

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

May 20, 2024

Mary Smith  
General Counsel  
Texas Commission on Environmental Quality

VIA E-FILE TEXAS

**RE: Docket Number 582-23-22762.TCEQ; Texas Commission on Environmental Quality No. 2023-0649-AIR; APPLICATION BY EXXON MOBIL CORPORATION TO AMEND AIR QUALITY PERMIT NO. 102982 IN BAYTOWN, HARRIS COUNTY, TEXAS**

Dear Ms. Smith:

Following the issuance of the Proposal for Decision (PFD) in this matter, the Executive Director (ED) filed exceptions; and Exxon Mobil Corporation (Applicant or Exxon) filed a reply to those exceptions. Protestants Environment Texas and Theresa Blackwood and the Office of Public Interest Counsel (OPIC) did not file exceptions or a reply.

The ED agrees with the PFD but seeks clarification of a sentence on page 45 of the decision. On that page, in discussing Applicant and the ED's position, the ALJ wrote that Exxon modeled the impacts of certain pollutants and performed a de minimis modeling demonstration. The PFD stated that no further analysis was required for certain pollutants. The PFD continued to state that Exxon only performed a minor New Source Review (NSR) review and not a full Prevention of Significant Deterioration (PSD) review. The ED notes that because the predicted concentrations were less than the respective de minimis levels, a full National Ambient Air Quality Standard (NAAQS) analysis was not required. Therefore, the ED would like the ALJ to amend the sentence to state, "Exxon only performed a

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minor NSR review and not a full PSD NAAQS review.” Applicant agrees with the change requested by the ED.

The ALJ agrees that the requested clarification is appropriate and should be made to the PFD.



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Meitra Farhadi,  
Presiding Administrative Law Judge

CC: Service List