

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

September 13, 2022

TO: All interested persons.

RE: Exflor Research Corporation
NSR Permit No. 165848

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Eula Hunt Beck Florence Public Library, 207 East Main Street, Williamson County, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two types of requests follows.

How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
 - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
 - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

How to Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html or by mail to the following address:

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

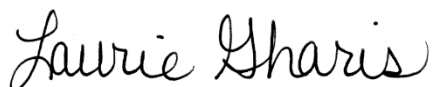
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Public Participation and Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis
Chief Clerk

LG/erg

Enclosure

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENTS
for
Exfluor Research Corporation
NSR Permit No. 165848

The Executive Director has made the Response to Public Comment (RTC) for the application by Exfluor Research Corporation for NSR Permit No. 165848 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (165848) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at chiefclk@tceq.texas.gov.

Additional Information

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

You may also view a copy of the RTC, the complete application, the draft permit, and related documents, including comments, at the TCEQ Central Office in Austin, Texas.

Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the Eula Hunt Beck Florence Public Library, 207 East Main Street, Williamson County, Texas.

MAILING LIST
for
Exfluor Research Corporation
NSR Permit No. 165848

FOR THE APPLICANT:

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INTERESTED PERSONS:

See attached list.

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PATTERSON , EMILY
140 PARRYI CV
LEANDER TX 78641-4720

PAVLICEK , ALOIS
1105 DEER RUN
ROUND ROCK TX 78681-6436

PEARSON , BONNIE
5545 COUNTY ROAD 200
LIBERTY HILL TX 78642-3721

PEARSON , LOYD
351 COUNTY ROAD 210
LIBERTY HILL TX 78642-3741

PEARSON , RON
5545 COUNTY ROAD 200
LIBERTY HILL TX 78642-3721

PEYTON , CHRIS
132 KRUPP AVE
LIBERTY HILL TX 78642-4476

PEYTON , RENEE
132 KRUPP AVE
LIBERTY HILL TX 78642-4476

PICINICH , CARLA
2101 COUNTY ROAD 226
FLORENCE TX 76527-4868

POINTER , MRS CORRINA
162 ELISHA DR
LIBERTY HILL TX 78642-2257

PORTER , PATTI
411 BLESSING RANCH RD
LIBERTY HILL TX 78642-4588

PRIMROSE , BRYAN
3901 COUNTY ROAD 258
LIBERTY HILL TX 78642-2106

PRIMROSE , JACKIE
3901 COUNTY ROAD 258
LIBERTY HILL TX 78642-2106

RAHBARI , GINA
232 HOOT OWL LN N
LEANDER TX 78641-1733

REDDING , TRAVIS
595 GATLIN RANCH RD
LIBERTY HILL TX 78642-3312

RESTO , ANA R
3202 SPOTTED HORSE DR
KILLEEN TX 76542-8413

RHODES , BESSIE
14814 KINGSFORD WILLOW LN
CYPRESS TX 77429-7918

RICHARDSON , JAMES
131 SADDLE LN
LIBERTY HILL TX 78642-4065

RIDOLFI , LARRY A
FTL DRIVES INC
1051 COUNTY ROAD 204
LIBERTY HILL TX 78642-3792

RIVERA , DAVID
105 LARK ST
LEANDER TX 78641-1890

RIVES , BILLY
9755 E FM 243
BERTRAM TX 78605-3848

RIX , ERIKA
251 COUNTY ROAD 203
LIBERTY HILL TX 78642-3714

ROBBINS , RANDAL
249 COWBOY TRL
LIBERTY HILL TX 78642-3954

ROBBINS , WHITNEY
441 SIERRA MAR LOOP
LEANDER TX 78641-3544

ROBERTS , ASHTON
272 QUARTERHORSE DR
LIBERTY HILL TX 78642-3926

ROBERTS , JAMES
272 QUARTERHORSE DR
LIBERTY HILL TX 78642-3926

ROBION , CHRIS
104 REINDEER WAY
GEORGETOWN TX 78626-2547

ROCKE , MARIA YOLANDA
6433 COUNTY ROAD 200
LIBERTY HILL TX 78642-4026

ROCKE , MARK
6433 COUNTY ROAD 200
LIBERTY HILL TX 78642-4026

ROSS , KATY
614 SAN GABRIEL RANCH RD
LIBERTY HILL TX 78642-4555

RUSSELL , CHARLES
RR 1 BOX 93
TEXHOMA OK 73949-9634

RUSSELL , LEM
PO BOX 1294
STRATFORD TX 79084-1294

RUSSELL , MARGARET
RR 1 BOX 35
TEXHOMA OK 73949-9719

RUSSELL , SUSAN
RR 1 BOX 93
TEXHOMA OK 73949-9634

SALAZAR , CARI
301 DANIEL XING
LIBERTY HILL TX 78642-4499

SCHWERTNER , THE HONORABLE CHARLES STATE
SENATOR
THE SENATE OF TEXAS DISTRICT 5
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AUSTIN TX 78711-2068

SCOTT , BRIAN
300 ABBEY RD
LIBERTY HILL TX 78642-3953

SHIER , BILL
8429 BANGOR BND
AUSTIN TX 78758-7901

SHIFRIN , MARK
PO BOX 1059
LIBERTY HILL TX 78642-1059

SKOVIERA , ELLEN
1110 OAKLANDS DR
ROUND ROCK TX 78681-2702

SMART , NINA
212 KINGFISHER LN
LEANDER TX 78641-2691

SMITH , ROBERT
923 CASHEW LN
CEDAR PARK TX 78613-3241

SMITH , WANDA
900 COUNTY ROAD 236
FLORENCE TX 76527-4835

SPIES , JENNIFER
8907 RUSTIC CV
AUSTIN TX 78717-4853

STANFIELD , MICHELE
100 BUTTERCUP TRL
GEORGETOWN TX 78633-4746

STONEHILL-GARCIA , HEATHER
441 FALCON LN
LEANDER TX 78641-1771

STOUT , TIFFANY
405 LAKE SIDE DR
GEORGETOWN TX 78628-6902

SUAREZ , MS ELIZABETH
2273 COUNTY ROAD 223
FLORENCE TX 76527-4265

SWINT , MR THOMAS L
2809 FRESH SPRING RD
PFLUGERVILLE TX 78660-2381

TAIT , CALVIN
103 RIO ANCHO BLVD
LIBERTY HILL TX 78642-3570

TAYLOR , JEN
193 HOUSEFINCH LOOP
LEANDER TX 78641-1961

THRASH , TIM
865 COUNTEY ROAD 208
FLORENCE TX 76527-4865

THURMAN , SANDRA LEE
190 COUNTY ROAD 208
FLORENCE TX 76527-4472

TINSLEY , MASON
11 N BENTON WOODS CIR
THE WOODLANDS TX 77382-1513

TREACY , SUZE
2710 GLENWOOD TRL
CEDAR PARK TX 78613-5128

TUCKER , LARRY
5050 COUNTY ROAD 236
LIBERTY HILL TX 78642-3730

TUCKER , TERESA
5050 COUNTY ROAD 236
LIBERTY HILL TX 78642-3730

TURNER , PAUL KEITH
377 SUNDANCE TRL
LIBERTY HILL TX 78642-3851

ULBRICHT , DAWN
1 HILLWAY DR
ROUND ROCK TX 78664-9623

VAANDRAGER , TRACEY
701 BRIZENDINE RD
LIBERTY HILL TX 78642-3991

VALDEZ , SELENA
204 MOURNING DOVE LN
LEANDER TX 78641-1784

VARNER , BRITTANY D
PO BOX 1532
LIBERTY HILL TX 78642-1532

VARVIR COE , DR. MEGAN
1235 RIVER RIDGE RANCH RD
KILLEEN TX 76549-3332

WALLACE , LAURA S
3204 AZTEC FALL CV
AUSTIN TX 78746-1573

WALLER , FRANKIE
80 COUNTY ROAD 208
FLORENCE TX 76527-4484

WARDLAW , HAROLD C
19910 PARK RNCH
SAN ANTONIO TX 78259-1934

WARDLAW , PEGGY
19910 PARK RNCH
SAN ANTONIO TX 78259-1934

WARDLAW , SHAUNA
ED
125 RICHLAND VIEW RD
LIBERTY HILL TX 78642-4041

WARHOL , SUSAN M
1260 COUNTY ROAD 208
FLORENCE TX 76527-4628

WATKINS , JASON
308 BLESSING RANCH RD
LIBERTY HILL TX 78642-4505

WATKINS , NIKKI
51 COUNTY ROAD 153
GEORGETOWN TX 78626-1926

WEAVER , LISA & STEVE
258 COUNTY ROAD 250
GEORGETOWN TX 78633-4042

WEISSE , SCOTT
212 RIETI PKWY
LIBERTY HILL TX 78642-2309

WEMPE , CHARLES
6589 COUNTY ROAD 200
LIBERTY HILL TX 78642-3983

WEMPE , GREG
6589 COUNTY ROAD 200
LIBERTY HILL TX 78642-3983

WHELOCK , DAVID
APT 6D
1801 LAVACA ST
AUSTIN TX 78701-1341

WHITE-SHUBERT , SHANNON
3404 CORTINA LN
ROUND ROCK TX 78681-2417

WHITNEY , KIMBERLY
475 COUNTY ROAD 218
FLORENCE TX 76527-4634

WHITTLESEY , SKYLER
220 ARREZO LN
GEORGETOWN TX 78628-7071

WILCOX , MR KEITH
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FLORENCE TX 76527-0640

WILLIAMS , ASHLEY
APT 136
1616 W DALLAS ST
HOUSTON TX 77019-4770

WILLIAMS , CHARLES R
19926 PARK HOLW
SAN ANTONIO TX 78259-1924

WILLIAMS , ELIZABETH
APT D
616 CASTLE RIDGE RD
AUSTIN TX 78746-5181

WILLIAMS , HAZIEL
19926 PARK HOLW
SAN ANTONIO TX 78259-1924

WILSON , JIM & MARY
278 LAMPASAS CT
KILLEEN TX 76549-4117

WILSON , THE HONORABLE TERRY M STATE
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TEXAS HOUSE OF REPRESENTATIVES DISTRICT 20
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AUSTIN TX 78768-2910

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305 LA DERA DR
LIBERTY HILL TX 78642-2122

WOOLF , SAMANTHA
305 LA DERA DR
LIBERTY HILL TX 78642-2122

TCEQ AIR QUALITY PERMIT NUMBER 165848

APPLICATION BY	§	BEFORE THE
EXFLUOR RESEARCH CORPORATION	§	TEXAS COMMISSION ON
EXFLUOR RESEARCH	§	
FLORENCE, WILLIAMSON COUNTY	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Senator Charles Schwertner, Representative Terry M. Wilson, Williamson County Commissioner Cynthia P. Long, Courtney Alcott, Maude McCormick Allen, Sarah Andrews, Nicole Anthony, Federico I. Arce, Mark Baker, Tami Baker, Kristyn Barry, Rebecca Bartels, Robert Lionel Baskind, Stephen David Bauer, Danial Beesley, Don T. Berry, Anne Kathrine Beville, James Blake, Lana Blake, Natalie Blankenbaker, Joy Borjes, Barry L. Bowden, Twila Bowden, Richard Arthur Box, Conor Brace, Whitney Brace, Lindsey Brassfield, Ashley Brooks, Christopher Bunch, Jaime Cadwalader, Alex Campo, Susan G. Carlson, Eileen Carlton, Robert Carwell, Monica Castro, Randa Chapman, Jude P. Coe, Megan Varvir Coe, Vicci Conway, C. D. Cook, Tim Cox, Eric Crop, Grant Cross, Karen Cross, Vasantha Dacha, Corwin E. Davidson, Paul Davidson, Erin Debarbieri, Amy B. Decosmo, Cristin L. Dershem, Mengbing Dong, John G. Dupont, Janet Ellis, Guy Endsley, Lauren Endsley, Morgan Endsley, Tanya Endsley, Franchesca C. Estrada, Jennifer Eyre, Tyler Andrew Eyre, Sheryl Marie Farley, Jeannie Fickel, Anthony Figgins, Jennifer Finkel, Dylan Michael Foley, Amanda Foster, Susanne Fratzke, Elizabeth Ann Friou, Katherine Fuller, Jillian Gabriel, Anna Gandy, Britni Ganze, Brandon Garcia, Kyle Gehrler, Shannon Gehrler, William Patrick George, Richard Grabish, Katlyn Green, Charles Gross, Christi Lachelle Gutierrez, Heinrich Hafner, Denelle Hager, Michelle Loren Hansen, Joanna R. Hayes, Kelley Heath, Chelsey Heil, Glenn Heimbigner, Brenda Hendrickson, James Henley, Jason Hester, Ed Hillis, Alexandra E. Hoeffner, Alexandra Hoeffner, Julia Hollis, Liz Howells, Luann Howland, Rima Huq, Lauren Ice (*on behalf of the North San Gabriel Alliance*), Andrea Jagodzinski, Shawn Jagodzinski, Bineeta Jaiswal, Brian S. Jalufka, Sabrina Jannise, Matthew Johnson, Suzanne Johnson, Tiffany Johnson, Catherine Johnston, Chesley Jones, Nicole Jones, Chris Kalinowski, Molly Kalinowski, Connie Kanetzky, Jerry Kanetzky, Marissa Kanetzky, Erin Kenney, Hemanth Khambhammettu, Karen Kildall, Dolores King, Timothy King, David Kubin, Arun Kumar, Lars Kuslich, Erica Ladden, Ericka Lamanna, Kimm Langston, Lauren Larson, Katrina D. Leal, Gwyneth Lonergan (*on behalf of the North San Gabriel Alliance*), Stephanie Long, Dani Lopez, Jan Love, Babu Madala, Nelson Mak, Alycen Malone, Nichole Manthey, Bryan Martin, John Martin, Sherri Martin, Linda Martinez, Mary Massey, Stacy Mattison, Emma May, Bryce P. McCormick, Charles McCormick, Timothy McDaniel, T. J. McDonald, Kelley McGhie, Ronal Dalton McLoud, Andres Mendez, Noor Agha Mendez, Jannah Mersiovsky, Danny P. Merton, Allison Metcalfe, Karen Milone, Kenneth Mohr, James

Monk, Monica Monk, Connie Moore, Stephanie Ryder Morris, Henry N. Mulvihill, Patricia Mulvihill, Sheila Nardelli, Casey Nash, Cindy Nash, Jake Norman, Kirsten Nottage, Nick Novo, Sarah Novo, Abby Ogletree, Brittney Ortiz, Joe Owen, Rebecca R. Owens, Heather Pacheco, Joe J. Pacheco, Laurie F. Pair, Jerome Palmer, Carvey Lee Parkjer, Tanara Patel, Emily Patterson, Bonnie Pearson, Ron Pearson, Chris Peyton, Renee Peyton, Carla Picinich, Corrina Pointer, Patti Porter, Bryan Primrose, Jackie Primrose, Gina Rahbari, Travis Redding, Ana R. Resto, Bessie Rhodes, James Richardson, Larry A. Ridolfi, David Rivera, Erika Rix, Randal Robbins, Whitney Robbins, Ashton Roberts, James Roberts, Chris Robion, Maria Yolanda Rocke, Mark Rocke, Katy Ross, Charles Russell, Lem Russell, Margaret Russell, Susan Russell, Cari Salazar, Brian Scott, Bill Shier, Mark Shifrin, Ellen Skoviera, Nina Smart, Robert Smith, Wanda Smith, Jennifer Spies, Michele Stanfield, Heather Stonehill-Garcia, Tiffany Stout, Elizabeth Suarez, Thomas L. Swint, Calvin Tait, Jen Taylor, Tim Thrash, Sandra Lee Thurman, Mason Tinsley, Suze Treacy, Larry Tucker, Teresa Tucker, Paul Keith Turner, Tracey Vaandrager, Selena Valdez, Brittany D. Varner, Laura S. Wallace, Frankie Waller, Harold C. Wardlaw, Peggy Wardlaw, Shauna Wardlaw, Susan M. Warhol, Jason Watkins, Nikki Watkins, Scott Weisse, Charles Wempe, Greg Wempe, David Wheelock, Shannon White-Shubert, Kimberly Whitney, Skyler Whittlesey, Keith Wilcox, Ashley Williams, Charles R. Williams, Elizabeth Williams, Haziell Williams, Robert Woolf, and Samantha Woolf. The commenters associated with specific comments relating to a topic are listed in parentheses at the end of each comment. In some instances, a large number of commenters had the same or similar comments and have been associated to their particular comments through the use of groups. The persons attributed to each comment group are listed in Appendix A.

This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

Description of Facility

Exflur Research Corporation (Applicant) has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct the Exflur Research facility. The facility will be located at 1100 County Road 236, Florence, Williamson County. Contaminants authorized under this permit include hydrogen fluorides, carbon monoxide, particulate matter, hazardous air pollutants, nitrogen oxides, and organic compounds.

Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 165848.

The permit application was received on July 9, 2021 and declared administratively complete on July 14, 2021. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on July 28, 2021, in the *Williamson County Sun* and in Spanish on July 29, 2021, in *El Mundo*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 6, 2022, in English in the *Williamson County Sun* and in Spanish on March 10, 2022, in *El Mundo*. A public meeting was held on June 16, 2022, in Florence, Texas. The public comment period ended on June 20, 2022. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

COMMENTS AND RESPONSES

COMMENT 1: Public Notice / Comment Period

Commenters expressed concern about public notice of the application. Twila Bowden commented that the facility was being proposed without sufficient public awareness of its nature and possible harm. David Wheelock expressed concern about the ability to locate the draft permit on the TCEQ's website and stated that the record was not complete online. North San Gabriel Alliance expressed concern that the Applicant did not consult nearby landowners before submitting its application and there were details about the technical review process and preparation of the draft permit that were not made available prior to the public meeting. Shannon White-Shubert also expressed concern that existing property owners were not notified when the Applicant purchased the land for the facility.

North San Gabriel Alliance expressed concern that many nearby residents did not learn about the proposed facility until the second notice period. North San Gabriel Alliance also commented that the Applicant did not demonstrate compliance with the notice requirements and should therefore be required to provide the initial notice (first notice of NORI) again in order to reopen the initial comment period. North San Gabriel Alliance and David Wheelock requested that the comment period be extended. North San Gabriel Alliance specifically requested that the comment period be extended for two weeks after the close of the public meeting to allow the public to submit comments after hearing from TCEQ staff and the Applicant's representatives.

(North San Gabriel Alliance, Twila Bowden, David Wheelock, Shannon White-Shubert)

RESPONSE 1: The TCEQ welcomes public participation in the permitting process. The Executive Director instructs applicants to provide public notice, as required by TCEQ rules in Chapter 39 (Public Notice), in accordance with statutory requirements. TCAA § 382.056 requires that an applicant publish a "notice of intent" to obtain a permit

(first public notice) and, in most circumstances, a “notice of preliminary decision” (second public notice). These notices must be published in a newspaper of general circulation in the municipality in which the plant is proposed to be located. If the proposed plant is not located within a municipality, the newspaper should be of general circulation in the municipality nearest to the location or proposed location. As such, individual notice to nearby residents is not required by the statute or TCEQ rules.

The public notice informs the public of its opportunity to make comments and request a public meeting or contested case hearing. The required newspaper notice also invites citizens to request mailed notice on matters of interest by submitting their contact information to the TCEQ Office of the Chief Clerk (OCC). The Executive Director is required to mail notice to persons on mailing lists maintained by the OCC. As stated above, the Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on July 28, 2021, in the *Williamson County Sun* and in Spanish on July 29, 2021, in *El Mundo*. Thus, the initial comment period began on July 28, 2021. However, the first notice inadvertently omitted language denoting that particulate matter (PM) would be authorized to be emitted from the facility. Therefore, the Executive Director determined that the initial notice should be republished to include language concerning PM. A Consolidated Notice of Receipt and Intent to Obtain an Air Quality Permit and Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 6, 2022, in English in the *Williamson County Sun* and in Spanish on March 10, 2022, in *El Mundo*. Therefore, the initial comment period and time period for requesting contested case hearings was also reopened during this time. While commenters have suggested that the Executive Director extend the comment period for an additional two weeks after the close of the public meeting, the Executive Director may only do so for good cause. *See* 30 TAC § 55.152(a)(8). The permit application, the Executive Director's preliminary decision, the draft permit, and the air quality analysis were made available to the public for inspection as required by TCEQ's rules. The comment period began on July 28, 2021 and ended at the close of the public meeting on June 16, 2022. Accordingly, the Executive Director believes that members of the public had an adequate opportunity to access information about the permit application and has not found good cause for further extending the comment period.

Applicants are required to make a copy of the administratively complete application available for review at a public place in the county in which the plant is proposed to be located. Specifically, 30 TAC § 39.405(g)(1) requires a copy of the administratively complete application to be available for review and copying beginning on the first day of newspaper publication of the first public notice and to remain available during the public comment period. During the second notice period, 30 TAC § 39.405(g)(2) and (3) require a copy of the complete application (including any subsequent revisions) and the ED's preliminary decision, the draft permit, preliminary determination summary, and air quality analysis to be available for public viewing beginning on the first day of the publication of the second public notice. For major source permits (authorized under the Nonattainment New Source Review or Prevention of Significant Deterioration programs), copies of the Executive Director's draft permit and preliminary decision, preliminary determination summary, and air quality analysis are also made available

electronically on the commission's website at the time of publication of the second notice. However, this requirement is not applicable to minor source New Source Review permits, like this one. As described in the notices, the application and associated documents (including the draft permit) were available for viewing and copying at the TCEQ's central office in Austin and at the Eula Hunt Beck Florence Public Library located at 207 East Main Street, Florence, Texas.

To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher's affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The Applicant provided the required forms to the Office of the Chief Clerk.

COMMENT 2: Public Meeting

Conor Brace questioned the chosen location of the public meeting, stating that the Florence High School is a "red-herring location" with little connection to the proposed site. Mr. Brace requested that a "real" public meeting be held in a larger venue to include those populations affected, and specifically requested that residents of Liberty Hill and surrounding areas, Brushy Creek MUD, Georgetown, Round Rock, and the Fort Worth District of the U.S. Army Corps of Engineers be in attendance. Stephanie Ryder Morris commented that both the informal and formal comments should be part of the permit process. Brittany D. Varner expressed concern about the Applicant's answers to certain questions at the public meeting. (North San Gabriel Alliance, Conor Brace, Stephanie Ryder Morris, Brittany D. Varner, Peggy Wardlaw, David Wheelock)

RESPONSE 2: The TCEQ rules require that a public meeting be held if a member of the legislature who represents the general area in which the facility is located requests a public meeting or if the TCEQ Executive Director determines that there is a substantial or significant degree of public interest. Public meetings are open to the public and any member of the public or interested person may attend the meeting. At the request of both citizens and Senator Charles Schwertner and Representative Terry Wilson, a public meeting was held on June 16, 2022, at the Florence High School Cafeteria.

The protocol used in public meetings was explained to the assembled audience in the preliminary remarks prior to the public meeting. Specifically, it was explained that the meeting would consist of two parts, the first being an informal discussion to ask and answer questions while the second part was a formal discussion in which the audience could provide comments that would be recorded for the official public record and responded to in writing. This information is also stated in the meeting notification that was mailed to everyone on the OCC's mailing list prior to the public meeting. The informal portion of the meeting is not designed for the taking of public comment; rather, it provides an opportunity to ask questions of both the applicant and the TCEQ staff. However, to the extent that comments are made during the informal part of the meeting, any person wishing for a written response may re-submit those comments during the formal portion of the public meeting (either orally or in writing). This Response is the written response to all formal comments received during the comment

period for the application, including those received at the public meeting, through the TCEQ's online commenting system, or by mail. A copy of this Response will be sent to each person who submitted a formal comment, a public meeting request, or a request for a contested case hearing or who requested to be on the mailing list for this permit application and provided a mailing address. All timely formal comments received are included in this Response and will be considered before a final decision is reached on the permit application.

COMMENT 3: Sign Posting

North San Gabriel Alliance Commenters questioned if the sign posting requirements were met, specifically questioning whether both English and Spanish signs were posted for the entirety of the public comment period. North San Gabriel Alliance commented that there was no evidence that the Applicant complied with the applicable sign posting rules. North San Gabriel Alliance stated that a local resident who regularly drives past the site never observed the signs posted at the proposed site casting serious doubt on whether the signs were in place for the required time period. In addition, North San Gabriel Alliance expressed doubt that the Applicant's signs complied with the requirements in 30 TAC § 101.601 requiring the public notice to indicate that the application is being processed in an expedited manner.

North San Gabriel Alliance stated that TCEQ's sign posting instructions require applicants to notify the TCEQ of any errors or omissions and to request approval for any necessary changes. In this regard, North San Gabriel Alliance stated that 30 TAC § 101.602 requires that the public notice for expedited applications indicate that the application is being processed in an expedited manner and that given this requirement, the Applicant should have requested changes to the text of the signs. North San Gabriel Alliance stated that the potential failure to comply with the sign posting requirements resulted in harm to local residents because not receiving notice of the application resulted in them not submitting timely requests for a contested case hearing.

RESPONSE 3: When it is determined that public notice is required for air quality applications, applicants must ensure that signs regarding the requested permit action are posted as required by 30 TAC § 39.604 (Sign-Posting). The sign(s) must declare the filing of an application for a permit and state the manner in which the commission may be contacted for further information. The signs must consist of dark lettering on a white background and must be no smaller than 18 inches by 28 inches and all lettering must be no less than 1½ inches in size and block printed capital lettering. In addition, 30 TAC § 39.604 requires that each sign placed at the site be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street and spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs, are required along any property line paralleling a public highway, street, or road. In cases where notice is required to be published in an alternative language, applicants must also post signs in the applicable alternative language. Additionally, the applicant must provide written verification to the commission that the sign-posting was conducted in accordance with TCEQ rules.

30 TAC § 101.602 provides that when existing public notice requirements must be met and the applicant pays the expedited permitting surcharge, the applicable public notice must indicate that the application is being processed in an expedited manner. The term "public notice" in this rule refers to the newspaper publications discussed in Response 1. These notices (both first and second notice) contained the language required by section 101.602 indicating that the application was being processed in an expedited manner. However, the signs required to be posted by 30 TAC § 39.604, are not required to contain similar language.

The Applicant provided the required verification to the Office of the Chief Clerk verifying that signs were posted at the proposed site in accordance with the TCEQ rules. In addition, at the request of the Executive Director's staff, the Applicant also provided photos containing EXIF data which demonstrated that the signs were posted on the dates and at the location required by the TCEQ rules.

COMMENT 4: Air Quality Permit

Elizabeth Ann Friou questioned why the Applicant needs a permit if the emissions are not toxic or dangerous.

RESPONSE 4: The TCAA § 382.0518 provides that before work begins on the construction of a new facility or a modification of an existing facility that may emit air contaminants, the person planning the construction or modification must obtain a permit or permit amendment from the commission. Air contaminant is defined in the TCAA § 382.003(2), to include "particulate matter, radioactive material, dust fumes, gas, mist, smoke, vapor, or odor, including any combination of those items, produced by processes other than natural." Because the proposed facility will emit air contaminants, a permit must be obtained prior to the start of construction.

COMMENT 5: Air Quality / Health Effects

Commenters expressed concern about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. North San Gabriel Alliance expressed concern that the application failed to show that the facility would not negatively impact air quality, human health, the environment, or property in the vicinity of the site. Commenters express specific concern regarding emissions of hydrogen fluoride (HF) and fluorine. Commenters expressed concern that the proposed project would cause negative health effects, including cancer. Group C commented that hydrogen fluoride is an extremely dangerous chemical that eats skin and lung tissue and stated that this chemical should never be released into the air. Heather Pacheco stated that the area does not have buildings or structures to block wind and expressed concern that the wind would carry toxic chemicals that would subsequently impact the community.

North San Gabriel Alliance expressed concern that the application failed to show that the facility would not negatively impact air quality, human health, the environment, or property in the vicinity of the site. North San Gabriel Alliance also expressed concern that the application did not consider the potential for cumulative impacts and that it

was not demonstrated that the TCEQ applied ESLs. Specifically, North San Gabriel Alliance stated that the "ESL thresholds" indicate that nearby residences will be impacted. Heather Pacheco expressed concern that winds would carry toxic chemicals to the surrounding area. Stephanie Ryder Morris commented that the TCEQ's standards are not strict enough.

Several commenters expressed concern about polyfluoroalkyl substances (PFAS) and stated these are known as "forever chemicals" because they do not degrade in nature. Bryce P. McCormick commented that perfluorooctanoic acid, which he stated is listed on the product information page of the Applicant's website, was recently identified in an EPA health advisory as a PFAS chemical. Jennifer Spies expressed concern regarding the potential health impacts of PFAS chemicals in the air and asked to what standards the Applicant is being held for these contaminants and how those standards were developed. Ms. Spies expressed concern about the potential for PFAS discharges into nearby water bodies and commented that PFAS could be spread up to 25 miles away and questioned whether the model accounted for impacts more than a few miles from the plant. Ms. Spies also questioned whether the model would be re-evaluated if EPA began regulating PFAS chemicals. In addition, Ms. Spies questioned whether the Applicant would control and monitor for these compounds and what specific method would be used for monitoring.

(County Commissioner Cynthia P. Long, North San Gabriel Alliance, Group A, Group C, Maude Allen, Mark Baker, Kristyn Barry, Stephen Bauer, Stephen David Bauer, Danial Beesley, Don T. Berry, Joy Borjes, Twila Bowden, Richard Arthur Box, Conor Brace, Whitney Brace, Lindsey Brassfield, Ashley Brooks, Alex Campo, Susan G. Carlson, Robert Carwell, Monica Castro, Megan Varvir Coe, C. D. Cook, Erin Debarbieri, Cristin L. Dershem, Jennifer Eyre, Tyler Andrew Eyre, Dylan Michael Foley, Susanne Fratzke, Elizabeth Ann Friou, Jillian Gabriel, Shannon Gehrler, Richard Grabish, Charles Gross, Joanna R. Hayes, Kelley Heath, Brenda Hendrickson, Ed Hillis, Liz Howells, Luann Howland, Andrea Jagodzinski, Shawn Jagodzinski, Matthew Johnson, Suzanne Johnson, Catherine Johnston, Chris Kalinowski, Molly Kalinowski, Lars Kuslich, Katrina D. Leal, Jan Love, Babu Madala, Nelson Mak, Alycen Malone, John Martin, Sherri Martin, Linda Martinez, Mary Massey, Bryce P. McCormick, Charles McCormick, Timothy McDaniel, Andres Mendez, Noor Agha Mendez, Jannah Mersiovsky, Karen Milone, Kenneth Mohr, Stephanie Ryder Morris, Casy Nash, Cindy Nash, Nick Novo, Sarah Novo, Abby Ogletree, Brittney Ortiz, Joe Owen, Heather Pacheco, Emily Patterson, Carla Picinich, Corrina Pointer, Bryan primrose, Jackie Primrose, Bessie Rhodes, James Richardson, Erika Rix, Randal Robbins, Whitney Robbins, Chris Robion, Maria Yolanda Roche, Mark Roche, Bill Shier, Mark Shifrin, Robert Smith, Jennifer Spies, Heather Stonehill, Heather Stonehill-Garcia, Calvin Tait, Sandra Lee Thurman, Tim Thrash, Suze Treacy, Larry Tucker, Teresa Tucker, Paul Keith Turner, Brittany D. Varner, Laura S. Wallace, Frankie Waller, Peggy Wardlaw, Susan M. Warhol, Jason Watkins, Nikki Watkins, Scott Weisse, Charles Gregory Wempe, Shannon White-Shubert, Keith Wilcox, Charles William)

RESPONSE 5: The Executive Director is required to review permit applications to ensure the emissions proposed to be authorized will be protective of human health and the environment. For this type of air permit application, potential impacts to

human health and welfare or the environment are determined by comparing the predicted concentration of air contaminants to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules. The Applicant proposed to authorize a new specialty manufacturing facility that will produce a variety of perfluorocarbons. The permit will authorize emissions of CO, NO_x, PM₁₀, PM_{2.5}, organic compounds, hydrogen fluorides, and hazardous air pollutants. As described in detail below, the Executive Director determined that the emissions authorized by this permit will be protective of both human health and welfare and the environment.

NAAQS Analysis

The U.S. Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment.¹ Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), sulfur dioxide (SO₂), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}).

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. The overall evaluation process provides a conservative prediction that is protective of public health. The modeling predictions were reviewed by the TCEQ Air Dispersion Modeling Team, and the modeling analysis was determined to be acceptable. The Applicant used the AERMOD modeling system to provide a reasonable worst-case representation of potential impacts from the proposed emissions on the area surrounding the facility. See Response 7 for additional information concerning the modeling and Response 13 concerning emissions calculations.

The Applicant conducted a NAAQS analysis for CO, NO₂, PM₁₀, and PM_{2.5}. The first step of the NAAQS analysis is to compare the maximum predicted concentrations against the established de minimis level. Maximum predicted concentrations (GLCmax²) below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1 contains the results of the de minimis analysis.

¹ 40 C.F.R. § 50.2

² The GLCmax is the maximum ground level concentration predicted by the modeling.

Table 1. Modeling Results for De Minimis Review

Pollutant	Averaging Time	GLCmax ($\mu\text{g}/\text{m}^3$)	De Minimis ($\mu\text{g}/\text{m}^3$)
NO ₂	1-hr	7	7.5
NO ₂	Annual	0.1	1
CO	1-hr	10	2000
CO	8-hr	3	500
PM ₁₀	24-hr	0.1	5
PM _{2.5}	24-hr	0.1	1.2
PM _{2.5}	Annual	0.01	0.2

The NAAQS analysis results demonstrated that each criteria pollutant proposed to be authorized is below the de minimis level for each pollutant, should not cause or contribute to violation of the NAAQS, and will be protective of human health and the environment.

Health Effects Analysis

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

The health effects analysis is performed using the TCEQ guidance Air Permit Reviewer Reference Guide - APDG 5874 - Modeling and Effects Review Applicability (MERA)³ process. The MERA provides a step-by-step process to evaluate the potential impacts of non-criteria pollutants which are evaluated against the ESL for each chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined analysis. If a contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to "fall out" of the MERA process at that step because it is protective of human health and welfare. The results of the health effects analysis are included in Table 2 below.

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

Table 2. Minor Site-Wide Health Effects Modeling Results

Pollutant	CAS#	Averaging Time	GLCmax (µg/m ³)	ESL (µg/m ³)
hydrogen fluoride	7664-39-3	1-hr	6	18
hydrogen fluoride For air permit reviews in agricultural areas	7664-39-3	1-hr	3.9	3
hydrogen fluoride For air permit reviews in agricultural areas with cattle	7664-39-3	Annual	0.3	0.75
fluorine	7782-41-4	1-hr	3.9	2
perfluoroheptane	335-57-9	1-hr	22	20000
methanol	67-56-1	1-hr	38	3900
perfluorooctanoic acid and its inorganic salts	335-67-1	1-hr	<0.01	0.05
bromine	7726-95-6	1-hr	5	7
hydrogen chloride	7647-01-0	1-hr	4	190
hydrogen chloride	7647-01-0	Annual	0.1	7.9
carbon tetrafluoride	75-73-0	1-hr	154	18000
Perfluoro (bis-2-chloroethoxy methane)	N/A	1-hr	7	200
Perfluorodecalin	306-94-5	1-hr	22	200
polymers of chlorotrifluoroethylene (PCTFE)	9002-83-9	1-hr	17	50
carbonyl fluoride For air permit reviews in agricultural areas with cattle	353-50-4	Annual	0.03	0.71
trifluoroacetic acid For air permit reviews in agricultural areas with cattle	76-05-1	Annual	0.03	0.71

As demonstrated in Table 2, with the exception of hydrogen fluoride and fluorine, all non-criteria pollutants proposed to be authorized were below their respective ESLs. Thus, these pollutants satisfied the MERA criteria and would not be expected to cause adverse health effects. As described above, if an air concentration of a pollutant is above the ESL, it is not indicative of an adverse effect but rather that further evaluation is warranted. 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.

In summary, the air contaminants proposed to be authorized in this permit application were evaluated in accordance with applicable federal and state rules and regulations. It was determined that, based on the potential predicted concentrations reviewed by the Executive Director's staff, adverse short- or long-term health effects for the general public, including sensitive subgroups such as children, the elderly, or those individuals with preexisting health conditions, animal life, crops, and vegetation are not expected as a result of exposure to the proposed emissions.

COMMENT 6: Environmental Concerns/ Flora and Fauna/ Endangered Species

Commenters expressed concern about the effect of the proposed project on flora, fauna and the surrounding environment, including the impacts on soil, trees, farmlands, and animals, including livestock and pets. Shannon White-Shubert commented that the area has unique fertile soil. North San Gabriel Alliance stated that the application failed to show that the proposed facility will not negatively affect plants and animals, including livestock and wildlife, and the local environment in the vicinity of the site. North San Gabriel Alliance also expressed concern that the application did not provide information about nearby livestock or their forage grasses and stated that the application should be returned for evaluation of the correct information. In addition, North San Gabriel Alliance also expressed concern that the area contains limestone features on other properties that could serve as habitat for endangered species and commented that the site should be analyzed for the presence of threatened or endangered species.

(North San Gabriel Alliance, Group A, Group C, Group D, Maude Allen, Federico I. Arce, Mark Baker, Tami Baker, Kristyn Barry, Franchesca C. Estrada Danial Beesley, Joy Borjes, Twila Bowden, Alex Campo, Susan G. Carlson, Robert Carwell, Monica Castro, Karen Cross, Jennifer Eyre, Tyler Andrew Eyre, Sheryl Marie Farley, Anthony Figgins, Amanda Foster, Elizabeth Ann Friou, Jillian Gabriel, Shannon Gehrler, Richard Grabish, Joanna R. Hayes, Liz Howells, Shawn Jagodzinski, Matthew Johnson, Suzanne Johnson, Chris Kalinowski, Molly Kalinowski, Lars Kuslich, Timothy McDaniel Katrina D. Leal, Babu Madala, Nelson Mak, Alycen Malone, Linda Martinez, Bryce P. McCormick, Charles McCormick, Andres Mendez, Noor Agha Mendez, Stephanie Ryder Morris, Nick Novo, Sarah Novo, Brittney Ortiz, Joe Owen, Rebecca R. Owens, Heather Pacheco, Corrina Pointer, Bryan Primrose, Jackie Primrose, Travis Redding, Bessie Rhodes, James Richardson, Erika Rix, Twila Bowden Randal Robbins, Chris Robion, Maria Yolanda Rocke, Mark Rocke, Robert Smith, Calvin Tait, Tim Thrash, Laura S. Wallace, Nikki Watkins, Charles Gregory Wempe, Shannon White-Shubert, Keith Wilcox, Elizabeth Williams, Haziell Williams)

RESPONSE 6: As described above, the secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and structures, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. The TCEQ's jurisdiction for air quality permitting does not authorize the

commission to consider effects on plants or animals outside of an evaluation of the secondary NAAQS. Accordingly, applicants for air quality permits are not required to submit information concerning nearby livestock or forage grasses. However, because the emissions from this facility should not cause an exceedance of the NAAQS, the emissions are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. In addition, the ESLs for hydrogen fluoride, carbonyl fluoride, and trifluoroacetic acid were developed specifically to be protective of cattle in addition to human health. Permit holders must also comply with 30 TAC § 101.4, which prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

Compliance with rules and regulations regarding endangered species is handled at the state level by the Texas Parks and Wildlife Department and at the federal level by the United States Fish and Wildlife Service. It is incumbent upon an applicant to request and acquire any additional authorizations that may be required under state or federal law. However, if operated in accordance with the requirements of this permit, adverse impacts from the proposed facility are not expected.

COMMENT 7: Air Dispersion Modeling / Evaluation of the Surrounding Area

Commenters expressed concern that the review of the application did not adequately consider potential impacts on the surrounding area or nearby residences. North San Gabriel Alliance stated that the application did not demonstrate that an adequate site review was conducted for the property. In addition, North San Gabriel Alliance stated it was not clear that the air modeling included and properly evaluated all applicable emissions, such as fugitive emissions or MSS activities. North San Gabriel Alliance expressed concern that several nearby residents were not identified in the application and stated that the ESLs indicated that those residents would be impacted. North San Gabriel Alliance commented that the application should be returned so that correct information can be submitted and potential impacts on residences not identified in the application can be evaluated. David Wheelock commented that in the files he found on TCEQ's website, one appears to be a request for information from TCEQ staff asking the Applicant to provide justification for its use of the non-industrial location associated with the analysis. Mr. Wheelock stated that he was not able to find anything in the online records indicating the Applicant responded to this request for information.

North San Gabriel Alliance commented that the application contained factually incorrect information about the surrounding area. Specifically, North San Gabriel Alliance stated that the application states that the site is surrounded to the West, North, and South by forested land and possible agricultural land to the East. Conor Brace commented the statement in the application indicating that the proposed location was in the Florence Area or northwest Williamson County was dishonest in its suggestion that the site was in the middle of nowhere. Mr. Brace requested that TCEQ put down outdated maps and explore the area for itself.

(North San Gabriel Alliance, Conor Brace, David Wheelock)

RESPONSE 7: As described above, appropriate site-specific air dispersion modeling was performed for this application. The Applicant used the EPA-approved AERMOD air dispersion modeling program to provide an estimate of the worst-case potential impacts on the area surrounding the proposed facility. The modeling procedures, methodology, predictions, and results were audited by the TCEQ's Air Dispersion Modeling Team (ADMT) and determined to be acceptable. The ADMT review was conducted following the procedures outlined in TCEQ Publication APDG 6232, Air Quality Modeling Guidelines.⁴

The request to justify the use of the non-industrial location chosen for the site-wide difluorine/fluorine analysis was made prior to the Applicant's submittal of the final modeling analysis. The ADMT conducts a preliminary review of the Electronic Modeling Evaluation Workbook to evaluate general proposals for modeling and to give feedback on items which should be addressed in the final modeling evaluation. The Applicant appropriately addressed this issue in its final modeling submittal and correctly accounted for the non-industrial location of the proposed facility.

The evaluation incorporated all emissions proposed to be authorized as represented in the permit application. The modeling considered the potential effects of buildings (or lack thereof) on the dispersion of emissions. In addition, the model incorporated a full year of meteorological data as a means of predicting dispersion given the different weather patterns expected at the site. While daily weather conditions can vary within a given year, the worst-case meteorological conditions that occur during a given year are typically the same as other years. Thus, the meteorological data included sufficient data to capture the worst-case meteorological conditions, which would include the local prevailing winds.

Applicants are required to provide a current area map and plot plan with their application materials. The area map must include a true north arrow, an accurate graduated scale, show the entire plant property, the location of the property relative to prominent geographical features, and a 3,000-foot radius from the property boundary. The plot plan must clearly show a scale, contain a north arrow, all property lines, emission points, buildings, tanks, process vessels, other process equipment, and include two benchmark locations. The area map and plot plan submitted with the application were sufficiently detailed and representative of the surrounding area for the impact analysis. In addition, the ADMT reviewed aerial photography (Google Earth) to verify the representation of the surrounding area in the area map.

In addition, in its modeling analysis, the Applicant placed receptors around the property line at 25-meter intervals and extending out 150-250 meters in each direction. The receptor grid was then extended out to a distance of 1000-1500 meters in each direction with receptor spacing of 100 meters. The ADMT determined that the grid modeled was sufficient in density and spatial coverage to capture representative maximum ground-level concentrations. As stated in Response 5, based on the Executive Director's staff review, adverse health effects are not expected as a result of proposed emission rates associated with this project.

⁴ See Air Quality Modeling Guidelines - APDG 6232

COMMENT 8: Environmental Impact Study

Shannon White-Shubert commented that the Applicant indicated in a town-hall meeting that it had conducted an environmental study. Ms. White-Shubert expressed concern that this study has not been disclosed to the public.

RESPONSE 8: Environmental Assessments and Environmental Impact Statements (EIS) are a specific requirement for federal agencies under the National Environmental Policy Act (NEPA). An EIS is not required for state actions such as this permit. Thus, the TCEQ cannot require an applicant to submit an EIS or make it available to the public. However, both the TCAA and the TCEQ rules provide for an extensive review of the application to ensure that emissions from the proposed facility will not violate the NAAQS and will not be expected to adversely affect human health or the environment. This review is discussed in more detail in Response 5.

COMMENT 9: Odors

North San Gabriel Alliance expressed concern that its members would be endangered by foul odors from the proposed facility.

RESPONSE 9: The potential for odor nuisance is reviewed through the use of ESLs. In this case, the particular ESLs considered in the review were health-based ESLs which are generally more restrictive than odor-based ESLs. As discussed in Response 5, the health effects review compared the emissions proposed to be authorized to the ESLs and determined that the impacts were acceptable.

While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits a person from creating or maintaining a condition of nuisance. Specifically, the rules states “[n]o person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to 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.”

Individuals are encouraged to report any concerns about suspected noncompliance with the terms of any permit or other environmental regulation by contacting the TCEQ Austin Regional Office at 512-339-2929 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ reviews all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to investigation and possible enforcement action.

COMMENT 10: Water Concerns

Commenters expressed concern that the project would negatively impact water resources in the surrounding area, including the Edwards Aquifer. Commenters expressed concern regarding water contamination due to potential spills, byproducts, and discharges from the facility. In addition, many commenters expressed concern that the Applicant would discharge contaminants or chemical waste into the North

Fork San Gabriel River. North San Gabriel Alliance commented that the Applicant was not able to obtain an Edwards Aquifer contributing zone permit and that the Air Permits Division should consider the lack of the contributing zone permit in its review of the air application. Cynthia P. Long expressed concern that the facility will overtax the water supply. John Martin asked what the projected water usage is for the facility and what limits on water usage will be imposed.

(County Commissioner Cynthia P. Long, North San Gabriel Alliance, Group A, Group C, Federico I. Arce, Mark Baker, Kristyn Barry, Stephen David Bauer, Danial Beesley, Don T. Berry, Anne Kathrine Beville, Joy Borjes, Barry L. Bowden, Arthur Richard Box, Richard Arthur Box, Conor Brace, Lindsey Brassfield, Ashley Brooks, Susan G. Carlson, Robert Carwell, Monica Castro, C. D. Cook, Grant Cross, Karen Cross, Paul Davidson, Cristin L. Dershem, Franchesca C. Estrada, Jennifer Eyre, Tyler Andrew Eyre, Sheryl Marie Farley, Amanda Foster, Elizabeth Ann Friou, Jillian Gabriel, Twila Bowden Richard Grabish, Charles Gross, Christi Lachelle Gutierrez, Ed Hillis, Luann Howland, Shawn Jagodzinski, Matthew Johnson, Catherine Johnston, Ericka Lamanna, Katrina D. Leal, Nelson Mak, Alycen Malone, John Martin, Mary Massey, Bryce P. McCormick, Timothy McDaniel, Ronal Dalton McCloud, Andres Mendez, Noor Agha Mendez, Allison Metcalfe, Stephanie Ryder Morris, Casy Nash, Cindy Nash, Nick Novo, Sarah Novo, Joe Owen, Rebecca R. Owens, Heather Pacheco, Tanara Patel, Emily Patterson, Carla Picinich, Bryan Primrose, Jackie Primrose, James Richardson, Erika Rix, Randal Robbins, Whitney Robbins, Mark Shifrin, Robert Smith, Jennifer Spies, Heather Stonehill, Calvin Tait, Sandra Lee Thurman, Suze Treacy, Teresa Tucker, Paul Keith Turner, Brittany D. Varner, Laura S. Wallace, Frankie Waller, Peggy Wardlaw, Susan M. Warhol, Jason Watkins, Nikki Watkins, Charles Gregory Wempe, Shannon White-Shubert, Skyler Whittlesey, Keith Wilcox, Haziell Williams)

RESPONSE 10: Although the TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this proposed permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water use, water quality, or potential discharges are not within the scope of this review. This permit does not regulate water use or authorize the discharge of pollution into a body of water.

The issuance of an air quality permit does not negate the responsibility of an applicant to apply for any additionally required authorizations before operating a plant. It is the Applicant's responsibility to secure any authorizations necessary for operation of the proposed facility, and accordingly, the Applicant may be required to apply for separate authorizations regulating water use or water quality at the proposed site.

Individuals are encouraged to report environmental concerns, including water quality issues, or suspected noncompliance with the terms of any permit or other environmental regulation by contacting the TCEQ Austin Regional Office at 512-339-2929 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ evaluates all complaints received. If the plant is found to be out of compliance with the terms and conditions of the permit, the Applicant may be subject to enforcement action.

COMMENT 11: On-Site Chemical Storage

Peggy Wardlaw questioned how the Applicant would store chemicals on site and questioned whether the Applicant accurately represented the type and location of on-site chemical storage. Specifically, Ms. Wardlaw expressed concern that the Applicant indicated it would move chemicals onsite and that process had not been considered during the review of the application. Jackie Primrose asked if there will be limitations on the quantities of each chemical that is on the property at one time so that if there is an accident or natural disaster there is an attempt to minimize the impact.

(Jackie Primrose, Peggy Wardlaw)

RESPONSE 11: The Applicant represented that there will be multiple buildings, including a storage building, that will contain materials stored in sealed drums. The storage of chemicals in sealed containers which do not have the potential to emit pollutants into the air are outside of the jurisdiction of the air permit.

The Applicant submitted a Table 2 Material Balance. The Material Balance representation accounts for all materials entering and leaving the facility at maximum operating conditions. In accordance with 30 TAC § 116.116, an applicant is bound by its representations in the application and those representations become an enforceable part of the permit. *See* Response 22 concerning emissions events, spills, and emergency response.

COMMENT 12: Best Available Control Technology (BACT)

North San Gabriel Alliance expressed concern that the application did not include an adequate BACT analysis. North San Gabriel Alliance expressed specific concern that the Applicant had withdrawn its application for an Edward Aquifer Contributing Zone Plan because it could not meet applicable requirements and stated this demonstrates the application did not propose BACT. Susanne Fratzke asked if the Applicant would consider installing controls beyond BACT. (North San Gabriel Alliance, Susanne Fratzke)

RESPONSE 12: The TCAA and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer audits all sources of air contaminants at the proposed facility and assures that the facility will be using the best available control technology (BACT) applicable for the sources and types of contaminants emitted. BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions. *See* TCAA § 382.0518; 30 TAC § 116.111. BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations. The Applicant represented that BACT will be used for the proposed new sources.

The contaminants authorized by this permitting action include hydrogen fluorides,

carbon monoxide, hazardous air pollutants, particulate matter, nitrogen oxides and organic compounds. The primary control measures applied to this facility are the use of thermal oxidizers, which will be required to achieve a 99.9 percent destruction efficiency. Absorbers will also be used upstream of the thermal oxidizers to reduce the amount of emissions vented to the thermal oxidizers and to recycle material back to the process. The Applicant also proposed the use of the 28AVO program for monitoring of components in hydrogen fluoride (HF) service. The permit reviewer evaluated the proposed BACT and confirmed it to be acceptable.

COMMENT 13: Emissions Calculations

North San Gabriel Alliance commented that the application did not demonstrate that the emissions calculations were conducted properly. North San Gabriel Alliance also stated that it was not clear whether the emission factors relied on were proper or if the data was representative of site-specific conditions. North San Gabriel Alliance also stated it was not clear whether the emissions calculations included MSS activities.

RESPONSE 13: The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the Maximum Allowable Emissions Rate Table (MAERT).

Emissions calculations for the proposed facility were determined utilizing vendor data, TCEQ guidance, and EPA emissions factors. The EPA has documented a list of emission factors that can be used to calculate the estimated emissions from many sources, including sources proposed to be authorized in this permit. These emission factors are provided in EPA's AP-42 Compilation of Air Emission Factors (AP-42) guidance. The TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum production rates. The resulting emission rates are used as one of the inputs to an EPA-approved air dispersion modeling program that determines the predicted emission concentration for each air contaminant at locations surrounding the proposed facility.

The emission rates from the exhaust gas vent systems were estimated based on vendor supplied data for the air contaminant removal efficiency of the thermal oxidizers, AP-42 emission factors, and calculated air contaminant input rates to the thermal oxidizers. The removal efficiency of the process scrubber was conservatively assumed to be zero. Emission rates from units that are not vented to the exhaust gas vent systems were estimated based on the physical properties of the chemicals and facility operating parameters. Fugitive emission rate estimates were calculated using TCEQ's common fugitive calculation workbook, in accordance with the TCEQ's Air Permit Technical Guidance for Chemical Sources: Fugitive Guidance - APDG 6422 (June 2018). The fugitive emission stream weight percentages authorized in the permit represent the maximum expected concentrations of each chemical under any operation condition.

COMMENT 14: Chemical Flexibility

North San Gabriel Alliance commented that the draft permit should not allow chemical flexibility.

RESPONSE 14: The TCEQ offers regulated entities chemical flexibility by including a set of conditions that contain a procedure for the permit holder to authorize new chemicals. This method is limited to new chemicals that serve the same basic function as the chemicals previously authorized by the permit and that will emit only from currently authorized and previously reviewed emissions points. Unit impact multipliers obtained from the impacts evaluation are identified in the chemical flexibility conditions and the permit holder must use the evaluation procedure outlined in the conditions to determine whether both the short- and long-term impacts are acceptable. The new chemical may be authorized only if it meets the requirements of the chemical flexibility conditions.

COMMENT 15: Hours of Operation

North San Gabriel Alliance expressed concern that the application authorizes the site to operate 24 hours per day, 365 days per year, further stating that this schedule is not protective of public health or the environment.

RESPONSE 15: TCEQ has not been delegated the authority to regulate the hours of operations of a facility or site if the permit review demonstrates all applicable federal and state regulations are met. Accordingly, TCEQ cannot limit the hours of operation unless an emission rate is dependent on a limit on operational hours or there are issues associated with the air quality analysis that require the limitation. The Applicant represented operations up to 8,760 hours per year. Despite the representation of 8,760 hours per year, which is typically done for conservatism and flexibility in operations, facilities typically do not operate that many hours per year. As described in Response 5, based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of the emissions proposed to be authorized.

COMMENT 16: Monitoring and Recordkeeping

Commenters expressed concern about the monitoring requirements contained in the draft permit. Susanne Fratzke questioned how the Applicant would demonstrate compliance with the permit. Janet Ellis questioned what the air quality and groundwater reporting requirements are for this facility. North San Gabriel Alliance expressed concern that the monitoring and recordkeeping requirements in the draft permit will not ensure compliance with all rules and requirements. Charles McCormick commented that the Applicant should be required to install an exhaust monitoring system that measures and records emissions in real time and that the results should be available to the public on the internet. Mr. McCormick stated that the monitoring system should include threshold alarms that trigger sirens and alert emergency services and expressed concern that without this system, local residents will be unable to promptly recognize emergency conditions and know when to evacuate.

(North San Gabriel Alliance, Janet Ellis, Susanne Fratzke, Charles McCormick)

RESPONSE 16: Special conditions have been included as part of the draft permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions from the thermal oxidizer and scrubber system, will be required to be monitored through temperature monitoring of the thermal oxidizer firebox exhaust temperature and the oxygen concentration. The fugitive emissions from components in hydrogen fluoride service will be monitored with the 28AVO program. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the facility which may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

In addition, the draft permit requires the Applicant to perform stack sampling and other testing as required to establish the actual pattern and quantities of air contaminants being emitted into the atmosphere from the thermal oxidizers to demonstrate compliance with the permit. This sampling must be conducted in accordance with the appropriate procedures contained in the TCEQ Sampling Procedures Manual and the U.S. Environmental Protection Agency (EPA) Reference Methods and must be conducted within 60 days after achieving the maximum operating rate, but no later than 180 days after initial start-up of the facilities.

COMMENT 17: Future Permitting Actions

Susanne Fratzke commented that the application is based on a certain business case and questioned what would happen if the Applicant's business expanded in the future. Ms. Fratzke commented that an expanding business would likely mean more pollution and questioned whether a new air permit would be required.

RESPONSE 17: A permit holder may not vary from any representation or permit condition without obtaining a permit amendment if the change will cause a change in the method of control of emissions, a change in the character of the emissions, or an increase in the emissions rate of any air contaminant. *See* 30 TAC § 116.116(b). The Executive Director cannot speculate on the need for any future amendments. However, each application received by the agency is reviewed for compliance with applicable rules and regulations and any future applications would need to demonstrate that the proposed facility would utilize the best available control technology (BACT) and that the proposed emissions would not cause or contribute to a violation of the NAAQS or adverse health effects.

COMMENT 18: Location / Trucks / Traffic / Roads / Quality of Life / Aesthetics / Property Value

Location

Commenters expressed concern regarding the location of the proposed facility and its proximity to residential and public areas, including farms, ranches, agricultural areas,

wildlife conservations areas, and water recreation areas. Some commenters also expressed concern that the proposed facility would be located in the Edwards Aquifer contributing zone and several commenters requested that the proposed facility be located somewhere else. Robert Carwell questioned how a governmental body would see fit to enable the construction of a chemical facility in this area. Brittany D. Varner stated the Applicant cheated the system by purchasing land in a residential area and stated that there is no telling who will be next to build in the area. Charles Gross expressed concern that the proposed facility would negatively impact the future development of the area. Luann Howland and Maude Allen expressed concern that the facility's proposed location is in a 100-year flood plain. North San Gabriel Alliance commented that the Applicant withdrew its application for an Edwards Aquifer Contributing Zone Plan which demonstrates that the area is subject to heightened protections and is not suitable for the proposed facility.

In addition, some commenters expressed concern that the Applicant chose the proposed location specifically to avoid regulatory oversight. Bryce McCormick commented that the Applicant is moving to the community so they can operate freely. Peggy Wardlaw commented that the Applicant chose the location so that people would not be around to know when chemicals are spilled. Joe Owen commented that a facility like this operates outside of a city's jurisdiction to avoid scrutiny and air quality controls. Heather Stonehill-Garcia also expressed concern that the Applicant chose the proposed location to avoid peering eyes and avoid getting caught in the event that their facility leaks.

(County Commissioner Cynthia P. Long, North San Gabriel Alliance, Group A, Group C, Group D, Maude Allen, Federico I. Arce, Mark Baker, Tami Baker, Kristyn Barry, Stephen David Bauer, Danial Beesley, Don T. Berry, Joy Borjes, Richard Arthur Box, Conor Brace, Whitney Brace, Lindsey Brassfield, Ashley Brooks, Robert Carwell, Monica Castro, Megan Varvir Coe, C. D. Cook, Tim Cox, Grant Cross, Karen Cross, Paul Davidson, Erin Debarbieri, Cristin L. Dershem, Franchesca C. Estrada, Jennifer Eyre, Tyler Andrew Eyre, Shery Marie Farley, Sheryl Marie Farley, Anthony Figgins, Jennifer Finkel, Dylan Michael Foley, Amanda Foster, Elizabeth Ann Friou, Kyle Gehrler, William Patrick George, Richard Grabish, Charles Gross, Christi Lachelle Gutierrez, Joanna R. Hayes, Kelley Heath, Glenn Heimbigner, Glenn Heimbinger, James Henley, Ed Hillis, Luann Howland, Andrea Jagodzinski, Shawn Jagodzinski, Matthew Johnson, Suzanne Johnson, Catherine Johnston, Chris Kalinowski, Molly Kalinowski, Ericka Lamanna, Jan Love, Babu Madala, Nelson Mak, Alycen Malone, John Martin, Sherri Martin, Mary Massey, Bryce McCormick, Bryce P. McCormick, Timothy McDaniel, Ronal Dalton Mcloud, Andres Mendez, Noor Agha Mendez, Allison Metcalfe, Karen Milone, Kenneth Mohr, Connie Moore, Stephanie Ryder Morris, Casy Nash, Nick Novo, Sarah Novo, Joe Owen, Rebecca R. Owens, Heather Pacheco, Emily Patterson, Carla Picinich, Corrina Pointer, Bryan Primrose, Jackie Primrose, Travis Redding, Bessie Rhodes, James Richardson, Erika Rix, Whitney Robbins, Mark Rocke, Bill Shier, Mark Shifrin, Ellen Skoviera, Robert Smith, Wanda Smith, Jennifer Spies, Michele Stanfield, Heather Stonehill-Garcia, Calvin Tait, Sandra Lee Thurman, Suze Treacy, Larry Tucker, Teresa Tucker, Brittany D. Varner, Laura S. Wallace, Peggy Wardlaw, Susan M. Warhol, Jason Watkins, Nikki Watkins, Scott Weisse, Charles Gregory Wempe, Charles Wempe, Shannon White-

Shubert, Skyler Whittlesey, Keith Wilcox, Charles William, Elizabeth Williams, Haziel Williams)

Quality of Life / Recreation / Aesthetics / Property Value

Commenters are concerned about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property and land values. In addition, several commenters stated they moved to the area for the natural beauty and expressed concern that recreational activities such as swimming, fishing, and hunting would be impacted by the proposed facility.

(North San Gabriel Alliance, Tami Baker, Don T. Berry, Alex Campo, Robert Carwell, Monica Castro, Karen Cross, Sheryl Marie Farley, Elizabeth Ann Friou, Kelley Heath, Brian S. Jalufka, John Martin, Mary Massey, Timothy McDaniel, Karen Milone, Heather Pacheco, Paul Keith Turner, Shannon White-Shubert, Keith Wilcox, Elizabeth Williams, Haziel Williams)

Trucks/Traffic/Roads

Charles Gross commented that road infrastructure is poor in the area. Larry Tucker commented that the existing road is not equipped to handle trucks, further expressing concern regarding the potential for traffic accidents. In addition, Mr. Tucker commented that the TCEQ should consider the potential air quality impacts of a traffic accident. Brittany D. Varner expressed concern about semi-trucks carrying toxic chemicals. (Charles Gross, Larry Tucker, Brittany D. Varner)

RESPONSE 18: The TCAA establishes the TCEQ's jurisdiction to regulate air emission in the state of Texas. TCEQ's review of requests for air quality authorizations to emit air contaminants is limited to a review of the best available control technology (BACT) and a health effects review. Accordingly, the TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable by the TCEQ. Zoning, land use, aesthetics, and effects on property values are beyond the authority of the TCEQ for consideration when reviewing air quality permit applications. Although TCEQ cannot consider land use issues, the TCEQ does conduct a health effects review to ensure that there will be no adverse impacts to human health and welfare. See Response 5 for additional information about the review of the application.

The TCEQ also does not have jurisdiction to consider traffic or road safety when determining whether to approve or deny a permit application. Trucks are considered mobile sources, which are not regulated by the TCEQ. Moreover, the TCEQ is prohibited from regulating roads per TCAA § 382.003(6), which excludes roads from the definition of "facility." These concerns are typically the responsibility of local, county, or other state agencies, such as the Texas Department of Transportation (TxDot) and the Texas Department of Public Safety (DPS). Concerns regarding roads should be addressed to the appropriate state or local officials. However, emissions from these sources may not constitute a nuisance as defined in 30 TAC § 101.4. Although the TCEQ is prohibited from regulating trucks, TCEQ rules prohibit anyone from causing a traffic hazard. Specifically, 30 TAC § 101.5 states, "No person shall discharge from any source whatsoever such quantities of air contaminants, uncombined water, or other

materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use.”

COMMENT 19: Public Infrastructure and Utilities

Cynthia P. Long and Shannon White-Shubert expressed concern that the public infrastructure and utilities in the area would be unable to support the needs of the proposed facility, stating that public utilities in the rural area are unreliable, power outages are common, and that the area does not have sewer, natural gas or adequate water. (County Commissioner Cynthia P. Long, Charles Gross, Brittany D. Varner, Laura S. Wallace, Shannon White-Shubert)

RESPONSE 19: This permit, if issued, will regulate the control and abatement of air emissions only. Issues related to the public infrastructure or the availability of utilities are outside the scope of review of an air quality permit. It is the Applicant's responsibility to ensure it has adequate resources to operate its facility.

COMMENT 20: Attainment Area/State Implementation Plan

Jennifer Spies commented that the Applicant only chose the proposed location because the area is considered to be in attainment. Ms. Spies stated that if the facility had been proposed in a non-attainment area, EPA would be monitoring it and would require a State Implementation Plan (SIP) to detail steps necessary to achieve the standards.

RESPONSE 20: As described in Response 18, the TCEQ does not have jurisdiction to consider plant location choices made by an applicant and therefore cannot deny a permit application on the basis of location unless a statute or rule imposes specific distance limitations that are enforceable by the TCEQ.

The FCAA requires states to develop State Implementation Plans (SIPs) to address attainment and maintenance of the NAAQS. A SIP is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and attain the NAAQS and to fulfill other requirements of the FCAA. The Texas SIP, which is federally enforceable, includes Texas' NSR permitting programs for both major and minor sources, and these programs implement both the FCAA and the TCAA. However, SIPs are not required for individual permitting actions. The EPA has approved the Texas SIP, making the TCEQ the permitting authority for regulation of air emissions generated in the state of Texas.

COMMENT 21: Compliance History / Enforcement / Penalties

Commenters expressed concern regarding the Applicant's compliance history, and specifically about violations at its other facility locations. John Martin asked what the company history is when it comes to responses to leaks and about the history of imposed penalties. Group D commented that this Applicant has had too many negligent discharges at its other location.

Susanne Fratzke questioned whether the TCEQ would audit the company to ensure compliance. Stephanie Ryder Morris expressed concern about TCEQ's ability to enforce environmental standards given cuts to the agency's budget. Andres Mendez expressed

concern that penalties are too low and stated that the Applicant views fines as a cost of doing business and would rather pay fines than comply with their permits.

(Group D, Maude Allen, Danial Beesley, Twila Bowden, Whitney Brace, Ranchesca C. Estrada, Jennifer Eyre, Tyler Andrew Eyre, Susanne Fratzke, Jillian Gabriel, Chelsey Heil, James Henley, Lars Kuslich, Katrina D. Leal, Nelson Mak, John Martin, Bryce McCormick, Andres Mendez, Noor Agha Mendez, Stephanie Ryder Morris, Nick Novo, Sarah Novo, Joe Owen, Rebecca R. Owens, Heather Pacheco, Travis Redding, Erika Rix, Bill Shier, Robert Smith, Heather Stonehill-Garcia, Calvin Tait, Nikki Watkins, Charles Gregory Wempe, Charles Wempe, Elizabeth Williams, Haziel Williams)

RESPONSE 21: There are a number of mechanisms by which the TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, the TCEQ investigates regulated operations to ensure compliance with applicable rules and regulations. Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, violations are repeated, or if a regulated entity is classified as an unsatisfactory performer.

Individuals are encouraged to report environmental concerns or suspected noncompliance with the terms of any permit or other environmental regulation by contacting the TCEQ Austin Regional Office at 512-339-2929 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ evaluates all complaints received. If the facility is found to be out of compliance with the terms and conditions of the permit, the Applicant may be subject to enforcement action. Citizen-collected evidence may be used in such an action. *See* 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law. The information, if gathered according to agency procedures and guidelines, can be used by the TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, *see* the TCEQ's website at <https://www.tceq.texas.gov/compliance/complaints/protocols>.

Alleged violations documented during an investigation are initially addressed through a notice of violation (NOV) letter, which generally allows the operator a specified period of time within which to comply. The violation is considered resolved upon timely corrective action. If a violation is not timely corrected, repeated, or causes an impact to the environment or neighboring properties, formal enforcement action will begin according to the TCEQ Enforcement Initiation Criteria. Depending on the situation, the commission has the authority to suspend or revoke a permit pursuant to the limitations in Tex. Water Code, Chapter 7, Subchapter G.

Generally, administrative and civil penalties up to \$10,000 and \$50-25,000 respectively, may be assessed for violations of the TCEQ rules. *See* Tex. Water Code, Chapter 7. However, the specific penalties associated with any violation will be determined on a case-by-case basis according to the TCEQ's Penalty Policy. Any economic benefit or monetary gain derived from a failure to comply with TCEQ rules or regulations will be considered and may increase the penalty. Additional information

about the TCEQ penalty policy may be obtained from the TCEQ website, Penalty Policy of the Texas Commission on Environmental Quality, available at <https://www.tceq.texas.gov/compliance/investigation/rg-253.html>.

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

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance.

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

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

The proposed site has a rating of 'unclassified' because it is a new site. The company has a rating of 3.31 and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 22: Emissions Events / Spills/ Safety / Emergency Response

Commenters expressed concern regarding the safety of the proposed facility, potential chemical exposures, emissions events, explosions, spills, and remediation of hazards. Commenters expressed concern that there is a lack of nearby emergency services that would respond to a chemical plant release or emergency, including medical, fire, and hazmat responders and services. Whitney Brace expressed concern about the safety of the facility and about the potential of exposure to chemical clouds. Kenneth Mohr expressed concern about safety and stated that fluorine is a volatile and explosive chemical. Haziell Williams commented that remediation is the company's responsibility. Peggy Wardlaw expressed concern about the potential for forest fires. Dylan Michael Foley stated that TCEQ would be held accountable when something goes wrong.

Commenters expressed concern that public utilities are not reliable in the area and that water would not be available to firefighters in the case of a fire or explosion. Shannon White-Shubert commented that there is no fire department nearby and that the nearest is a volunteer fire department. Ms. White-Shubert also expressed concern about the distance from the nearest trauma centers to the proposed facility.

North San Gabriel Alliance expressed concern that the application did not include a Risk Management Plan or seek to authorize emergency fire water pumps onsite. North San Gabriel Alliance commented that the Applicant has a poor history of emergency response at its Round Rock facility and that its emergency and disaster response plan is inadequate. Jennifer Spies asked how and when the public would be notified that a release has occurred. Charles McCormick commented that the requirement to self-report releases of toxic gases is doubtful at best and that the Applicant is incentivized to ignore issues to keep the facility out of the spotlight.

(County Commissioner Cynthia P. Long, North San Gabriel Alliance, Group D, Maude Allen, Don T. Berry, Whitney Brace, Paul Davidson, Jennifer Eyre, Tyler Andrew Eyre, Dylan Michael Foley, Elizabeth Ann Friou, Matthew Johnson, Nelson Mak, Mary Massey, Bryce McCormick, Bryce P. McCormick, Charles McCormick, Andres Mendez, Noor Agha Mendez, Karen Milone, Kenneth Mohr, Nick Novo, Sarah Novo, Joe Owen, Bryan Primrose, Jackie Primrose, James Richardson, Bill Shier, Mark Shifrin, Robert Smith, Jennifer Spies, Sandra Lee Thurman, Brittany D. Varner, Peggy Wardlaw, Susan M. Warhol, Charles Gregory Wempe, Shannon White-Shubert, Keith Wilcox, Elizabeth Williams, Haziell Williams)

RESPONSE 22: The draft permit's Maximum Allowable Emission Rate Table (MAERT) lists the only emissions authorized to be emitted from the proposed plant. The TCEQ defines an upset event as an unplanned or unanticipated occurrence or excursion of a process or operation that results in unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission may initiate an enforcement action for failing to report the underlying emissions event itself.

In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, As set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in excess emissions. The TCEQ does not have jurisdiction over local fire prevention or protection and cannot require an applicant to authorize emergency fire water pumps. However, the receipt of an air permit does not negate the responsibility of an applicant to apply for any additional required authorizations prior to operating a plant or from complying with other applicable regulations.

Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events may be subject to a disaster review. Specifically, federal rules require owners and operators of a facility that manufactures, uses, stores, or otherwise handles more than a threshold quantity of a regulated substance listed in 40 C.F.R. § 68.130, to implement a risk management program and submit a single Risk

Management Plan for all covered processes to the EPA. TCEQ has not been delegated the authority to administer this program. However, the draft permit requires the permit holder to comply with EPA regulations on Chemical Accident Prevention Provisions promulgated in 40 CFR Part 68. In addition, as part of the technical review of air quality permit applications, the Executive Director questions whether the proposed facility will handle more than a threshold quantity of a regulated substance listed in 40 C.F.R. § 68.130, as part of its disaster review. If a proposed facility is subject to a disaster review, the Executive Director will request that the applicant submit its Risk Management Plan which is then kept on file with the TCEQ. This application triggered a disaster review for hydrogen fluoride (HF) and the draft permit requires the Applicant to submit its Risk Management Plan (RMP) to the Air Permits Division prior to the date the facility first exceeds a threshold quantity of hydrogen fluoride.

COMMENT 23: Corporate Profits / Financial Assurance

Commenters questioned the corporate profits made by this project at a cost to the surrounding community. John Martin asked what financial assurance is in place to reimburse the community if contamination occurs. (Ashley Brooks, John Martin, Bill Shier, Heather Stonehill, Heather Stonehill-Garcia)

RESPONSE 23: The TCEQ does not have jurisdiction to prohibit anyone from seeking authorization to emit air contaminants; nor can the TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. The applicable state and federal statutes and rules that govern this air quality permit application do not include provisions requiring financial assurance. Further, the TCEQ is not authorized to consider a company's financial status, profit issues, or third-party contractual agreements in determining whether a permit should be issued.

COMMENT 24: Covenants, Conditions and Restrictions / Deed Restrictions

Commenters expressed concern about the Applicant's compliance with Covenants, Conditions, and Restrictions and Deed Restrictions. Kyle Gehrer stated that restrictions were implemented on all lots that prohibited business from operating on the properties and questioned how the Applicant is able to obtain a permit to operate if this is the case. Suzanne Johnson stated that the Applicant is in violation of deed restrictions and questioned whether permission from the declarant of the property has been given. Shannon White-Shubert expressed similar concerns, commenting that the proposed facility would violate the community deed restrictions which state 'no noxious, noisy, offensive, undesirable, unlawful, or immoral activity shall be conducted on any tract'. Ms. White-Shubert further commented that documents were not filed with Williamson County which establish the property or community as a planned unit development, that the covenants run with the land, and that the deed restrictions will be upheld in a court of law if needed.

(Kyle Gehrer, Suzanne Johnson, Shannon White-Shubert, Brittany D. Varner, Chris Kalinowski, Molly Kalinowski)

RESPONSE 24: The TCEQ does not have jurisdiction to enforce compliance with deed restrictions, including any Covenants, Conditions and Restrictions. However, the issuance of an air quality permit does not negate the obligation of an applicant to ensure it has or will obtain the legal authority necessary to construct its facility in the proposed location.

COMMENT 25: TCEQ's Responsibility to the Community / Project Opposition and Support

Commenters asked that the TCEQ consider residents and their wishes and choose not to issue the permit. Commenters stated that the TCEQ should uphold its mission statement and protect the surrounding environment by not issuing the permit. Keith Wilcox commented that the proposed facility was an irresponsible idea and plan and questioned why the government isn't protecting the local public. Stephanie Ryder Morris stated TCEQ has failed to enforce water and air quality standards and expressed concern that applicable standards are not strict enough. Group A called upon TCEQ to rescind its preliminary decision on the application.

Cynthia P. Long requested TCEQ do a full and thorough review of the permit application and consider the concerns of the neighboring property owners. Joe Owen commented that the application deserves the highest scrutiny. Tami Baker requested that landowners have the ability to have a say in their future. Sandra Lee Thurman stated that TCEQ and other regulators must withdraw and deny other permits for this facility. John Martin questioned how close the TCEQ personnel reviewing the application lived in relation to the proposed facility.

Barry L. Bowden stated that after learning no water discharges would be authorized by this permit, he was in support of the project. John G. Dupont also commented in favor of the proposed facility.

(Senator Charles Schwertner, County Commissioner Cynthia P. Long, Group A, Group B, Group D, Maude Allen, Mark Baker, Tami Baker, Kristyn Barry, Stephen Bauer, Stephen David Bauer, Joy Borjes, Barry L. Bowden, Twila Bowden, Whitney Brace, Alex Campo, Robert Carwell, Monica Castro, C. D. Cook, Grant Cross, Cristin L. Dershem, Franchesca C. Estrada, Sheryl Marie Farley, Dylan Michael Foley, Amanda Foster, Elizabeth Ann Friou, Jillian Gabriel, Shannon Gehrler, Richard Grabish, Kelley Heath, Chelsey Heil, Brenda Hendrickson, Liz Howells, Brian S. Jalufka, Matthew Johnson, Suzanne Johnson, Timothy King, Lars Kuslich, Ericka Lamanna, Katrina D. Leal, Babu Madala, Alycen Malone, John Martin, Sherri Martin, Lnda Martinez, Bryce P. McCormick, Timothy McDaniel, Ronal Dalton McCloud, Jannah Mersiovsky, Karen Milone, Stephanie Ryder Morris, Cindy Nash, Abby Ogletree, Brittney Ortiz, Joe Owen, Heather Pacheco, Emily Patterson, Corrina Pointer, Bryan Primrose, Jackie Primrose, Travis Redding, Bessie Rhodes, James Richardson, Erika Rix, Whitney Robbins, Chris Robion, Wanda Smith, Jennifer Spies, Tim Thrash, Sandra Lee Thurman, Teresa Tucker, Laura S. Wallace, Frankie Waller, Jason Watkins, Nikki Watkins, Charles Wempe, Shannon White-Shubert, Keith Wilcox, Haziell Williams)

RESPONSE 25: The Executive Director's staff has reviewed the permit application in accordance with the applicable state and federal law, policy and procedures, and the

agency's mission to protect the state's human and natural resources consistent with sustainable economic development. The decision by the Executive Director to issue the permit is based upon the authority and direction of the Texas Clean Air Act. Specifically, TCAA § 382.0518 provides that the TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least the BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA. If the plant is operated in compliance with the terms and conditions of the permit, the emissions from the facilities authorized by this permit should not adversely impact public health or the environment.

CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**Exfluor Research Corporation
Permit No. 165848**

Appendix A

COMMENT GROUP A: Courtney Alcott, Maude McCormick Allen, Nicole Anthony, Rebecca Bartels, Robert Lionel Baskind, James Blake, Lana Blake, Natalie Blankenbaker, Christopher Bunch, Jaime Cadwalder, Randa Chapman, Jude P. Coe, Megan Varvir Coe, Vicci Conway, C. D. Cook, Eric Crop, Vasantha Dacha, Corwin E. Davidson, Amy B. Decosmo, Cristin L. Dershem, Mengbing Dong, Janet Ellis, Guy Endsley, Tanya Endsley, Lauren Endsley, Morgan Endsley, Jennifer Eyre, Jeannie Fickel, Katherine Fuller, Jillian Gabriel, Anna Gandy, Britni Ganze, Brandon Garcia, Kyle Gehrler, Katlyn Green, Heinrich Hafner, Denelle Hager, Michelle Loren Hansen, Jason Hester, Alexandra Hoeffner, Julia Hollis, Rima Huq, Bineeta Jaiswal, Brian S. Jalufka, Sabrina Jannise, Tiffany Johnson, Chesley Jones, Nicole Jones, Erin Kenney, Hemanth Khambhammettu, Karen Kildall, Dolores King, David Kubin, Arun Kumar, Erica Ladden, Kimm Langston, Lauren Larson, Stephanie Long, Dani Lopez, Nichole Manthey, Bryan Martin, Stacy Mattison, Emma May, T. J. McDonald, Kelley McGhie, James Monk, Monica Monk, Henry N. Mulvihill, Patricia Mulvihill, Sheila Nardelli, Cindy Nash, Jake Norman, Kirsten Nottage, Joe J. Pacheco, Laurie F. Pair, Jerome Palmer, Carvey Lee Parkjer, Chris Payton, Bonnie Pearson, Ron Pearson, Renee Peyton, Patti Porter, Gina Rahbari, Ana R. Resto, Larry A. Ridolfi, David Rivera, Katy Ross, Charles Russell, Lem Russell, Margaret Russell, Susan Russell, Cari Salazar, Brian Scott, Nina Smart, Tiffany Stout, Elizabeth Suarez, Thomas L. Swint, Jen Taylor, Mason Tinsley, Tracey Vaandrager, Selena Valdez, Brittany D. Varner, Harold C. Wardlaw, Kimberly Whitney, Ashley Williams, Charles R. Williams, Robert Woolf, and Samantha Woolf

COMMENT GROUP B: Stephen David Bauer, Alex Camp, Elizabeth Ann Friou, Shannon Gehrler, Liz Howells, Babu Madala, Linda Martinez, Abby Ogletree, Brittney Ortiz, Bryan Primrose, and Tim Thrash

COMMENT GROUP C: Lindsey Brassfield, Catherine Johnston, Bryce P. McCormick, Casey Nash, Carla Picinich, and Suze Treacy

COMMENT GROUP D: Fanchesca C. Estrada, Jennifer Eyer, Tyler Andrew Eyre, Nelson Mak, Andres Mendez, Noor Agha Mendez, Nick Novo, Rebecca R. Owens, Robert Smith, Calvin Tait, and Nikki Watkins