

TCEQ AIR QUALITY PERMIT NUMBER 180764

APPLICATION BY	§	BEFORE THE
MAGELLAN PIPELINE COMPANY, L.P.	§	TEXAS COMMISSION ON
NORTHWEST HOUSTON TERMINAL	§	ENVIRONMENTAL QUALITY
HOCKLEY, HARRIS COUNTY	§	

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Grace Hundley (on behalf of Office of Representative Tom Oliverson), Abigail Acevedo, Maria D. Ambriz, Miguel Arrieta, Jose Ascencio, A B, Latrice Babin (on behalf of Harris County Pollution Control Services), Kevin Baker, Ali Balouch, Kenyatta Bangura, Samuel Bangura, Keegan Banister, Leslie M. Banks, Nelly A. Barajas, Ruth Barrera, Samantha Battle, Kristen Belote, Heather Black, Jordan Blaise, Tyra Booe, Nathan Bourgeois, Karen Brehar, Donna Brinson, Jason Briseno, Candace Broadhurst, Alex Brockman, Nohelli Brockman, Katelyn Brubaker, Natalie Burnau, Theresa Buzek, Cristina Carlos, Kyla Carter, Claudia Cavazos, Rosa Chapa, Tiffany Coleman, Ana Conwright, Chris Cowdrey, Samuel S. Crane, Stacy Crivello, Derrick Davies, Andrew De La Rosa, T. Deshay, Adrien Dominguez, Vanessa Dubarry, Louis Edwards, Martha Eppinette, Robert Fahy, Ana Fernandez, Stormy Fisch, John Flores, Rebeca Garcia, James Graff, Karen Graham, Pat B. Guillory, Tad W. Hamilton, Callie Hasselbring, Ryan Hougland, Brent Howe, Rana Humphrey, Rina Iglesias, Laura Irwin, Tara Jahani, Kenda Jamali, Angel Jaramillo, Connie Jarrell, Jacob Jarrell, Jade V. Jimenez, Amy Johnson, Cynthia Jones, Ana Juarez, Aaron M. Kelsay, Barb King, Jessilyne U. Kingto, Stephanie Kirtley, Kim Kruger, Penny Labree, Anna Laplante, William O. Lathan (on behalf of Harris County Pollution Control Services), Olivia Lee, Alejandra Leshinski, Ronald Franklin Leshinski, Paul Level, De Lindsey, Thami Lively, Nicholas Malleris, Tara Malloy, Julie Ann Martinez, Yisel Martinez, Mariana Mejia, Melonie Miller, Ziba Minavi, Suheidy Molina, Lizzette Morales, Sheryl Moreno, Natasha Morillo, Angel J. Muniz, Janet Murphy, Emma Mustovic, Liz Nevar, Nancy Obarr, Betsy D. Otega, Jack Pearcey, Steven Pecha, Leslie Perkins, Shane Perkins, Michele Petersen, Anna Popovchuk, Astha Pradhan, Jillian Elizabeth Pratho, Arun Ram, Tania Ramirez, Margarita Rivera, Giuseppe Robbiano, Karin Roberts, Tilly Roberts, Trevor Rogas, Tommi Ross, Theodore Ryan, Luis Sanchez Sanchez, Danny Sandhu, Becky Sawyer, Daya Scott, Michael Shinn, Shemiah Sigee, Kelsey Slater, Jason Smith, Mark Smith, Kielan Snyder, Gloria Solero, Astrid Solis, Jon Spoon, Dexter Spurs, Connie M. Steck, Lloyd Camilo Steele, Madison Steele, Matthew M. Stine, Linda Taylor, Marilyn Teague, Monica Torres, Amber Toth, David Turner, Sarah Utley, Angela Utsey, Angela M. Utsey, Maria Valente, Isabella Victoria-Otero, Kelsey Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Erica Wease Shott, Lauren Webb, Hunter Wilson, Amber Winningham, Delia Wood, Nancy Wyatt, Nancy C. Wyatt, Daniel Yantosca, Mayra Yantosca, Lina Ying, and Alex Zelaya. 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

Magellan Pipeline Company, 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 construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to construct a Northwest Houston Terminal. The facility is located at 25510 Zube Rd Hockley, Harris County, Texas, 77447. Contaminants authorized under this permit include carbon monoxide (CO), hazardous air pollutants (HAPs), nitrogen oxides (NO_x), organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively), and sulfur dioxide (SO₂).

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 180764.

The permit application was received on July 7, 2025, and declared administratively complete on July 11, 2025. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on August 20, 2025, in *The Waller Times* and in Spanish on August 21, 2025, in *El Perico*. The combined notice of public meeting and Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 26, 2026, in English in *The Waller Times* and in Spanish on March 26, 2026, in *El Perico*. A public meeting was held on April 30, 2026, at Berry Center of Northwest Houston, 8877 Barker Cypress Road, Cypress, Harris County, Texas, 77433. The public comment period ended on April 30, 2026. 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 asked about health effects on the property of Roberts Road Elementary School, and expressed concern that children will be exposed to contaminants during outdoor activities and will have to reduce time spent outside. Commenters expressed concern that the proposed project would cause negative health effects and conditions, including but not limited to headaches, nausea, asthma, impaired lung function and development, chronic bronchitis, chronic obstructive pulmonary disease (COPD),

respiratory illness, lung disease, developmental delays, learning/behavioral issues, neurological symptoms, immune system dysfunction, leukemia, blood disorders, fertility issues, cardiovascular disease, organ damage, cancer, exacerbation of allergies and autoimmune conditions, and premature death. Commenters expressed concern about potential odors that may be emitted from the facility. Commenters expressed concerns about how health impacts are reviewed in the permit process. Commenters raised concerns about health effects from emissions of carbon monoxide, nitrogen oxides, hazardous air pollutants (HAPs), particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less (PM₁₀ and PM_{2.5}, respectively), sulfur dioxide (SO₂), and volatile organic compounds (VOCs), such as benzene, 1,3-butadiene, toluene, xylene, and formaldehyde. Commenters are concerned about the cumulative effects of this project with pending or existing industrial facilities in the area, and request that cumulative impacts be taken into consideration before issuance of the permit. Additionally, commenters expressed concern that emissions of VOCs and NO_x will contribute to the formation of ground-level ozone. Commenters asked which VOCs will be emitted from the facility. Commenters requested impacts be required to be modeled at the nearest residences and school and asked what the exposure levels will be in these areas, and requested the project be remodeled as a non-industrial area. Harris County Pollution Control Services also requested benzene to be included in the speciated emissions calculations, and the TCEQ Toxicology Division and Air Dispersion Modeling Team re-evaluate the project for potential impacts from benzene.

(Abigail Acevedo, Maria D. Ambriz, Miguel Arrieta, Jose Ascencio, Latrice Babin (on behalf of Harris County Pollution Control Services), Kevin Baker, Ali Balouch, Kenyatta Bangura, Samuel Bangura, Keegan Banister, Leslie M. Banks, Ruth Barrera, Samantha Battle, Heather Black, Tyra Booe, Nathan Bourgeois, Karen Brehar, Donna Brinson, Jason Briseno, Candace Broadhurst, Alex Brockman, Nohelli Brockman, Natalie Burnau, Theresa Buzek, Cristina Carlos, Kyla Carter, Claudia Cavazos, Rosa Chapa, Tiffany Coleman, Ana Conwright, Chris Cowdrey, Stacy Crivello, Derrick Davies, Andrew De La Rosa, T. Deshay, Adrien Dominguez, Vanessa Dubarry, Louis Edwards, Martha Eppinette, Robert Fahy, Ana Fernandez, Stormy Fisch, John Flores, Rebeca Garcia, James Graff, Karen Graham, Tad W. Hamilton, Callie Hasselbring, Ryan Hougland, Rana Humphrey, Rina Iglesias, Tara Jahani, Kenda Jamali, Angel Jaramillo, Connie Jarrell, Jacob Jarrell, Jade V. Jimenez, Amy Johnson, Cynthia Jones, Ana Juarez, Aaron M. Kelsay, Barb King, Jessilyne U. Kingto, Stephanie Kirtley, Kim Kruger, Penny Labree, Anna Laplante, William O. Lathan (on behalf of Harris County Pollution Control Services), Ronald Franklin Leshinski, Alejandra Leshinski, De Lindsey, Thami Lively, Nicholas Malleris, Tara Malloy, Yisel Martinez, Julie A. Martinez, Mariana Mejia, Melonie Miller, Ziba Minavi, Suheidy Molina, Lizzette Morales, Sheryl Moreno, Angel J. Muniz, Janet Murphy, Emma Mustovic, Liz Nevar, Nancy Obarr, Betsy D. Otega, Jack Pearcey, Steven Pecha, Leslie Perkins, Shane Perkins, Michele Petersen, Anna Popovchuk, Astha Pradhan, Jillian Elizabeth Pratho, Arun Ram, Tania Ramirez, Margarita Rivera, Giuseppe Robbiano, Karin Roberts, Tilly Roberts, Trevor Rogas, Tommi Ross, Theodore Ryan, Luis Sanchez Sanchez, Danny Sandhu, Daya Scott, Shemiah Sigee, Kelsey Slater, Jason Smith, Mark Smith, Kielan Snyder, Gloria Solero, Astrid Solis, Jon Spoon, Dexter Spurs, Connie M. Steck, Lloyd Camino Steele, Madison Steele, Matthew M. Stine, Marilyn Teague, Amber Toth, Angela M. Utsey, Maria Valente, Isabella Victoria-Otero, Kelsey

Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Lauren Webb, Hunter Wilson, Delia Wood, Nancy C. Wyatt, Mayra Yantosca, Daniel Yantosca, Lina Ying, and Alex Zelaya)

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 NO₂, SO₂, CO, PM₁₀, and PM_{2.5}. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Maximum ground-level concentrations of air pollutants are predicted based on air modeling, which are known as the GLC_{max}. Concentrations predicted to fall below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1 contains the results of the de minimis analysis.

Table 1. Modeling Results for De Minimis Review

Pollutant	Averaging Time	GLC _{max} (µg/m ³)	De Minimis (µg/m ³)
NO ₂	1-hr	11.5	7.5
NO ₂	Annual	0.05	1
CO	1-hr	426.8	2000
CO	8-hr	306.4	500
PM ₁₀	24-hr	6.26	5
PM _{2.5}	24-hr	6.26	1.2
PM _{2.5}	Annual	0.003	0.13
SO ₂	1-hr	0.05	7.8

¹ 40 Code of Federal Regulations (CFR) § 50.2

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 the established de minimis levels to account for cumulative effects of air pollutants in the area. This analysis included an evaluation of air pollutants at all on-property sources, applicable off-property sources, and representative background concentrations of air pollutants monitored in the area. 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 monitor was selected to ensure that it is representative of the proposed site. The Applicant chose EPA AIRS monitor 482010062 for this project's background concentrations. 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} ($\mu\text{g}/\text{m}^3$)	Background ($\mu\text{g}/\text{m}^3$)	Total Conc. = [Background + GLC_{max}] ($\mu\text{g}/\text{m}^3$)	Standard ($\mu\text{g}/\text{m}^3$)
NO_2	1-hr	11.5	75.2	86.7	188
PM_{10}	24-hr	6.26	63	69.3	150
$\text{PM}_{2.5}$	24-hr	6.26	23	29.3	35

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. NO_2 , a nitrogen oxide (NO_x) and precursor to ozone, was evaluated in the NAAQS analysis, and should not contribute to the formation of ground-level ozone as to cause or contribute to a violation of the NAAQS.

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.² 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 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. As allowed by the MERA guidance document, the Applicant voluntarily chose to evaluate all emissions under the more rigorous site-wide Step 7 evaluation. Step 7 is the last step and most stringent health impact assessment which evaluates all emitting sources at the entire site.

Gasoline (vapor), ethanol, diesel fuel #2, and gasoline additives, generic, not otherwise specified (Vapor) 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 3 below).

Table 3. Health Effects Modeling Results

Pollutant	CAS #	Averaging Time	GLC _{max} (µg/m ³)	ESL (µg/m ³)
gasoline (Vapor)	8006-61-9 (Vapor)	1-hr	5935.03	3500
gasoline (Vapor)	8006-61-9 (Vapor)	Annual	11.24	350
ethanol	64-17-5	1-hr	541.58	18800
ethanol	64-17-5	Annual	2.85	1880
diesel fuel #2	68476-34-6	1-hr	1286.12	1000
diesel fuel #2	68476-34-6	Annual	4.4	100
gasoline additives, generic, not otherwise specified (Vapor)	gasoline additives, generic, not otherwise specified (Vapor)	1-hr	2504.433	1000
gasoline additives, generic, not otherwise specified (Vapor)	gasoline additives, generic, not otherwise specified (Vapor)	Annual	2.53	100

² See APDG 5874 guidance document.

TCEQ's Toxicology Division conducted a further analysis for each pollutant with a predicted concentration above its ESL identified in Table 3, evaluated potential exposures, and assessed human health risks to the public. These pollutants included VOCs speciated as 1-hr Gasoline (vapor), 1-hr diesel fuel #2, and 1-hr gasoline additives, generic, not otherwise specified (Vapor). The Toxicology Division evaluates these pollutants at the location with worst-case off-site impact. The worst-case off-site impact was not on the property of Roberts Road Elementary School, so the impacts at the school were less than the worst-case impact. Since the worst-case impact was determined to be protective, it would also be protective at the school because the impact at the school would be less than the worst-case impact evaluated. The Toxicology Division determined that the described impacts are acceptable given the conservative nature of both the ESLs and the emissions estimates, and should not contribute to the formation of ground-level ozone such as to be unprotective of human health and the environment.

TCEQ's Toxicology Department evaluated the VOC compounds as stated above. Speciated VOC compounds (benzene, 1,3-butadiene, formaldehyde, toluene, ethylbenzene, xylene, Hazardous Air Pollutants (HAPs)) were collectively evaluated under the Gasoline (Vapor) ESL as it encompasses the species.

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). 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.

COMMENT 2: Federal Applicability

Commenters expressed concern about the quantity of emissions that will result from the project, specifically in regard to Harris County's nonattainment status for ozone. Commenters also questioned and if the project requires federal review.

(Latrice Babin (on behalf of Harris County Pollution Control Services), Samantha Battle, Claudia Cavazos, William O. Lathan (on behalf of Harris County Pollution Control Services), and Kielan Snyder)

RESPONSE 2: Nonattainment New Source Review (NNSR) permitting is applicable for major sites, defined as a site emitting over the major source threshold for the nonattainment pollutant in that county. Major source thresholds are identified in 30 TAC § 116.12(20)(A), Table I. Texas nonattainment area designations are specified in 40 CFR § 81.344. The site of the proposed facility is located in Harris County, which is designated as being in severe nonattainment for ozone. The project's emission increases are less than the major source threshold (25 tpy), so the project is not subject to NNSR permitting.

An impacts analysis, including modeling, was conducted for this project and demonstrates that the proposed facility will not cause or contribute to an exceedance of the NAAQS.

COMMENT 3: Environmental Concerns

Commenters expressed concern about the effect of the proposed project on surrounding wildlife and the environment, such as plant life, pets, bees, livestock, agriculture, migratory birds, fish, wetlands, and aquatic ecosystems.

(Abigail Acevedo, Maria D. Ambriz, Miguel Arrieta, Jose Ascencio, Ali Balouch, Kevin Baker, Ruth Barrera, Samantha Battle, Heather Black, Donna Brinson, Jason Briseno, Candace Broadhurst, Katelyn Brubaker, Natalie Burnau, Theresa Buzek, Kyla Carter, Claudia Cavazos, Rosa Chapa, Andrew De La Rosa, T. Deshay, Adrien Dominguez, Martha Eppinette, Robert Fahy, Ana Fernandez, Stormy Fisch, Rebeca Garcia, Karen Graham, Rana Humphrey, Tara Jahani, Connie Jarrell, Jacob Jarrell, Cynthia Jones, Jessilyn U. Kingto, Stephanie Kirtley, Anna Laplante, Thami Lively, Yisel Martinez, Julie A. Martinez, Nicholas Malleris, Mariana Mejia, Ziba Minavi, Lizzette Morales, Liz Nevar, Betsy D. Otega, Jack Pearcey, Anna Popovchuk, Tania Ramirez, Margarita Rivera, Trevor Rogas, Tommi Ross, Theodore Ryan, Luis Sanchez Sanchez, Danny Sandhu, Gloria Solero, Dexter Spurs, Marilyn Teague, Amber Toth, Amber Toth, Angela Utsey, Maria Valente, Isabella Victoria-Otero, Kelsey Villa, Luis Villalobos, Margaret Watzke, Lauren Webb, Hunter Wilson, Delia Wood, Nancy C. Wyatt, and Lina Ying)

RESPONSE 3: 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. 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 4: Environmental Impact Study

Commenters requested that an environmental impact study be conducted prior to authorization of this project.

(Heather Black, Robert Fahy, and Aaron M. Kelsay)

RESPONSE 4: Environmental Assessments and Environmental Impact Statements (EIS) are a specific requirement for federal agencies under the National Environmental Policy Act (NEPA). An EIS is not required for state actions such as this permit. However, both the TCAA and TCEQ rules provide for an extensive review of the application to ensure that emissions from the proposed facility will not violate the NAAQS and will not be expected to adversely affect human health or the environment. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment. See Response 1 for more details on the health effects review.

COMMENT 5: Water / Waste / Other Required Authorizations / Floodplain

Commenters expressed concern that the proposed project would negatively impact water resources in the area, including but not limited to surface water, water wells, groundwater, drinking water contamination, stormwater, wastewater, and water runoff. Commenters also expressed concern regarding water availability/sourcing as it relates

to the proposed project. Commenters asked if other authorizations are required for this project. Commenters expressed concerns about construction altering drainage and contributing to flooding locally.

(Grace Hundley (on behalf of Office of Representative Tom Oliverson), Abigail Acevedo, Maria D. Ambriz, Kevin Baker, Samuel Bangura, Ruth Barrera, Jason Briseno, Candace Broadhurst, Natalie Burnau, Kyla Carter, Claudia Cavazos, Rosa Chapa, Tiffany Coleman, Ana Conwright, Stacy Crivello, Andrew De La Rosa, T. Deshay, Adrien Dominguez, Vanessa Dubarry, Martha Eppinette, Karen Graham, Robert Fahy, Tara Jahani, Connie Jarrell, Jacob Jarrell, Cynthia Jones, Jessilyne U. Kingto, Anna Laplante, Paul Level, Nicholas Malleris, Tara Malloy, Melonie Miller, Ziba Minavi, Suheidy Molina, Janet Murphy, Nancy Obarr, Betsy D. Otega, Jack Pearcey, Leslie Perkins, Shane Perkins, Anna Popovchuk, Margarita Rivera, Trevor Rogas, Tommi Ross, Theodore Ryan, Danny Sandhu, Kelsey Slater, Mark Smith, Dexter Spurs, Amber Toth, Angela M. Utsey, Maria Valente, Isabella Victoria-Otero, Kelsey Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Hunter Wilson, Delia Wood, and Nancy Wyatt)

RESPONSE 5: 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. In addition, 30 TAC § 101.5 prohibits the discharge of uncombined water or other materials which cause or have a tendency to cause a traffic hazard or an interference with normal road use. As described in Response 24, individuals are encouraged to report any concerns about suspected noncompliance with the terms of any permit or other environmental regulation by contacting TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

As described in Response 13, 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 6: Odor/ Nuisance

Commenters expressed concern about potential odors and dust that may be emitted from the facility.

(Aaron M. Kelsay, Astha Pradhan, Kielan Snyder, Erica Wease, and Alex Zelaya)

RESPONSE 6: When a company operates in compliance with the proposed permit there should be no deterioration of air quality or the generation of dust such that it impacts visibility. While nuisance conditions are not expected if the facility is operated in compliance with the terms of the permit, operators must also comply with 30 TAC § 101.4, which prohibits nuisance conditions. 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. As described in Response 24, 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 Houston Regional Office

at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

COMMENT 7: Public Meeting / Hearing Request

Commenters requested a public meeting and a contested case hearing. Commenters expressed concern about not being able to access the meeting due to a clear bag policy at the meeting venue.

(Maria D. Ambriz, Samantha Battle, Heather Black, Donna Brinson, Stacy Crivello, Ana Fernandez, Ryan Hougland, Tara Jahani, Jessilyne U. Kingto, Julie A. Martinez, Ziba Minavi, Lizzette Morales, Liz Nevar, Betsy D. Otega, Jack Pearcey, Astha Pradhan, Jason Smith, Kelsey Villa, Hunter Wilson, Nancy C. Wyatt, Daniel Yantosca, Lina Ying, and Alex Zelaya)

RESPONSE 7: TCEQ rules generally 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. TCEQ rules also require that a public meeting be held if requested by any interested person for Prevention of Significant Deterioration (PSD) and Nonattainment permits subject to 30 TAC Chapter 116, Subchapter B, and Hazardous Air Pollutant [HAP] permits subject to 30 TAC Chapter 116, Subchapter E. *See* 30 TAC § 55.154(c)(2). A public meeting was held on April 30, 2026, at Berry Center of Northwest Houston, 8877 Barker Cypress Road, Cypress, Texas, 77433. The notice of public meeting was mailed on March 12, 2026, and the public comment period ended on April 30, 2026.

The public meeting was held in Harris County, the county in which the facility is proposed to be located as specified in 30 TAC § 55.154. The rules does not specify the safety requirements of the public meeting venue and therefore the meeting was held in accordance with the rules.

Any member of the public may submit comments on an application. This Response is the written response to all formal comments received during the comment period, which closed on April 30, 2026, for the application. A letter explaining how to obtain an electronic copy or request 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.

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 contested case hearing at the State Office of Administrative Hearings to challenge the Executive Director's decision on an application.

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

COMMENT 8: Public Notice

Commenters expressed concerns that the public notice was inadequate, that the online and newspaper notice was not sufficient to alert the public about this project, and that the newspaper selected for public notice was not appropriate. Commenters asked if they would receive direct notice, and if they could be added to a mailing list to receive notice. Commenters also questioned if the sign posting requirements were met.

(Maria D. Ambriz, Kevin Baker, Samuel Bangura, Tara Jahani, Jacob Jarrell, Cynthia Jones, Jessilyne U. Kingto, Anna Laplante, Nicholas Malleris, Ziba Minavi, Betsy D. Otega, Jack Pearcey, Anna Popovchuk, Trevor Rogas, Tommi Ross, Theodore Ryan, Gloria Soltero, Dexter Spurs, Amber Toth, Angela Utsey, Isabella Victoria-Otero, Kelsey Villa, Luis Villalobos, Margaret Watzke, Hunter Wilson, and Nancy Wyatt)

RESPONSE 8: 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, Texas Health and Safety Code (THSC) § 382.056 requires that an applicant 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, 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 20, 2025, in *The Waller Times* and in Spanish on August 21, 2025, in *El Perico*. The combined notice of public meeting and Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 26, 2026, in English in *The Waller Times* and in Spanish on March 26, 2026, in *El Perico*. 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.

The Waller Times is recognized by TCEQ as a newspaper of general circulation in the municipality. All public notice requirements in 30 TAC § 39.603 were met by the Applicant. See Response 10 for more information on how to be added to a mailing list to receive notice of further updates.

Under 30 TAC § 39.604, signs must be placed at the site of the existing or proposed facility. The signs must state that an air permit application has been filed, the proposed permit number, and how the public may contact the commission for further information.

Each sign placed at the site must be located within ten feet of every property line paralleling a public highway, street, or road. Signs must also be visible from the street, meet lettering requirements, meet size requirements, and be spaced at not more than 1,500-foot intervals. A minimum of one sign, but no more than three signs are required along any property line paralleling a public highway, street, or road. Finally, in cases which notice is required to be published in an alternative language, the Applicant must also post signs in the applicable alternative language.

The Applicant provided verification to the Office of the Chief Clerk in accordance with 30 TAC § 39.605 that signs were posted at the proposed site in accordance with 30 TAC § 39.604.

COMMENT 9: Public Participation / Submittal of Public Comments

Commenters expressed interest in submitting public comments, and requested the ability to participate in the decision-making process.

(Candace Broadhurst, Jessilyne U. Kingto, Ziba Minavi, Margarita Rivera, Becky Sawyer, Michael Shinn, Erica Wease Shott, Gloria Solero, and Luis Villalobos)

RESPONSE 9: TCEQ welcomes public participation in the permitting process. The public notice and public participation rules applicable to this application are described in the responses above. As stated in the public notice of the application, TCEQ accepts comments both electronically and in writing. As previously stated, the public comment period ended on April 30, 2026. The public notices contained the mailing address of TCEQ's Office of the Chief Clerk to which public comments may be mailed. In addition, TCEQ's Public Education Program Office is available toll free at 1-800-687-4040 to assist members of the public with questions about the permit application or the permitting process. Information on public meetings, contested case hearings, providing comments, requesting accommodations, and more can be found on TCEQ's website at www.tceq.texas.gov/goto/participation. See Response 12 for more information about the permitting process.

COMMENT 10: Mailing List

Commenters requested that they be added to a distribution list to receive direct notice of newspaper publication.

(Astha Pradhan, William O. Lathan, Olivia Lee, Ziba Minavi, and Sarah Utley)

RESPONSE 10: TCEQ maintains mailing lists and will mail notice to persons who request to be on the mailing list for any particular permit application and provide a mailing address.

As of June 13, 2025, citizens may sign up for permit notices by e-mail by filling out an online form to receive emailed public notices by permit number, county, or ZIP code. This can be found on TCEQ's website at:

<https://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/public-participation-opportunities-for-different-types-of-permits>. Under 'For More Information', click 'Sign up for Permit Notices by Email'. The direct link to

sign up is: <https://ctaep.tceq.texas.gov/PNE/>. These emailed notices are offered as a courtesy, and are not part of the formal mailing list.

COMMENT 11: Access to Permit Documents

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

(Erica Wease Shott)

RESPONSE 11: 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 TCEQ's website at <https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices>.

Additionally, Title 30 TAC Chapter 39 Subchapter H, Applicability and General Provisions requires the Applicant to provide a copy of the application at a public place in the county in which the facility is located or proposed to be located. The rules also require that the application, including any subsequent revisions to the application, be available for review for the duration of the comment period. The Applicant represented that the application was made available at the Harris County Northwest Branch Public Library, located at 11355 Regency Green Drive, Cypress, TX, 77429. In addition, a copy of the application was also available at TCEQ Regional Office, located at 5425 Polk St H, Houston, TX 77023, and the TCEQ Central Office, located at 12100 Park 35 Circle, Austin, TX 78753.

COMMENT 12: Application Review Process

Commenters expressed concern regarding the permit application review process.

(Samuel Bangura, Kenyatta Bangura, Cristina Carlos, Derrick Davies, Robert Fahy, Ziba Minavi, Danny Sandhu, and Daniel Yantosca)

RESPONSE 12: 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. 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.

The first step of the application review process is an administrative review which verifies the following:

- The correct application was submitted;
- The application form and TCEQ Core Data Form have been signed by the Responsible Official;
- The company is an entity legally entitled to do business in Texas;
- The information is accurately recorded in TCEQ's Central Registry;
- The appropriate application fee was received;

- The mailing addresses for the company and site are USPS validated; and
- There are no delinquent fees owed by the company.

Additionally, the administrative reviewer completes the draft first public notice package. Once a project is declared administratively complete, the application and the NORI are made available for public review.

The air quality permit application then undergoes a technical review. During the technical review, the permit reviewer evaluates the following:

- All sources of air contaminants at the proposed facility have been properly identified;
- Appropriate controls have been proposed for each emission source, including Best Available Control Technology (BACT) at a minimum;
- Emission calculations have been completed correctly using approved methodology and appropriate emission factors;
- Proposed emissions meet applicable state and federal requirements to be considered protective;
- Compliance history for the site and the operator; and
- Public notice requirements are fulfilled.

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 Executive Director may suspend or void the application. The review does not start over, rather the review continues until all information is verified.

Once all emission rates have been verified, the draft permit is created. The draft permit includes a Maximum Allowable Emissions Rate Table (MAERT) which limits the quantity of emissions an applicant can emit into the atmosphere. The emissions tabulated in the MAERT are also used as the input for the air dispersion modeling evaluation to determine if any adverse effects to public health, welfare, or physical property are expected to result from a facility's proposed emissions. The draft permit also includes the operational representations which are documented in the draft Special Conditions and are the basis upon which the emissions were determined.

COMMENT 13: Location / Zoning

Commenters expressed concern regarding the location of the facility and whether it complies with current local zoning ordinances. Commenters expressed concern regarding the location of the facility and the proximity to residences and residential communities, including Jubilee, Ranch Country, Grand Prairie, Becker Landing, Dellrose, Windrow, and Stone Creek Ranch. Commenters also expressed concern regarding the location of the facility and the proximity to public areas, including public parks, walking trails, lakes, recreational areas, places of worship, and schools, including Roberts Road Elementary School and Warren Ranch High School. Commenters also commented that the proposed plant should be located somewhere else and requested greater buffer and facility setback distances. Commenters asked if impacts could be lessened if the facility was built in a different location.

(Jose Ascencio, Samantha Battle, Kevin Baker, Samuel Bangura, Kenyatta Bangura, Leslie M. Banks, Ruth Barrera, Kristen Belote, Tyra Booe, Nathan Bourgeois, Donna Brinson, Jason Briseno, Candace Broadhurst, Katelyn Brubaker, Natalie Burnau, Cristina Carlos, Kyla Carter, Rosa Chapa, Ana Conwright, Stacy Crivello, Derrick Davies, T. Deshay, Adrien Dominguez, Vanessa Dubarry, Martha Eppinette, Robert Fahy, Ana Fernandez, John Flores, Rebeca Garcia, James Graff, Karen Graham, Pat B. Guillory, Callie Hasselbring, Ryan Hougland, Brent Howe, Rana Humphrey, Laura Irwin, Tara Jahani, Kenda Jamali, Angel Jaramillo, Connie Jarrell, Jacob Jarrell, Jade V. Jimenez, Amy Johnson, Aaron M. Kelsay, Barb King, Stephanie Kirtley, Anna Laplante, Alejandra Leshinski, Ronald Franklin Leshinski, Paul Level, De Lindsey, Thami Lively, Julie Ann Martinez, Yisel Martinez, Nicholas Malleris, Tara Malloy, Mariana Mejia, Melonie Miller, Ziba Minavi, Suheidy Molina, Lizzette Morales, Sheryl Moreno, Natasha Morillo, Angel J. Muniz, Emma Mustovic, Liz Nevar, Nancy Obarr, Betsy D. Otega, Jack Pearcey, Steven Pecha, Leslie Perkins, Shane Perkins, Michele Petersen, Anna Popovchuk, Astha Pradhan, Jillian Elizabeth Pratho, Tania Ramirez, Margarita Rivera, Karin Roberts, Tilly Roberts, Trevor Rogas, Tommi Ross, Theodore Ryan, Danny Sandhu, Luis Sanchez Sanchez, Michael Shinn, Kelsey Slater, Jason Smith, Mark Smith, Gloria Solero, Jon Spoon, Dexter Spurs, Matthew M. Stine, Marilyn Teague, Monica Torres, Amber Toth, David Turner, Angela Utsey, Isabella Victoria-Otero, Luis Villalobos, Kelsey Villa, Margaret Watzke, Erica Wease, Lauren Webb, Hunter Wilson, Amber Wittingham, Delia Wood, Nancy Wyatt, Daniel Yantosca, Lina Ying, and Alex Zelaya)

RESPONSE 13: 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. Zoning is beyond the authority of TCEQ to consider when reviewing air quality permit applications. The issuance of a permit does not override any local zoning requirements that may be in effect and does not authorize an applicant to operate outside of local zoning requirements. Commenters may wish to contact local (i.e., city or county) zoning authorities with questions or concerns relating to the location of the facility. Regarding facility setback distances, the Applicant is bound by their representations in the application. Please see the application plot plan/map for specific emission point locations in relation to the property line.

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 Houston Regional Office at 713-767-3500 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 14: Traffic / Trucks / Roads / Public Infrastructure

Commenters expressed concern regarding truck traffic, diesel emissions, spillage of debris from the truck traffic, and damage to roads and public infrastructure. Commenters expressed general safety concerns due to truck traffic. Commenters

stated that “mobile source” emissions must be considered as part of the total impact of granting the permit.

(Abigail Acevedo, Kevin Baker, Ruth Barrera, Samantha Battle, Tyra Booe, Donna Brinson, Jason Briseno, Candace Broadhurst, Natalie Burnau, Kyla Carter, Rosa Chapa, Cristina Carlos, Stacy Crivello, Louis Edwards, Martha Eppinette, Robert Fahy, Ana Fernandez, Rebeca Garcia, Karen Graham, Tara Jahani, Connie Jarrell, Jacob Jarrell, Amy Johnson, Cynthia Jones, Aaron M. Kelsay, Barb King, Anna Laplante, Thami Lively, Nicholas Malleris, Julie Ann Martinez, Mariana Mejia, Suheidy Molina, Lizzette Morales, Sheryl Moreno, Ziba Minavi, Janet Murphy, Emma Mustovic, Liz Nevar, Betsy D. Otega, Jack Pearcey, Leslie Perkins, Shane Perkins, Astha Pradhan, Jillian Elizabeth Pratho, Anna Popovchuk, Margarita Rivera, Trevor Rogas, Theodore Ryan, Danny Sandhu, Daya Scott, Mark Smith, Jason Smith, Kielan Snyder, Gloria Solero, Dexter Spurs, Marilyn Teague, Amber Toth, Angela Utsey, Kelsey Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Hunter Wilson, Nancy Wyatt, and Lina Ying)

RESPONSE 14: As previously stated, TCEQ's jurisdiction is established by the Texas Legislature and is limited to the issues set forth in statute. For many authorizations, TCEQ does not have jurisdiction to consider traffic issues when determining whether to approve or deny a permit application. TCEQ does not have authority under the TCAA to regulate emissions from mobile sources. The scope of the agency's regulatory jurisdiction does not affect or limit the ability of a landowner to seek relief from a court in response to activities that interfere with the landowner's use and enjoyment of their property. Commenters may contact the [Texas Department of Transportation \(TxDoT\)](#) for any state highway-related concerns. For any concerns related to city- or county-maintained roads, commenters may contact their local, city, or county public works or roads/streets department.

COMMENT 15: Noise / Light

Commenters expressed concern regarding noise and light pollution from the proposed project.

(Kevin Baker, Ruth Barrera, Heather Black, Tyra Booe, Jason Briseno, Candace Broadhurst, Alex Brockman, Cristina Carlos, Kyla Carter, Karen Graham, Jason Briseno, Natalie Burnau, Rosa Chapa, Adrien Dominguez, Louis Edwards, Martha Eppinette, Karen Graham, Tana Jahani, Connie Jarrell, Jacob Jarrell, Cynthia Jones, Anna Laplante, Aaron M. Kelsay, Nicholas Malleris, Mariana Mejia, Ziba Minavi, Betsy D. Otega, Jack Pearcey, Anna Popovchuk, Astha Pradhan, Jillian Elizabeth Pratho Margarita Rivera, Trevor Rogas, Tommi Ross, Theodore Ryan, Danny Sandhu, Gloria Solero, Dexter Spurs, Amber Toth, Angela Utsey, Kelsey Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Hunter Wilson, and Nancy Wyatt)

RESPONSE 15: 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. Also, TCEQ does not have the authority to address issues regarding light pollution as part of the permitting process. As previously stated, 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 light pollution or noise from a facility when determining whether to approve or deny a permit application. Commenters may wish to contact local authorities (i.e., city or county) to inquire if there are any applicable local light or noise

ordinances in the area where the facility is located. Commenters may wish to contact local law enforcement authorities with questions or complaints about noise.

COMMENT 16: Quality of Life / Property Values / Aesthetics

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 the effects on students at nearby schools, including increased absenteeism and lower academic performance. Commenters expressed concern about possible devaluation of property in the area, and impacts on the growth and character of the community.

(Maria D. Ambriz, Kevin Baker, Keegan Banister, Kenyatta Bangura, Ruth Barrera, Samantha Battle, Heather Black, Karen Brehar, Donna Brinson, Jason Briseno, Candace Broadhurst, Alex Brockman, Nohelli Brockman, Natalie Burnau, Theresa Buzek, Cristina Carlos, Kyla Carter, Rosa Chapa, Chris Cowdrey, Derrick Davies, Adrien Dominguez, Vanessa Dubarry, Louis Edwards, Martha Eppinette, John Flores, Ana Fernandez, Rebeca Garcia, James Graff, Karen Graham, Tad W. Hamilton, Rina Iglesias, Tara Jahani, Angel Jaramillo, Connie Jarrell, Jacob Jarrell, Amy Johnson, Cynthia Jones, Ana Juarez, Jessilyne U. Kingto, Penny Labree, Anna Laplante, Alejandra Leshinski, Ronald Franklin Leshinski, Thami Lively, Nicholas Malleris, Julie Ann Martinez, Mariana Mejia, Ziba Minavi, Lizzette Morales, Sheryl Moreno, Janet Murphy, Liz Nevar, Nancy Obarr, Betsy D. Otega, Jack Pearcey, Astha Pradhan, Leslie Perkins, Shane Perkins, Margarita Rivera, Trevor Rogas, Giuseppe Robbiano, Tommi Ross, Theodore Ryan, Anna Popovchuk, Danny Sandhu, Jason Smith, Gloria Solero, Jon Spoon, Dexter Spurs, Connie M. Steck, Shemiah Sigee, Mark Smith, Lloyd Camilo Steele, Marilyn Teague, Amber Toth, Angela Utsey, Kelsey Villa, Luis Villalobos, Hunter Wilson, Margaret Watzke, Erica Wease, Amber Winningham, Delia Wood, Nancy Wyatt, Mayra Yantosca, Lina Ying, and Alex Zelaya)

RESPONSE 16: TCEQ does not have the authority to consider potential effects from plant location, zoning and land use issues, or quality of life when determining whether to approve or deny an air permit. 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. However, the issuance of a permit does not authorize injury to persons or property or invasion of other property rights or violation of state or local law or regulation. 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 17: Mental Health and Financial Well-Being

Commenters expressed concern about the mental and financial well-being of the people in the area due to the proposed plant. Commenters expressed concern regarding the negative impact on mental health due to the proposed project.

(James Graff, Melonie Miller, and Delia Wood)

RESPONSE 17: The TCAA does not give TCEQ authority to regulate air emissions beyond the direct impacts (inhalation) that the air emissions have on human health or welfare. In addition, the TCAA specifically address air-related issues. This permit, if issued, would regulate the control and abatement of air emissions only.

COMMENT 18: Best Available Control Technology (BACT)

Commenters questioned the control technology proposed in the application, specifically frequency of stack testing, if the site was subject to a continuous emissions monitoring system (CEMS). Commenters questioned effectiveness of VOC controls, and if the vapor recovery technology and the leak detection and repair protocols (LDAR) were strict enough. Commenters also requested the site use hard piping to control fugitive emissions.

(Maria D. Ambriz, Latrice Babin (on behalf of Harris County Pollution Control Services), Kenyatta Bangura, Tyra Booe, Derrick Davies, William O. Lathan (on behalf of Harris County Pollution Control Services), Jillian Elizabeth Pratho, Kielan Snyder, Gloria Solero, and Alex Zelaya)

RESPONSE 18: 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. 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 BACT, 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 emissions.³ 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

³ See THSC § 382.0518. See also 30 TAC § 116.111.

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.

The Applicant utilized TCEQ's tiered BACT approach and has represented in the permit application that Tier I BACT will be used for all facilities authorized by this project. Use of appropriate control measures will decrease the amount of air contaminants emitted into the atmosphere by this plant. The contaminants authorized by this permitting action will be particulate matter (PM), carbon monoxide (CO), volatile organic compounds (VOCs), nitrogen oxides (NO_x), sulfur dioxide (SO₂), and hazardous air pollutants (HAPs). The primary control measures proposed for this plant are identified as follows:

Source Name	EPN (Emission Point Number)	Best Available Control Technology Description
Product Tank 1 - 6	Tank 1 - 6	VOC: The TCEQ Tier I BACT guidelines for storage tanks with an internal floating roof with TVP <11.0 psia include a white or aluminum exterior and drain dry design. For tank seals, TCEQ accepts either Alternative 1: mechanical or liquid-mounted primary seal, or Alternative 2: vapor-mounted primary seal and rim-mounted secondary seal. The Applicant represented white exteriors, drain dry design, a mechanical primary seal,

Source Name	EPN (Emission Point Number)	Best Available Control Technology Description
		and rim mounted secondary seal. This meets Tier I BACT. MSS (Maintenance, Startup, and Shutdown): The TCEQ Tier I BACT guidelines for internal floating roof MSS operations require air emissions to be sent to a control device when degassing. MSS controls must be maintained until the VOC concentration is less than 10,000 ppmv VOC (or equivalent for non-VOCs). If there is any standing liquid within the tank, and the tank is opened to the atmosphere or ventilated, the vapor stream must be controlled until there is no standing liquid or the VOC vapor pressure is less than 0.02 psia. When the tank roof is refloated on top of the liquid stored, emissions must be sent to a control device if emissions from filling tanks without degassing and cleaning is > 5tpy. If emitting the tank roof landing emissions through a fixed roof vent, all emissions must be sent to a control device during entire tank refill. New tanks must be designed to be drain dry with connections to control vapors under a landed roof. When a tank roof is landed, under-roof degassing must start within 24 hours of landing. The tank must be degassed every 24 hours unless no standing liquid in tank or vapor pressure of liquid in tank has a VOC partial pressure <0.02 psi. The applicant represented the tank will be designed to be drain dry with connections to control vapors under a landed roof, and emissions will be routed to a VCU. Controlled degassing must be maintained until the VOC concentration is less than 10,000 ppmv. If there is any standing liquid within the tank, and the tank is opened to the atmosphere or ventilated, the vapor stream must be controlled until there is no standing liquid or the VOC vapor pressure is less than 0.02 psia per SC No 24. Degassing of the vapor space under the floating roof must begin within 24 hours of landing and degassing must be performed every 24 hours unless no standing

Source Name	EPN (Emission Point Number)	Best Available Control Technology Description
		liquid is in the tank or vapor pressure of the liquid in the tank is <0.02psi. This meets Tier I BACT.
Additive Tank ADD-1 - 5	ADD-1 - 5	VOC: Tier I BACT guidelines for fixed roof tanks with a capacity less than 25,000 gallons or storing material <0.5 psia include use of a fixed roof with submerged fill. Uninsulated exterior surfaces must be white or aluminum. The Applicant represented submerged fill pipes and white exteriors. This meets Tier I BACT. MSS: Tier I BACT guidelines for MSS for fixed roof tanks with a capacity less than 25,000 gallons or storing material <0.5 psia require liquid to be sent to a covered vessel. If there is any standing liquid within the tank, and the tank is opened to the atmosphere or ventilated, the vapor stream must be controlled until there is no standing liquid or the VOC vapor pressure is less than 0.02 psia. Control devices must meet BACT. The Applicant represented that liquid would be sent to a covered vessel. If there is any standing liquid within the tank, and the tank is opened to the atmosphere or ventilated, the vapor stream will be controlled by a VCU until there is no standing liquid or the VOC vapor pressure is less than 0.02 psia. This meets Tier I BACT.
OWS Sump	SUMP-1	Tier I BACT guidelines for fixed roof tanks with a capacity less than 25,000 gallons or storing material <0.5 psia include the use of a fixed roof with submerged fill. Uninsulated exterior surfaces must be white or aluminum. The Applicant represented submerged fill pipes and white exteriors. This meets Tier I BACT.
Truck Loading Vapor Recovery Unit	VRU	Truck Loading: Tier I BACT guidelines for truck loading requires VOC that have a vapor pressure greater than or equal to 0.5psia must be sent to a VOC control device and meet the specific device requirements. The site must

Source Name	EPN (Emission Point Number)	Best Available Control Technology Description
		collect at least 98.7% of VOCs from loading operations and meet annual leak check standards stated in NSPS XX. The Applicant represented vacuum loading with a 100% collection efficiency routed to a VRU (and regenerative carbon adsorption unit) meeting NSPS XXa requirements. This meets Tier I BACT. Gasoline Terminal Vapor Recovery Unit: Tier I BACT guidelines for a vapor recovery unit connected to a regenerative carbon adsorption system (CAS) include temperature monitoring, initial stack testing, a minimum of two carbon canisters in parallel, continuous emissions monitor (CEMs) on the carbon bed outlet vent(s), that will monitor vacuum is working correctly when emissions are sent to it for control. Breakthrough is when the filter is reaching capacity and cannot capture air emissions. The CAS's breakthrough limit should fall between 20-100 ppm based on vendor representations for specific compounds. If filter is approaching maximum capacity, an automatic alarm must sound and automatically shutdown the unit. The Applicant represented temperature monitoring, initial stack testing requirements, a continuous emissions monitor (CEM) on the carbon bed outlet vent(s), and monitoring that the vacuum is working correctly when emissions are sent to it for control. The CAS has a breakthrough concentration limit of 100 ppm for specific compounds. An automatic alarm will sound once the filter is approaching maximum capacity and automatic shutdown if breakthrough occurs. This meets Tier I BACT.
Ethanol Unloading Disconnects	UNLD	Please see Truck Loading BACT under the VRU.
Piping Fugitives	FUG	Tier I BACT guidelines state that for fugitives with uncontrolled VOC emissions less than 10 tpy, additional controls are not required.

Source Name	EPN (Emission Point Number)	Best Available Control Technology Description
		The Applicant represented monthly inspections per 28PET AVO program. This meets Tier I BACT.
Uncontrolled MSS Emissions	MSS-U	Tier I BACT guidelines for internal floating roof MSS operations require air emissions to be sent to a control device until the VOC concentration reach low enough levels (less than 10,000 ppmv VOC (or equivalent for non-VOCs)). The Applicant represented that they will send emissions to the VCU until the VOC concentration is less than 10,000 ppmv VOC. This meets Tier I BACT.
Controlled MSS Emissions	MSS-C	Tier I BACT guidelines for vapor combustor units include a 99% destruction efficiency, temperature monitoring, and initial stack testing. The Applicant represented a 99% destruction efficiency, and temperature monitoring. The VCU is a temporary, portable facility so rented units cannot be stacked tested by Magellan. The VCU is limited to operating only 432 hours per year. This meets Tier I BACT.
MSS Air Mover and Vacuum Mover	VAC	For MSS vacuum truck loading, Tier I BACT is the same as routine Truck Loading Tier I BACT, which is submerged or bottom loading with no splash loading for liquids loaded with a vapor pressure of less than 0.5 psia. The vacuum loading will be submerged or bottom loading with no splash loading for liquids loaded with a vapor pressure of less than 0.5 psia. This meets Tier I BACT.

VOC Controls

VOCs are emitted from EPNs Tank 1-6, ADD-1 -5, SUMP-1, VRU, UNLD, FUG, MSS-U, MSS-C and VAC. Please see the table above for specific control technologies applied to each source. All facilities that emit VOC meet TCEQ's Tier I BACT standards.

Stack Testing and CEMS

Stack testing is a Tier I BACT requirement which establishes the actual pattern and quantities of air contaminants emitted from the VRU. The results are reported to the TCEQ Regional Office and each local air pollution control program. This allows for the

Applicant and regulatory authorities, such as TCEQ, to confirm the unit is emitting below its permitted amount as listed on the MAERT. While stack testing of the VRU is only required once within the startup window of "60 days after achieving the maximum operating rate, but no later than 180 days after initial start-up of the facilities," these numbers are continuously monitored by the CEMS. CEMS take readings instance to instance of real-time emission data, which are reduced to one-hour average concentrations daily. This ensures the Applicant is within the limits established in the MAERT.

Leak Detection and Repair

LDAR programs are used to inspect fugitive components to identify leaks either by using instruments or in limited cases, by physical inspections. Leaks identified by the inspections are then repaired within a specified time period, thus reducing the emissions. These programs are differentiated by leak definition, vapor pressure, and directed versus non-directed maintenance.⁴ Here, the Applicant demonstrated compliance with 28PET(AVO) LDAR program and TCEQ staff conducted a technical review in which calculations showed uncontrolled VOC emissions for the site were below 10 tpy. TCEQ Tier I BACT currently requires no controls for fugitives with VOC emissions below 10 tpy, but the Applicant will exceed this with monthly AVO checks.

Hard Piping for Fugitives

TCEQ's statutory authority does not allow the agency to specify the engineering design of the fugitive piping. However, the equipment leak fugitive piping emissions were reviewed through replicating emission calculations and double checking if appropriate factors were used. The fugitives also underwent a health effects impact review as detailed in Response 1.

COMMENT 19: Emergency / Evacuation / Upset Events

Commenters expressed concerns about safety of the facility, including concerns related to fire hazards, spills, shelter in place events, emission events, unauthorized releases, forced evacuations, and emergency response times. Commenters ask how neighbors and the nearby school would be notified in the case of an accident and whether there is an evacuation plan.

(Maria D. Ambriz, Kevin Baker, Ali Balouch, Ruth Barrera, Heather Black, Tyra Booe, Jason Briseno, Candace Broadhurst, Natalie Burnau, Stacy Crivello, Andrew De La Rosa, Adrien Dominguez, Vanessa Dubarry, Martha Eppinette, Rebeca Garcia, James Graff, Karen Graham, Tara Jahani, Connie Jarrell, Jacob Jarrell, Cynthia Jones, Amy Johnson, Aaron M. Kelsay, Jessilyne U. Kingto, Anna Laplante, Thami Lively, Nicholas Malleris, Ziba Minavi, Emma Mustovic, Betsy D. Otega, Jack Pearcey, Anna Popovchuk, Jillian Elizabeth Pratho, Tania Ramirez, Margarita Rivera, Trevor Rogas, Tommi Ross, Theodore Ryan, Luis Sanchez Sanchez, Kelsey Slater, Jason Smith, Dexter Spurs, Amber Toth, Angela Utsey, Isabella Victoria-Otero, Kelsey Villa, Luis Villalobos, Margaret Watzke, Erica Wease, Hunter Wilson, Nancy C. Wyatt, Daniel Yantosca, and Alex Zelaya)

⁴ See Air Permits Division, Air Permit Reviewer Reference Guidance APDG 6422, Air Permit Technical Guidance for Chemical Sources Fugitive Guidance, Tex. Comm'n on Env'tl. Quality 7-9 (June 2018), <https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/fugitive-guidance.pdf>.

RESPONSE 19: TCEQ takes health and environmental concerns seriously. The proposed permit meets all federal and state regulatory requirements and is protective of human health and the environment. If you have been adversely impacted by emissions from the facility, you may file a complaint with TCEQ Houston Regional Office at 713-767-3500 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186).

In the event of an emergency, the Local Emergency Planning Committee and the regulated entity have the primary responsibility of notifying potentially impacted parties regarding the situation. In addition, regulated entities are required to notify TCEQ regional office within 24 hours of the discovery of an emissions event, and in advance of maintenance activities that could or have resulted in excess emissions.

Proposed projects which involve toxic chemicals that are known or suspected to have potential for life threatening effects upon off-facility property in the event of a disaster and involve manufacturing processes that may contribute to the potential for disastrous events, may require a disaster review for the application. This application did not require a disaster review.

Accordingly, the draft permit's MAERT lists the only emissions authorized to be emitted from the proposed project. TCEQ defines an upset event as an unplanned or unanticipated occurrence or excursion of a process or operation that results in unauthorized emissions of air contaminants. An upset event that results in unauthorized emissions from an emission point is an emissions event. If an upset occurs, the permit holder must comply with the requirements in 30 TAC § 101.201 regarding the recording and reporting of emission events. If the permit holder fails to report in accordance with 30 TAC § 101.201, the commission may initiate enforcement action for failing to report the underlying emissions event itself. Emissions from historical unplanned emission events or upsets are not included in the impact analysis as the NSR permit does not authorize upset events.

COMMENT 20: 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.

(Kielan Snyder)

RESPONSE 20: 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 21: Environmental Justice

Commenters raised concerns regarding the environmental justice implications of this project. Commenters raised concerns that the site location was chosen due to the community largely being made up of people of color.

(Kenyatta Bangura, Tyra Booe, Cristina Carlos, Tara Malloy, Jillian Elizabeth Pratho, and Tania Ramirez)

RESPONSE 21: Air permits evaluated by TCEQ are reviewed without reference to the socioeconomic or racial status of the surrounding community. TCEQ is committed to protecting the health of the people of Texas and the environment regardless of location. A health effects review was conducted for the proposed facilities during the permit review and the permit was found to be protective of human health and the environment.

TCEQ encourages participation in the permitting process. The Office of the Chief Clerk works to help the public and neighborhood groups participate in the regulatory process to ensure that agency programs that may affect human health or the environment operate without discrimination and to make sure that concerns are considered thoroughly and are handled in a way that is fair to all. You may contact the Office of the Chief Clerk at 512-239-3300 for further information. More information may be found on TCEQ website: [Title VI Compliance at TCEQ - Texas Commission on Environmental Quality - www.tceq.texas.gov](http://www.tceq.texas.gov)

COMMENT 22: Corporate Profits / Company Experience with Facility Type

Commenters questioned the corporate profits made by this project at a cost to the surrounding community. Commenters expressed concern about a past incident from one of the Applicant's other sites.

(Ali Balouch, De Lindsey, Tommi Ross, Mark Smith, Amber Toth, and Delia Wood)

RESPONSE 22: 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 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. However, TCEQ does consider an applicant's compliance history, as described in Response 23.

COMMENT 23: Compliance History

Commenters asked about the compliance history of the Applicant and site. Commenters expressed concern about an incident involving the Applicant in another state.

(Kenyatta Bangura, Jillian Elizabeth Pratho, and Delia Wood)

RESPONSE 23: 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.

This site has a rating of N/A and a classification of Unclassified. The company rating has a rating of 0.06, and a classification of High. This means that the company complies with environmental regulations extremely well. The site has a rating of N/A and classification of 'Unclassified', as the site is new. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 24: Complaints / Violations / Enforcement

Commenters asked about how permit compliance is monitored, who is responsible for maintaining TCEQ complaints and follow-ups, and what further action can be taken if a plant does not adhere to complaints after a certain time frame. Commenters asked about the consequences of violating the terms of the permit and expressed interest in collecting evidence of violations.

(Abigail Acevedo, Kenyatta Bangura, Jillian Elizabeth Pratho, and Daniel Yantosca)

RESPONSE 24: There are a number of mechanisms by which TCEQ monitors compliance with permit conditions and state and federal regulations. To the extent that personnel, time, and resources are available, TCEQ investigates permit operations to ensure compliance with applicable rules and regulations. While TCEQ acts as the state-level authority for environmental enforcement matters, TCEQ also relies upon local air pollution control programs regarding enforcement matters for facilities that are under local air quality program jurisdiction. A list of each local air pollution control program in Texas, with addresses and phone numbers, can be found on TCEQ's website at: https://www.tceq.texas.gov/permitting/air/local_programs.html.

Although specific to each site, investigations generally explore the entire operation of the plant. The investigation schedule may be increased if violations are found, repeated, or if a regulated entity is classified as an unsatisfactory performer. Notices of Violation (NOVs) are public information. Additionally, the public is able to track complaints on TCEQ website by complaint tracking number, date, county, TCEQ region, or regulated entity/customer name or number (<http://www2.tceq.texas.gov/oce/waci/index.cfm>).

TCEQ regional offices prioritize their responses to complaints based on the potential for adverse health effects associated with the alleged violation. For example, a "priority one" case means serious health concerns exist, and the case will be investigated immediately. A "priority four" case, on the other hand, means no immediate health concerns exist; therefore, it will be investigated within 30 days. Staff from TCEQ regional office reviews all complaints, and regional investigations are not limited by media. 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 Houston Regional Office at 713-767-3500 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. If a facility is found to be out of compliance with the terms and conditions of its registration, it may be subject to investigation and possible enforcement action.

Citizen-collected evidence may be used in such an enforcement 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 may provide information of possible violations of environmental law, and this information 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 Make an Environmental Complaint? 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 www.tceq.texas.gov (under Publications, search for Publication Number 278).

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.

COMMENT 25: TCEQ's Responsibility to the Community / General Opposition

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

(A B, Kevin Baker, Keegan Banister, Leslie M. Banks, Nelly A. Barajas, Kristen Belote, Jordan Blaise, Tyra Booe, Nathan Bourgeois, Karen Brehar, Jason Briseno, Alex Brockman, Nohelli Brockman, Katelyn Brubaker, Natalie Burnau, Theresa Buzek, Rosa

Chapa, Chris Cowdrey, Samuel S. Crane, Adrien Dominguez, Martha Eppinette, Stormy Fisch, Karen Graham, Pat B. Guillory, Tad W. Hamilton, Callie Hasselbring, Brent Howe, Rina Iglesias, Laura Irwin, Kenda Jamali, Connie Jarrell, Jacob Jarrell, Jade V. Jimenez, Cynthia Jones, Ana Juarez, Jessilyn U. Kingto, Stephanie Kirtley, Kim Kruger, Penny Labree, Anna Laplante, Ronald Franklin Leshinski, Alejandra Leshinski, Nicholas Malleris, Ziba Minavi, Sheryl Moreno, Natasha Morillo, Jillian Elizabeth Pratho, Anna Popovchuk, Arun Ram, Margarita Rivera, Giuseppe Robbiano, Trevor Rogas, Tommi Ross, Theodore Ryan, Becky Sawyer, Daya Scott, Michael Shinn, Shemiah Sigee, Astrid Solis, Jon Spoon, Dexter Spurs, Connie M. Steck, Linda Taylor, Marilyn Teague, Monica Torres, Amber Toth, David Turner, Angela Utsey, Maria Valente, Kelsey Villa, Luis Villalobos, Margaret Watzke, Amber Winningham, Nancy Wyatt, and Mayra Yantosca)

RESPONSE 25: TCEQ appreciates the comments and interest from the public in environmental matters before the agency and acknowledges the comments in opposition 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 26: Miscellaneous / Comments and Questions for Applicant

Commenters directed the following questions to the Applicant: How is water for the site sourced and which Municipal Utility District will provide water? Why did the Applicant choose this location? Are there going to be major revisions between the initial permit and a follow-up project?

(Grace Hundley (Office of Representative Tom Oliverson), Ziba Minavi)

RESPONSE 26: These comments are either outside the scope of the air permit review or addressed to the Applicant 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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