit interferes with the use and enjoyment of Ms. Friou's property?

³ Written comment and hearing request filed by Elizabeth Ann Friou on June 19, 2022.

⁴ TCEQ Public Meeting, June 16, 2022, available at

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=180414222022168&doc_name=2022%2D06%2D16%2Dexflur%2Dresearch%2Dcorporation%2D165848%2Dpm%2Dformal%2Emp3&type=audio&requesttimeout=5000 (Friou at 2:35).

⁵ Executive Director's Final Decision Letter and Response to Comments dated September 13, 2022, available at https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=680548462022256&doc_name=Ltr%20165848%2Epdf&requesttimeout=5000.

The RTC fails to fully address these issues and to the extent that these issues are addressed, the Executive Director's response is based on disputed issues of fact and law.

Based on these issues and those raised by the North San Gabriel Alliance, which are incorporated herein by reference to the extent not inconsistent, Ms. Friou requests a contested case hearing on grounds that the Draft Permit: is not protective of human health and safety, does not protect sensitive receptors with preexisting health conditions like Ms. Friou's, is not safe for agricultural animals and wildlife, does not contain sufficient monitoring and notice requirements, and interferes with the use and enjoyment of Ms. Friou's property.

Ms. Friou respectfully requests that her contested case hearing request be granted, and for any other relief the Commission may grant Ms. Friou.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

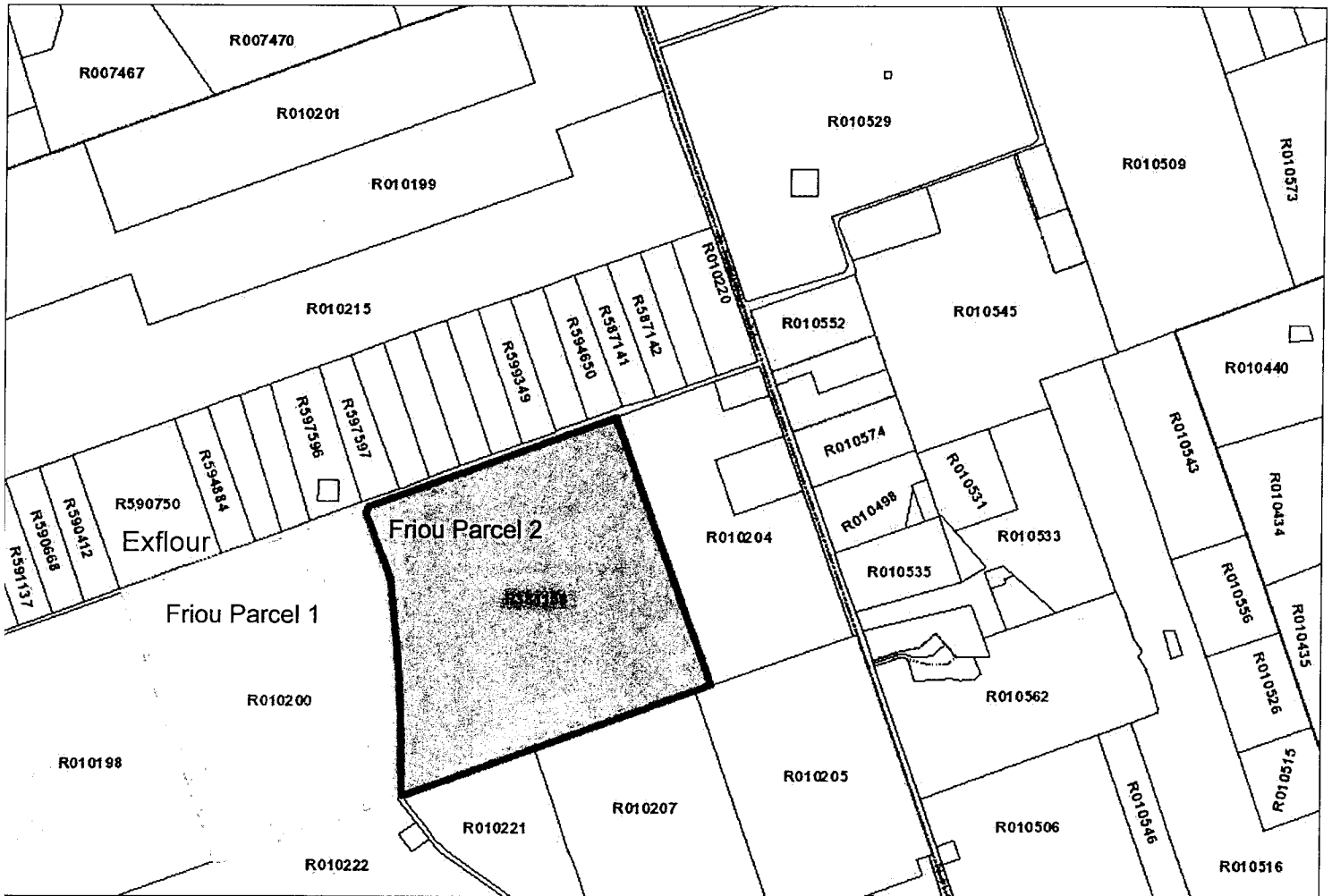
By: /s/Natasha J. Martin

Natasha J. Martin
Texas Bar No. 24083255
401 Congress Ave., Suite 2700
Austin, Texas 78701-3744
Phone: 512 480-5639
Fax: 512 536-9939
nmartin@gdhm.com
ATTORNEY FOR ELIZABETH ANN FRIOU

NJM/mah
Enclosure

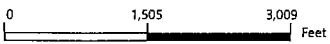
cc: Client

Exhibit 1



Friou Parcels 1 and 2*
Web Print: 10/07/2022

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



*Parcel 1, R010200 and Parcel 2, R381158/Williamson Central Appraisal District

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Molly A. Henderson

From: donotreply@tceq.texas.gov
Sent: Tuesday, October 11, 2022 2:17 PM
To: Molly A. Henderson
Subject: TCEQ Confirmation: Your public comment on Permit Number 165848 was received.
Attachments: Friou Contested Case Hearing Request 10 11 20223.pdf

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Natasha J Martin

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 CONGRESS AVE 2700
AUSTIN TX 78701-4071

PHONE: 5124805793

FAX:

COMMENTS: Elizabeth Ann Friou's Contested Case Hearing Request is attached. Thank you.

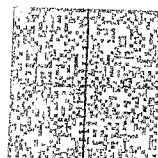
Based on TCEQ rule Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of comments, requests, or withdrawals using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your electronic comments or requests is the time this online system receives your comments or requests. Comments or requests are considered timely if received by 5:00 p.m. CST on the due date.

REVIEWED
OCT 14 2022
By GCW *AP*

GRAVES DOUGHERTY HEARON & MOODY

A PROFESSIONAL CORPORATION
401 CONGRESS AVENUE
SUITE 2700
AUSTIN, TEXAS 78701-3790

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



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10/11/2022 ZIP 78701
DACSMS1224049

TCER OCC

22OCT14 9:4

OCT 14 2022

TXCOM

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, October 11, 2022 2:30 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Friou Contested Case Hearing Request 10 11 20223.pdf

H

From: mhenderson@gdhm.com <mhenderson@gdhm.com>
Sent: Tuesday, October 11, 2022 2:17 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Natasha J Martin

EMAIL: mhenderson@gdhm.com

COMPANY: Graves Dougherty Hearon & Moody

ADDRESS: 401 CONGRESS AVE 2700
AUSTIN TX 78701-4071

PHONE: 5124805793

FAX:

COMMENTS: Elizabeth Ann Friou's Contested Case Hearing Request is attached. Thank you.



Natasha J. Martin
512.480.5639
512.536.9939 (fax)
nmartin@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78767-9998

October 11, 2022

Filed Electronically

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

RE: *Request for Contested Case Hearing on Application by Exflur Research Corporation, Exflur Research, Florence, Williamson County; TCEQ Air Quality Permit Number 165848*

Dear Chief Clerk:

Elizabeth Ann Friou (Friou) requests a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 (“Draft Permit”) sought by Applicant Exflur Research Corporation, Exflur Research, Florence, Williamson County (“Exflur”) for the proposed Exflur research facility.

All contact with Elizabeth Ann Friou related to this request should be through her legal counsel:

Natasha J. Martin
Graves, Dougherty, Hearon & Moody, P.C.
401 Congress Ave., Suite 2700
Austin, TX 78701
Phone: 512.480.5639
Fax: 512.536.9939
nmartin@gdhm.com

Support for Ms. Friou’s contested case hearing request follows.

I. Elizabeth Ann Friou is an “Affected Person” for Purposes of a Contested Case Hearing due to her Proximity to the Proposed Plant.

Ms. Friou has a significant interest in ensuring that air emissions from Exflur’s operations are safe. She is an Affected Person who will be impacted by the approval of the subject permit as she would be Exflur’s immediate neighbor directly across the street from where their plant would be located on Williamson County Road 236.

Ms. Friou is an Affected Person under 30 Tex. Admin. Code § 55.203. Ms. Friou owns two parcels within one mile of the proposed facility. The first parcel is located at 2100 CR 209, Florence, TX 76527 (“Parcel 1”). The nearest property line for Parcel 1 is only *41 feet* away from Exflur’s property line (0.01 miles). The nearest property line for the second parcel is 1,558 feet away from Exflur’s property line (“Parcel 2”) (0.29 miles). See attached map as *Exhibit 1* showing the location of Parcels 1 and 2. Parcels 1 and 2 consist of approximately 347 acres of land in Williamson County, which are a stone’s throw from the Exflur property. Ms. Friou’s property is well within the 1-mile standard typically used by TCEQ to declare a requestor an Affected Person.

II. Personal Justiciable Interest

Ms. Friou has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application under 30 Tex. Admin. Code § 55.203. Ms. Friou uses Parcels 1 and 2 for ranching operations and will suffer significant losses should the Draft Permit fail to protect her health and her interests. In her earlier comments, Ms. Friou expressed that the Executive Director, through the Draft Permit, has failed to adequately demonstrate that exposure to pollutants from Exflur’s operations would not harm her, her tenants, her ranch employees, her livestock or wildlife. This exposure is especially significant to Ms. Friou because she is asthmatic and suffers from chronic obstructive pulmonary disease (COPD). She has a personal justiciable interest in ensuring that her health and safety, and that of her tenants, employees and animals, will not be adversely impacted.

Ms. Friou has a personal justiciable interest in protecting her safety from a company that is known to not follow the rules. Exflur has a history of non-compliance and exposing the community to extremely dangerous chemicals. Since April 2019, Exflur has repeatedly violated the requirements of its nondomestic wastewater discharge permit at its Round Rock plant.¹ Also concerning, in 2014, Exflur recklessly leaked perfluorosuccinoyl fluoride from its facility, exposed businesses and schools to this harmful chemical, and failed to promptly respond to this emergency upset event as required by law.² Even if the emissions in the Draft Permit are protective, which the ED has not shown they are, the minimal to non-existent monitoring of emissions in the Draft Permit and the lack of a risk management plan, leave no way for Ms. Friou to know whether Exflur is operating in a manner protective of her health or interests if the permit is issued. Also, given this background, there is no guarantee that Exflur will operate in compliance with the Draft Permit, an issue that must be reviewed by a fact finder before any permit is issued.

¹ See North San Gabriel Alliance’s Contested Case Hearing Request filed with the TCEQ dated June 16, 2022, available here:

https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=918640472022167&doc_name=2022%2E06%2E16%20NSGA%20Supplemental%20Comments%20%26%20Hearing%20Request%2Epdf

² *Id.*

Additionally, Ms. Friou has a personal justiciable interest in protecting the uses and enjoyment of her property. Ms. Friou personally grazes her horses and works outdoors managing her pasture. She wants to continue to be able to do that without risking her life or the possibly of ending her ranching operations. The ED has not shown that she will continue to be able to use and enjoy her property with a known repeat violator operating across the street. The failure to demonstrate that emissions at Parcels 1 and 2 will be protective, and that Exflur will comply with the permit, without an interruption in the use and enjoyment of her property is grounds for sending the Application to a fact finder.

Ms. Friou meets all the conditions to be named an Affected Person as she has personal justiciable interest not common to members of the general public due to the location of her property, her preexisting health conditions, her economic losses if she can no longer continue ranching, impacts to use and enjoyment of her property, impacts to agriculture and natural resources owned by Ms. Friou (including groundwater). The proposed facility and its related uses stand to significantly alter Ms. Friou's interests.

III. Relevant and Material Disputed Issues.

Ms. Friou seeks a contested case hearing on each issue raised in her written comments,³ oral comments at the public meeting,⁴ and the corresponding responses by the Executive Director in the Response to Comments ("RTC") document issued on September 13, 2022.⁵ Ms. Friou incorporates her written and oral comments, hearing request, and the RTC in full into this contested case hearing request. Ms. Friou raises the following relevant issues within TCEQ's jurisdiction:

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2. Whether the emissions in the Draft Permit are safe for the health and safety of sensitive receptors with preexisting health conditions like asthma or COPD, which Ms. Friou has?
3. Whether the emissions in the Draft Permit are safe for agricultural animals and wildlife?
4. Whether sufficient monitoring and notice requirements are included in the Draft Permit?
5. Whether the Draft Permit interferes with the use and enjoyment of Ms. Friou's property?

³ Written comment and hearing request filed by Elizabeth Ann Friou on June 19, 2022.

⁴ TCEQ Public Meeting, June 16, 2022, available at https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=180414222022168&doc_name=2022%2D06%2D16%2Dexflur%2Dresearch%2Dcorporation%2D165848%2Dpmp%2Dformal%2Emp3&type=audio&requesttimeout=5000 (Friou at 2:35).

⁵ Executive Director's Final Decision Letter and Response to Comments dated September 13, 2022, available at https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=680548462022256&doc_name=Ltr%20165848%2Epdf&requesttimeout=5000.

October 11, 2022

Page 4

The RTC fails to fully address these issues and to the extent that these issues are addressed, the Executive Director's response is based on disputed issues of fact and law.

Based on these issues and those raised by the North San Gabriel Alliance, which are incorporated herein by reference to the extent not inconsistent, Ms. Friou requests a contested case hearing on grounds that the Draft Permit: is not protective of human health and safety, does not protect sensitive receptors with preexisting health conditions like Ms. Friou's, is not safe for agricultural animals and wildlife, does not contain sufficient monitoring and notice requirements, and interferes with the use and enjoyment of Ms. Friou's property.

Ms. Friou respectfully requests that her contested case hearing request be granted, and for any other relief the Commission may grant Ms. Friou.

Thank you for your attention to this matter. Please do not hesitate to call me if you have any questions.

Respectfully submitted,

GRAVES DOUGHERTY HEARON & MOODY, P.C.

By: /s/Natasha J. Martin

Natasha J. Martin

Texas Bar No. 24083255

401 Congress Ave., Suite 2700

Austin, Texas 78701-3744

Phone: 512 480-5639

Fax: 512 536-9939

nmartin@gdhm.com

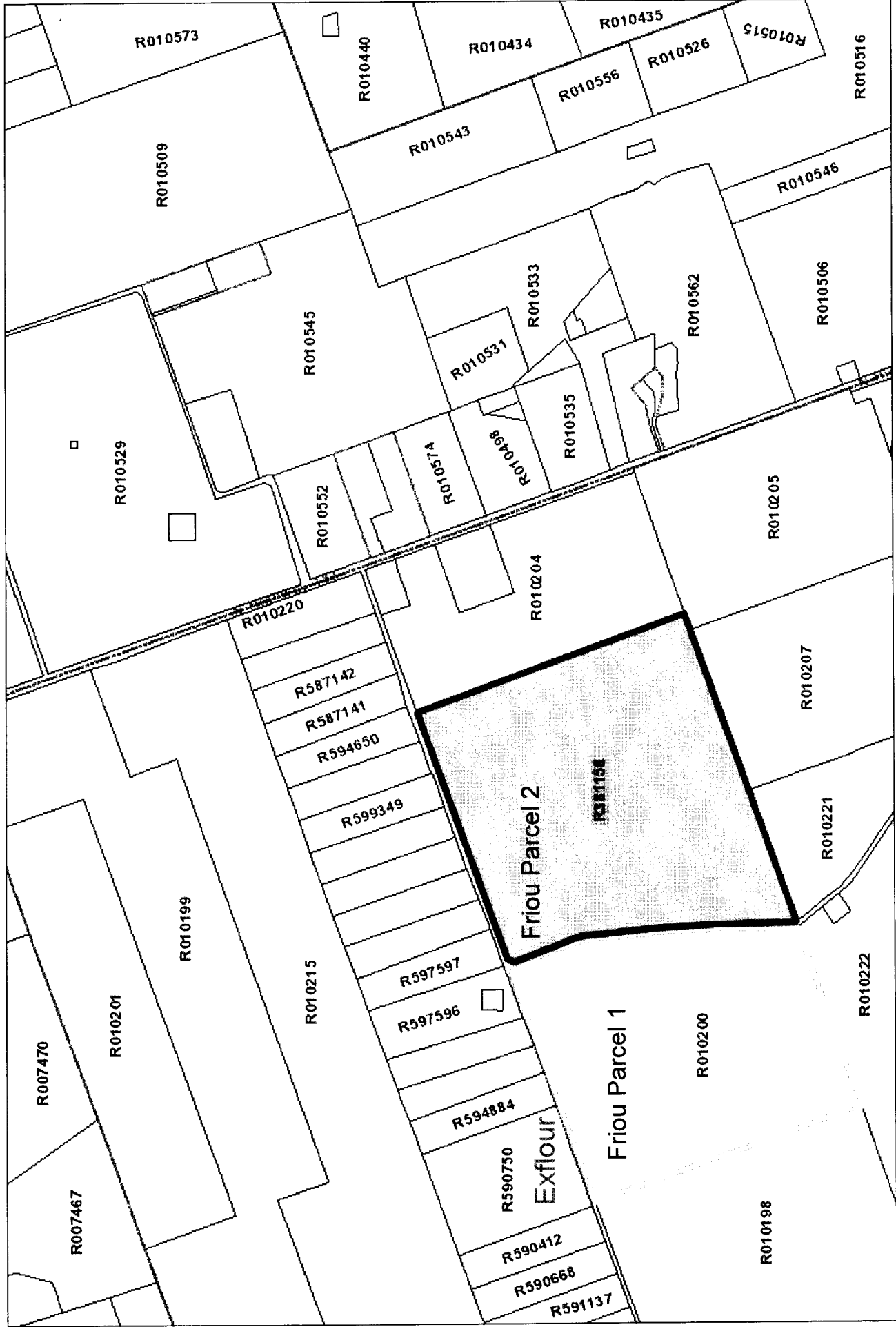
ATTORNEY FOR ELIZABETH ANN FRIOU

NJM/mah

Enclosure

cc: Client

Exhibit 1



Friou Parcels 1 and 2*
 Web Print: 10/07/2022

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 1,505 3,009 Feet

* Parcel 1, R010200 and Parcel 2, R381158/Williamson Central Appraisal District

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Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:34 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Request for a Contested Hearing for Air Permit No. 1658481.docx

H

From: chasomcc@gmail.com <chasomcc@gmail.com>
Sent: Thursday, October 13, 2022 3:24 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Charles McCormick

EMAIL: chasomcc@gmail.com

COMPANY:

ADDRESS: 2035 WOODGLEN DR
ROUND ROCK TX 78681-2605

PHONE: 5123005484

FAX:

COMMENTS: Please see my attached letter requesting a contested case hearing on Exflur's new air permit # 165848

October 13, 2022

To the Office of the Chief Clerk:

My name is Charlie McCormick, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848.

I own 30 acres on CR208 approximately 0.6 miles north of Exflur's proposed chemical plant on CR236.

My comment (#16), stated that Exflur should be required to install an exhaust monitoring system that measures and records emissions in real time, and include threshold alarms that trigger sirens and alert emergency services, so local residents will recognize emergency conditions and know when to evacuate.

In response to my comment, Exflur stated that are required to measure emissions from the thermal oxidizer and scrubber system, by monitoring the temperature and the oxygen concentration in the thermal oxidizer firebox exhaust. They also state that fugitive emissions from components in hydrogen fluoride service will be monitored with the 28AVO program.

Exflur's above response is inadequate for the following reasons:

1. Emission threshold alarms that trigger sirens to alert local residences of dangerous conditions are not addressed.
2. Exflur's response doesn't state whether emission monitoring is electronically recorded in real time, 24 hours per day. Without uneditable electronic emission records, Exflur could be tempted to alter records showing excessive emission to avoid scrutiny and maintain their permit.

Signed:

Charles McCormick
2035 Wood Glen Dr
Round Rock, TX 78681
512-300-5484

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:38 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Request for a Contested Hearing for Air Permit No. 1658483.docx

H

From: chasomcc@gmail.com <chasomcc@gmail.com>
Sent: Thursday, October 13, 2022 4:47 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Charles McCormick

EMAIL: chasomcc@gmail.com

COMPANY:

ADDRESS: 440 W PLEASANTVIEW DR Hurst
HURST TX 76054-3504

PHONE: 5123005490

FAX:

COMMENTS: Please see attached letter.

October 13, 2022

To the Office of the Chief Clerk:

My name is Charles Ely McCormick, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848.

I own 5 acres on CR208 approximately 0.6 miles north of Exflur's proposed chemical plant on CR236.

I love the land my family gave me and we all enjoy spending time on my property. I am concerned that the air emissions from the proposed Exflur facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events.

Signed:

Charles Ely McCormick
440 W PLEASANTVIEW DR
HURST, TX 76054
512-300-5490

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, June 21, 2022 10:29 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

From: chasomcc@gmail.com <chasomcc@gmail.com>
Sent: Monday, June 20, 2022 4:10 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Charles McCormick

EMAIL: chasomcc@gmail.com

COMPANY:

ADDRESS: 1059 COUNTY ROAD 208
FLORENCE TX 76527-4226

PHONE: 5123005484

FAX:

COMMENTS: Real-Time Toxic Exhaust Monitoring System Needs to be Installed Although Exflur's anticipated toxic emissions are consider well within TCEQ acceptable levels, due to the 3 points listed below, Exflur should be required to install a toxic exhaust metering system that measures and records real-time toxic emissions. The real-time toxic emission measurements should be accessible to the public via the web and should include threshold alarms that trigger local sirens and also alerts emergency services. Primary reasons for the above requirement: 1. The extreme toxicity to

local life and the environment in the event of a catastrophic release of hydrogen fluoride (HF) into the outside air. In the event of such a HF release, if there is moisture in the air, i.e., high humidity or rain, the air would be saturated with hydrofluoric acid which would severely burn anyone in the area. 2. Exfluor's requirement to self-report large escapes of toxic gases is doubtful at best. In fact, Exfluor is highly incentivized to ignore toxic gas escapes to keep the facility out of the spotlight, and to avoid potential TCEQ penalties. 3. Without an automatic alarm system, local residents will be unable to promptly recognize emergency conditions and know when to evacuate. The above comment is from Charlie McCormick who owns land about a half mile north of Exfluor's planned site on Williamson County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:36 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Request for a Contested Hearing for Air Permit No. 1658484.docx

H

From: erin.mccormick90@gmail.com <erin.mccormick90@gmail.com>
Sent: Thursday, October 13, 2022 5:05 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Erin McCormick

EMAIL: erin.mccormick90@gmail.com

COMPANY:

ADDRESS: 19926 PARK HOLW
SAN ANTONIO TX 78259-1924

PHONE: 2108545380

FAX:

COMMENTS: Please see attached

October 13, 2022
Erin McCormick
1050 CR 2508
Florence, TX 78259

RE: Request for Contested Case Hearing on Application by Exflur Research Corporation Permit Number 165848

Dear Chief Clerk,

I, Erin McCormick, request a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 sought by Exflur Research Corporation for the proposed facility at 1100 County Road 236, Florence, TX 76527.

I am an Affected Person for Purposes of a Contested Case Hearing who will be impacted by the approval of the proposed permit due to the Proximity of my land to the Proposed Plant. I own one tracts of land within .60 mile of the Exflur plant;. (see attached map) Because of the proximity, and my hypersensitivity to chemicals in my environment, I have a justiciable interest in ensuring that my health and safety will not be adversely impacted by any emissions from the proposed Exflur plant.

If the applicant obtains the air permit and fails to protect my health and interests, I could be irreparably harmed. I suffer from idiopathic anaphylaxis which can be triggered by insignificant levels of chemicals in my environment.

Due to my own lifelong migraine condition that is by triggered chemical emissions. I believe that Exflur's history has established that they do not place a priority on community health, are not fazed by violations of their permit limits, and do not respond timely or properly to emissions events.

Further, I am aghast that Exflur informed my cousin, Elizabeth Williams, that one of their reasons for constructing a new facility at 1100 County Road 236 was because of their concern that PFOA and HF emission and discharge regulations are soon to be tightened, and that they believed PFOA and HF scrutiny of their municipal Round Rock facility might impact their production plans. By implication, a rural facility would not be under the same level of scrutiny and might not face consequences from emissions or discharge issues. Imagine the impact on my health as well as my fiancés children who suffer with autism being the recipients of these unallowable toxic emissions.

Exflur's prior incident: When Exflur leaked toxic gas at approximately 8:15 am Thursday, September 18, 2014, the employees at Christianson Air Conditioning and Plumbing, next door to Exflur, made the initial call to 9-1-1 after workers there complained of difficulty breathing.

Their lung damage due to the chemical exposure has not been released to the public or by a pulmonologist. The children in Cedar Ridge High School, 1,000 feet from the Exflur plant, were locked down when the leak began until the leak was moderately contained in the factory building around 4:00 pm.

Please do not approve the Exflur air permit 165848 application, due to this is a residential area with families, a recreational area where people are active outdoors and play in the river. The air pollution will become soil and surface water pollution, and eventually ground water pollution and river runoff pollution. These acids and forever chemicals would affect the region for decades.

For these reasons I request that the TCEQ Commissioners grant a contested case hearing regarding pending air permit 165848.

Sincerely,
Erin McCormick
19926 Park Hollow
San Antonio, TX 78259
210 854 5380

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:37 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Erin McCormick Request for Contested Case Hearing 10-13-2022.docx

H

From: erin.mccormick90@gmail.com <erin.mccormick90@gmail.com>
Sent: Thursday, October 13, 2022 4:49 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Erin McCormick

EMAIL: erin.mccormick90@gmail.com

COMPANY:

ADDRESS: 1250 COUNTY ROAD 208
FLORENCE TX 76527-4628

PHONE: 5129050421

FAX:

COMMENTS: See attached letter

Erin McCormick
1050 CR 2508
Florence, TX 76527

Laurie Gharis, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

RE: Request for Contested Case Hearing on Application by Exflur Research Corporation Permit Number 165848

Dear Chief Clerk,

I, Erin McCormick, request a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 sought by Exflur Research Corporation for the proposed facility at 1100 County Road 236, Florence, TX 76527.

I am an Affected Person for Purposes of a Contested Case Hearing who will be impacted by the approval of the proposed permit due to the Proximity of my land to the Proposed Plant. I own one tracts of land within .60 mile of the Exflur plant;. (see attached map) Because of the proximity, and my hypersensitivity to chemicals in my environment, I have a justiciable interest in ensuring that my health and safety will not be adversely impacted by any emissions from the proposed Exflur plant.

If the applicant obtains the air permit and fails to protect my health and interests, I could be irreparably harmed. I suffer from idiopathic anaphylaxis which can be triggered by insignificant levels of chemicals in my environment.

Due to my own lifelong migraine condition that is by triggered chemical emissions.

I believe that Exflur's history has established that they do not place a priority on community health, are not fazed by violations of their permit limits, and do not respond timely or properly to emissions events.

Further, I am aghast that Exflur informed my cousin, Elizabeth Williams, that one of their reasons for constructing a new facility at 1100 County Road 236 was because of their concern that PFOA and HF emission and discharge regulations are soon to be tightened, and that they believed PFOA and HF scrutiny of their municipal Round Rock facility might impact their production plans. By implication, a rural facility would not be under the same level of scrutiny and might not face consequences from emissions or discharge issues. Imagine the impact on my health as well as my fiancés children who suffer with autism being the recipients of these unallowable toxic emissions.

Exflur's prior incident: When Exflur leaked toxic gas at approximately 8:15 am Thursday, September 18, 2014, the employees at Christianson Air Conditioning and Plumbing, next door to Exflur, made the initial call to 9-1-1 after workers there complained of difficulty breathing. Their lung damage due to the chemical exposure has not been released to the public or by a pulmonologist. The children in Cedar Ridge High School, 1,000 feet from the Exflur plant, were locked down when the leak began until the leak was moderately contained in the factory building around 4:00 pm.

Please do not approve the Exflur air permit 165848 application, due to this is a residential area with families, a recreational area where people are active outdoors and play in the river. The air pollution will become soil and surface water pollution, and eventually ground water pollution and river runoff pollution. These acids and forever chemicals would affect the region for decades.

For these reasons I request that the TCEQ Commissioners grant a contested case hearing regarding pending air permit 165848.

Sincerely,
Erin McCormick

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:37 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: Request for a Contested Hearing for Air Permit No. 1658483.docx

H

From: chasomcc@gmail.com <chasomcc@gmail.com>
Sent: Thursday, October 13, 2022 4:52 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Joyce McCormick

EMAIL: chasomcc@gmail.com

COMPANY:

ADDRESS: 2301 OHLEN RD
AUSTIN TX 78757-7758

PHONE: 5129091420

FAX:

COMMENTS: Please see attached letter

October 13, 2022

To the Office of the Chief Clerk:

My name is Joyce McCormick, and I request a contested case hearing on Exflor Research Corporation's Application for a New Air Permit No. 165848.

I own 7 acres on CR208 approximately 0.6 miles north of Exflor's proposed chemical plant on CR236.

I love the land my family gave me and we all enjoy spending time on our property. I am concerned that the air emissions from the proposed Exflor facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events.

Signed:

Joyce McCormick

2301 Ohlen Rd

Austin, TX 78757

512-909-1420

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:36 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: jimmy.nicholasmccormick@gmail.com <jimmy.nicholasmccormick@gmail.com>
Sent: Thursday, October 13, 2022 4:57 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Nickolas McCormilc

EMAIL: jimmy.nicholasmccormick@gmail.com

COMPANY:

ADDRESS: 1050 COUNTY ROAD 208
FLORENCE TX 76527-4277

PHONE: 5129091965

FAX:

COMMENTS: Nick McCormick 1050 CR 2508 Florence, TX 76527 Laurie Gharis, Chief Clerk TCEQ, MC-105 PO Box 13087 Austin, TX 78711-3087 RE: Request for Contested Case Hearing on Application by Exflur Research Corporation Permit Number 165848 Dear Chief Clerk, I, Nickolas McCormick, request a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 sought by Exflur Research Corporation for the proposed facility at 1100 County Road 236, Florence, TX 76527. I am an Affected Person for Purposes of a Contested Case Hearing who will be impacted by the

approval of the proposed permit due to the Proximity of my land to the Proposed Plant. I own one tracts of land within .60 mile of the Exfluor plant;. (see attached map) Because of the proximity, and my hypersensitivity to chemicals in my environment, I have a justiciable interest in ensuring that my health and safety will not be adversely impacted by any emissions from the proposed Exfluor plant. If the applicant obtains the air permit and fails to protect my health and interests, I could be irreparably harmed. I suffer from idiopathic anaphylaxis which can be triggered by insignificant levels of chemicals in my environment. Due to my own lifelong migraine condition that is by triggered chemical emissions. I believe that Exfluor's history has established that they do not place a priority on community health, are not fazed by violations of their permit limits, and do not respond timely or properly to emissions events. Further, I am aghast that Exfluor informed my cousin, Elizabeth Williams, that one of their reasons for constructing a new facility at 1100 County Road 236 was because of their concern that PFOA and HF emission and discharge regulations are soon to be tightened, and that they believed PFOA and HF scrutiny of their municipal Round Rock facility might impact their production plans. By implication, a rural facility would not be under the same level of scrutiny and might not face consequences from emissions or discharge issues. Imagine the impact on my health as well as my fiancés children who suffer with autism being the recipients of these unallowable toxic emissions. Exfluor's prior incident: When Exfluor leaked toxic gas at approximately 8:15 am Thursday, September 18, 2014, the employees at Christianson Air Conditioning and Plumbing, next door to Exfluor, made the initial call to 9-1-1 after workers there complained of difficulty breathing. Their lung damage due to the chemical exposure has not been released to the public or by a pulmonologist. The children in Cedar Ridge High School, 1,000 feet from the Exfluor plant, were locked down when the leak began until the leak was moderately contained in the factory building around 4:00 pm. Please do not approve the Exfluor air permit 165848 application, due to this is a residential area with families, a recreational area where people are active outdoors and play in the river. The air pollution will become soil and surface water pollution, and eventually ground water pollution and river runoff pollution. These acids and forever chemicals would affect the region for decades. For these reasons I request that the TCEQ Commissioners grant a contested case hearing regarding pending air permit 165848. Sincerely, Nickolas McCormick

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, April 5, 2022 8:09 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

RFR

From: twmcdaniel@hotmail.com <twmcdaniel@hotmail.com>
Sent: Monday, April 4, 2022 3:56 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: TX

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Timothy McDaniel

EMAIL: twmcdaniel@hotmail.com

COMPANY:

ADDRESS: 1800 COUNTY ROAD 208
FLORENCE TX 76527-4235

PHONE: 5125639431

FAX:

COMMENTS: Please reconsider the permit for EXFLUOR RESEARCH. It is beyond my comprehension how a state agency charged with protecting the environment and citizens of Texas could approve this permit for this location. I live near here, as do many others. Please do your job and put the health and welfare of the people of Texas ahead of those who would harm our environment and quality of life. There is no justifiable reason for locating a chemical plant so close to residences, livestock, wildlife, rivers, pastures, and especially our children.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, April 5, 2022 8:24 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

RFR

From: Karen.milone@cnxcorp.com <Karen.milone@cnxcorp.com>
Sent: Monday, April 4, 2022 11:28 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Karen Milone

EMAIL: Karen.milone@cnxcorp.com

COMPANY:

ADDRESS: 208 N HAVEN DR
LIBERTY HILL TX 78642-2387

PHONE: 3127311578

FAX:

COMMENTS: Please do not allow this company to build a plant near, let alone right next to a residential community. This is horrible. This should not be allowed. What thought is given to people's rights when these types of facilities are built within communities and neighborhoods? Please reconsider. Think of the health and safety of Liberty Hill, the famines and children who live in the area. I am six mikes away and yet I'm still highly concerned. We could even be impacted if

there was some type of accident at the plant and we don't live next door. We just moved to the area and thought we were moving to an area with clean, country air.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, June 22, 2022 7:27 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

H

From: theplan@swbell.net <thepan@swbell.net>
Sent: Tuesday, June 21, 2022 5:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Henry Mulvihill

EMAIL: thepan@swbell.net

COMPANY:

ADDRESS: PO BOX 831945
RICHARDSON TX 75083-1945

PHONE: 2147702571

FAX:

COMMENTS: We are not a BUFFER. We are PEOPLE who own land near the proposed site. We request a contested case hearing. We are appalled by the below exchange which happened at the 6-16-2022 public meeting. -- "I just have to wonder why, why would you go through all that trouble? Why would you not build in an industrial park?" Henry Mulvihill asked during the Q&A portion of the meeting referencing the permitting process and vocal opposition of the last few months. -- The crowd applauded loudly before Exflur executives could answer. -- "It felt like the responsible

thing to do, because of the business that we're in, is to locate ourselves in an area where there's a buffer between us and population centers," Kevin Bierschenk, the head of production for Exfluor, said. -- Most of the crowd laughed or booed in response. -- <https://www.northsangabrielalliance.org/kvue-s-recent-news-coverage-neighbors-frustrated-with-answers-after-questioning-permit-for-new-chemical-facility-in-rural-williamson-county>

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Tuesday, March 29, 2022 10:46 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: SAN GABRIEL WATERSHED .pdf

NSR
124292

From: theplan@swbell.net <theplan@swbell.net>
Sent: Monday, March 28, 2022 6:01 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH
RN NUMBER: RN110969227
PERMIT NUMBER: 165848
DOCKET NUMBER:
COUNTY: WILLIAMSON
PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION
CN NUMBER: CN602696791

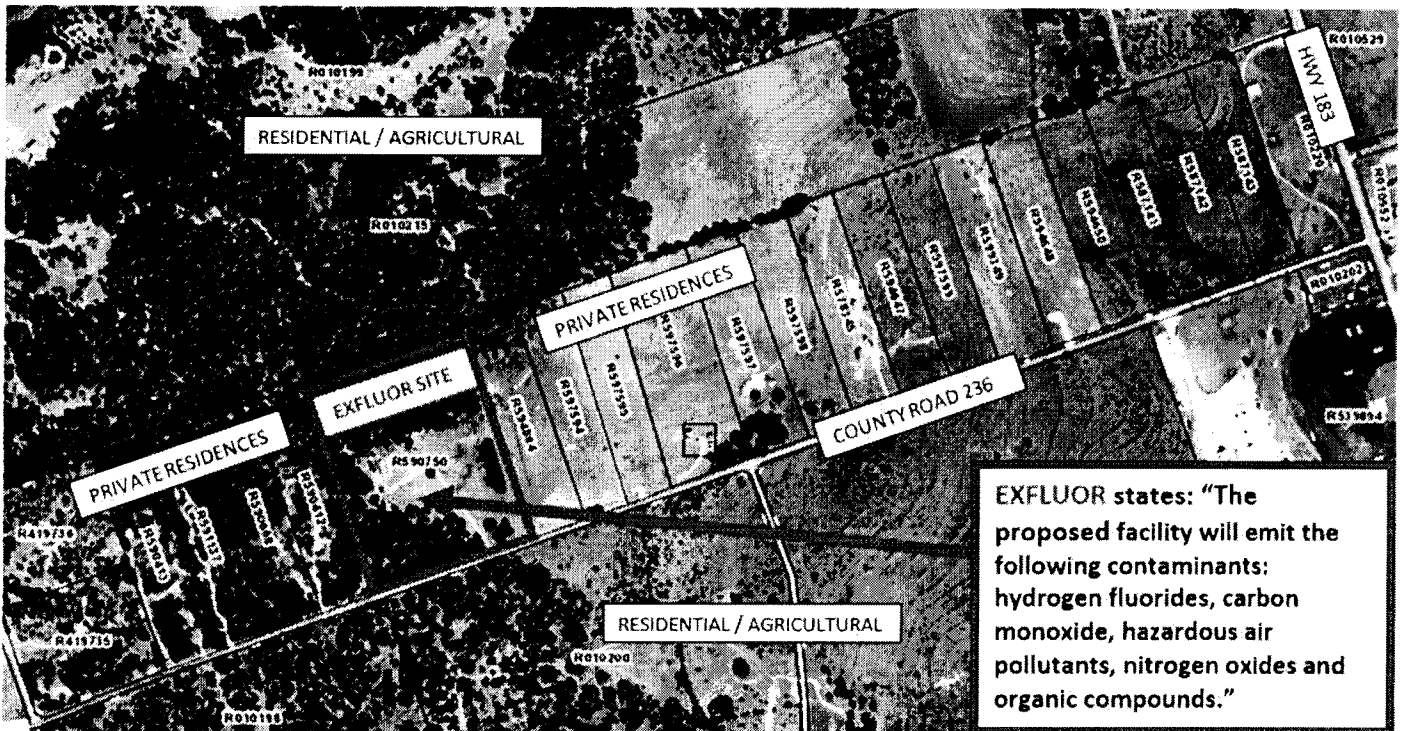
FROM
NAME: Henry N Mulvihill, JR
E-MAIL: theplan@swbell.net
COMPANY:

ADDRESS: PO BOX 831945
RICHARDSON TX 75083-1945
PHONE: 2147702571

FAX:

COMMENTS: As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. The pending Exflur Research Corporation location on County Road 236 is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and

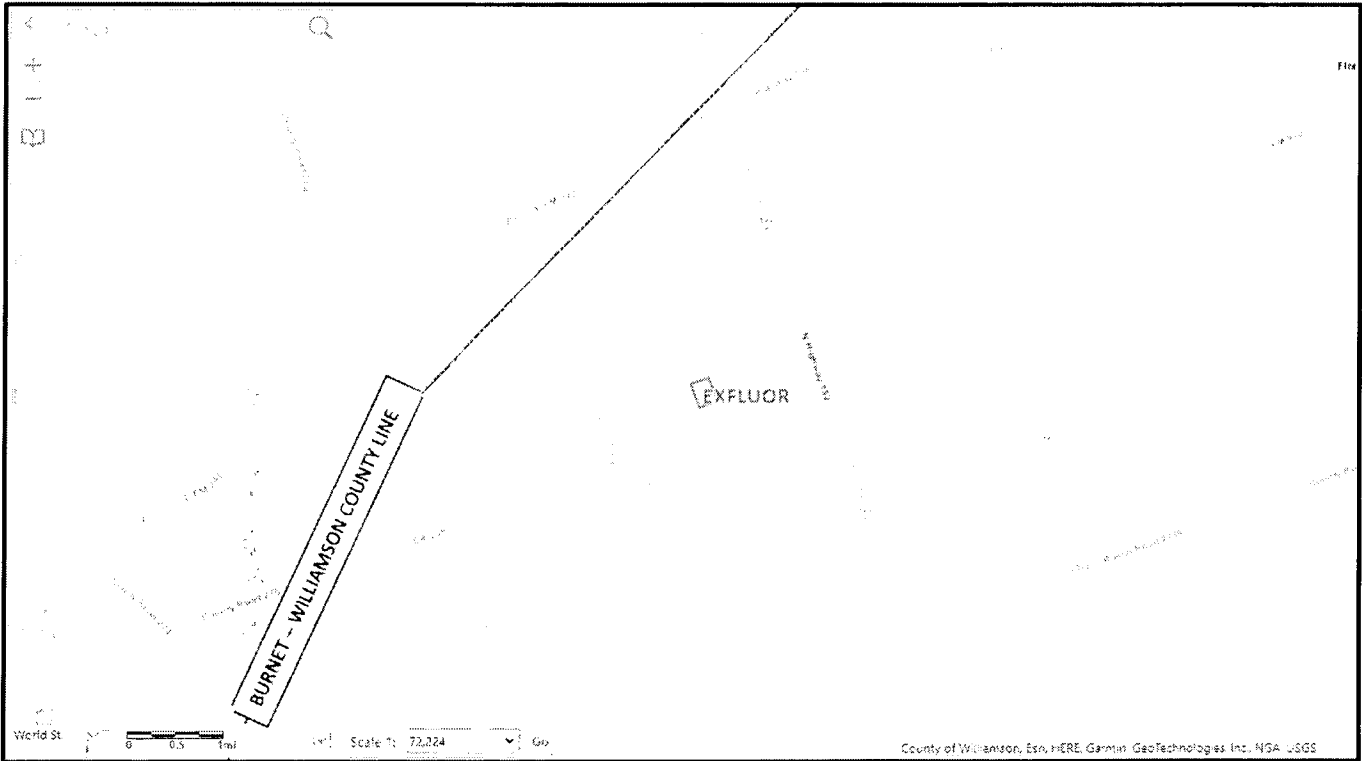
wildlife conservation areas. The North Fork of the San Gabriel River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflor Research Corporation chemical manufacturing facility on County Road 236.



EXFLUOR states: "The proposed facility will emit the following contaminants: hydrogen fluorides, carbon monoxide, hazardous air pollutants, nitrogen oxides and organic compounds."

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EXFLUOR RESEARCH CORPORATION

1100 County Road 236

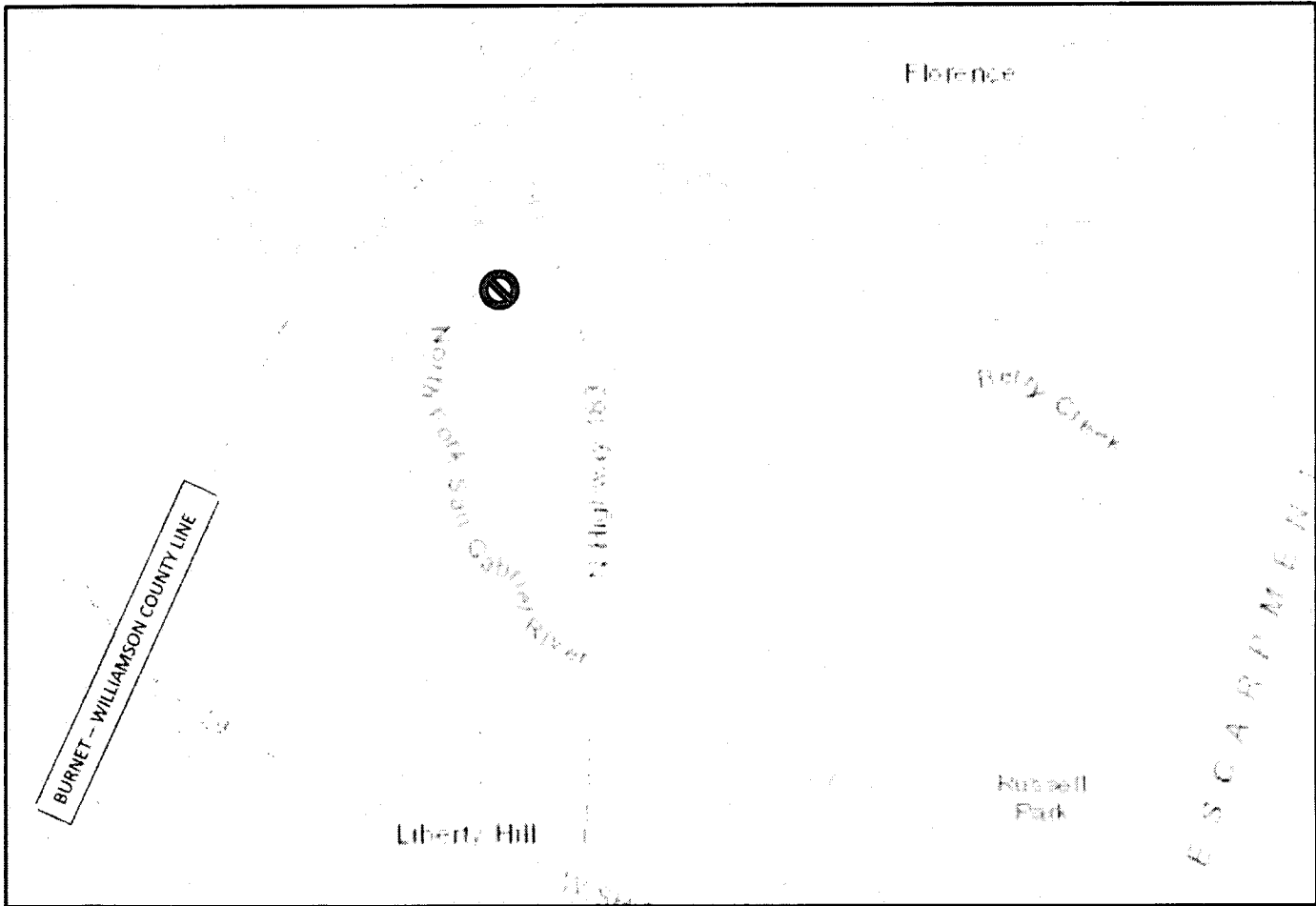
Florence, Williamson County, Texas, 76527

This is the postal address. The site is approximately 8.8 miles from Florence, TX.

These are the Google Maps coordinates:

30°47'27.4"N 97°54'14.6"W

30.790949, -97.904066



Florence

Catawba River

Highway 183

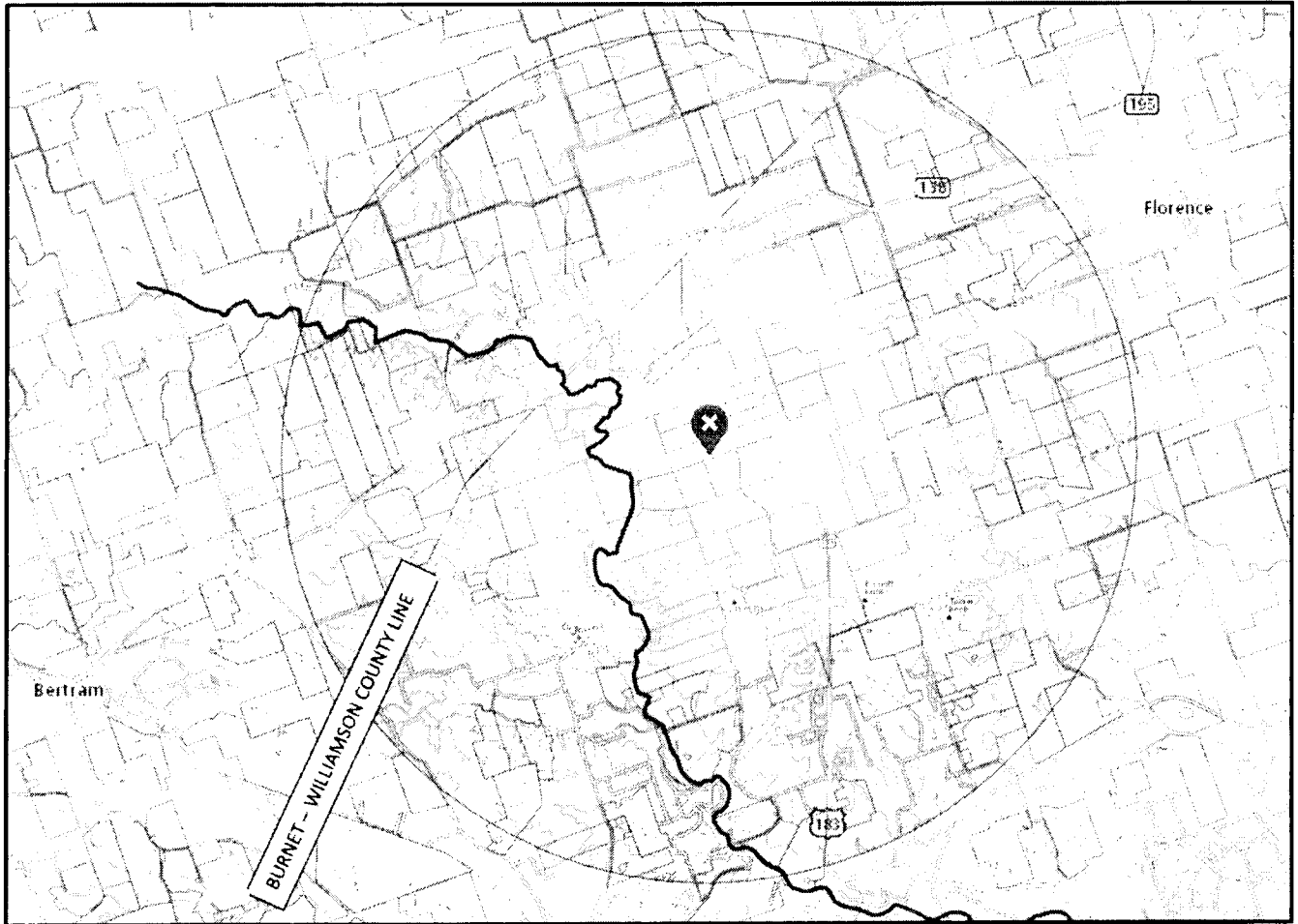
Rocky Creek

ESCARPMENT

Russell Park

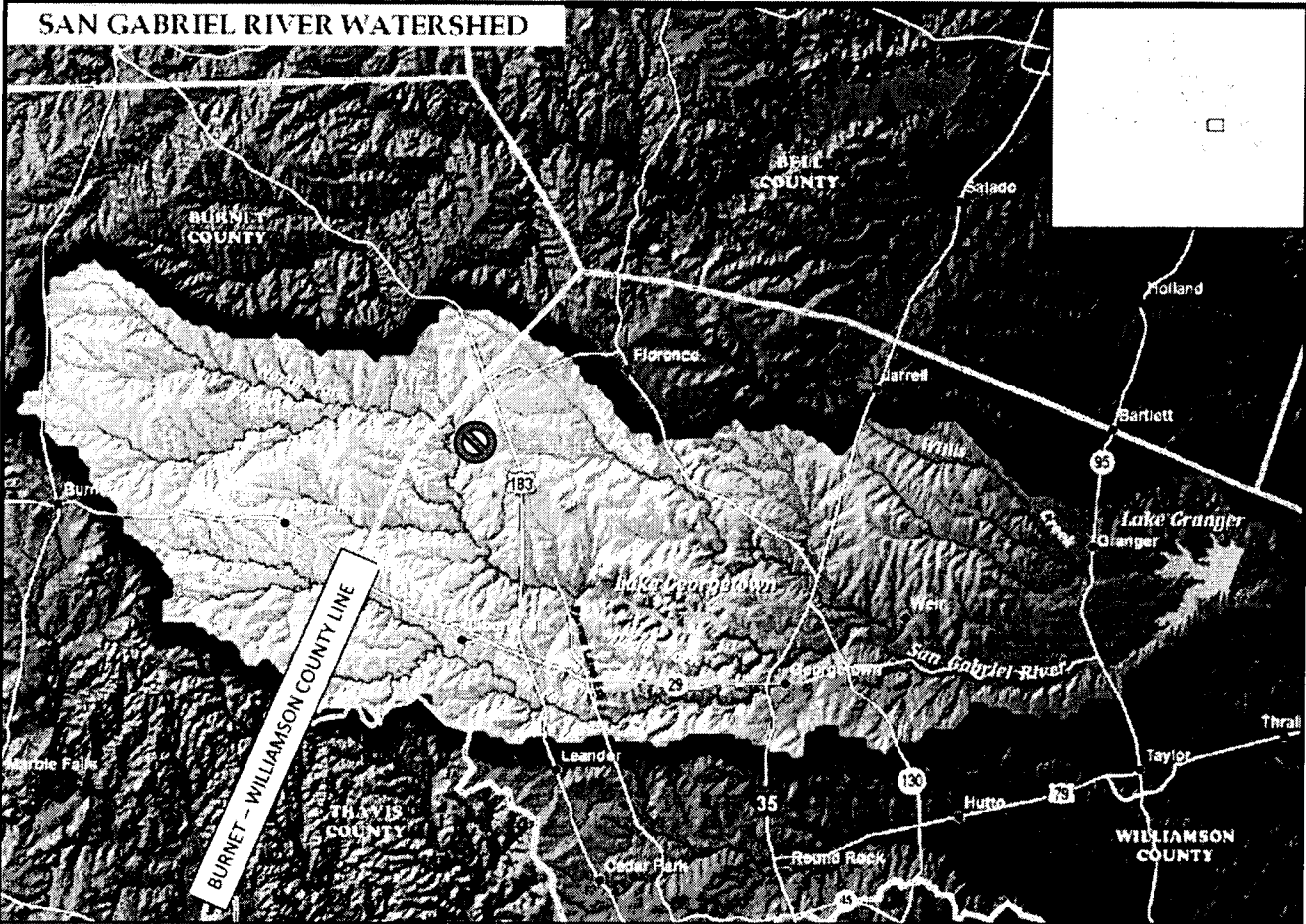
Liberty Hill

BURNET - WILLIAMSON COUNTY LINE



North Fork of the San Gabriel River area. EXFLUOR site marked by pin.
3-mile and 6-mile radius circles shown.

SAN GABRIEL RIVER WATERSHED

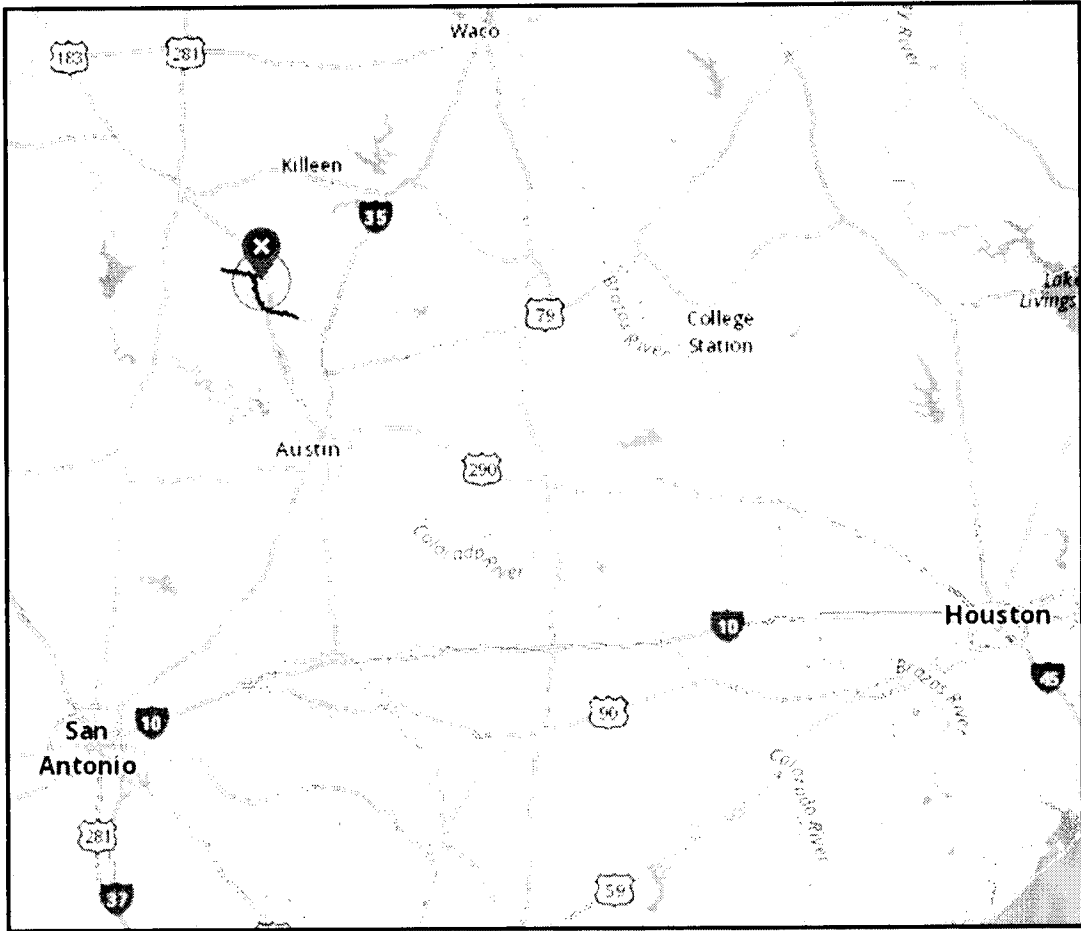


Prepared by
**Brazos
River
Authority**

Water Quality Control of San Gabriel EGR With 1:1 Relief of 2010-Sep-23.kvw



Source: National Elevation Dataset, USGS



Discharge into the North San Gabriel River flows into Lake Georgetown, Granger Lake, the Brazos River, and the Gulf of Mexico.



*Take
Action Now!*



Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:37 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: PATRICIA MULVIHILL Request for a Contested Case Hearing 10-13-2022.pdf

H

From: patmulv@swbell.net <patmulv@swbell.net>
Sent: Thursday, October 13, 2022 4:51 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Patricia McCormick Mulvihill

EMAIL: patmulv@swbell.net

COMPANY:

ADDRESS: 8 LUNDYS LN
RICHARDSON TX 75080-2343

PHONE: 2147702581

FAX:

COMMENTS: PATRICIA MULVIHILL Request for a Contested Case Hearing 10-13-2022 - attached.

October 13, 2022

Laurie Gharis, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

RE: Request for Contested Case Hearing on Application by Exflour Research Corporation Permit Number 165848

To the Office of the Chief Clerk:

I, Patricia McCormick Mulvihill, urgently request a Contested Case Hearing regarding Exflour Research Corporation's Application for a New Air Permit No. 165848.

I am an Affected Person for Purposes of a Contested Case Hearing who will be impacted by the approval of the proposed permit due to my health conditions, and the Proximity of my land to the Proposed Chemical Plant. I am Co-Trustee for the 31-acre parcel owned by my children's trust, located at 1050 County Road 208. This location is .65 miles (less than a mile) due north of the proposed Exflour specialty chemical manufacturing site.

I underwent a double mastectomy on June 1, 2022. I am now in a fight to survive cancer. I am extremely sensitive to airborne environmental risks. I also have extreme early onset osteoarthritis which started in 2004.

Because of the proximity, and my hypersensitivity to chemicals in my environment, I have a justiciable interest in ensuring that my health and safety will not be adversely impacted by any emissions from the proposed Exflour plant.

My family and guests frequently use this property for nature walks, wildlife observation, bird watching, outdoor recreation and exercise, rest and relaxation, and mental health retreats. I intend in the next year to build a residence home to be used in retirement. This home site has been planned for many years but will not be possible if threatened by toxic chemicals. My current and future use will be impacted by adverse air quality and the danger that going outside could expose me and my family members and guests to harmful chemical pollutants.

This land has been in my family since 1852, just 7 years after Texas was formed. Our Ranch was recognized by the State of Texas as a Century Texas Ranch in 1993. This land is in a 100-year Trust so that my Children, Grandchildren and Great Grandchildren will have a place in nature given to them by blood, sweat and tears of their Great Great Grandparents. We have saying in our family "Eat Dirt, Go Naked, But You Never Sell YOUR Land". My ancestors have done just that, and we intend to do the same. Having a Chemical Plant just .65 miles from my land will ruin it forever. These are Forever Chemicals. Even if these chemicals are disbursed in the "allowable quantities the TECQ permits" the buildup of the Chemicals over the years will make the water, vegetation, wildlife, and air toxic!

Liberty Hill, one of the fastest growing communities in Texas, is only 8.7 miles from the Exflour site. It is well known these PFAS chemicals travel through the air much farther than that. Are you really going to allow this chemical plant with its toxic air discharge to risk the health and lives of all the children and their families moving to this beautiful new growing community?

These chemicals are likely to be outlawed in the next few years. Exflour has already admitted that they are trying to get their new plant built and grandfathered in before the new laws are passed. Exflour has admitted in a public meeting that they need to build this plant away from a heavy population area because they need a "Buffer Zone" for their air pollutants. WE and the residents of Liberty Hill are NOT their "Buffer Zone"! I am begging you to please deny the air quality permit or at the least grant us a Contested Case Hearing.

Patricia McCormick Mulvihill

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, April 1, 2022 1:01 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: patmulv@swbell.net <patmulv@swbell.net>
Sent: Friday, April 1, 2022 10:36 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Patricia Mulvihill

EMAIL: patmulv@swbell.net

COMPANY: North San Gabriel Alliance

ADDRESS: 8 LUNDYS LN
RICHARDSON TX 75080-2343

PHONE: 2147702581

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. This pending Exflur Research Corporation is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel River runs

through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:42 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: joejpacheco@gmail.com <joejpacheco@gmail.com>
Sent: Wednesday, October 12, 2022 8:58 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Joe J Pacheco

EMAIL: joejpacheco@gmail.com

COMPANY:

ADDRESS: 201 COWBOY TRL
LIBERTY HILL TX 78642-3954

PHONE: 5126582191

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. I live at 201 Cowboy Trail, Liberty Hill, TX. I am concerned that the air emissions from the proposed Exflur facility will negatively impact my community and property and harm my family's health, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and travel to nearby properties and into our

community's groundwater, contaminating water well with rain events. Joe Pacheco 201 Cowboy Trail, Liberty Hill, TX
78642 512-658-2191

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, June 15, 2022 9:01 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

PM

From: joejpacheco@gmail.com <joejpacheco@gmail.com>
Sent: Tuesday, June 14, 2022 12:11 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Joe J Pacheco

EMAIL: joejpacheco@gmail.com

COMPANY:

ADDRESS: 201 COWBOY TRL
LIBERTY HILL TX 78642-3954

PHONE: 5126582191

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exfluor Research Corporation on Williamson County Road 236. This pending Exfluor Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exfluor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:43 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: Topher.peyton@gmail.com <Topher.peyton@gmail.com>
Sent: Wednesday, October 12, 2022 11:41 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Chris Peyton

EMAIL: Topher.peyton@gmail.com

COMPANY:

ADDRESS: 121 NIGHT BLOOM PATH
LIBERTY HILL TX 78642-2365

PHONE: 7148782942

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: My name is Chris Peyton, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. I own land where I live with my family as my primary residence at 121 Night Bloom Path in Liberty Hill. I estimate that my property is about 14 miles from the Exflur property, along the San Gabriel where they plan to dump wastewater. We have young children who enjoy playing outside regularly and elderly family members who regularly enjoy sitting outside and watching the birds,

deer and other wildlife. We also garden and enjoy eating and sharing fresh vegetables from our garden with our community. I am concerned that the air emissions from the proposed Exfluor facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events. Our Texas land is so beautiful and we are blessed to enjoy it. Please don't contaminate it with toxic forever chemicals. Signed: Chris Peyton 121 Night Bloom Path Liberty Hill, TX 79642 518-951-8662

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 13, 2022 2:37 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: Topher.peyton@gmail.com <Topher.peyton@gmail.com>
Sent: Wednesday, April 13, 2022 2:03 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Chris Peyton

EMAIL: Topher.peyton@gmail.com

COMPANY:

ADDRESS: 132 KRUPP AVE
LIBERTY HILL TX 78642-4476

PHONE: 7148782942

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. This pending Exflur Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exfluor Research Corporation chemical manufacturing facility on County Road 236.

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 13, 2022 2:35 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: Topher.peyton@gmail.com <Topher.peyton@gmail.com>
Sent: Wednesday, April 13, 2022 12:08 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Chris Peyton

EMAIL: Topher.peyton@gmail.com

COMPANY:

ADDRESS: 132 KRUPP AVE
LIBERTY HILL TX 78642-4476

PHONE: 7148782942

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. This pending Exflur Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, October 12, 2022 2:43 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: reneerisingsun@gmail.com <reneerisingsun@gmail.com>
Sent: Wednesday, October 12, 2022 11:37 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Renee Peyton

EMAIL: reneerisingsun@gmail.com

COMPANY:

ADDRESS: 121 NIGHT BLOOM PATH
LIBERTY HILL TX 78642-2365

PHONE: 5189518662

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: My name is Renee Peyton, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. I own land where I live with my family as my primary residence at 121 Night Bloom Path in Liberty Hill. I estimate that my property is about 14 miles from the Exflur property, along the San Gabriel where they plan to dump wastewater. We have young children who enjoy playing outside regularly and elderly family members who regularly enjoy sitting outside and watching the

birds, deer and other wildlife. We also garden and enjoy eating and sharing fresh vegetables from our garden with our community. I am concerned that the air emissions from the proposed Exfluor facility will reach my property and be harmful to the health of my family, especially the very young and the very old. I am also concerned that the emissions will contain dangerous chemicals that will contaminate the land and local waterways and will travel to our property and into our groundwater, contaminating our water well, with rain events. Our Texas land is so beautiful and we are blessed to enjoy it. Please don't contaminate it with toxic forever chemicals. Signed: Renee Peyton 121 Night Bloom Path Liberty Hill, TX 79642 518-951-8662

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, April 13, 2022 9:18 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: reneerisingsun@gmail.com <reneerisingsun@gmail.com>
Sent: Wednesday, April 13, 2022 7:52 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Renee Peyton

EMAIL: reneerisingsun@gmail.com

COMPANY:

ADDRESS: 132 KRUPP AVE
LIBERTY HILL TX 78642-4476

PHONE: 5189518662

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. This pending Exflur Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exfluor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, June 21, 2022 8:27 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

RFR

From: jccspies@gmail.com <jccspies@gmail.com>
Sent: Monday, June 20, 2022 10:33 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: MS Jennifer Spies

EMAIL: jccspies@gmail.com

COMPANY:

ADDRESS: 8907 RUSTIC CV
AUSTIN TX 78717-4853

PHONE: 9562867123

FAX:

COMMENTS: PFAS are currently unregulated compounds but they will be in the very new future. EPAs revised lifetime Health Advisory's limits for drinking water (DW) were released on 15 June 2022 and were extremely strict such that current laboratories using Method 537.1 can't meet the sensitivity for PFOS/PFOA. This is an indication of how toxic these chemicals are in DW (causing various cancers, reproductive issues, birth defects, etc.) and we are still learning about the 1,000's of different PFAS compounds that exist, and how they behave in the environment! With PFAS issues at

Cape Fear, NC and the well known Dupont plant in Parkersburg, WV, there have already been studies to prove that PFAS in air is extremely toxic in minute amounts spreads great distances from the source and Texas wind direction varies throughout the year so the impact will be felt in a larger area. I understand that your Team ran models to project exposure zones but these chemicals have been found to spread 25+ miles yet it doesn't seem that TCEQ's model accounted for more than a few miles from the plant. 1. Will the exposure zone be re-evaluated especially when the chemicals become regulated by EPA? 2. What standards is TCEQ holding Exflour to and how were those standards generated based on the limited research/info available for these emerging contaminants? How were these developed? 3. Sampling stack emissions requires specialized sampling equipment to be placed inside the stack by qualified personnel and then tested using the appropriate test for the suspected contaminants. Is Exflour using this specialized equipment to collect representative samples? Is an independent party collecting these samples? 4. Are they monitoring for total PFAS or individual compounds? 5. What air method is used to monitor for PFAS and how frequent are they monitored? 6. What is Exflour using to scrub the PFAS chemicals from air, if found? 7. How effective are these filters to scrub and how often are they changed? How are the filters stored/disposed of? 8. When is the public notified that a release has occurred and how? With the proposed area for this plant being an "Attainment Area" meaning their emission standards are less restrictive than if they were in the City which is usually classified as a "non-attainment area", it's clear why Exflour selected this area for their plant. If Exflour were in a Non-Attainment Area", at least then EPA would be monitoring them closely and require a State Implementation Plan (SIP) to detail steps necessary to achieve the standards. I'm not sure if PFAS is included in the SIP yet or it will be once its regulated? Nevertheless, the location of the proposed plant is a sensitive area with many long time residences who are all on well water that could be impacted, as well as wildlife, springs, and it is in the contributing zone of the Edwards Aquifer which contributes to surface water to recharge the Edwards Aquifer that serves over 1.7 million people. Any emissions of PFAS can cause soil infiltration which accumulates or leaches into groundwater. The North Fork San Gabriel River is downstream and flows into Lake Georgetown, Lake Granger, Brazos River and into the Gulf of Mexico which may also be impacted from air emissions. The city of Georgetown and city of Round Rock obtain drinking water from Lake Georgetown, and many other municipalities use Lake Georgetown as a drinking water resource! I live near the Round Rock facility and am not thrilled of learning about their existence well after the fact but am willing to speak up to object to the air permit for this plant out in Florence mainly because of my concerns of their use/manufacturing of PFAS chemicals and how little we know about PFAS in air and how this can impact so many lives near and far, if approved. Please reconsider and deny Exflours air permit. Thank you for your consideration in this extremely important topic. Jennifer Spies

NSR
124292

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Wednesday, September 28, 2022 2:31 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: slthurman1951@gmail.com <slthurman1951@gmail.com>
Sent: Wednesday, September 28, 2022 12:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Sandra Lee Thurman

EMAIL: slthurman1951@gmail.com

COMPANY:

ADDRESS: 190 COUNTY ROAD 208
FLORENCE TX 76527-4472

PHONE: 5129135207

FAX:

COMMENTS: My name is Sandra L Thurman and my address is 190 County Road 208, Florence, TX 76527. Daytime Phone: 512-913-5207 or 512-778-9110. This is reference to TCEQ Permit# 165848. I request a Contested Case Hearing. I disagree with the Executive Director's Response to Public Comment 5 – Air Quality/Health Effects: The likelihood of whether adverse health effects caused by emissions from the facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was

determined by comparing the facility's maximum predicted air dispersion modeling concentrations to the relevant state and federal standards and ESLs. TCEQ staff used modeling results to verify that predicted ground-level concentrations from the proposed facility are not likely to adversely impact public health and welfare. My Husband and I live .28 miles from the proposed site of Exflur Research Corporation. You could say they are nearly in our back yard. Can you honestly guarantee me that it won't affect us or anyone else in this community? Please deny their permit because I fear that on hot days or any days when the wind is blowing toward the West that we will have to endure emissions of air contaminants from Exflur. My Husband and I are over 70 years old and already have allergies that cause respiratory issues. Now you want us to have to live with Exflur's emissions of air contaminants. It's not right to let Exflur come into our Community and jeopardize our health with emissions of air contaminants and disrupt our lives. Please do the right thing and disapprove TCEQ's Air Permit# 165848. Thank you for your time and consideration. God Bless

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Friday, April 8, 2022 9:49 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: slthurman1951@gmail.com <slthurman1951@gmail.com>
Sent: Thursday, April 7, 2022 10:06 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Sandra Lee Thurman

EMAIL: slthurman1951@gmail.com

COMPANY:

ADDRESS: 190 COUNTY ROAD 208
FLORENCE TX 76527-4472

PHONE: 5129135207

FAX:

COMMENTS: As a resident being .28 miles from this proposed sight and as a member of the South San Gabriel Alliance my husband and I are requesting the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflur Research Corporation chemical manufacturing facility on County Road 236. If approved, this air quality permit would allow Exflur Research Corporation to begin construction of this chemical manufacturing facility in northwest Williamson County, Texas. Exflur Research

Corporation uses fluorine gas to convert hydrocarbons to fluorocarbons. In the Notice for this proposed facility Exflor states: "The proposed facility will emit the following contaminants: hydrogen fluorides, carbon monoxide, hazardous air pollutants, nitrogen oxides and organic compounds." The manufacturing process is dangerous and has produced documented leaks of hydrofluoric acid and other chemical products at other facilities. These chemicals are often referred to as "forever chemicals" because they do not degrade in nature. The pending Exflor Research Corporation location on County Road 236 is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Exflor Research Corporation has already obtained a wastewater discharge permit, which would drain into the North Fork of the San Gabriel River. We understand that Exflor manufactures fluorocarbons for NASA and the United States Air Force, among other important end users. However, Exflor should locate this new manufacturing facility in an existing chemical manufacturing area, NOT adjoining family homes in the residential, agricultural, scenic, and natural area of the North Fork of the San Gabriel River. Texas Commission on Environmental Quality (TCEQ) and Exflor Research Corporation have the opportunity to do the right thing and RESCIND the preliminary decision and DENY the draft air permit for the County Road 236 location. In addition, TCEQ and other regulators must withdraw and deny other permits for this chemical manufacturing facility, and other polluters and abusers of the North San Gabriel River area. Please do the right thing. This community's fate is in TCEQ's hands. Thank you and God Bless you to do the right thing.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Tuesday, June 21, 2022 10:33 AM
To: PUBCOMMENT-APD; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number 165848

H

From: brittdvarner@gmail.com <brittdvarner@gmail.com>
Sent: Monday, June 20, 2022 1:13 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Brittany D Varner

EMAIL: brittdvarner@gmail.com

COMPANY:

ADDRESS: PO BOX 1532
LIBERTY HILL TX 78642-1532

PHONE: 5613395432

FAX:

COMMENTS: My name is Brittany Varner. I am the owner of 870 CR 236 which is exactly .4 miles/ 2,112 feet/ a seven minute walk/ or a 2 minute horseback ride from the pending Exfluor Research Corporation location on CR 236. Hopefully this puts into perspective just how close I am to this pending toxic chemical plant. If that data didn't put a clear enough picture in your mind, imagine sitting on your back porch drinking your morning coffee, enjoying the sight of your horses grazing in the pasture, to then have that entire moment whipped away by a semi truck driving by carrying out toxic

chemicals. With that, I am writing today expressing my sincerest concerns to oppose the air quality permit 165848 and requesting a "contested hearing". Exflour Research Corporation cheated the system! They saw an opportunity to purchase residential land in an up and coming area to save themselves money. This is not an industrial area. Exflour Research Corporation should be required to purchase and build on designated industrial land like all other million dollar companies. Allowing them to build this facility in a non industrial area will only be the beginning! Once other companies catch wind of this story and the work around they discovered there is no telling who will be next to build next door to these 150+ family residences, historical farms, ranches, homes, water recreation areas, agricultural lands, and wildlife conservation areas. Sadly, Exflour has already begun chasing out our neighbors. Just in the past 2 months, 2 families that purchased land from the same person Tom Bierschenk (Vice President of Exflour Research Corporation) and I purchased from, have both put their land/ future home up for sale in fear of this proposed facility. During the public hearing, multiple families shared how they have been owners of land within miles of this location for generations. Although I have not owned this land for generations, I purchased this land with intent to begin that tradition for my family. Two years ago, my family and I purchased 2 tracks (Lot 12 and 13) from Stewart Pate [Side note: Stewart had already sold and approved Tom Bierschenk for "light industrial/ manufacturing use". During the purchase process we reviewed the deed restrictions and were under the assumption that we were all set to abide by the same restrictions and nowhere in those did it state "light industrial/ manufacturing use". What we did see was very stringent requirements around: site built homes, distance requirements of homes off property line, and no modular homes older than 2014 were allowed. So, you can imagine our shock when we found out about this chemical plant...2 years later.] For the last 2 years, My husband and I planned and started to build our future here. We sold our home, bought an RV, and began to slowly but surely build our dream. We wanted to build a future for us and our daughter, so we could also be generation land owners. Now, we fear and question our decision completely. How do we knowingly put our child, our elderly parents, farm animals, and future generations at risk of being around air and water pollution from the hazardous chemical processing plant walking distance from our front door? Then we realized.. we have no choice. We have no choice but to live here whether this chemical plant is built or not. When Exflour depletes the water supply, we will have to drill a new well (if that's even an option). When Exflour has a catastrophic event, my family and I will be within evacuation distance of this horrific place. Which also leads to the issue of our small town not having the proper infrastructure and emergency teams in place to help my family or others close by in these situations. This is not Round Rock (yet). During the April public hearing and the recent June public meeting, the Exflour representatives (Kevin and Tom Bierschenk) responded to most questions and concerns with "I don't know" or "I am not sure". How would anyone with concerns that involve their health accept that type of response? Have they not been running a similar facility in Round Rock? If so, they would be able to respond with fact based responses to all questions and concerns from our community, but they can't. On an email chain, with Tom Bierschenk and myself, he referred to our land as "our quiet neighborhood". A slap in the face considering his plans for "our quiet neighborhood". This comment also proves our community's serious concern that they are moving out to "the middle of nowhere" in "our quiet neighborhood" in order to avoid peering eyes and to avoid getting caught when their facility leaks. Put yourself in our shoes: Would you or your family want to live next door to this facility? Can you without a doubt say that my family and I will never experience long or short term health conditions due to this facility? Do you know how long it will take until these forever chemicals pollute our water supply? I sincerely appreciate the time you have taken to review my questions and concerns. My hope is that with this letter you will host a "contested hearing" for our community to advocate for our land and future generations. Thank you, Brittany Varner

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, April 14, 2022 8:33 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

PM

From: Brittdvarner@gmail.com <Brittdvarner@gmail.com>
Sent: Wednesday, April 13, 2022 8:15 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Brittany D Varner

EMAIL: Brittdvarner@gmail.com

COMPANY:

ADDRESS: PO BOX 1532
LIBERTY HILL TX 78642-1532

PHONE: 5613395432

FAX:

COMMENTS: I am opposed to air quality permit 165848 and requesting a "public meeting." As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. This pending Exflur Research Corporation location is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel

River runs through the area, and downstream to Lake Georgetown and Lake Granger, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, October 13, 2022 2:26 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: haroldwardlaw@gmail.com <haroldwardlaw@gmail.com>
Sent: Thursday, October 13, 2022 1:19 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Harold Wardlaw

EMAIL: haroldwardlaw@gmail.com

COMPANY:

ADDRESS: 19910 PARK RNCH
SAN ANTONIO TX 78259-1934

PHONE: 2106435793

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: My name is Harold Charles Wardlaw, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. I own an interest in the McCormick Ranch FLP at 1050 CR 208, FLORENCE, TX 76527 which is about 9/10th of a mile from the proposed Exflur site as well as a 30 acre parcel just across CR 306.. I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on

Williamson County Road 236. The pending Exflour Research Corporation location on County Road 236. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainage. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exflour Facility. This ranch has been in our family since 1852 and is kept for recreational and residential purposes. We use currently use the land for raising cattle and exotic game as well as the hunting of deer and wild turkey. All of the wild game uses the entire area for foraging and will be exposed to the chemicals released from the proposed plant. Especially wild turkey which fly over the entire area will be exposed to the hazardous chemicals from the plant. The eating of the meat from the game would expose us to the hazardous chemicals as well as exposure by touching the skin of the game animal.. I am concerned about the air emissions from the proposed Exflour plant. I am especially concerned about the Executive Director's Response to Public Comment where he approves the release of 130% of the ESL of hydrogen fluoride and 195% of the ESL of fluorine gas based on the Exflour models. According to the TCEQ letter, 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, How is it responsible for the TCEQ to approve a permit for a facility that by its own models is expecting to release a higher concentration. Not to mention accidental releases. Thank you for your consideration of my request for a contested case hearing. Signed: Harold Charles Wardlaw 19910 Park Ranch San Antonio, Texas 78259 Phone Number: 210-643-5793

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Thursday, March 31, 2022 9:07 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: HaroldWardlaw@gmail.com <HaroldWardlaw@gmail.com>
Sent: Thursday, March 31, 2022 6:55 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Harold C Wardlaw

EMAIL: Harold.Wardlaw@gmail.com

COMPANY:

ADDRESS: 19910 PARK RNCH
SAN ANTONIO TX 78259-1934

PHONE: 2106435793

FAX:

COMMENTS: As a member of NORTH SAN GABRIEL ALLIANCE, I firmly believe that there is great risk of air and water pollution from the hazardous chemical processing plant under development by Exflur Research Corporation on Williamson County Road 236. The pending Exflur Research Corporation location on County Road 236 is surrounded by 150+ family residences, including historical farms, ranches, and homes, water recreation areas, agricultural lands, and wildlife conservation areas. The North Fork of the San Gabriel River runs through the area, and downstream to Lake

Georgetown and Granger Lake, then into the Brazos River and on to the Gulf of Mexico. The City of Georgetown and the City of Round Rock obtain drinking water from Lake Georgetown. Toxic chemical pollution from such a facility could permanently affect people, homes, land, and agriculture nearby, as well as downstream in the river drainages. Such a facility should not be located anywhere in the area of the North Fork of the San Gabriel River. This rural area is primarily residential, agricultural, and widely used for recreation activities. This is not an industrial area. I call upon the Texas Commission on Environmental Quality (TCEQ) to RESCIND its preliminary decision and DENY the draft air quality permit for the announced Exfluor Research Corporation chemical manufacturing facility on County Road 236.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Thursday, October 13, 2022 2:25 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: PEGGYWARDLAW@HOTMAIL.COM <PEGGYWARDLAW@HOTMAIL.COM>
Sent: Thursday, October 13, 2022 1:09 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: PEGGY McCormick WARDLAW

EMAIL: PEGGYWARDLAW@HOTMAIL.COM

COMPANY:

ADDRESS: 19910 PARK RNCH
SAN ANTONIO TX 78259-1934

PHONE: 2103866601

FAX:

COMMENTS: October 12, 2022 To the Office of the Chief Clerk: My name is Margaret Peggy McCormick Wardlaw, and I request a contested case hearing on Exflur Research Corporation's Application for a New Air Permit No. 165848. I own an interest in the McCormick Ranch FLP at 1050 CR 208, FLORENCE, TX 76527 which is about 9/10th of a mile from the proposed Exflur site as well as a 30 acre parcel just across CR 306.. This ranch has been in our family since 1852 and is kept for recreational and residential purposes. We use currently use the land for raising cattle and exotic game as well as

the hunting of deer and wild turkey. All of the wild game uses the entire area for foraging and will be exposed to the chemicals released from the proposed plant. Especially wild turkey which fly over the entire area will be exposed to the hazardous chemicals from the plant. The eating of the meat from the game would expose us to the hazardous chemicals as well as exposure by touching the skin of the game animal.. We enjoy spending time outdoors at the ranch and our grandchildren play outside on the grass. As a 70 year old adult and my very young grandchildren I am concerned about the air emissions from the proposed Exflour plant. I am especially concerned about the Executive Director's Response to Public Comment where he approves the release of 130% of the ESL of hydrogen fluoride and 195% of the ESL of fluorine gas based on the Exflour models. According to the TCEQ letter, 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, How is it responsible for the TCEQ to approve a permit for a facility that by its own models is expecting to release a higher concentration. Not to mention accidental releases. I am also concerned that the chemical storage in two buildings has not been considered since the drums need to be moved from one facility to the other and the gas released from a tank during the transfer have not been considered. I am also concerned that in the event of a large rain event the proposed pond will overflow and contaminate our groundwater or the river close by. Thank you for your consideration of my request for a contested case hearing. Signed: Margaret Peggy Anne McCormick Wardlaw (Peggy McCormick Wardlaw) 19910 Park Ranch San Antonio, Texas 78259 Phone Number: 210-386-6601

16

TCEQ Registration Form

June 16, 2022

Exflur Research Corporation Proposed Air Quality Permit No. 165848

PLEASE PRINT

Name: PEGGY WARDLAW - PE

Mailing Address: 19910 PARK RANCH

Physical Address (if different): _____

City/State: SAN ANTONIO, TX Zip: 78259

This information is subject to public disclosure under the Texas Public Information Act

Email: Peggywardlaw@hotmail.com

Phone Number: (210) 386-6601

• Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list.

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

Please give this form to the person at the information table. Thank you.

Debbie Zachary

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:33 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

H

From: swshubert@gmail.com <swshubert@gmail.com>
Sent: Thursday, October 13, 2022 3:22 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Shannon White-Shubert

EMAIL: swshubert@gmail.com

COMPANY:

ADDRESS: 3404 CORTINA LN
ROUND ROCK TX 78681-2417

PHONE: 5126339481

FAX:

COMMENTS: I request a contested case hearing. My name is Shannon White-Shubert, 3404 Cortina Lane, Round Rock, Texas 78681, (512)487-5976 home phone or (512)633-9481 cell. My husband, Mike, and I own 12 beautiful acres located at 1500 CR 236 in Florence, Williamson County, Texas. Our property is located 1,086 feet downhill and to the west of Exflur Research Corporation's property where the proposed "specialty chemical manufacturing facility" will be located. I strongly disagree with the executive director's decision to approve NSR Permit no. 165848 for Exflur Research

Corporation. I also request reconsideration of the executive director's decision. My husband, Mike and I are "affected persons." This request is made for myself and my husband, Mike, as owners of the property located at 1500 CR 236, Florence, Texas. We are concerned for our health and the health of our pets, our bees and our beautiful trees. We strongly believe that there are critical health and environmental concerns associated with Exflur's proposed "specialty manufacturing chemical facility." The land we purchased in January of 2020 was a part of the 259.78 acres donated to the Texas A&M Foundation by Dr. Richard A. Box, a lifelong Aggie. The land was surveyed into 22 tracts consisting of 10-18 acres. It was sold by County Road 236 Investments, LLC and marketed as "ranches" with an agricultural exemption in place. Two years later we were shocked to find out that three of the tracts were sold to Exflur Research Corporation and that they were granted permission from County Road 236 Investments, LLC to build a "specialty chemical manufacturing facility." A "specialty chemical manufacturing facility" does NOT belong in a rural community of single family residential/agricultural properties where there will be less regulation and oversight. This is a serious moral and ethical issue. How the Texas A&M Foundation allowed this to happen is beyond me. It should be noted that Dr. Box is also an "affected person" as he lives in the area. NONE of my neighbors who purchased from County Road 236 Investments, LLC would have purchased their property if they had known about the proposed chemical plant. We all feel deceived. This is fraud. "Fraud consists of some deceitful practice or willful device resorted to with intent to deprive another of his right." We also firmly believe that this particular "use" for Exflur's property conflicts with Paragraph 1.10 - the Nuisance paragraph in our Restrictions. Per US Legal a nuisance is "a substantial interference with the right to use and enjoy land, which may be intentional, negligent or ultra-hazardous in origin, and must be a result of the defendant's activity." Ultra-hazardous is the key here. Some of the chemicals Exflur works with are perfluorocarbons; they are called "forever chemicals" due to the fact that they are extremely stable. They do not break down in the environment. Their life cycles can last from 10K to 50K years! Forever chemicals have been in the news a lot recently which makes me ask why is this permit even being considered for approval given the hazardous nature of forever chemicals? Per the Williamson County Appraisal District there are seven properties raising bees in this community (including us). Potentially, this means that as many as 70 hives will be exposed to Exflur's evaporation pond which will not be covered. We cannot risk this. It is most certain that our honey will be contaminated. In addition, County Road 236, Florence, the location itself, is not equipped to serve industrial or chemical manufacturing needs because the utilities in this rural area are unreliable and scarce. There is inadequate water and no sewer available. All nearby properties use well water. There is no natural gas available. Power outages are common in this area. And the most serious issue is that we do not have a fire department or an emergency response team nearby that can handle the type of Hazardous Materials that Exflur works with or manufactures. This rural community is not equipped for a "specialty chemical manufacturing facility." The nearest fire department is a volunteer fire department in Andice (population 25). The nearest Level 1 Trauma Center is 40 miles away. The nearest Level 2 Trauma Center is 25 miles away. I firmly believe that building a "specialty chemical manufacturing facility" in a rural community like Florence is a very serious moral and ethical issue. I believe it is simply ludicrous that anyone would ignore our concerns. Again, we strongly believe that there are critical health and environmental concerns associated with Exflur's proposed "specialty chemical manufacturing facility" risking toxic gas releases and chemical spills, as well as 24/7 manufacturing activities. Please do the right thing for the residents, our animals and the livestock in our community and do not approve this permit.

TCEQ Registration Form

June 16, 2022

Exflur Research Corporation Proposed Air Quality Permit No. 165848

PLEASE PRINT

Name: Shannon White-Shubert

Mailing Address: 3404 Cortina Ln.

Physical Address (if different): _____

City/State: Round Rock Zip: 78681

****This information is subject to public disclosure under the Texas Public Information Act****

Email: swshubert@gmail.com

Phone Number: (512) 477-5976

- Are you here today representing a municipality, legislator, agency, or group? Yes No

If yes, which one? _____

Please add me to the mailing list.

JUN 16 2022

I wish to provide formal *ORAL COMMENTS* at tonight's public meeting.

I wish to provide formal *WRITTEN COMMENTS* at tonight's public meeting.

(Written comments may be submitted at any time during the meeting)

I believe I've said every thing I can on your website.
Please, please, please DO NOT APPROVE THIS.
Sorry so shaking my hands are shaking.
Please give this form to the person at the information table. Thank you.

Melissa Schmidt

From: PUBCOMMENT-OCC
Sent: Friday, May 13, 2022 3:25 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: swshubert@gmail.com <swshubert@gmail.com>
Sent: Thursday, May 12, 2022 4:23 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Shannon White-Shubert

EMAIL: swshubert@gmail.com

COMPANY:

ADDRESS: 3404 CORTINA LN
ROUND ROCK TX 78681-2417

PHONE: 5124875976

FAX:

COMMENTS: Continued... Part 3 After Exfluror purchased their 36.07-acre tract NO ONE was informed, either verbally or written, with any type of disclosure concerning Exfluror's plans to build a "specialty chemical manufacturing facility" nearby. County Road 236 Investments sold five additional properties prior to closing on our Lot # 1 on 01/31/2020. A few neighbors, including us, were told about the plans for a plant nursery on the lots near Highway 183. We were told that the only lot which had any special restrictions was Lot # 1 (ours). No one was informed that Exfluror was given any

special permissions. Specifically, we and a few other property owners also asked if all the CCRs were the same. And everyone was reassured that only Lot # 1 had Special or different restrictions. Up until a month ago no one knew that County Road 236 Investments gave anyone permission to use their property for light industrial/manufacturing uses. Exflur's CCR (which is not attached to their Warranty Deed) is the only CCR among all of the properties sold by County Road 236 Investments that includes light industrial/manufacturing uses. As I previously stated, Exflur's CCR is the only CCR that includes light industrial/manufacturing uses. It is my understanding that CCRs are basically considered the rules among a community and that they are like contracts between private parties that can be enforced in court. I also understand that, primarily, CCRs are used to maintain property values. Every single CCR in this community specifically states that they are for "the purpose of carrying out a uniform plan." I do not understand – how the CCRs written for Exflur carry out a uniform plan if Exflur is allowed to use their property for light industrial/manufacturing uses. This is a major conflict within our CCRs as they were written for Exflur. A "specialty chemical manufacturing facility" does not belong in a rural community of Single Family Residential/Agricultural properties. Also, I do not understand how the CCRs will protect anyone's property value if a "specialty chemical manufacturing facility" is allowed to be built here. This is another major conflict within the CCRs as they were written for Exflur. No property values will be maintained if a "specialty chemical manufacturing facility" is allowed to be built here. In fact, the neighbors we have spoken to unanimously agree that they would have never purchased their property if they had known that a "specialty chemical manufacturing facility" would be built nearby. We agree completely. My neighbors and I firmly believe that this particular "use" for Exflur's property conflicts with Paragraph 1.10 - the Nuisance paragraph. This paragraph addresses "Nuisances: No noxious, noisy, offensive, undesirable, unlawful or immoral activity shall be conducted on any tract, nor shall anything be done or permitted to be done thereon which may be or become a nuisance or annoyance to the owners of adjacent tracts. Any determination by the Declarant that an activity is noxious, noisy, offensive, undesirable or immoral shall be final and binding on all parties." Per US Legal a nuisance is "a substantial interference with the right to use and enjoy land, which may be intentional, negligent or ultra-hazardous in origin, and must be a result of defendant's activity." Ultra-hazardous is the key here. Some of the chemicals Exflur works with are perfluorocarbons; they are called "forever chemicals" due to the fact that they are extremely stable. They do not break down in the environment. Their life cycles can last from 10K to 50K years! For this reason, Tom Bierschenk of Exflur has reassured his neighbors, Kyle and Shannon Gehrer (Lot #4), that they (meaning Exflur) "will have no air emissions and they have decided not to release any water." However according to their recent TCEQ application "the proposed facility will emit the following contaminants: hydrogen fluorides, carbon monoxide, hazardous air pollutants, nitrogen oxides and organic compounds." According to Dr. Robert F. Harris Sr., retired Dow Chemical research scientist, "the critical effects of inhalation exposure to hydrogen fluoride are respiratory tract irritation and the induction of respiratory disease, even low level emissions. At higher levels, as what happens in the inevitable accidental or unexpected release, fatalities are possible." Dr. Harris concludes that "Exflur, by its own admission, will emit hydrogen fluoride if this plant is built. Hydrogen fluoride should never be released into the air where people live. This is a DEADLY dangerous gas." www.NorthSanGabrielAlliance.com has additional information regarding the types of chemicals used by Exflur. Bierschenk claims that all of their water will be recycled and reused or purified then evaporated. He adds that (we) "will not use any recycled water to irrigate or even place it in a septic system because we want to be 100% confident that not even a trace gets into the environment." This does not sound like a safe place for Single Family Residences in a rural community where there will be even less regulation and oversight for a "specialty chemical manufacturing facility." The fact is that Exflur's land was purchased among a group of properties that were primarily sold for the use as Single Family Residences. There were 22 lots sold in this community and only one land sale (which included three lots totaling 36.07 acres) is allowed to use their property for light industrial/light manufacturing uses. I firmly believe that "specialty chemical manufacturing facilities" should be built in industrial parks. Exflur should not be building a "specialty chemical manufacturing facility" in a rural community of single family residential properties and agriculture. I believe this is a serious moral and ethical issue. There should be laws that protect property owners from situations like this. In addition, County Road 236 is not equipped to serve industrial or chemical manufacturing needs because the utilities in this rural area are unreliable. There is inadequate water and no sewer available. All nearby properties use well water. There is no natural gas available. Power outages are common in this area. And the most serious issue is that we do not have a fire department or an emergency response team nearby that can handle the type of Hazardous Materials that Exflur works with. This community is not equipped for a "specialty chemical manufacturing facility." The nearest fire department is in Andice, TX and it is a volunteer fire department. The nearest Level 2 Trauma Center is 25 miles away. The nearest Level 1 Trauma Center is 40 miles away. Again, this area is not equipped to serve the needs of an industrial or a chemical manufacturing facility. I firmly believe

that building a "specialty chemical manufacturing facility" in a rural community like Florence is a very serious moral and ethical issue. And I believe it is simply ludicrous that anyone would ignore these concerns. Per the Williamson County Appraisal District there are 7 properties raising bees in this community (including us on lot 1). The beekeepers are on lots 1-4 and lots 13, 14 & 15. Potentially this means that as many as 70 hives that will be exposed to Exflur's evaporation pond which WILL NOT BE COVERED. We cannot risk this. Several of our neighbors bottle and sell their honey and honey products. This is also a very serious ethical issue since Bierschenk was well informed of this problem by a neighbor at the Town Hall meeting held 04/25/22. Everyone has a moral compass that helps them to distinguish right from wrong. An engineer's compass should be more finely calibrated than most. I firmly believe that there are critical health and environmental concerns associated with Exflur's proposed "specialty chemical manufacturing facility." The term Nuisance has been well defined by the Texas Supreme Court in a recent case. At the very least, it appears that this is Strict Liability Nuisance which occurs when the conduct is an "abnormally dangerous activity."

<https://www.texasoilandgasattorneyblog.com/requirements-noise-nuisance-claim-texas/> A "specialty chemical manufacturing facility" does not belong in a Rural community among Single Family Residences and Agriculture. Due to the serious moral and ethical issues as well as the critical health and environmental concerns I urgently request that TCEQ take action to DENY PERMIT NO. 165848, Exflur Research, 1100 County Road 236, Florence, Texas, 76527. Thank you for your consideration. Shannon White-Shubert (Lot #1; 1500 CR 236, Florence)

Melissa Schmidt

From: PUBCOMMENT-OCC
Sent: Friday, May 13, 2022 3:22 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: swshubert@gmail.com <swshubert@gmail.com>
Sent: Thursday, May 12, 2022 4:04 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Shannon White-Shubert

EMAIL: swshubert@gmail.com

COMPANY:

ADDRESS: 3404 CORTINA LN
ROUND ROCK TX 78681-2417

PHONE: 5124875976

FAX:

COMMENTS: Continued... Part 2 The second property sold also included 3 lots. These lots totaling 36.07 acres (Lots 5, 6 & 7) were purchased by Exflur Research Corporation on 12/13/2019. The CCRs were signed 11/25/2019 (document number 2019113872) by Stewart Pate. Under paragraph 1.01 of this CCR it's Uses include: "Single family residential is an approved use of the property. Home based businesses or light commercial and light industrial/manufacturing uses maybe permitted if the Declarant has given written consent of any such use in advance. The specialty chemical

manufacturing facility proposed by Exflur Research Corporation is an approved use. No use can conflict with Paragraph 1.10 herein..." One item of interest on Exflur's Warranty Deed (document number 2019120557) is that it refers to its associated CCRs as recorded document number 2019116579 dated 11/25/2019. Document number 2019116579 was actually signed on 11/06/2019. That document number refers to 12.27 acres presently owned by Kyle & Shannon Gehrer (Lot 4). The CCRs referenced on Exflur's Warranty Deed is actually Gehrer's CCR. So basically the Warranty Deed has the current date that the CCR for its property was signed but the Warranty Deed refers to the wrong document number. Side note: this is the only mistake I have uncovered in all the documents recorded with the Williamson County for County Road 236 Investments. I, personally, find it very suspicious that the mistake actually happened with this particular document. Again, this is the only document which states that light commercial and light industrial/manufacturing is an approved use for any of the properties in this community. Five additional tracts were sold prior to our closing. According to the CCRs filed with the county, none of these lots received any special consideration for a home based business or light commercial use. All five read the same under Uses "Single family residential is an approved use of the property. Home based businesses or light commercial uses may be permitted if the Declarant has given written consent of any such use in advance. No use can conflict with Paragraph 1.10 herein. Not more than two single-family residences may be constructed or placed on a tract. The term "single-family residence" shall include only site-built homes, barnominiums, mobile homes or modular homes which are which are not older than a 2014 model year based upon its date of manufacture. Move-on homes are allowed as long as they are site-built homes and any remodeling is complete within twelve (12) months of the closing date of the tract." Gehrer (Lot 4) CCR dated 11/06/2019; Warranty Deed dated 12/06/2019 Ellis (Lot 3) CCR dated 12/06/2019; Warranty Deed dated 12/11/2019 Johnson (Lot 2) CCR dated 12/06/2019; Warranty Deed dated 12/13/2019 Smith (Lot 11) purchased small house with 18-acre lot; CCR dated 12/30/2019; Warranty Deed dated 01/07/2020 Campbell (Lot 15) CCR dated 01/17/2020; Warranty Deed dated 01/21/2020 The original CCR for our property (Lot 1) was dated 01/28/2020 and signed by Stewart Pate (document number 2020008836). The Original CCR for Lot 1 read exactly like the CCRs for other lots. We were told that they forgot to put the Special Restrictions on our property when they wrote it. The Special Restrictions include this property can only have site built homes; structures must be set back 50 feet from the front and the western property lines; structures must be set back 25 feet from the rear and the eastern property lines; lot may never be subdivided; and no temporary structures shall be used as a residence. On 01/29/2020 Stewart Pate signed the First Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions (document number 2020009688) to make the changes to the CCR specifically for Lot 1. No other Amendments have been written by County Road 236 Investments for these properties. No Amendment was written for any property to include light industrial/manufacturing uses. This use is specified on only one CCR, the one written for Exflur's three lots. Again, no one had any idea that an industrial company or a manufacturing company would build here because light industrial/manufacturing uses wasn't mentioned on any other CCR. After we purchased our property on 01/31/2020, nine additional lots were sold in 2020. Schneider (Lot #19) is the only one with a CCR that differs from the others. Their CCR is dated 01/28/2020 (document number 2020008830). Their CCR reads "Single Family residential is an approved use of the property. Home based businesses or light commercial uses may be permitted if the Declarant has given written consent of any such use in advance. An air conditioning and heating company as well as an insulation business is an approved use. No use can conflict with Paragraph 1.10 herein..." Special Environmental Concerns: There is so much to mention regarding the environmental concerns but here are the highlights: The soil here is unique. It is fertile. According to a soil survey conducted in 1983 our soil is classified as Brackett-Eckrant-Doss Soil. It makes up only 3% of Williamson County. It is characterized as "shallow and very shallow, calcareous, loamy and clayey, gravely, stony and cobbly soils formed in indurated limestone and marl; on uplands." <https://texashistory.unt.edu/ark:/67531/metapht130329/m1/1/> According to Ronnie McCloud, a rancher whose family has raised cattle on the property for many years, we have springs. There is also plenty of evidence of mossy green vegetation in areas where the springs are located although they haven't been active since we purchased the property. Ronnie says the springs run all throughout the heavily treed lots 1-7. Again, Mike & I own lot 1 and Exflur owns lots 5,6 & 7. A 2010 map from TWDB and THI shows that our area is within the spatial distribution of springs in Texas. Williamson County has more known caves than any county in Texas; in 2018 there were 675 known caves in Williamson County. The largest cave in Williamson County is a few miles away near Andice. We are also located in the Karst region for the Balcones Fault Zone. Our land is in a subcrop of the Edwards Aquifer and the Trinity Plateau. Millions of people get their water from the Edwards Aquifer including the city of San Antonio and the surrounding communities. We are also in the North San Gabriel River Watershed. Discharge into the North San Gabriel River flows into Lake Georgetown, Lake Granger, the Brazos River, and eventually into the Gulf of Mexico. Lake Georgetown is a source of

water for many people in the Georgetown and Round Rock area. Exflor Notes from the Town Hall meeting: The first reason given by Exflor to a local community on why they chose this particular location: they said it was because of the beautiful trees. Honestly, it was hard to listen after this. It was filmed by a local news outlet.

<https://www.kxan.com/news/local/williamson-county/chemical-company-hosts-town-hall-to-address-concerns-over-planned-florence-area-facility/> A representative from Exflor stated during the meeting that they have done an

environmental study but added that they would not disclose it to the public. Related News articles:

https://www.lhIndependent.com/news/business/chemical-manufacturer-opening-facility-north-of-liberty-hill/article_2c41a9a9-8de7-577c-b39c-3ff5d8777b10.html

https://www.lhIndependent.com/news/cr-236-residents-form-group-to-oppose-planned-chemical-facility/article_2953d324-b76d-11ec-a81d-9fe402e39c45.html

<https://www.kxan.com/news/local/williamson-county/williamson-county-residents-battle-to-halt-planned-chemical-facility/>

<https://www.kvue.com/article/news/local/williamson-county/exflor-concerns-mount-chemical-research-facility-rural-williamson-county/269-e99939ab-52b2-41cf-9855-5236cabe719e>

<https://www.fox7austin.com/news/williamson-county-environment-chemical-plant>

<https://www.statesman.com/story/news/2022/04/26/florence-tx-williamson-county-neighbors-worried-exflor-facility-pollution/7294446001/>

<https://www.change.org/p/block-the-toxic-chemical-pollution-in-the-area-of-the-north-fork-of-the-san-gabriel-river>

<https://online-engineering.case.edu/blog/disastrous-engineering-failures-due-to-ethics>

<https://petpedia.co/bee-statistics/> Continued...

Melissa Schmidt

From: PUBCOMMENT-OCC
Sent: Friday, May 13, 2022 3:16 PM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: swshubert@gmail.com <swshubert@gmail.com>
Sent: Thursday, May 12, 2022 3:58 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Shannon White-Shubert

EMAIL: swshubert@gmail.com

COMPANY:

ADDRESS: 3404 CORTINA LN
ROUND ROCK TX 78681-2417

PHONE: 5124875976

FAX:

COMMENTS: My name is Shannon White-Shubert. My husband, Mike, and I own a 12-acre lot on County Road 236 in Florence. We are actually less than 1,100 feet to the west and downhill from Exflur's property. In addition to the ethical issues of building a "specialty chemical manufacturing facility" in a rural residential/farming community, we strongly believe that there are critical health and environmental concerns associated with the location of Exflur's proposed "specialty chemical manufacturing facility." Mike and I have done a substantial amount of work on our property mainly

removing the cedars and trimming the oaks. Our boys (23YO and 21YO) are both in college so we worked there practically every weekend for the last two years until just recently. I am not exaggerating. We average about 40 weekends a year at our property. The Google map of our property has changed considerably in the last two years. First, we bought new Stihl Chainsaws including a pole chainsaw, then a Kubota tractor and a few implements including a wood chipper. We chip as much cedar as we can and we burn the stumps and larger branches. Our lot is heavily treed with a lot of live growth and it also has large piles of decaying cedar branches, dead trees cut many years ago, and of course, unfortunately, snakes. Our property is a huge forest with a canopy of large Texas red oak trees and live oak trees, and a beautiful understory of Texas native trees including Mexican Buckeye, Mexican Redbud, Eve's Necklace, Rusty Blackhaw, Desert Olive, Fragrant Sumac, Catclaw Acacia, Yucca and various flowering plants. We are visited often by deer, hogs, wild turkeys, brown skins and other wildlife. Rumor has it that bald eagles live nearby but we haven't seen them yet. We have 9 thriving beehives which were established on 04/18/2020 and are now known as The Happy Bee Company. The property is gorgeous and someday hopefully, all 12 acres will look like a park with walking/bike trails. This is our dream of where we want to grow old together with our family. Due to the Coronavirus our plans to build our forever home were temporarily delayed in 2020 and 2021. During this time, we rented a rock saw and dug a trench for underground electricity for over 800 feet. We laid the conduit with the help of our new friends on lot #4. We had a well dug and we had a water pump set up. We built our first structure in 2021 - a 20X25 carport (built on road base) for the tractor and its implements. In 2021 we meet with several builders who could not commit to building our house due to rising building costs and scarcity of building products. At the beginning of 2022 we reached out again to a local builder to plan our forever home. We started sketching plans and meeting with builder for 3 weeks in a row at our land. We measured and moved the garage around in three different areas so that we would not have to remove a treasured oak tree. We recently had 3 concrete foundations poured on 03/25/2022. The 25x25 concrete foundation is for a well house to include the water pump and a large tank. The smaller 15x25 concrete foundation is for a commercial greenhouse. The larger 50x60 concrete foundation was poured for a metal building/workshop and there is an additional 650 square feet for covered patios on this structure. These projects have also been delayed recently due to several tornadoes in the Round Rock area and in the Florence/Salado area. We also ordered 3 park benches for the walking/biking trail around the property. Everything in our little world was going great... and then the worst thing ever happened! On April 8, 2022 we received a certified letter from the North San Gabriel Alliance. www.northsangabrielalliance.org informing us of Exflor's plans to build a "specialty chemical manufacturing facility" less than 1,100 from our property. We had no idea this was happening. And now we don't know what to do. We certainly don't want to build our forever home by a "specialty chemical manufacturing facility." We are health conscious individuals who planned to move to CR236 for an even healthier lifestyle with bees, organic herb and vegetable garden, berries and fruit trees, chickens and maybe peacocks. Again, this is our dream. This is what we have been working for. These are the facts as I know them: The property Mike & I purchased was part of a 224.71-acre tract that was being held in a charitable trust for Richard A. Box, Trustee of Box Place Charitable Remainder Unitrust. This trust was set up in "Consideration: Love of, and appreciation for Texas A&M University, its purposes, its students and its importance to the Grantor." The trust was formed 03/14/2019 (Williamson County document number 2019021158). On a side note: Dr. Richard Box is salt of the Earth. This donation is a small part of the legacy of a great man. <https://www.txamfoundation.com/News/Never-Stop-Learning.aspx> I firmly believe that the Texas A&M Foundation should investigate how County Road 236 Investments, LLC handled these property transactions. In addition to the ethical issues of actually permitting an industrial company to build a "specialty chemical manufacturing facility" in a rural residential/farming community, I strongly believe that there are critical health and environmental concerns associated with the location of the proposed "specialty chemical manufacturing facility." On 04/18/2019 Dr. Box set up a Partition Deed (Williamson County document number 209032454) removing the 224.71-acre tract from the parent tract consisting of 258.66 acres. The 224.71-acre tract was transferred to the Box Place Charitable Remainder Unitrust. This left a 35.07-acre tract remaining in Box's name. Before the land was sold to County Road 236 Investments, LLC on 08/13/2019 - another document called the Correction Warranty Deed (document number 2019075031) was signed by Dr. Box which voided the Partition Deed and made the Correction Warranty Deed effective 03/14/2019, the date the trust was formed. Prior to selling the 224.71-acre tract and the 35.07-acre tract to County Road 236 Investments, Dr. Box removed the Restrictions from the two 15.0-acre tracts which are adjacent to the 224.71-acre tract. These tracts were previously sold by Dr. Box in 2001 to the Moore's (currently the Waller's) and the Barksdale's (currently the Thurman's). In addition, Dr. Box removes any restrictions that were placed on Box's 224.71-acre tract and his 35.07-acre tract in a document titled "Agreement to Release All Existing Restrictions and Impose New Restrictions Upon a Portion of the Property" (document number 2019064108 dated

07/15/2019). When Dr. Box sold the property to County Road 236 Investments, LLC on 08/13/2019 the only restrictions on Box's tracts (224.71 acres and 35.07 acres) were the 12 acres (from the 224.71-acre tract) that my husband and I purchased (Lot #1/AKA Tract E on this particular document). This document states that the "restrictive covenants are to run with the land in favor of the owners of Tract A & B (Box), C (Waller), D (Thurman) and E (now Shubert) as well as their heirs, executors, administrators, successors or assigns." When the land was sold to County Road 236 Investments on 08/13/2019 there were 2 Warranty Deeds (2019075033 & 2019075032) and neither mentioned the previous document placing Restrictions specifically on Lot #1. The 35.07-acre tract was sold by Richard Box (personally) and the 224.71-acre tract was sold under the name of the Box Place Charitable Remainder Unitrust. Both convey "all presently recorded restrictions, reservations, covenants, conditions and mineral severances that affect the property." As far as I know there are no documents filed with Williamson County which establish this property or community as a planned unit development (PUD) or any type of development. The realtors do not refer to themselves as developers only as the declarant on the CCRs. No HOA was formed. The first property was sold to Balaraju Velupula on 10/24/2019. It included the 3 lots closest to Highway 183 and it was comprised of 33.9 acres (Lots 20, 21 & 22). The CCRs for that property were signed 10/21/2019 (document number 2019100615) by Stewart Pate of County Road 236 Investments, LLC. Under paragraph 1.01 of this CCR it's Uses include: "Light commercial uses including a plant nursery or similar use which does not generate excessive traffic is an approved use on all or a portion of the Property. No use can conflict with Paragraph 1.10 herein. Home-based businesses of any kind must be approved in advance by the Declarant. Not more than two single-family residences may be constructed or placed in a tract. The term "single family residence" shall include only site-built homes, barnominiums, mobile homes or modular homes which are not older than a 2014 model year based upon its date of manufacture. Move-on homes are allowed as long as they are site-built homes and any remodeling is complete within twelve (12) months of the closing date of the tract." Document number 2019100615 was the first CCR written and recorded in Williamson County for any of the properties sold by County Road 236 Investments, LLC. On a side note: I firmly believe that if the CCRs are actually written for the purpose of creating a unified plan (as it is written in the CCRs), then all of the CCRs for a particular community would be exactly the same as the first one recorded. But that didn't happen here. Continued...

Lori Rowe

From: PUBCOMMENT-OCC
Sent: Monday, April 11, 2022 9:25 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: swshubert@gmail.com <swshubert@gmail.com>
Sent: Monday, April 11, 2022 1:19 AM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Shannon White-Shubert

EMAIL: swshubert@gmail.com

COMPANY:

ADDRESS: 3404 CORTINA LN
ROUND ROCK TX 78681-2417

PHONE: 5124875976

FAX:

COMMENTS: My husband and I bought our property approximately a month and a half after Exflur purchased their property on CR 236. This land was a part of large tract donated to Texas A&M by Dr. Richard Box. If you are not aware, Williamson County's largest cave is located just a few miles away. Balcones Canyonlands National Wildlife Refuge is also nearby. Our 12 acre tract has several natural springs on it and we are located less than 1300 feet downhill from Exflur's property. The springs on our property have produced a forest of beautiful live oak and red oak trees, and a canopy of

understory trees with a lot of flora. It is gorgeous. Our property is home to various wildlife - birds, turkey, deer, hogs and the elusive brown skink (I have found two.) We also raise bees on our property. This isn't a place for a chemical plant. Prior to purchasing our property we signed the Restrictions and Covenants for our tract. Exflor did the same. The Restrictions and Covenants for our tracts states that the property is for SINGLE FAMILY RESIDENTIAL USE. It allows home based businesses or light commercial uses. No written consent was given to Exflor to build a chemical plant. Exflor's Declaration of Covenants, Conditions, Easements and Restrictions (Document 2019116579 recorded 11-25-2019 in Williamson County) further states that no use can conflict with Paragraph 1.10 which reads that "No noxious, noisy, offensive, undesirable, unlawful or immoral activity shall be conducted on any tract." Our neighbors who signed this same document unanimously agree that a chemical plant does not belong here. This document will be upheld in a court of law if needed. Please do not approve any further permit to Exflor for their property located on CR 236 in Williamson County. A chemical plant does not belong here.

Mehgan Taack

From: PUBCOMMENT-OCC
Sent: Friday, October 14, 2022 8:35 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848
Attachments: HAZIEL WILLIAMS Request for Contested Case Hearing 10-13-2022.pdf

H

From: haziel.williams@gmail.com <hazel.williams@gmail.com>
Sent: Thursday, October 13, 2022 4:02 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Haziel McCormick Williams

EMAIL: hazel.williams@gmail.com

COMPANY:

ADDRESS: 19926 PARK HOLW
SAN ANTONIO TX 78259-1924

PHONE: 2108545380

FAX:

COMMENTS: HAZIEL WILLIAMS Request for Contested Case Hearing 10-13-2022 - attached

Haziel Williams
19926 Park Hollow
San Antonio, TX 78259

Laurie Gharis, Chief Clerk
TCEQ, MC-105
PO Box 13087
Austin, TX 78711-3087

RE: Request for Contested Case Hearing on Application by Exflur Research Corporation Permit Number 165848

Dear Chief Clerk,

I, Haziel Williams, request a Contested Case Hearing with respect to the TCEQ Air Quality Permit Number 165848 sought by Exflur Research Corporation for the proposed facility at 1100 County Road 236, Florence, TX 76527.

I am an Affected Person for Purposes of a Contested Case Hearing who will be impacted by the approval of the proposed permit due to the Proximity of my land to the Proposed Plant. I own two tracts of land within one mile of the Exflur plant; one tract is less than 3000 feet away and the second tract is approximately 4000 feet away. (see attached map) Because of the proximity, and my hypersensitivity to chemicals in my environment, I have a justiciable interest in ensuring that my health and safety will not be adversely impacted by any emissions from the proposed Exflur plant.

If the applicant obtains the air permit and fails to protect my health and interests, I could be irreparably harmed. I suffer from idiopathic anaphylaxis which can be triggered by insignificant levels of chemicals in my environment.

I am a registered Licensed Professional Therapist Associate with Hope for a Better Tomorrow Counseling Services PLLC (hopecounselingsatx.com) and will have a Children's Equine Therapy counseling practice on my land. Due to my own lifelong idiopathic anaphylaxis condition, I have chosen as part of my practice to work with children who have a variety of respiratory and hyperallergic health conditions that are by triggered chemical emissions.

I believe that Exflur's history has established that they do not place a priority on community health, are not fazed by violations of their permit limits, and do not respond timely or properly to emissions events.

Further, I am aghast that Exflur informed my daughter, Elizabeth Williams, that one of their reasons for constructing a new facility at 1100 County Road 236 was because of their concern that PFOA and HF emission and discharge regulations are soon to be tightened, and that they believed PFOA and HF scrutiny of their municipal Round Rock facility might impact their production plans. By implication, a rural facility would not be under the same level of scrutiny

and might not face consequences from emissions or discharge issues. Imagine the impact on my health as well as the children I treat in therapy being the recipients of these unallowable toxic emissions.

Exfluor's prior incident: When Exfluor leaked toxic gas at approximately 8:15 am Thursday, September 18, 2014, the employees at Christianson Air Conditioning and Plumbing, next door to Exfluor, made the initial call to 9-1-1 after workers there complained of difficulty breathing. Their lung damage due to the chemical exposure has not been released to the public or by a pulmonologist. The children in Cedar Ridge High School, 1,000 feet from the Exfluor plant, were locked down when the leak began until the leak was moderately contained in the factory building around 4:00 pm.

Please do not approve the Exfluor air permit 165848 application, due to this is a residential area with families, a recreational area where people are active outdoors and play in the river. The air pollution will become soil and surface water pollution, and eventually ground water pollution and river runoff pollution. These acids and forever chemicals would affect the region for decades.

For these reasons I request that the TCEQ Commissioners grant a contested case hearing regarding pending air permit 165848.

Sincerely,
Hazel Williams

Search...

☆ Tax Parcel: R468143

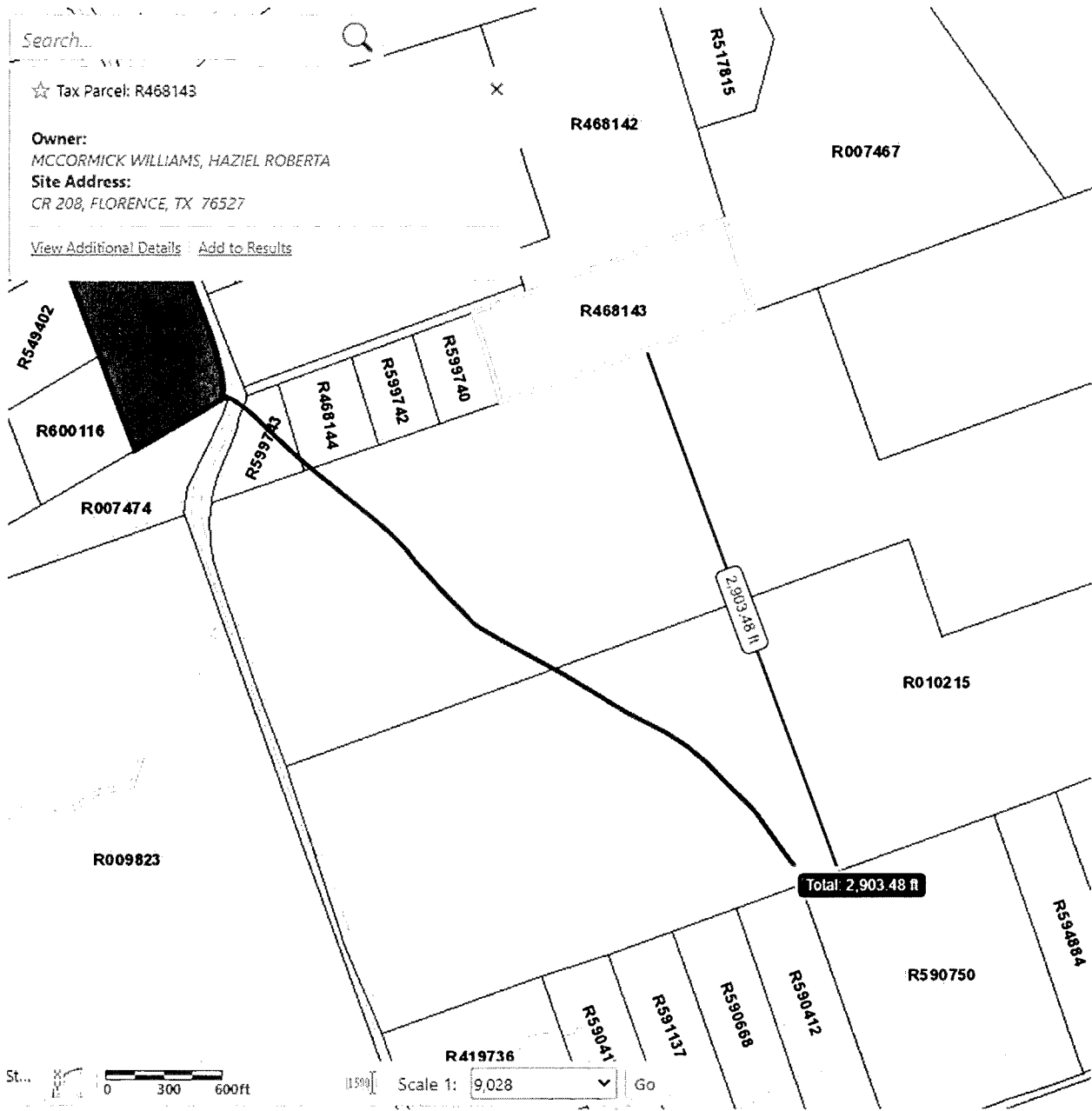
Owner:

MCCORMICK WILLIAMS, HAZIEL ROBERTA

Site Address:

CR 208, FLORENCE, TX 76527

[View Additional Details](#) | [Add to Results](#)



Lori Rowe

From: PUBCOMMENT-OCC
Sent: Wednesday, March 30, 2022 9:50 AM
To: PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD
Subject: FW: Public comment on Permit Number 165848

From: haziel.williams@gmail.com <haziel.williams@gmail.com>
Sent: Tuesday, March 29, 2022 4:36 PM
To: PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>
Subject: Public comment on Permit Number 165848

REGULATED ENTITY NAME EXFLUOR RESEARCH

RN NUMBER: RN110969227

PERMIT NUMBER: 165848

DOCKET NUMBER:

COUNTY: WILLIAMSON

PRINCIPAL NAME: EXFLUOR RESEARCH CORPORATION

CN NUMBER: CN602696791

FROM

NAME: Haziel WILLIAMS

E-MAIL: haziel.williams@gmail.com

COMPANY:

ADDRESS: 19926 PARK HOLW
SAN ANTONIO TX 78259-1924

PHONE: 2108545380

FAX:

COMMENTS: Dear TCEQ ,please don't approve the Exflur Plant application, due to this is a residential area with families, a recreational area where people play in the river and the residual pollution remains in the soil and surface water for decades. He Exflur plant in 2014 ROUND ROCK, Texas -- The Double Creek area in Round Rock was evacuated "due to leaking of unknown gas" Thursday, according to police.At approximately 8:13 a.m. Thursday, Sept. 18, Round Rock firefighters responded to a hazardous materials leak at Exflur Research Corp., 2350 Double Creek Drive. The leak

was eventually contained. No one was injured by the leak. Arriving at the business, firefighters reported seeing fumes coming from the side of the building. Employees at the business were working to contain the release of the material, perfluorosuccinoyl fluoride. A valve on top of a cylinder was leaking the material. It is unknown at present how much of the material leaked. The material was offloaded to a different container. As of 4 p.m. Thursday, Sept. 18, a gaseous cloud remains in the building. Air quality monitoring shows the gas is confined to the building. Employees were evacuated from Exflour. Neighboring businesses and nearby Cedar Ridge High School were recommended to shelter in place, as a precaution, until air quality monitoring confirmed the gas was contained. That occurred around noon. Employees at Christianson Air Conditioning and Plumbing, next door to Exflour, made the initial call to 9-1-1 after some workers there complained of difficulty breathing. The Round Rock Fire Department Hazardous Materials Team and the Williamson County Hazardous Materials Team both responded to the incident. Officials from the Texas Commission on Environmental Quality also responded. Air around the building will be monitored periodically while remediation takes place, which is expected to occur this afternoon and evening. Remediation is the company's responsibility. Author: KVUE
Published: 9/18/2014 5:06:21 PM