

TCEQ AIR QUALITY PERMIT NUMBER 181009, PSDTX1670, and GHGPSDTX254

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|------------------------------------|----------|------------------------------|
| APPLICATION BY | § | BEFORE THE |
| FERMI EQUIPMENT HOLDCO, LLC | § | |
| FERMI AMERICA PROJECT | § | TEXAS COMMISSION ON |
| MATADOR | § | |
| AMARILLO, CARSON COUNTY | § | ENVIRONMENTAL QUALITY |

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: Eric Almon and Lauren Ice on behalf of Panhandle Taxpayers for Transparency (PT4T), Lisa Romanelli (on behalf of herself, Michael Ford, and PT4T), Cyrus Reed for Sierra Club, Josiah West on behalf of Panhandle 1st Coalition (P1C), Emma Mae Ambs, Alyssa Arias-Saunders, Bryan Avello, Kevin Bargas, Chloe Barham, Taylor Barnett, Michael Barnett, Jonathon Bentley, Ben Bermudez, David Biggs, Sara S. Biggs, Reed K Bilz, Sean Fredrick Birkenfeld, Carson Blake, Madison Boyle, Steven Brady, James Brown, Ryan Bryant-Schlobohm, Ethan Busbea, Ryleigh Buttram, Bri Cagle, Amelia Casasanta, Payton Clear, Audrea Clemence, Keishon Coleman, Carolyn Croom, Halyn Adley Derington, Jennifer Elsik, Fernanda Figueroa, Jackie Flores, Jackie Lynn Flores, Michael Ford, Hugh Fristoe, Dale Gabel, Marilyn Garcia, Cassandra Greene, Karen Hadden, Becky Halpin, Chera Hammons, Natasha Hanson, Megan Harris, Kimberlee Harris, Anthony Hernandez, Sawyer Imel, Carter Jones, Linda M Kelley, James E. Klein, Tonya Kleuskens, Tiffany Knoell, Jennifer Landram, Jamie Lewis, Isabelle Link, Charles Little, Lindsay London, Matthew Lunsford, Kimberly Lunsford, Ashlyn Major, Caroline Manchester, Will Masters, Raene Mathes, Mike McCullough, Robert Jon Merchant, Deborah Kay Merchant, Leslie Scott Miller, Donna Miller, Rodney Miller, Pamela Miller, Julia A. Nixon Miller, Craig Morris Nazor, Laurie Ann Nesbitt-Sena, Payton Newman, Kimberly Newman, Julia A. Nixon Miller, Stefanie Parrott, Dipakkumar Patel, Sangita Patel, Svetlana Petrey, Danni Poole, Lauren Pronger, August Ramos, Anthony Rodriguez, Robert Roulston, Martha L. Russell, Jon Ford Scott, Laina Seaberg, Taylor Christine Sears, Kendra Kay Seawright, Baron Sena, Jaxton Cody Shrader, Blake Siebrecht, Doris Smith, Phillip Smith, Doris Smith, Olivia Solis, Matthew Stouer, John Tate, Tasha Thomas, Ralph Thomas, Rebecca Trevino, Thomas Tucek, John L Umphress, Sarah Velez, Misty D. Vigil, Elijah Voller, Callie Gale Watson, Matthew Webb, Chasity Wedgeworth, Brad Williams, Shaun Wink, Sophia Witherby, Alexis Wright, and Elias Zamora. 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 the TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND

Description of Facility

Fermi Equipment Holdco, LLC (Applicant) has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC) § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a natural gas-fired power plant. The facility is located approximately 15 miles northeast of Amarillo, along US Highway 60, near the intersection of U.S. Highway 60 and Farm-to-Market Road 2373, on north side of the road, Amarillo, Carson County. Contaminants authorized under this permit include ammonia (NH₃), carbon monoxide (CO), hazardous air pollutants, hydrogen sulfide (H₂S), nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}), sulfur dioxide (SO₂) and sulfuric acid mist (H₂SO₄).

Procedural Background

Before work begins on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 181009, PSDTX1670, and GHGPSDTX254.

The permit application was received on August 1, 2025, and declared administratively complete on August 05, 2025. 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 August 27, 2025, in the *Amarillo Globe News* on August 27, 2025, and in Spanish on August 27, 2025, in *El Mensajero*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD, second public notice) was published on November 4, 2025, in English in the *Amarillo Globe News* and in Spanish on November 4, 2025, in *El Mensajero*. A public meeting was held on December 4, 2025, at the Carson County War Memorial in Panhandle, TX. The notice of public meeting was published in English on November 4, 2025, in the *Amarillo Globe News* and in Spanish on November 4, 2025, in *El Mensajero*. The public comment period ended on December 4, 2025. 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 / Cumulative Effects

Commenters expressed concern 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. Commenters expressed concern that the proposed project would cause negative health effects and conditions. Commenters were concerned about whether American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) was the appropriate modeling software for this project. Commentor questioned whether the most conservative model (100% conversion) was used for NO to NO₂ conversion? Commenters questioned whether an ozone analysis was done. Commenters were

concerned that the cumulative effects of surrounding plants, specifically the Google Yellow Rose Facility located 30 miles from the site, and other emission sources were not considered in the impacts analysis. (Lissa Romanelli) Commenters were concerned that nitrogen deposition on soil and vegetation was considered.

(Emma Mae Ambs, Kevin Bargas, Jonathon Bentley, Sean Fredrick Birkenfeld, Ryan Bryant-Schlobohm, Ryleigh Buttram, Bri Cagle, Audrea Clemence, Payton Clear Cyrus Reed for Sierra Club, Keishon Coleman, Carolyn Croom, Jennifer Elsik, Jackie Flores, Jackie Lynn Flores, Michael Ford, Hugh Fristoe, Dale Gabel, Cassandra Greene, Karen Hadden, Chera Hammons, Anthony Hernandez, Sawyer Imel, James E Klein, Jennifer Landram, Jamie Lewis, Lindsay London, Ashlyn Major, Julia A. Nixon Miller, Craig Morris Nazor, Laurie Ann Nesbitt-Sena, Dani Poole, Lauren Pronger, PT4T, August Ramos, Anthony Rodriguez, Lisa Romanelli, Martha L Russell, Kendra Kay Seawright, Baron Sena, Doris Smith, Phillip Smith, Olivia Solis, Matthew Stover, Thomas Tucek, John L. Umphress, Sarah Velez, Chasity Wedgeworth, Josiah West, and Sophia Witherby)

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 U.S. Environmental Protection Agency (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.¹ 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 (NO₂), ozone (O₃), sulfur dioxide (SO₂), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}).

The Applicant conducted a NAAQS analysis for carbon monoxide, nitrogen oxides, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and sulfur dioxide. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLC_{max})² 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.

¹ 40 CFR § 50.2

² The GLC_{max} is the maximum ground level concentration predicted by the modeling.

Table 1. Modeling Results for De minimis Review

| Pollutant | Averaging Time | GLC_{max} (µg/m³) | De minimis (µg/m³) |
|-------------------------------|-----------------------|---|--------------------------------------|
| SO ₂ | 1-hr | 3.2 | 7.8 |
| SO ₂ | 3-hr | 3 | 25 |
| SO ₂ | 24-hr | 2 | 5 |
| SO ₂ | Annual | 0.5 | 1 |
| PM ₁₀ | 24-hr | 12.3 | 5 |
| PM ₁₀ | Annual | 4 | 1 |
| PM _{2.5} (NAAQS) | 24-hr | 7 | 1.2 |
| PM _{2.5} (NAAQS) | Annual | 1.91 | 0.13 |
| PM _{2.5} (Increment) | 24-hr | 8.6 | 1.2 |
| PM _{2.5} (Increment) | Annual | 1.97 | 0.13 |
| NO ₂ | 1-hr | 39 | 7.5 |
| NO ₂ | Annual | 2.6 | 1 |
| CO | 1-hr | 526 | 2000 |
| CO | 8-hr | 53 | 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_{max} 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.

Table 2. Total Concentrations for NSR NAAQS (Concentrations > de minimis)

| Pollutant | Averaging Time | GLC _{max} (µg/m ³) | Background (µg/m ³) | Total Conc. = [Background + GLC _{max}] (µg/m ³) | Standard (µg/m ³) |
|-------------------|----------------|---|---------------------------------|---|-------------------------------|
| PM ₁₀ | 24-hr | 10 | 68 | 78 | 150 |
| PM _{2.5} | 24-hr | 5.2 | 17 | 22.2 | 35 |
| PM _{2.5} | Annual | 1.96 | 5.2 | 7.16 | 9 |
| NO ₂ | 1-hr | 74 | 64 | 138 | 188 |
| NO ₂ | Annual | 3 | 9 | 12 | 100 |

The applicant performed an O₃ analysis as part of the Prevention of Significant Deterioration Air Quality Analysis (PSD AQA). The applicant evaluated project emissions of O₃ precursor emissions (NO_x and VOC). For the project NO_x and VOC emissions, the applicant provided an analysis based on a Tier 1 demonstration approach consistent with EPA's Guideline on Air Quality Models (GAQM). Specifically, the applicant used a Tier 1 demonstration tool developed by EPA referred to as Modeled Emission Rates for Precursors (MERPs). As previously noted, the basic idea behind MERPs is to use technically credible air quality modeling to relate precursor emissions and peak secondary pollutants impacts from a source. Using data associated with the Terry County hypothetical source, the applicant estimated an 8-hr O₃ concentration of 3.6 ppb. When the estimates of ozone concentrations from the project NO_x and VOC emissions are added together, the results are greater than the de minimis level. Using data associated with the Terry County hypothetical source, the applicant estimated an 8-hr O₃ concentration of 3.6 ppb. When the estimates of ozone concentrations from the project emissions are added to the background concentration listed in the table above, the results are less than the NAAQS. The Tier 1 demonstration approach satisfies the requirements for ozone analysis and a Tier 2 demonstration tool is not necessary.

Table 3. Total Ozone Concentrations for PSD NAAQS (Concentrations > de minimis)

| Pollutant | Averaging Time | GLC _{max} (ppb) | Background (ppb) | Total Conc. = [Background + GLC _{max}] (ppb) | Standard (ppb) |
|----------------|----------------|--------------------------|------------------|--|----------------|
| O ₃ | 8-hr | 3.6 | 64 | 67.6 | 70 |

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). Increases in pollutant concentrations over the 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 de minimis analysis modeling results indicate that 24-hr and annual PM₁₀, 24-hr and annual PM_{2.5}, and annual NO₂ exceed their respective de minimis concentrations and require a PSD increment analysis. The results of the PSD Increment Analysis are shown in Table 3 below.

Table 3. Results for PSD Increment Analysis

| Pollutant | Averaging Time | GLC _{max} (µg/m ³) | Increment (µg/m ³) |
|-------------------|----------------|---|--------------------------------|
| PM ₁₀ | 24-hr | 11 | 30 |
| PM ₁₀ | Annual | 4 | 17 |
| PM _{2.5} | 24-hr | 7.4 | 9 |
| PM _{2.5} | Annual | 2 | 4 |
| NO ₂ | Annual | 3 | 25 |

Effects Screening Levels (ESLs)

ESLs are specific guideline concentrations used in TCEQ's evaluation of certain 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 Applicant conducted a health effects analysis using the Modeling and Effects Review Applicability (MERA) guidance.³ The MERA is a tool to evaluate impacts of non-criteria pollutants. It is a step-by-step process, evaluated on a chemical species by chemical species basis, in which the potential health effects are evaluated against the ESL for the 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 (less conservative) analysis. If the contaminant meets the criteria of a

³See APDG 5874 guidance document.

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 pollutants, except for ammonia satisfy the MERA criteria and therefore are not expected to cause adverse health effects. Ammonia did not meet the criteria of the MERA guidance document and required further analysis. Site-wide modeling was performed and demonstrated that the predicted concentrations will not exceed the ESL (Table 4 below).

Table 4. Health Effects Modeling Results

| Pollutant | CAS# | Averaging Time | GLC_{max} (µg/m³) | ESL (µg/m³) |
|------------------|-------------|-----------------------|---|-------------------------------|
| ammonia | 7664-41-7 | 1-hr | 151 | 180 |

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 (SO₂), hydrogen sulfide (H₂S), and sulfuric acid (H₂SO₄). This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard.

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.

AERMOD was used in the modeling demonstrations. AERMOD is a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. AERMOD is inherently conservative due to simplifying assumptions made in its derivation. AERMOD does not account for plume interactions among the different sources included in the model; however, this is conservative since accounting for plume interactions among the sources will lead to higher plume rise and enhanced mixing of the plume due to thermal and mechanical turbulence. This would result in lower predicted concentrations.

COMMENT 2: Environmental Concerns

Commenters expressed concern about the effect of the proposed project on surrounding wildlife, crops, vegetation, and the environment.

(Kevin Bargas, Jonathon Bentley, Chera Hammons, Jennifer Landram, Lauren Pronger, August Ramos, Anthony Rodriguez, Lisa Romanelli, Martha L. Russell, and Sarah Velez)

RESPONSE 2: The secondary NAAQS are those the EPA Administrator determines are necessary to protect public welfare and the environment, including but not limited to 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. Please see Response 1 for an evaluation of this project's impacts in relation to the NAAQS. In addition, 30 TAC § 101.4 prohibits the discharge of contaminants which may be injurious to, or adversely affect, animal life.

COMMENT 3: Water

Commenters expressed concern that the proposed project would negatively impact water resources in the area, including but not limited to water usage, groundwater, using water from the aquifers, water contamination, and water runoff. Commenters also expressed concern regarding water availability as it relates to the proposed project. Commenters asked if other authorizations are required for this project.

(Eric Allmon on behalf of PF4T, Alyssa Arias-Saunders, Bryan Avello, Chloe Barham, Michael Barnett, Carson Blake, Madison Boyle, Steven Brady, Ethan Busbea, Amelia Casasanta, Halyn Adley Derington, Fernanda Figueroa, Natasha Hanson, Kimberlee Harris, Carter Jones, Tiffany Knoell, Lindsay London, Isabelle Link, Kimberly Lunsford, Caroline Manchester, Will Masters, Payton Newman, Kimberly Newman, Laina Seaberg, Taylor Christine Sears, Jaxton Cody Shrader, Ralph Thomas, Rebecca Trevino, Elijah Voller, Josiah West, Alexis Wright, and Elias Zamora)

RESPONSE 3: 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. However, the Applicant may be required to apply for separate authorizations for water quality, water usage, or the handling of waste. For information on how to file a complaint, see Response 17.

As described in Response 19, TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application. Accordingly, TCEQ cannot deny an application because a facility is proposed to be located in a floodplain. In addition, issues concerning the creation of the floodplain maps are outside the scope of the review of this application.

COMMENT 4: Want a Monitor / Ambient Air Quality Monitoring

Commenters requested that an air monitor be located in their area. Commenters expressed concern regarding the number and location of air monitors in the area.

(Matthew Lunsford, Thomas Tucek, and Josiah West)

RESPONSE 4: 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.

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. Accordingly, stationary air monitors are sited to measure air quality that is representative of a broader area or region. Therefore, monitors are not typically placed to measure the impacts from specific industrial facilities.

Ambient Air Quality Monitoring

The Federal Clean Air Act (FCAA) requires every state to establish a network of air monitoring stations for criteria pollutants using criteria set by EPA's Office of Air Quality Planning and Standards for their location and operation. TCEQ submits an annual monitoring network plan (AMNP) report to EPA in partial fulfillment of these requirements. The AMNP is typically available for public review beginning early to 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. The placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The requirements for air monitoring are in the CFR under Title 40. Requirements related to methods are in the appendices to Part 50 and in Part 53. Air Monitoring Network requirements are in Part 58 - Ambient Air Quality Surveillance.

The monitoring plan includes proposed changes from the previous year and future proposed changes to the monitoring network. In addition, TCEQ conducts a broader analysis of the monitoring needs in Texas every five years since 2010. This five-year assessment evaluates any changes in population, emissions sources, and monitored concentrations to determine whether individual monitors within the network should be added, moved, or decommissioned to best understand and evaluate air quality.

Both the annual monitoring network plan and the five-year assessment discuss the specific air monitors that are used to meet federal air quality standards as well as other monitors that derive additional information on air quality and the weather. Because the plan and assessment are focused on federally required monitoring, they do not include a review of state-initiated monitoring that is conducted in addition to federal requirements.

TCEQ posts the annual monitoring network plan and five-year assessments for 30 days to solicit public comment prior to their submittal to the EPA. The monitoring network plan and any comments received are sent to the EPA by July 1 of each year for review and approval. Historical air-monitoring network plans and EPA responses can be found on the TCEQ website at:

https://www.tceq.texas.gov/airquality/monops/past_network_reviews. 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/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements." For a map or list of current air monitoring sites, please visit the following link: <https://www.tceq.texas.gov/airquality/monops/sites>. For monitor values, please visit the following link: <https://www.epa.gov/outdoor-air-quality-data>.

COMMENT 5: Monitor for Air Quality Analysis

Commenters asked about the air monitor used to evaluate baseline emissions. They requested that local monitors be used rather than monitors from outside the impacted area. Commenters are concerned that the current monitoring is insufficient.

((PF4T), Jonathon Bentley, Doris Smith, Matthew Stover, and Cyrus Reed for Sierra Club)

RESPONSE 5: Background concentrations in the air quality modeling are used to account for ambient concentrations from other sources in the area around the plant. The Applicant selected the ambient monitor data from EPA AIRS monitor 481410029 located at 10834 Ivanhoe, El Paso, El Paso County, EPA AIRS monitor 480290059 located at 14620 Laguna Road,, San Antonio, Bexar County, EPA AIRS monitor 481130061 located at 3434 Bickers, Dallas, Dallas County, and EPA AIRS monitor 483031028 located at 3901 East 12th Street, Lubbock, Lubbock County that was conservative and consistent with TCEQ guidance. For each monitor, the Applicant conducted a quantitative analysis of pollutant emissions in the vicinity of the monitor site relative to the proposed project site. The reported pollutant emissions in the vicinity of the selected monitor sites were greater than the reported pollutant emissions in the vicinity of the proposed project site.

Mobile air monitoring is an approach typically used to support on-going field investigations regarding a specific source or group of sources, or to provide short-term evaluations of air quality in areas where the agency suspects potential air quality issues. Mobile monitoring is not appropriate for ambient air monitoring to determine compliance with NAAQS.

COMMENT 6: Public Notice – Newspaper publication

Commenters expressed concern that the newspaper selected for public notice was not appropriate.

(David Biggs, Charles Little, Matthew Lunsford, Robert Roulston, and Shaun Wink)

RESPONSE 6: TCEQ welcomes public participation in the permitting process. The Executive Director instructs applicants to provide public notice as required by commission rules, in accordance with statutory requirements. Specifically, THSC § 382.056 requires an applicant to publish notice. Notice must be published in a newspaper of general circulation in the municipality in which the proposed facility is located or proposed to be located. The notice must include a description of the facility, information on how an affected person may request a public hearing, pollutants the facility will emit, and any other information TCEQ requires by rule.

The commission also requires that notice be published in an alternative language if the elementary or middle school nearest the proposed facility offers a bilingual education program as required by Texas Education Code Chapter 29, Subchapter B. TCEQ adopted rules for these public notice requirements in 30 TAC § 39.603, Public Notice of Air Quality Applications, Newspaper Notice.

As described above, Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI, first public notice) for this permit application was published in English on August 27, 2025, in the *Amarillo Globe News* on August 27, 2025, and in Spanish on August 27, 2025, in *El Mensajero*. Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD, second public notice) was published on November 4, 2025, in

English in the *Amarillo Globe News* and in Spanish on November 4, 2025, in *El Mensajero*. Both newspapers are in circulation in Carson, Bell and the surrounding counties including Amarillo. It was determined that under 30 TAC 3.603(e) the *Amarillo Globe News* qualifies as a “notice in a newspaper of general circulation in the municipality in which the facility is located or is proposed to be located or in the municipality nearest to the location or proposed location of the facility.” TCEQ does not have jurisdiction to force an applicant to choose which newspaper to publish notice when multiple options are available.

To demonstrate compliance with public notice requirements, applicants are required to provide the Office of the Chief Clerk with copies of the published notice and a publisher's affidavit verifying facts related to the publication, including that the newspaper is a paper of general circulation in the municipality in which the proposed facility is located or proposed to be located.

COMMENT 7: Public Meeting / Hearing Request

Commenters request an online public meeting/hearing and an extension to the period where members of the public may submit comments or request a meeting/hearing. PF4T suggested that a 45-day extension would be sufficient. Commentors are concerned about the deadline for submission of a contested case hearing. Commenters asked why the ED labeled the reason for the meeting as “Legislative Request” instead of “significant public interest” on the Notice of Public Meeting.

(Cyrus Reed for Sierra Club, PF4T Jonathon Bentley, Reed K Bilz, Carolyn Croom, Cassandra Greene, Karen Hadden, Becky Halpin, Ashlyn Major, Julia A. Nixon Miller, August Ramos, Matthew Stouer, Matthew Stover, John Tate, Thomas Tucek, John L Umphress, and Josiah West)

RESPONSE 7:

TCEQ rules require that a public meeting be held if a member of the legislature who represents the general area in which the facility is located requests a public meeting or if the Executive Director determines that there is a substantial or significant degree of public interest. See 30 TAC § 55.154(c)(2). A public meeting was held on December 4, 2025, in Amarillo. The notice of public meeting was published in English on November 4, 2025, in the *Amarillo Globe News* and in Spanish on November 4, 2025, in *El Mensajero*. The notice of public meeting was mailed on November 24, 2025. The notice erroneously labeled the reason for granting a public meeting due to legislative requests. TCEQ never received any legislative request(s) to hold a public meeting. The ED determined that there was significant public interest and requested a public meeting to be held. The Executive Director's staff has reviewed copies of the published notice and all supplemental public notice documentation and determined that the notices as published in both English and Spanish are sufficient and all public notice requirements have been met. The error in reason behind the public meeting on the notice does not invalidate the published notice. The public comment period ended on December 4, 2025.

Any member of the public may submit comments on the application. This Response is the written response to all formal comments received during the comment period for the application. Instructions for accessing the electronic copy or requesting a hard copy of this Response will be mailed to each person who submitted a formal comment or who requested to be on the mailing list for this permit application and provided a

mailing address. All timely formal comments received are included in this Response and are considered before a final decision is reached on the permit application. This Response provides a final 30-day period to request a contested case hearing.

For an issue to be considered at a contested case hearing, it must have been first raised in a comment or in a request for a contested case hearing during the public comment period by the affected person or group requesting the hearing. The commissioners' decision whether to grant a contested case hearing is based in part on the information the requester submits. When requesting a hearing, it is necessary to demonstrate that the requester is an "affected person," in order to be granted party status. This means that the requester must be personally affected by the permit decision and that granting the permit would specifically affect the requester in ways not shared by the general public - for example, by impairing the requester's health or safety or by interfering with the use or enjoyment of the requester's property. Affected persons may request a hearing to challenge the Executive Director's decision on an application.

The public notice rules applicable to this application are described above. Information on public meetings, contested case hearings, providing comments, requesting accommodations, and more can be found on the TCEQ website at www.tceq.texas.gov/goto/participation.

COMMENT 8: Public Notice of Plant Location/Public Notice Information

Commenters stated that TCEQ failed to provide accurate and easily accessible location information for the proposed plant in the public notice. The commenters stated that the zip code was not correct on the public notice for the proposed plant location. The commenters stated that the plot plan containing the layout of the turbines was not included in the public notice. The commenters stated that the public notice was unclear and only contained the bare minimum information.

(Karen Hadden, Becky Halpin, and Chasity Wedgeworth)

RESPONSE 8: The public notice must include a brief description of the proposed location and nature of the proposed plant. A link to an electronic map of the site or facility's general location is provided in the public notice as a public courtesy. However, as described in the public notice itself, the latitude and longitude associated with the plant in the TCEQ database is intended to specify only the general location of the plant but is not part of the application or notice. A geographic coordinate of this sort cannot describe a footprint of a plant given its nature as a point in space. Accordingly, the notice directs the public to refer to the application for the exact location of proposed facilities. The plot plan and area map included with the application display both the footprint of the proposed plant and the property boundaries. The zip code was erroneously labeled as "79101" on the public notice documents (NORI, and Combined NAPD and Public Meeting Notice). The correct zip code is "79068." However, the error in the zip code does not change or make impossible the public's ability to easily and adequately locate the proposed sites location. All other addresses for the site, applicant and TCEQ are accurate and listed as required on the notice.

COMMENT 9: Access to Permit Documents

Commenters expressed concern that they did not have access to the permit documents.

(Reed K Bilz, Cyrus Reed for Sierra Club, Carolyn Croom, Karen Hadden, Craig Morris Nazor, John Tate, and John L. Umphress)

RESPONSE 9: Pending NSR case-by-case and standard permit applications that are administratively complete (application includes all required information) or technically complete (application has met all state and federal regulatory requirements) can be found on the TCEQ website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>. TCEQ has verified that the application materials are available, but instructions found on the site when downloading the application must be followed. Additionally, relevant software such as Microsoft Excel and Adobe Acrobat Reader must be present on the computer used to view the application materials and its materials.

COMMENT 10: Application Representations / Application Incomplete

Commenters expressed concern that the application may be incomplete or have inaccurate representations. Specifically, commenters expressed concern regarding the PI-1 workbook, EMEW, and the PIP, and requested that the application be corrected/updated. Commenters were concerned that permit included all turbines, instead of authorizing the 93 turbines in separate applications. The commenters were concerned that the Applicant has disseminated information about the project that is inconsistent with information in the application. Commenters were concerned that the plot plan included with SEC filings does not match the plot plan submitted with the modeling files. Commenters are asking for clarity on what is being modeled in Appendix A.

(Jonathon Bentley, Ryan Bryant-Schlobohm, Cyrus Reed for Sierra Club, Matthew Lunsford, Mike McCullough, Craig Morris Nazor, Lisa Romanelli, Robert Roulston, and Josiah West)

RESPONSE 10: The Air Permits Division and other applicable TCEQ staff have conducted a thorough review of this permit application to ensure it meets the requirements of all applicable state and federal standards. If errors or omissions are found in the application, the permit reviewer will send the applicant a deficiency letter which provides a date by which corrections must be received. If supplemental information is not received, the ED may suspend or void the application. The review does not start over, but rather continues until all information is verified. The applicant provided an updated Form PI-1, on September 24, 2025. The documents submitted with the application, as well as subsequent updates, were sufficient to allow the permit reviewer to confirm that the representations provided meet the requirements of the NSR permit.

An applicant is bound by its representations in the application, and those representations become an enforceable part of the permit, including production rates, authorized emission rates, and equipment. If the Applicant deviates from the representations made in the application, on which the permit was developed, the Applicant may be subject to enforcement action. TCEQ evaluates all complaints received. If a facility or plant is found to be out of compliance with the terms and conditions of its permit, it may be subject to possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with the terms of any permit or other environmental regulation by contacting TCEQ Amarillo Regional Office at 1-806-353-9251 or by calling the 24-hour

toll-free Environmental Complaints Hotline at 1-888-777-3186.

An Applicant may elect to authorize all sources at a single site in one permit, or may use multiple permits to authorize the sources. TCEQ does not have the authority to dictate the number of separate permits an Applicant would like to use to authorize the sources at the site. Whether an Applicant would like to use a single permit or multiple permits, all sources that are part of the project must be included in the federal applicability analysis and the impacts analysis.

Appendix A of the "Modeling Report in Support of an Air Quality Analysis" contains a listing of the point and volume source parameters and the modeled emission rates for each source being authorized by the permit. All sources in Appendix A are included in the model.

COMMENT 11: Best Available Control Technology (BACT)

Commenters questioned the control technology proposed in the application, specifically whether the sources meet Tier 1 BACT, why the BACT limits are expressed as a rolling 24-hour average, why carbon capture and sequestration (CCS) was not implemented, and whether the applicant selected the lowest achievable emission rates. Commenter is concerned about the Ammonia Slip from all the Turbines and that "Since ammonia slip for turbines is routinely far below 10 ppm, the TCEQ's use of 10 ppm and 5 ppm is improper." (PT4T) Commenters are concerned that the "black start generators, emergency generators, and fire pumps will be used onsite—including for non-emergency purposes—...will not be subject to EPA's most stringent Tier 4 emissions standards." (PT4T) Commenters are concerned that "The emissions from the Facility risk contributing to Hutchinson County being considered in non-attainment with respect to SO₂." (PT4T). The Commenters requested clarification between the BACT section of the Preliminary Determination Summary and the permit special conditions.

(PT4T, Cyrus Reed for Sierra Club, Jonathon Bentley, Jennifer Elsik, Julia A. Nixon Miller, Chasity Wedgeworth, and Josiah West)

RESPONSE 11: Best available control technology (BACT) is an air pollution control method for a new or modified facility that through experience and research, has proven to be operational, obtainable, and capable of reducing or eliminating emissions from the facility, and is considered technically practical and economically reasonable for the facility. BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations. The Applicant has represented in the permit application that BACT will be used for the proposed new and modified sources.

TCEQ does not compare rates of pollution 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 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 or related source 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 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. The BACT is based upon control measures that are designed to minimize the level of emissions from specific sources at a facility. TCEQ's BACT guidance is not set on a regular publication schedule; rather, BACT guidance is updated as needed, and each applicant must demonstrate that their proposed facility meets BACT. 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 emissions⁴. BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations.

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 this document. 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-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.

⁴ See THSC § 382.0518. See also 30 TAC § 116.111.

The contaminants authorized by this permitting action were NH₃, CO, Hazardous Air Pollutants (HAPs), H₂S, NO_x, VOC, PM, PM₁₀, PM_{2.5}, SO₂ and H₂SO₄. The Applicant conducted a Tier 1 BACT for all sources and pollutants and the permit reviewer evaluated the proposed BACT and confirmed it to be acceptable.

Tier 1 BACT for ammonia slip is 10 ppm on an hourly basis and is based on the emission limitation for a source authorized in recently issued permits. The Applicant proposed BACT for ammonia slip as 10 ppm on an hourly basis and 5 ppm on an annual basis, which exceeds Tier I BACT.

Tier I BACT for emergency and black start generator engines is an engine satisfying EPA Tier 2 standards based on the emission limitation for sources authorized in recently issued permits. The Applicant proposed engines satisfying EPA Tier 2 standards. Tier I BACT for emergency fire water engines is an engine satisfying EPA Tier 3 standards based on the emission limitation for sources authorized in recently issued permits. The Applicant proposed engines satisfying EPA Tier 3 standards.

Tier I BACT for greenhouse gases from the turbines is the use of low carbon fuel, energy efficient design, good combustion practices, proper operating and maintenance practices. CCS has been determined not to be technically and/or economically feasible in recently issued permits and is not currently BACT.

Tier 1 BACT for CO for simple cycle turbines is 9-25 ppm at 15% O₂ and the Applicant has proposed to meet 2.6 ppm at 15% O₂, which exceeds BACT. Tier 1 BACT for CO for combined cycle turbines is 2-4 ppm at 15% O₂ and the Applicant has proposed to meet 2.0 ppm at 15% O₂, which exceeds BACT. The averaging time for NO_x is 24 hours and the averaging time reported in the Preliminary Determination Summary is a typographical error. BACT is an emission limitation for sources authorized in recently issued permits, rather than the lowest emission limitation.

The primary control measures applied to this facility are as follows in Table 5:

Table 5: Best Available Control Technology

| Source Name | Best Available Control Technology Description |
|-------------------------------|---|
| Natural Gas Piping Fugitives | Sitewide fugitive emissions from piping components in VOC service are estimated to be less than 10 tpy and monitoring is not required. VOC and Green House Gases (GHG) will be limited through proper design and installation, and use of good work practices. |
| SCR Delivery System Fugitives | Ammonia (NH ₃) will be used to supply SCR systems in the plant. Because NH ₃ has a low odor threshold, the permit requires audio, visual and olfactory (AVO) checks for NH ₃ leaks once per shift for piping in the SCR operating area in NH ₃ service. |
| Cooling Towers 1 through 16 | Dissolved solids in the cooling water may result in particulate emissions at the cooling tower. The permit requires that particulate emissions be minimized through the drift eliminators which are designed to limit total liquid drift to no greater than 0.001%. Drift eliminators must be inspected regularly and must be |

| Source Name | Best Available Control Technology Description |
|---|--|
| | repaired or replaced when defects are discovered. |
| GE6B Turbine, Block A Turbines 1 through 3 (Simple Cycle) | The three (3) natural gas fired combustion turbine-generators (CTGs) will operate in simple cycle mode. Each turbine has an annual average heat input of 478 million British thermal units per hour (MMBtu/hr) and each with a rated gross nominal capacity of 45 megawatts (MW). Emissions of NO _x are minimized through use of SCR. The permit limits NO _x emissions to 4.0 ppmvd (15% O ₂ basis) on a 24-hr average. Ammonia slip from the SCR is limited to 10.0 ppmvd (15% O ₂ basis) on a 3-hr average and 5.0 ppmvd (15% O ₂ basis) on an annual basis. Emissions of CO are minimized through use of SCR and good combustion practices. Emissions of CO are limited to 2.6 ppmvd (15% O ₂ basis) on a 3-hr average. Emissions of VOC are minimized through use of SCR and good combustion practices. Emissions of VOC are limited to 2.0 ppmvd (15% O ₂ basis) on a 3-hr average. SO ₂ emissions are limited through use of low-sulfur fuel gas. The permit limits total sulfur in natural gas to 0.5 gr/100dscf. Emissions of PM, VOC, and H ₂ SO ₄ are limited through good combustion practices and use of gaseous fuels. GHGs emissions will be limited through the use of low carbon fuel, energy efficient design, good combustion practices, proper operating and maintenance practices. |
| GE6B Turbine, Block A Turbines 1 through 3 (Combined Cycle) | The three (3) natural gas fired combustion turbine-generators (CTGs) will operate in combined cycle mode. Each turbine has an annual average heat input of 478 million British thermal units per hour (MMBtu/hr) and each with a rated gross nominal capacity of 45 megawatts (MW). Emissions of NO _x are minimized through use of dry low NO _x burners and SCR. The permit limits NO _x emissions to 2.0 ppmvd (15% O ₂ basis) on a 24-hr average. Ammonia slip from the SCR is limited to 10.0 ppmvd (15% O ₂ basis) on a 3-hr average and 5.0 ppmvd (15% O ₂ basis) on an annual basis. Emissions of CO and VOC are minimized through use of oxidation catalyst and good combustion practices. Emissions of CO are limited to 2.0 ppmvd (15% O ₂ basis) on a 3-hr average. Emissions of VOC are minimized through use of oxidation catalyst and good combustion practices. Emissions of VOC are limited to 2.0 ppmvd (15% O ₂ basis) on a 3-hr average. SO ₂ emissions are limited through use of low-sulfur fuel gas. The permit limits total sulfur in natural gas to 0.5 gr/100dscf. Emissions of PM, VOC, and H ₂ SO ₄ are limited through good |

| Source Name | Best Available Control Technology Description |
|---|--|
| | <p>combustion practices and use of gaseous fuels. GHGs emissions will be limited through the use of low carbon fuel, energy efficient design, good combustion practices, proper operating and maintenance practices.</p> |
| <p>Siemens SGT-800 Turbine Block A Turbines 1 through 6, Block B Turbines 1 through 12, Block C Turbines 1 through 12, Block D Turbines 1 through 12, Block E Turbines 1 through 12, Block F Turbines 1 through 12, Block G Turbines 1 through 12, and Block H Turbines 1 through 12</p> | <p>The ninety (90) natural gas fired combustion turbine-generators (CTGs) will operate in combined cycle mode. Each turbine has an annual average heat input of 443 million British thermal units per hour (MMBtu/hr) and each with a rated gross nominal capacity of 56 megawatts (MW). Emissions of NO_x are minimized through use of dry low NO_x burners and SCR. The permit limits NO_x emissions to 2.0 ppmvd (15% O₂ basis) on a 3-hr average. Ammonia slip from the SCR is limited to 10.0 ppmvd (15% O₂ basis) on a 3-hr average and 5.0 ppmvd (15% O₂ basis) on an annual basis. Emissions of CO and VOC are minimized through use of oxidation catalyst and good combustion practices. Emissions of CO are limited to 2.0 ppmvd (15% O₂ basis) on a 3-hr average. Emissions of VOC are minimized through use of oxidation catalyst and good combustion practices. Emissions of VOC are limited to 2.0 ppmvd (15% O₂ basis) on a 3-hr average. SO₂ emissions are limited through use of low-sulfur fuel gas. The permit limits total sulfur in natural gas to 0.5 gr/100dscf. Emissions of PM, VOC, and H₂SO₄ are limited through good combustion practices and use of gaseous fuels. GHGs emissions will be limited through the use of low carbon fuel, energy efficient design, good combustion practices, proper operating and maintenance practices.</p> |
| <p>Lube Oil Vents 1 through 93</p> | <p>The combined cycle combustion turbines will be equipped with dedicated closed-loop lube oil recirculation systems to lubricate the moving parts. Lubricating oil will be recirculated through the combustion turbines' machinery from the oil sump, and the heating of recirculating lube oil in the turbine and generator housings will create oil vapor and oil droplets in the oil reservoir compartments. An available control technology to control particulate matter and VOC emissions from lube oil vents is to use the mist eliminators. Oil mist eliminators work by capturing and removing fine oil droplets from air or gas streams, typically using a series of filters or coalescing elements. As the mist-laden air passes through the eliminator, small oil droplets coalesce into larger ones, which are then collected and drained away.</p> |

| Source Name | Best Available Control Technology Description |
|---|---|
| Diesel Tank 1 | The tanks will use diesel, which has a true vapor pressure of less than 0.5 psia. The tanks are fixed roof tanks that will be painted white and equipped with submerge fill mechanism. |
| Diesel Tank 2 | |
| Diesel Tank 3 | |
| Diesel Tank 4 | |
| Fire System Pump Engine 1 | The emergency firewater pumps must satisfy EPA Tier 3 (40 CFR § 1039) requirements. The engines will fire ultra-low sulfur diesel fuel, consisting of no more than 15 ppm sulfur by weight. The engines are limited to 100 hours per year of non-emergency operation and must have a non-resettable runtime meter. GHGs from the emergency engines will be limited through the use of good combustion practices and use of proper operating and maintenance practices. |
| Fire System Pump Engine 2 | |
| Emergency Engine 1 | The emergency generator is limited to those satisfying EPA Tier 2 (40 CFR § 1039) requirements. The engines will fire ultra-low sulfur diesel fuel, consisting of no more than 15 ppm sulfur by weight. The engines are limited to 100 hours per year of non-emergency operation and must have a non-resettable runtime meter. GHGs from the emergency engines will be limited through the use of good combustion practices and use of proper operating and maintenance practices. |
| Emergency Engine 2 | |
| Emergency Engine 3 | |
| Emergency Engine 4 | |
| Emergency Engine 5 | |
| Emergency Engine 6 | |
| Black Start Generator 1 | The emergency generator is limited to those satisfying EPA Tier 2 (40 CFR § 1039) requirements. The engines will fire ultra-low sulfur diesel fuel, consisting of no more than 15 ppm sulfur by weight. The engines are limited to 100 hours per year of non-emergency operation, and 200 hours per year during non-emergency situations, as defined at 40 CFR § 63.6640(f) and must have a non-resettable runtime meter. GHGs from the emergency engines will be limited through the use of good combustion practices and use of proper operating and maintenance practices. |
| Black Start Generator 2 | |
| Circuit Breaker Sulfur Hexafluoride (SF6) Fugitives | SF6 emissions are limited through the use of "state-of-the-art" circuit breakers with leak detection system. In comparison to older SF6 circuit breakers, modern breakers (state-of-the-art) are designed as a totally enclosed-pressure system with far lower potential for SF6 emissions. |
| ILE Turbine Maintenance Activities | Emissions of VOC, NO _x , CO, NH ₃ , H ₂ S, and PM will be minimized by using best management practices and |

| Source Name | Best Available Control Technology Description |
|-------------|--|
| | limiting the frequency and duration of maintenance activities. |

Nonattainment permits must include Lowest Achievable Emission Rate (LAER), as opposed to BACT. For new major sources and major modifications in nonattainment areas, LAER is the most stringent emission limitation derived from either of the following: the most stringent emission limitation contained in the implementation plan of any state for such class or category of source; or the most stringent emission limitation achieved in practice by such class or category of source. For this project, LAER does not apply.

COMMENT 12: Emission Rates and Calculations

Commenters questioned the accuracy and methodology for determining the emission rates for the proposed project. Commenters expressed concern that EPA’s AP-42 emission factors are not conservative because of the EPA ratings. Commenters questioned the use of the Reisman and Frisbie methodology for the cooling towers because the proposed cooling towers are taller than the cooling towers used in the study used to derive the PM fractions.

(Jennifer Elsik, Ashlyn Major, Lauren Pronger, Eric Allmon on behalf of PT4T, and Josiah West)

RESPONSE 12: Emissions from this facility were determined by using manufacturer’s data, or a mathematical equation calculated according to the EPA’s Compilation of Air Pollutant Emission Factors, AP-42 Manual. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. 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 Maximum Allowable Emissions Rate Table (MAERT).

Emission rates are calculated using emission factors and methodology from the EPA in the Compilation of Air Pollution emission Factors, AP-42 manual. The EPA grades are assigned based on how limited the data set was during EPA’s development of the emission factor. The emission factors used in the calculations have been widely and consistently applied over 20 years and have proven to be a conservative estimate. These factors were determined to be correct and applicable by TCEQ staff during the technical review based on standard industry permitting practices.

While the cooling towers used in the study to derive the PM fractions were shorter than the proposed cooling towers, the Reisman and Frisbe methodology has been widely used to calculate PM emission from cooling towers much taller than the proposed cooling towers and is considered an acceptable methodology for estimating PM emissions from cooling towers.

COMMENT 13: Greenhouse Gases / Climate Change

Commenters expressed concern about the effects of this project in relation to climate change. Commenters asked about applicability of NSPS (40 CFR 60) for greenhouse gas

emissions. Commenters requested clarification as to whether the application was subject to PSD for GHGs.

(PT4T, Cyrus Reed for Sierra Club, and Doris Smith)

RESPONSE 13: EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no National Ambient Air Quality Standard (NAAQS) for Greenhouse Gases (GHGs), including no PSD increment. 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. 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. For these reasons, 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.

Based on EPA policies, TCEQ only regulates GHG emissions when they are associated with federal major source projects and permits which emit the associated pollutants. This permit does not trigger federal major source review and therefore is not required to regulate GHG emissions.

40 CFR 60, Subpart TTTTa, Standards of Performance for Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units, is not applicable because the stationary combustion turbines will not sell electricity to a utility power distribution system.

The proposed power plant has a PTE in excess of 100 tpy (mass basis) and 75,000 tpy GHG (CO_{2e} basis) for GHG. GHG are therefore subject to PSD GHG permitting requirements.

COMMENT 14: Expedited Permitting

Commenters expressed concern regarding expedite review. Commenters expressed concern that the permit application was expedited, stating that the project requires closer scrutiny. Commenters also expressed concern that expediting the permit limited the public's opportunity to provide comments on the application.

(Jennifer Elsik, Karen Hadden, Matthew Lunsford, Ashlyn Major, Lauren Pronger, Matthew Stover, Cyrus Reed for Sierra Club, Thomas Tucek, and Josiah West)

RESPONSE 14: Any applicant may request to have their application expedited. TCEQ will expedite the review of the application if the applicant can demonstrate eligibility under 30 TAC § 101.600 and remits the appropriate fee. Expedited applications undergo the same level of scrutiny and review as non-expedited applications and follow all air permitting process requirements. Further, the public notice requirements and the duration of the public notice comment period is the same for both expedited and non-expedited projects. The economic benefit analysis is not part of the administrative or technical review and does not impact the issuance of a permit.

COMMENT 15: Demonstrate Compliance with the Permit

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis. Commenters asked if monitoring data will be publicly available. Commenters asked if the facility will install CEMS for NO_x, CO, SO₂,

and PM. Commenters requested that TCEQ confirm that the turbine CEMS meet the requirements of 40 CFR Part 60, Appendix F. Commenters asked if stack sampling is required. Commenters noted that scheduling 93 yearly stack tests and CEMS calibrations will be a challenge. Commenters asked when Relative Accuracy Test Audits (RATA) are required. Commenters were concerned that the permit relies on self-reporting and occasional monitoring. Commenters were concerned that the permit underestimates startup and shutdown emissions.

(Jonathon Bentley, Matthew Lunsford, Mike McCullough, Eric Allmon on behalf of PT4T, Lauren Pronger, Cyrus Reed for Sierra Club, Thomas Tucek, Chasity Wedgeworth, and Josiah West)

RESPONSE 15: 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. Emissions will be monitored by Continuous Emissions Monitoring Systems (CEMS) and sampling. Monitoring data submitted to TCEQ is available for public viewing. In accordance with Special Condition No. 20, the Applicant is required to install, calibrate, maintain, and operate a CEMS to measure and record the in-stack concentrations of CO, NH₃, NO_x, and O₂. The CEMS is required to meet the applicable quality-assurance requirements specified in 40 CFR Part 60, Appendix F. Each CEMS is required to undergo a cylinder gas audit (CGA) quarterly. A RATA may be conducted once every four calendar quarters in place of the CGA. Stack sampling of each turbine is required to be conducted once at the maximum firing rate and any other time as required by the TCEQ Executive Director.

The Special Conditions limit the shutdown and startup times to both a maximum or minimum duration and the MAERT emission rates which ensures that the permit holder would not be allowed to exceed the worst-case startup and shutdown emissions.

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 plant as required. 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 TCEQ Amarillo Regional Office at 1-806-353-9251 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 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 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).

COMMENT 16: Compliance History

Commenters asked about the compliance history of the applicant and site.

(Matthew Lunsford, Thomas Tucek, and Josiah West)

RESPONSE 16: 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, 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
- Unclassified: rating of N/A - generally given to new facilities without a history to rate or facilities under local air quality program jurisdiction

The site and the company rating have a rating of N/A and classification of 'Unclassified', as both the site and company are new. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 17: Violations / Enforcement

Commenters asked about the consequences of violating the terms of the permit. Commenters asked about potential upset events. Commenters asked whether Applicant has violations at other facilities.

(Matthew Lunsford, Thomas Tucek, Josiah West, Sean Fredrick Birkenfeld)

RESPONSE 17: Violations are usually addressed through a notice of violation letter that allows the operator a specified period of time within which to correct the problem. The violation is considered resolved upon timely corrective action. A formal enforcement referral will be made if the cited problem is not timely corrected, if the violation is repeated, or if a violation is causing substantial impact to the environment or neighbors. In most cases, formal enforcement results in an agreed enforcement order including penalties and technical requirements for corrective action. Penalties are

based upon the severity and duration of the violation(s). Violations are maintained on file and are included in the calculation of a facility and a person's compliance history. Compliance history ratings are considered during permit application reviews. Pending TCEQ enforcement actions are open to public comment. Additional information can be found on the TCEQ website at

<https://www.tceq.texas.gov/agency/decisions/participation>.

Upset events are not authorized by the permit. The permit holder is required to provide notification in accordance with 30 TAC §101.201, 101.211, and 101.221 of this title (relating to Emissions Event Reporting and Recordkeeping Requirements; Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements; and Operational Requirements).

The company is new and does not have violations in its compliance history. See Response 16 regarding the Compliance History.

COMMENT 18: Pre-Construction

Commentor asked if Fermi completed the ozone ambient impact analysis, including pre-construction monitoring, before they started construction in early August?

(Josiah West)

Response 18: The Applicant completed the ozone analysis as part of the impacts review. Federal law requires that an applicant obtain a permit before construction can begin. There are a variety of construction activities that the EPA has identified that generally would be allowed prior to the issuance of a permit including planning, ordering of equipment and materials, site clearing, grading, and on-site temporary storage of equipment and materials. See Response 1 for the ozone analysis.

COMMENT 19: Location

Commenters expressed concern regarding the location of the facility as and the proximity to public areas, including residences, sport fields, schools, medical facilities. Commenters also commented that the proposed plant should be located somewhere else.

(Emma Mae Ambs, Audrea Clemence, Sierra Club, Isabelle Link, Lindsay London, and Lisa Romanelli)

RESPONSE 19: TCEQ does not have jurisdiction to consider facility location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule specifically requires the Commission to consider some aspect of the location. TCEQ jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statutes and rules. TCEQ rule requirements are intended to safeguard human health and the environment. If permitted facilities are operated in compliance with TCEQ rules and the terms and conditions of the permit, the facility should not adversely impact human health or the environment. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with any permit terms or other environmental regulations by contacting TCEQ Amarillo Regional Office at 1-806-353-9251 or by calling the 24-hour toll free Environmental Complaints Hotline at (888) 777-3186. If the facility is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action.

COMMENT 20: Noise / Light / Quality of Life / Aesthetics / Property Values

Commenters expressed concern regarding noise and light pollution from the proposed project. Commenters are concerned about the effect of the proposed project on their quality of life and on the aesthetics of the area. Commenters expressed concern about possible devaluation of property in the area.

(Alyssa Arias-Saunders, Bryan Avello, Chloe Barham, Michael Barnett, Sean Fredrick Birkenfeld, Carson Blake, Madison Boyle, Steven Brady, Ethan Busbea, Amelia Casasanta, Halyn Adley Derington, Fernanda Figueroa, Natasha Hanson, Kimberlee Harris, Carter Jones, Tiffany Knoell, Lindsay London, Kimberly Lunsford, Caroline Manchester, Will Masters, Payton Newman, Kimberly Newman, Laina Seaberg, Taylor Christine Sears, Jaxton Cody Shrader, Ralph Thomas, Rebecca Trevino, Elijah Voller, and Josiah West)

RESPONSE 20: TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or quality of life when determining whether to approve or deny an air permit.

TCEQ does not have authority to require or enforce any noise abatement measures, as noise ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities. TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider noise from a facility when determining whether to approve or deny a permit application. Commenters may wish to contact local authorities to inquire if there are any applicable local noise ordinances in the area where the facility is located. Commenters may wish to contact local (i.e., city or county) law enforcement authorities with questions or complaints about noise.

TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process. Commenters may wish to contact local (i.e., city or county) authorities with questions or concerns about light pollution, including whether there are any applicable local ordinances in the area of the proposed project.

TCEQ does not have jurisdiction to consider whether the proposed activity will impact development, property values, property transactions, or investment property when determining whether to approve or deny a permit application. The Executive Director's review of a permit application is limited to whether the application and proposed activities meet the requirements of applicable TCEQ rules.

COMMENT 21: Odor

Commentors are concerned about odors from the faculty.

(Jonathon Bentley and Josiah West)

RESPONSE 21: The potential for odor nuisance is reviewed through the use of ESLs. As described in Response 1, the Applicant performed a health effects analysis based on MERA guidance and all non-criteria pollutants satisfy the MERA criteria; therefore, emissions would not be expected to cause an odor nuisance or adverse health effects.

COMMENT 22: Local Economy

Commenters expressed concern about the local economy as a result of the proposed project.

(Alyssa Arias-Saunders, Bryan Avello, Kevin Bargas, Chloe Barham, Michael Barnett, Carson Blake, Madison Boyle, Steven Brady, Ethan Busbea, Amelia Casasanta, Payton Clear, Halyn Adley Derington, Fernanda Figueroa, Natasha Hanson, Kimberlee Harris, Carter Jones, Tiffany Knoell, Lindsay London, Kimberly Lunsford, Caroline Manchester, Will Masters, Payton Newman, Kimberly Newman, Danni Poole, Laina Seaberg, Taylor Christine Sears, Jaxton Cody Shrader, Ralph Thomas, Rebecca Trevino, Elijah Voller, Josiah West, and Sophia Witherby)

RESPONSE 22: TCEQ does not have jurisdiction to consider local economic impacts or community improvements in the surrounding areas when determining whether to approve or deny a permit application. Commenters may direct concerns regarding economic effects from the facility to local groups that focus on economic development (e.g., city or county economic development departments). Commenters may direct concerns regarding the location of the facility to local zoning authorities.

COMMENT 23: Corporate Profits / Company Experience with Facility Type

Commenters questioned the corporate profits made by this project at a cost to the surrounding community.

(Emma Mae Ambs, Anthony Hernandez, Jennifer Landram, Lindsay London, Raene Mathes, August Ramos, and Lisa Romanelli)

RESPONSE 23: TCEQ does not have jurisdiction to prohibit owners and operators from seeking authorization to emit air contaminants; nor can TCEQ prohibit owners and operators from receiving authorization to emit air contaminants if they comply with all statutory and regulatory requirements. Further, TCEQ is not authorized to consider a company's financial status nor its profits in determining whether a permit should be issued. TCEQ's review of this company's application included analysis of health impacts and application of best available control technology (BACT), and based on this review, the facility should comply with all applicable health effects guidelines and emission control requirements. Continued compliance with health effects guidelines and BACT requirements is expected if the company operates in compliance with the permit terms and conditions. As explained in previous responses, the decision by the Executive Director to issue the permit is based upon the authority and direction of the TCCA. Specifically, THSC § 382.0518 provides that TCEQ shall issue the permit if an application demonstrates that the proposed facility will use at least the BACT and there is no indication that the emissions from the facility will contravene the intent of the TCAA. TCEQ is not authorized to consider an applicant's experience with a particular facility type. Although, as described in Response 16, TCEQ does consider an applicant's compliance history

COMMENT 24: TCEQs Responsibility to the Community / General Opposition / Support

Commenters asked TCEQ to consider residents and their wishes and choose not to approve the permit registration for the proposed plant. Other Commenters expressed support for the proposed plant.

(Taylor Barnett, Keishon Coleman, Dipakkumar Patel, Sangita Patel, Sawyer Imel, Jon Ford Scott, Blake Siebrecht, Matthew Webb, and Brad Williams)

RESPONSE 24: TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition and support of the project. The TCAA establishes TCEQ's jurisdiction to regulate air emission in the state of Texas. Accordingly, 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.

COMMENT 25: Ownership

Commenters expressed concern that the Applicant is not the entity authorized to operate the plant or is not the leaseholder.

(Eric Allmon for PT4T and Lisa Romanelli)

RESPONSE 25: The permit is issued to the entity that is the operator of the site. During the administrative review, the administrative reviewer verifies that the company the permit is being issued to is an entity legally entitled to do business in Texas through the Secretary of State. The operator does not necessarily need to be the owner.

COMMENT 26: Outside the Scope of the Permit

Commenters expressed concern about Artificial Intelligence (AI). Commenters were concerned that AI is a Ponzi scheme, the Fermi data centers will be used for surveillance, that there is an "AI bubble," and concern that the entities using the data are unknown. What criteria is Fermi America using in section 2E of the EMEW Workbook to define the project site as rural? (Thomas Tucek) "What criteria is Fermi America using in section 2F of the EMEW Workbook to define the project site Surface Moisture as "Average" (P1C). Commenters stated the application file was disorganized.

(Jonathon Bentley, Jennifer Elsik, Michael Ford, August Ramos, Anthony Hernandez, Jamie Lewis, Matthew Stover, Craig Morris Nazor, Misty D Vigil, and Olivia Solis, and Josiah West)

RESPONSE 26: These comments are outside the scope of the air permit review and are therefore included for completeness but not addressed by the Executive Director.

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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