

**SOAH DOCKET NO. 582-23-22762
TCEQ DOCKET NO. 2023-0649-AIR**

APPLICATION OF EXXON MOBIL CORPORATION TO AMEND AIR QUALITY PERMIT NO. 102982 IN BAYTOWN, HARRIS COUNTY, TEXAS	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
---	-----------------------	---

**APPLICANT EXXON MOBIL CORPORATION’S REPLY TO THE EXECUTIVE
DIRECTOR’S RESPONSE AND EXCEPTION TO THE PROPOSAL FOR DECISION**

In accordance with 30 TEX. ADMIN. CODE § 80.257, Applicant Exxon Mobil Corporation (“*ExxonMobil*” or “*Applicant*”) files this Reply to the Texas Commission on Environmental Quality (“*TCEQ*”) Executive Director’s (the “*ED*”) Response and Exception to the Proposal for Decision (“*PFD*”) filed on April 15, 2024 (the “*ED’s Response*”). The ED agreed with the Administrative Law Judge’s (“*ALJ*”) determination in the PFD that the Applicant met its burden of proof on all contested issues and the ALJ’s recommendation that the TCEQ Commissioners should grant ExxonMobil’s application to amend its minor New Source Review (“*NSR*”) TCEQ Air Quality Permit No. 102982 (the “*Application*”) at the BOP-2X Unit of the Baytown Olefins Plant (“*BOP*”) and issue the Draft Permit and Proposed Order. ExxonMobil also supports the ALJ’s conclusions and recommendations in the PFD, which are based on the evidentiary record.

In the ED’s Response, the ED asked the ALJ to clarify terminology in the PFD related to ExxonMobil’s air dispersion modeling and Air Quality Analysis that demonstrates that the Draft Permit will comply with the National Ambient Air Quality Standards (“*NAAQS*”). In describing the ED’s and Applicant’s position, the PFD states that “Exxon only performed a minor New Source Review (NSR) review and not a full PSD review.”¹ Testimony in the record² and Findings of Fact

¹ PFD a 45.

² See, e.g., Ex. ED-12 at 645:439-440, 445-448 (differentiating between de minimis and full NAAQS modeling analyses); *id.* at 638:146-149 (differentiating between minor NSR and PSD NAAQS modeling analyses).

in the ALJ's Proposed Order³ support the ED's requested terminology change from "a full PSD review" to a "full NAAQS review." Accordingly, ExxonMobil agrees with the specific change requested in the ED's Response.

ExxonMobil maintains the positions in its Closing Argument and Replies to Closing Arguments and believes the ALJ's recommendation in the PFD that the Draft Permit be issued without any changes, the findings in the PFD regarding the contested and uncontested issues, and the Proposed Order are all well supported by the evidentiary record.

Respectfully Submitted,

By: /s/Lisa Uselton Dyar

Lisa Uselton Dyar
State Bar No. 00788750
Ian Davis
State Bar No. 24120793
MCGINNIS LOCHRIDGE LLP
1111 W. 6th Street, Bldg. B, Ste. 400
Austin, Texas 78703
512-495-6168 Telephone
512-505-6351 Fax
ldyar@mcginnislaw.com
idavis@mcginnislaw.com

ATTORNEYS FOR APPLICANT
EXXON MOBIL CORPORATION

³ See Proposed Order, Findings of Fact Nos. 101, 104 and 119.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Exxon Mobil Corporation's Reply to the Executive Director's Response and Exception to the Proposal for Decision was filed through E-File Texas and served upon the following persons below in accordance with 30 TEX. ADMIN. CODE § 80.274(a) on this the 24th day of April, 2024.

/s/Lisa Uselton Dyar

Lisa Uselton Dyar

TCEQ EXECUTIVE DIRECTOR

Contessa Gay
Amanda Kraynok
Texas Commission on Environmental Quality Environmental
Law Division, MC-173
P.O. Box 13087
Austin, TX 78711-3087
contessa.gay@tceq.texas.gov
amanda.kraynok@tceq.texas.gov

ENVIRONMENT TEXAS

Ilan Levin
Lauren Thomson
Environmental Integrity Project
1206 San Antonio Street
Austin, TX 78701
ilevin@environmentalintegrity.org
lthomson@environmentalintegrity.org

TCEQ OFFICE OF PUBLIC INTEREST COUNSEL

Sheldon Wayne
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, TX 78711-3087
sheldon.wayne@tceq.texas.gov

PRO SE

Theresa Blackwood
113 Crow Road
Baytown, TX 77520-1809
terriblackwood323@gmail.com