

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2024

MR THOMAS BALDASSARE
REGIONAL OPERATIONS MANAGER
FLINT HILLS RESOURCES INGLESIDE LLC
12550 TRINITY BLVD
EULESS TX 76040-7030

Re: Notice of Proposed Permit and Executive Director's Response to Public Comment
Renewal
Permit Number: O3454
Flint Hills Resources Ingleside, LLC
Ingleside Terminal
Ingleside, San Patricio County
Regulated Entity Number: RN100222744
Customer Reference Number: CN605721935

Dear Mr. Baldassare:

The Texas Commission on Environmental Quality (TCEQ) executive director's proposed final action is to submit a proposed federal operating permit (FOP) to the U.S. Environmental Protection Agency (EPA) for review. Prior to taking this action, all timely public comments have been considered and are addressed in the enclosed Executive Director's Response to Public Comment (RTC). The executive director's RTC also includes resulting modifications to the FOP, if applicable.

Any changes made to the permit since commencement of the public notice period are documented in the RTC. Additionally, the statement of basis (SOB) has been updated to reflect changes made to the permit.

As of March 26, 2024, the proposed permit is subject to an EPA review for 45 days, ending on May 10, 2024.

If the EPA does not file an objection to the proposed FOP, or the objection is resolved, the TCEQ will issue the FOP. If you are affected by the decision of the Executive Director (even if you are the applicant) you may petition the EPA within 60 days of the expiration of the EPA's 45-day review period in accordance with Texas Clean Air Act § 382.0563, as codified in the Texas Health and Safety Code and the rules [Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122)] adopted under that act. This paragraph explains the steps to submit a petition to the EPA for further consideration. The petition shall be based only on objections to the permit raised with reasonable specificity during the public comment period, unless you demonstrate that it was impracticable to raise such objections within the public comment period, or the grounds for such objections arose after the public comment period. Additional requirements for the content and formatting of petitions are specified in Title 40 Code of Federal Regulations Part 70 (40 CFR § 70.12). The EPA may only object to the issuance of any proposed permit which is not in compliance with the applicable requirements or the requirements of 30 TAC Chapter 122. The 60-day public petition period begins on May 11, 2024 and ends on July 9, 2024. Public petitions should be submitted to the TCEQ, the applicant and the EPA. Instructions on submitting a public petition to the EPA are available at the EPA website:

Mr. Thomas Baldassare
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<https://www.epa.gov/title-v-operating-permits/title-v-petitions>

Public petitions should be submitted during the petition period to the TCEQ and the applicant at the following addresses:

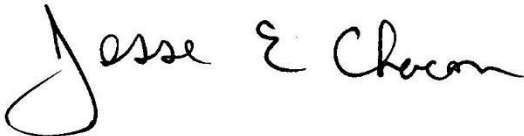
Texas Commission on Environmental Quality
Office of Air
Air Permits Division
Operational Support Section, MC-163
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Thomas Baldassare
Regional Operations Manager
Flint Hills Resources Ingleside LLC
12550 Trinity Blvd
Euless TX 76040-7030

Copies of the RTC, Proposed Permit and SOB may be found at the TCEQ Regional Office, TCEQ's Central File Room (CFR) located in Building E, Room 103 at TCEQ's Campus in Austin, Texas, or at TCEQ Records Online website https://records.tceq.texas.gov/cs/idcplg?ldcService=TCEQ_SEARCH. Guidance documents for conducting air permit related searches on TCEQ Records Online can be accessed at https://www.tceq.texas.gov/permitting/air/nav/air_status_permits.html.

Thank you for your cooperation in this matter. If you have questions concerning the processing of this permit application, please contact Mr. Vasant V. Chaphekar, P.E. at (512) 239-1341.

Sincerely,



Jesse E. Chacon, P.E., Manager
Operating Permits Section
Air Permits Division
Texas Commission on Environmental Quality

cc: Ms. Kristin Mahesaniya, Environmental Engineer, Flint Hills Resources, LC, Beaumont
Mr. Robert Sanger, Operations Manager, Flint Hills Resources Ingleside, LLC, Corpus Christi
Air Section Manager, Region 14 - Corpus Christi
Air Permit Section Chief, U.S. Environmental Protection Agency, Region 6-Dallas (Electronic copy)

Enclosure: Executive Director's Response to Public Comment
Proposed Permit
Statement of Basis
Modifications Made from the Draft to the Proposed Permit

Project Number: 33957

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2024

TO: COMMENTER/ INTERESTED PARTY

Re: Notice of Proposed Permit and Executive Director's Response to Public Comment
Renewal
Permit Number: O3454
Flint Hills Resources Ingleside, LLC
Ingleside Terminal
Ingleside, San Patricio County
Regulated Entity Number: RN100222744
Customer Reference Number: CN605721935

Dear Commenter/Interested Party:

This letter is being sent to members of the public who have commented on the referenced Title V federal operating permit (FOP) or who are on the Texas Commission on Environmental Quality (TCEQ) mailing list for the referenced permit maintained by the Office of the Chief Clerk. More information for getting placed on a mailing list is available at the TCEQ website:
<http://www.tceq.texas.gov/agency/decisions/participation/permitting-participation/public-participation-9-1-2015>.

The TCEQ executive director's proposed action is to issue a Renewal of FOP No. O3454 for the Ingleside Terminal in San Patricio County. Prior to taking this action, all timely public comments have been considered and are addressed in the enclosed Executive Director's Response to Public Comment (RTC). The executive director's RTC also includes resulting modifications to the FOP, if applicable.

Any changes made to the permit since commencement of the public notice period are documented in the RTC. Additionally, the statement of basis (SOB) has been updated to reflect changes made to the permit.

As of March 26, 2024, the proposed permit is subject to an EPA review for 45 days, ending on May 10, 2024.

If the EPA does not file an objection to the proposed FOP, or the objection is resolved, the TCEQ will issue the FOP. If you are affected by the decision of the Executive Director (even if you are the applicant) you may petition the EPA within 60 days of the expiration of the EPA's 45-day review period in accordance with Texas Clean Air Act § 382.0563, as codified in the Texas Health and Safety Code and the rules [Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122)] adopted under that act. This paragraph explains the steps to submit a petition to the EPA for further consideration. The petition shall be based only on objections to the permit raised with reasonable specificity during the public comment period, unless you demonstrate that it was impracticable to raise such objections within the public comment period, or the grounds for such objections arose after the public comment period. Additional requirements for the content and formatting of petitions are specified in Title 40 Code of Federal Regulations Part 70 (40 CFR § 70.12). The EPA may only object to the issuance of any proposed permit which is not in compliance with the applicable requirements or the requirements of 30 TAC

Commenter/ Interested Party

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Chapter 122. The 60-day public petition period begins on May 11, 2024 and ends on July 9, 2024. Public petitions should be submitted to the TCEQ, the applicant and the EPA. Instructions on submitting a public petition to the EPA are available at the EPA website:

<https://www.epa.gov/title-v-operating-permits/title-v-petitions>


Texas Commission on Environmental Quality
Office of Air
Air Permits Division
Technical Program Support Section, MC-163
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Thomas Baldassare
Regional Operations Manager
Flint Hills Resources Ingleside LLC
12550 Trinity Blvd
Euless TX 76040-7030

Copies of the RTC, Proposed Permit and SOB may be found at the TCEQ Regional Office, TCEQ's Central File Room (CFR) located in Building E, Room 103 at TCEQ's Campus in Austin, Texas, or at TCEQ Records Online website https://records.tceq.texas.gov/cs/idcplg?ldcService=TCEQ_SEARCH. Guidance documents for conducting air permit related searches on TCEQ Records Online can be accessed at https://www.tceq.texas.gov/permitting/air/nav/air_status_permits.html.

Thank you for your cooperation in this matter. If you have questions concerning the processing of this permit application, please contact Mr. Vasant V. Chaphekar, P.E. at (512) 239-1341.

Sincerely,



Jesse E. Chacon, P.E., Manager
Operating Permits Section
Air Permits Division
Texas Commission on Environmental Quality

Enclosure: Executive Director's Response to Public Comment

Project Number: 33957

Modifications Made from the Draft to the Proposed Permit

1. Revised Special Term and Condition 9 in the proposed permit as follows: "Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated November 10, 2023 in the application for project 33957), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment."
2. New Source Review Authorization References by Emissions Unit table in the proposed permit (pages 21-22) has been updated to include the emission units listed in the OP-PBRSUP tables.
3. New Source Review Authorization References table was updated to list NSR Permit Number 6606, effective 10/11/2022.
4. Revised the SOB to include a reference to the PBR Supplemental Table and Special Term and Condition 9 and an updated reference to NSR Permit Number 6606.
5. The Proposed Permit is revised to delete the MACT Y permit shield that was previously granted for GRP DOCK unit.

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director (ED) of the Texas Commission on Environmental Quality (the Commission or TCEQ) files this Response to Public Comment (RTC or Response) on the application for a Federal Operating Permit (FOP) Permit No. O3454 filed by Flint Hills Resources Ingleside, LLC (Applicant).

As required by Title 30 Texas Administrative Code (TAC) § 122.345 the ED shall send a notice of the proposed final action, which includes a response to any comments submitted during the comment period, to any person who commented during the public comment period, the applicant, and to the Environmental Protection Agency (EPA). The Office of Chief Clerk (OCC) timely received comment letters from several Commenters listed in Appendix A. These comments are summarized in this response. 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 Web site at www.tceq.texas.gov.

BACKGROUND

Procedural Background

The Texas Operating Permit Program requires that owners and operators of sites subject to 30 TAC Chapter 122 obtain a FOP that contains all applicable requirements in order to facilitate compliance and improve enforcement. The FOP does not authorize construction or modifications to facilities, nor does the FOP authorize emission increases. In order to construct or modify a facility, the facility must have the appropriate new source review authorization. If the site is subject to 30 TAC Chapter 122, the owner or operator must submit a timely FOP application for the site, and ultimately must obtain the FOP in order to operate. Flint Hills Resources Ingleside, LLC applied to the TCEQ for a renewal of FOP for an Other Warehousing and Storage plant located in Ingleside, San Patricio County on July 1, 2022, and notice was published on December 27, 2022. Public comments and public hearing requests were received by TCEQ on January 26, 2023. A public hearing was held in Portland, Texas on May 25, 2023. The public comment period ended on May 25, 2023. During the time period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters listed in Appendix A. The Draft Permit was available for review and comment during the public comment period. Upon submittal of the notice of proposed final action to the Commenters, the Applicant, and the EPA, the version of the FOP is referenced as the Proposed Permit.

Description of Site

Flint Hills Resources (FHR) Ingleside, LLC has applied to the TCEQ for an FOP Renewal that would authorize the applicant to operate the Ingleside Terminal. The facility is located at 103 FM 1069 in Ingleside, San Patricio County, Texas 78362.

The FHR Ingleside Terminal site is classified as a warehousing and storage facility and is an existing barge and ship loading and unloading site where bulk petroleum products and crude oil are stored. Equipment at the facility includes a ship and barge dock for loading and unloading bulk liquids, seventeen crude or products storage tanks, and ancillary equipment. This terminal receives crude oil and low vapor pressure refined products by barge, ship, and pipeline. The site stores crude oil and low vapor pressure refined products in fifteen floating roof storage tanks. This site can export by barge, pipeline, and ship crude oil and low vapor pressure refined products. An onshore vapor combustor abates the collection of VOC barge and ship crude oil loading emissions loaded under vacuum.

COMMENTS AND RESPONSES

Comments received by TCEQ are listed below except all footnotes, images and diagrams included in the comments are not included. An in-line comment-response format is used in this document.

This format assigns a number to each actual comment received followed by a corresponding TCEQ response. Comments submitted by individuals are summarized and may be grouped into categories.

Listed below are comments filed by environmental organizations followed by summarized or grouped comments posted by individuals. A complete set of public comments (both written and oral) received by TCEQ are posted and archived on TCEQ's OCC Website <https://www14.tceq.texas.gov/epic/eCID/> for Flint Hills Resources Ingleside, LLC, FOP O3454/project 33957, Regulated Entity Number: RN100222744.

Environmental organizations that submitted comments include Ingleside on the Bay Coastal Watch Association, Coastal Alliance, Environmental Integrity Project, Texas Campaign for the Environment, and Coastal Alliance to Protect our Environment (CAPE).

COMMENTS FILED ON 05/25/2023 BY ENVIRONMENTAL INTEGRITY PROJECT AND BAY COASTAL WATCH ASSOCIATION

COMMENT 1: Inadequate Monitoring for Permits-by-Rule

- A. The Draft Permit Fails to Include Adequate Monitoring for Permits-by-Rule.
1. Specific Grounds for Objection, Including Citation to Permit Term

Flint Hills' application includes a table specifying monitoring requirements for its Permits-by-Rule ("PBR"). Table D, Monitoring Requirements for registered and claimed PBRs for the Application Area.

Unfortunately, the monitoring requirements for many of the units identified in this table merely require Flint Hills to keep records of the duration of the event and "any other inputs needed to calculate emissions." These requirements are so vague as to be meaningless, and Commenters are unable to ascertain what monitoring, if any, Flint Hills is using to determine compliance with the limits in PBR No. 107625.

2. Applicable Requirement or Part 70 Requirement Not Met

42 U.S.C. § 7661c(c) requires that each Title V permit "set forth monitoring sufficient to assure compliance with all applicable requirements." See also 42 U.S.C § 7661c(a); 40 C.F.R. § 70.6(a), (a)(3), (c); 30 TAC 122.142(c).

3. Inadequacy of the Permit Term

The Draft Permit's PBR monitoring terms fail to assure compliance with applicable requirements. As EPA has stated, when "TCEQ relies on [the PBR Supplemental Table] Table D to incorporate additional monitoring requirements, the monitoring and recordkeeping terms must be sufficient to assure compliance with emission limitations and operational requirements." However, Flint Hills' PBR Supplemental Table contains vague and generic monitoring that fails to establish enforceable conditions. The monitoring requirements do not specify what is being monitored, at what frequency, or how that information is used to determine emissions. The terms allow Flint Hills to collect as much or as little information as it desires.

To remedy this deficiency, the table should be updated to indicate 1) how the monitoring is to be performed, 2) the frequency for performing any monitoring, and 3) what emission factors and calculation methodology are being used to determine the emissions. TCEQ must require Flint Hills to revise the PBR Supplemental Table to include information adequate to assure compliance with emission limits and operational limits that are imposed by its PBRs, including PBR No. 107625

- B. The Draft Permit Fails to Include All Active Permit-by-Rule Registrations.
1. Specific Grounds for Objection, Including Citation to Permit Term

Draft Permit, Special Condition No. 9 incorporates New Source Review ("NSR") authorizations referenced in the New Source Review Authorization References table by reference as applicable requirements:

Permit holder shall comply with the requirements of NSR authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated June 30, 2022 in the application for project 33957), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment.

The Draft Permit's New Source Review Authorization References is listed but not included here.

The Draft Permit's New Source Review Authorization References fails to list currently active PBR No. 107625, which authorizes various emissions at Flint Hills' Terminal, including maintenance, startup, and shutdown emissions.

2. Applicable Requirement or Part 70 Requirement Not Met

42 U.S.C. § 7661c(a) and 40 C.F.R. § 70.6(a) require each Title V permit to include all applicable requirements and conditions necessary to assure compliance with those requirements.

3. Inadequacy of the Permit Term

The Draft Permit's New Source Review Authorization References fails to list currently active PBR No. 107625. PBR No. 107625 is listed in Flint Hills Supplemental PBR Table in the application but is absent from the Draft Permit itself. To remedy this deficiency, TCEQ must require Flint Hills to amend its Draft Permit to include PBR No. 107625.

RESPONSE TO COMMENT 1: The proposed permit (PP) and statement of basis (SOB) are revised as follows:

1. Consistent with the permits by rule (PBR) related programmatic changes made to Title V permits, the applicant has submitted a "PBR Supplemental Table" (OP-PBRSUP) dated November 10, 2023 in the application for project 33957 to list all PBRs applicable to the site, which include registered PBRs, claimed PBRs, and claimed PBRs for insignificant emission units. In addition, the PBR Supplemental table includes PBRs where applicability under 30 TAC Chapter 106 may be the only requirements applicable to an emission unit or an activity.
2. As shown in OP-PBRSUP Table, which is part of the permit record, the site lists registered PBRs in Table A, claimed but not registered PBRs in Table B, and PBRs for insignificant sources in Table C. Table D lists the monitoring requirements of PBRs listed in Tables A and B. In addition to monitoring information listed in Table D, the ED notes that detailed information about emission calculations, emission factors, etc., is accessible to the public as application representation for PBR registration number 161793 (see WCC content ID 5373769), for PBR registration number 160536 (see WCC content ID 4665103), and for PBR registration number 107625 (see WCC content ID 3845117).
3. Revised Special Term and Condition 9 in the proposed permit as follows: "Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated November 10, 2023 in the application for project 33957), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment."
4. New Source Review Authorization References by Emissions Unit table in the proposed permit (pages 21-22) has been updated to include the emission units listed in the OP-PBRSUP tables.
5. New Source Review Authorization References table was updated to list NSR Permit Number 6606, effective 10/11/2022.
6. Revised the SOB to include a reference to the PBR Supplemental Table and Special Term and Condition 9. In addition, the Insignificant Activity list in the SOB has been expanded to include a

link to the de minimis source list and references to PBRs that are not listed on the OP REQ1.

COMMENT 2: Assurance of Compliance with Emissions Limits for the Marine Vapor Combustion Units

C. The Draft Permit Fails to Assure Compliance with Emissions Limits for the Marine Vapor Combustion Units.

1. Specific Grounds for Objection, Including Citation to Permit Term

The Draft Permit Special Condition 9 incorporates Flint Hills' NSR permits listed in New Source Review Authorization References, including NSR Permit No. 6606. Permit No. 6606 authorizes numerous emissions sources at Flint Hills' Terminal, including the three marine vapor combustion units. The marine vapor combustion units are a significant source of criteria pollutants – and the largest source of non-volatile organic compounds (VOC) pollutants – at Flint Hills' Terminal.

The Draft Permit fails to assure compliance with the emission limits for the marine vapor combustion units. The Draft Permit itself contains no monitoring or reporting related to pollutants from the marine vapor combustion units. And New Source Review Permit No. 6606 only specifies monitoring to demonstrate initial compliance with some of the emission limits at the marine vapor combustion units.³ Permit No. 6606 requires only a single, initial stack test for carbon monoxide (“CO”), nitrogen oxides (“NOx”), sulfur dioxide (“SO₂”), and VOC's, performed shortly after construction of the marine vapor combustion units. Neither the Draft Permit nor Permit No. 6606 includes terms that demonstrate ongoing compliance with hourly and annual limits of the numerous pollutants emitted by the marine vapor combustion units.

2. Applicable Requirement or Part 70 Requirement Not Met

30 Tex. Admin. Code § 122.142(b)(2)(B) requires Title V permits to include

the specific regulatory citations in each applicable requirement ... identifying the emission limitations and standards; and ... the monitoring, recordkeeping, reporting, and testing requirements associated with the emission limitations and standards ... sufficient to ensure compliance with the permit.”

40 C.F.R. § 70.6(a)(1) provides that “[e]ach permit issued under this part shall include ... [e]missions limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.”

3. Inadequacy of the Permit Term

Flint Hills' Draft Permit is deficient because it fails to establish monitoring and recordkeeping requirements that assure compliance with hourly and annual emissions limits for CO, NOx, SO₂, VOC, hydrogen sulfide (“H₂S”), and particulate matter (“PM”) from the marine vapor combustion units in incorporated New Source Review Permit No. 6606. While Permit No. 6606 includes provisions for determining initial compliance with some of those limits through a single initial stack test, it does not include provisions to demonstrate ongoing compliance. The Draft Permit thus fails to include any monitoring or reporting to assure ongoing compliance.

One-time, initial stack testing is not sufficient to assure ongoing compliance with hourly and annual emission limits because a one-time test provides only a single snapshot of performance. A one-time test, performed years in the past, is incapable of demonstrating ongoing compliance in a variety of operating conditions and fails to account for changes in equipment performance due to wear and tear over time.

Commenters cannot ascertain from the Draft Permit what monitoring or reporting methodology Flint Hills has elected to use, or whether this methodology is sufficient to assure compliance with all applicable requirements for the vapor combustion units. This effectively prevents the public from determining if the chosen monitoring, recordkeeping, and reporting satisfies Clean Air Act requirements. See 42 U.S.C. § 7661(c); see also 40 C.F.R. 70.6(a)(3).

This lack of ongoing monitoring also renders the permit limits unenforceable by regulators and the public. This lack of monitoring is especially problematic given that Flint Hills' recent series of sham minor amendments to New Source Review Permit No. 6606 are predicated on meeting emission limits at the marine vapor combustion units.⁴ Because the Draft Permit lacks monitoring to assure compliance with the emission limits from the marine vapor combustion units, Flint Hills cannot rely on those unenforceable emissions limits for its synthetic minor permit amendments.

And adequate monitoring is critical because the Draft Permit also assumes a very high VOC destruction efficiency of 99.9%. As VOC destruction efficiency increases, actual NO_x and CO emissions also tend to increase. The public must be able to verify that Flint Hills is continuously meeting its optimistic VOC limits while also continuously meeting its NO_x and CO limits.

To remedy these deficiencies, TCEQ must require Flint Hills to amend the Draft Permit to include regular stack testing of all three marine vapor combustion units in all operating conditions for CO, NO_x, SO₂, VOC, H₂S, and PM.

RESPONSE TO COMMENT 2: The ED disagrees with the Commenter's assertion that the draft permit fails to assure compliance with emissions limits for the marine vapor combustion units (MVCUs). The emissions from loading and unloading operations of marine tank vessels are routed to MVCUs that are used as an emissions control device.

Special Condition (SC) 6 of the Proposed Permit lists the sitewide requirements including compliance and performance testing, monitoring and reporting and recordkeeping (MRRT) for operations pertaining to the loading and unloading of marine tank vessels as specified in 40 CFR Part 63, Subpart Y. The applicable requirements summary table lists the applicable requirements for GRP MVCU on page 14 of Proposed Permit and the periodic monitoring (PM) requirements for the unit are listed on page 16 of the Proposed Permit.

The MVCUs demonstrate compliance by continuously monitoring the firebox temperatures at an averaging period of 6 minutes or less with an accuracy of the greater of the plus or minus 2 percent of the temperature being measured expressed in degrees Celsius or plus or minus 2.5 °C. This ensures that the average firebox temperature is kept at a minimum of 1600 °F, which translates into a minimum of 99.9 percent waste gas destruction efficiency and the minimum conversion of 98 percent H₂S into SO₂ in crude oil through combustion.

In addition to the MRRT requirements listed in FOP O3454, the MVCUs related requirements for monitoring, testing, recordkeeping, reporting, emissions factors and calculations, and emissions controls to demonstrate compliance with applicable standards are also stated in NSR permit 6606 conditions 8, 9.A through 9.E, 10.A through 10.E, 11 through 14, 24-25 and 26.A through 26.C. Other requirements in NSR permit 6606 that ensures compliance include routine maintenance of the MVCUs and equipment design and vessel loading interlocks that ensure proper collection and combustion of VOCs. MVCU stack temperatures are recorded continuously while loading, and the MVCUs are monitored for visible emissions to demonstrate compliance with 30 TAC 111.111. Application representation for NSR permit 6606 dated April 2021, version 4.1, page 34-36 document monitoring requirements for MVCUs on a per pollutant basis (see monitoring tab in 20210422_143525_ATTACH_20210408-03_PI-1 Workbook.xlsx).

Emission rates are calculated using the methodology summarized on pages 17-20 of the application representation (WCC content ID 6476737, see pdf document AIR NSR_6606-327436_Permits_Public_20221011_Agency_Review_6476737_.pdf) including stack testing data, manufacturer's specifications, engineering estimates, mass balances, TCEQ guidance, and EPA's Compilation of Air Emission Factors (AP-42). These approaches and emission factors were determined to be correct and applicable by TCEQ staff during the technical review based on standard industry air permitting practices. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by this representation, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

Finally, the ED notes that the Title V permit holder is required to file a permit compliance certification (PCC) report annually to certify compliance with the applicable requirements listed in the FOP O3454, including emission limitations and standards. In addition, EPA requires permit holders to electronically file reports and emissions data required under 40 CFR Part 63, Subpart Y, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENT 3: Assurance of Compliance with Emissions Limits for All Storage Tanks

- D. The Draft Permit Fails to Assure Compliance with Emissions Limits for All Storage Tanks.
1. Specific Grounds for Objection, Including Citation to Permit Term

The Draft Permit specifies the use of unreliable and inappropriate emission factors to calculate emission from Flint Hills' many storage tanks. The storage tanks are the largest source of VOCs at Flint Hills' Terminal, and subject to additional monitoring to assure Flint Hills' recent expansion project does not trigger major New Source Review.

The Draft Permit Special Condition 9 incorporates New Source Review Permit No. 6606 in the New Source Review Authorization References table.

New Source Review Permit No. 6606 Special Condition 6 authorizes the storage of fuel products with a vapor pressure less than crude oil, including but not limited to naphtha, diesel, No. 6 oil, and coker gas oil.

Permit No. 6606 Special Condition 17 lists different monitoring requirements for heated and unheated tanks, which suggests that some tanks at Flint Hills' Terminal are heated at least some of the time, depending on what kind of oil they are storing.

Permit No. 6606 Special Condition 15(F) states that emissions from tanks shall be calculated using "AP-42 Compilation of Air Pollution Emission Factors, Chapter 7 - Storage of Organic Liquids" and the TCEQ publication, titled "Technical Guidance Package for Chemical Sources-Storage Tanks."

Permit No. 6606 Special Condition 18 lists fifteen tanks subject to additional monitoring and recordkeeping for a period of five years to assure that the synthetic minor Ingleside Terminal Expansion Project does not trigger major New Source Review.

2. Applicable Requirement or Part 70 Requirement Not Met

42 U.S.C. § 7661c(c) requires that each Title V permit "set forth monitoring sufficient to assure compliance with all applicable requirements." See also 42 U.S.C § 7661c(a); 40 C.F.R. § 70.6(a), (a)(3), (c); 30 TAC 122.142(c).

3. Inadequacy of the Permit Term

The Draft Permit's reliance on AP-42 emission factors is inadequate to assure compliance with storage tank emission limits at Flint Hills' Terminal. According to EPA, AP-42 factors are based on averages from multiple sources and "are not likely to be accurate predictors of emissions from any one specific source, except in very limited scenarios."⁵ Rather than calculating emissions from a single specific source like Flint Hill's Terminal, AP-42 emission factors are "intended for use in developing area-wide annual or triannual inventories."⁶

The AP-42 manual itself includes this disclaimer against Flint Hills reliance on its emission factors to demonstrate compliance:

"Use of these factors as source-specific permit limits and/or as emission regulation compliance determinations is not recommended by EPA. Because emission factors essentially represent an average of a range of emission rates, approximately half of the subject sources will have emission rates greater than the emission factor and the other half will have emission rates less than the factor. As such, a permit limit using an AP-42 emission factor would result in half of the sources being in noncompliance."

AP-42 is, by its authors' own admissions, not appropriate for use in determining source-specific emissions, as Flint Hills proposes in the Draft Permit.

Commenters were unable to locate the TCEQ document referenced in Draft Permit Special Condition 15(F), titled "Technical Guidance Package for Chemical Sources-Storage Tanks." Commenters were able to locate recent TCEQ guidance on calculating emissions from storage tanks, which is turn based on AP-42 emission factors.

EPA has repeatedly warned against using AP-42 emission factors to demonstrate compliance with emission limits. EPA's recent Enforcement Alert specifically referenced No. 6 oil being stored in heated tanks as an example of the absurd undercounting of emissions that can result from reliance of AP-42 emission factors:

One example of a present-day concern is the use of a default vapor pressure value for estimating VOC emissions from heated tanks that store heavy refinery liquids such as No. 6 fuel oil. The true vapor pressure (TVP) of a stored liquid is important when calculating the emissions from tanks using the equations in AP-42, Chapter 7, Liquid Storage Tanks. The default vapor pressure is only an estimate and may not be correct for every blend of No. 6 fuel oil. Direct emissions testing of No. 6 fuel oil tanks and TVP testing in 2012 and 2013, suggested that in those cases the use of the default vapor pressure in AP-42 had resulted in emissions estimates that were understated by a factor of 100 for permitting and reporting purposes.

Use of AP-42 factors to calculate emissions from heated storage tanks storing No. 6 oil – which all tanks at Flint Hills' Terminal are authorized to store – undercounted VOC emissions by a factor of 100. The actual emissions in that test were 100 times what the company was reporting by using AP-42 emission factors. This example illustrates why Flint Hills' use of AP-42 emission factors is inappropriate for determining compliance with hourly and annual emissions limits from its storage tanks.

Because Flint Hills' synthetic minor amendment is based on maintaining emissions from its tanks below certain levels, even minor inaccuracies in calculating those emissions could subject the surrounding community to significant levels of air pollution without the protections provided by major New Source Review. And EPA has observed AP-42 calculations being off by a factor of 100.

The Draft Permit calculates emissions from Flint Hills' storage tanks using AP-42 emission factors that are not designed for calculating emissions from specific sources like Flint Hills' storage tanks. TCEQ and Flint Hills cannot accurately determine compliance based only on AP-42 emission factors. Accurate calculation using AP-42 is even more unlikely given the large variety of products Flint Hills is allowed to store at various pressures and temperatures. And the Draft Permit fails to identify all the products Flint Hills is allowed to store, and further fails to specify the vapor pressures and temperatures necessary for those unnamed products.

Commenters are particularly concerned about storage tank emissions at Flint Hills' Terminal because independent observations have revealed leaking storage tanks on multiple occasions.¹⁰ When these leaks were brought to TCEQ's attention, TCEQ claimed both 1) that their investigators did not observe any emissions with their own equipment and 2) that a review of the video evidence of the leaks showed that the tank was operating properly and within its emission limits. Commenters are concerned about the contradictory nature of this response, TCEQ both not observing emissions and stating that the emissions Mr. Doty observed were within permit limits. Commenters are also concerned with the lack of any explanation as to how TCEQ arrived at the conclusion that the leaking tank emissions Mr. Doty observed were within permit limits. If TCEQ's statements are based on AP-42 emission factors, they may be wildly inaccurate.

To remedy this deficiency, TCEQ must require Flint Hills to amend its Draft Permit to include monitoring and reporting sufficient to assure compliance with hourly and annual limits from all storage tanks. This monitoring and reporting must be based on identified, source-specific information, and not merely the reference to unidentified and unreliable AP-42 emission factors currently included in the Draft Permit.

There are multiple demonstrated monitoring technologies that could help Flint Hills accurately measure storage tank emissions while protecting the community from harmful emissions. These include open-path optical monitoring in wide use in California's South Coast Air Quality Management District, and regular use of optical gas imaging to detect leaks.

RESPONSE TO COMMENT 3: The ED disagrees with the Commenter's assertion that the draft permit fails to assure compliance with emissions limits for the storage tank units.

The Proposed Permit at pages 12-14 contains an applicable requirements summary table to document applicable standards and MRRT for storage tank grouped units GRP EFR, GRP EFRKA subject to requirements under 30 TAC Chapter 115, storage of VOCs and NSPS Ka, and GRP EFRKB, GRP IFR, GRP IFRKB subject to requirements under 30 TAC Chapter 115, storage of VOCs and NSPS Kb.

The ED notes storage tanks subject to requirements under NSPS Ka and Kb require storage tank visual inspections and seal gap measurements to verify fitting and seal integrity. In addition, NSR permit 6606 lists conditions 6, 7, 15.A through 15.F, and 17 to document requirements of the storage tank units including sampling methods, emission calculations, control requirements, and recordkeeping requirements. NSR permit 6606, Attachment A shows rates for withdrawal, filling, loading, and throughputs for stored products are calculated on an hourly basis.

TCEQ requires NSR permit holders to use AP-42 factors per TCEQ guidance document APDG 6419 – Short-term Emissions from Floating Roof Storage Tanks to determine permitted hourly emissions rates. Emissions from the tank units were determined by using AP-42, Compilation of Air Pollutant Emission Factors, 5th Edition, Volume I, Chapter 7 Liquid Storage Tanks, Section 7.1 Organic Liquid Storage Tanks, following TCEQ guidance for marine loading and vapor combustion unit (VCU) control emissions, stack testing data, and TCEQ's fugitive guidance document APDG 6422. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by this representation, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

In regards to the Commenters assertion that use of AP-42 had resulted in underestimating emissions, e.g., "the use of a default vapor pressure value for estimating VOC emissions from *heated* tanks that store heavy refinery liquids such as No. 6 fuel oil which all tanks at Flint Hills' Terminal are authorized to store – undercounted VOC emissions by a factor of 100" (emphasis added), the ED notes that all storage tank units at the site operate at ambient temperature.

In regard to the Commenter's assertion that Optical Gas Imagery (OGI) video footage showed the Applicant was improperly maintaining their storage tanks, the ED notes OGI is not used to determine compliance with the permitted emission limits of storage tanks. Tanks are permitted sources of emissions, and the detection of emissions is not an indication of being out of compliance. Compliance is determined by performing the proper inspections of the floating roof required by the permit and federal rules and limiting withdrawal rates to the maximum permitted rates.

TCEQ does take reports of emissions detected by OGI seriously and may send out investigators to look into these reports. Individuals are encouraged to report any concerns about nuisance issues or suspected non-compliance with the terms of any permit or other environmental regulation by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. TCEQ reviews all complaints received. If the terminal is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at www.tceq.texas.gov/nav/cec/.

Citizen-collected evidence may be used in enforcement actions. See 30 TAC § 70.4, Enforcement Action Using Information Provided by Private Individual, for details on gathering and reporting such evidence. Under the citizen-collected evidence program, individuals are providing information on possible violations of environmental law and the information can be used by TCEQ to pursue enforcement. In this program,

citizens can become involved and may eventually testify at a hearing or trial concerning the violation. For additional information, see the TCEQ publication, "Do You Want to Make an Environmental Complaint? Do You Have Information or Evidence?" This booklet is available in English and Spanish from the TCEQ Publications office at 512-239-0028 and may be downloaded from the agency website at www.tceq.texas.gov (under Publications, search for Publication Number 278).

COMMENT 4: Permit shield for unit subject to 40 C.F.R. Part 63, Subpart Y

E. Flint Hills Claims Permit shield protections based on incorrect information.

In the Draft Permit, Flint Hills claims a permit shield from 40 C.F.R. Part 63, Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations. Flint Hills justifies this claim by stating that the Terminal "is not a major source of HAPs, and the marine loading operation loads less than 200 million barrels of crude oil on a 24-month annual average basis." This is at least partially incorrect, as the terminal is now authorized to load 187,200,000 barrels of oil per rolling twelve months. This means the Terminal is authorized to load 374,400,000 barrels of oil per rolling twelve months, well above 200,000,000, and is thus subject to National Emission Standards for Marine Tank Vessel Loading Operations. Following Flint Hills recent expansion, the Terminal is no longer eligible for this permit shield.

To remedy this deficiency, TCEQ must require Flint Hills to amend the Draft Permit to remove the permit shield for 40 C.F.R. Part 63, Subpart Y - National Emission Standards for Marine Tank Vessel Loading Operations. TCEQ must further require Flint Hills to amend its Draft Permit to include monitoring and reporting adequate to assure compliance with these standards.

RESPONSE TO COMMENT 4: The Proposed Permit is revised to delete the MACT Y permit shield that was previously granted for GRP DOCK unit. As stated earlier, SC 6 of the Proposed Permit lists the sitewide requirements including compliance and performance testing, monitoring and reporting and recordkeeping for operations pertaining to the loading and unloading of marine tank vessels specified in 40 CFR Part 63, Subpart Y.

COMMENT 5: Circumvention of Major New Source Review

F. Flint Hills Has Circumvented Major New Source Review and Authorized Major Modifications to the Terminal Using a Series of Sham Minor Amendments

Over the past several years, Flint Hills has expanded its terminal and authorized a major modification through a series of sham minor amendments to permits 6606 and 107625. Flint Hills' most recent 2022 permit amendment increased throughput at the recently expanded terminal without making any physical changes, exceeding synthetic minor SO₂ limits Flint Hills accepted to secure a minor permit for that 2019 expansion project. This issue is covered in detail in the attached Motion to Overturn that Commenters submitted to TCEQ.¹³

The lack of accurate and enforceable monitoring and reporting for the many sources of pollution at Flint Hills' Terminal – including the marine vapor combustion units, the storage tanks, and maintenance, startup, and shutdown emissions – undermines TCEQ and the public's ability to verify that Flint Hills is actually meeting the synthetic minor limits its numerous permit amendments are based on.

To remedy this deficiency, TCEQ must require Flint Hills to amend its Draft Permit to include monitoring and reporting sufficient to assure compliance with the emissions limits identified above. This monitoring and reporting information must be available to the public so that the public can enforce Flint Hills' emission limits should TCEQ prove unable or unwilling to enforce them itself. TCEQ must also review Flint Hills' history of sham permitting actions and require Flint Hills to comply with the major New Source Review requirements of the Clean Air Act.

RESPONSE TO COMMENT 5: The ED notes that under the two-permit system in Texas, only new source review (NSR) permits authorize air emissions under 30 TAC Chapter's 106 and 116. The Proposed Permit issued under 30 TAC Chapter 122 (or Title V program) does not authorize any emission limits or changes to emission limits for various emission sources. The establishment of authorized air emissions limits for

each pollutant, determination of non-attainment status, evaluation of best available control technology (BACT) and health impact analysis of air emissions occurs during an NSR permit project review and not during a Title V permit review.

However, the ED notes that Commenter's had made substantially similar comments during public comment period for NSR Permit No. 6606 and the ED had already provided a response. Please refer to ED's RTC dated October 11, 2022 which is publicly accessible at TCEQ's Records online web site (at https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_SEARCH) as WCC content ID 6309416 and which is also attached as Appendix B, is hereby incorporated by reference into this Executive Director's Response to Public Comment document. Please see TCEQ response related to the circumvention issue noted as Comment 39 which may be found in the RTC document attached as Appendix B.

It is our understanding that Commenter's have filed a motion to overturn amended NSR Permit 6606 issued on 10/11/2022 and TCEQ has denied the motion to overturn.

COMMENT FROM TEXAS CAMPAIGN FOR THE ENVIRONMENT, BY CHLOE TORRES

COMMENT 6:

On behalf of Texas Campaign for the Environment, we request a public hearing on the Flint Hills Ingleside operations permit and ultimately the denial of this permit. The Texas Campaign for the Environment is a statewide organization with over 30,000 members, including in the Coastal Bend, and we are concerned that granting this permit will harm the wellbeing of our health, communities, and environment. Flint Hills is consistently a negligent neighbor in the Coastal Bend community. Their operations have caused increased health and safety risks and threaten to destroy our environment. As evidenced by their recent oil spill on Christmas Eve and their mismanagement of the ensuing cleanup operation, Flint Hills has broken the trust of residents. They originally reported the oil spill was about 3,200 gallons of light crude oil but it was later revealed more than 4x that amount spilled, totaling over 14,000 gallons. Now, in the aftermath of their "finished" cleanup, we continue to see traces of oil wash up on the shores around Corpus Christi Bay. Throughout the spill and ensuing cleanup, people have gone to the shores for family outings and celebrations, often not aware any spill occurred at all. We cannot allow a negligent and dishonest corporation to continue polluting our environment or even continue its operation. We request that TCEQ send out a notice and hold a public hearing to discuss the renewal of the Flint Hills Ingleside operations permit. Respectfully, Chloe Torres Coastal Bend Fossil Fuel Exports Organizer Texas Campaign for the Environment.

RESPONSE TO COMMENT 6: The ED appreciates Commenter's concerns regarding asserted increased health and safety risks due to an oil spill on Christmas Eve 2022 at the site (see [Ingleside-Discharge-Event-Report-4-24-23.pdf \(fhr.com\)](#) for additional information provided by the applicant).

In response to public hearing requests from several individuals including the Commenter, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023. During the public comment period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters.

In regard to Commenter's concerns about the health and environmental effects of emissions from the FHRs Ingleside Terminal on the local community, the ED notes under the two-permit system in Texas, only new source review (NSR) permits authorize air emissions under 30 TAC Chapter's 106 and 116 as discussed in Response to Comment 5.

All FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

As required by General Terms and Conditions of the Proposed Permit, the permit holder must file a permit compliance certification (PCC) report to certify on an annual basis that it complies with all requirements contained in the FOP. The PCC reports include deviation reporting and reporting of unauthorized emissions. Deviations, defined as any indications of noncompliance with permit terms and conditions, are required to be submitted once every six months to the TCEQ Regional Office (Phone 361-881-6900) in accordance with 30 TAC § 122.145(2)(A).

Any unauthorized emissions from upsets, unscheduled maintenance, shutdowns, and startups that result in unauthorized emissions from an emission point are required to be reported to the regional office if they exceed the reportable quantity as specified in 30 TAC Chapter 101, Subchapter F. Should it be found that emissions reported under "emissions events" did not qualify as this type of event, the source could be found in violation of 30 TAC Chapter 101 and be subject to enforcement action. Subchapter F provides for different levels of enforcement available depending upon the type of event, and whether it meets certain criteria.

In regard to the renewal of the Flint Hills Ingleside site operating permit, the ED has determined that the Proposed Permit and NSR Permit No. 6606 includes sufficient monitoring to assure compliance with the applicable requirements and satisfy the periodic monitoring requirement of 30 TAC Chapter 122. All emission units listed in the Proposed Permit were reviewed and additional monitoring was incorporated for some of the units (see page 16 of Proposed Permit). TCEQ is not aware of any facts that would require any other additional monitoring beyond that which has consistently been required under federal law and Texas permits.

COMMENTS FILED ON JANUARY 26, 2023, BY KATHRYN A. MASTEN (INGLESIDE ON THE BAY COASTAL WATCH ASSOCIATION), ERROL ALVIE SUMMERLIN AND PATRICK A. NYE

COMMENT 7:

As a co-founder of the Ingleside on the Bay Coastal Watch Association (IOBCWA), I request that there be a notice and public hearing on this operating permit for Flint Hills Ingleside, which is located very close to the incorporated City of Ingleside on the Bay (population about 700). There were 163 comments on its air permit 6606, yet TCEQ declined to take action on IOBCWA's motion to overturn (MTO) on 12/14/22. Just 10 days later, on 12/24/22, Flint Hills had an oil spill of 14,000 gallons, which wound up spreading all the way around Corpus Christi Bay - up to North Beach, the Corpus Christi Marina, and the Texas A&M University Corpus Christi campus. At TCEQ's 12/14/22 hearing on the MTO, Flint Hills acknowledged that the reason it's asking to increase its emissions is because they have deepened their berths to accommodate fully loading up to 13 Suez Max vessels in order to compete with neighboring oil terminals, and that the reason they were able to do this was because of the Port of Corpus Christi's (POCC) Deepening and Widening of the Corpus Christi Ship Channel as part of several U.S. Army Corps of Engineers projects. As IOBCWA has been predicting, POCC's efforts to modify the ship channels are contributing to ever-worsening cumulative impacts from increased air emissions and water quality degradation affecting local communities. This 14,000-gallon oil spill was a warning. Flint Hills is the smallest oil export terminal located on the Live Oak Peninsula beside Ingleside on the Bay. The larger two, against whom Flint Hills is competing (according to testimony on 12/14/22), are Enbridge (largest in North America) and South Texas Gateway Partners (Buckeye). POCC is trying to further deepen the Corpus Christi Ship Channel from 54' to 76' in order to allow fully laden VLCCs and to construct two more oil terminals at nearby Harbor Island. Not to mention the increased liquefied natural gas (LNG) tanker traffic from Cheniere that passes within feet of IOB waterfront homes traveling on La Quinta Channel - also throwing off emissions. Cheniere recently was permitted to expand from 300-400 vessel per year and has a request to go from 400-480 - all without any assessment by TCEQ (or any regulatory agency) of cumulative impacts of air emissions and on water quality! And there's much more. IOBCWA and local residents have filed complaints on all these projects. These projects are all connected and all related, with the Port of Corpus Christi as the ringleader. For more information, please visit the CAPE Newsroom page for news coverage of the oil spill (as well as other Coastal Bend environmental news coverage) at <https://capetx.com/newsroom/>. And also visit IOBCWA's Flint Hills Oil Spill page at <https://www.iobcwa.org/flint-hills-oil-spill.html>. Please hold the public hearing and give the local communities a chance to know what's going on and how to best protect themselves and the Coastal Bend Bays and Estuary System, which is one of 28 EPA-designated estuaries of national significance. Not to

mention the protecting the Live Oak Peninsula itself, where the McGloin's Bluff archeological site is located, which itself was eligible for placement on the National Register of Historic Places due to its significance for the Karankawa people, who the State of Texas has incorrectly deemed to be extinct. Although I moved out of Ingleside on the Bay after living there from 2018-2021 because of the massive increase in industrial activity in that 3 year period affecting the community and worsening my asthma, we have seller-financed two properties in the city that are at risk of devaluation and default as TCEQ continues to fail to protect the City and the environment. And as a citizen of this planet, I implore TCEQ to take seriously its responsibility to minimize air emissions during this period of global warming and climate change.

RESPONSE TO COMMENT 7: The ED appreciates Commenter's concerns regarding asserted ever-worsening cumulative impacts of increased air emissions and water quality degradation affecting local communities.

In response to public hearing requests from several individuals including the Commenter, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023. During the public comment period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters.

In regard to Commenter's concerns about the effects of emissions from the FHRs Ingleside Terminal on the local community, please see Response to Comment 5 for additional information.

In regard to Commenter's concerns about water quality degradation, the ED notes that determination of FHR's compliance with the federal Clean Water Act requirements is not within the scope of this Title V air permit review.

In regard to Commenter's concerns about risk of devaluation of housing properties in the city, the ED notes that TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to consider potential effects on property values, noise, or traffic when determining whether to approve or deny a permit application.

COMMENTS FILED ON JANUARY 26, 2023, BY ENCARNACION SERNA

COMMENT 8:

I request here via this document that Instead of granting/approving the amendment request on Permit No. 3454 for Flint Hills Marine Terminal located at 103 FM 1069 Ingleside Tx, 78362, that a thorough in-depth investigation be conducted immediately by the TCEQ in conjunction with EPA and OSHA if deemed necessary, to determine if this facility is operating in compliance with the various most current air permit(s) and its amendments and with the requirements of the OSHA 1910.119 Process Safety Requirements. This site should also be thoroughly investigated by the TPWD The Pipeline Hazardous Material Agency and other Federal entities pertaining to the most current crude Oil Spill which occurred earlier this year where a Flint Hills pipeline ruptured leaking (according to Flint Hills only 14,000 gallons of crude oil of which only 6090 gallons of the alleged 14,000 were recovered from the Corpus Christi Bay.) In addition, I am requesting here an open public meeting with required physical attendance of all stakeholders to discuss the lack of merit contained in this application. Neither the Applicant nor the TCEQ have done comprehensive, adequate, and meaningful inspections, studies, or modeling of the air in the six-miles stretch where many industrial sites are all located within this stretch to determine the current condition of the air in this small space which is very short, only six miles long. Therefore, I am also requesting that the TCEQ in conjunction with the EPA conduct such studies and modeling, before granting any more permit or amendments requests. In addition, if during this investigation serious violations are revealed whereby the health and the safety of individuals living on the adjacent communities have been affected or the condition of the air atmosphere in this six- mile space is close or at non-attainment; or if the concentration of HAP's in this short stretch is detrimental to people living in these communities, then serious consideration should be given to the revocation of existing air permit and amendments. I make these statements and requests based on the following observations and assessments:

SPECIFIC COMMENTS AND OBSERVATIONS (addressing Flint Hills Deviation/violation reports permit amendment application, and problems associated with procedures for record requests)

Deviation report 2020527 indicates that vapor combustion units MVCU1, MVCU2, and MVCU3 did not pass the combustion test at a loading rate of 22,555 bbl./hr. producing average hourly SO₂ emissions of 13.46 lb./hr. across the run instead of producing emissions below 11.4 lb./hr. the report indicates just a temporary correction in the mode of operation (only running two combustors.) but what changes were made to the combustors/VCU to be able to operate three at all times to handle a loading rate of 60,000 bbl./hr.? there is no indication on any documentation what permanent changes would be made. Did the combustors ever pass the test? Is this problem or deficiency still ongoing?

Deviation report 2020527 indicates an on-going problem with the MVCU piping not being all-welded (a deficiency noted time and time again on various deviation reports.) but instead, the applicant states that this problem would be authorized as an as-built amendment. Kind of like cheating instead. Authorization by the TCEQ to continue operations without welding the pipes does not correct this chronic problem.

Deviation report 2020527 indicates a sloppy/gross negligent operation of the terminal depicting various activities (6 deviations out of 20) with pipe leaks, hose leaks, flange leaks, weld failures pipe plug failures etc. resulting in leaks and releases to land and air.

Deviation report 20190930 indicates a sloppy/gross negligent operation of the terminal depicting activities involving leaks to air and land from pipes and tubing. And also pointing to a major chronic problem and permit deficiency of the applicant not having welded pipe thus creating multitude of chronic leaks from connected pipe and fittings failures.

Deviation report 20190930 indicates a major deficiency where compliance requirements of Permit No. 6606, SC 16 (NFPA 25, Chapter 8.3.3) having to do with time durations of fire water pump testing are not met, and training to operators had to be provided.

Deviation report 20210430 contains twenty-four (24) pages of a multitude of documented serious violations to the existing air permit and serious disregard for permit requirements. listed below and just to mention a few:

1. Exceedance of maximum fill permitted rates on tanks T-28086 and T-28089 (discovered during an environmental audit.) These violations whether due to lack of controls/ alarms, ignorance, or just plain disregard to permit conditions opens up more environmental concerns and questions by the community such as:

a. What were the fill rate permit limits at the time? how much were the permit limits exceed by each tank?

b. Were the hourly rates or annual quantities exceeded for VOC or H₂S?

c. The Draft MAERT table lists seventeen (17) storage tanks how many of these are currently exceeding fill/withdrawal rates?

d. Are the hourly rates or annual quantities currently being exceeded for VOC or H₂S?

e. The previous 2020 MAERT table lists twenty-one (21) storage tanks how many of these were then exceeding fill/withdrawal rates?

f. Were the approved fill/withdrawal rates then 40,000 bbl./day per tank?

g. Why is the Applicant now seeking fill/withdrawal rate increase up to 60,000 bbl./day without telling the citizen of Ingleside, Ingleside on the Bay, Gregory, Taft, and Portland in open public meetings how many pounds or grams of the listed pollutants: H₂S, VOC, CO, NO_x, PM and SO₂ they have been putting in their lungs and how many more they will be putting if this increase to 60,000 is approved?

h. Why doesn't the TCEQ quit its current business of manufacturing/producing draft operating permits for Sham/Shoddy abusive, invasive, convoluted labyrinthic air permit applications?

2. Deviation report 20210430 indicates a sloppy/grossly negligent operation of the terminal depicting activities involving leaks to air and land from pipes and tubing.

3. Deviation report 20210430 indicates a sloppy/grossly negligent operation of the terminal depicting activities of non-compliance with H₂S requirement limits on product contents and vapor pressure permit requirements on tank contents.

4. Deviation report 20210430 indicates a sloppy/grossly negligent operation of the terminal depicting activities of non-compliance of throughput limit above 138,700,000 barrels per rolling 12 months. These violations whether due to non-awareness, lack of controls alarms, ignorance or just plain disregard to permit conditions opens up more environmental concerns and questions by the community. such as:

A. Why doesn't the TCEQ quit its current business of manufacturing/producing draft operating permits for Sham/Shoddy abusive, invasive, convoluted labyrinthic air permit applications?

B. On these throughput rates and H2S tank contents was the applicant maintaining 5-year records then?

C. Are they now maintaining these five year (5) required records?

5. Deviation report 20210430 indicates a sloppy/grossly negligent operation of the terminal depicting activities of non-compliance with vapor pressure requirements of collected VOC emissions from loading into non-inerted marine vessels.

6. Deviation report 20210430 as mentioned before has twenty-four (24) pages of deviations/violations; too many to list them all here in this space.

Deviation report 20190320 not a very legible report points among other reportable issues two serious problems:

1. valve and relief valve failures causing hydrocarbon leaks to air and land

a. A volume of rain water and oil inside the pontoon of the external floating roof tank TK-28072 (the floating roof had lost buoyancy.) this event went on from 02/08/2017 to 06/28/2017.

Document Compliance_Public_20210708, (a 107-page document) for a period time 12/01/19 through 03/12/20 page 26 shows non-compliance by failure to complete final compliance certification and deviation report.

Document Compliance_Public_20210708, page 26 describes a mixer (41M28073A) seal leak releasing VOC's and H2S. were the communities informed of this? what were the concentrations in the air outside the terminal's perimeter?

A comment made on page 28 Document Compliance_Public_20210708 "if the permit holder chooses to demonstrate that this permit is no longer required a written request to void this permit shall be submitted to the TCEQ" One has to ask why is this comment even written? Does it mean that Flint Hills does not know there is an air permit they have to comply with? or do they just do not care.

Document Compliance_Public_20210708 then continues with a heavy extended litany of reminders and what appears to be admonitions from the TCEQ to Flint Hills; for Flint Hills to comply with the TCEQ rules and regulations whatever those might be.

Important documents not available to the public. Why are documents 20170331, 20180331, 20190331, and 20191010 (deviation reports and investigation reports not available to the viewer (i.e., not available for external viewing by the public) but instead when trying to open these documents the viewer gets the notification "Sorry the preview did not load this document may be protected"? are they or are they not protected and if protected why are they protected?

Why in the twenty-five pages (25) containing four hundred and eighty-four (484) documents found in TCEQ central records (For Flint Hills Marine Terminal RN 100222744) there are only three (3) deviation reports when there should be about 32 deviation reports?

There are in the 484 documents contained in the TCEQ Central Files 13 MAERT tables for this Applicant. This indicates to the viewer that this marine terminal facility has modified revised etc. thirteen times (13) emissions since 2004 to date. Why is this? why so many revisions amendments etc. does the applicant know what is doing? Do they know how to operate a terminal? Do they know how to prepare an air permit amendment? Or do they just want to keep on increasing hourly rates and annual quantities of the hazardous air pollutants (HAP's) with a total disregard for the communities who breath the air that they contaminate?

As an example of this: the latest revision on emissions is indicated on MAERT table dated October 15, 2020, and compared to the draft permit the Applicant is requesting the following annual increases in the combined MVCU's:

Pollutant	2020 Numbers (tons/year)	Draft Permit Request (tons/year)	Percent increase %
1. CO	25.2	34.01	35.0
2. H2S	0.19	0.2	5.2
3. NOx	19.32	26.08	35.0
4. SO2	35.40	38.10	7.6
5. PM	6.30	8.50	35.0
6. PM10	6.30	8.50	35.0
7. PM2.5	6.30	8.50	35.0
8. VOC	10.89	14.70	35.0

Many questions arise from just reading and observing these numbers and more technical detail cannot be provided here, because the actual calculations are hidden and not shown on the amendment application request but the following comments are offered here:

1. The 35 percent increase on HAP's is huge. Why does Flint Hills is being so greedy in increasing the throughput of exports to 186,000,000 bbls/per year from 138,700,000 (a 34 % increase of what is currently permitted.) Why put more HAPs on peoples' lungs to make more money?

2. The 34 percent increase in throughput matches very closely with the requested 35 % increase on CO, NOx, the PM's and VOC, but does not match with the lower 5.2 and 7.6 percents requested on the draft MAERT table for SO2 and H2S%. Why is this? did the Applicant made an error in the calculations or is this some sort of shenanigan on the Applicants part?

3. Why are Flint Hills and MODA/Enbridge Marine Terminals and Cheniere's LNG plant being so greedy and requesting huge increases in throughputs and thus proposing to put more HAPs on people's lungs. These facilities along with the Occidental Chemical plants and several more are all located within each other in a six (6) mile stretch of Ingleside/Portland shoreline? Why is Flint Hill's so greedy in trying to increase?

4. Why is the TCEQ and these industrial sites mentioned in item 3 above not getting together and adding all HAP's from all MAERT tables reported to the TCEQ and doing real accurate air modeling studies to investigate the cumulative impact and not just impacts with just their numbers. The respiratory systems of people in our communities are not selective and not just breath individual emissions (emissions from floating roof tanks whose seals are not properly maintained or damaged and VCU's not properly operated when their combustion temperatures and heating values are not maintained at the permitted values) from just one site at a time. All individual air modeling that only considers emissions from just individual site and not cumulative, when in fact they are located so closed together is fake/false science and poor engineering and does not do any good to our communities.

5. Why does the Applicant groups the floating roof tanks and creates an additional group in the MAERT tables i.e., TANKGRP1 (Tanks 28063, 28064,28067,28077, 28080, and 28086) and TANKGRP2 (Tanks 28087,28088, 28089, 28090, 28091, and 28092) when in some cases now and previously the individual for each tank permitted annual numbers are calculated and stated in the MAERT table for each tank? And then in those cases where the individual annuals are given for each tank and when you add up these individual quantities the total is much larger than the total given in the made-up tank groups? This made-up grouping gives the impression that some shenanigans are going on because we know the applicant got caught in the past during audits operating the terminal above permitted throughput rates, and above tank fill rates on tanks T-28086 and 28089.

In the opening paragraph of the executive summary in the permit amendment application (page 46) the Applicant writes "the as-built changes for the past expansion project include correcting representation made in that application and adding changes that should have been included in that application." A viewer or reader of this paragraph cannot help but ask why correcting and adding changes later, does the applicant know what they are doing were they hiding something then, that now needs to be revealed? Why did the Applicant after the expansion to fill rates 60,000 bbls per hour calculated hourly rates (tanks 28087, 28088, 28089, and 28090) on HAP's emission based on 40,000 bbls per hour rate and not 60,000 bbls per hour? Is this gross negligence, a shenanigan or just plain fraud?

On page 47 of the amendment application the Applicant offers a convoluted explanation for a correction, it states "the hourly emission rates for tanks.....TANKGRP1 are currently based on the maximum fill rate...." Then it goes to say that after reading guidance from TCEQ they were able to use the maximum of either the fill or the withdrawal rate. So, what went on here? Does the Applicant know what they are doing? Or does the applicant just do not know which guidance document to use?

On page 47 of the amendment application the Applicant plainly states its intent to correct H2S annual emission rates on their tanks to use a K factor of 24 rather than 22. This again opens the door for several questions:

1. Does the Applicant know what is doing?
2. Is this fraud or negligence?
3. On what other HAP's is the Applicant using lower K values?

On page 48 of the amendment application the Applicant declares its intention to now include SO2 emissions from the sulfur in the natural gas used as supplemental and pilot fuel at the MCU's. Again, more questions emerge here:

4. Does the Applicant know what is doing?
5. Is this fraud or negligence?
6. Why did not the Applicant include this SO2/H2S component/quantity before?

On page 48 and throughout the application there is a clear intent on part of the Applicant "to shake loose of rules and requirements having to do with demonstrations of how much H2S contained in the products (crude oil, condensate, fuel products such as naphtha, diesel etc.) that they take from their clients at any

given time. As it is right now, it is absolutely not enough to just be sampling twice per month let alone annually as they propose on this amendment. From the moment this applicant decided to handle products containing H₂S the TCEQ should have required continuous on-line H₂S analyzers on every tank that stores products with H₂S or on the incoming streams to these tanks.

The permit amendment application should list all special conditions for the previously issued permit so the reader can understand what the TCEQ is requesting the applicant to comply by. It is very important here for the readers/viewers of the application to find in this one document, the required special conditions, without having to go find and read another document. In this case it is so important to do so as the reader/viewer needs to know what requirements (maintenance and operations) apply to VCU's and floating roof tanks that this site contains.

The TCEQ has a non-functional system for requesting and receiving public records information, that so far has not allowed me to obtain the following records:

1. All needed air permit deviation reports
2. All investigation reports
3. All documentation pertaining to enforcement actions

I have tried to obtain the above-mentioned documents for the facilities listed below:

1. Flint Hills Marine Terminal located in Ingleside Texas RN100222744. I have tried this PIR process electronically using the link provide in an e-mail by Mr. Kelly Ruble TCEQ region 14 and, and had no success since Ms. Deanna Moreno indicated Austin never got the request
2. MODA/Enbridge Terminal also located in Ingleside Texas RN101225746. I also have tried this PIR process electronically using the link provide in an e-mail by Mr. Kelly Ruble TCEQ region 14 and, and had no success since Ms. Deanna Moreno indicated Austin never got the request.
3. Cheniere's LNG Plant located in Gregory Portland RN104104716. I have tried this PIR process via filling out written forms and submitting them to the TCEQ. This also has failed as I was able to make the required payment (\$69) on line with the help of Ms. Moreno, but I was never able to set up the TCEQ FTP account on line; even after Ms. Moreno had spent quite a bit of time coaching me on the phone. The system never took a password from me in spite of many trials with different password formats.

Encarnacion Serna (Chon) 361-903-5774

COMMENT 9:

I request here via this document that Instead of granting/approving the amendment request on Permit No. 6606 RN100222744 (Draft Permit 3454) for Flint Hills Marine Terminal located at 103 FM 1069 Ingleside Tx, 78362, that a thorough in-depth investigation be conducted immediately by the TCEQ in conjunction with EPA and OSHA if deemed necessary, to determine if this facility is operating in compliance with the various most current air permit(s) and its amendments and with the requirements of the OSHA 1910.119 Process Safety Requirements. In addition, I am requesting here an open public meeting with required physical attendance of all stakeholders to discuss the lack of merit contained in this application. Neither the Applicant nor the TCEQ have done comprehensive, adequate, and meaningful inspections, studies or modeling of the air in the six-miles stretch where many industrial sites all located within this stretch to determine the current condition of the air in this small space which is very short, only six miles long. Therefore, I am also requesting that the TCEQ in conjunction with the EPA conduct such studies and modeling, before granting any more permit or amendments requests. In addition, if during this investigation serious violations are revealed whereby the health and the safety of individuals living on the adjacent communities have been affected or the condition of the air atmosphere in this six- mile space is close or at non-attainment; or if the concentration of Hazardous Air Pollutants (HAP's) in this short stretch is detrimental to people living in these communities, then serious consideration should be given to the revocation of existing air permit and amendments. I make these statements and requests based on the following observations and assessments:

SPECIFIC COMMENTS AND OBSERVATIONS (addressing a deficient and insufficient Draft Permit issued to Flint Hills by the TCEQ.) A draft permit characterized with too many missing teeth and loopholes to the rules and requirements.

1. In section 6 page 2, the draft permit reads "compliance with the H₂S concentration limits shall be demonstrated by sampling the material in each tank twice monthly if the API gravity is less than or equal

to 25 and annually if the API gravity is greater than 25.” The permit should have required weekly regardless of the value of the API gravity of the oil.

2. In section 6 page 2, the draft permit calls when checking for H₂S content in the crude oil and stabilized condensate for retesting if the first lead acetate paper (LAP) fails i.e., shows positive in H₂S content) but what it does not say, but should require is that if the test fails the second time then the product should be rejected and not stored at this facility.

3. In section 7 page two, the draft permit should read “Total combined throughput of the barge and ship loading of crude oil and stabilized condensate is limited to 138,700,000 barrels per rolling twelve months, and records of this compliance or non-compliance should be submitted quarterly. This is necessary because in the past this Applicant has ignored this rule.

4. In section 8 page 3, the permit addresses the loading of product into inerted and non-inerted vessels and a compliance with a true vapor pressure requirement. In this rule the following requirement is ambiguous. What does “with a maximum true vapor pressure equal to or greater than 0.50 pounds per square inch” mean? Why not use a vacuum-assisted vapor collection system for both inerted and non-inerted vessels; and not do the loading at all if this vapor-assisted system is not functional.

5. In section 9 (D) page 4, requirement 3 contradicts and nullifies requirements 1 and 2. This rule should simply be “if the leak is not stopped immediately after an attempt is made to stop this leak, then the loading of the ship should be stopped immediately.

6. In section 10 page 4, the draft permit should have included in this document the October 2016 protocol letter from the TCEQ Executive Director addressing VOC collection system efficiency testing. This proposal is not transparent nor fair to the public that would be inhaling the HAP’ from this site.

7. It is a tremendous burden for the general public to access the Federal Register to find out if the TCEQ and the Applicant are complying with federal rules and requirements. In section 15 page 6, the draft permit should have included the quoted specific requirements for floating roof tanks (especially those rules addressing the type of mechanical seal the storage tanks have:

- a. 40CFR 60 and applicable subparts.
- b. 40CFR 61 and applicable subparts.
- c. 40CFR 63 and applicable subparts.
- d. API code 650
- e. AP-42.

8. Maintaining the mechanical integrity of the different types of seals being used in the floating roof tanks is essential to the compliance and prevention of emissions from these tanks. The draft permit is very weak in its conditions to maintain this mechanical integrity. The TCEQ should require reporting quarterly. The reporting should include:

- a. Failures and non-compliance of these seals.
- b. Actions taken to repair modify etc. such seals.
- c. Non- permitted emissions caused by these, including quantities of HAP’s emitted to the atmosphere.

9. Un-announced audits and investigations should be conducted by the TCEQ on these tanks. At least once per year. This should have been included in this draft permit. The self-reporting and or announced audits do not work. Air permit industrial sites are running circles on the TCEQ with this BS of self-reporting and announced “heads up” audits and investigations

10. In section 16 page 7 addressing the use of only ultra-low sulfur diesel (ULSD) the fire water pump engines, the draft permit should not have required paperwork from the Applicant. Paperwork that in turn the Applicant would require from the fuel supplier. The TCEQ should have instead required the Applicant i.e., Flint Hills to conduct its own testing for H₂S or any other sulfur bearing compound that might be present in the fuel to be used by these engines with a flat-out rejection of the fuel if the so called ULSD diesel is not in compliance.

11. In section 24 page 13, the draft permit addressing the Marine Vapor Combustion Units (MVCU) firebox temperature monitors calibration frequency, states that the monitors should be calibrated annually. The permit should have required that these monitors be calibrated quarterly not annually.

12. Also in section 24 page, 13 the draft permit addressing the accuracy of the fire box temperature monitor states” the temperature monitors shall have an accuracy of the greater of plus or minus 2 % of the temperature being measured expressed in degrees Celsius or plus or minus 2.5 degrees Celsius. But the required accuracy should be the smaller not the greater of the criteria.

13. Deviation/violation reports should be submitted quarterly not annually, because this Applicant has committed too many deviations/violations in the past throughout its history since its commissioning in 2004.

14. Operating and maintenance logs on the seventeen (17) storage tanks should be submitted with the deviation/violation reports. These reports should specifically address filling/withdrawal rates to and from the tanks and any monitoring/testing and or repairs associated with the floating roofs and their seals.

15. Operating and maintenance logs on the three (3) MVCU's should be submitted with the deviation/violation reports. These reports should specifically address calibration/repair activities and compliance or non-compliance with the required accuracy check of key instrumentation of the MVCU's (fire box temperature monitors and pilot flame scanners.) These logs should include fire box temperature readings to ensure that the 1600-degree F required operating temperature was or was not maintained during the operating period.

16. The draft permit should have required the installation of one or two on stream analyzers for H₂S; where sampling of each tank would occur at least hourly on all 17 tanks. This should have been a requirement in addition to the LAP testing requirement.

17. If the Applicant and the TCEQ were genuinely interested in the health and safety of the thousands of people living in the Ingleside on the Bay, the Gregory and the Portland Communities they would have required on this permit the installation of monitors on the perimeter/fence of this marine site at strategic locations selected by the affected communities.

18. The physical location of this marine terminal is in close proximity (they are neighbors with two other marine facilities located immediately west.) These are the MODA/Enbridge and the Buckeye terminals who basically carry out very similar operations as those of the Flint Hills Facility. The MODA/Enbridge has eight (8) VCU's or flares, and operates 54 floating roof tanks. Buckeye's, I do not know. Then North West of the Flint Hills terminal within a six (6) mile stretch are the flares, stacks and tanks and internal combustion engines of the Cheniere's LNG Gregory Plant and the Voestalpine plant. Then sandwiched in between the Marine Terminals located in Ingleside and the Gregory Plants, are the Occidental Chemical plant with its VCM and cogeneration plant, and there are others. Most of these facilities if not all, are currently requesting air permit amendment to get permission to legitimize their already huge number of emitted Hazardous Air pollutants like H₂S, VOC, SO₂, CO, and PM. All of this taking place and being made possible by a "fast tracked" complicit TCEQ permitting process that is a Sham/Shoddy application process, whose end result is manufactured draft permits issued by the TCEQ Executive Director Toby Baker. Draft permits that do not protect the environment nor do they protect people's health or safety.

19. An application process that allows only for individual site air modeling and does not consider the aggregate emissions from all the facilities mentioned above all located within the mentioned six-mile stretch. As if our respiratory systems only inhale these HAP's from only one facility at the time, from operations taking place continuously every hour of the day every day of the year. How ridiculous, how stupid, how ludicrous, how counter-intuitive can this approach be? It defies logic and common sense to do so.

20. The TCEQ should drastically improve its available to the public information request systems. As an example, the loading of public records (deviation reports, investigation reports, enforcement actions etc.) should be within a month of the TCEQ generating this information, or receiving this information from applicants. They should be made available for external viewing by the public within a month of the TCEQ having possession of these documents.

Encarnacion Serna (Chon) 361-903-5774

RESPONSE TO COMMENTS 8 & 9: The ED appreciates Commenter's concerns regarding asserted increased health and safety risks due to an oil spill on Christmas Eve 2022 at the site that is affecting local communities.

In response to public hearing requests from several individuals including the Commenter, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023. During the public comment period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters.

Commenter also stated concerns regarding deviation/violation reports, the NSR permit 6606 amendment application, and problems associated with procedures for record requests.

The ED's response to each of these concerns is noted below:

In regard to deviation and violation reports, the applicant's and site's compliance history (CH) rating is determined on an annual basis by TCEQ's Office of Compliance and Enforcement (OCE), which enforces compliance with the state's environmental laws to address any non-compliance and enforcement issues. OCE considers past emission releases and events to determine applicant's and site's compliance history (CH) rating on an annual basis. The following OCE link provides more information on CH, including how CH ratings for regulated entities are calculated and how compliance histories, ratings, and classifications are assigned and used by TCEQ staff: [Compliance History - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/compliance-history).

An explanation of the factors used in the Site Rating formula to calculate CH rating may be found in 30 TAC §60.2. Based on various factors such as notices of violations, investigations, enforcement order(s), court judgment(s), consent decree(s), criminal conviction(s), and similar others cited in 30 TAC §60.2, the CH classification for the site with RN100222744 is shown as "satisfactory" [[TCEQ Compliance History Search \(texas.gov\)](#)].

Deviation reports are usually processed by the TCEQ regional office and acted upon as required to address/resolve any potential non-compliance issues. 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.

FOP assures compliance with all applicable requirements. For example, the PCC forms are required to be submitted annually and OP-ACPS form is submitted with the renewal application. If required, any out of compliance units, violation reasons, citations, and action plan will be included in the permit under a Compliance Schedule. If required, any out of compliance units, violation reasons, citations, and action plan will be included in the permit under a Compliance Schedule.

In regard to Commenter's assertion that the site is classified as "high priority violation" (HPV) in EPA Enforcement and Compliance History Online (ECHO) database for RN100222744 (see https://echo.epa.gov/detailed-facility-report?fid=110043694767&ej_type=sup&ej_compare=US), the HPV status was noted during the time period starting 10/01/2021 and ending with 03/31/2023. EPA's ECHO web site shows that HPV status was resolved and addressed by the state during 01/01/2023 through 03/31/2023. As of 04/01/2023, site has no HPV violations.

In regard to the Commenter's concerns about NSR permit 6606 amendment application, the ED notes that under the two-permit system in Texas, only NSR permits authorize air emissions under 30 TAC Chapter's 106 and 116. The Proposed Permit issued under 30 TAC Chapter 122 (or Title V program) does not authorize any emission limits or changes to emission limits for various emission sources. The establishment of authorized air emissions limits for each pollutant, determination of non-attainment status, evaluation of BACT and health impact analysis of air emissions occurs during an NSR permit project review and not during a Title V permit review.

However, the ED notes that Commenter's had made substantially similar comments during public comment period for NSR Permit No. 6606 and the ED had already provided a response. Please refer to ED's RTC dated October 11, 2022 which is publicly accessible on TCEQ's Records online web site (at https://records.tceq.texas.gov/cs/idcplg?ldcService=TCEQ_SEARCH) as WCC content ID 6309416 and which is also attached as Appendix B, is hereby incorporated by reference into this Executive Director's Response to Public Comment document.

More specifically, Commenter had previously submitted similar comments pertaining to NSR permit 6606 amendment application and TCEQ had provided a response related each of the comments found in the RTC document attached as Appendix B. Please refer to the following comment/response for additional information: comment/response 2 regarding health effects, comment/response 5 regarding LAP and HAPs sampling, comment/response 8 regarding vacuum assisted loading, comment/response 17 regarding loading of marine vessels, comment/response 19 regarding quarterly deviation reporting, comment/response 20 regarding diesel fuel monitoring, comment/response 28 regarding accuracy of MVCU firebox temperature, comment/response 33 regarding air monitors, comment/response 34

regarding climate change, comment/response 35 regarding access to permit documents, comment/response 37 regarding BACT, comment/response 38 regarding emission rates and calcs, comment/response 40 regarding environmental impact study, comment/response 43 regarding demonstration of compliance with permit, comment/response 44 regarding compliance history, comment/response 45 regarding inspections, and comment/response 46 regarding violations enforcement.

It is our understanding that Commenter's have filed a motion to overturn amended NSR Permit 6606 issued on 10/11/2022 and TCEQ has denied the motion to overturn.

In regards the Commenter's concerns about meeting the requirements of the OSHA 1910.119 Process Safety Requirements, the ED notes the following: 1) The Texas Hazard Communication Act (revised 1993), codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace, and 2) Texas is under federal OSHA jurisdiction which covers most private sector workers within the state. State and local government workers are not covered by federal OSHA. As such, TCEQ does not have jurisdiction to require air permits issued under 30 TAC Chapter 116 and 30 TAC Chapter 122 to comply with the requirements of the OSHA 1910.119 Process Safety Requirements.

In regards the Commenter's concerns about problems associated with procedures for record requests, the ED notes all air permits related records, including Title V and NSR permit records may be publicly accessed 24x7 via TCEQ CFR Online website

https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_SEARCH. Guidance documents for conducting air permit related searches on TCEQ Records Online can be accessed at https://www.tceq.texas.gov/permitting/air/nav/air_status_permits.html.

The ED notes, that in addition to providing online access to air permit records, TCEQ's CFR Online website also provides online 24x7 access to the public for all compliance and enforcement (OCE) records pertaining to a site (e.g., Ingleside Terminal site having Regulated Entity Number: RN100222744) by selecting OCE/Air Compliance Record Series to search for the OCE records that may include (but not limited to) the following report categories: incident, investigation, audit, compliance, enforcement, certification, deviation, notification, stack test, semi-annual and annual, and others.

COMMENTS FILED ON MAY 25, 2023, BY JENNIFER HILLIARD

COMMENT 10:

This Federal Operating Permit brings all of the air permits that have been granted to Flint Hills by the TCEQ over the course of its existence under one umbrella so that the total emissions for the facility can be scrutinized. Many of these permits, specifically the Permits by Rule, have been granted to Flint Hills without public notice and without cumulative emission calculations and certainly without monitoring and reporting requirements. These Permits by Rule are for smaller emission sources but when they are continually sought, they very quickly add up to a larger unmonitored emission source. The TCEQ with its current permit policies is allowing communities health to be impacted without notice to the communities and without a chance to comment with these multiple Permits by Rule.

In reviewing the documentation of the TCEQ of this facility and considering the most recent investigation report on the Christmas Eve oil spill, it is clear the Flint Hills Ingleside Terminal has a poor history of facility maintenance, monitoring and record keeping. Yet it keeps being granted increases in its emission levels without so much as a fine and only a few notices of violations. The emission increases granted require minimal monitoring, leak detection is to be conducted quarterly and most other monitoring is by sight, smell or sound. In reading their last facility investigation, their reporting and document keeping is poor at best. Yet, the TCEQ continues to give them a 00 rating, it highest rating, and allowing the facility to revise calculations and fill in years of missing paperwork with best guesses. While the EPA still has Flint Hills listed as a high priority Clean Air Act Violator.

The EPA suggested in comments they made to the New Source Review permit no. 6606 that "In this case Ingleside on The Bay is in very close proximity to not only the Flint Hills facility, but a number of other

large facilities. To mitigate potential community risk, TCEQ should ensure that the permit conditions include enforceable requirements for continuous monitoring equipment (e.g., opacity cameras, CEMS, etc.) where technically feasible to ensure proper operation of control devices within permitted limits and consider incorporating modeling assumptions where appropriate as legally and practically enforceable limits or work practices in the permit.” Yet the TCEQ does not require any form of monitoring other than the minimal smell, sight and sound monitoring to be recorded monthly. The EPA suggested several times in their comments that the TCEQ was not requiring adequate testing and monitoring in its permitting. As such the TCEQ denies that efficiencies will diminish over time and without assurances of proper maintenance, there can be no faith this facility is operating within its permitted limits. Still, TCEQ issues the permit with no changes with pollution limits that we still believe are not protective of human health.

In the Flint Hills expansion project to add six tanks and 3 new vapor combustors. The original air permit granted in 2019 for this project included minor increases to SO₂ levels. After completion of the project the product, Flint Hills filed an as-built amendment in 2021 that increased projected throughput levels by 30% and raised the levels of SO₂ emissions above the Major Modification permitting level requiring additional public review and participation. Why weren't these numbers not included in the original permit, one can only assume they did want to go through the full review process and not give the public the information they needed to participate fully in the permitting process. Flint Hills stated it was because they did not realize the Channel Improvement project was going to deepen the ship channel to 54'. Who in 2018 did NOT know that the Corpus Christi Ship Channel was being deepened to 54 feet? The funding for the first phase was secured in 2017. The contract was out for bid by the U.S. Army Corps of Engineers in September 2018 and was awarded in January 2019. The Port of Corpus Christi website is full of articles announcing the progress of this deepening since 2016. The fact that the TCEQ allows this type of skirting of its regulations is what causes communities to suffer, for citizens to be exposed to ever greater cancer-causing emissions and for the precious resources of our state to be forever lost.

The draft permit contains several errors, which are shamefully indicative of the permitting and specific investigations of this facility. For starters, the draft permit does not include all PBRs, Permits by Rules, that have been granted to this facility, thus underestimating emissions and the terminals potential to pollute. On page 18, the “permit shield” states that the facility loads less than 2 million barrels in 24 month period and is thus not considered a major source of Hazardous Air Pollutants and not required to meet certain regulations, when in the fact the most recently amended permit 6606 allows 187 million barrels a year, meaning a two year average that would well exceed two million barrel limit at 374 million barrels for a 24 months and should be considered a major source. The current permit misnumbers and describes tanks that are part this facility adding to the general sloppy and erroneous history of this facility.

The TCEQ consistently allows for facilities such as Flint Hills Ingleside Terminal to expand operations, increase emissions without providing any form of verification they are staying within the limits of their permit. The TCEQ does not provide monitoring in San Patricio and does not require facilities such as Flint Hills to provide fence line monitoring that can assure compliance with their own permit. Even the minimal compliance measures promised in the permit are not required to be recorded or submitted for verification. The leak detection and repair rules and regulations used in the TCEQ permitting requirements are using an antiquated standard and allow these facilities to do the bare minimum to protect air and water quality. We are well into the digital age and the cost of digital components have gone down significantly. What's more, the Clean Air Act requires the use of Best Available Technology, yet this is not the requirement of the TCEQ. Flint Hills has stated they will voluntarily provide monitoring, this type of promise falls flat as this data will be for their own use, not for regulatory reporting and not available to the public. If Flint Hills is going to tout this new monitoring campaign to the community and regulators as evidence of their compliance, they should make it part of their permitting with reporting and record keeping requirements and make the data available to the public.

Flint Hills Resources calculates emissions using assumed efficiency for permit calculations. These assumed emissions do not reflect current operating efficiencies and in fact do not include poorly maintained tanks and leaking seals shown in the OGI videos. Flint Hills Resources calculated emissions during a TCEQ investigation using data provided by AP 42 for a properly maintained facility, not one with leaking seals that was confirmed by TCEQ's own OGI camera. Yet the TCEQ accepts this misleading calculation using antiquated standards to NOT find a reason for Violation. Even when their own cameras

confirmed there were 4 leaking crude oil storage tanks spewing hydrocarbons and hazardous air pollutants into the air above Ingleside and Ingleside on the Bay.

In this recent amendment the New Source Review permit #6606 for Flint Hills was recently approved by the TCEQ in 2022. They accepted years old, Marine Vapor Combustion Unit (MVCU) testing results to satisfy operational emission limit requirements without requirements for semi or even annual testing to show that they are actually destroying the emissions that they are getting credit for. Flint Hills Ingleside Terminal receives a \$450,000 tax break every year for pollution controls that they have no responsibility of proving, monitoring or even testing for compliance.

These hydrocarbons emitted from this facility consist of harmful Green House Gasses and Volatile Organic Compounds, yet the TCEQ does not require Flint Hills Ingleside Terminal to calculate or report Green House Gases. So even though we can see these harmful emissions with OGI monitoring and the TCEQ is aware of these emissions, they do not require this facility to obtain a Green House Gases permit. There is no limitation to these harmful emissions imposed on Flint Hills and there is no record keeping or reporting.

The draft permit contains several errors, which are shamefully indicative of the permitting and specific investigations of this facility. For starters, the draft permit does not include all PBRs, Permits by Rules, that have been granted to this facility, thus underestimating emissions and the terminals potential to pollute. On page 18, the "permit shield" states that the facility loads less than 2 million barrels in 24 month period and is thus not considered a major source of Hazardous Air Pollutants and not required to meet certain regulations, when in the fact the most recently amended permit 6606 allows 187 million barrels a year, meaning a two year average that would well exceed two million barrel limit at 374 million barrels for a 24 months and should be considered a major source. The current permit misnumbers and describes tanks that are part this facility adding to the general sloppy and erroneous history of this facility.

In reading the investigation reports from Earthworks OGI complaints registered against the facility, the TCEQ nor Flint Hills seems to take leaking seals on their tanks as a maintenance concern. After discussions with other industry professionals, leaking seals should not be considered standing emissions on a cool evening as the representatives from Flint Hills have attested. The TCEQ's investigation from the March 1st 2022 complaint, only address leaking at one tank and did not address fugitive emissions documented from the Vapor Combustion Units. Flint Hills claimed the hydrocarbon emissions from the some of the footage is considered working losses yet did not produce any throughput evidence or calculations to justify the statement. On the November 14th complaint, Flint Hills stated the emissions captured were standing losses and normal operations of the tanks. Industry Professionals again question the facility maintenance and the willingness of the TCEQ to acceptance of leaking seals as a routine standing emissions. The company did not provide any chemical profile data on the tank contents at the time of the Earthworks' assessment. Why was the data not provided and why did the TCEQ not ask for it? Why did the TCEQ use an OGIC with a QL320 tablet that could actually quantitate the emissions? The investigations of these two complaints show the complaisance by the TCEQ in allowing industry to continue operations without accounting for their emissions.

RESPONSE TO COMMENT 10: The ED appreciates Commenter's concerns regarding asserted increased health risks, especially citizens in local communities being exposed to cancer-causing emissions from the site.

Commenter also stated concerns regarding asserted deficiencies in the Draft Permit, increased emissions authorized by NSR permit 6606 amendment application, and asserted deficiencies in NSR permit 6606 such as monitoring for fugitive emissions, underestimated emissions calculation, ambient air monitoring, and OGI measurements.

The ED's response to each of these concerns is noted below:

The ED disagrees with the Commenters assertion draft permit contains several errors since it does not include all PBRs and PBRs have been granted to Flint Hills without public notice and without cumulative emission calculations and certainly without monitoring and reporting requirements.

As stated in Response to Comment 1, the proposed permit (PP) and SOB are revised as follows:

1. Consistent with the PBR related programmatic changes made to Title V permits, the applicant has submitted a "PBR Supplemental Table" (OP-PBRSUP) dated November 10, 2023 in the application for project 33957 to list all PBRs applicable to the site, which include registered PBRs, claimed PBRs, and claimed PBRs for insignificant emission units. In addition, the PBR Supplemental table includes PBRs where applicability under 30 TAC Chapter 106 may be the only requirements applicable to an emission unit or an activity.
2. As shown in OP-PBRSUP Table, which is part of the permit record, the site lists registered PBRs in Table A, claimed but not registered PBRs in Table B, and PBRs for insignificant sources in Table C. Table D lists the monitoring requirements of PBRs listed in Tables A and B. In addition to monitoring information listed in Table D, the ED notes that detailed information about emission calculations, emission factors, etc., is accessible to the public as application representation for PBR registration number 161793 (see WCC content ID 5373769), for PBR registration number 160536 (see WCC content ID 4665103), and for PBR registration number 107625 (see WCC content ID 3845117).
3. Revised Special Term and Condition 9 in the proposed permit as follows: "Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated November 10, 2023 in the application for project 33957), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment."
4. New Source Review Authorization References by Emissions Unit table in the proposed permit (pages 21-22) has been updated to include the emission units listed in the OP-PBRSUP tables.
5. New Source Review Authorization References table was updated to list NSR Permit Numbers 6606, effective 10/11/2022.
6. Revised the SOB to include a reference to the PBR Supplemental Table and Special Term and Condition 9. In addition, the Insignificant Activity list in the SOB has been expanded to include a link to the de minimis source list and references to PBRs that are not listed on the OP REQ1.

All PBR's listed in OP-PBRSUP table have been issued to be in compliance with all requirements listed under 30 TAC Chapter 106, Subchapter A. As noted in item 2 above regarding assertions that PBRs are obtained without public notice, without cumulative emission calculations, without monitoring and reporting requirements are not possible since Applicant has demonstrated compliance with the PBRs issued under 30 TAC Chapter 106, Subchapter A as represented in the application representation of their PBR applications which may be accessed via CFR Online. See application representation for PBR registration number 161793 (see WCC content ID 5373769), for PBR registration number 160536 (see WCC content ID 4665103), and for PBR registration number 107625 (see WCC content ID 3845117).

In regard to an apparent error in issuing a permit shield in the Draft Permit, as stated in Response to Comment 4, the Proposed Permit is revised to delete the MACT Y permit shield that was previously granted for GRP DOCK unit. As stated earlier, SC 6 of the Proposed Permit lists the sitewide requirements including compliance and performance testing, monitoring and reporting and recordkeeping for operations pertaining to the loading and unloading of marine tank vessels, as specified in 40 CFR Part 63, Subpart Y.

In regard to increased emissions authorized by NSR permit 6606 amendment application and asserted deficiencies in NSR permit 6606 such as monitoring for fugitive emissions, underestimated emissions calculation and OGI video footage showing emissions, these issues have been previously addressed in Response to Comments 2, 3, 4, 5, 6, 7, 8 and 9 noted earlier.

As stated in Response to Comments 8 and 9, the ED notes that Commenter had made substantially similar comments during public comment period for NSR Permit No. 6606 and the ED had already provided a response. Please refer to ED's RTC dated October 11, 2022 which is publicly accessible on TCEQ's Records online web site (at

https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_SEARCH) as WCC content ID 6309416 and which is also attached as Appendix B, is hereby incorporated by reference into this Executive Director's Response to Public Comment document.

More specifically, Commenter had previously submitted similar comments pertaining to NSR permit 6606 amendment application and TCEQ had provided a detailed response related to each of the comments found in the RTC document attached as Appendix B. Please refer to the following comment/response provided by TCEQ for additional information: comment/response 2 regarding health effects, comment/response 33 regarding air monitors and fence line monitoring, comment/response 36 regarding jurisdictional issues, comment/response 37 regarding BACT, comment/response 40 regarding environmental impact study, comment/response 43 regarding demonstration of compliance with permit, comment/response 44 regarding compliance history, comment/response 45 regarding inspections, comment/response 46 regarding violations enforcement, and comment/response 48 regarding OGI technology.

It is our understanding that Commenter's have filed a motion to overturn amended NSR Permit 6606 issued on 10/11/2022 and TCEQ has denied the motion to overturn.

As stated earlier, all FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements, including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

ORAL COMMENTS MADE BY INDIVIDUALS DURING PUBLIC HEARING MEETING IN PORTLAND ON MAY 25, 2023.

COMMENT 11 BY CYNDI VALDEZ

In reviewing the documentation of the TCEQ and considering the most recent investigation report on the Christmas Eve oil spill, Flint Hills Ingleside Terminal has had poor history of facility maintenance, monitoring, and record keeping. Yet it keeps being granted increases in its emission levels without so much as a fine and only a few notices of violations. These emission increases require minimal monitoring. Leak detection is to be conducted quarterly and most other monitoring is to be sight, smell, or sound. In reading their last facility investigation, their reporting and document keeping should be poor at best. Yet, the TCEQ continues to give them a 00 rating, which is its very best rating, while the EPA still has Flint Hills listed as a high priority Clean Act Air violator. This Federal operating permit brings all of the air permits that they have been granted to the Flint Hills by the TCEQ over the course of this existence under one umbrella so that the total emissions for their facility can be scrutinized. Many of these permits, specifically the permits by rule, have been granted to Flint Hills without public notice, and without cumulative emission calculations, and certainly without monitoring and reporting requirements. These permits by rule are for smaller emission sources, but when they are continually sought, they very quickly add up to a large, unmonitored emission source. The TCEQ with its current permit policies, is allowing communities' health to be impacted without notice to the communities and without a chance to comment on these multiple permits by rule. In a recent amendment, the New Source Review Permit Number 6606 for Flint Hills was recently approved by the TCEQ in 2022. The TCEQ accepted years old marine vapor combustion unit testing results to satisfy operational emission limit requirements without requirements for semi or even annual testing to show that they are destroying the emissions that they are getting credit for. Flint Hills Ingleside terminal receives a \$450,000 dollar tax break every year for pollution controls. They have no responsibility of proving, monitoring, or even testing for compliance.

The EPA suggested in comments they made to the New Source Review Permit Number 606 that, I quote, "in this case, Ingleside on the Bay is in very close proximity to not only the Flint Hills facility, but a number of other large facilities to mitigate potential community risk. TCEQ should ensure that the permit conditions include enforceable requirements for continuous monitoring equipment where technically feasible to ensure proper operation of controlled devices within permitted limits and consider incorporating

modeling assumptions where appropriate as legally and practically enforceable limits or work practices in this permit.” Yet the TCEQ does not require any form of monitoring other than the minimal smell, sight, and sound monitoring to be recorded monthly. The EPA suggested several times in their comments that the TCEQ was not requiring adequate testing and monitoring in its permitting. As such, the TCEQ denies that efficiencies will diminish overtime and without assurances of proper maintenance, there can be no faith this facility is operating within its permitted limits. Still, TCEQ issues the permit with no changes, with pollution limits that we still believe are not protective of human health. These hydrocarbon emissions from this facility consist of harmful greenhouse gases and volatile organic compounds. Yet, the TCEQ does not require Flint Hills terminal to calculate or report greenhouse gases. So even though we can see these harmful emissions with OGI monitoring and the TCEQ is well aware of these emissions. They do not require this facility to obtain a greenhouse gases permit.

There is no limitation to these harmful greenhouse gases emissions imposed on Flint Hills and there is no record keeping or reporting. In reading the investigation reports from Earthworks’ OGI complaints registered against the facility, the TCEQ nor Flint Hills seems to take leaking seals on their tanks as a maintenance concern. After discussions with other industry professionals, leaking seals should not be considered standing emissions on a cool evening, as the representatives from Flint Hills have attested. The TCEQ’s investigation from the March 1st, 2022 complaint only addresses leaking at one tank and did not address fugitive emissions documented from the vapor combustion units. Flint Hills claimed that hydrocarbon emissions from some of the footage is considered working losses yet did not produce any throughput evidence or calculations to justify the statement. On the November 14th complaint, Flint Hills stated that the emissions captured were standing losses and normal operations of the tanks. Industry professionals again questioned the facility maintenance and the willingness of the TCEQ on acceptance of leaking seals as a routine standing emissions. The company did not provide any chemical profile data on the tank contents at the time of the earthworks assessment. Why was the data not provided and why did TCEQ not ask for it? Why did the TCEQ not use an OGIC with a QL 320 tablet that could actually quantitate the emissions? The investigations of these two complaints show the compliance of the TCEQ in allowing industry to continue operations without accounting for their admissions.

RESPONSE TO COMMENT 11: The ED appreciates Commenter’s concerns regarding asserted increased health risks, especially citizens in local communities being exposed to emissions from the site.

Commenter also stated concerns regarding asserted deficiencies in the Draft Permit, increased emissions authorized by NSR permit 6606 amendment application, and asserted deficiencies in NSR permit 6606 such as monitoring for fugitive emissions, underestimated emissions calculation, GHG permit, and OGI measurements.

The ED’s response, which is similar to Response to Comments 10 noted above, to each of these concerns is noted below:

The ED disagrees with the Commenters assertion draft permit contains several errors since it does not include all PBRs and PBRs have been granted to Flint Hills without public notice, without cumulative emission calculations, and certainly without monitoring and reporting requirements.

As stated in Response to Comment 1, the proposed permit (PP) and SOB are revised as follows:

1. Consistent with the PBR related programmatic changes made to Title V permits, the applicant has submitted a “PBR Supplemental Table” (OP-PBRSUP) dated November 10, 2023 in the application for project 33957 to list all PBRs applicable to the site, which include registered PBRs, claimed PBRs, and claimed PBRs for insignificant emission units. In addition, the PBR Supplemental table includes PBRs where applicability under 30 TAC Chapter 106 may be the only requirements applicable to an emission unit or an activity.
2. As shown in OP-PBRSUP Table, which is part of the permit record, the site lists registered PBRs in Table A, claimed but not registered PBRs in Table B, and PBRs for insignificant sources in Table C. Table D lists the monitoring requirements of PBRs listed in Tables A and B. In addition to monitoring information listed in Table D, the ED notes that detailed information about emission calculations, emission factors, etc., is accessible to the public as application representation for PBR registration number 161793 (see WCC content ID 5373769), for PBR registration number

160536 (see WCC content ID 4665103), and for PBR registration number 107625 (see WCC content ID 3845117).

3. Revised Special Term and Condition 9 in the proposed permit as follows: "Permit holder shall comply with the requirements of New Source Review authorizations issued or claimed by the permit holder for the permitted area, including permits, permits by rule (including the terms, conditions, monitoring, recordkeeping, and reporting identified in registered PBRs and permits by rule identified in the PBR Supplemental Tables dated November 10, 2023 in the application for project 33957), standard permits, flexible permits, special permits, permits for existing facilities including Voluntary Emissions Reduction Permits and Electric Generating Facility Permits issued under 30 TAC Chapter 116, Subchapter I, or special exemptions referenced in the New Source Review Authorization References attachment."
4. New Source Review Authorization References by Emissions Unit table in the proposed permit (pages 21-22) has been updated to include the emission units listed in the OP-PBRSUP tables.
5. New Source Review Authorization References table was updated to list NSR Permit Numbers 6606, effective 10/11/2022.
6. Revised the SOB to include a reference to the PBR Supplemental Table, Special Term and Condition 9. In addition, the Insignificant Activity list in the SOB has been expanded to include a link to the de minimis source list and references to PBRs that are not listed on the OP REQ1.

All PBR's listed in OP-PBRSUP table have been issued to be in compliance with all requirements listed under 30 TAC Chapter 106, Subchapter A. As noted in item 2 above regarding assertions that PBRs are obtained without public notice, without cumulative emission calculations, and without monitoring and reporting requirements are not possible since applicant has demonstrated compliance with the PBRs issued under 30 TAC Chapter 106, Subchapter A as represented in the application representation of their PBR applications which may be accessed via CFR Online. See application representation for PBR registration number 161793 (see WCC content ID 5373769), for PBR registration number 160536 (see WCC content ID 4665103), and for PBR registration number 107625 (see WCC content ID 3845117).

In regard to increased emissions authorized by NSR permit 6606 amendment application and asserted deficiencies in NSR permit 6606 such as monitoring for fugitive emissions, underestimated emissions calculation and OGI video footage showing emissions, these issues have been previously addressed in Response to Comments 2, 3, 4, 5, 6, 7, 8 and 9 noted earlier.

The ED notes that Commenter has made comments above that are substantially similar to other public comments made during public comment period for NSR Permit No. 6606 and the ED has already provided a response. Please refer to ED's RTC dated October 11, 2022 which is publicly accessible on TCEQ's Records online web site (at https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_SEARCH) as WCC content ID 6309416 and which is also attached as Appendix B, is hereby incorporated by reference into this Executive Director's Response to Public Comment document.

More specifically, Commenter has made comments above pertaining to NSR permit 6606 amendment application and TCEQ has provided a detailed response related each of the comments found in the RTC document (see Appendix B). Please refer to the following comment/response provided by TCEQ for additional information: comment/response 2 regarding health effects, comment/response 34 regarding climate change including GHG permits, comment/response 35 regarding access to permit documents, comment/response 37 regarding BACT, comment/response 38 regarding emission rates and calcs, comment/response 40 regarding environmental impact study, comment/response 43 regarding demonstration of compliance with permit, comment/response 44 regarding compliance history, comment/response 45 regarding inspections, comment/response 46 regarding violations enforcement and comment/response 48 regarding OGI technology.

It is our understanding that Commenter's have filed a motion to overturn amended NSR Permit 6606 issued on 10/11/2022 and TCEQ has denied the motion to overturn.

As stated earlier, all FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's

public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

COMMENT 12 BY JENNIFER HILLIARD

My name is Jennifer Hilliard, I am at 904 Sandpiper in Ingleside on the Bay. I'd also like to comment that holding this event on Memorial Day Weekend and on the night of graduation, especially graduation in Portland, and this facility, really shows the, you know, in the lack of attendance and I'd like that to be noted. My comments are going to address, you know, Flint Hills Resources and their lack of maintenance and oversight on their Ingleside terminal facility and also the TCEQ and their permitting processes, lack of specific investigations, and also their lack of monitoring. So, in their 2019 permit that was granted to Flint Hills, they added six tanks and three vapor combustor units. This project included minor increases in SO₂ levels. After completion of the project, Flint Hills filed an as built amendment in 2021 that increased the throughput levels by 30% and raised the levels of SO₂ emissions above a major modification in permitting levels that required additional review and permitting. Why weren't these numbers included in the original permit? One can only assume that they did not want to go through the full review process required by a major modification. Flint Hills stated that it was because they did not realize the Channel improvements were going to deepen the Channel to 54 feet. Who in 2018 did not know that the Corpus Christi Ship Channel was going to be deepened to 54 feet? The funding for the first phase was secured in 2017. The contract was out for bid by the Army Corps of Engineers in 2018. The Port of Corpus Christi's website is full of articles announcing the progress of the deepening of this channel since 2016. The fact that the TCEQ allowed this skirting of their regulations, is what causes communities to suffer, for citizens to be exposed to even greater cancer-causing emissions, and for the precious resources of our state to be forever lost. The draft permit contains several errors, which is shamefully indicative of the permitting and TCEQ's specific investigations of this facility. For starters the draft permit does not include all the PBR's that have been issued. They have been issued and granted to this facility, thus underestimating the emissions and the terminal's potential to pollute. On page 18, the permit shield states that the facility loads less than two million barrels in a 24 month rolling period and is thus not considered a major source of hazardous air pollution. And it's not required to meet certain regulations when in fact most recently amended permit 6606 allows 187,000,000 barrels per year, meaning the two-year average would be well above the two million 24-month period with 474,000,000 barrels for a 24-month period and it should be considered a major source. The current permit also missed numbers and misdescribes tanks that are part of this facility, adding to the general sloppiness and the erroneous history at this facility. The TCEQ has consistently allowed for facilities such as Flint Hills to expand their operations, increase emissions without providing any form of verification that they're staying within their limits of the permit. The TCEQ does not provide monitoring in San Patricio and does not require facilities such as Flint Hills to provide fence line monitoring that can assure compliance with their own permit. Even the minimal compliance measures promised in the permit are not required to be recorded and permitted and submitted for verification. The leak detection and repair rules and regulations used in the TCEQ's permitting requirements are antiquated and the standards allow these facilities the bare minimum to protect air and water quality. We are well into the digital age and the cost of digital components have gone down significantly. What's more, the Clean Air Act requires the use of the best available technology. Yet this is not a requirement of the TCEQ. Flint Hills has stated they would voluntarily provide monitoring. This type of promise falls flat as the data will be for their own use, not for regulatory reporting and not available to the public. If Flint Hills is going to tout this new monitoring campaign to the community and to regulators as evidence of their compliance, they should make it part of their permitting reporting and record keeping requirements and make the data available to the public.

RESPONSE TO COMMENT 12: The ED appreciates Commenter's concerns regarding asserted increased health risks, especially citizens in local communities being exposed to emissions from the site.

The ED notes that Comment 12 submitted by the Commenter is similar to Comment 10 submitted by the same Commenter. As such, please refer to Response to Comment 10 for additional information.

As stated earlier, all FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's

public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

COMMENT 13 BY ILAN LEVIN

My formal comments are gonna track what I mentioned in my questions, and then we're also submitting written comments this evening and they may have already been submitted through the online system. So, just I want to make a few points on the record which the permits by rule do not have any monitoring that is sufficient to assure compliance with those limits in the PBR's and we would urge you to please improve the Title V permit to assure compliance with those PBR limits. The marine vapor combustors, as well, do not have any monitoring requirements sufficient to assure compliance with those limits, and so we would urge you to adopt and include monitoring that would assure compliance with the hourly and annual marine vapor combustor limits. The tanks, all the emissions from the tanks are based on those EPA, what they call the AP42 factors, and if I misspoke, if there's a tank that is not AP42 factor I'm unaware of it, but I think most of the tank's emissions are gonna be based on those EPA AP42 factors and as you all know, EPA has stated for many years that those are old and outdated and that they should not be used to determine case by case tank emissions. Again, I just want to urge you to take a look at that New Source Review Permit 6606, which even though it's a TCEQ minor New Source Review Permit, currently authorizes 118 tons per year of VOC's and I think this is one of the sources that is a listed source, so over 100 is major. And that doesn't even include the VOC's that y'all have authorized in those separate, permit by rules that are also in the permit. That's it and I appreciate y'all paying attention and hopefully improving this permit for the folks that live, and work, and recreate, and breathe the air around your facility.

RESPONSE TO COMMENT 13: The ED appreciates Commenter's comments regarding TCEQ's permits providing improvement for the folks that live, and work, and recreate, and breathe the air around the Ingleside Terminal facility.

The ED notes Comment 12 submitted by the Commenter is similar to Comment 10. As such, please refer to Response to Comment 10 listed above for additional information.

As stated earlier, all FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements, including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

COMMENT 14 BY ERROL SUMMERLIN

My name is Errol Summerlin and I live at 1017 Diomedea Drive here in Portland. I'm a co-founder of CAPE, the Coastal Alliance to Protect our Environment. While written comments are being provided on our behalf, I want to take a few moments to offer the following. First and foremost, why is this meeting being conducted here in Portland? This public meeting should be held near impacted communities. Those most impacted by the Flint Hills operations and the increased emissions over there are the communities of Aransas Pass, Ingleside on the Bay, and Ingleside. The public meeting should have been held near those communities, in those communities, to afford the opportunity for residents to show up. Second, I can't help but mention the Cheniere flare that's behind you, glowing just magnificently. If you haven't seen it at night, it really is a tremendous sight. It's our tiki torch, okay? It's a routine event here and I hope that folks from Austin will just take a look at it, okay? Because it's routine here and Cheniere defies you to do anything about it because you and your desktop reviews of permits allow a facility to give you emission rates to start off with and then, through permits by rule or supposed minor amendments, you increase emission rates and combine these in what is really a new major permit that allows these egregious events like what's happening right behind you right now. That's what you've done in the Flint Hills permit as well. Through PBR's and what you call minor adjustments, you allow the applicant to avoid major source review by incorporating all these adjustments and deviations into a permit that, in reality, is a major modification, especially as it relates to emissions of sulfur dioxide. It appears as well that there may be

some outstanding PBR's that are not included in the draft permit that would add to the total emissions. You need to include all emissions for a proper Title V review. The EPA has found this facility to be what I would call a serial violator of the Clean Air Act. A facility that commits a series of violations, disregarding applicable law and regulations, and typically follows a characteristic predictable behavior pattern. That behavior must end. How can you justify issuance of permit that allows continued emissions from this facility in violation of the Clean Air Act? TCEQ records reveal a number of deviations or operational mishaps at the FHR facility, including vapor combustion units not passing the combustion test, ongoing problems with the piping not being properly welded, negligent operation of the terminal, disclosed in various categories, including pipe leaks, hose leaks, lands leaks, weld failures, pipe plug failures, et cetera, resulting in leaks and releases to land, air and water. In light of their continuing failures to adequately maintain their facilities, I urge you to include mandatory monthly inspections, which they're doing right now. Include it in the permit on each component using OGI thermography. Finally, I'll just say that, you know, I saw in the Caller-Times today a notice from the TCEQ on a NORI and it was about HEB's tortilla factory and their bakery. And I thought to myself, my God, here we have what's going on in front of me right now, what's going on over at Ingleside, and you're worried about a bakery and a tortilla factory, right? I mean, let's devote the time necessary to these major permits that's required to protect public health.

RESPONSE TO COMMENT 14: The ED appreciates Commenter's comments regarding protecting public health around the Ingleside Terminal facility.

The ED also notes that Comment 14 submitted by the Commenter is similar to Comment 7. As such, please refer to Response to Comment 7 for additional information.

As stated earlier, all FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

COMMENTS ELECTRONICALLY SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE ON JANUARY 26, 2023.

GROUPED COMMENT FILED BY FOLLOWING INDIVIDUALS – POLLUTION FROM OIL SPILL

Beatriz Alvarado, Maria Halloran, Michelle Mack, Thomas Mack, Julie Ann Nye, Patrick Arnold Nye, Lynne Goeglein Porter, Lisa T. Riley, Cynthia L. Valdes, James Walton, Sheila Walton, Suzi M. Wilder, Kerri Lynn Ackerly, Alyssa Alaniz, Armon Alex, Carl Daniel Amsden, Beasley Amsden, Benavides Chrystal, Bishop Cody, Castillo Dani, Christianson Elida, Daley Leah, Davis Tom, Disanza Molly, Drake Maggie, Duttweiler Raven, Eason Joshua, Kyle Joseph, Jazmeyne Evans, Alex Flucke, George Gardiner Witshire, Erica Gonzalez, Kristen Hallas, Rayne Hargreaves, Sarah Herzer, Annabelle Kemberling, Kirsi Kuutti, Ana Laurel, Brandon Marks, Kaytlyn Leerskov, Jean Kaytlyn, Taylor Rena Marrs, Kathryn A. Masten, Eli Mckay, Molly F. Morabito, Janet Newcomb, Ann R. Nyberg, Blanca Parkinson, Zeneth Perez, Amelia Leigh Prestia, Oliver Puckett, Cristina Ramirez, Jessica Rathmann, Mars Reyna, Julie Travis Rogers, Lexi Ann Stanfield, Joanie M. Steinhaus, Karen JO Thorwaldson, Chloe Torres, Ana Trevino, Genevieve Ann Vale, Riley Walsh, Steven L. Wilder, Tara Young, Robert Ellsworth Graham, Robin Schneider.

COMMENT 15 – Commenters expressed concern over the environmental, and health effect of the over 14,000 gallons of oil that spilled into the Corpus Christi Bay on Christmas Eve. Commenters are accusing the TCEQ of not honoring their primary mission to protect the state's public health and natural resources, but instead has placed economic development over its duty to protect public health and the environment.

Commenters had questions regarding the standard of operation of the plant, and Flint Hills Ingleside plan to keep the community safe from VOC emissions. Commenters are also concerned that the increases in air emissions constitutes an imminent risk to the community's health, and their continued operation is clearly a risk to the sensitive marine environments located in Corpus Christi Bay.

GROUPED COMMENT FILED BY FOLLOWING INDIVIDUALS – ENVIRONMENT & HEALTH EFFECTS

Glenn Guillory, Hilliard Glenn, Jennifer R Beasley Chrystal Beasley, Castillo Chystal, Elida Castillo, Patrick Arnold Nye, Encarnacion Serna, Chloe Torres, Ana Trevino, Beatriz Alvarado, Maria Halloran, Michelle Mack, Thomas Mack, Julie Ann Nye, Patrick Arnold Nye, Lynne Goeglein Porter, Lisa T. Riley, Cynthia L. Valdes, James Walton, Sheila Walton, Suzi M. Wilder, Kerri Lynn Ackerly, Alyssa Alaniz, Armon Alex. Cristina Ramirez.

COMMENT 16 - Commenters expressed concern over the negative health effects on the environment, public health, wildlife, and vulnerable estuaries in light of the Flint Hills Ingleside Terminal 14,000 plus gallons of oil spill into the Corpus Christi Bay. Exposure to odors, and air pollutants including particulate matter (PM₁₀ and PM_{2.5}), SO₂, NOx, VOCs on them and on the people, especially children, living in close proximity to the Flint Hills Ingleside Terminal.

COMMENT 17 - Requested for a better, and more effective means of disseminating information in a timely manner, in case of future oil spill. Cristina lives close to this facility and is concerned about how the air pollution is affecting her family, and what Flint Hills is doing to secure their safety, especially after their recent oil spill. They are concerned that the industry has contaminated their water and exposed their human health and marine life to toxic pollutants due to a pipe failure. Also, the lack of digital monitoring and real investigations into the failures of industry to honor existing permits, or to define, quantify and account for their hazardous air pollutants has contributed to the problem.

RESPONSE TO COMMENTS 15, 16 AND 17: The ED appreciates Commenter's concerns regarding asserted increased health and safety risks due to an oil spill on Christmas Eve 2022 at the site (see [Ingleside-Discharge-Event-Report-4-24-23.pdf \(fhr.com\)](#) for additional information provided by the applicant). The ED notes that Grouped Comments 15 and 16 are similar to Comment 6. Please refer to Response to Comment 6 listed earlier for additional information.

In response to public hearing requests from several individuals including the Commenter, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023. During the public comment period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters.

In regard to Commenter's concerns about the health and environmental effects of emissions from the FHRs Ingleside Terminal on the local community, the ED notes that under the two-permit system in Texas, only new source review (NSR) permits authorize air emissions under 30 TAC Chapter 116. The Proposed Permit issued under 30 TAC Chapter 122 (or Title V program) does not authorize any emission limits or changes to emission limits for various emission sources. The establishment of authorized air emissions limits for each pollutant and evaluation of BACT and health impact analysis of air emissions occurs during an NSR permit 6606 project review and not during a Title V permit review.

All FOPs in Texas, including FOP O3454, are issued under the EPA-approved Texas operating permit program in 30 TAC Chapter 122. The ED has reviewed the permit application in accordance with the applicable law, policy, procedures, and the Agency's mission to protect the state's public health and natural resources consistent with sustainable economic development. The Proposed Permit includes all applicable terms and conditions and applicable requirements, including sufficient monitoring and reporting requirements to demonstrate compliance with applicable state and federal regulations.

As required by General Terms and Conditions of the Proposed Permit, the permit holder must file a PCC report to certify on an annual basis that it complies with all requirements contained in the FOP. The PCC reports include deviation reporting and reporting of unauthorized emissions. Deviations, defined as any

indications of noncompliance with permit terms and conditions, are required to be submitted once every six months to the TCEQ Regional Office (Phone 361-881-6900) in accordance with 30 TAC § 122.145(2)(A).

Any unauthorized emissions from upsets, unscheduled maintenance, shutdowns, and startups that result in unauthorized emissions from an emission point are required to be reported to the regional office if they exceed the reportable quantity as specified in 30 TAC Chapter 101, Subchapter F. Should it be found that emissions reported under “emissions events” did not qualify as this type of event, the source could be found in violation of 30 TAC Chapter 101 and be subject to enforcement action. Subchapter F provides for different levels of enforcement available depending upon the type of event, and whether it meets certain criteria.

Site owners/operators are required to report an environmental emergency, discharge, spill, or air release, to comply with state and federal rules. See <https://www.tceq.texas.gov/response/spills> for additional details. As set forth in 30 TAC § 101.201(a), regulated entities are required to notify the TCEQ regional office within 24 hours of the discovery of releases into the air and in advance of maintenance activities that could or have resulted in emissions in excess of a reportable quantity. The reportable quantity varies based on the air contaminant released. These notifications are available to the public upon request. In the event a citizen is adversely impacted by air emissions from this or any other facility, they may register a complaint with the TCEQ Corpus Christi Regional Office at (361) 825-3100 or by calling the 24-hour toll free Environmental Complaints Hotline at 1-888-777-3186). Complaints are evaluated and addressed in accordance with TCEQ procedures.

In regard to the renewal of the Flint Hills Ingleside site operating permit, the ED has determined that the Proposed Permit and NSR Permit No. 6606 includes sufficient monitoring to assure compliance with the applicable requirements and satisfy the periodic monitoring requirement of 30 TAC Chapter 122. All emission units listed in the Proposed Permit were reviewed and additional monitoring was incorporated for some of the units (see page 16 of Proposed Permit). TCEQ is not aware of any facts that would require any additional monitoring beyond that which has consistently been required under federal law and Texas permits.

The ED also notes that several Commenters have made similar comments related to health effects, air quality and cumulative effects pertaining to NSR permit 6606 amendment application and TCEQ had provided a detailed response related each of the comments found in the RTC document (see Appendix B). Please refer to comment/response 2 regarding health effects for additional information. Also, please refer to comment/response 33 regarding ambient air monitoring and fence line monitoring.

GROUPED COMMENT FILED BY FOLLOWING INDIVIDUALS – REQUEST FOR HEARING

Commenters listed in Appendix A.

COMMENT 18 – Commenters requested a public hearing, in light of the Flint Hills Ingleside 14,000 plus gallons of crude oil that spilled into the Corpus Christi Bay.

RESPONSE TO COMMENT 18: In response to public hearing requests from several Commenters listed in Appendix A, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023. During the public comment period starting December 27, 2022, and ending May 25, 2023, written and oral comments were received from several Commenters.

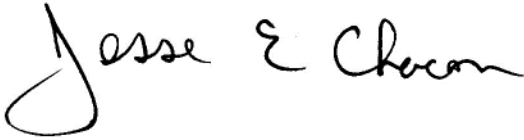
UNTIMELY COMMENT AND A REQUEST FOR HEARING

Marietta Grimes.

COMMENT 19 – On January 25, 2024, commenter Marietta Grimes requested a public hearing, stating “I live in nearby Ingleside on the Bay and am affected by the increased air pollution coming from this facility since I have asthma and use an inhaler”.

RESPONSE TO COMMENT 19: The ED notes that the comment and a hearing request submitted by the commenter on January 25, 2024 was untimely since the public comment period started on December 27, 2022, and ended on May 25, 2023. In response to public hearing requests from several Commenters listed in Appendix A, TCEQ did schedule a public hearing which was held in Portland, Texas on May 25, 2023.

Respectfully submitted,

A handwritten signature in black ink that reads "Jesse E. Chacon". The signature is written in a cursive style with a large, looped initial "J".

Jesse E. Chacon, P.E., Manager
Operating Permits Section
Air Permits Division

APPENDIX A – LIST OF COMMENTERS (IN ALPHABETICAL ORDER)

All public comments (both written and oral) received by TCEQ are posted and archived on TCEQ's OCC Website <https://www14.tceq.texas.gov/epic/eCID/> for Flint Hills Resources Ingleside, LLC, FOP 03454/project 33957, Regulated Entity Number: RN100222744.

LAST NAME	FIRST NAME	MIDDLE NAME
ACKERLY,	KERRI	LYNN
ALANIZ,	ALYSSA	
ALEX,	ARMON	
ALVARADO,	BEATRIZ	
AMSDEN,	CARL	DANIEL
ANTONE,	RAY	CLARK
BEASLEY,	CHRYSTAL	
BENAVIDES,	CODY	
BISHOP,	DANI	
BRAY,	JENNIFER	JILL
CARLETON,	CHRISTOPHER	
CARLETON,	ANNE	
CASTILLO,	ELIDA	
CHRISTIANSON,	LEAH	
COX,	COLIN	
DALEY,	TOM	
DAVIS,	MOLLY	
DISANZA,	MAGGIE	
DRAKE,	RAVEN	
DUNCAN,	BRENDA	
DURAN,	MARGARET	ANN
DUTTWEILER,	JOSHUA	
EASON,	JOSEPH	KYLE
EVANS,	JAZMEYNE	
FERRELL,	DEBORAH	A
FLUCKE,	ALEX	
GARDINER,	GEORGE	WITSHIRE
GONZALEZ,	ERICA	
GRAHAM,	ROBERT	ELLSWORTH
GRIMES,	MARIETTA	
GUILLORY,	GLENN	
HALLAS,	KRISTEN	
HALLORAN,	MARIA	
HARGREAVES,	RAYNE	
HERZER,	SARAH	
HILLIARD,	JENNIFER	R
KALINEC,	AVIANA	L
KEMBERLING,	ANNABELLE	
KUUTTI,	KIRSI	

LAUREL,	ANA	
LEERSKOV,	KAYTLYN	JEAN
LEVIN,	ILAN	M
LUBBOCK,	NANCY	
MACK,	MICHELLE	
MACK,	THOMAS	
MARKS,	BRANDON	
MARRS,	TAYLOR	RENA
MASTEN,	KATHRYN	A
MCKAY,	ELI	
MILLER,	JOY	
MORABITO,	MOLLY	F
NEWCOMB,	JANET	
NICOL,	MARILYN	
NYBERG,	ANN	R
NYE,	JULIE	ANN
NYE,	PATRICK	ARNOLD
PALITZA,	JESSICA	
PARKINSON,	BLANCA	
PENA,	DOROTHY	
PEREZ,	ZENETH	
PORTER,	LYNNE	GOEGLEIN
PRESTIA,	AMELIA	LEIGH
PUCKETT,	OLIVER	
RAMIREZ,	CRISTINA	
RATHMANN,	JESSICA	
REYNA,	MARS	
RILEY,	LISA	T
ROGERS,	JULIE	TRAVIS
SCHNEIDER,	ROBIN	
SERNA,	ENCARNACION	
SMITH,	THOMAS	
STANFIELD,	LEXI	ANN
STEINHAUS,	JOANIE	M
STEWART,	CHRIS	
SUMMERLIN,	ERROL	ALVIE
TAYLOR,	AUSTIN	
THORWALDSON,	KAREN	JO
TORRES,	CHLOE	
TREVINO,	ANA	
VALDES,	CYNTHIA	L
VALE,	GENEVIEVE	ANN
WALSH,	RILEY	
WALTON,	JAMES	

WALTON,
WEBER,
WILDER,
WILDER,
YOUNG,

SHEILA
JOHN
SUSAN
STEVEN
TARA

STEPHEN
M
L

APPENDIX B

**APPENDIX B – COPY OF EXECUTIVE DIRECTOR’S RESPONSE TO PUBLIC COMMENT (RTC)
DATED OCTOBER 11, 2022, FLINT HILLS RESOURCES INGLESIDE, LLC, NSR PERMIT NO. 6606**

ED’s Response to Public Comment (RTC) document dated October 11, 2022 for NSR Permit 6606 is publicly accessible at TCEQ’s Records online web site (at https://records.tceq.texas.gov/cs/idcplg?ldcService=TCEQ_SEARCH) as WCC content ID 6309416.

TCEQ AIR QUALITY PERMIT NUMBER 6606

<p>APPLICATION BY</p> <p>FLINT HILLS RESOURCES INGLESIDE, LLC</p> <p>INGLESIDE MARINE TERMINAL</p> <p>INGLESIDE, SAN PATRICIO COUNTY</p>	<p>BEFORE THE</p> <p>TEXAS COMMISSION ON</p> <p>ENVIRONMENTAL QUALITY</p>
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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: State Senator Judith Zaffirini, State Representative J. M. Lozano, Aimee Wilson (on behalf of the United States Environmental Protection Agency), Colin Cox (on behalf of the Environmental Integrity Project), Patrick Arnold Nye (on behalf of the Ingleside on the Bay Coastal Watch Association), Carl Daniel Amsden, Tara Anders, Chrystal Beasley, Mariah Ann Boone, Lara Breeding, Lara Ann Breeding, Payton Gray Campbell, Elida Castillo, Trisha Christian, Robyn Cobb, Andi Cornett, Tom Daley, Margaret A Duran, Sally Clark Farris, Deborah A Ferrell, Larry R Ferrell, Cathy Fulton, Guillermo Gallegos, Patricia C Gardiner, Jose Gonzales, Bob Gonzalez, Robert Graham, Bruce Harry Henkhaus, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Michelle Mack, Thomas Mack, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Carrie Robertson Meyer, Molly Morabito, Ann R Nyberg, Julie Ann Nye, Jasmin O’Neil, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Andrea Rozzell, Deandra M Sanchez, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Errol Alvie Summerlin, John Tester, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Cynthia Valdes, Veronica Vela, Thomas Craig Wadham, James Walton, Sheila Walton, John Stephen Weber, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about TCEQ can be found at our website at www.tceq.texas.gov.

BACKGROUND
Description of Terminal

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Flint Hills Resources Ingleside, LLC (Applicant) has applied to TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the modification of an existing terminal that may emit air contaminants.

This permit will authorize the Applicant to modify the Ingleside Marine Terminal. The Terminal is located at 103 Farm-to-Market Road 1069, Ingleside, San Patricio County, Texas 78362. Contaminants authorized under this permit include carbon monoxide (CO), hazardous air pollutants (HAPs), hydrogen sulfide (H₂S), 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 is begun on the modification of an existing facility that may emit air contaminants, the person planning the modification must obtain a permit amendment from the commission. This permit application is for a permit amendment of Air Quality Permit Number 6606.

The permit application was received on April 7, 2021 and declared administratively complete on April 9, 2021. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on April 29, 2021, in the *Corpus Christi Caller Times* and in Spanish on May 4, 2021, in *La Prensa Comunidad*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on March 31, 2022, in English in the *Corpus Christi Caller Times* and in Spanish on March 29, 2022, in *La Prensa Comunidad*. A public meeting was held on July 14, 2022 at the Portland Community Center, Ballroom B, 2000 Billy G. Webb, Portland, Texas 78374. The notice of public meeting was mailed on June 14, 2022. The public comment period was extended to end on July 14, 2022, the day of the public meeting. 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: Public Meeting and Contested Case Hearing

Commenters requested that TCEQ hold either a public meeting or a contested case hearing regarding the proposed amendment for Flint Hills Resources' Permit 6606. Kathryn Masten also requested an extension of the public comment period.

(State Senator Judith Zaffirini, State Representative J. M. Lozano, Trisha Christian, Colin Cox, Sally Clark Farris, Guillermo Gallegos, Patricia C Gardiner, Bruce Harry Henkhaus, Jennifer R Hilliard, Nancy Lubbock, Brandt Mannchen, Kathryn Masten, Stacey Meany, Molly Morabito, Patrick Arnold Nye, Dorothy Pena, Christopher L Phelan, Richard Alan Roark, Julie Travis Rogers, Jonah Sandoval, Encarnacion Serna, Lori Simmons, Chloe Torres, Veronica Vela, and Susan Wilder)

RESPONSE 1: A public meeting was held on July 14, 2022 at 7:00 PM in Portland, Texas and the comment period was automatically extended to the close of the public meeting. The opportunity to request a Contested Case Hearing was during the Notice of Receipt of Application and Intent to Obtain Permit (NORI), otherwise known as the project's first public notice comment period. The NORI comment period started on October 19, 2021 and ended on November 18, 2021 and no hearing requests were received, therefore, there is no further opportunity to request a hearing.

COMMENT 2: 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. Many commenters specifically questioned if TCEQ accounted for the cumulative effects of emissions of multiple properties in the surrounding area or were concerned with odors noticed in the city of Ingleside on the Bay. Encarnacion Serna expressed concern that the public would be inhaling Hazardous Air Pollutants (HAPs) from the site. Patrick Arnold Nye asked about PM_{2.5} monitoring and health screening levels for PM_{2.5}.

(Tara Anders, Chrystal Beasley, Mariah Ann Boone, Lara Ann Breeding, Lara Breeding, Payton Gray Campbell, Elida Castillo, Trisha Christian, Robyn Cobb, Andi Cornett, Colin Cox, Tom Daley, Margaret A

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Duran, Sally Clark Farris, Deborah A Ferrell, Larry R Ferrell, Cathy Fulton, Guillermo Gallegos, Patricia C Gardiner, Jose Gonzales, Robert Graham, Bruce Harry Henkhaus, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Michelle Mack, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Carrie Robertson Meyer, Molly Morabito, Ann R Nyberg, Patrick Arnold Nye, Julie Ann Nye, Jasmin O'Neil, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, Andrea Rozzell, A Leslie Rozzell, Deandra M Sanchez, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Errol Alvie Summerlin, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Cynthia Valdes, Veronica Vela, Thomas Craig Wadham, Sheila Walton, James Walton, John Stephen Weber, Susan Wilder, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora)

RESPONSE 2: 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.

The United States (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. 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 SO₂, PM_{2.5}, and NO₂. The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLC_{max}²) below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1, shown below, 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)
SO ₂	1-hr	0.5	7.8
SO ₂	3-hr	0.3	25
PM _{2.5}	Annual	0.006	0.2
NO ₂	Annual	0.02	1

¹ 40 CFR 50.2.

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

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All the pollutants evaluated are below the de minimis standard, should not cause or contribute to an exceedance of the NAAQS, and are protective of human health and the environment.

ESLs are specific guideline concentrations used in TCEQ's evaluation of certain pollutants. These guidelines are derived by the 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. The TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL. If an air concentration of a pollutant is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted.

The Applicant conducted a health effects analysis using the Modeling and Effects Review Applicability (MERA) guidance.³ The MERA is a tool to evaluate impacts of non-criteria pollutants. It is a step-by-step process, evaluated on a chemical species by chemical species basis, in which the potential health effects are evaluated against the ESL for the chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined (less conservative) analysis. If the contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to "fall out" of the MERA process at that step because it is protective of human health and welfare. All pollutants satisfy the MERA criteria and therefore are not expected to cause adverse health effects, except for distillates (petroleum), crude oil pollutants.

The following pollutants 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 for the Distillates Annual Averaging time but will exceed for the Distillates 1-hour Averaging Time, as shown below in Table 2.

Table 2. Minor NSR Site-wide Modeling Results for Health Effects

Pollutant	CAS#	Averaging Time	GLC _{max} (µg/m ³)	GLC _{max} Location	GLC _{ni} ⁴ (µg/m ³)	GLC _{ni} Location	ESL (µg/m ³)
Distillates (petroleum), crude oil	68410-00-4	1-hr	7108	West Property Line	5583	East Property Line	3500
Distillates (petroleum), crude oil	68410-00-4	Annual	30	173m South	30	173m South	350

Table 3. Minor NSR Hours of Exceedance for Health Effects

Pollutant	Averaging Time	1 X ESL GLC _{ni}	2 X ESL GLC _{max}

³ See Air Permit Reviewer Reference Guide - APDG 5874 guidance document.

⁴ The GLC_{ni} is the maximum non-industrial ground level concentration predicted by the modeling.

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Distillates (petroleum), crude oil	1-hr	15	1
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The TCEQ Toxicology Division conducted an 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. The Toxicology Division determined that the described impacts are acceptable given the conservative nature of both the ESLs and the emissions estimates.

Because this application has sulfur emissions, the Applicant conducted a state property line analysis to demonstrate compliance with TCEQ rules for net ground-level concentrations for sulfur dioxide (SO₂), hydrogen sulfide (H₂S), and sulfuric acid (H₂SO₄), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard.

Table 4. Project-Related Modeling Results for State Property Line

Pollutant	Averaging Time	GLC _{max} (µg/m ³)	De Minimis (µg/m ³)
SO ₂	1-hr	0.5	20.42

Table 5. Site-Wide Modeling Results for State Property Line

Pollutant	Averaging Time	Project GLC _{max} (µg/m ³)	Previous GLC _{max} (µg/m ³)	Total GLC _{max} (µg/m ³)	Standard (µg/m ³)
H ₂ S	1-hr	5	24	29	108

The 1-hr H₂S GLC_{max} is the summation of the previous 2015 site-wide GLC_{max} (NSR project # 232031) and the current project GLC_{max}.

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 3: Federal Applicability and HAP Emission Increases

EPA requested TCEQ provide clarification on why the PI-1 form did not include confirmation that the Ingleside Marine Terminal is subject to 40 Code of Federal Regulations (CFR) 63 Subpart A General Provisions and Subpart Y National Emission Standard for Marine Tank Vessel Loading Operations.

(Aimee Wilson)

RESPONSE 3: Flint Hills did not include MACT Y in the PI-1 because the dockside emissions were not affected by this amendment. Not including MACT Y in the PI-1 does not change whether the site is subject to NESHAP MACT Y. Special Condition 5 of the NSR Permit 6606 and the Unit Summary of Title V Permit 3454 both indicate that they are subject to MACT Y.

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TCEQ requires all emissions increases to be evaluated for impacts regardless of whether they are a HAP or not. All HAP emissions were evaluated according to the Modeling Effects Review Applicability Guidance.⁵ All emission increases were determined to meet the applicable requirements and are protective of the public.

TCEQ does not require the individual species or HAPS be listed on the Maximum Allowable Emissions Rate Table (MAERT) if they are a subspecies of a criteria pollutant, so no updates to the MAERT are necessary. All speciated emission calculations are located in the permit application.

COMMENT 4: Storage Tanks' Withdraw Rate

EPA recommended adding the withdraw rate to Special Condition 6. EPA and Blanca Parkinson also inquired about the source of the 60,000 barrels per hour (bbl/hr) representation.

(Blanca Parkinson and Aimee Wilson)

RESPONSE 4: Storage tanks 28087, 28088, 28089, and 28090 hourly withdraw rate is 60,000 bbl/hr. The applicant is limited to a maximum withdraw rate based on their permit application representation on page 1 of the permit application. Per the Expansion Project's original request, the marine loading maximum hourly throughput is 60,000 bbl/hr; however, the storage tanks were represented at 40,000 bbls/hr initially. The storage tanks calculations were revised to include the updated withdraw rate and reflect the maximum operations. The withdraw rate for each storage tank may be found in the draft Special Conditions Attachment A for Permit 6606.

COMMENT 5: Merit of the Lead Acid Paper (LAP) and HAPs Sampling

EPA and another commenter expressed concern about the storage tanks' H₂S sampling and averaging time, and the merit of the LAP test. EPA questioned why TCEQ did not require Keco 205L analyzer testing for all H₂S sampling.

(Encarnacion Serna and Aimee Wilson)

RESPONSE 5: Flint Hills Resources is required to perform a LAP test protocol twice monthly, per Special Condition 6, if the American Petroleum Institute (API) gravity is less than 25, and annually if the API gravity is greater than 25. The LAP test follows protocols verified by the American Society for Testing and Materials (ASTM) which includes ASTM D5705, ASTM D4057, ASTM D4084-82, and ASTM D4468-85/D4045-81.

- ASTM D5705 – Standard Test Method for Measurement of Hydrogen Sulfide in Vapor Phase Above Residual Fuels Oils
- ASTM D4057 – Standard Practice for Manual Sampling of Petroleum and Petroleum Products
- ASTM D4084-82 – Standard Test Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method)
- ASTM D4468-85/D4045-81 – Standard Test Method for Total Sulfur in Gaseous Fuels by hydrogenolysis and Rateometric Colorimetry

Crude oil naturally contains H₂S and the percentage of concentration depends on the source of the crude oil. Ingleside Marine Terminal supports the Flint Hills' Corpus Christi refinery where the terminal is expected to receive crude oil with varying crude oil densities. Per the United States' Energy Information Administration (EIA), API gravity is defined as "density of liquid petroleum products". API gravity is measured in degrees and the lower the API gravity, the higher the density and lower possibility of material-to-air contact evaporation.

⁵ <https://www.tceq.texas.gov/assets/public/permitting/air/Guidance/NewSourceReview/mera.pdf>

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API gravity indicates how quickly H₂S will evaporate into the headspace of the storage tanks when in contact with air. The lower the API gravity, the denser the material, and the higher the concentration of H₂S. Predictably, crude oil with a lower API gravity will contain more H₂S compounds; therefore, the contact between the air in the headspace of the storage tanks and the liquid surface can result in a higher gaseous H₂S in the headspace than higher API gravity crude oils.

Since several academic articles and other sites have verified that API gravity and the H₂S concentration of crude oil are correlated, the agency has accepted monitoring frequency based on the API gravity. Flint Hills Resources calculated the maximum crude oil throughput and performed a site-wide modeling for health impacts. The preliminary model indicated that crude oil impacts exceeded the ESLs. Flint Hills Resources limited the potential impacts of crude oil by artificially restricting how many storage tanks may be loaded at a given time and by implementing total hourly control device limitations. Ingleside Marine Terminal is authorized to store and load crude oil within the framework of their modeling and toxicology limitations so it is unlikely that the concentration of the crude oil will be frequently changed. Thus, the two monthly samplings for higher H₂S crude oil and annual sampling for lower H₂S concentration is acceptable.

The Keco 205L analyzer is required for higher H₂S concentration in the crude oil or crude oil with an API gravity lower than 25. The agency is aware that the Keco 205L analyzer is able to quantify H₂S concentrations more accurately. However, the LAP test is used to determine which crude oil batch needs to be sampled. The LAP test has been verified by the ASTM to be sensitive enough to detect H₂S at 0.0297 part per million by weight (ppmw) so if a negative result is indicated, Special Condition 7 requires that the crude oil is tested with a Keco 205L analyzer.

COMMENT 6: Crude Oil Special Conditions

EPA requested an explanation of the crude oil properties and potential conflicting conditions. Specifically, EPA asked if the barges and ships at the terminal are loaded with the same crude and stabilized condensate that is stored within the tanks listed in Special Condition 6. They also asked why the H₂S concentration limit is different for the barge and ship loading compared to the storage tank H₂S concentration limit.

(Aimee Wilson)

RESPONSE 6: Special Condition 6 puts a limit on the material stored in the storage tanks at the site and Special Condition 7 puts a limit on the material that is loaded into barges from the storage tanks. It is a common practice to segregate stored materials based upon their specifications to different storage tanks to allow for transfer or sale of different specification materials. As the flow of material goes from storage tanks to barges, barge loading is naturally going to have more emissions per hour. As the emission rates will be higher, a lower H₂S concentration is required to compensate for the higher rate in order to meet emission limits. The material transferred to barges is also tested before it is loaded. Thus, a lower H₂S limit on materials loaded onto barges limits the H₂S emissions from barge loading.

TCEQ does not establish a best available control technology (BACT) H₂S limit on crude oil since it is inherent to crude oil and gets processed out in downstream processes (e.g., sulfur recovery units). Refineries are designed based upon the expected sulfur content of the crude oil and need sulfur for proper plant operations. H₂S limits are required to ensure that the site is not exceeding permitted limits and did not trigger prevention of significant deterioration (PSD) modifications or have impacts issues.

COMMENT 7: Collection Efficiency

EPA asked if the third collection efficiency test had been conducted for inerted vessel loading, if performing three tests in 2015 would ensure compliance after 7 years, and if TCEQ can be assured that there is no degradation to the collection equipment as it ages.

(Aimee Wilson)

RESPONSE 7: The applicant conducted the third collection efficiency test on August 23, 2015. This applicant was part of the group of facilities that conducted testing that TCEQ used to develop the updated

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marine loading collection efficiency guidance. After review of the data submitted, TCEQ has concluded that higher collection efficiencies are achieved with the identification and repair of leaks at the beginning of the loading cycle. Special Condition 9 requires audio, visual, and olfactory (AVO) leak checks during the loading process once every eight hours during the loading operation for onshore equipment and on board the ship. Any liquid leaks that are detected require that the site stop loading until it is fixed. If a vapor leak is detected a first attempt at repair must be made but loading does not need to stop. However, if loading continues then the site is only allowed to claim 95 percent capture credit.

COMMENT 8: Vacuum Assisted Loading

Encarnacion Serna asked why vacuum-assisted loading is not used on an inerted marine vessel, as stated in Special Condition 8.

(Encarnacion Serna)

RESPONSE 8: Coast Guard regulations do not allow vacuums to be applied to inerted vessels for safety reasons. Vacuum-assisted loading cannot be used on an inerted vessel because it will remove the nitrogen blanket and render it no longer inerted. In accordance with these regulations, Special Condition 8 establishes requirements for collected VOC emissions from loading into inerted and non-inerted marine vessels, including routing to the Marine Vapor Combustor Unit (MVCU).

COMMENT 9: Product Temperature

EPA requested a clarification of Special Condition 13 asking if the referenced temperature is the product temperature, if there is a maximum loading temperature, and if there is monitoring.

(Aimee Wilson)

RESPONSE 9: The referenced temperature in Special Condition 13 is the temperature of the product being loaded into marine vessels. TCEQ policy is to require 95° Fahrenheit or maximum expected worst-case temperature whichever is higher be used to calculate the true vapor pressure. Special Condition 17 requires that a monthly average temperature be recorded, but it does not specify the frequency of monitoring.

COMMENT 10: Liquid Knockout Pot Discharge Pressure

EPA requested clarification on the averaging time of the pressure monitoring for non-inerted barge loading and that Special Condition 14 be updated to add averaging time.

(Aimee Wilson)

RESPONSE 10: The applicant is required to monitor the liquid knockout pot pressure every 15-minutes which is consistent with EPA's definition of continuous monitoring. Any pressure reading under 1.5 inches water column is considered non-compliant. Since any pressure reading would be a deviation there is no need to add an averaging time and, therefore, it is not necessary to update Special Condition 14.

COMMENT 11: Visual Inspections and Seal Gap Federal Requirement References

EPA states that Special Condition 15 does not include enough information to indicate if the tanks are internal or external floating tanks and what monitoring is required.

(Aimee Wilson)

RESPONSE 11: TCEQ typically references the general monitoring section of NSPS Kb and does not require that the NSR permit specify which specific monitoring requirements each tank must follow. Each tank must follow the appropriate monitoring based on whether it is an internal or external floating roof tank. Internal floating roof tanks are required to be monitored according to 40 CFR § 60.113b(a), and external floating roof tanks are required to be monitored according to 40 CFR § 60.113b(b). 40 CFR § 63.1063(d) can be used for both internal and external floating roof tanks.

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TK-28067, TK-28070R and TK-28077 are internal floating roof tanks. TK-28068, TK-28069, TK-28071, TK-28072, TK-28073, TK-28074, TK-28075, TK-28076, TK-28080 and TK-28066 are external floating roofs.

COMMENT 12: Incremental Emissions Increases

EPA expressed concern that Special Condition 18 allows for the permit limits to be exceeded. EPA also requested that TCEQ explain the condition and make publicly available any emissions that were reported that exceeded the baseline actual emissions.

(Aimee Wilson)

RESPONSE 12: All non-confidential records submitted to TCEQ are available for the public viewing upon request.

Special Condition 18 does not provide an exemption for the site to exceed its permitted emission limits. The permit holder must comply with the limits on the maximum allowable emission rate table for all operations that are authorized by the permit. Special Condition 18 ensures compliance with the incremental emission analysis used in TCEQ Project 284633, which authorized an increase in the permitted throughput for the site. Based on an EPA PSD Applicability Determination letter for Murphy Oil⁶, Flint Hills used an incremental analysis to calculate the emission increases from the existing facilities that were part of that project. Incremental emissions may be used to calculate emission increases for “existing facilities that are being modified but are experiencing an emission increase as a result of a change.”⁷

Special Condition 18 requires the permit holder to maintain records to determine whether the actual emissions exceed the baseline emissions by more than the incremental emissions thus triggering an updated federal applicability analysis. Per the condition, if the updated federal applicability results in a project increase that exceeds the major source thresholds, a report would be submitted by the permit holder. TCEQ has not received a report that these emission thresholds have been exceeded. The company confirmed that the incremental increases were accurate during the application for this current project.

COMMENT 13: Marine Vapor Combustor Unit (MVCU) Control Efficiency

EPA stated that it is unclear from the NSR permit whether the MVCUs are subject to NESHAP MACT Y. EPA also asked if the DRE applied to both HAPs and VOC, and what monitoring is done to ensure compliance.

(Aimee Wilson)

RESPONSE 13: The vapor combustion units (VCUs) are required to achieve 99.9-percent control of the waste gas. The VCU has a combustion chamber firebox temperature monitor. The pilot flame is also required to be monitored. The applicant is required to perform sampling after achieving the maximum operation rate to establish the minimum temperature at which the VCUs must operate to achieve the required minimum control efficiency. After sampling is conducted, the minimum actual temperature must be maintained above the minimum temperature established during the stack test during loading operations. Additionally, per Special Condition 20(D), if the “maximum...crude oil and stabilized condensate loading operations recorded...is greater than that recorded during the test periods, stack sampling shall be performed at the new operating conditions...” The applicant is restricted from installing (and operating) an atmospheric bypass without a flow monitor or installing car-seals, a physical restriction to operating the bypass, on the bypass. Car-seals must be inspected monthly to verify the position of the valves and that flow out of the bypass is prevented.

Special Condition 20(D) does not permit the exceedance of any other established permit condition. The purpose of Special Condition 20(D) is to account for situations where the plant owner/operator is not able to test at the maximum authorized rate during the initial 180-day period after the permit is issued, when

⁶ <https://www.epa.gov/sites/default/files/2015-07/documents/murphy.pdf>

⁷ See Air Permit Reviewer Reference Guide - APDG 5881v8 (Revised 01/22) guidance document.

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testing must be conducted. Special Condition 20(D) allows for subsequent testing to occur if the loading rate exceeds the rate that was previously tested but does not allow any permit limit to be exceeded.

Texas has a split permitting program and Title V permits are issued separately from the NSR permits. The Title V permit will have the documentation for which specific sources are subject to which regulation. The NSR permit will generally state which regulation applies to the facilities authorized by the NSR Permit. Title V Permit O3454 indicates that the previous MVCU was subject to MACT Y and since these are replacement units then they will be subject to MACT Y.

COMMENT 14: Marine Vessel Stack Testing

EPA asked if the initial stack testing has taken place and if Special Condition 15 allows the site to stack test outside permitted scenarios. EPA also asked if the site could be exempt from stack testing in the future.

(Aimee Wilson)

RESPONSE 14: The site commenced operation of the MVCUs in December 2019 and has completed the required stack testing.

As stated in Response 13 (Marine Vapor Combustor Unit (MVCU) Control Efficiency), if actual production rates exceed the rate that the control devices were previously tested, then the permit holder must test at the higher rate within 120 days. This does not allow an exceedance of a permit limit but does allow for testing to be conducted in the event that future operations exceed the rate at which the equipment was originally tested.

COMMENT 15: Audio, Visual and Olfactory (AVO) Checks Frequency

EPA asked why a monthly AVO is adequate for these units in petroleum service and if a more frequent AVO could be performed.

(Aimee Wilson)

RESPONSE 15: The site is currently subject to the 28PET fugitive monitoring program and is currently only required to do monthly inspections for VOC emissions. Ninety days after issuance of this permit, the site will be required to implement the 28VHP fugitive monitoring program which requires weekly AVO inspections. Additionally, the site does daily AVO inspections for H₂S leaks for components in H₂S service.

COMMENT 16: Continuous Monitoring of Control Devices

EPA asked TCEQ to ensure the special conditions are enforceable so that the equipment operates as represented, and that representation for modeling be made enforceable.

(Aimee Wilson)

RESPONSE 16: The external floating roof and internal floating roof storage tanks are required to meet the inspection requirements and frequency in NSPS Kb.

The MVCUs are required to perform temperature monitoring on a 6-minute averaging period. The temperature instrumentation is required to maintain the equipment according to the manufacturer's instructions and the applicant is required to calibrate it at least annually. The pilot flame is required to be detected by ultraviolet scanner, a thermocouple, a temperature element, or an agency approved equivalent measurement device.

The H₂S concentration change for marine loading was updated in the permit and must be tested before each loading operation. Only four tanks were represented to have working losses at any given time in the modeling. There was nothing written into the special conditions that require this, but representation in a permit application are enforceable pursuant to 30 TAC 116.116(a) and Condition 10 "Compliance with Rules" of the General Conditions. The modeling had restrictions on Maintenance, Startup, and Shutdown

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(MSS) emissions authorized by Permit by Rule Registration No. 107625. These restrictions are not written into permit 6606 since they are not authorized by the NSR permit.

COMMENT 17: Loading Operations of Marine Vessel

Encarnacion Serna claimed that text in Special Condition 9D (1) and (2) are contradicted and nullified by 9D (3).

(Encarnacion Serna)

RESPONSE 17: Special Condition 9D (1) describes actions taken upon a liquid leak, whereas Special Condition 9D (2) describes actions taken upon a vapor leak. Special Condition 9D (1) states that if a liquid leak is detected and “cannot be repaired immediately”, then the “loading operation shall cease until the leak is repaired.” Special Condition 9D (2) states that if a vapor leak is detected, that a “first attempt” “shall be made to repair the leak” and “loading operations need not be ceased” if the first attempt is unsuccessful. Special Condition 9D (3) states that if the “attempt to repair the leak is not successful and loading continues” then a collection efficiency of 95 percent shall be used to calculate the emissions from the loading operation.

Special Condition 9D (3) is only intended to be applied to (2), as (2) states that loading can continue if a vapor leak is detected but the repair attempt should be documented.

COMMENT 18: Access to Rule Citations

Encarnacion Serna requested easier access to rule citations relevant to the permit.

(Encarnacion Serna)

RESPONSE 18: Flint Hills Ingleside is a major source and has a Title V permit, O3454. The Title V permit contains all the relevant rule citations for the plant.

COMMENT 19: Quarterly Deviation Reporting

Commenters stated that the applicant should perform quarterly deviation reporting and include additional information in the deviation report.

(Blanca Parkinson and Encarnacion Serna)

RESPONSE 19: State and federal rules require that the sites that have a Title V permit submit semi-annual reporting of deviations. Flint Hills Ingleside is a major source and has a Title V permit and is subject to semi-annual deviation reporting in addition to any other reports required by the state and federal rules. The regional office and EPA have the authority to request any information they deem necessary, but it is not necessary to include additional information with deviation reporting.

COMMENT 20: Diesel Fuel Monitoring and Recordkeeping

Encarnacion Serna stated calibration and accuracy requirements of monitors and recordkeeping of diesel fuel is insufficient.

(Encarnacion Serna)

RESPONSE 20: The calibration and accuracy requirements for the instrumentation and recordkeeping of diesel fuel is consistent with recently issued permits and TCEQ guidance on monitoring requirements. These requirements are appropriate given the type of sources and the amount of emissions at the site.

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COMMENT 21: Sulfur Dioxide and Hydrogen Sulfide Net Concentration Requirements

Patrick Arnold Nye questioned if the sulfur dioxide (SO₂) and hydrogen sulfide (H₂S) net concentration requirements of 30 TAC Chapter 112 will be complied with.

(Patrick Arnold Nye)

RESPONSE 21: Flint Hills Resources conducted a Texas State Property Line Analysis de minimis evaluation on the project's proposed increases in hourly SO₂ and H₂S emissions, per 30 TAC 112.3, 30 TAC 112.31, 30 TAC 112.32 and TCEQ Modeling Guidelines. TCEQ reviewed this analysis and found the air quality analysis to be acceptable for SO₂ and H₂S. See Response 2 (Health Effects / Air Quality/ Cumulative Effects) for more information on the health effects review.

COMMENT 22: Vapor Combustor Monitoring and Maintenance

Patrick Arnold Nye asked how the MVCUs will be maintained to meet manufacturer specifications and/or operated in a manner that is consistent with minimizing emissions, including how 98 percent of the H₂S in crude oil will be converted to SO₂ through combustion. Mr. Nye also asked about the cleaning and routine inspections of the site, specifically of the vapor combustors.

(Patrick Arnold Nye)

RESPONSE 22: The MVCUs are control devices that are subject to Title V Compliance Assurance Monitoring (CAM) requirements. CAM is a federal monitoring program established under 40 CFR Part 64 that ensures control devices have sufficient monitoring, testing, and recordkeeping requirements to show compliance with an emission limitation or standard. The MVCUs meet CAM requirements by continuously monitoring the firebox temperatures at an averaging period of 6 minutes or less with an accuracy of the greater of the plus or minus 2 percent of the temperature being measured expressed in degrees Celsius or plus or minus 2.5 °C. This ensures that the average firebox temperature is kept at a minimum of 1600 °F, which translates into a minimum of 99.9 percent waste gas destruction efficiency and the minimum conversion of 98 percent H₂S into SO₂ in crude oil through combustion. The monitoring, testing, and recordkeeping requirements for MVCUs can be found in Special Conditions 24, 25, and 26 of the permit.

MVCU maintenance includes operational checks prior to any barge loading and site-wide quarterly routine maintenance performed by a third-party company, John Zink. Site employees also perform hourly inspection rounds whenever the MVCUs are operational.

COMMENT 23: Actual Emissions

Patrick Arnold Nye asked how the phrase "significant amount" of "actual emissions" in Special Condition 18 is defined in the context of "actual emissions" exceeding "baseline actual emissions."

(Patrick Arnold Nye)

RESPONSE 23: The significant amount of actual emissions exceedance is defined in 30 TAC § 116.12(13) - Nonattainment and Prevention of Significant Deterioration Review Definitions. This is a method of determining if a proposed emission increase will trigger nonattainment or prevention of significant deterioration review. The summation of the proposed project emission increases in tons per year with all other creditable source emission increases and decreases during the contemporaneous period is compared to the significant level for that pollutant. If the significant level is exceeded, then prevention of significant deterioration and/or nonattainment review is required.

COMMENT 24: Stack Sampling

Patrick Arnold Nye questioned if stack sampling is the best available method to determine levels of air contaminant considering the requirement to perform stack testing 60 days after the maximum operating rate. Mr. Nye also questioned the frequency that stack tests are done and if they are reported.

(Patrick Arnold Nye)

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RESPONSE 24: Special Condition 20 for stack sampling, establishes the actual pattern and quantities of air contaminants being emitted into the atmosphere. The stack sampling is conducted in accordance with the appropriate procedures of the TCEQ Sampling Procedures Manual and the U.S. EPA Reference Methods. Emissions from this facility were determined by actual stack testing data. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representation, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

Special Condition 20 (D) allows for subsequent testing to occur if the loading rate exceeds the rate that was previously tested but does not allow any permit limit to be exceeded.

Special Condition 20 (E) requires one copy of the final sampling report be forwarded to the appropriate TCEQ Regional Office and the sampling reports shall comply with Chapter 14, Contents of Sampling Reports of the TCEQ Sampling Procedures Manual. This chapter provides guidance for submitting air emission test reports.

COMMENT 25: Heated Storage Tanks

Patrick Arnold Nye asked how many heated storage tanks Flint Hills Ingleside will have, and if they will have vapor recovery systems or if they are routed to vapor combustors. Additionally, Mr. Nye asked how naphtha, diesel, coker gas oil, and #6 fuel oil, which are stated to be stored at increased temperatures and stirred to maintain viscosity, will be kept at such states, and if cutter stock/hazardous waste will be added to the thick fuel oil, and how these emissions would be controlled.

(Patrick Arnold Nye)

RESPONSE 25: Flint Hills Resources Ingleside's marine terminal is not currently authorized to have any heated storage tanks on site. Naphtha, diesel, coker gas oil, and #6 fuel oil are not authorized to be stored at increased temperatures.

MSS operations are authorized under Permit by Rule (PBR) Registration No. 107625. Maintenance activities, such as tank landings and tank cleaning, is controlled by an internal combustion engine or thermal oxidizer authorized by PBR Registration No. 107625.

COMMENT 26: Temperatures of Loading Operations

Patrick Arnold Nye asked where the temperatures of 80 °F and 73.5 °F for the hourly and annual emission rates of loading operations, respectively, originated from. Mr. Nye also asked, as it is stated that the temperatures could be higher, what happens when the temperatures are higher, and if there are records kept of loading temperatures.

(Patrick Arnold Nye)

RESPONSE 26: The temperatures for hourly and annual loading operations found in the permit application are temperatures derived from national weather sources. As stated in the application, loading emissions are estimated through Equation 1 of the AP-42, Fifth Edition, Section 5.2, where lower temperatures used in the calculation would result in a more conservative emission rate. Actual temperatures during loading may be higher but would represent a less conservative emission rate estimate. Additionally, the true vapor pressure used in the calculation is based on crude oil with a Reid Vapor Pressure (RVP) of 10 pounds per square inch, absolute (psia), that represents a worst-case vapor pressure, consistent with TCEQ guidance on loading calculations.

Flint Hills Ingleside is required to keep records describing calculated emissions of VOC from all storage tanks and loading operations, described in Special Condition 17 of the permit; this includes the VOC monthly average temperature in degrees Fahrenheit.

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COMMENT 27: Shore Power for Marine Loading

Kathryn Masten asked why shore power is not used by docking ships during marine loading processes, as opposed to ships idling during loading.

(Kathryn Masten)

RESPONSE 27: TCEQ does not have jurisdiction to require marine vessels to be fully powered by shore or stop the marine vessel from idling during loading operations.

COMMENT 28: Accuracy of MVCU Firebox Temperature

Encarnacion Serna asked why the accuracy of the firebox temperature monitor in Special Condition 24 is limited by the greater of plus or minus 2 percent of the temperature being measured expressed in °C or plus or minus 2.5 °C, and states that the required accuracy should be the smaller of the criteria.

(Encarnacion Serna)

RESPONSE 28: TCEQ is only allowing the greater of plus or minus 2 percent of the temperature being measured expressed in °C or plus or minus 2.5 °C for any instrument errors or temperature variance that may occur during operations.

COMMENT 29: Good Practices

Patrick Arnold Nye asked how “good air pollution control practices and “good combustion practices” are defined by TCEQ.

(Patrick Arnold Nye)

RESPONSE 29: Regarding “good air pollution control practices,” control devices shall follow manufacture operational procedures to meet vendor guaranteed requirements.

Regarding "good combustion practices," combustion occurs when fossil fuels such as natural gas react with oxygen in the air to produce heat. Natural gas is mostly methane (CH₄), which when combined with air, produces carbon dioxide and water along with heat. Unless combustion is properly controlled, incomplete combustion results in high concentrations of undesirable products such as soot, carbon monoxide (CO), sulfur dioxide (SO₂), and nitrogen oxides (NO_x). Good combustion practices are the optimization of air and fuel flow to minimize incomplete combustion. It is very common for BACT for certain pollutants from combustion sources to be controlled and reduced through good combustion practices.

COMMENT 30: Operator Training Procedures

Patrick Arnold Nye requested a description of Flint Hills Ingleside’s current operator training procedures to ensure proper operation and combustion efficiency of the VCUs.

(Patrick Arnold Nye)

RESPONSE 30: Flint Hills Ingleside’s operator training procedure includes direction from the site’s operator training manual to comply with coast guard requirements, training with third-party company John Zink, training to ensure operations occur with no visible opacity, and reporting any opacity events to TCEQ.

COMMENT 31: Method 21 Gas Analyzers

Patrick Arnold Nye asked if Toxic Vapor Analyzers (TVAs) are used for Method 21 leak detection for measuring hydrocarbon concentrations. Mr. Nye also asked what gases are used to calibrate Method 21 instruments.

(Patrick Arnold Nye)

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RESPONSE 31: TCEQ does not specify the type of gas analyzers a site must use. Special Condition 21 only requires the gas analyzer to conform to requirements listed in Method 21 of 40 CFR Part 60, Appendix A. The gas analyzer shall be calibrated with methane. In addition, the response factor of the instrument for a specific VOC of interest shall be determined and meet the requirements of Section 8 of Method 21. If a mixture of VOCs is being monitored, the response factor shall be calculated for the average composition of the process fluid.

COMMENT 32: Opacity Reports by the Public

Patrick Arnold Nye asked if TCEQ accepts citizen-collected evidence for opacity measurements using Method 9, Method 22, and/or EPA Method 82/ASTM D7520-16. Mr. Nye also asked what the specific requirements are to meet TCEQ standards.

(Patrick Arnold Nye)

RESPONSE 32: Individuals are encouraged to report any concerns about nuisance issues or suspected non-compliance with the terms of any permit or other environmental regulation by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. TCEQ reviews all complaints received. If the terminal is found to be out of compliance with the terms and conditions of the permit, it may be subject to possible enforcement action. Additionally, the general public can view the emissions event database on the TCEQ website at www.tceq.texas.gov/nav/cec/.

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

COMMENT 33: Monitors

Commenters stated that there are no TCEQ air monitoring stations in San Patricio County and requested that an air monitor be located in their area. Commenters also questioned if fence-line monitoring was being implemented at the Flint Hills Ingleside site.

(Mariah Ann Boone, Elida Castillo, Tom Daley, Larry R Ferrell, Jose Gonzales, Jennifer R Hilliard, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Nancy Lubbock, Thomas Mack, Kathryn A Masten, Carrie Robertson Meyer, Ann R Nyberg, Patrick Arnold Nye, Jasmin O'Neil, Blanca Parkinson, Lynne Goeglein Porter, Julie Travis Rogers, Andrea Rozzell, A Leslie Rozzell, Encarnacion Serna, Errol Alvie Summerlin, Thomas Craig Wadham, Sheila Walton, John Stephen Weber, and Steven Wilder)

RESPONSE 33: Due to cost and logistical constraints, the placement of air monitors is prioritized to provide data on regional air quality in areas frequented by the public. The existing air monitoring network is the result of a strategic balance of matching federal monitoring requirements with state and local needs. Consistent with federal air monitoring requirements, TCEQ evaluates the placement of air quality monitors within the air monitoring network using trends in population, reported emissions inventory data, and existing air monitoring data for a given area. In addition, TCEQ may prioritize monitor placement in areas with potential regional air quality issues, such as those related to increased oil and gas activity in the Barnett Shale and Eagle Ford Shale areas.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on the TCEQ's website for public review and comment for 30 days beginning in mid-May. Requests for additional monitoring or the identification of additional monitoring needs may be

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made during this public comment period and will be considered along with other monitoring priorities across the state. To receive email announcements related to the ambient air monitoring network, including the availability of the Annual Monitoring Network Plan for public review and comment, please visit the following link <https://service.govdelivery.com/accounts/TXTCEQ/subscriber/new> and select "Air Monitoring Network Announcements."

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

The Flint Hills Resources Ingleside Terminal does not currently have fence-line monitoring capabilities at the site. There is no federal or state requirement for marine terminals to install and maintain fence-line monitoring at the facilities. Flint Hills Resources is required to perform monitoring to demonstrate compliance with the permitted limits to ensure protectiveness of their site. See Response 43 (Demonstrate Compliance with the Permit) for more details of monitoring.

COMMENT 34: Climate Change

Commenters expressed concern about the effects of this project in relation to climate change. Patrick Arnold Nye asked about the permit's Greenhouse Gases (GHG) reporting requirements.

(Tara Anders, Chrystal Beasley, Elida Castillo, Robyn Cobb, Sally Clark Farris, Patricia C Gardiner, Donna L Hoffman, Uneeda E Laitinen, Nancy Lubbock, Kathryn A Masten, Ann R Nyberg, Patrick Arnold Nye, Jessica Palitza, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, Encarnacion Serna, Chloe Torres, Ana Trevino, James Walton, and Melissa Zamora)

RESPONSE 34: EPA has stated that unlike the criteria pollutants for which EPA has historically issued PSD permits, there is no NAAQS for GHGs, including no PSD increment. Climate change modeling and evaluations of risks and impacts are typically conducted for changes in emissions that are orders of magnitude larger than the emissions from individual projects that might be analyzed in permit reviews. Thus, EPA has concluded it would not be meaningful to evaluate impacts of GHG emissions on a local community in the context of a single permit. For these reasons, TCEQ has determined that an air quality analysis for GHG emissions would provide no meaningful data and has not required the Applicant to perform one.

COMMENT 35: Access to Permit Documents

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

(Richard Alan Roark and Encarnacion Serna)

RESPONSE 35: 30 TAC § 39.405 requires the Applicant to provide copies of the application and the Executive Director's preliminary decision at a public place in the county in which the facility is located or proposed to be located. The rules also require the public have an opportunity to review and copy these materials. In addition, the application, including any subsequent revisions to the application, must be available for review for the duration of the comment period. The Applicant represented that the application was made available at the Ingleside Public Library. In addition, a copy of the application was also available at the TCEQ Corpus Christi Regional Office and the TCEQ Central Office.

COMMENT 36: Jurisdictional Issues

Location / Zoning: Commenters expressed concern regarding the location of the facility as it relates to current zoning ordinances and the proximity to residential and public areas, including schools.

(Margaret A Duran and Sally Clark Faris)

Quality of Life / Aesthetics / Property Value: Commenters expressed concern about the effect of the proposed project on their quality of life, on the aesthetics of the area, and on their property value.

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(Tara Anders, Mariah Ann Boone, Lara Ann Breeding, Elida Castillo, Colin Cox, Sally Clark Farris, Larry R Ferrell, Jose Gonzales, Jennifer R Hilliard, Lynn Hughes, Wendy Hughes, James E Klein, Uneeda E Laitinen, Yvonne Landin, Charlotte Lawrence, Nancy Lubbock, Michelle Mack, Kathryn A Masten, Carrie Robertson Meyer, Ann R Nyberg, Jasmin O'Neil, Jessica Palitza, Lynne Goeglein Porter, Elizabeth Riebschlaeger, Lisa T Riley, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Andrea Rozzell, Deandra M Sanchez, Joellen Flores Simmons, Errol Alvie Summerlin, Chloe Torres, Ana Trevino, Lisa Moncrief Turcotte, Sheila Walton, John Stephen Weber, Steven Wilder, Susan Wilder, Ken Willis, and Melissa Zamora)

RESPONSE 36:

Location / Zoning: TCEQ does not have jurisdiction to consider plant location choices made by an applicant when determining whether to approve or deny a permit application, unless a statute or rule imposes specific distance limitations that are enforceable by TCEQ. Zoning and land use are beyond the authority of TCEQ for consideration when reviewing air quality permit applications and such issues should be directed to local officials. The issuance of an air quality authorization 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.

TCEQ Region 14 (Corpus Christi) Office conducted a site review of the area on April 29, 2021. According to that site review, nuisance, odor, and hazard potentials were low. The review also described the surrounding land use as industrial, and the nearest off-property receptor is a building at an adjacent facility approximately 350 feet away. The distance from the facility to the nearest property line, according to the site review, is approximately 200 feet. The recommendation of the Regional Office was to proceed with the permit review and the site review indicated no reasons to deny the permit application.

Although TCEQ cannot consider zoning or land use, TCEQ does conduct a health effects review to ensure that there will be no adverse impacts to human health and welfare. As described in Response 2 (Health Effects / Air Quality / Cumulative Effects), a protectiveness review was conducted for all contaminants emitted. The maximum concentrations were evaluated at the property line, at the nearest off-property receptor, and at any schools located within 3,000 feet of the facilities and were found to be protective of human health and the environment.

Quality of Life / Aesthetics / Property Value: TCEQ does not have the authority to consider potential effects from plant location, aesthetics, zoning and land use issues, or effects on property values when determining whether to approve or deny an air quality permit.

COMMENT 37: Best Available Control Technology (BACT)

Commenters questioned the control technology proposed in the application.

(Colin Cox, Jennifer R Hilliard, James E Klein, Kathryn A Masten, Patrick Arnold Nye, Richard Alan Roark, Encarnacion Serna, Ken Willis, and Aimee Wilson)

RESPONSE 37: BACT is an air pollution control method for a new or modified facility that through experience and research, has proven to be operational, obtainable, and capable of reducing or eliminating emissions from the facility, and is considered technically practical and economically reasonable for the facility. BACT may be numerical limitations, the use of an add-on control technology, design considerations, the implementation of work practices, or operational limitations. The Applicant has represented in the permit application that BACT will be used for the proposed new and modified sources.

The contaminants authorized by this permitting action are carbon monoxide (CO), hazardous air pollutants (HAPs), hydrogen sulfide (H₂S), nitrogen oxides (NO_x), organic compounds, particulate matter including particulate matter with diameters of 10 microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}) and sulfur dioxide (SO₂). The primary control measures applied to this facility are an internal floating deck or "roof" or equivalent control on storage tanks, an external floating roof tank with double seal or secondary seal technology on storage tanks provided the primary seal consists of either a mechanical shoe seal or a liquid-mounted seal and the secondary seal is rim-mounted, and MVCUs for marine loading activities. The permit reviewer evaluated the proposed BACT and confirmed it to be acceptable.

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COMMENT 38: Emission Rates and Calculations

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

(Carl Daniel Amsden, Colin Cox, Lynn Hughes, Wendy Hughes, Kathryn A Masten, Patrick Arnold Nye, Blanca Parkinson, Encarnacion Serna, and Aimee Wilson)

RESPONSE 38: Emissions from this facility were determined by using AP-42 Section 7.1 calculation guidance for storage tanks, AP-42 following TCEQ guidance for marine loading and VCU control emissions, stack testing data, and TCEQ's fugitive guidance document APDG 6422. The Applicant represented the appropriate methodologies to control and minimize emissions and utilized corresponding control efficiencies when calculating the emission rates. As provided in 30 TAC § 116.116(a), the Applicant is bound by these representation, including the represented performance characteristics of the control equipment. In addition, the permit holder must operate within the limits of the permit, including the emission limits as listed in the MAERT.

COMMENT 39: Federal Applicability

Commenters expressed concern about the quantity of emissions that will result from the project and if the project requires federal review, specifically if the emissions from MSS from PBR Registration No. 107625 should have been included in the federal review calculation, or if the site's recent 2019 expansion project should affect this project's federal applicability analysis. Commenters also stated that the project should calculate project emission increases based upon baseline actual emissions.

(Colin Cox, Kathryn A Masten, Patrick Arnold Nye, and Richard Alan Roark)

RESPONSE 39: A PSD major site is defined as a site emitting over 250 tons per year (tpy) of any one pollutant if it is an unnamed source or 100 tpy of any one pollutant if it is one of 28 sources named in 40 CFR § 52.21(b)(1)(a). Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires PSD review. This site is a named source and has proposed emission rates greater than 100 tpy of at least one pollutant, making it a major source. In addition, the proposed increases of the VOC pollutants are above the defined significant emission rates and are subject to PSD permitting. The proposed increases of all other pollutants with this project are below the significant emission rates and are not subject to PSD permitting.

Flint Hills did not aggregate emissions from PBR Registration No. 107625, which authorized tank MSS emissions with Project No. 292889, or emission from the 2019 expansion project, and these emissions were not affected sources that should be included in the project emission increases. EPA's final action on project aggregation for the NSR Program⁸ states that projects should be technically and economically related to be aggregated. Projects that are more than three years apart are presumed to not be technically and economically related and should not be aggregated unless there is a compelling reason. Therefore, the project increases are still below the significant emission rates and are not subject to PSD permitting.

This project calculated project emission increases based on Potential to Emit (PTE) minus baseline actual emissions. It was not calculated based upon PTE to PTE.

Nonattainment New Source Review (NNSR) permitting is applicable for major sites, defined as a site emitting over the threshold for the nonattainment pollutant in that county. Texas nonattainment area designations are specified in 40 CFR § 81.344. Once it is determined a site is major, the project emission increases for each pollutant are compared to the applicable significant emission rate to determine if that pollutant requires netting. If the project's net emissions are greater than the netting threshold, the project is subject to NNSR permitting. Because the site is not located in a nonattainment county, the project is not subject to NNSR permitting.

⁸ Federal Register Vol. 74, No. 10, pg. 2376 dated January 15, 2009

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COMMENT 40: Environmental Impact Study

Commenters requested that an additional environmental impact study be conducted prior to authorization of this project, including a regional airshed study.

(Jennifer R Hilliard, Kathryn A Masten, Richard Alan Roark, Encarnacion Serna, and John Stephen Weber)

RESPONSE 40: 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.

Furthermore, regional airshed studies are also not required for state actions such as this permit. This type of analysis may be conducted for counties or areas that are not in attainment for the NAAQS. For example, TCEQ addresses regional ozone formation through the SIP development process rather than through individual permitting actions to determine what must be done to bring the area county back into compliance with the NAAQS since ozone is a regional issue.

COMMENT 41: Environmental Justice

Commenters raised concerns regarding the environmental justice implications of this project.

(Deborah A Ferrell, Jose Gonzales, Blanca Parkinson, Ana Trevino, and Lisa Moncrief Turcotte)

RESPONSE 41: 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. For further information, contact the Office of the Chief Clerk at 512-239-3300. More information may also be found on the TCEQ website: <https://www.tceq.texas.gov/agency/decisions/participation/title-vi-compliance>.

COMMENT 42: Corporate Profits

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

(Colin Cox, Deborah Ferrell, Patrick Arnold Nye, and Jessica Palitza)

RESPONSE 42: 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.

Individuals are encouraged to report any environmental concerns at the facility by contacting the Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints

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Hotline at 1-888-777-3186. TCEQ evaluates all complaints received. 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 43: Demonstrate Compliance with Permit

Commenters asked how the Applicant will demonstrate compliance with the terms of their permit on a continuous basis.

(Payton Gray Campbell, Colin Cox, Deborah A Ferrell, Lynn Hughes, Wendy Hughes, James E Klein, Uneeda E Laitinen, Kathryn A Masten, Patrick Arnold Nye, Encarnacion Serna, and Sheila Walton)

RESPONSE 43: Special conditions have been included as part of the proposed permit to ensure the Applicant can demonstrate compliance with the emission limitations set forth in the permit. Emissions will be monitored by the MVCU firebox temperature monitoring, the 28 VHP LDAR program for fugitive monitoring, storage tank visual inspections and seal gap measurements in accordance with NSPS Kb to verify fitting and seal integrity, storage tank hydrogen sulfide (H₂S) sampling twice monthly if the American Petroleum Institute (API) gravity is less than or equal to 25 and once annually if the API gravity is greater than 25, monthly marine loading and storage tanks throughput recordkeeping, a marine vessel leak check once every 12-month period, pressure monitoring of the vacuum-assisted vapor collection system, an AVO for H₂S leaks at least once per day, and an AVO check for marine vessel and MVCU leaks once every 8 hours. The permit holder is also required to maintain records to demonstrate compliance, including the monitoring listed above. Records must be made available upon request to representatives of the TCEQ, EPA, or any local air pollution control program having jurisdiction. The Regional Office may perform investigations of the plant as required. The investigation may include an inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

TCEQ evaluates all complaints received. If a facility is found to be out of compliance with the terms and conditions of its permit, it may be subject to investigation and possible enforcement action. Individuals are encouraged to report any concerns about nuisance issues or suspected noncompliance with terms of any permit or other environmental regulation by contacting TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186.

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

COMMENT 44: Compliance History

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

(Carl Daniel Amsden, Tara Anders, Lara Ann Breeding, Payton Gray Campbell, Colin Cox, Margaret A Duran, Sally Clark Farris, Cathy Fulton, Bob Gonzalez, Jennifer R Hilliard, James E Klein, Kathryn A Masten, Patrick Arnold Nye, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, Richard Alan Roark, A Leslie Rozzell, Encarnacion Serna, Joellen Flores Simmons, Sheila Walton, John Stephen Weber, Susan Wilder, Steven Wilder, and Melissa Zamora)

RESPONSE 44: 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>.

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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.

This site has a rating of 0.18 and a classification of Satisfactory. The company rating has a rating of 0.18, and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

COMMENT 45: Inspections

Commenters asked how often the facility will be inspected and expressed concern that TCEQ has not performed inspections adequately.

(Colin Cox, Jennifer R Hilliard, James E Klein, Patrick Arnold Nye, and Encarnacion Serna)

RESPONSE 45: The Regional Office performs investigations of the plant on a regular schedule as required. The investigation may include an announced or unannounced inspection of the site including all equipment, control devices, monitors, and a review of all calculations and required recordkeeping.

Additional investigations will occur in response to complaints reported by contacting the TCEQ Corpus Christi Regional Office at 361-881-6900 or by calling the 24-hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The 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 that 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. In addition, the investigation schedule may be increased if violations are found, violations are repeated, or if a regulated entity is classified as an unsatisfactory performer.

COMMENT 46: Violations / Enforcement

Commenters questioned the consequences of violating the terms of the permit and expressed concern about the violation history of Flint Hills Resources, particularly as it pertains to their “high priority violator” status in the EPA ECHO database.

(Carl Daniel Amsden, Chrystal Beasley, Lara Breeding, Lara Ann Breeding, Payton Gray Campbell, Trisha Christian, Robyn Cobb, Andi Cornett, Colin Cox, Margaret A Duran, Sally Clark Farris, Guillermo Gallegos, Patricia C Gardiner, Bob Gonzalez, Robert Graham, Jennifer R Hilliard, Donna L Hoffman, Lynn Hughes, Wendy Hughes, Jeffrey Jacoby, James E Klein, Uneeda E Laitinen, Naomi Linzer, Nancy Lubbock, Brandt Mannchen, Kathryn A Masten, Eli Mckay, Stacey Meany, Molly Morabito, Ann R Nyberg, Julie Ann Nye, Patrick Arnold Nye, Jessica Palitza, Blanca Parkinson, Dorothy Pena, Christopher L Phelan, Lynne Goeglein Porter, William Porter, Beth Priday, Richard Alan Roark, Julie Travis Rogers, A Leslie Rozzell, Jonah Sandoval, Encarnacion Serna, Joellen Flores Simmons, Lori Simmons, Chloe Torres, Ana Trevino, Cynthia Valdes, Veronica Vela, Sheila Walton, James Walton, John Stephen Weber, Susan Wilder, and Melissa Zamora)

RESPONSE 46: 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

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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.

Flint Hills has two high priority violations **listed through the EPA "Enforcement and Compliance History Online" database**, one for late reporting and one for a failed stack test (the company has since retested and passed), that are currently being resolved by the TCEQ's Office of Compliance and Enforcement. These violations are considered when evaluating the site's compliance history.

COMMENT 47: Other Required Authorizations

Commenters asked if other authorizations are required for this project.

(Colin Cox, Ann R Nyberg, Patrick Arnold Nye, and Encarnacion Serna)

RESPONSE 47: 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.

COMMENT 48: Optical Gas Imaging (OGI)

Commenters expressed concern with the videos of the Optical Gas Imagery (OGI) footage taken by Tim Doty of EarthWorks, a non-profit organization. Commenters suggested that the videos showed that Flint Hills Resources was improperly maintaining their storage tanks.

(Chrystal Beasley, Mariah Ann Boone, Lara Ann Breeding, Lara Breeding, Payton Gray Campbell, Andi Cornett, Larry R Ferrell, Robert Graham, Jennifer R Hilliard, Yvonne Landin, Charlotte Lawrence, Naomi Linzer, Nancy Lubbock, Kathryn A Masten, Eli Mckay, Carrie Robertson Meyer, Ann R Nyberg, Patrick Arnold Nye, Jasmin O'Neil, Lynne Goeglein Porter, Julie Travis Rogers, Andrea Rozzell, Errol Alvie Summerlin, Cynthia Valdes, Sheila Walton, Steven Wilder, and Melissa Zamora)

RESPONSE 48: OGI is not used to determine compliance with the permitted emission limits of tanks. Tanks are permitted sources of emissions and detection of emissions is not an indication of being out of compliance. Compliance is determined by performing the proper inspections of the floating roof required by the permit and federal rules and limiting withdrawal rates to the maximum permitted rates.

TCEQ does take reports of emissions detected by OGI seriously and may send out investigators to look into these reports. Response 44 (Compliance History) states how to contact TCEQ with concerns and further information.

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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

Toby Baker, Executive Director

Erin E. Chancellor, Director
Office of Legal Services

Charmaine Backens, Deputy Director
Environmental Law Division



Contessa N. Gay, Staff Attorney
Environmental Law Division
State Bar Number 24107318
PO Box 13087, MC 173
Austin, Texas 78711-3087

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY