

**TCEQ AIR QUALITY PERMIT NUMBERS 105710, GHGPSDTX123M1, AND
PSDTX1306M1
TCEQ DOCKET NUMBER 2023-1474-AIR**

APPLICATION BY	§	BEFORE THE TEXAS
CORPUS CHRISTI LIQUEFACTION,	§	COMMISSION ON
LLC	§	ENVIRONMENTAL QUALITY
NATURAL GAS LIQUEFACTION AND	§	
EXPORT TERMINAL		
GREGORY, SAN PATRICIO COUNTY		

EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS

I. EXECUTIVE SUMMARY

The Executive Director recommends granting the hearing requests of Portland Citizens United and Sierra Club¹. Both groups submitted timely comments on the application, both groups have one or more members who would otherwise have standing to request a hearing in their own right, the groups interests are germane to the organization’s purpose, and the claim asserted does not require the participation of the individual members of the case. The Executive Director recommends denying all other hearing requests.

II. INTRODUCTION

The Executive Director of the Texas Commission on Environmental Quality (commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n), requires the commission to consider hearing requests in accordance with the procedures provided in TEX. WATER CODE (TWC) § 5.556.² This statute is implemented through the rules in 30 TEX. ADMIN. CODE (TAC) Chapter 55, Subchapter F.

¹ The Environmental Integrity Project (EIP) represents both Portland Citizens United and Sierra Club. While it is recommended to grant separate requests, EIP included both groups on the same contested case hearing request letter.

² Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the thsc and the twc. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the “Rules” link on the TCEQ website at www.tceq.texas.gov.

Two maps showing the location of the facility is included with this Response and have been provided to all hearing requesters listed on the mailing list for this application. An appendix is also included with this Response and has been provided to all hearing requesters listed on the mailing list for this application. In addition, the final draft of the special conditions, the emission sources - maximum allowable emission rates, the air quality analysis modeling audit (first audit), the air quality analysis modeling audit (second audit), the compliance history report, and the permit amendment source analysis and technical review by the Executive Director's staff have been filed as backup material for the commissioners' agenda. The Executive Director's Response to Public Comment (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the Office of the Chief Clerk for the commission's consideration.

III. FACILITY DESCRIPTION

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

This permit will authorize the Applicant to update as-built flare emissions and operations, including the correction of stream compositions and vent rates, inclusion of flaring of boil-off gas from LNG tanks when the upstream Sinton Compressor Facility is shut down, and removal of the Totally Enclosed Ground Flare (TEGF) from the permit. The application also requests authorization of a new liquefied natural gas (LNG) marine loading scenario. The as-built portion of the proposed amendment is considered a retrospective correction of representations associated with the original Corpus Christi Liquefaction Stage I/II Project, authorized by a Prevention of Significant Deterioration (PSD) permit issued on September 12, 2014 and modified by a PSD permit issued on July 20, 2018. The application also includes a voluntary update to the Greenhouse Gas (GHG) PSD permit. The facility is located at 622 State Hwy 35 Gregory, San Patricio County, Texas 78359. Contaminants authorized under this permit include carbon monoxide (CO), hazardous air pollutants (HAPs), hydrogen sulfide (H₂S), 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).

VI. PROCEDURAL BACKGROUND

The permit application was received on April 20, 2021 and declared administratively complete on April 23, 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 May 13, 2021, in *The News of San Patricio* and in Spanish on May 15, 2021, in the *Tejano Y Gruperio News*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published in English on May 26, 2022, in *The News of San Patricio* and in Spanish on June 1, 2022, in the *Tejano Y Gruperio News*. A public meeting was held on June 30, 2022 in Portland, Texas. The public comment period ended on July 1, 2022.

TCEQ received timely hearing requests that were not withdrawn from the following people: Lisa Averill, Alvin Baker, Eduardo Canales, Teresa A Carrillo, Annie Dixon, Jean Fuertez, Don Guion, Penny Gray, Billy Gunn, Wendy Hughes, Kyle Krauskopf, Uneeda Laitinen (both as an individual and as a member of a group), Dewey Magee, Justin Martinez, Blanca Parkinson, Jenifer Pichinson, Mindi and James Rosson, Gloria Route, Esquel Sanchez, Abel Serrata, Susan Westbrook, and Wanda Wilson. TCEQ also received timely hearing requests that were not withdrawn from the following groups: Portland Citizens United, on behalf of Encarnacion Serna and Mindi and James Rosson; and Sierra Club, on behalf of Wendy Hughes and Uneeda Litinen.

On July 14, 2023 the Executive Director's Response to Comments was filed and mailed to all persons on the mailing list for this permit application. The cover letter attached to the RTC included information about making requests for a contested case hearing or for reconsideration of the Executive Director's decision.³ The letter also explained that hearing requesters should specify any of the Executive Director's responses to comments they dispute and the factual basis of the dispute, in addition to listing any disputed issues of law. The time period for requests for reconsideration and hearing requests ended on August 24, 2023. During this 30-day period, TCEQ did not receive any additional contested case hearing requests or requests for reconsideration.

V. THE EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to a hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;
- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;

³ See TCEQ rules at Chapter 55, Subchapter F of Title 30 of the Texas Administrative Code. Procedural rules for public input to the permit process are found primarily in Chapters 39, 50, 55, and 80 of Title 30 of the Code.

- 6) whether the issues are relevant and material to the decision on the application;
and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the commission to consider a hearing request, the commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;
- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that Requestor be an Affected Person/"Affected Person" Status

In order to grant a contested case hearing, the commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.

- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
 - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the commission. Commission rules also include a general prohibition against causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the commission to consider, to the extent consistent with case law:

- 1. the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
- 2. the analysis and opinions of the Executive Director; and
- 3. any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

D. Referral to the State Office of Administrative Hearings

“When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing.” 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

VI. ANALYSIS OF THE HEARING REQUESTS

The Executive Director has analyzed the hearing requests to determine whether they comply with commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

A. Individual Requestors

1. Individuals that did not meet the requirements of 30 TAC § 55.201(d)

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Lisa Averill, Alvin Baker, Eduardo Canales, Teresa A Carrillo, Annie Dixon, Jean Fuertez, Don Guion, Penny Gray, Billy Gunn, Kyle Krauskopf, Maria Krauskopf, Dewey Magee, Justin Martinez, Jenifer Pichinson, Gloria Route, Esquel Sanchez, Abel Serrata, Susan Westbrook, and Wanda Wilson are not affected persons.

The requestors listed above each submitted a hearing request as part of a timely filed comment. The hearing requests were nearly identical form letters. Each hearing request was in writing, provided the required contact information, and included issues that are the basis of the hearing request. In the form letter hearing request, the form letter expressed concern that the permit would allow more emissions into the air, expressed concerns regarding a flare and potentially associated smoke, and that the permit is against public interest. Therefore, none of the form letter hearing requests raised a personal justiciable interest. Based on the lack of a personal justiciable interest, the Executive Director recommends that the commission find that the requestors listed above are not affected persons based on the criteria in 30 TAC § 55.201(d).

2. Uneeda Laitinen

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Uneeda Laitinen, as an individual, is not an affected person.

Ms. Laitinen submitted an individual hearing request, and was identified as a member of the Sierra Club in its hearing request; both were included in a timely filed comment. The individual hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Laitinen expressed concern that the petrochemical industry takes priority over the environment and public health, TCEQ does not sufficiently protect the environment or the public health, the lack of air monitors, cumulative effects, and her family's health and safety. However, the hearing request did not describe any likely impact of the regulated activity, nor did Ms. Laitinen describe how she would be adversely affected by the facility or activity in a manner not common to members of the general public. Therefore, Ms. Laitinen did not raise a personal justiciable interest.

Based on the address provided, the Executive Director determined that Ms. Laitinen resides approximately 2.93 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Laitinen's address relative to the location of the terminal, her health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the commission find that Uneeda Laitinen is not an affected person based on the criteria set out in 30 TAC § 55.201(c) and (d), and § 55.203.

3. Blanca Parkinson

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Blanca Parkinson is not an affected person.

Ms. Parkinson submitted a hearing request during the comment period as part of a timely filed comment. The hearing request was in writing, provided the required contact information, and included issues that are the basis of her hearing request. In her hearing request, Ms. Parkinson expressed concern about the health risks of visiting the area of Portland when fishing, swimming, kayaking. Ms. Parkinson also expressed concern about her children's running practices in the neighborhoods surrounding the site of the flares. Further, Ms. Parkinson expressed concern about the number of times the applicant has amended the permit. However, the hearing request did not describe any likely impact of the regulated activity, nor did Ms. Parkinson describe how she would be adversely affected by the facility or activity in a manner not common to members of the general public. Therefore, Ms. Parkinson did not raise a personal justiciable interest.

Based on the address provided, the Executive Director determined that Ms. Parkinson resides approximately 17.53 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Parkinson's address relative to the location of the terminal, her health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that

the commission find that Blanca Parkinson is not an affected person based on the criteria set out in 30 TAC § 55.203.

4. Encarnacion Serna

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Encarnacion Serna is not an affected person.

Mr. Serna submitted a comment during the comment period and was a named member of a group for a contested case hearing request as part of a timely filed comment. The comment did not tie into an individual hearing request so it should be regarded as a comment. Based on the address provided, the Executive Director determined that Mr. Serna resides approximately 2.79 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Serna's address relative to the location of the terminal, his health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the commission find that Encarnacion Serna is not an affected person based on the criteria set out in 30 TAC § 55.203.

B. Groups and Associations

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, requests for a contested case hearing by a group or association, on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

1. Portland Citizens United

- (1) Whether the group or association submitted timely comments on the application.

Colin Cox, Staff Attorney with the Environmental Integrity Project, submitted a hearing request on behalf of Portland Citizens United and Sierra Club during the comment period. The issues raised in Portland Citizens United's hearing request were raised in the group's timely comments. The Executive Director recommends that the commission find that Portland Citizens United has met this requirement for associational standing.

- (2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

Portland Citizens United's hearing request identified three members: Mindi and James Rosson, and Encarnacion Serna.

The Rossons identified personal justiciable interests not common to the general public, specifically the health effects of their children and their use and enjoyment of their property. The Rossons expressed concerns about them and their children enjoying their backyard pool, backyard sandbox, and swing set. Based on the address provided, the Executive Director determined that The Rossons reside approximately 1.19 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of The Rossons' address relative to the location of the facility, the Executive Director recommends that the commission find that Mindi and James Rosson are affected persons based on the criteria set out in 30 TAC § 55.203.

As a member of the group, Mr. Serna failed to identify a personal justiciable interest not common to the general public. Mr. Serna raised concerns regarding health effects and his inability to spend time outdoors doing outdoor activities he enjoys. However, the hearing request did not describe any likely impact of the regulated activity, nor did Mr. Serna describe how he would be adversely affected by the facility or activity in a manner not common to members of the general public. Therefore, Mr. Serna did not raise a personal justiciable interest. Based on the address provided, the Executive Director determined that Mr. Serna resides approximately 2.79 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Mr. Serna's address relative to the location of the terminal, his health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the commission find that Encarnacion Serna is not an affected person based on the criteria set out in 30 TAC § 55.203.

Accordingly, the Executive Director recommends that the commission find that Portland Citizens United has met this requirement for associational standing.

- (3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

The hearing request submitted by Portland Citizens United states the organization's purpose is to protect the community's homes, children, and quality of life. The mission of the organization also includes "educating Portland residents about industrial activity in the area, and opposing activity when it threatens the health, safety and natural beauty of the Portland community." This permit amendment would likely be considered industrial activity and opposing the activity is germane to the group's purpose. Therefore, the Executive Director recommends that the commission find that Portland Citizens United has met this requirement for associational standing.

- (4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by Portland Citizens United does not require the participation of any individual member of Portland Citizens United. Thus, the Executive Director has

determined that Portland Citizens United has met this requirement for associational standing.

Because Portland Citizens United met all four requirements for associational standing, the Executive Director recommends the commission find that Portland Citizens United is an affected person.

In Portland Citizen United's hearing request, it raised the following issues:

Issue 1: Whether the permit modification will negatively affect air quality.

Issue 2: Whether the permit modification will negatively affect human health, particularly sensitive populations such as the elderly, children, and people with existing medical conditions.

Issue 3: Whether the permit modification will negatively affect the use and enjoyment of property.

Issue 4: Whether the permit modification will exceed the National Ambient Air Quality Standards.

Issue 5: Whether the permit modification considers cumulative impacts of other plants and/or facilities in the area.

Issue 6: Whether the Applicant is utilizing the Best Available Control Technology.

2. Sierra Club

- (1) Whether the group or association submitted timely comments on the application.

Colin Cox, Staff Attorney with the Environmental Integrity Project, submitted a hearing request on behalf of Portland Citizens United and Sierra Club during the comment period. The issues raised in Sierra Club's hearing request were raised in the group's timely comments. The Executive Director recommends that the commission find that Sierra Club has met this requirement for associational standing.

- (2) Whether one or more members of the group or association would otherwise have standing to request a hearing in their own right.

The Seirra Club's hearing request identified two members: Wendy Hughes and Uneeda Laitinen.

As a member of the group, Ms. Hughes failed to identify a personal justiciable interest not common to the general public. Ms. Hughes raised concerns regarding health effects and her use and enjoyment of the outdoors. However, the hearing request did not describe any likely impact of the regulated activity, nor did Ms. Hughes describe how she would be adversely affected by the facility or activity in a manner not common to members of the general public. Therefore, Ms. Hughes did not raise a personal justiciable interest. Based on the address provided, the Executive Director determined that Ms. Hughes resides approximately 1.05 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Hughes' address relative to the location of the terminal, her health and safety would not be impacted in a manner different from the general public. Therefore, the Executive Director recommends that the

commission find that Wendy Hughes is not an affected person based on the criteria set out in 30 TAC § 55.203.

Ms. Laitinen identified personal justiciable interests not common to the general public, specifically the health effects on her as she suffers from multiple respiratory ailments, including asthma, emphysema, and chronic obstructive pulmonary disease. Based on the address provided, the Executive Director determined that Ms. Laitinen resides approximately 2.93 miles from the location of the facility. For air authorizations, distance from the facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility. The natural resource that is the subject of this permit is the ambient air an individual breathes. Given the distance of Ms. Laitinen's address relative to the location of the facility, the Executive Director recommends that the commission find that Uneeda Laitinen is an affected person based on the criteria set out in 30 TAC § 55.203.

Accordingly, the Executive Director recommends that the commission find that Sierra Club has met this requirement for associational standing.

- (3) Whether the interests the group or association seeks to protect are germane to the organization's purpose.

The hearing request submitted by Sierra Club states the organization is a conservation organization that "promotes the responsible use of the Earth's ecosystem and resources, and works to restore the quality of the natural and human environment." The request further states Sierra Club "pursues advocacy and litigation on issues including clean air and clean water, solid waste reduction, and sustainable energy and land use policies." This permit amendment relates to air as it falls under the Clean Air Act and is germane to the group's purpose. Therefore, the Executive Director recommends that the commission find that Sierra Club has met this requirement for associational standing.

- (4) Whether the claim asserted or the relief requested requires the participation of the individual members in the case.

The relief requested by Sierra Club does not require the participation of any individual member of Sierra Club. Thus, the Executive Director has determined that Sierra Club has met this requirement for associational standing.

Because Sierra Club met all four requirements for associational standing, the Executive Director recommends the commission find that Sierra Club is an affected person.

In Sierra Club's hearing request, it raised the following issues:

Issue 1: Whether the permit modification will negatively affect air quality.

Issue 2: Whether the permit modification will negatively affect human health, particularly sensitive populations such as the elderly, children, and people with existing medical conditions.

Issue 3: Whether the permit modification will negatively affect the use and enjoyment of property.

Issue 4: Whether the permit modification will exceed the National Ambient Air Quality Standards.

Issue 5: Whether the permit modification considers cumulative impacts of other plants and/or facilities in the area.

Issue 6: Whether the Applicant is utilizing the Best Available Control Technology.

C. Whether Issues Raised are Referable to SOAH for a Contested Case Hearing

The Executive Director has analyzed issues raised in accordance with the regulatory criteria. The issues discussed were raised during the public comment period and addressed in the RTC. None of the issues were withdrawn. For applications submitted on or after September 1, 2015, only those issues raised in a timely comment by a requester whose request is granted may be referred.⁴ The issues raised for this application and the Executive Director's analysis and recommendations follow.

Issue 1: Whether the proposed plant will negatively affect air quality.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit.

Issue 2: Whether the permit modification will negatively affect human health, particularly sensitive populations such as the elderly, children, and people with existing medical conditions.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit.

Issue 3: Whether the permit modification will negatively affect the use and enjoyment of property.

The issue involves a disputed question of fact, and was not withdrawn, and is relevant to the issuance of the draft permit.

Issue 4: Whether the permit modification will exceed the National Ambient Air Quality Standards.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit.

Issue 5: Whether the permit modification considers cumulative impacts of other plants and/or facilities in the area.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit.

Issue 6: Whether the Applicant is utilizing the Best Available Control Technology.

This issue involves a disputed question of fact, and was not withdrawn, and is relevant and material to the issuance of the draft permit.

VII. CONCLUSION

The Executive Director respectfully recommends the commission:

1. Find all hearing requests in this matter were timely filed; and
2. Find that Portland Citizens United and Sierra Club are affected persons and grant those hearing requests, and all other hearing requesters are not affected persons as a matter of law and deny their hearing requests.

⁴ TX. GOVT. CODE § 2003.047(e-1); 30 TAC § 55.211 (c)(2)(A)(ii).

3. If referred to SOAH, first refer the matter to Alternative Dispute Resolution for a reasonable period.
4. If referred to SOAH, the Executive Director recommends 180 days be the duration of the hearing.
5. If referred to SOAH, refer the following issues as raised by an affected person as identified by the Executive Director:

Issue 1: Whether the permit modification will negatively affect air quality.

Issue 2: Whether the permit modification will negatively affect human health, particularly sensitive populations such as the elderly, children, and people with existing medical conditions.

Issue 3: Whether the permit modification will negatively affect the use and enjoyment of property.

Issue 4: Whether the permit modification will exceed the National Ambient Air Quality Standards.

Issue 5: Whether the permit modification considers cumulative impacts of other plants and/or facilities in the area.

Issue 6: Whether the Applicant is utilizing the Best Available Control Technology.

Respectfully submitted,

Kelly Keel, Interim Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Contessa N. Gay, Staff Attorney
Environmental Law Division
State Bar Number 24107318
MC-173, P.O. Box 13087
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

On this 30th day of October 2023, a true and correct copy of the foregoing instrument was filed with the TCEQ's Office of the Chief Clerk, and served on all persons on the service list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, electronic mail, or hand delivery.



Contessa N. Gay, Staff Attorney
Environmental Law Division

SERVICE LIST
CORPUS CHRISTI LIQUEFACTION, LLC
TCEQ DOCKET NO. 2023-1474-AIR
PERMIT NOS. 105710, GHGPSDTX123M1, AND PSDTX1306M1

FOR THE CHIEF CLERK:

via electronic filing

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

FOR THE APPLICANT:

via electronic mail

Ari Aziz, Vice President and General
Manager
Corpus Christi Liquefaction, LLC
P.O. Box 162
Gregory, Texas 78359
ari.aziz@cheniere.com

Jessica Muennink, Health Safety and
Environmental Manager
Corpus Christi Liquefaction, LLC
10055 Grogans Mill Road
P.O. Box 162
Gregory, Texas 78359
Jessica.Muennink@cheniere.com

FOR THE PUBLIC INTEREST COUNSEL:

via electronic mail

Josiah T. Mercer, Attorney
Texas Commission on Environmental
Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711
josiah.mercer@tceq.texas.gov

**FOR THE EXTERNAL RELATIONS
DIVISION**

via electronic mail

Ryan Vise, Deputy Director
Texas Commission on Environmental
Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711
pep@tceq.texas.gov

REQUESTORS:

via electronic mail

Lisa Averill
6142 Brockhampton Street
Corpus Christi, Texas 78414
Lisa.Averill.411620141@p2a.co

Alvin Baker
124 Walker Avenue
Portland, Texas 78374
michelebb124@yahoo.com

Eduardo Canales
7021 Bevington Drive
Corpus Christi, Texas 78413
ecsouthtexashumsnrights@gmail.com

Teresa A Carrillo
730 Harrison Street
Corpus Christi, Texas 78404
teresaacarrillo@gmail.com

Annie Dixon
336 13th Street
Port Arthur, Texas 77640
Annie.Dixon.460434117@p2a.co

Jean Fuertez
7125 Southhaven Drive
Corpus Christi, Texas 78412
Jean.Fuertez.297872906@p2a.co

Don Guion
298 Retreat Drive
Taft, Texas 78390
Don.Guion.344282610@p2a.co

Penny Gray
6318 Nancy Street
Corpus Christi, Texas 78412
Penny.Gray.422590729@p2a.co

Billy Gunn
1034 Concho Street
Corpus Christi, Texas 78407
saveourbay@notothirstyindustry.com

Wendy Hughes
2129 Bay Breeze Drive
Portland, Texas 78374
ilevin@environmentalintegrity.org

Kyle Krauskopf
243 W Roberts Avenue
Port Aransas, Texas 78373
Kyle.Krauskopf.413589398@p2a.co

Maria Krauskopf
243 W Roberts Avenue
Port Aransas, Texas 78373
Maria.Krauskopf.413589398@p2a.co

Uneeda Laitinen
102 Markham Place
Portland, Texas 78374
uneedalaitinen@gmail.com

Dewey Magee
4252 Kestrel Lane
Portland, Texas 78374
papabear@papabearfabrication.com

Justin Martinez
1002 Anderson Street
Corpus Christi, Texas 78411
Justin.Martinez.465709009@p2a.co

Blanca Parkinson
10801 Silvertown Drive
Corpus Christi, Texas 78410
bp120380@gmail.com

Jenifer Pinchinson
5857 Timbergate Drive
Corpus Christi, Texas 78414
Jenifer.Pinchinson.420861469@p2a.co

Mindi and James Rosson
1110 Cupertino Street
Portland, Texas 78374
ilevin@environmentalintegrity.org

Gloria Route
2120 Angelina Street
Beaumont, Texas 77701
Gloria.Route.460699718@p2a.co

Esquel Sanchez
2501 Quebec Drive
Corpus Christi, Texas 78414
Esquel.Sanchez.420381246@p2a.co

Encarnacion Serna
105 Lost Creek Drive
Portland, Texas 78374
ilevin@environmentalintegrity.org

Abel Serrata
2605 Terrace Street
Corpus Christi, Texas 78404
Abel.Serrata.420648637@p2a.co

Susan Westbrook
4810 Waltham Drive
Corpus Christi, Texas 78411
Susan.Westbrook.427870994@p2a.co

Wanda Wilson
7622 Clearbrook Drive
Corpus Christi, Texas 78413
Wanda.Wilson.465980954@p2a.co

Corpus Christi Liquefaction, LLC - Permit No. 105710



*Protecting Texas by
Reducing and
Preventing Pollution*

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 9/22/2023
CRF 0094330
Cartographer: MATtoh



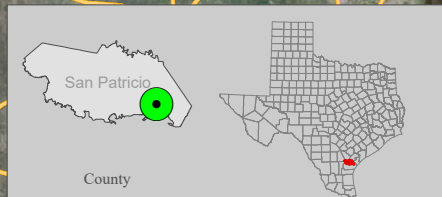
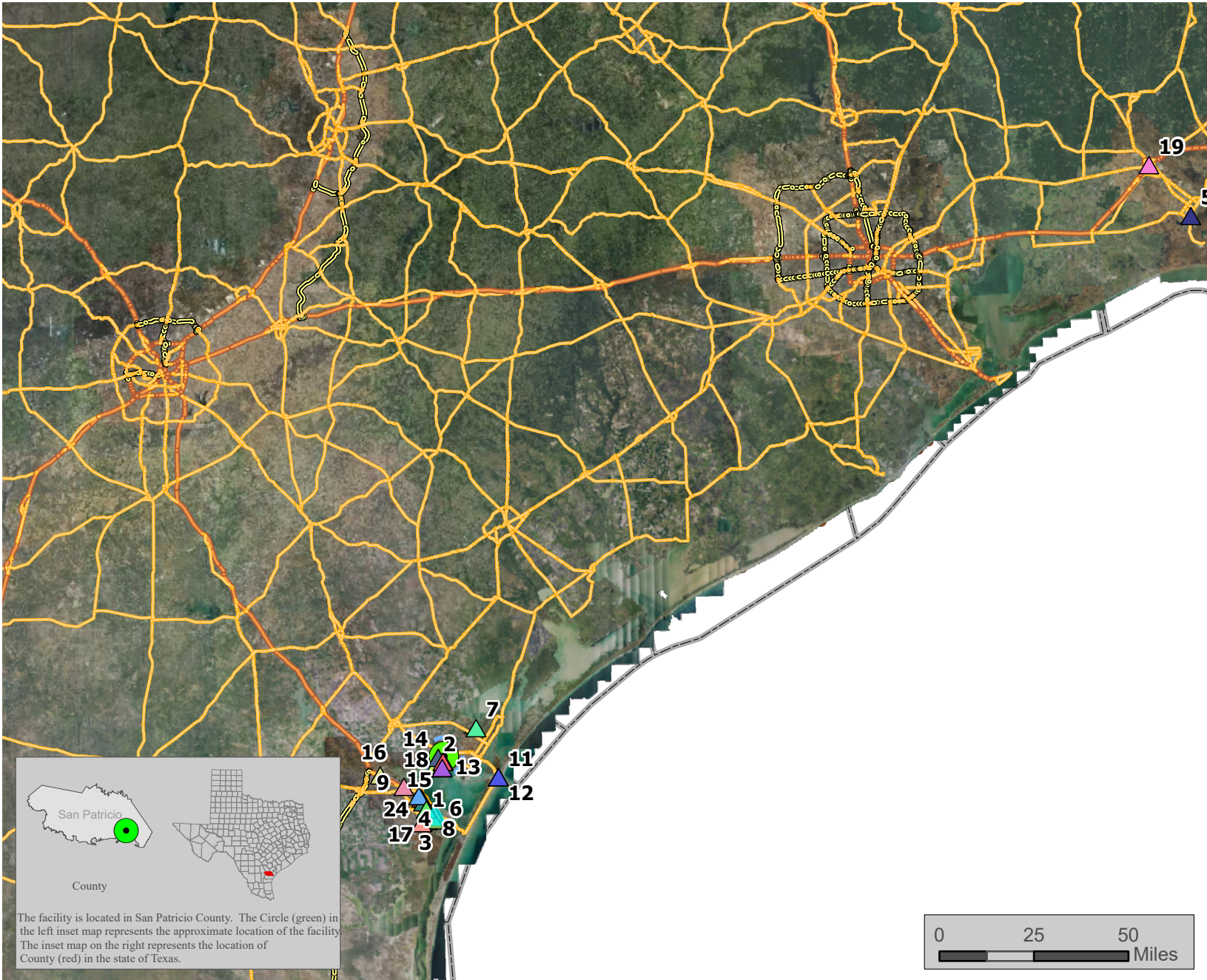
- 1) Lisa Averill
- 2) Alvin Baker
- 3) Eduardo Canales
- 4) Teresa A Carrillo
- 5) Annie Dixon
- 6) Jean Fuertez
- 7) Don Guion
- 8) Penny Gray
- 9) Billy Gunn
- 10) Wendy Hughes
- 11) Kyle Krauskopf
- 12) Maria Krauskopf
- 13) Uneeda Laitinen
- 14) Dewey Magee
- 15) Justin Martinez
- 16) Blanca Parkinson
- 17) Jenifer Pichinson
- 18) Mindi and James Rosson
- 19) Gloria Route
- 20) Esquel Sanchez
- 21) Encarnacion Serna
- 22) Abel Serrata
- 23) Susan Westbrook
- 24) Wanda Wilson

Corpus Christi Liquefaction Facility

Distance measurements provided in
Appendix A

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.



The facility is located in San Patricio County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of County (red) in the state of Texas.

Corpus Christi Liquefaction, LLC - Permit No. 105710

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 9/22/2023
CRF 0094330
Cartographer: MATtoh



Requestors

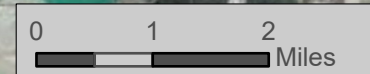
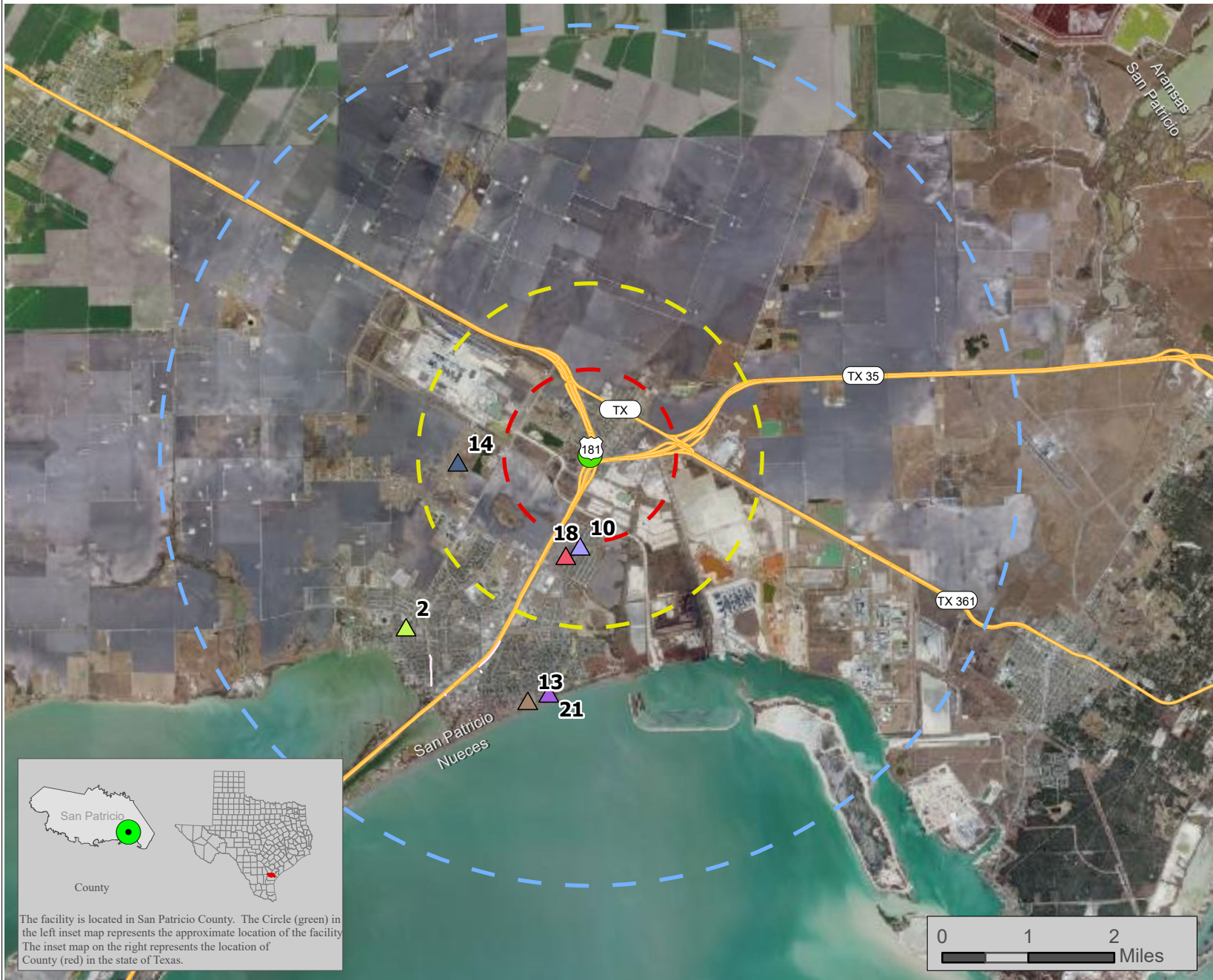
- 2) Alvin Baker
- 10) Wendy Hughes
- 13) Uneeda Laitinen
- 14) Dewey Magee
- 18) Mindi and James Rosson
- 21) Encarnacion Serna
- Corpus Christi Liquefaction Facility

- 1 Mile from Corpus Christi Liquefaction Facility
- 2 Miles from Corpus Christi Liquefaction Facility
- 5 Miles from Corpus Christi Liquefaction Facility

Distance measurements provided in Appendix A

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

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Appendix A for Corpus Christi Liquefaction , LLC - Permit No. 105710 GIS Map

NAME	Lat	Long	STATE	Distance to Facility Point
Lisa Averill	27.673621	-97.377493	TX	17.36 Miles
Alvin Baker	27.887382	-97.33320463	TX	2.92 Miles
Eduardo Canales	27.668658	-97.397618	TX	18.07 Miles
Teresa A Carrillo	27.760271	-97.39835	TX	12.34 Miles
Annie Dixon	29.87674	-93.944723	TX	244.03 Miles
Jean Fuertez	27.695044	-97.341506	TX	15.42 Miles
Don Guion	28.0250862	-97.1554389	TX	11.51 Miles
Penny Gray	27.707117	-97.352779	TX	14.74 Miles
Billy Gunn	27.806742	-97.473508	TX	13.12 Miles

Wendy Hughes	27.900308	-97.299772	TX	1.05 Miles
Kyle Krauskopf	27.834746	-97.064285	TX	15.31Miles
Maria Krauskopf	27.834746	-97.064285	TX	15.31 Miles
Uneeda Laitinen	27.874474	-97.31043	TX	2.93 Miles
Dewey Magee	27.914972	-97.322597	TX	1.54 Miles
Justin Martinez	27.745638	-97.390536	TX	13.01 Miles
Blanca Parkinson	27.852546	-97.575056	TX	17.53 Miles
Jenifer Pichinson	27.674985	-97.384383	TX	17.39 Miles
Mindi and James Rosson	27.898785	-97.302529	TX	1.19 Miles
Gloria Route	30.080149	-94.116948	TX	243.57 Miles
Esquel Sanchez	27.675696	-97.34776	TX	16.79 Miles
Encarnacion Serna	27.875629	-97.306394	TX	2.79 Miles
Abel Serrata	27.770071	-97.409975	TX	12.15 Miles
Susan Westbrook	27.717605	-97.379065	TX	14.51 Miles
Wanda Wilson	27.666109	-97.400186	TX	18.29 Miles