



**Southeast Texas Clean Air &
Water, Inc.**
A Non-Profit Citizens Environmental Organization
(Established 1966)
227 N 30th
Nederland, Texas 77627
409-729-0268 – terryssmxd@aol.com

July 6, 2025

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk (MC 105)
Austin, Texas 78711-3087
Laurie.Gharis@tceq.texas.gov

Subject: Response to TCEQ Office Public Interest Council Response (OPIC) to Request for Hearing - TCEQ Docket 2025-089-AIR

Ms. Gharis,

The Southeast Texas Clean Air & Water, Inc. (CAW) provided comments on Dow Chemical Company's TCEQ Air Quality Permit Numbers 914 and PSDTX1642 on August 27, 2024. CAW's comments included the following statement,

"Based on the above, CAW requests a **public hearing** be held so the public may hear first-hand the issues involved in DSRO's permit request."

It appears the use of the phrase "public hearing" has been misinterpreted to mean "Contested Case Hearing" from the beginning as it appears in the Assistant Public Interest Counsel's Mr. Sheldon P. Wayne's letter of June 30, 2025. On receiving this letter on July 7th, an attempt seeking an understanding for the TCEQ's "change" to Contested Case Hearing and if a changed to a Public Meeting in Orange, Texas, resulted in no change granted.

As CAW's President, I accept full responsibility for the confusion caused by using "**hearing**" instead of "**meeting**." However, other factors, such as the air quality data review, may have contributed as well. Nowhere in CAW's comments is there a request for a "Contested Case Hearing" as referenced by TCEQ. If confusion arose, during TCEQ's initial review of CAW's comments, TCEQ should have contacted CAW for clarification.

Another concern CAW would like to address, it would seem the initial air permit reviewers would come to the same conclusion as Mr. Wayne's concerning qualification as an affected person for seeking a Contested Case Hearing. CAW still support a "public meeting" in Orange, Texas after 5:00pm for the citizens of Orange and others having an interest.

CAW appreciates the opportunity to provide comments on TCEQ's OPIC Mr. Wayne's response.

Sincerely,

Terry D. Stelly
Southeast Texas Clean Air & Water, Inc – President

Subject Response to TCEQ Office Public Interest Council Response for Hearing - TCEQ Docket 2025-089-AIR

cc:

Sheldon P. Wayne
Assistant Public Interest Council
P. O. Box 1308, MC 103
Austin, Texas 78711-3087
Sheldon.Wayne@tceq.texas.gov

OPIC's Mailing List

Attachments:

CAW - Letter - Public Comment - TCEQ - Dow Sabine River Operations Ethylene Unit -
Amendment Permit 914, RN100542711 - Flare - 8-1-24 Bmt Ent 7-11-24 - 8-27-24
SIGNED.pdf

Wayne, S. P. 2025. Office of Public Interest Counsel's response to request for hearing.
Application by the Dow Chemical Company TCEQ Air Quality Permit Numbers 914 and
PSDTX1642 before the Texas Commission on Environmental Quality. TCEQ Docket No
2025-889-Air. June 30, 2025.

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**Subject Response to TCEQ Office Public Interest Council Response for Hearing - TCEQ
Docket 2025-089-AIR**



Southeast Texas Clean Air & Water, Inc.

A Non-Profit Citizens Environmental Organization

(Established 1966)

227 N 30th

Nederland, Texas 77627

409-729-0268

August 27, 2024

Texas Commission on Environmental Quality

Office of the Chief Clerk

MC-105

P.O. Box 13087

Austin, Texas 78711-3087

www14.tceq.texas.gov/epic/eComment/

Re: Dow Sabine River Operations Ethylene Unit - Amendment Permit 914, RN100542711 - Flare

TCEQ Staff:

Southeast Texas Clean Air and Water, Inc. (CAW) believes there should be consideration in requesting Dow Sabine River Operations (DSRO) to reduce their flare air emissions on their ethylene unit before approving this permit (Mack 2024, Figure 1, Stelly 2024, Figures 2-4 & Table 1).

CAW believes this is an opportunity for DSRO to invest capital towards improving the ethylene unit maintenance, adding advanced technology, and staff training in reducing their flare air emissions. There is evidence some of these options may have been set in place already when one reviews Figures 2-4 (Stelly 2024).

Mack (2024) on reporting fence line emissions show large amounts of benzene exceeding DSRO permit. However, these concentrations surely are NOT capturing the entire story. TCEQ reported air emissions show 10K's of pounds of benzene continually being reported released for the years 2013 – 2023 (11 years, Stelly 2024). The fence line monitoring station is NOT capturing the entire DSRO's benzene emission releases.

CAW believes too with 3 TCEQ Air Emission Reports filed in 2024, the last on May 20, 2024, only 1 showed a release of 15.37 lbs (678,374 ug/hr, Table 1) of benzene on that date. Indicating there are other sources, including fugitive releases, of benzene other than the permitted flare. Just imagine if this total release hit the fence line monitor, that would be another tragedy for human life! Thanks to wind dispersion distribution of the released concentration covered a wider area going undetected, except for the TCEQ's record for the initial release! Fugitive releases of benzene and other toxins (Stelly 2024, Table 1) points to a need to step up scheduled on site monitoring and maintenance (Mack 2024, Figures 1, Stelly 2024, Figures 2-4).

With the increase in industrial development in the local area TCEQ should consider providing additional monitoring for DSRO. CAW is concern for one specific group of constituents, especially for the area in which this plant operates already has a problem/controversy with SOX emissions due to nearby Oxbow Calcining, Inc. The air monitor station chosen for monitoring releases is NOT effective in detecting air releases of SOX (other) emissions from Oxbow, suggesting other monitoring options are required (Sadasivam and Aldern 2023, Strott and Rogerson 2022, Zapalac 2024). It appears the same is true for the benzene releases for DSRO's.

DSRO's emission limits should take their surroundings into consideration in terms of local industrial emissions and the local community, which consists of lower income individuals with high cancer rates. Including other near/far neighbors like Valero

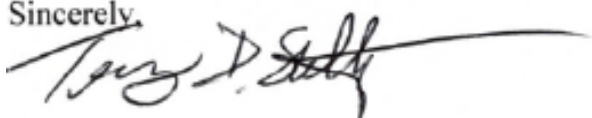
(<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=281217>) or ExxonMobil (<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=423681>). Yes, there are times when emissions are within permit limits, however the events still have releases which have a cumulative effect across the area. Potentially still providing a threat to health and safety for workers and surrounding communities. See map below or link <https://projects.propublica.org/toxmap/>. Question, why does TCEQ lack such maps? Ozone and PM2.5 maps sound fair, but there are a number of other emissions not being mapped!

CAW believes DSRO should continue to strive to reduce their benzene emissions, along with ALL toxic air components. In turn helping not only workers and their health, but those living adjacent to your fence line and communities beyond.

Based on the above, CAW requests a public hearing be held so the public may hear first-hand the issues involved in DSRO's permit request.

Thank you for this opportunity to provide comments on Dow Sabine River Operation's Amendment Air Permit 914.

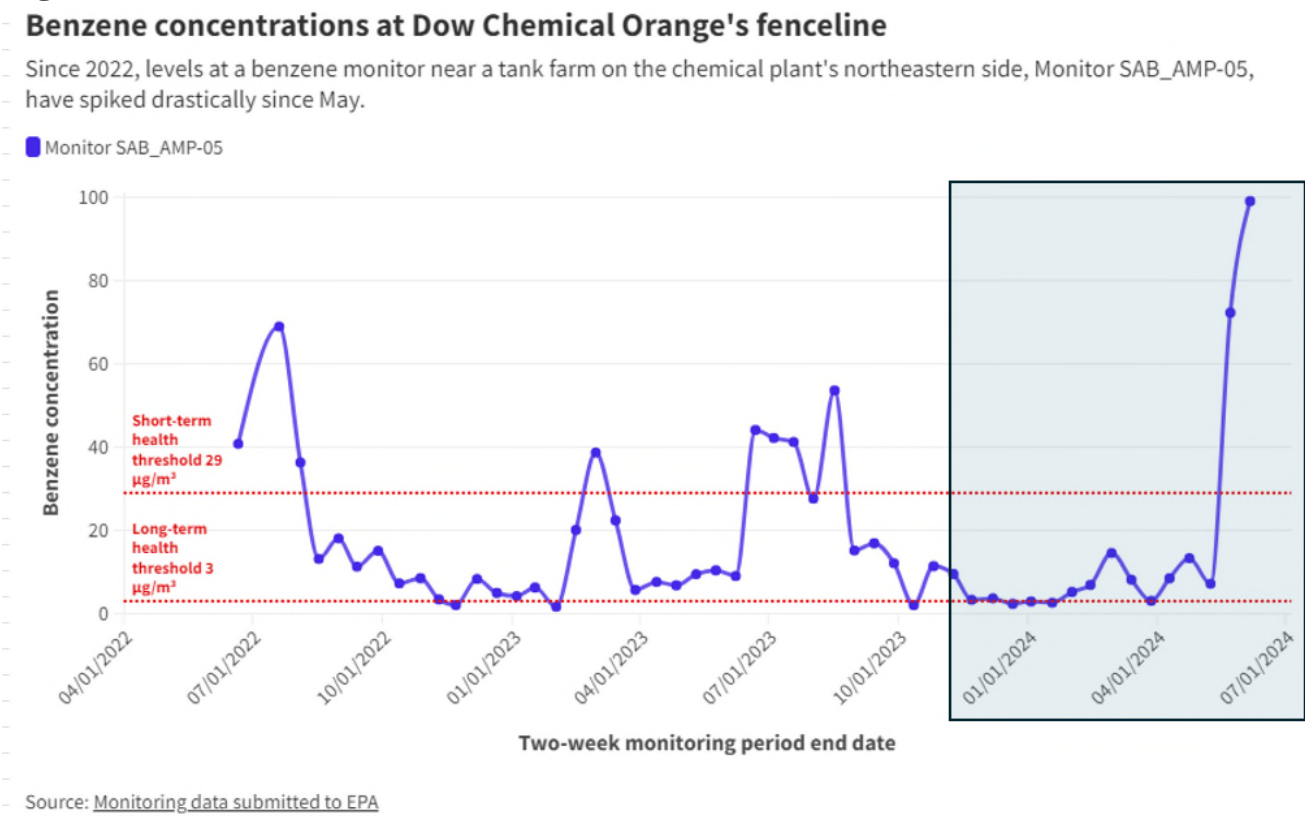
Sincerely,

A handwritten signature in black ink, appearing to read "Terry D. Stelly", with a long horizontal flourish extending to the right.

Terry D. Stelly

Southeast Texas Clean Air & Water, Inc – President

Figure 1



Source: Mack (2024).

Figure 2

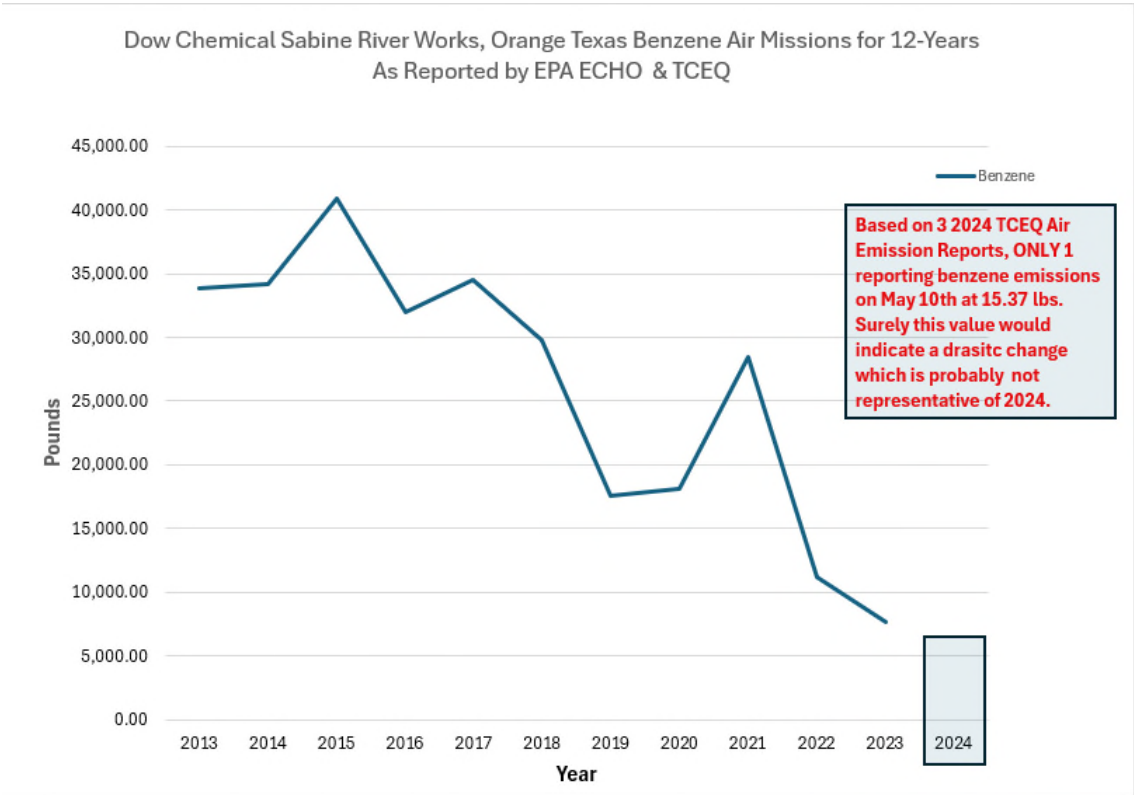


Figure 3

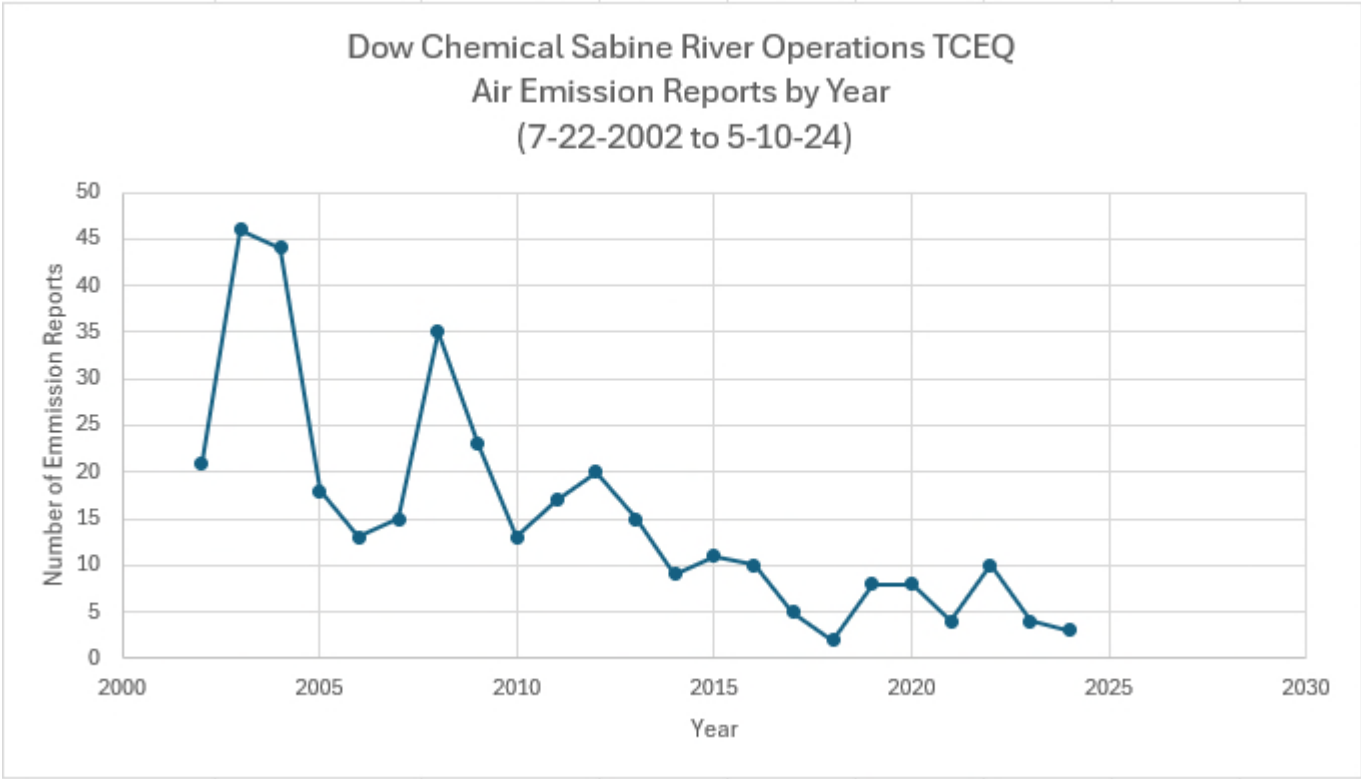
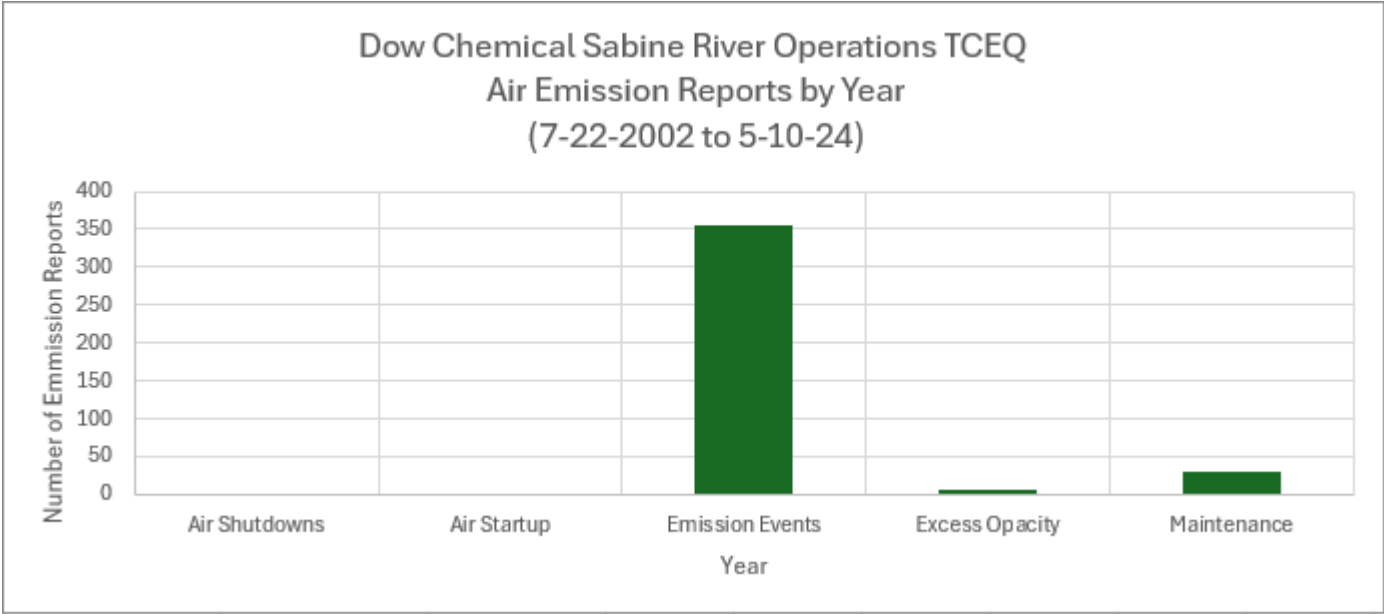


Figure 4



Compiled by Terry D. Stelly, August 2024. <https://echo.epa.gov/air-pollutant-report?fid=110017746368>,
<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=422162>

Table 1

Data from TCEQ's Air Emission Reports Database for the 3 available reports for 2024.																		
	Source:	https://www2.tceq.texas.gov/oce/tceq			Source:	https://www2.tceq.texas.gov/oce/tceq			Source:	https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=422909								
		TCEQ April 17, 2024				TCEQ April 29, 2024				TCEQ May 10, 2024								
		TDS Calculations				TDS Calculations				TDS Calculations								
	EST QUANTITY/OPACITY	Event Time		Tot Rel Event	EST QUANTITY/OPACITY	Event Time		Tot Rel Event	EST QUANTITY/OPACITY	Event Time		Tot Rel Event	Release rate for Event			Limit for Event		
	(Pounds)	(Hrs)	(Days)	(lbs\hr)	(Pounds)	(Hrs)	(Days)	(lbs\hr)	(Pounds)	(Hrs)	(Days)	(lbs\hr)	kg\hr	mg/hr	ug\hr	kg\hr	mg/hr	ug\hr
CONTAMINANT	(Pounds)	(Hrs)	(Days)	(lbs\hr)	(Pounds)	(Hrs)	(Days)	(lbs\hr)	(Pounds)	(Hrs)	(Days)	(lbs\hr)	kg\hr	mg/hr	ug\hr	kg\hr	mg/hr	ug\hr
Acetone	525	54.97	2.29	9.55	4	4.58	0.19	0.87										529.00
Acetylene	4				51	4.58	0.19	11.13										55.00
Benzene									15.37	2.75	0.11	5.59	0.68	678.37	678,374.18	0.38	376.32	376,324.36
Butane	51				497	4.58	0.19	108.44										548.00
Butene	497				10	4.58	0.19	2.18										507.00
Carbon Monoxide					10	4.58	0.19	2.18										10.00
Cyclopentane									4.11	2.75	0.11	1.49						4.11
Dicyclopentadiene									0.55	2.75	0.11	0.20						0.55
Ethylene (gaseous)	490	54.97	2.29	8.91	4,896	4.58	0.19	1,068.22										5,386.00
Isobutane					19	4.58	0.19	4.15										19.00
Methane					1,224	4.58	0.19	267.05										1,224.00
N-Butyl acrylate	1,925	54.97	2.29	35.02														1,925.00
Naphthalene									0	2.75	0.11	0.00						0.00
Particulate Matter	132	54.97	2.29	2.40														132.00
Propane	595				595	4.58	0.19	129.82										1,190.00
Propylene	18,413				18,413	0.00	0.00	Div by 0										36,826.00
Toluene									0.68	2.75	0.11	0.25						0.68
Vinyl acetate	470	54.97	2.29	8.55														470.00
Total	23,102				25,719				21									48,842

Compiled by Terry D. Stelly, August 2024. <https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=422162>

REFERENCES

Mack, Dante. 2024. Cancer-causing benzene emissions are rising at the Dow Chemical Orange plant in East Texas. Why? Oil and Gas Watch, July 25, 2024.
<https://news.oilandgaswatch.org/post/cancer-causing-benzene-emissions-are-rising-at-the-dow-chemical-orange-plant-in-east-texas-why>

Pedersen, Courtney. 2023. Entergy breaks ground on new facility. Beaumont Enterprise, April 25, 2023.

Sadasivam, Naveena and Aldern, Clayton. 2023. How a Port Arthur chemical plant gamed the Clean Air Act. Beaumont Enterprise, February 17, 2023.

Strott, Savanna and Rogerson, Riley. 2022. Koch-owned plant finds legal ways to pollute. Texas Observer, February 17, 2022.

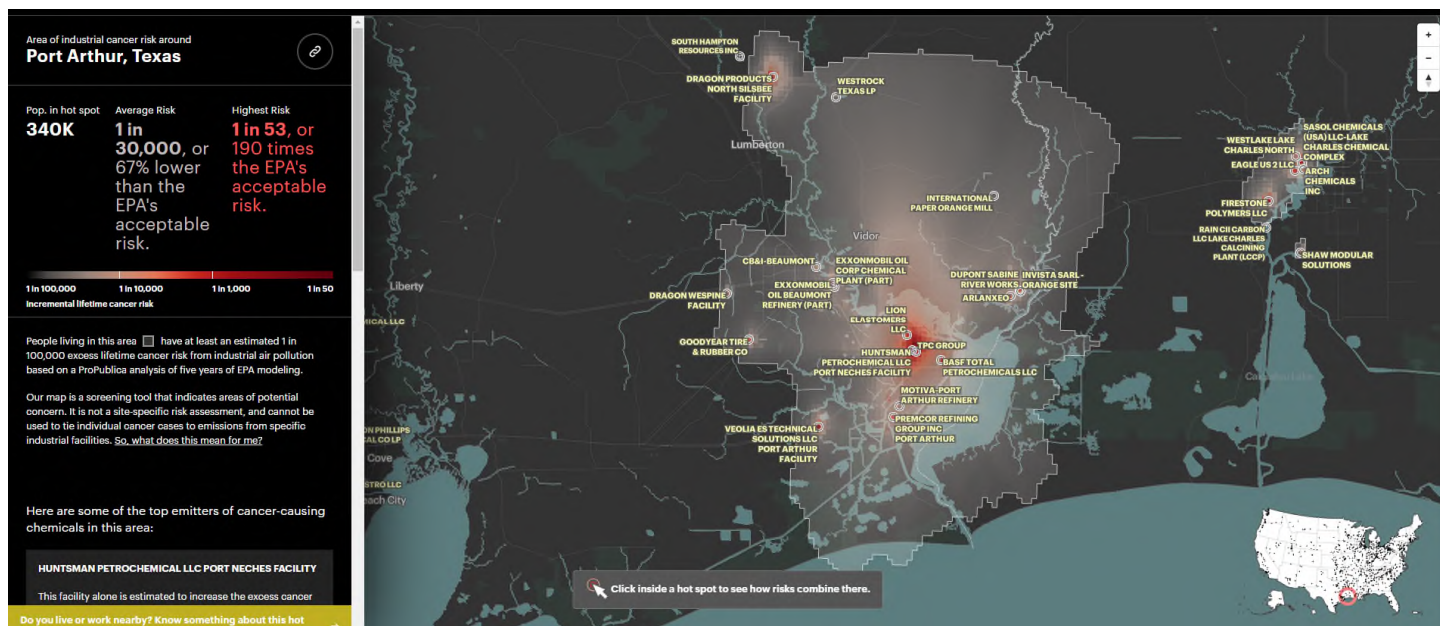
Zapalac, Megan. 2024. Local lowdown on why it might smell bad in Southeast Texas. Beaumont Enterprise, June 14, 2024.

<https://projects.propublica.org/toxmap/>

Area of industrial cancer risk around Port Arthur, Texas.

People living in this area [below] have at least an estimated 1 in 100,000 excess lifetime cancer risk from industrial air pollution based on a ProPublica analysis of five years of EPA modeling.

Our map is a screening tool that indicates areas of potential concern. It is not a site-specific risk assessment, and cannot be used to tie individual cancer cases to emissions from specific industrial facilities.



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