

**TCEQ AIR QUALITY PERMIT NUMBERS: 140763, PSDTX1500M1, and GHGPSDTX46M1; 19871, PSDTX1236M1, and GHGPSDTX221; 91780, PSDTX1240M1, and GHGPSDTX223; 19200, PSDTX1237M1, and GHGPSDTX218; 19168, PSDTX1226M1, and GHGPSDTX224; 107518, PSDTX1383M2, and GHGPSDTX48M1; 20203, PSDTX1224M1, and GHGPSDTX222; 40157, PSDTX1222M1, and GHGPSDTX225; 19201, PSDTX1232M1, and GHGPSDTX219**

**TCEQ DOCKET NUMBER 2025-1160-AIR**

|                                      |          |                              |
|--------------------------------------|----------|------------------------------|
| <b>APPLICATION BY</b>                | <b>§</b> | <b>BEFORE THE</b>            |
| <b>FORMOSA PLASTICS CORPORATION,</b> | <b>§</b> | <b>TEXAS COMMISSION ON</b>   |
| <b>TEXAS POINT COMFORT PLANT</b>     | <b>§</b> | <b>ENVIRONMENTAL QUALITY</b> |
| <b>POINT COMFORT, CALHOUN</b>        | <b>§</b> |                              |
| <b>COUNTY</b>                        | <b>§</b> |                              |

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**SAN ANTONIO BAY ESTUARINE WATERKEEPER’S MOTION FOR LEAVE  
TO FILE REPLY OUT OF TIME AND MOTION FOR CONTINUANCE**

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TO GENERAL COUNSEL AND THE HONORABLE COMMISSIONERS:

Pursuant to 30 Tex. Admin. Code § 1.10(h), San Antonio Bay Estuarine Waterkeeper (“Waterkeeper”) moves for leave to file the “**REPLY OF SAN ANTONIO BAY ESTUARINE WATERKEEPER**” (attached to this motion) out of time. Pursuant to 30 Tex. Admin. Code § 10.4(b), Waterkeeper further moves to continue the Commissioners’ consideration of Waterkeeper’s hearing request until the November 19, 2025 agenda meeting. This continuance is necessary to provide the Commissioners with Waterkeeper’s reply brief. The Office of Public Interest Counsel supports these motions. The Applicant and Executive Director do not oppose the motion for leave to file but oppose a continuance.

On October 10, 2025, General Counsel notified parties that the Commission would consider Waterkeeper’s contested case hearing request in

this matter at its November 5, 2025 agenda meeting.<sup>1</sup> That letter stated that parties may submit reply briefs regarding Waterkeeper's contested case hearing request by October 24, 2025 using TCEQ's eFiling process.

On October 24, 2025, counsel for Waterkeeper used the eFiling system to timely submit Waterkeeper's reply brief, as directed by General Counsel. Two minutes after this attempted submission, Waterkeeper timely served the reply brief on parties by email. However, for unknown reasons, Waterkeeper's filing through the TCEQ's eFiling process was unsuccessful.

On Saturday, November 1, 2025, counsel for Waterkeeper discovered that the reply was not listed on the Commissioners' Integrated Database nor included in the Commissioners' Agenda Backup materials for this matter.<sup>2</sup> When TCEQ offices opened on the morning of Monday, November 3, Counsel notified TCEQ's Chief Clerk that Waterkeeper's reply brief was missing from the Commissioners' Integrated Database and Agenda Backup materials and provided a copy of the brief. The Office of the Chief Clerk instructed Waterkeeper to file a motion for leave to file its reply brief late with a certificate of conference. Counsel for Waterkeeper conferred with parties and drafted the instant motion as quickly as possible.

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<sup>1</sup> Letter Re: Application of Formosa Plastics Corp.; TCEQ Dkt. No. 2025-1160-AIR (Oct. 10, 2025, [https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc\\_id=244357712025283](https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=244357712025283)).

<sup>2</sup> The Agenda Backup materials are available electronically at <https://www.tceq.texas.gov/downloads/agency/decisions/agendas/backup/2025/2025-1160-air-index.pdf>.

To ensure the Commission has an opportunity to review Waterkeeper's reply, because Waterkeeper's reply brief was timely served on parties, and because Waterkeeper attempted to comply with the eFiling deadline, Waterkeeper moves for leave to late-file the attached reply brief and requests that General Counsel or the Commissioners continue oral argument and consideration of Waterkeeper's contested case hearing request until its November 19, 2025 agenda meeting. No parties have filed any other motions for continuance in this matter, and no parties will be prejudiced by additional time to review briefing.

Respectfully submitted,

/s/ Mariah Harrod

Mariah Harrod, Texas Bar #24143847  
98 San Jacinto Blvd., Suite 400  
Austin, TX 78701  
mharrod@environmentalintegrity.org  
Phone: (856) 503-8645  
Fax: (202) 296-8822

Gabriel Clark-Leach, Texas Bar #24069516  
98 San Jacinto Blvd., Suite 400  
Austin, TX 78701  
Gclark-leach@environmentalintegrity.org  
Phone: (202) 263-4440  
Fax: (202) 296-8822

David Bookbinder, DC Bar #455525  
888 17th St. NW, Suite 810  
Washington, DC 20006  
dbookbinder@environmentalintegrity.org  
Phone: (301) 751-0611  
Fax: (202) 296-8822

*Attorneys for San Antonio Bay Estuarine Waterkeeper*

### CERTIFICATE OF CONFERENCE

I certify that on November 3, 2025, I conferred with representatives for the Executive Director, Office of Public Interest Counsel, and the Applicant about these motions. No parties oppose this motion for leave to file out of time, but the Executive Director and the Applicant oppose a continuance.

/s/ Gabriel Clark-Leach

### CERTIFICATE OF SERVICE

I certify that on November 3, 2025, I served a true and correct copy of the foregoing **“SAN ANTONIO BAY ESTUARINE WATERKEEPER’S MOTION FOR LEAVE TO FILE REPLY OUT OF TIME AND MOTION FOR CONTINUANCE”** via electronic mail or eFilings to all persons on the attached service list.

/s/ Mariah Harrod

## SERVICE LIST

### FOR THE APPLICANT

*Via email:*

Rick Crabtree  
Vice President & General Manager  
Formosa Plastics Corporation, Texas  
P.O. Box 700  
Point Comfort, Texas 77978  
[TammyL@fdde.fpcusa.com](mailto:TammyL@fdde.fpcusa.com)

Tammy Lasater Corporate  
Air Permitting Manager  
Formosa Plastics Corporation, Texas  
P.O. Box 320  
Delaware City, Delaware 19706  
[TammyL@fdde.fpcusa.com](mailto:TammyL@fdde.fpcusa.com)

Lisa Uselton Dyar  
Beveridge & Diamond PC  
1400 West 15th Street., Suite 1400  
Austin, Texas 78701  
[ldyar@bdlaw.com](mailto:ldyar@bdlaw.com)

### FOR THE EXECUTIVE DIRECTOR

*Via email:*

Amanda Kraynok  
TCEQ  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, TX 78711-3087  
[Amanda.Kraynok@tceq.texas.gov](mailto:Amanda.Kraynok@tceq.texas.gov)

Cara Hill  
TCEQ Air Permits Division, MC-163  
P.O. Box 13087  
Austin, Texas 78711  
[Cara.hill@tceq.texas.gov](mailto:Cara.hill@tceq.texas.gov)

Ryan Vise, Deputy Director  
TCEQ External Relations Division  
Public Education Program, MC-108  
P.O. Box 13087  
Austin, Texas 78711  
[Ryan.vise@tceq.texas.gov](mailto:Ryan.vise@tceq.texas.gov)

### FOR PUBLIC INTEREST COUNSEL

*Via email:*

Garrett Arthur  
TCEQ  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, TX 78711-3087  
[Garrett.Arthur@tceq.texas.gov](mailto:Garrett.Arthur@tceq.texas.gov)

### FOR ALTERNATIVE DISPUTE RESOLUTION

*Via email:*

Kyle Lucas  
TCEQ  
ADR, MC-222  
P.O. Box 13087  
Austin, Texas 78711  
[Kyle.Lucas@tceq.texas.gov](mailto:Kyle.Lucas@tceq.texas.gov)

### FOR THE CHIEF CLERK

*Via eFilings:*

Docket Clerk  
TCEQ Office of Chief Clerk, MC 105  
P.O. Box 13087  
Austin, Texas 78711  
<https://www.tceq.texas.gov/goto/efilings>

### FOR GENERAL COUNSEL

*Via email:*

[Mary.smith@tceq.texas.gov](mailto:Mary.smith@tceq.texas.gov)