



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2025

TO: All interested persons.

RE: Formosa Plastics Corporation, Texas

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

### **Decision of the Executive Director.**

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter are instructions to view the Executive Director's Response to Public Comment (RTC) on the Internet. Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov). A complete copy of the RTC (including the mailing list), complete application, draft permit and related documents, including public comments, are available for review at the TCEQ Central Office. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Central Office, the TCEQ Corpus Christi Regional Office, the Calhoun County Public Library – Port Lavaca Branch, 200 West Mahan Street, Port Lavaca, Calhoun County, and the Jackson County Memorial Library, 411 North Wells Street, Edna, Jackson County. The facility's compliance file, if any exists, is available for public review at the TCEQ Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. The procedures for the commission's evaluation of hearing requests/requests for reconsideration are located in 30 Texas Administrative Code Chapter 55, Subchapter F. A brief description of the procedures for these two requests follows.

## How to Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. Your hearing request must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (3) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."
- (4) If the request is made by a group or association, the request must identify:
  - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group;
  - (B) the comments on the application submitted by the group that are the basis of the hearing request; and
  - (C) by name and physical address one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.

Additionally, your request must demonstrate that you are an **"affected person."** 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. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application that were raised **by you** during the public comment period. The request cannot be based solely on issues raised in comments that you have withdrawn.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the executive director's responses to **your** comments that you dispute; 2) the factual basis of the dispute; and 3) list any disputed issues of law.

## **How to Request Reconsideration of the Executive Director's Decision.**

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

## **Deadline for Submitting Requests.**

A request for a contested case hearing or reconsideration of the executive director's decision must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter. You may submit your request electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html) or by mail to the following address:

Laurie Gharis, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

## **Processing of Requests.**

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the TCEQ's Alternative Dispute Resolution Program and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

## **How to Obtain Additional Information.**

If you have any questions or need additional information about the procedures described in this letter, please call the Public Education Program, toll free, at 1-800-687-4040.

Sincerely,



Laurie Gharis  
Chief Clerk

LG/cb

Enclosure

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**  
**for**  
**Formosa Plastics Corporation, Texas**  
**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**

The Executive Director has made the Response to Public Comment (RTC) for the application by Formosa Plastics Corporation, Texas for 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 available for viewing on the Internet. You may view and print the document by visiting the TCEQ Commissioners' Integrated Database at the following link:

<https://www.tceq.texas.gov/goto/cid>

In order to view the RTC at the link above, enter the TCEQ ID Number for this application (140763, PSDTX1500M1, GHGPSDTX46M1; 19871, PSDTX1236M1, GHGPSDTX221; 91780, PSDTX1240M1, GHGPSDTX223; 19200, PSDTX1237M1, GHGPSDTX218; 19168, PSDTX1226M1, GHGPSDTX224; 107518, PSDTX1383M2, GHGPSDTX48M1; 20203, PSDTX1224M1, GHGPSDTX222; 40157, PSDTX1222M1, GHGPSDTX225; 19201, PSDTX1232M1, GHGPSDTX219.) and click the "Search" button. The search results will display a link to the RTC.

Individuals who would prefer a mailed copy of the RTC or are having trouble accessing the RTC on the website, should contact the Office of the Chief Clerk, by phone at (512) 239-3300 or by email at [chiefclk@tceq.texas.gov](mailto:chiefclk@tceq.texas.gov).

### **Additional Information**

For more information on the public participation process, you may contact the Office of the Public Interest Counsel at (512) 239-6363 or call the Public Education Program, toll free, at (800) 687-4040.

A complete copy of the RTC (including the mailing list), the complete application, the draft permit, and related documents, including comments, are available for review at the TCEQ Central Office in Austin, Texas. Additionally, a copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Central Office, the TCEQ Corpus Christi Regional Office, the Calhoun County Public Library – Port Lavaca Branch, 200 West Mahan Street, Port Lavaca, Calhoun County, and the Jackson County Memorial Library, 411 North Wells Street, Edna, Jackson County. The facility's compliance file, if any exists, is available for public review at the TCEQ Corpus Christi Regional Office, 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas.

## MAILING LIST

for

Formosa Plastics Corporation, Texas

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

### FOR THE APPLICANT:

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### INTERESTED PERSONS:

See attached list

### FOR THE EXECUTIVE DIRECTOR via electronic mail:

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### FOR PUBLIC INTEREST COUNSEL via electronic mail:

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### FOR THE CHIEF CLERK via electronic mail:

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**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**

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

#### **EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 TEXAS ADMINISTRATIVE CODE (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Colin Cox (on behalf of the Environmental Integrity Project [EIP] and the San Antonio Bay Estuarine Waterkeeper), Cynthia J. Kaleri (on behalf of the U.S. Environmental Protection Agency [EPA]), Kris Leabo, Sandra Hardy McKenzie, Robin Schneider (on behalf of Texas Campaign for the Environment), Diane Wilson, and Frederick L. Woodland. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

#### **BACKGROUND**

##### Description of Facility

Formosa Plastics Corporation, Texas (Applicant) has applied to the 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 modify the Formosa Point Comfort Plant. The facility is located at 201 Formosa Drive, Point Comfort, Calhoun County. Contaminants authorized under these permits 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.

### Procedural Background

Before work is begun on the modification of an existing facility that may emit air contaminants, the person planning the modification must obtain a permit amendment from the commission. 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 received on December 2, 2021, and declared administratively complete on December 16, 2021. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI - first public notice) 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 - second public notice) 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, Texas 77979. The notice of public meeting was mailed on December 28, 2022. The public comment period ended on October 18, 2023. Because this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

### COMMENTS AND RESPONSES

#### COMMENT 1: Health Effects / Air Quality

Commenters are concerned about the effect of the emissions from the proposed project on the air quality and health of people, particularly sensitive populations such as the elderly, children, and people with existing medical conditions. Colin Cox questioned whether the proposed emissions would cause or contribute to exceedances of National Ambient Air Quality Standards (NAAQS), exceed allowable Prevention of Significant Deterioration (PSD) Increments or cause nuisance conditions violating 30 Texas Administrative Code (30 TAC) § 101.4. Mr. Cox questioned whether the



proposed emissions would threaten the health and safety of nearby residents. Robin Schneider expressed concern regarding potential emissions of carcinogens like benzene, as well as expressed concern regarding the proposed increase of Greenhouse Gas (GHG) emissions.

(Colin Cox, Robin Schneider, Diane Wilson, Fredrick Woodland)

**RESPONSE 1:** The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, 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. As described in detail below, the Executive Director determined that the emissions authorized by this permit are protective of both human health and welfare and the environment.

### NAAQS

The EPA created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment.<sup>1</sup> Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

The likelihood of whether adverse health effects caused by emissions from the facility could occur in members of the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions, was determined by comparing the facility's maximum predicted air dispersion modeling concentrations to the relevant state and federal standards and ESLs. TCEQ staff used modeling results to verify that predicted ground-level concentrations from the proposed facility are not likely to adversely impact public health and welfare. The overall evaluation process provides a conservative prediction that is protective of public health. The modeling predictions were reviewed by the TCEQ Air Dispersion Modeling Team, and the modeling analysis was determined to be acceptable. The Applicant used the American Meteorological Society (AMS)/EPA Regulatory Model (AERMOD) modeling system to provide a reasonable worst-case representation of potential impacts from the

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<sup>1</sup> 40 CFR § 50.2

proposed emissions on the area surrounding the facility. See Response 3 for additional information concerning the modeling.

The Applicant conducted a NAAQS analysis for NO<sub>2</sub>, CO, SO<sub>2</sub>, and O<sub>3</sub>. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLC<sub>max</sub>)<sup>2</sup> below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1 contains the results of the de minimis analysis.

Table 1. Modeling Results for PSD De Minimis Analysis in Micrograms per Cubic Meter (µg/m<sup>3</sup>)

| Pollutant       | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | De Minimis (µg/m <sup>3</sup> ) |
|-----------------|----------------|-----------------------------------------|---------------------------------|
| NO <sub>2</sub> | 1-hr           | 34                                      | 7.5                             |
| NO <sub>2</sub> | Annual         | 0.1                                     | 1                               |
| CO              | 1-hr           | 358                                     | 2000                            |
| CO              | 8-hr           | 143                                     | 500                             |

The pollutants below the de minimis level should not cause or contribute to a violation of the NAAQS and are protective of human health and the environment.

The Applicant conducted a full NAAQS analysis for those pollutants above de minimis to account for cumulative effects by including an evaluation of all on-property sources, applicable off-property sources, and representative monitored background concentrations. Results of the NAAQS analysis are presented below in Table 2. The total concentration was determined by adding the GLC<sub>max</sub> to the appropriate background concentration. Background concentrations are obtained from ambient air monitors across the state and are added to the modeled concentration (both on-property and off-property sources) to account for sources not explicitly modeled. The ambient air monitors were selected to ensure that they are representative of the proposed site. The total concentration was then compared to the NAAQS to ensure that the concentration is below the standard. For any subsequent projects submitted pertaining to this or any other facility in the area, the air quality analysis for that project will have to include the emissions authorized by this project, as well as other applicable off-property sources, if a full impacts analysis is required.

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<sup>2</sup> The GLC<sub>max</sub> is the maximum ground level concentration predicted by the modeling.

Table 2. Total Concentrations for PSD NAAQS (Concentrations &gt; De Minimis)

| Pollutant       | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | Background (µg/m <sup>3</sup> )  | Total Conc. = [Background + GLC <sub>max</sub> ] (µg/m <sup>3</sup> ) | Standard (µg/m <sup>3</sup> ) |
|-----------------|----------------|-----------------------------------------|----------------------------------|-----------------------------------------------------------------------|-------------------------------|
| NO <sub>2</sub> | 1-hr           | 181                                     | Note background discussion below | 181                                                                   | 188                           |

Background concentrations for NO<sub>2</sub> were obtained from the applicant's monitoring network (FPC NW Site). The applicant conducted their evaluation by combining NO<sub>2</sub> background concentrations on a seasonal basis with the predicted concentrations of the project and other on- and off-property sources on a seasonal (quarterly) basis for each modeled receptor. The applicant followed EPA guidance when developing seasonal-hourly background concentrations. The seasonal background concentrations were based on the maximum three-year average (2020-2022) of the 98th percentile of the annual distribution of the daily maximum 1-hr concentrations for each hour and season. These background values were then used in the model (as background scalars) to be combined with model predictions giving a total predicted concentration. The use of this monitor is reasonable as it is sited adjacent to the project site

The NAAQS analysis results are below the standard for each pollutant, should not cause or contribute to violation of the NAAQS, and are protective of human health and the environment.

#### PSD Increment Analysis

The PSD program limits the extent to which air quality may be allowed to deteriorate in areas where pollutant concentrations are below the NAAQS (attainment areas). When air quality in a geographic area meets or is below the NAAQS, it is called an attainment area. The Formosa plant is physically located in Calhoun and Jackson Counties. Both Calhoun and Jackson Counties are in attainment. Increases in pollutant concentrations over background are limited to certain increments, which are values specified by EPA at 40 CFR §52.21(c). When the de minimis analysis modeling indicates that a criteria pollutant exceeds its respective de minimis concentration, a PSD increment analysis is necessary for those criteria pollutants for which EPA has established an increment. The results of the PSD Increment Analysis are shown in Table 3 below.

Table 3. Modeling Results for PSD Monitoring Significance Levels

| Pollutant       | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | Increment (µg/m <sup>3</sup> ) |
|-----------------|----------------|-----------------------------------------|--------------------------------|
| NO <sub>2</sub> | Annual         | 0.1                                     | 14                             |
| CO              | 8-hr           | 143                                     | 575                            |

### Ozone Analysis

The Applicant performed an O<sub>3</sub> analysis as part of the PSD Air Quality Analysis (AQA). The Applicant evaluated project emissions of O<sub>3</sub> precursor emissions (NO<sub>x</sub> and VOC). For the project nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) emissions, the applicant provided an analysis based on a Tier 1 demonstration approach consistent with the EPA's Guideline on Air Quality Models (GAQM). Specifically, the applicant used a Tier 1 demonstration tool developed by the EPA referred to as Modeled Emission Rates for Precursors (MERPs). Using data associated with the worst-case source for NO<sub>x</sub> and VOC, the applicant estimated an 8-hr O<sub>3</sub> concentration of 2.01 ppb. When the estimates of ozone concentrations from the project emissions are added together, the results are greater than the de minimis level. Since the O<sub>3</sub> impact is above the de minimis level, a full impacts analysis is required.

Table 4. Modeling Results for Ozone PSD De Minimis Analysis in Parts per Billion (ppb)

| Pollutant      | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | Increment (µg/m <sup>3</sup> ) |
|----------------|----------------|-----------------------------------------|--------------------------------|
| O <sub>3</sub> | 8-hr           | 2.01                                    | 1                              |

The Applicant performed a full impact analysis for O<sub>3</sub> as part of the PSD AQA. When the estimates of ozone concentrations from the project emissions are added to the background concentration, the results are less than the NAAQS, as shown in Table 5 below.

Table 5. Total Ozone Concentrations for PSD NAAQS (Concentrations > De Minimis)

| Pollutant      | Averaging Time | GLC <sub>max</sub> (ppb) | Background (ppb) | Total Conc. = [Background + GLC <sub>max</sub> ] (ppb) | Standard (ppb) |
|----------------|----------------|--------------------------|------------------|--------------------------------------------------------|----------------|
| O <sub>3</sub> | 8-hr           | 2.01                     | 64.67            | 66.68                                                  | 70             |

### Additional Impact Analysis

The Applicant performed an Additional Impacts Analysis as part of the PSD AQA. The applicant conducted a growth analysis and determined that population will not significantly increase as a result of the proposed project. The applicant conducted a soils and vegetation analysis and determined that all evaluated criteria pollutant concentrations are below their respective secondary NAAQS. The applicant meets the Class II visibility analysis requirement by complying with the opacity requirements of 30 TAC Chapter 111. The Additional Impacts Analyses are reasonable and possible adverse impacts from this project are not expected.

## Class I

The Air Dispersion Modeling Team (ADMT) evaluated predicted concentrations from the proposed project to determine if emissions could adversely affect a Class I area. The nearest Class I area, Caney Creek Wilderness, is located approximately 570 kilometers (km) from the proposed site.

The predicted concentrations of NO<sub>2</sub> and SO<sub>2</sub> for all averaging times, are all less than de minimis levels at a distance of 14 km from the proposed sources in the direction the Caney Creek Wilderness Class I area. The Caney Creek Wilderness Class I area is an additional 556 km from the location where the predicted concentrations of NO<sub>2</sub> and SO<sub>2</sub> for all averaging times are less than de minimis. Therefore, emissions from the proposed project are not expected to adversely affect the Caney Creek Wilderness Class I area.

## Effects Screening Levels (ESLs) – Health Effects Analysis

To evaluate potential impacts of non-criteria pollutants, a health effects analysis was performed. ESLs are specific guideline concentrations used in TCEQ's evaluation of certain non-criteria pollutants. These guidelines are derived by TCEQ's Toxicology Division and are based on a pollutant's potential to cause adverse health effects, odor nuisances, and effects on vegetation. Health-based ESLs are set below levels reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL. If an air concentration of a pollutant is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted.

The health effects analysis is performed using TCEQ guidance document Air Permit Reviewer Reference Guide – APDG 5874 - Modeling and Effects Review Applicability (MERA) process.<sup>3</sup> The MERA is a step-by-step process to evaluate the potential impacts of non-criteria pollutants which are evaluated against the ESL for each chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined analysis. If the contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to “fall out” of the MERA process at that step because it is protective of human health and welfare. All non-criteria pollutants, including benzene, proposed to be authorized were below their respective ESLs. Thus, these pollutants satisfied the MERA criteria and would not be expected to cause adverse health effects. As described above, if an air concentration of

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<sup>3</sup> See APDG 5874 guidance document.

a pollutant is above the ESL, it is not indicative of an adverse effect but rather that further evaluation is warranted.

The potential for odor nuisance is reviewed through the use of ESLs. As described above, the Applicant performed a health effects analysis based on MERA guidance and all non-criteria pollutants complied with the MERA criteria; therefore, emissions would not be expected to cause an odor nuisance or adverse health effects. While nuisance conditions are not expected if the plant is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits nuisance conditions.

#### State Property Line Analysis (30 TAC Chapter 112)

Because this application has sulfur emissions, the Applicant conducted a state property line analysis to demonstrate compliance with TCEQ rules for net ground-level concentrations for sulfur dioxide (SO<sub>2</sub>), hydrogen sulfide (H<sub>2</sub>S), and sulfuric acid (H<sub>2</sub>SO<sub>4</sub>), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard, as shown in Tables 6 and 7 below.

Table 6. Project-Related Modeling Results for State Property Line

| Pollutant       | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | De Minimis (µg/m <sup>3</sup> ) |
|-----------------|----------------|-----------------------------------------|---------------------------------|
| SO <sub>2</sub> | 1-hr           | 0.25                                    | 20.42                           |

Table 7. Modeling Results for Minor NSR De Minimis

| Pollutant       | Averaging Time | GLC <sub>max</sub> (µg/m <sup>3</sup> ) | De Minimis (µg/m <sup>3</sup> ) |
|-----------------|----------------|-----------------------------------------|---------------------------------|
| SO <sub>2</sub> | 1-hr           | 0.2                                     | 7.8                             |
| SO <sub>2</sub> | 3-hr           | 0.1                                     | 25                              |

In June 2010, U.S. EPA established a new primary one-hour standard and revoked the primary annual and 24-hour standards for SO<sub>2</sub> in Calhoun and Jackson Counties.<sup>4</sup> Therefore, the 24-hour and primary annual SO<sub>2</sub> averaging times are not reported above.

The proposed emissions increases have been adequately represented and included in the impact analysis. Additionally, TCEQ staff and the ADMT have reviewed the proposed emissions from sources, represented source parameters and locations, point and area source representations, and background concentrations. Based on the data and representations, TCEQ staff and ADMT determined that the modeling analysis was acceptable. Please see Response 4 for additional information regarding Best Available Control Technology (BACT), and Response 8 for additional information regarding emissions sources and calculations used to support the application.

<sup>4</sup> See <https://www.federalregister.gov/documents/2021/03/26/2021-05397/air-quality-designations-for-the-2010-primary-sulfur-dioxide-so2-national-ambient-air-quality>.

In summary, based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of proposed emission rates associated with this project.

### Greenhouse Gases

EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no NAAQS or PSD increment for GHGs. The EPA Administrator has recognized that human-induced climate change has the potential to be far-reaching and multi-dimensional.<sup>5</sup> Climate change modeling and evaluations of risks and impacts are typically conducted for changes in emissions that are orders of magnitude larger than the emissions from individual projects that might be analyzed in permit reviews. Quantifying the exact impacts attributable to a specific GHG source obtaining a permit in specific places and points would not be possible with current climate change modeling.<sup>6</sup> Thus, EPA has concluded it would not be meaningful to evaluate impacts of GHG emissions on a local community in the context of a single permit.

TCEQ has determined that an air quality analysis for GHG emissions would provide no meaningful data and has not required the Applicant to perform one. As stated in the preamble to the TCEQ's adoption of the GHG PSD program, the impacts review for individual air contaminants will continue to be addressed, as applicable, in the state's traditional minor and major NSR permits program per 30 TAC Chapter 116 and 30 Tex. Reg. 2629, 2904 (April 11, 2014).

### **COMMENT 2: Environmental and Water Concerns**

Commenters expressed concern about the effect of the proposed project on the surrounding environment, including livestock, cattle, and nearby ranches. Diane Wilson and Fredrick Woodland expressed concern regarding a nearby creek, stating that they have seen soot, tar puddles, and plastic pellets in the water.

(Colin Cox, Diane Wilson, Fredrick Woodland)

**RESPONSE 2:** The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including animals, crops, vegetation, visibility, and structures, from any known or anticipated adverse effects associated with the presence of a contaminant in the ambient air. Because the emissions from this facility should not cause an exceedance of the NAAQS, air emissions from this facility are not expected to adversely impact land, livestock, wildlife, crops, or visibility, nor should emissions interfere with the use and enjoyment of surrounding land or water. Unless toxicity data indicate a need for specific animals,

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<sup>5</sup> See Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 75 Fed. Reg. 66496, 66497 (Dec. 15, 2009).

<sup>6</sup> EPA's PSD and Title V Permitting Guidance for Greenhouse Gases, March 2011 at p. 48.

<https://www.epa.gov/sites/production/files/2015-12/documents/ghgpermittingguidance.pdf>

the human health-based ESLs also protect animals. All regulated pollutants proposed to be authorized by this permit were reviewed and evaluated as described in Response 1. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

Although TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this proposed permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste are not within the scope of this review.

### **COMMENT 3: Air Dispersion Modeling**

Colin Cox questioned whether the Air Quality Analysis (AQA) complies with TCEQ rules and guidance.

(Colin Cox)

**RESPONSE 3:** As described in Response 1, appropriate site-specific air dispersion modeling was performed for this application. The Applicant used the EPA-approved AERMOD air dispersion modeling program to provide an estimate of the worst-case potential impacts on the area surrounding the proposed facility. The modeling procedures, methodology, predictions, and results were audited by TCEQ's ADMT and determined to be acceptable. The ADMT review was conducted following the procedures outlined in TCEQ Publication APDG 6232, Air Quality Modeling Guidelines.<sup>7</sup>

### **COMMENT 4: Best Available Control Technology**

Colin Cox questioned whether new and modified sources will utilize BACT, as well as questioned whether greenhouse gas controls reflect the use of BACT. Mr. Cox states that the Applicant should install a flare gas recovery system to reduce flaring and associated emissions and expressed concern that the Applicant did not consider this option in the control technology analysis for the project, stating that the Applicant should analyze flare gas recovery for technical feasibility and economical reasonableness. Mr. Cox commented that fence line monitoring should be adopted as BACT for the flares. Robin Schneider commented that the Applicant should be required to use BACT, specifically recirculating gases and not just flaring them.

(Colin Cox, Robin Schneider)

**RESPONSE 4:** TCEQ does not compare pollution controls between individual facilities (which can vary depending on plant configuration, scale of the plant, and production rates), rather it reviews each permit application in terms of meeting best available control technology, air quality standards, and all relevant and applicable rules and regulations within its jurisdiction. During the course of the technical review of a permit application, the permit reviewer evaluates air pollution control requirements

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<sup>7</sup> See Air Quality Modeling Guidelines - APDG 6232.



and confirms that the applicant has proposed the appropriate air pollution controls and properly determined off-site impacts for the project facilities and associated sources. The Applicant's air pollution control review, along with the permit reviewer's air pollution control evaluation and final recommendation provide a record that demonstrates that the operation of a proposed facility will not cause or contribute to a condition of air pollution and will comply with all applicable federal regulations and state rules as well as with the intent of the TCAA. The manufacturing plant is located in Jackson and Calhoun Counties, which are both classified as attainment for all criteria pollutants. This project is not subject to nonattainment review, and thus Lowest Achievable Emission Rate (LAER) does not apply to the new or modified sources proposed in this project.

The TCAA and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer 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. BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions.<sup>8</sup> BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations.

The TCEQ BACT evaluation is conducted using a "tiered" analysis approach. The evaluation begins at the first tier and continues sequentially through subsequent tiers only if necessary, as determined by the evaluation process described in agency guidance. In each tier, BACT is evaluated on a case-by-case basis for technical practicability and economic reasonableness. The three tiers are described in the following paragraphs:

- Tier I: Emission reduction performance levels accepted as BACT in recent permit reviews for the same process and/or industry continue to be acceptable.
- Tier II: Tier II BACT evaluation involves consideration of controls that have been accepted as BACT in recent permits for similar air emission streams in a different process or industry. For example, an applicant may propose to control VOC emissions in one industry using technology already in use in another industry. A Tier II evaluation includes issues relating to stream comparison and possible differences in overall performance of a particular emission reduction option. In addition, the Tier II evaluation considers technical differences between the processes or industries in question. To demonstrate technical practicability, detailed technical analysis may be required to assess the cross-

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<sup>8</sup> See TCAA §382.0518; 30 TAC §116.111.

applicability of emission reduction options. In Tier II, economic reasonableness is established by historical and current practice.

- Tier III: A Tier III BACT evaluation is a detailed technical and quantitative economic analysis of all emission reduction options available for the process under review and is similar to EPA's top-down approach. Technical practicability is established through demonstrated success of an emission reduction option based on previous use, and/or engineering evaluation of a new technology. Economic reasonableness is determined solely by the cost-effectiveness of controlling emissions (dollars per ton of pollutant reduced) and does not consider the effect of emission reduction costs on corporate economics

The Applicant conducted a Tier I BACT evaluation for all sources of air contaminants from the proposed new and modified facilities. Use of appropriate control measures will minimize the amount of air contaminants emitted into the atmosphere by this chemical plant. The permit reviewer reviewed the proposed controls and determined that BACT for all sources has been met.

The Applicant proposed Tier I BACT for the flares, which is a minimum destruction and removal efficiency (DRE) of 99% for hydrocarbons containing three carbon atoms or less, and 98% for all other compounds. This is to be achieved through compliance with the operating requirements of 40 CFR Part 63, Subpart YY, Generic Maximum Achievable Control Technology Standards (Ethylene Production). The DRE of the flares is discussed further in Response 5.

Tier I BACT for process vents is to route the process vent to a control device, and, where possible, implementation of measures that reduce process vent flaring, such as a flare gas recovery unit, recycling of streams, rework of off-spec product, and any site-specific work practices or procedures. The permit special conditions contain provisions that allow the recovered vent streams to be routed to combustion sources for use as fuel. The Applicant proposed the use of the 28VHP leak detection and repair (LDAR) program as Tier I BACT for the fugitive VOC emissions.

BACT for GHG emissions from the flare consists of practices which limit the formation of CO<sub>2</sub>. These practices include the use of low-carbon fuels and the use of good combustion practices. Carbon Capture and Sequestration (CCS) is not currently considered a feasible option due to the lack of dispensation options. Additionally, CCS has not been required in any recently issued PSD permits for olefins plants, EO/MEG plants, or polyethylene plants. BACT for GHG emissions from piping components leaks consists of prompt repair of methane leaks. Compliance with the 28VHP LDAR program ensures satisfaction of BACT for GHG emissions.

See Response 12 regarding additional monitoring information, including fence line monitoring.

### **COMMENT 5: Technical Justification for the Flare VOC DRE**

EPA requested that TCEQ provide the technical rationale for the DRE of 99% for VOC compounds up to three carbon atoms. EPA stated that TCEQ's acceptance of such destruction efficiencies should be accompanied by supporting technical justification in the permitting record. EPA questioned TCEQ's reliance on flare studies conducted by EPA in the early 1980's since more recent studies used to support of the development of the Refinery MACT and Ethylene Production MACT are available.

EPA stated that they have not explicitly identified monitoring or operating requirements within the Ethylene Production MACT rulemaking that can ensure compliant flares will continuously achieve 99% VOC DRE, and do not believe that these regulations ensure compliance with 99% DRE for steam-assisted, air-assisted, or non-assisted flares. Finally, EPA requested that TCEQ explain for each type of flare what monitoring and/or operating limits/assumptions the commission relied on to authorize 99% DRE, whether compliance with these assumptions is practically enforceable, and what data the commission reviewed to ensure that the proposed operating limits can ensure that both the assisted and non-assisted flares will continuously achieve 99% VOC DRE in practice.

(EPA)

**RESPONSE 5:** The TCAA and TCEQ rules require an evaluation of air quality permit applications to determine whether adverse effects to public health, general welfare, or physical property are expected to result from a facility's proposed emissions. As part of the evaluation of applications for new or amended permits, the permit reviewer audits all sources of air contaminants for the proposed project, and ensures that the facility will be using BACT applicable for the sources and types of contaminants emitted. BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. Applying BACT results in requiring technology that best controls air emissions with consideration given to the technical practicability and economic reasonableness of reducing or eliminating emissions (*see* TCAA § 382.0518; *see also* 30 TAC § 116.111). BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations.

The authorized flares at this site include five elevated, steam assist flare systems. The application also proposes four new enclosed ground flares at the site.

Flares are used to control routine emissions, planned maintenance, startup, and shutdown (MSS), and process upsets. BACT for VOCs is compliance with 40 CFR § 60.18 specifications for maximum tip velocity and minimum net heating value. A waste gas flow monitor, and a gas composition analyzer or calorimeter are required. The flares are required to be equipped with a thermocouple or infrared monitor to ensure the presence of a pilot flame. Visible emissions are prohibited except for periods not to exceed a total of five minutes during any two consecutive hours. Flare

pilot fuel is limited to no more than 5 grains of total sulfur per 100 dry standard cubic feet.

Additionally, the flares at this site will comply with 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. The flare requirements in the draft permits for this site are consistent with design and monitoring for flares in accordance with the provisions of these rules. The following special conditions contain the flare monitoring requirements for each permit:

| Permit Numbers                          | Special Condition Numbers |
|-----------------------------------------|---------------------------|
| 19168, PSDTX1226M1, and GHGPSDTX224     | 12-13                     |
| 19200, PSDTX1237M1, and GHGPSDTX218     | 6-7                       |
| 19201, PSDTX1232M1, and GHGPSDTX219     | 10-11                     |
| 19871, and PSDTX1236M1, and GHGPSDTX221 | 7-9                       |
| 20203, PSDTX1224M1, and GHGPSDTX222     | 9-10                      |
| 40157, PSDTX1222M1, and GHGPSDTX225     | 8-9                       |
| 91780, PSDTX1240M1, and GHGPSDTX223     | 8-9                       |
| 107518, PSDTX1383M2, and GHGPSDTX48M1   | 10-11                     |
| 140763, PSDTX1500M1, and GHGPSDTX46M1   | 15-16                     |

TCEQ's practice regarding VOC DRE for flares is based on longstanding guidance that, when a flare is properly operated in accordance with permit requirements and the provisions of 40 CFR § 60.18, 99 percent DRE should be attained for compounds up to three carbons, and 98 percent DRE for compounds with four or more carbons. TCEQ flare guidance and assumed DRE values are based in part on historical EPA research and publications.

TCEQ relied upon the EPA flare studies conducted in the 1980s to support the development of appropriate flare destruction efficiencies. The 1980s study shows destruction efficiencies well above 99 percent for the properly operated flares.

Documents published since these studies continue to support these conclusions. EPA AP-42 Chapter 13.5 (*Industrial Flares*, revised September 1991), states, "...recent studies on flare performance using passive Fourier Transform Infrared (pFTIR) spectroscopy have been performed on a number of different flares. The studies cover a number of flares at refineries, chemical plants, and flare test facilities with varying waste gas compositions. The pFTIR studies support the conclusion that the combustion zone properties of the steam-waste gas mixture are predictive of proper flare combustion." The combustion zone is being monitored through the requirements of the permit special conditions and the Ethylene Production MACT requirements.

While Ethylene Production MACT and Refinery MACT standards may not have been developed with the intention of defining monitoring or operating requirements that ensure 99% DRE, the monitoring requirements delineated in these rules require monitoring of the parameters that ensure proper combustion of the waste gas, including monitoring of the net heating value in the combustion zone and measures that prevent over-assisting. EPA's document, "Parameters for Properly Designed and Operated Flares," (April 2012) identifies the factors that should be considered in order to be confident that a flare is operated properly to achieve good combustion efficiency. These operational practices are consistent with the monitoring requirements of the Ethylene Production MACT and Refinery MACT.

TCEQ is also aware that more recent studies have observed that, in some tested cases, compliance with the flare tip velocity and stream heating value requirements of 40 CFR § 60.18 alone may not always result in 98% or 99% DRE. However, at this juncture, TCEQ has not seen enough conclusive data to establish a different and specific DRE value, or to substantially revise BACT requirements for flares. Further, the proposed flare destruction efficiencies of 98% (4 or more carbons) or 99% (3 or less carbons) are consistent with at least eight RACT/BACT/LAER Clearinghouse (RBLC) data entries for VOC control since 2017, including sites in Texas and Ohio.

TCEQ is also aware of the possibility that over-assistance can occur at improperly operated steam- or air-assisted flares. As noted in the April 2012 publication from EPA's Office of Air Quality Planning and Standards (OAQPS) entitled *Parameters for Properly Designed and Operated Flares*, excess aeration "can actually result in a flare operating outside its stable flame envelope, decreasing the combustion efficiency," and "can dilute the flare vent gas, making the flare vent gas too lean to burn in the combustion zone." For this site, the five elevated flares (EPNs 1018, 1067, OL3-FLRA, OL3-FLRB, and OL3-FLRC) are steam-assisted. The flares are required to comply with the design and operating requirements of 40 CFR § 60.670. 40 CFR § 63.670(h) prohibits visible emissions, except for a maximum of 5-minutes during any 2 consecutive hours. 40 CFR § 63.670(b) requires that flares be operated with a flame present at all times. 40 CFR § 63.670(e) requires that the net heating value of flare combustion zone gas ( $NHV_{cz}$ ) at or above 270 British thermal unit (Btu) per standard cubic foot or feet (Btu/scf). 40 CFR § 63.670(d) requires that flares be designed and operated with an exit velocity less than the velocity ( $V_{max}$ ) as determined in 40 CFR § 63.670(d). The special conditions of the permits require continuous parametric

monitoring to ensure compliance with the provisions of 40 CFR § 63.670. These design, operating, and monitoring requirements provide the monitoring necessary to ensure proper flare combustion and thus, would prevent over-assistance of the flare.

As indicated in the *EPA Air Pollution Control Cost Manual* (August 2019, Section 3.2, Chapter 1), in steam-assisted flares, injected steam is used to reduce smoke formation, "to promote turbulence for mixing and to induce air into the flame," and for "drawing in more combustion air and improving combustion efficiency."

As indicated above, 40 CFR § 63.670(h) prohibits visible emissions, except for a maximum of 5-minutes during any 2 consecutive hours. This prohibition on visible emissions is reiterated in the special conditions of the permit. TCEQ believes that compliance with the visible emissions limit is one indicator of proper use of steam assist and good combustion. The additional continuous monitoring requirements for pilot flame, waste gas flow, and composition for minimum heating value required by the special conditions will also help ensure good combustion at the flares.

For the existing elevated flares, Formosa conducted an analysis of various other calculation methodologies including EPA's guidance, AP-42 Chapter 13.5. The proposed project emissions, assuming total hydrocarbons is equivalent to total VOCs from the flares, were evaluated in accordance with EPA's methodology. As a result of using this guidance as the calculation methodology for VOCs, the routine emissions combined with MSS emissions result in 479.24 tons VOC per year which is much less than the 1,189.54 tons VOC per year using the accepted TCEQ guidance. Therefore, by using TCEQ's recommended guidance of 99 percent DRE for compounds up to three carbons, and 98 percent DRE for compounds with four or more carbons, leads to higher estimated VOC emissions resulting in a more conservative evaluation for federal applicability analysis and off-property impacts analysis.

For the enclosed ground flares, EPA's guidance, AP-42 Chapter 13.5 indicates that the emissions factor data set for the ground flare burners had an average destruction efficiency of 99.99%, which is well above the assumed 99% DRE for compounds up to three carbons, and 98% DRE for compounds with four or more carbons. TCEQ's recommended guidance of 99% DRE for compounds up to three carbons, and 98% DRE for compounds with four or more carbons, leads to higher estimated VOC emissions resulting in a more conservative evaluation for federal applicability analysis and off-property impacts analysis.

TCEQ will continue to evaluate new data and new federal requirements for flares and will revise BACT and monitoring requirements for these sources at such time sufficient data or applicable federal regulations become available. In the meantime, we believe compliance with the monitoring requirements in draft permit special conditions (regarding the pilot flame, flow rate, and stream composition or heating value), in conjunction with compliance with the federal provisions of 40 CFR § 60.670, will ensure that the authorized emission limits are not exceeded.

#### **COMMENT 6: Specification of Destruction Efficiencies**

EPA stated that the application representations do not appear to be incorporated by reference or plainly stated in the draft permits and requested that the destruction efficiencies be included in the permit as an enforceable permit condition.

(EPA)

**RESPONSE 6:** The DRE has not been included in the Special Conditions, except where the condition already existed, because a DRE of 99% DRE for compounds up to three carbons, and 98% DRE for compounds with four or more carbons, will be achieved as a result of the proper operation of the flares. The Special Conditions contain the operating and monitoring requirements necessary to achieve the DRE, therefore specifying the DRE is not needed to make the flare emission limit enforceable. Additionally, as provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment. The permit holder must also operate within the limits of the permit, including the emission limits as listed in the Maximum Allowable Emissions Rate Table (MAERT), which were determined based on the DRE.

#### **COMMENT 7: Enforceability of Emission Caps**

EPA requested that TCEQ explain in detail how Formosa is able to determine which plant or combination of process areas are contributing to each individual flare and how compliance with each distinct limit is independently determined and ensured.

(EPA)

**RESPONSE 7:** Each waste gas line exiting a process area and being directed to a flare is equipped with a flow meter. The total volumetric flow rate is summed from the individual waste gas streams. Waste gas lines exiting a process area, are determined either with instrumentation to determine the heating value, or are a known heating value. Each flare is equipped with an analyzer to determine the net heating value of the incoming stream.

#### **COMMENT 8: Emission Rates and Calculations**

Colin Cox questioned whether the emissions calculation methodologies used in the application were flawed or outdated.

(Colin Cox)

**RESPONSE 8:** The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. These methodologies and efficiencies were determined to be correct and applicable by TCEQ staff during the technical review based on standard

industry permitting practices. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

Emissions calculations for the proposed project were determined utilizing the following methods: Emissions from flares are calculated using the emission factors given in TCEQ Publication RG-109.6. For VOC, the emission rate is the product of the pre-control mass flow rate of the pollutant, reduced by the applicable DRE. For NO<sub>x</sub> and CO, the emission rate is the product of the applicable emission factor and the heat duty of the flare, determined based on the net heating value (or lower heating value) of the flare gas. SO<sub>2</sub> emissions from flares are calculated using a mass balance approach, assuming that 100% of sulfur atoms in the flare gas are converted to SO<sub>2</sub> molecules. Fugitive emission rate estimates were calculated using TCEQ's common fugitive calculation workbook in accordance with the TCEQ's Air Permit Technical Guidance for Chemical Sources: Fugitive Guidance - APDG 6422 (June 2018). The fugitive emission stream weight percentages authorized in the permit represent the maximum expected concentrations of each chemical under any operation condition. All calculations were based on the maximum production rates.

See Response 5 regarding flares.

#### **COMMENT 9: Project Scope / Application Representations**

Colin Cox commented that while the Applicant represented that the purpose of the project is to comply with new EPA rules, it has not been explained as to why the project seeks to increase flare limits beyond current levels. Mr. Cox expressed concern that the application states there are "no physical changes or changes in the method of operation in any process unit that would affect the nature of, or increase quantities of, any flared waste gas stream currently generated within the entire chemical complex," stating that he is unable to reconcile this statement with the proposal to increase flaring limits.

(Colin Cox)

**RESPONSE 9:** 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. The emissions from the flares will be increasing due to both the additional emissions associated with the MSS activities, and to comply with the new EPA rules. The new EPA rules differ from the previous method required to calculate emissions, and specify a minimum net heating value in the combustion zone (NHVcz). Additional supplemental BTU content in the form of fuel gas is needed to keep the heating value in the combustion zone above the EPA mandated 270 BTU/scf and does not add additional production capacity or modify the facility. The addition of



fuel to increase the net heating value in the combustion zone gas is intended to result in better combustion and removal of hazardous air pollutants (HAPs), and the approach to achieve this is consistent across the industry.

**COMMENT 10: Access to Permit Documents**

Colin Cox questioned whether the Applicant and TCEQ supplied the public with adequate information to verify the bases for the Applicant's claims and for TCEQ's decision to issue the permits.

(Colin Cox)

**RESPONSE 10:** Title 30 TAC § 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. The rules also require 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. The Applicant represented that the application was made available at the TCEQ central office, the TCEQ Corpus Christi regional office, the Calhoun County Public Library – Port Lavaca Branch, 200 West Mahan Street, Port Lavaca, Calhoun County, and the Jackson County Memorial Library, 411 North Wells Street, Edna, Jackson County, Texas. No confidential information was submitted with the application, and thus all application materials were available for public review.

**COMMENT 11: Monitoring, Recordkeeping, and Reporting Requirements**

Commenters expressed concern about the monitoring requirements contained in the draft permit. Colin Cox questioned whether the monitoring and reporting requirements contained in the permit Special Conditions are adequate to ensure compliance with the Clean Air Act and protect local residents. Mr. Cox questioned whether the draft permit conditions are adequate to protect the public from cumulative risks in accordance with Texas Water Code § 5.130. Mr. Cox expressed concern that the permit special conditions do not limit the volume of gas that can be flared and asks what permit conditions will prevent the Applicant from increasing its flaring.

(Colin Cox)

**RESPONSE 11:** Special conditions have been included as part of the draft permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. The flares subject to monitoring requirements in 40 CFR Part 63, Subpart YY, Generic Maximum Achievable Control Technology Standards (Ethylene Production). The Special Conditions require that the flares be equipped with flow monitors, and a composition analyzer or calorimeter to monitor the net heating value in the combustion zone, which will continuously determine compliance with the

minimum required heating value to ensure proper combustion efficiency and abatement of the waste gas stream. The fugitive emissions are monitored using a LDAR program, where the Applicant is required to regularly inspect fugitive components to identify leaks using instruments. Leaks identified by the inspections are then repaired within a specified period.

The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the facility which may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

The permit Special Conditions do not limit the volume of gas that can be flared, but rather require continuous monitoring of the flowrate and heating value of the waste stream, continuous monitoring of the pilot flame, monitoring of visible emissions, and a maximum hourly and annual mass emission rate limit. These provisions are adequate to ensure abatement of the waste gas stream and compliance with the emission limits as listed in the MAERT. Additionally, the volumetric flow rate of waste gas being routed to the flare is represented in the calculations in the application. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representations.

The permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT. If the permit holder wishes to increase flaring in an amount that would exceed the emission limits as listed in the MAERT or modify the flares, the permit holder would be required to submit an application for a permit amendment in accordance with 30 TAC § 116.110.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law. The information, if gathered according to agency procedures and guidelines, can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at <http://www.tceq.texas.gov> (under

Publications, search for document number 278). *See* Response 1 regarding health effects and air quality, and Response 2 regarding environmental and water concerns.

Although TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, this proposed permit will regulate the control and abatement of air emissions only. Therefore, issues regarding water quality or discharge and the handling of waste, including the provisions of Texas Water Code § 5.130, are not within the scope of this review.

#### **COMMENT 12: Additional Monitoring and Testing**

Sandra L. Hardy McKenzie commented that if the permits are granted, the government should require funds to be set aside by the Applicant to pay for surprise, unscheduled, independent monitoring and independent stationary monitoring of toxic emissions, including but not limited to ethylene dichloride (EDC) and vinyl chloride monomer (VCM). Ms. McKenzie requests that this monitoring be performed by independent third-party experts selected by TCEQ, Sierra Club, Diane Wilson, or an organization she approves such as River Keepers, and/or Audubon and/or organizations involved in protecting public health and the environment. Ms. McKenzie further requests that funding be set aside by the Applicant to pay for independent monitoring of emissions as well as particles of incomplete combustion and flaring, for this monitoring to include in-person sampling and testing, as well as video and audio monitoring. Ms. McKenzie requests that the Applicant be required to conduct appropriate human and animal testing to determine whether emissions have caused health effects to the human and animal populations, and for these test results and methods to be made available to the public to verify that the methods and analysis meet scientific standards.

Colin Cox commented that the Applicant should install monitors along their fence line to protect the local community, citing other refineries which have proposed and implemented such monitoring. Robin Schneider commented that fence line monitoring should be required so downwind residents know what is coming from the facility.

(Colin Cox, Sandra L. Hardy McKenzie, Robin Schneider)

#### **RESPONSE 12:**

##### **Monitoring**

Special conditions have been included as part of the proposed permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. These monitoring requirements are discussed in detail in Response 11.

TCEQ does not have the authority to conduct testing on humans or animals, nor to collect funds from the applicant outside the fees in the amounts and for purposes specified by the TCEQ rules. Both the TCAA and TCEQ rules provide for an extensive

review of the application to ensure that emissions from the proposed facility will not violate the NAAQS and will not be expected to adversely affect human health or the environment. This review is discussed in more detail in Response 1.

### Inspections

As required for any major source, the Regional Office is required to perform periodic investigations of the plant. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping. TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it will be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

Citizen-collected evidence may be used in such an action. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals can provide information on possible violations of environmental law. The information, if gathered according to agency procedures and guidelines, can be used by TCEQ to pursue enforcement. In this program, citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Report an Environmental Problem? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at <http://www.tceq.texas.gov> (under Publications, search for document number 278).

### Fenceline Monitoring

Since stationary air monitors are sited to measure air quality that is representative of a broader area or region; monitors are not typically placed to measure the impacts from specific industrial facilities. See Response 1 for detailed information regarding the health effects review and air dispersion modeling performed for this application and for information on the representative background concentrations from the Formosa monitoring network used in the AQA.

Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize

monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas. TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link

<https://service.govdelivery.com/accounts/TXTCEO/subscriber/new> and select "Air Monitoring Network Announcements."

The draft permit contains detailed monitoring requirements that will generate data sufficient for estimating actual emissions from the terminal and determining its compliance with the permit on an ongoing basis. However, the draft permit does not contain a requirement for the permit holder to conduct fence line monitoring or otherwise install ambient air monitors. The monitoring requirements in the permit are described in Response 11.

### **COMMENT 13: Compliance History / Emissions Events**

Commenters expressed concern regarding the compliance history of the Applicant and the site, specifically stating that the Applicant has not been a good neighbor. Multiple commenters cite the Applicants history of air and water violations, as well as unauthorized emissions events. Sandra L. Hardy McKenzie commented that independent monitoring should be required due to the Applicant's history of violating federal and state environmental laws. Colin Cox stated that the Applicant's record of environmental violations is long and therefore they should not be allowed to increase flaring limits. Robin Schneider expressed concern that the Applicant is a 'serial polluter'.

(Colin Cox, Sandra L. Hardy McKenzie, Robin Schneider, Diane Wilson, Fredrick Woodland)

**RESPONSE 13:** TCEQ defines an upset event as an unplanned or unanticipated occurrence or excursion of a process or operation that results in an unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. The air permit does not authorize upset events. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission

may initiate enforcement action for failing to report the underlying emissions event itself. *See* Response 2 regarding concerns about water.

With respect to emissions events or spills, as set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in emissions in excess of a reportable quantity. The reportable quantity varies based on the air contaminant released. In the event an individual is adversely impacted by air emissions from this or any other facility, they may register a complaint with the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll free Environmental Complaints Hotline at 1 888-777-3186. Complaints are addressed in accordance with TCEQ procedures. In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. Occasionally a permit application may require a disaster review. Whether a permit application requires a disaster review depends on the chemicals handled, the location of facility, and the processes involved. Proposed projects which involve toxic chemicals that are known or suspected to have potential for life-threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events, are candidates for disaster review. None of these applications required a disaster review.

During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website:  
<https://www.tceq.texas.gov/rules/index.html>.

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events, investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, the TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 – complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 – 55.00 – generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 – fails to comply with a significant portion of the relevant environmental regulations.

This site has a rating of 13.63 and a classification of Satisfactory. The company rating has a rating of 12.55 and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met. Additionally, the Special Conditions of the permit contain detailed monitoring requirements and the Regional Office may perform investigations of the plant that may include monitoring equipment. Detailed monitoring requirements in information regarding inspections are described in Response 11 and Response 12.

#### **COMMENT 14: Jurisdictional Issues**

Diane Wilson expressed concern regarding loud noise from the existing flare, as well as commented that the Applicant has harmed the health, property, and livelihoods of nearby residents.

(Diane Wilson)

**RESPONSE 14:** TCEQ does not have the authority to consider potential effects from plant location, aesthetics, quality of life, zoning and land use issues, or effects on property values when determining whether to approve or deny this air permit. Accordingly, TCEQ does not have authority under the TCAA to require or enforce any noise abatement measures. Noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. Commenters should contact their local authorities with questions or complaints about noise.

#### **COMMENT 15: Environmental Justice**

Colin Cox questioned whether the Applicant and TCEQ adequately considered the environmental justice impacts of the proposed emissions increases.

(Colin Cox)

**RESPONSE 15:** Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. You may contact the

Office of the Chief Clerk at (512) 239-3300 for further information. More information may be found on the TCEQ website: [Title VI Compliance at TCEQ - Texas Commission on Environmental Quality](#) - [www.tceq.texas.gov](http://www.tceq.texas.gov).

**COMMENT 16: TCEQs Responsibility to the Community**

Commenters asked that TCEQ consider residents and their wishes and choose not to approve the proposed emissions increases associated with the project. Colin Cox commented on the compliance history of the Applicant at the site, stating that the record of environmental violations should not be rewarded with permits that allow more flaring and air pollution. Robin Schneider asks why the TCEQ would issue permission to pollute the environment more, specially to a company that has been called a 'serial polluter' by a federal judge. Robin Schneider commented that the TCEQ acts on behalf of the polluters rather than in the interests of public health.

(Colin Cox, Kris Leabo, Robin Schneider, Diane Wilson)

**RESPONSE 16:** The Executive Director's staff has reviewed the permit application in accordance with the applicable state and federal law, policy and procedures, and the agency's mission to protect the state's human and natural resources consistent with sustainable economic development. TCEQ cannot deny authorization of a facility if a permit application contains a demonstration that all applicable statutes, rules, and regulations will be met. *See* Response 13 regarding Compliance History.



### CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY