

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

November 8, 2022

TO: All interested persons.

RE: West Gin, LLC
NSR Permit No. 21589

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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. 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. A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the U.S. Post Office, 301 West Hill Street, Brownfield, Terry 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 COMMENT
for
West Gin, LLC
NSR Permit No. 21589

The Executive Director has made the Response to Public Comment (RTC) for the application by West Gin, LLC for NSR Permit No. 21589 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 (21589) 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.

A complete copy of the RTC (including the mailing list), 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 U.S. Post Office, 301 West Hill Street, Brownfield, Terry County, Texas

MAILING LIST
for
West Gin, LLC
NSR Permit No. 21589

FOR THE APPLICANT:

Peter Brannman, Manager
West Gin, LLC
P.O. Box 907
Brownfield, Texas 79316

Duncan McCook, Manager of Regulatory
Affairs
Texas Cotton Ginners Association
211 West Bagdad Avenue
Round Rock, Texas 78664

Leonard H. Dougal, Attorney
Jackson Walker LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701

INTERESTED PERSONS:

See attached list.

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Ryan Vise, Deputy Director
Texas Commission on Environmental
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External Relations Division
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P.O. Box 13087
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Contessa Gay, Staff Attorney
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FOR PUBLIC INTEREST COUNSEL
via electronic mail:

Garrett T. Arthur, Attorney
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FOR THE CHIEF CLERK
via electronic mail:

Laurie Gharis, Chief Clerk
Texas Commission on Environmental
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Office of Chief Clerk MC-105
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O'BRIANT , TIFFANY S
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TCEQ AIR QUALITY PERMIT NUMBER 21589

APPLICATION BY	§	BEFORE THE
WEST GIN, LLC	§	TEXAS COMMISSION ON
COTTON GIN	§	ENVIRONMENTAL QUALITY
BROWNFIELD, TERRY COUNTY	§	

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: Mary Suzanne Davis (of the Brownfield Farmers Cooperative Station), Joshua Wayne O'Briant (of the Brownfield Farmers Cooperative Station), and Tiffany S O'Briant. 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

West Gin, LLC (Applicant) has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the continued operation of an existing facility that may emit air contaminants.

This permit will authorize the Applicant to continue operation of a Cotton Gin. The facility is located at 1000 West Hill Street, Brownfield, Terry County, Texas 79316. Contaminants authorized under this permit include carbon monoxide (CO), nitrogen oxides (NO_x), organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively) and sulfur dioxide (SO₂).

Procedural Background

To continue operating an existing permitted facility that may emit air contaminants, the person planning the continued operation must obtain a permit renewal from the commission. This permit application is for a permit renewal of Air Quality Permit Number 21589.

The permit application was received on May 3, 2022 and declared administratively complete on May 12, 2022. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on June 02, 2022, in the *Brownfield News*. The public comment period ended on June 17, 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: Health Effects / Air Quality

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.

(Mary Suzanne Davis, Joshua Wayne O'Briant, and Tiffany S O'Briant)

RESPONSE 1: The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, potential impacts to human health and welfare or the environment are determined by comparing the Applicant's proposed air emissions to appropriate state and federal standards and guidelines. The rate and character of emissions of air contaminants associated with the original application for the cotton gin that is the subject of this renewal application were modeled and evaluated when the permit for the cotton gin was first issued. Because the Applicant represented that for this renewal application there will be no change in emission rates, no change in the character of emissions, and no new air contaminants, further review was not necessary. Accordingly, the emissions for this facility are still considered to be protective of human health and welfare at the property line of this plant site.

Agricultural sources are required to comply with the allowable emissions limits based on the Process Weight Method in 30 TAC § 111.171 [Tex. Health & Safety Code (THSC) § 382.020; *see* § 382.085(b)]. The allowable emission rates, referred to as "Process Weight Allowables" (PWA), in the Process Weight Method are determined by the production rate of the agricultural processes.

The United States (U.S.) Environmental Protection Agency (EPA) has documented a listing of emission factors that can be used to calculate the estimated emissions from cotton gins. These emission factors have been used to estimate the emissions for this proposed gin. The TCEQ ensures the conservative nature of these calculations by evaluating each emission point at the maximum operating conditions on both an hourly and an annual basis.

For this application, the estimated emissions were determined using the EPA emission factors and the maximum hourly baling rate of the cotton gin. Assuming 1,750 pounds of field cotton are required to make one bale of cotton, these estimated emissions were compared to the PWAs in 30 TAC § 111.171 [THSC § 382.020; *see* § 382.085(b)]. The

PWAs are compared to the estimated hourly emission rates for each cotton gin system to verify that the estimated emission rates do not exceed the PWA. This check is performed for each cotton gin system independently because 30 TAC § 111.171 [THSC § 382.020; *see* § 382.085(b)] specifically states that "No person affected by the TCAA, § 3.10(e), may cause, suffer, allow, or permit emissions of particulate matter from any or all sources associated with a specific process to exceed the allowable levels specified." Each cotton gin system is considered to be a specific process. Table 1, shown below, contains the results of this comparison.

Table 1. Process Weight Method Comparison

Hourly Baling Rate (bales/hour)	Field Cotton Processed (lb/hour)	PWA Emission Rate (lb/hour)	Precleaning System Emission Rate (lb/hour)	Trash System Emission Rate (lb/hour)	Lint System Emission Rate (lb/hour)
20	35,000	52.31	10.30	16.30	25.48

As can be seen by the results in Table 1, the maximum hourly baling rate of the cotton gin results in estimated emissions that are below the allowable emission rates in 30 TAC § 111.171 [THSC § 382.020; *see* § 382.085(b)] for each of the cotton gin systems.

In addition, the cotton gin is considered to be a seasonal source such that it only operates a few months each year. On an annual basis, the estimated emissions and resulting health effects from the cotton gin are expected to be much less than a comparable size source that operates year-round.

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

COMMENT 2: Dust Control

Commenters expressed concern about dust generated by the proposed project.

(Mary Suzanne Davis and Joshua Wayne O'Briant)

RESPONSE 2: The primary activities that have the potential to emit particulate matter (i.e., dust) resulting from this project are conveying systems, material handling, and vehicle traffic. All the potential dust concentrations from the permitted sources have been evaluated based on operating parameters represented in the application and compared to the federal criteria mentioned above. The proposed permit contains the required control processes to minimize dust. When a company operates in compliance with the proposed permit there should be no deterioration of air quality or the generation of dust such that it impacts visibility. 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 nuisance conditions.

COMMENT 3: Quality of Life / Aesthetics / Property Value

Commenters expressed concern about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property value.

(Mary Suzanne Davis, Joshua Wayne O'Briant, and Tiffany S O'Briant)

RESPONSE 3: The TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny this air permit.

COMMENT 4: Local Economy

One commenter expressed concern about the effects this project could have on the local economy.

(Tiffany S O'Briant)

RESPONSE 4: Issues related to the local economy are outside the scope of review of an air quality permit. The Executive Director has reviewed the permit application in accordance with the applicable law, policy, and procedures, in accordance with the agency's mission to protect our state's human and natural resources consistent with sustainable economic development. If an applicant meets the requirements for an air quality permit, the TCEQ must grant the permit.

COMMENT 5: Emergency / Evacuation

Commenters expressed concern about the safety of the facility. Specifically, they asked how neighbors would be notified in the case of an accident and whether there is an evacuation plan.

(Mary Suzanne Davis, Joshua Wayne O'Briant, and Tiffany S O'Briant)

RESPONSE 5: The TCEQ takes health and environmental concerns seriously. The proposed permit meets all federal and state regulatory requirements and is protective of human health and the environment. If there have been adverse impacts by emissions from the facility, a complaint may be filed with the Lubbock Regional Office at 806-796-7092 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186.

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.

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 require a disaster review for the application. This application did not require a disaster review.

CHANGES MADE IN RESPONSE TO COMMENT

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

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division

A handwritten signature in blue ink that reads "Contessa N. Gay". The signature is written in a cursive style with a horizontal line underneath it.

Contessa N. Gay, Staff Attorney
Environmental Law Division
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PO Box 13087, MC 173
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY