

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN INTERIM ORDER** concerning the application of Corpus Christi Liquefaction, LLC, a subsidiary of Cheniere Energy, Inc., for amendment of Permit No. 105710 and PSDTX1306M1 and voluntary update of Permit No. GHGPSDTX123M1; TCEQ Docket No. 2023-1474-AIR.

On December 13, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting requests for hearing filed by several individuals and groups concerning the application of Corpus Christi Liquefaction, LLC (Applicant) for amendment of Permit No. 105710 and associated Permit No. PSDTX1306M1 and a voluntary update of Permit No. GHGPSDTX123M1. The amendment and update relate to the Applicant's natural gas liquefaction and export terminal located at 622 State Highway 35, Gregory, San Patricio County, Texas. The requests for hearing were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55. The Commission also considered the responses to the requests for hearing filed by the Executive Director, Office of Public Interest Counsel, and Applicant; the requesters' timely replies; all timely public comment; and the Executive Director's Response to Public Comment.

After evaluation of all relevant filings, the Commission determined that Portland Citizens United and Sierra Club are affected persons and granted their requests for hearing. The Commission also determined to refer to the State Office of Administrative Hearings (SOAH) the hearing requests of the Blanca Parkinson and Encarnacion Serna for determinations on whether

those requesters are affected persons pursuant to applicable laws. The Commission denied the remaining requests for hearing.

The Commission next determined whether the requests for hearing raised disputed issues of fact or mixed questions of fact and law that were raised by an affected person during the comment period, and which are relevant and material to the decision on the application. The Commission determined that the following issues met those requirements and directed that they be referred to SOAH for contested case hearing:

- A) Whether the proposed emissions will adversely affect the health of individual or member requesters, their families, and their animals;
- B) Whether the proposed emissions will negatively impact air quality, including whether the emissions will cause or contribute to an exceedance of an applicable National Ambient Air Quality Standard (NAAQS) or exceed applicable allowable Prevention of Significant Deterioration (PSD) Increments;
- C) Whether the proposed emissions will cause nuisance conditions affecting the use and enjoyment of individual or member requesters' property, in violation of 30 TAC § 101.4;
- D) Whether the Air Quality Analysis and emissions calculation methodologies in the application are adequate to satisfy applicable requirements;
- E) Whether the application demonstrates compliance with Best Available Control Technology (BACT); and
- F) Whether the monitoring and reporting requirements in the draft permit are adequate to satisfy applicable requirements.

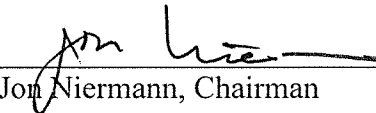
Finally, the Commission specified that the maximum duration of the contested case hearing shall be 180 days from the date of the preliminary hearing until the proposal for decision is issued by SOAH.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

- 1) The hearing requests of Portland Citizens United and Sierra Club are hereby GRANTED;
- 2) The Chief Clerk shall refer the hearing requests of Blanca Parkinson and Encarnacion Serna to SOAH for a hearing on affectedness;
- 3) The remaining hearing requests are hereby DENIED;
- 4) The following issues are referred to SOAH for a contested case hearing on the application:
  - A) Whether the proposed emissions will adversely affect the health of individual or member requesters, their families, and their animals;
  - B) Whether the proposed emissions will negatively impact air quality, including whether the emissions will cause or contribute to an exceedance of an applicable National Ambient Air Quality Standard (NAAQS) or exceed applicable allowable Prevention of Significant Deterioration (PSD) Increments;
  - C) Whether the proposed emissions will cause nuisance conditions affecting the use and enjoyment of individual or member requesters' property, in violation of 30 TAC § 101.4;
  - D) Whether the Air Quality Analysis and emissions calculation methodologies in the application are adequate to satisfy applicable requirements;
  - E) Whether the application demonstrates compliance with Best Available Control Technology (BACT); and
  - F) Whether the monitoring and reporting requirements in the draft permit are adequate to satisfy applicable requirements;
- 5) All issues not identified as being referred to SOAH in Ordering Provision No. 4 are hereby DENIED;
- 6) The maximum duration of the hearing is set at 180 days from the date of the preliminary hearing until the date the proposal for decision is issued by SOAH; and

- 7) If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
\_\_\_\_\_  
Jon Niermann, Chairman

12/21/23  
\_\_\_\_\_  
Date Signed