

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



Garrett T. Arthur, *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 15, 2025

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

RE: **IN THE MATTER OF THE APPLICATION BY FORMOSA PLASTICS
CORP. TO AMEND AIR QUALITY PERMIT NOS. 140763, ET ALIA
TCEQ DOCKET NO. 2025-1160-AIR**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to
Hearing Request in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, reading "Eli Martinez".

Eli Martinez, Senior Attorney
Assistant Public Interest Counsel

cc: Mailing List

TCEQ DOCKET NO. 2025-1160-AIR

IN THE MATTER	§	BEFORE THE
OF THE APPLICATION OF	§	
FORMOSA PLASTICS CORP. TO	§	TEXAS COMMISSION ON
AMEND AIR QUALITY PERMIT	§	
NOS. 140763, ET ALIA	§	ENVIRONMENTAL QUALITY

OFFICE OF PUBLIC INTEREST COUNSEL'S
RESPONSE TO HEARING REQUEST

To the Members of the Texas Commission on Environmental Quality:

The Office of Public Interest Counsel (“OPIC”) at the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) files this response to hearing request in the above-captioned matter.

I. Background

On December 2, 2021, Formosa Plastics Corporation (Formosa or Applicant), applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This authorization would allow modification of Applicant’s Formosa Point Comfort Plant, an existing facility that may emit air contaminants. The facility is located at 201 Formosa Drive, Point Comfort, in Calhoun County. Contaminants authorized include carbon monoxide, nitrogen oxides, organic compounds, hazardous air pollutants, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide, and sulfuric acid mist.

This permit application is for a permit amendment of Air Quality Permit Numbers 140763, 19871, 91780, 19200, 19168, 107518, 20203, 40157, and 19201; modification to Prevention of Significant Deterioration (PSD) Air Quality

Permit Numbers PSDTX1500M1, PSDTX1236M1, PSDTX1240M1, PSDTX1237M1, PSDTX1226M1, PSDTX1383M2, PSDTX1224M1, PSDTX1222M1, and PSDTX1232M1; modification to Greenhouse Gas (GHG) PSD Air Quality Permit Numbers GHGPSDTX46M1 and GHGPSDTX48M1 for emissions of GHGs; and issuance of GHG PSD Air Quality Permit Numbers GHGPSDTX221, GHGPSDTX223, GHGPSDTX218, GHGPSDTX224, GHGPSDTX222, GHGPSDTX225, and GHGPSDTX219 for emissions of GHGs.

The Applicant is proposing two separate projects in this permitting action. First, the Applicant seeks to update the flaring emissions to comply with the EPA Risk and Technology Review (RTR) for the Ethylene Production source category. Second, the Applicant proposes an increase in annual MSS flaring emissions due to additional required shutdowns. These projects span multiple permits and trigger federal PSD review therefore, the corresponding air quality permits, PSD permits, and GHG permits are included in this review.

The permit application was declared administratively complete on December 16, 2021. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI) for this permit application was published in English on December 22, 2021, in the *Port Lavaca Wave* and in Spanish on December 20, 2021, in the *Revista De Victoria*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD) was published on October 19, 2022, in English in the *Port Lavaca Wave* and on October 26, 2022, in Spanish in *Revista De Victoria*. A public meeting was held on February 2, 2023, at the Bauer Community Center, 2300 State Highway 35 North, Port Lavaca. A notice of public meeting was mailed on

December 28, 2022. The public comment period ended on October 18, 2023. The Executive Director's (ED) Response to Comments was mailed May 1, 2025, and the deadline to request a contested case hearing was June 2, 2025. The Commission received timely comments and hearing requests from San Antonio Bay Estuarine Waterkeeper. For the reasons stated below, OPIC respectfully recommends that the Commission grant the hearing request of San Antonio Bay Estuarine Waterkeeper and refer the matter to the State Office of Administrative Hearings for a contested case hearing.

II. Applicable Law

This application was filed on or after September 1, 2015, and is therefore subject to the procedural rules adopted pursuant to Senate Bill 709.¹ Under Title 30, Texas Administrative Code ("TAC") § 55.201(c), a hearing request by an affected person must be in writing, must be timely filed, may not be based on an issue raised solely in a public comment which has been withdrawn, and, for applications filed on or after September 1, 2015, must be based only on the affected person's timely comments.

Section 55.201(d) states that a hearing request must substantially comply with the following:

- (1) give the name, address, daytime telephone number, and, where possible, fax number of the person who files the request;
- (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

¹ Tex. S.B. 709, 84thLeg., R.S. (2015).

- by the proposed facility or activity in a manner not common to members of the general public;
- (3) request a contested case hearing;
 - (4) for applications filed:
 - (B) on or after September 1, 2015, list all relevant and material disputed issues of fact that were raised by the requestor 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 ED's responses to the requestor's comments that the requestor disputes, 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.²

Under 30 TAC § 55.203(a), 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. Section 55.203(c) provides relevant factors to be considered in determining whether a person is affected. These factors include:

- (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, safety, and use of property of the person;

² 30 TAC § 55.201(d).

- (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 that were not withdrawn; and
- (7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.³

Under § 55.203(d), to determine whether a person is an affected person for the purpose of granting a hearing request for an application filed on or after September 1, 2015, the Commission may also consider the following:

- (1) the merits of the underlying application and supporting documentation in the administrative record, including whether the application meets the requirements for permit issuance;
- (2) the analysis and opinions of the ED; and
- (3) any other expert reports, affidavits, opinions, or data submitted by the ED, the applicant, or hearing requestor.⁴

For applications filed on or after September 1, 2015, § 55.205(b) states that a hearing request by a group or association may not be granted unless all of the following requirements are met:

- (1) comments on the application are timely submitted by the group or association;
- (2) the request identifies, 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 are germane to the organization's purpose; and

³ 30 TAC § 55.203(c).

⁴ 30 TAC § 55.203(d).

- (4) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

For an application filed on or after September 1, 2015, § 55.211(c)(2)(A)(ii) provides that a hearing request made by an affected person shall be granted if the request raises disputed issues of fact that were raised by the affected person during the comment period, that were not withdrawn by filing a withdrawal letter with the Chief Clerk prior to the filing of the ED's RTC, and that are relevant and material to the Commission's decision on the application. Under § 55.211(c)(2)(B)–(D), the hearing request, to be granted, must also be timely filed with the Chief Clerk, pursuant to a right to hearing authorized by law, and comply with the requirements of § 55.201.

Accordingly, 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 ED's RTC;
- (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.⁵

⁵ 30 TAC § 55.209(e).

III. Discussion

A. Whether the Requestor is an Affected Person

On November 18, 2022, and May 30, 2025, timely hearing requests were submitted on behalf of San Antonio Bay Estuarine Waterkeeper. A volunteer-run, local affiliate of the national Waterkeeper Alliance, San Antonio Bay Estuarine Waterkeeper began in 2012 as a project of Calhoun County Research Watch, a 501(c)(3) nonprofit organization. San Antonio Bay Estuarine Waterkeeper's articulated mission is to "protect Lavaca Bay, Cox Bay, Keller Bay, Chocolate Bay, Matagorda Bay, San Antonio Bay, and Espiritu Santo Bay and to educate the public about these ecologically important estuarine systems to ensure clean, healthy natural resources for public health and wildlife."⁶ San Antonio Bay Estuarine Waterkeeper also "promotes the preservation of local wetlands and waterways for recreational uses, such as fishing, swimming, boating, and other watersports, to encourage appreciation and restoration of these areas."⁷ The request raises numerous concerns, including the health and safety of residents; potential exceedances of the National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration Increments; nuisance conditions; cumulative risks; protection of local welfare; utilization of Best Available Control Technology (BACT); sufficiency of monitoring, reporting, record keeping; and

⁶ "Contested Case Hearing Request on Formosa Plastics Corporation's Point Comfort Plant's Application to Amend Air Quality Permit Numbers 140763, 19871, 91780, 19200, 19168, 107518, 20203, 40157, and 19201 and Modify Prevention of Significant Deterioration ("PSD") Air Quality Permit Numbers PSDTX1500M1, PSDTX1236M1, PSDTX1240M1, PSDTX1237M1, PSDTX1226M1, PSDTX1383M2, PSDTX1224M1, PSDTX1222M1" at 1.

⁷ *Id.*

adequacy of flaring. OPIC finds that the purpose of San Antonio Bay Estuarine Waterkeeper is germane to these interests the association seeks to protect.⁸

San Antonio Bay Estuarine Waterkeeper identifies Diane Wilson as a member with standing in her own right to request a contested case hearing.⁹ As required by 30 TAC § 55.205(b)(2), the request lists Ms. Wilson’s address—600 Ramona Road, in Seadrift. The request states, and the map prepared by the ED in these proceedings confirms, this residence lies about 19.6 miles from Formosa’s Plant. In consideration of the distance from the proposed facility, OPIC cannot conclude that the facility’s operations are likely to affect Ms. Wilson at her residence in a way that is not common to members of the general public. OPIC therefore cannot base a finding of affectedness on this location. However, the hearing request also raises economic and recreational interests as bases for a finding of affectedness, which are analyzed below.

The hearing request states Ms. Wilson is a fourth-generation commercial fisherwoman from Seadrift who has relied on the Lavaca, Matagorda, and San Antonio Bays surrounding Formosa’s Point Comfort Plant for her livelihood for forty years—working as a shrimper, oysterman, fin fisher, and fish house manager.¹⁰ Beyond their economic significance, the request also indicates Diane Wilson enjoys the aesthetic beauty and environmental health of the bays, and

⁸ See 30 TAC § 55.205(b)(3).

⁹ See 30 TAC § 55.205(b)(2).

¹⁰ “Contested Case Hearing Request on Formosa Plastics Corporation’s Point Comfort Plant’s Application to Amend Air Quality Permit Numbers 140763, 19871, 91780, 19200, 19168, 107518, 20203, 40157, and 19201 and Modify Prevention of Significant Deterioration (“PSD”) Air Quality Permit Numbers PSDTX1500M1, PSDTX1236M1, PSDTX1240M1, PSDTX1237M1, PSDTX1226M1, PSDTX1383M2, PSDTX1224M1, PSDTX1222M1” at 2.

therefore regularly engages in outdoor recreational activities such as walking on the beaches, kayaking, and swimming with her children and grandchildren, particularly at Magnolia Beach.¹¹

Further, as co-founder and Executive Director of San Antonio Bay Estuarine Waterkeeper, Diane Wilson actively monitors Lavaca and Cox Bays near Formosa's stormwater and wastewater outfalls, visiting these sites by kayak, motorboat, or on foot at least weekly—sometimes up to three times a week—since 2016, to observe discharges of plastics and ensure compliance with the 2019 Consent Decree from *San Antonio Bay Estuarine Waterkeeper, et al., v. Formosa Plastics, Texas et al.*¹² These frequent, hours-long visits expose her to the air quality surrounding the facility.¹³

OPIC finds that Ms. Wilson's interests in Formosa's operations and potential impacts on air quality are rooted in actual, repeated, and anticipated use of these bays, distinguishing her from a general member of the public. Her forty-year career as a fisherwoman and her regular outdoor recreational activities, including swimming and kayaking with family near the facility, demonstrate a consistent and personal reliance on the bays' resources which may be impacted by negative impacts on air quality resulting from Formosa's operations. Additionally, her weekly monitoring visits near the plant's outfalls, conducted since 2016 with plans to continue, involve direct and frequent interaction with the areas potentially affected by facility operations, exceeding

¹¹ *Id.*

¹² *Ibid* at 3.

¹³ *Ibid.*

typical public engagement. This sustained and intentional use, coupled with her anticipated future activities in these areas, demonstrates tangible and actual economic and recreational interests that sufficiently establish a reasonable relationship between the interests she claims and the regulated activity; the likely impact of the regulated activity on her health, safety, and use of the property near the facility; and the likely impact of the regulated activity on her use of potentially impacted natural resources. Based on the demonstrated personal justiciable interests of Diane Wilson, OPIC therefore finds that San Antonio Bay Estuarine Waterkeeper has identified a member with standing to request a hearing in their own right. Further, neither the claim asserted nor the relief requested requires the participation of the individual members in the case. OPIC therefore recommends the hearing request of San Antonio Bay Estuarine Waterkeeper be granted.

B. Whether Issues Raised in the Hearing Request Remain Disputed

The hearing request raised the following issues:

1. Whether the proposed emissions will threaten the health and safety of nearby residents.
2. Whether the proposed emissions will cause or contribute to exceedances of National Ambient Air Quality Standards (“NAAQS”), including the NAAQS for nitrogen dioxide and ozone.
3. Whether the proposed emissions will exceed allowable Prevention of Significant Deterioration Increments, nitrogen dioxide, carbon monoxide, and ozone.
4. Whether the proposed emissions will cause nuisance conditions violating 30 TAC § 101.4.
5. Whether Draft Permit conditions are adequate to protect the public from cumulative risks in accordance with Tex. Water Code § 5.130.
6. Whether the expanded Plant will be protective of welfare, including wildlife and the environment in the surrounding area.

7. Whether Formosa's air quality analysis complies with TCEQ's rules and guidance.
8. Whether the new and modified sources will use Best Available Control Technology.
9. Whether the emissions calculation methodologies used in the Application are flawed or outdated.
10. Whether proposed air monitoring and reporting requirements are adequate to ensure compliance with the Clean Air Act and to protect local residents.
11. Whether the permits' monitoring, reporting, record keeping, and emission calculation requirements are sufficient to ensure compliance with the relevant emission limits, including limits for the flares.
12. Whether Formosa and TCEQ adequately considered the environmental justice impacts of the proposed pollution increases.
13. Whether Formosa and TCEQ supplied the public with adequate information to verify the bases for Formosa's claims and for TCEQ's decision to issue the permits.
14. Whether the relevant permit provisions are adequate to ensure that Formosa's flares destroy 99% of volatile organic compounds with three or fewer carbon atoms.
15. Whether the relevant permit provisions are adequate to ensure that Formosa's flares destroy 98% of volatile organic compounds with four or more carbon atoms.
16. Whether Formosa underestimated its flares' potential emission rates for volatile organic compounds.
17. Whether the 99% and 98% destruction removal efficiency rates are practically enforceable.
18. Whether Formosa has incorporated sufficient monitoring, record keeping, and reporting requirements to ensure compliance with distinct emission caps applicable to the same flares.

There is no agreement between the hearing requestor and the ED on the issues raised in the hearing request. The issues therefore remain disputed.

C. Whether the Dispute Involves Questions of Fact or Law

If the Commission considers an issue to be one of fact, rather than one of law or policy, it is appropriate for referral to hearing if it meets all other

applicable requirements.¹⁴ All of the disputed issues involve questions of fact.

D. Whether the Issues Were Raised During the Public Comment Period

All of the issues were raised during the public comment period.

E. Whether the Hearing Request is Based on Issues Raised in Public Comments Which Have Not Been Withdrawn

The comments received during the comment period have not been withdrawn.

F. Whether the Issues are Relevant and Material to the Decision on the Application

The hearing request raises issues that are relevant and material to the Commission's decision under the requirements of 30 TAC §§ 55.201(d)(4)(B) and 55.211(c)(2)(A)(ii). To refer an issue to the State Office of Administrative Hearings ("SOAH"), the Commission must find that the issue is relevant and material to the Commission's decision to issue or deny this permit. Relevant and material issues are those governed by the substantive law under which this permit is to be issued.¹⁵

In Issue Nos. 1 through 9 and 16 the hearing request raises issues of health and safety of nearby residents, NAAQS and PSD Increments, BACT, nuisance conditions, cumulative impacts, welfare of the environment and wildlife, air quality analysis, emissions calculation methodologies, and flare emission rates. Pursuant to the TCAA, the TCEQ is responsible for the protection of air quality in Texas. The purpose of the TCAA is "...to safeguard the state's air resources

¹⁴ 30 TAC § 55.211(c)(2)(A).

¹⁵ *Anderson v. Liberty Mutual, Inc.*, 477 U.S. 242, 248-51 (1986).

from pollution by controlling and abating air pollution and emissions of air contaminants, consistent with the protection of public health, general welfare, and physical property, including the esthetic enjoyment of air resources by the public and the maintenance of adequate visibility.”¹⁶ 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. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules.¹⁷ Moreover, as part of the evaluation of applications for new or amended permits, TCEQ audits all sources of air contaminants at the proposed facility and assures that the facility will be using the BACT applicable for the sources and types of contaminants emitted.

Under the Commission’s rules, “[n]o person shall discharge from any source whatsoever one or more air contaminants or combinations thereof, in such concentration and of such duration as are or may tend to be injurious to or to adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property.”¹⁸ Under the TCAA, the Commission may issue this permit only if it finds no indication that the emissions from the facility will contravene the intent of the TCAA, including protection of the public’s health and physical property.¹⁹

¹⁶ THSC § 382.002(a).

¹⁷ THSC § 382.002(b).

¹⁸ 30 TAC § 101.4.

¹⁹ See THSC § 382.0518(b)(2).

OPIC therefore finds that Issue Nos. 1 through 9 and 16 are relevant and material to the Commission's decision on this application.

The hearing requests also raise the issues of reporting, recordkeeping, and monitoring. Special conditions are included in the draft permit requiring the Applicant to demonstrate compliance with the emission limitations set forth in the permit. Flares at the facility are subject to monitoring requirements in 40 CFR Part 63, Subpart YY, Generic Maximum Achievable Control Technology Standards (Ethylene Production). The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above, which must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. OPIC therefore finds that Issue Nos. 10, 11 and 18 are relevant and material to the Commission's decision on this application.

San Antonio Bay Estuarine Waterkeeper also asserts the public was not supplied with adequate information to verify the Applicant's claims and the Commission's decision. Commission rule § 39.405 requires the Applicant to provide copies of the application and the Executive Director's preliminary decision at a public place in the county in which the facility is located or proposed to be located. Further, the rules require that the public have an opportunity to review and copy these materials. In addition, the application, including any subsequent revisions to the application, must be available for review for the duration of the comment period. OPIC therefore finds that Issue No. 13 is relevant and material to the Commission's decision on this application.

San Antonio Bay Estuarine Waterkeeper additionally questions the 99% (for VOCs with three or fewer carbon atoms) and 98% (for VOCs with four or more carbon atoms) destruction removal efficiency claimed in its flare operations, and whether these rates are practically enforceable. Flares are subject to compliance with 40 CFR § 60.18 specifications for maximum tip velocity and minimum net heating value, as well as the design and operating requirements of 40 CFR Part 63 Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards, which directly applies the requirements of 40 CFR Part 63 Subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries. Because the site produces ethylene, and the ethylene production operates with one or more of the affected emission points for the source category, the provisions of 40 CFR Part 63 Subpart YY apply to this site. OPIC therefore finds that Issues Nos. 14-15 and 17 are relevant and material to the Commission's decision on this application.

In addition to the disputed issues discussed above, San Antonio Bay Estuarine Waterkeeper asserts the application and draft permit do not address environmental justice concerns. Because the TCEQ receives federal funding, it must comply with a suite of federal guidance and laws ensuring its actions are not intentionally discriminatory and will not have discriminatory effects.²⁰ For instance, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the

²⁰ See 40 CFR §7.35(b). <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-A/part-7>

basis of race, color, or national origin.²¹ Executive Order 12898 addresses the environmental and human health conditions of minority communities and low-income communities and calls on agencies to identify and address any disproportionately high and adverse human health or environmental effects of their programs.²² Executive Order 13166 requires federal agencies—and recipients of federal financial assistance—to examine the services they provide, identify any need for services to those with limited English proficiency, and develop and implement a system to provide those services so limited English proficiency persons can have meaningful access to them.²³

TCEQ has made a commitment to preventing discriminatory actions or effects through its Title VI Compliance efforts, which are intended to ensure reasonable access to its decision-making processes. Towards this end, efforts have been made to develop and implement a Disability Nondiscrimination Plan, Public Participation Plan, and Language Access Plan.²⁴ Together, these efforts are intended to provide equal access to Commission programs and activities. However, the general concern raised by San Antonio Bay Estuarine Waterkeeper involving environmental justice is not addressed by concrete guidance or permitting rules. Without specific requirements relating to this concern, it cannot be addressed in proceedings on this application and Issue No. 12 should not be referred to SOAH.

²¹ <https://www.justice.gov/crt/fcs/TitleVI>

²² <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

²³ <https://www.govinfo.gov/content/pkg/FR-2000-08-16/pdf/00-20938.pdf>

²⁴ More information on TCEQ's Title VI Compliance efforts can be found at: <https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>

OPIC therefore recommends that the Commission refer Issue Nos. 1-11 and 13-18 in §III.B to SOAH for a contested case hearing.

G. Maximum Expected Duration of Hearing

Commission Rule 30 TAC § 50.115(d) requires that any Commission order referring a case to SOAH specify the maximum expected duration of the hearing by stating a date by which the judge is expected to issue a proposal for decision. The rule further provides that, for applications filed on or after September 1, 2015, the administrative law judge must conclude the hearing and provide a proposal for decision by the 180th day after the first day of the preliminary hearing, or a date specified by the Commission, whichever is earlier. 30 TAC § 50.155(d)(2). To assist the Commission in stating a date by which the judge is expected to issue a proposal for decision, and as required by 30 TAC § 55.209(e)(7), OPIC estimates that the maximum expected duration of a hearing on this application would be 180 days from the first date of the preliminary hearing until the proposal for decision is issued.

IV. Conclusion

As stated above, OPIC respectfully recommends that the Commission grant the hearing request of San Antonio Bay Estuarine Waterkeeper and refer this matter to SOAH for a contested case hearing. OPIC recommends a hearing duration of 180 days on Issue Nos. 1-11 and 13-18 contained in §III.B.

Respectfully submitted,

Garrett T. Arthur
Public Interest Counsel

By: Eli Martinez
Eli Martinez
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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2025, the foregoing document was filed with the TCEQ Chief Clerk, and copies were served to all parties on the attached mailing list via hand delivery, facsimile transmission, electronic mail, inter-agency mail, or by deposit in the U.S. Mail.

Eli Martinez
Eli Martinez

**MAILING LIST
FORMOSA PLASTICS CORP.
TCEQ DOCKET NO. 2025-1160-AIR**

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