

Brooke T. Paup, *Chairwoman*
Catarina R. Gonzales, *Commissioner*
Tonya R. Miller, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 8, 2026

TO: Persons on the Attached Mailing List

**RE: Docket No. 2026-0409-AIR
Freeport LNG Development, L.P. (Applicant)
Request(s) filed on Air Permit No. 100114**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **May 13, 2026**. The meeting will begin at **9:30 a.m.** The agenda meeting may be held in person in Room 201S of Building E, at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at <https://www.tceq.texas.gov/goto/agendas> eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on **April 20, 2026**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on **May 4, 2026**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at www.tceq.texas.gov/goto/efilings or by filing an original with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant, and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list. If these individuals have provided an e-mail address, responses and replies may be sent via e-mail.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for filing and serving responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules.

The hardcopy filing requirement is waived by the General Counsel pursuant to 30 TAC §1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may

ask questions of the Applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Alternative Dispute Resolution Program to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the Public Education Program toll free at 1-800-687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Executive Director's Response to Public Comment
 Copies of protestant correspondence to Applicant, Executive Director, Office of
 Public Interest Counsel, and Alternative Dispute Resolution.

ATTACHMENT
Procedures Concerning Requests for Reconsideration
and Requests for Contested Case Hearing

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- (1) the written requests are distributed to the executive director, the public interest counsel, and the Applicant. These persons may file a response at least 23 days before the meeting;
- (2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the Applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the Applicant's proposed activities) by this deadline; and
- (3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

Requests for Reconsideration

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

Requests for Contested Case Hearing

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- (1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;

- (2) 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.
- (3) expressly request a contested case hearing;
- (4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised **by the requestor** during the comment period and not withdrawn **by the requestor** prior to the filing of the Executive Director's Response to Comment; and
- (5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. Pursuant to 30 TAC § 80.118(d), if a matter is referred to SOAH by the Commission for hearing, the Applicant shall provide to the Chief Clerk two duplicates of the original application, including all revisions to the application, for inclusion in the administrative record, no later than 10 days after the Chief Clerk mails the Commission's Order referring the matter to SOAH. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Program may contact requesters to determine their interest in informal discussions with the permit Applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call the Public Education Program toll free at 1-800-687-4040.



COMISIÓN DE CALIDAD AMBIENTAL DE TEXAS

Protegiendo a Texas al Reducir y Prevenir la Contaminación

8 de abril de 2026

PARA: Personas en la lista de correo adjunta

**RE: Expediente N.º 2026-0409-AIR
Freeport LNG Development, L.P. (Solicitante)
Solicitud(es) presentada(s) en el Permiso Aéreo N.º 100114**

Los comisionados de la Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) considerarán la solicitud mencionada anteriormente y todas las solicitudes de audiencia / solicitudes de reconsideración presentadas oportunamente sobre la solicitud mencionada anteriormente durante la reunión pública del **13 de mayo de 2026**. La reunión comenzará a las **9:30 a.m.** La reunión de la agenda puede convocarse en persona en la Sala 201S del Edificio E en las oficinas de la Comisión ubicadas en 12100 Park 35 Circle en Austin, Texas, virtualmente, o tanto en persona como virtualmente. Para confirmar cómo se llevará a cabo la reunión, visite la página web de la Agenda de los Comisionados en <https://www.tceq.texas.gov/goto/agendas> ocho días antes de la Agenda.

De conformidad con las normas de la comisión, se han enviado copias de las solicitudes de audiencia/solicitudes de reconsideración oportunas al solicitante, al Director Ejecutivo de la TCEQ y al Asesor Jurídico de Interés Público de la TCEQ. Cada una de estas personas tiene derecho a presentar una respuesta formal por escrito a las solicitudes de audiencia / solicitudes de reconsideración en o antes de las **20 de abril de 2026**. Las personas que hayan presentado solicitudes de audiencia oportunas / solicitudes de reconsideración pueden presentar una respuesta formal por escrito a estas réplicas en o antes de las **4 de mayo de 2026**.

Todas las respuestas y réplicas deben presentarse ante el Secretario Oficial de la TCEQ. Las respuestas y contestaciones pueden presentarse electrónicamente ante el Secretario Oficial en www.tceq.texas.gov/goto/efilings o presentando un original ante el Secretario Oficial de la TCEQ. La dirección postal del Secretario Principal es: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 [Número de fax (512) 239-3311]. El mismo día en que se transmite cualquier respuesta al Secretario Oficial, también se debe enviar una copia al Director Ejecutivo, al Asesor de Interés Público, al Solicitante y a los solicitantes a sus direcciones que figuran en la lista de correo adjunta. El mismo día en que se transmite cualquier respuesta al Secretario Oficial, también se debe enviar una copia al Director Ejecutivo, al Asesor de Interés Público, a otros solicitantes y al Solicitante a sus direcciones que figuran en la lista de correo adjunta. Si estas personas han proporcionado una dirección de correo electrónico, las respuestas y las respuestas pueden enviarse por correo electrónico.

Los procedimientos para evaluar las solicitudes de audiencia / solicitudes de reconsideración se encuentran en 30 Código Administrativo de Texas (TAC) Capítulo 55, Subcapítulo F (§§55.200-211) de las reglas de la comisión. Los procedimientos para presentar y notificar las respuestas y réplicas se encuentran en 30 TAC Capítulos 1 (§§1.10-11) y 55 (§55.209) de las reglas de la comisión.

El Asesor Jurídico renuncia al requisito de presentación impresa de conformidad con 30 TAC §1.10(h). Se pueden obtener copias de estas reglas llamando al Programa de Educación Pública al número gratuito 1-800-687-4040.

Los comisionados no aceptarán argumentos orales ni comentarios adicionales sobre este asunto en la reunión pública. Por lo tanto, es importante abordar la suficiencia de las solicitudes en las respuestas por escrito presentadas oportunamente y en las respuestas de los solicitantes. En la reunión pública, los comisionados pueden hacer preguntas al solicitante, a los solicitantes o al personal de la TCEQ. Los comisionados tomarán una decisión sobre la(s) solicitud(es) durante la reunión y basarán esa decisión en las solicitudes oportunas por escrito, los comentarios públicos, las respuestas y réplicas escritas, las respuestas a las preguntas durante la reunión y los estatutos y reglas aplicables. Se han enviado copias de todos los comentarios y solicitudes públicas oportunas al Programa de Resolución Alternativa de Disputas para determinar si la mediación informal y voluntaria podría ayudar a resolver cualquier disputa.

El anexo a esta carta tiene por objeto ayudarle a comprender mejor cómo la TCEQ procesa y evalúa las solicitudes de audiencia y las solicitudes de reconsideración. Para obtener información adicional o para hacer preguntas sobre cualquier cosa en esta carta, llame gratis al Programa de Educación Pública al 1-800-687-4040.

Atentamente,



Laurie Gharis
Jefe de Secretaria

Anexos: Respuesta del Director Ejecutivo a los comentarios públicos
Copias de la correspondencia protestante al solicitante, Director Ejecutivo,
Oficina del Asesor de Interés Público y Resolución Alternativa de Disputas.

ARCHIVO ADJUNTO

Procedimientos Relativos a las Solicitudes de Reconsideración y Solicitudes de Audiencia de Casos Impugnados

El propósito de este documento es para describir los procedimientos de la comisión para evaluar las solicitudes de reconsideración y las solicitudes de audiencia de casos impugnados. Este documento no pretende ser una guía exhaustiva para la participación pública en la TCEQ.

Los tres comisionados determinan la validez de las solicitudes de reconsideración y las solicitudes de audiencia de casos impugnados y votan para conceder o denegar las solicitudes durante una reunión pública. Estas reuniones públicas generalmente se llevan a cabo cada dos miércoles en Austin. Antes de la reunión, ocurre lo siguiente:

- (1) las solicitudes escritas se distribuyen al director ejecutivo, al abogado de interés público y al solicitante. Estas personas pueden presentar una respuesta al menos 23 días antes de la reunión;
- (2) El solicitante puede presentar una respuesta a las respuestas al menos 9 días antes de la reunión. Esta es la oportunidad del solicitante para abordar cualquier deficiencia en la solicitud que haya sido identificada por el personal de la TCEQ o el solicitante. El solicitante debe presentar cualquier información que desee que los comisionados consideren (por ejemplo, mapas o diagramas que muestren la ubicación del solicitante en relación con las actividades propuestas por el solicitante) antes de esta fecha límite; y
- (3) Los comisionados leen las solicitudes, las respuestas a las solicitudes y las réplicas antes de la reunión pública. Luego, durante la reunión pública, los comisionados votan para conceder o negar las solicitudes.

Solicitudes de Reconsideración

Una solicitud de reconsideración debe indicar expresamente que la persona solicita que la comisión reconsidere la decisión del director ejecutivo y exponga las razones por las cuales la comisión debe reconsiderar la decisión del director ejecutivo. La comisión considerará una solicitud de reconsideración en una reunión pública programada y concederá o rechazará la solicitud.

Solicitudes de Audiencia de Casos Impugnados

Una audiencia de caso impugnado es un procedimiento probatorio, similar a una audiencia en un tribunal civil. La ley permite convocar una audiencia de caso impugnado sobre ciertos tipos de solicitudes.

Una solicitud válida para una audiencia de caso impugnado debe:

- (1) demostrar que el solicitante es una "persona afectada" con un "interés personal justiciable" relacionado con un derecho, deber, privilegio, poder o interés económico legal que se vería afectado por la solicitud de una manera no común al público en general;

- (2) Si la solicitud es realizada por un grupo o asociación, la solicitud debe identificar:
 - (A) una persona por nombre, dirección, número de teléfono diurno y, si es posible, el número de fax, de la persona que será responsable de recibir todas las comunicaciones y documentos para el grupo;
 - (B) los comentarios sobre la solicitud presentada por el grupo que constituyen la base de la solicitud de audiencia; y
 - (C) por nombre y dirección física, uno o más miembros del grupo que de otro modo tendrían derecho a solicitar una audiencia por derecho propio. Los intereses que el grupo busca proteger deben estar relacionados con el propósito de la organización. Ni la reclamación alegada ni la reparación solicitada deben requerir la participación de los miembros individuales en el caso.
- (3) solicitar expresamente una audiencia de caso impugnado;
- (4) plantear cuestiones de hecho controvertidas que sean relevantes y materiales para la decisión de la Comisión sobre la solicitud que hayan sido planteadas **por el solicitante** durante el período de presentación de observaciones y que el solicitante no haya retirado antes de la presentación de la respuesta del director ejecutivo al comentario, e
- (5) Incluir cualquier otra información especificada en los avisos públicos.

La comisión está autorizada para proteger la salud y la seguridad humana, y los recursos naturales. La comisión no puede abordar otros asuntos fuera de la autoridad de la comisión, como el efecto de la existencia de una instalación propuesta en los valores de las propiedades cercanas.

Cuando los comisionados niegan las solicitudes de audiencia, a menudo proceden a votar sobre la aprobación o denegación de la solicitud. Alternativamente, pueden devolver la solicitud al director ejecutivo para que adopte una decisión definitiva. Si se concede una solicitud de audiencia y la solicitud se remite a la Oficina Estatal de Audiencias Administrativas (SOAH), los comisionados especificarán una lista de asuntos que serán objeto de la audiencia y una fecha prevista para la propuesta de decisión del juez de SOAH. De conformidad con 30 TAC § 80.118 (d), si la Comisión remite un asunto a SOAH para su audiencia, el Solicitante proporcionará al Secretario Oficial dos duplicados de la solicitud original, incluidas todas las revisiones de la solicitud, para su inclusión en el registro administrativo, a más tardar 10 días después de que el Secretario Oficial envíe por correo la Orden de la Comisión que remite el asunto a SOAH. El juez del SOAH llevará a cabo la audiencia y presentará una propuesta a la comisión para aprobar o denegar la solicitud.

El Programa de Resolución Alternativa de Disputas puede comunicarse con los solicitantes para determinar su interés en conversaciones informales con el solicitante del permiso y un mediador.

Por necesidad, este documento ofrece una descripción muy general de los procedimientos de comisión. Si tiene alguna pregunta, llame gratis al Programa de Educación Pública al 1-800-687-4040.

TCEQ AIR QUALITY PERMIT NUMBER 100114

APPLICATION BY	§	BEFORE THE
FREEPORT LNG DEVELOPMENT, L.P.	§	
FREEPORT LNG LIQUEFACTION	§	TEXAS COMMISSION ON
PLANT	§	
QUINTANA, BRAZORIA 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: Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB). 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

Freeport LNG Development, L.P. (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 continued operation of an existing natural gas liquefaction facility that may emit air contaminants.

This permit will authorize the Applicant to continue operation of a Freeport LNG Liquefaction Plant. The facility is located at 1500 Lamar St., Quintana, Brazoria County. Contaminants authorized under this permit include carbon monoxide (CO₂), hazardous air pollutants, sulfuric acid (H₂SO₄) mist, nitrogen oxides (NO_x), sulfur dioxide (SO₂), organic compounds, and particulate matter including particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}).

Procedural Background

To continue operating an existing permitted facility that may emit air contaminants, the person planning the continued operation must obtain a permit renewal from the commission. This permit application is for a permit renewal of Air Quality Permit Number 100114.

The permit application was received on January 16, 2024, and declared administratively complete on January 26, 2024. The Amended Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice (NORI)) for this permit application was published in English on February 23, 2024, in *The Facts* and in Spanish on February 23, 2024, in *La Voz*.

COMMENTS AND RESPONSES

COMMENT 1: Health Effects/Air Quality

Commenters are concerned about whether the proposed emissions will cause or contribute to exceedances of any health- or welfare-based ambient standard, including national ambient air quality standards and prevention of significant deterioration increments.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

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}).

This renewal application is a "no increase renewal," meaning that it does not seek to authorize an increase in the allowable emission rates, nor does it request to emit any new air pollutants. Applicants seeking a no increase renewal are not required to submit an additional impacts analysis unless it is necessary to avoid a condition of air pollution. *See* 30 TAC § 116.311(b). In addition, the commission may not impose requirements more stringent than those of the existing permit unless the commission determines that the requirements are necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements. THSC § 382.055(e). In summary, all emissions authorized by the existing permit were appropriately modeled and reviewed in previous permitting actions and found to meet all applicable state and federal standards. Because this is a no-increase renewal application, the commission's previous finding that the emissions authorized by this permit would not be expected to impact air quality or result in adverse health effects remains unchanged.

¹ 40 CFR 50.2

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 the renewal of this permit.

COMMENT 2: Best Available Control Technology

Commenters questioned whether the facilities meet control technology standards.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 2: 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.

This project does not propose any new or modified facilities. Therefore, no new BACT is required as all facilities meet requirements that are economically and technically practicable given the age of the facility and the impacts of its emissions on the surrounding area.

COMMENT 3: Emission Rates and Calculations

Commenters questioned the accuracy and methodology for determining the emission rates for the proposed project.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 3: Emissions from storage tanks were determined by AP-42 Chapter 7.1 (June 2020 update). 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).

Emissions from all other sources, other than storage tanks, are not changing in this renewal application. The renewal is considered a "no increase renewal," meaning that it does not seek to authorize an increase in the allowable emission rates, nor does it request to emit any new air pollutants. Emission rates were initially calculated using conservative emission factors and methodology from the EPA in the Compilation of Air Pollution Emission Factors, AP-42 manual. These factors were determined to be correct and applicable by TCEQ staff during the technical review of the initial permit or when the permit was issued or last modified based on standard industry permitting practices. The commission may not impose requirements more stringent than those of the existing permit unless the commission determines that the requirements are necessary to avoid a condition of air pollution or to ensure compliance with otherwise applicable federal or state air quality control requirements. THSC § 382.055(e). Applicants seeking a no increase renewal are not required to recalculate existing emission rates.

COMMENT 4: Federal Applicability

Commenters are concerned about the quantity of emissions that will result from the project and if emissions will contribute to exceedances of national ambient air quality standards and prevention of significant deterioration.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 4: The natural gas liquefaction facility is located in Brazoria County, which is currently classified as serious nonattainment. The site is an existing major source with respect to Nonattainment (NA) New Source Review programs (NSR) for Ozone as VOC and NO_x. A Prevention of Significant Deterioration (PSD) major site is defined as a site emitting over 250 tpy of any one pollutant if it is an unnamed source or 100 tpy of any one pollutant if it is one of 28 sources named in 40 CFR § 52.21(b)(1)(a). Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires PSD review. Because this site is not a named source and has proposed emission rates less than 250 tpy of each pollutant, the project is not subject to PSD permitting.

The site is an existing minor source. This renewal will authorize the continued operation of a natural gas liquefaction facility. With this renewal application, Freeport LNG does not seek to amend or revise the current Permit. Therefore, this renewal application is a “no increase renewal,” meaning that it does not seek to authorize an increase in the allowable emission rates, nor does it request to emit any new air pollutants. The PSD determination has not changed; the site maintains its minor source designation with the total emissions remaining below the 250 tpy major source definition.

Nonattainment New Source Review (NNSR) permitting is applicable for major sites, defined as a site emitting over the threshold for the nonattainment pollutant in that county. Texas nonattainment area designations are specified in 40 CFR § 81.344. Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires netting. If the project's net emissions are greater than the netting threshold, the project is subject to NNSR permitting. The site is located in Brazoria County, which is designated as nonattainment for ozone. The project has no net emission increases, so the project is not subject to NNSR permitting.

COMMENT 5: Compliance History

Commenters asked about the compliance history of the applicant and site. Commentors questioned whether proposed air monitoring and reporting requirements are adequate to ensure compliance with the Clean Air Act and protect local residents.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 5: 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 3.76 and a classification of satisfactory. The company rating has a rating of 5.26, and a classification of satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 6: Complaints

Commenters asked how to make complaints and how complaints are handled.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 6: The 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 Region 12, Houston Regional Office at 1-713-767-3500 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 are providing information on possible violations of environmental law and the information can be used by the 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 Make an Environmental Complaint? 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 Publication Number 278).

COMMENT 7: Violations / Enforcement

Commenters asked about the consequences of violating the terms of the permit.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 7: 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 review. See response 5 for more information regarding compliance history. 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>.

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 from the flare are required to be monitored through continuous flow rate and Btu content of the waste gas monitoring. The fugitive emissions will be monitored through the 28LAER LDAR program or Optical Gas Imaging (OGI) monitoring. 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 the TCEQ, EPA, or any local air pollution control program having jurisdiction. The TCEQ Houston 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.

COMMENT 8: State Implementation Plan (SIP)

Commenters questioned if the applicant's permit complies with the SIP.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 8: The Federal Clean Air Act (FCAA) requires EPA to determine whether areas meet the NAAQS. EPA designates areas as attainment, nonattainment, or unclassifiable. The FCAA requires states to develop State Implementation Plans (SIPs) to address attainment and maintenance of the NAAQS. A SIP is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and enforce the NAAQS and to fulfill other requirements of the FCAA. The Texas SIP, which is federally enforceable, includes Texas' NSR permitting programs for both major and minor sources, and these programs implement both the FCAA and the TCAA.

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, including the SIP (for example, 30 TAC § 115 & 117 as applicable). 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. Please see Response 7 for additional information on enforcement.

COMMENT 9: Outside the Scope of the Permit/Amendment of Train 4

Commenters questioned if the amendment issued on February 6, 2018 (Project 264959) is void because they believe Freeport LNG failed to meet construction deadlines, including start of construction and construction interruptions. Commenters questioned if the as-built emissions reductions associated with Trains 1 - 3 were reflected in the renewal application.

(Ilan Levin, attorney for Environmental Integrity Project and Tom Grosslin attorney for Sierra Club and Better Brazoria: Clean Air and Clean Water (EIP & SC & BB))

RESPONSE 9: In email correspondence (dated September 22, 2021) associated with TCEQ project 331695, the applicant represented they were in compliance with the start of construction deadline and ongoing construction requirements. Therefore, the requirement to start construction within 18 months was satisfied as represented by the applicant. With respect to construction interruptions, if commentors have concerns regarding permit compliance, please see responses 6 & 7 on how to file concerns.

The project is renewing the latest issued version of the permit, which includes the changes made under the 2018 amendment. This would include any emission reductions authorized under the amendment.

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

Kelly Keel, Executive Director

Phillip Ledbetter, Director

Office of Legal Services

Amy L. Browning, Acting Deputy Director

Environmental Law Division



Katelyn Ding, Staff Attorney
Environmental Law Division
State Bar Number 24146268
PO Box 13087, MC 173
Austin, Texas 78711-3087
(512) 239-0891

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

MAILING LIST
Freeport LNG Development, L.P.
TCEQ Docket No./TCEQ Expediente N.º 2026-0409-AIR;
Air Permit No./Permiso aéreo N.º 100114

FOR THE APPLICANT/PARA EL SOLICITANTE

Michael Stephenson
Freeport LNG Development L.P.
1500 Lamar Street
Quintana, TX 77541

REQUESTER(S)/SOLICITANTE(S)/ INTERESTED
PERSON(S)/PERSONA(S) INTERESADA(S)

See attached list/Ver listado adjunto.

FOR THE EXECUTIVE DIRECTOR/PARA EL
DIRECTOR EJECUTIVO

via electronic mail/vía correo electrónico:

Katelyn Ding, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Michael Gervasi, Technical Staff
Texas Commission on Environmental
Quality
Air Permits Division MC-163
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission on Environmental Quality
External Relations Division
Public Education Program, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL/PARA ABOGADOS DE
INTERÉS PÚBLICO

via electronic mail/vía correo electrónico:

David Timberger, Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE
RESOLUTION/PARA LA RESOLUCIÓN
ALTERNATIVA DE DISPUTAS

via electronic mail/vía correo electrónico:

Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK/PARA EL SECRETARIO
OFICIAL

via eFilings:

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

BELL , CASEY A
DUGGINS WREN MANN & ROMERO LLP
STE 1900
600 CONGRESS AVE
AUSTIN TX 78701-3238

GOSSELIN , THOMAS
ENVIRONMENTAL INTEGRITY PROJECT
STE 810
888 17TH ST NW
WASHINGTON DC 20006-3939

ROMERO , CELINA
DUGGINS WREN MANN & ROMERO
PO BOX 1149
AUSTIN TX 78767-1149

GOSSELIN , THOMAS
SIERRA CLUB
PO BOX 4998
AUSTIN TX 78765-4998

HARROD , MARIAH
10423 61ST AVE S
SEATTLE WA 98178-2338

THOMSON , LAUREN C
ENVIRONMENTAL INTEGRITY PROJECT
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

GOSSELIN , THOMAS
ENVIRONMENTAL INTEGRITY PROJECT
STE 400
98 SAN JACINTO BLVD
AUSTIN TX 78701-4082

LEVIN , ILAN M
ENVIRONMENTAL INTEGRITY PROJECT
1206 SAN ANTONIO ST
AUSTIN TX 78701-1834

THOMSON , LAUREN C
ENVIRONMENTAL INTEGRITY PROJECT
STE 810
888 17TH ST NW
WASHINGTON DC 20006-3939