

Brooke T. Paup, *Chairwoman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 7, 2025

MR LUIS G PEREZ
VP US GULF COAST TERMINALS OPERATIONS
ENBRIDGE INGLESIDE LLC
915 N ELDRIDGE PKWY STE 1100
HOUSTON TX 77079-2703

Re: Notice of Proposed Permit and Executive Director's Response to Public Comment
Renewal
Permit Number: O3906
Enbridge Ingleside, LLC
Enbridge Ingleside Oil Terminal
Ingleside, San Patricio County
Regulated Entity Number: RN101225746
Customer Reference Number: CN605745140

Dear Mr. Perez:

The Texas Commission on Environmental Quality (TCEQ) executive director's proposed action is to issue a Renewal of federal operating permit (FOP) No. O3906 for the Enbridge Ingleside Oil 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 revised to reflect changes made to the permit.

As of February 11, 2025, the proposed permit is subject to an EPA review for 45 days, ending on March 28, 2025.

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 March 29, 2025 and ends on May 27, 2025. 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>

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

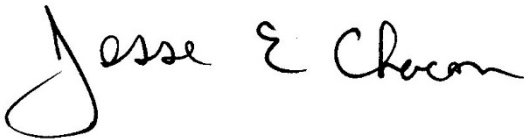
Texas Commission on Environmental Quality
Office of Air
Air Permits Division, MC-163
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Luis G Perez
Vp Us Gulf Coast Terminals Operations
Enbridge Ingleside LLC
915 N Eldridge Pkwy Ste 1100
Houston TX 77079-2703

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?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.

Thank you for your cooperation in this matter. If you have questions concerning the processing of this permit application, please contact Mr. Mark McDonald at (512) 239-1357.

Sincerely,



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

cc: Mr. Clayton Curtis, Vice President Regulatory Affairs, Enbridge Inc, Houston
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: 34024

Modifications Made from the Draft to the Proposed Permit

1. Updated units that were documented as negative applicability, to show units reflected in the New Source Review Authorization References by Emissions Unit list in the permit. Units added were:
 - a. Unit 1 - SMALL PARTS COATING – Rule 106.433/09/04/2000 [161880]
 - b. Unit DOCK-7 - LOADING DOCK 7 - Rule 106.261/11/01/2003 [159913]
 - c. Unit MSS - MISC MISCELLANEOUS - MSS ACTIVITIES – Rule 106.263/11/01/2001
2. Updated New Source Review Authorization References table to remove rule 106.262, which is not attached to any unit in the permit.
3. Reviewed OP-PBRSUP tables A-D and updated the date in the special terms and conditions in the permit to August 16, 2024.

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. O3906 filed by Enbridge 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 EPA. The Office of Chief Clerk (OCC) timely received comment letters from environmental organizations and several individuals. Listed below are comments filed by environmental organizations followed by summarized and grouped comments posted by individuals. List of commenters is included in Appendix A. 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. Enbridge Ingleside, LLC applied to the TCEQ for a renewal of FOP for a Petroleum Bulk Stations and Terminals plant located in Ingleside, San Patricio County on July 18, 2022, and notice was published on June 29, 2023. Comments and hearing requests were received from environmental organizations and several individuals on July 22, 2023. A public hearing was conducted on January 11, 2024. The public comment period ended on January 11, 2024. 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 EPA, the version of the FOP is referenced as the Proposed Permit.

Description of Site

Enbridge Ingleside, LLC has applied to the TCEQ for an FOP Renewal that would authorize the applicant to operate the Enbridge Ingleside Oil Terminal. The facility is located 1450 Lexington Blvd in Ingleside, San Patricio County, Texas 78362-6301.

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 Enbridge Ingleside, LLC, FOP O3906/project 34024, Regulated Entity Number: RN101225746.

Environmental organizations that submitted comments include Environmental Integrity Project (EIP), Ingleside on the Bay Coastal Watch Association (IOBCWA), The Indigenous Peoples of the Coastal Bend, Coastal Bend Sierra Club Group and Chispa Texas, program of the League of Conservation voters. A list of commenters is included in Appendix A.

COMMENTS FILED ON 07/31/2023 BY ENVIRONMENTAL INTEGRITY PROJECT AND BAY COASTAL WATCH ASSOCIATION

COMMENT 1: The Draft Permit Fails to Assure Compliance with Applicable Requirements for Units and Activities at the Ingleside Energy Center Related to Liquefied Petroleum Gas (“LPG”).

Permit No. O3906 was first issued in 2018. The initial version of this permit incorporated applicable requirements for the following emissions units and activities related to LPG that have been improperly removed from the Draft Permit:

Table 1: LPG Units, Activities, and Applicable Requirements Removed from the Draft Permit:

EPN	Description	NSR Applicable Requirements	Other Applicable Requirements
F-1	Process Fugitives LPG Terminal	106.261 (11/01/2003)	
FL-1	Flare	106.263 (11/01/2003), 106.492 (9/4/2000)	30 TAC § 111.111(a)(4)(A)
HOH-1	Hot Oil Heater	106.183 (9/4/2000)	40 C.F.R. § 60.40c(a) (PM, SO ₂ , Opacity)
LPG-1	LPG Storage Sphere	106.476 (9/4/2000)	
LPG-2	LPG Storage Sphere	106.476 (9/4/2000)	
MARINELOAD2	LPG Marine Loading	106.472 (9/4/2000)	40 C.F.R. §§ 63.562(b)(1), (3), (6), (e)(1) through (e)(7), 63.563(a)(2), (3)

According to Enbridge’s renewal application, these units and activities were removed from the Draft Permit based on TCEQ’s July 15, 2022 decision that the Ingleside Energy Center is constituted of two separate stationary sources for purposes of Title I Prevention of Significant Deterioration (“PSD”) preconstruction permitting: a crude oil terminal and a LPG terminal. Title V Permit Revision and Renewal Application, Permit No. O-3906 at ii (July 15, 2022) (“Renewal Application”). This decision, as explained below, turned on the TCEQ’s incorrect determination that the LPG terminal and the crude oil terminal did not belong to the same Standard Industrial Classification (“SIC”) Major Group category.

The Draft Permit’s omission of applicable requirements for units and activities related to LPG storage and transfer is improper for two reasons: 1) TCEQ’s determination that the Ingleside Energy Center contains two separate stationary sources for purposes of PSD is incorrect; and 2) Even if the Ingleside Energy Center contains two stationary sources for purposes of PSD, it is still a single major source for purposes of Title V.

A. The Enbridge Ingleside Oil Terminal (RN101225746) and the Enbridge Ingleside LPG Terminal (RN111588505) Constitute a Single Stationary Source for Purposes of Title I NSR Preconstruction Permitting Requirements and a Single Major Source for Purposes of Title V Federal Operating Permit Requirements.

From the time that Occidental Petroleum obtained the Ingleside Energy Center, a former naval station, from the Port of Corpus Christi in 2012 until July 15, 2022, crude oil and liquified storage and transfer activities at the center were regulated as a single stationary source for purposes of PSD preconstruction permitting requirements and as a single major source for purposes of Title V federal operating permit requirements. However, on July 15, 2022, after twice denying requests to segregate crude oil activities and LPG activities into separate stationary sources for purposes of PSD, and without any public notice or opportunity for public comment, TCEQ staff granted Enbridge's request and issued a new Regulated Entity Number for LPG equipment and activities at the Ingleside Energy Center. This decision was based on TCEQ's erroneous determination that LPG and crude oil activities at the Ingleside Energy Center only satisfied two of three criteria that would make these activities subject to regulation as a single stationary source.

Activities and equipment constitute a single stationary source for purposes of PSD preconstruction permitting requirements if they are located on contiguous or adjacent property, are under common control, and they share the same first two-digit Standard Industrial Classification ("SIC"). 40 C.F.R. §§ 52.21(b)(5) (defining "stationary source" to mean "any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant."), 52.21(b)(6)(i) (defining "any building, structure, facility, or installation" to include "all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control)[.]"). According to § 52.21(b)(6)(i), "[p]ollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00716-0, respectively." While Enbridge concedes that crude oil and LPG storage and loading at the Ingleside Energy Center occur on contiguous or adjacent property and are under common control, it contends that the activities do not have the same first two-digit SIC. Letter from Moda, *Re: Request for Stationary Source Determination Enbridge Ingleside Energy Center* (November 29, 2021).

Prior to July 15, 2022, all activities at the Ingleside Energy Center had been covered by SIC code 5171 for Petroleum Bulk stations and Terminals. This SIC code applies to "[e]stablishments primarily engaged in the wholesale distribution of crude petroleum and petroleum product, including liquefied petroleum gas, from bulk liquid storage facilities." Enbridge argued that the Ingleside Energy Center is a "for-hire" terminal and not a "wholesaler" because Enbridge does not own the products stored and terminaled there. Letter from Moda, *Re: Request for Stationary Source Determination Enbridge Ingleside Energy Center* (November 29, 2021). Accordingly, Enbridge concluded that "[o]peration of the petroleum terminal is more accurately classified by SIC code 4226 [for Special Warehousing and Storage, Not Elsewhere Classified] and the LPG terminal is more accurately classified by SIC code 4925 [for Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Establishments engaged in the manufacture and/or distribution of gas for sale, including mixtures of manufactured with natural gas]." *Id.*

While TCEQ initially accepted Enbridge's claim that SIC code 5171 was not the best designation for the Ingleside Energy Center, the agency correctly rejected Enbridge's claim that crude oil and LPG activities at the center fell under different SIC Major Groups:

As stated previously, there is conflicting information regarding the appropriate SIC codes associated with the site. Based on the information provided, it would appear that the primary business of the facility is the storage of petroleum liquids. Given this, TCEQ believes that the more appropriate SIC code for the site is 4226 (Establishments **primarily** engaged in the warehousing and storage of special products not elsewhere classified which includes petroleum and chemical bulk stations and **terminals for hire**). As such, the information provided did not sufficiently show that the two companies met at least one of the following criteria: 1) have separate SIC codes, 2) are not located on one or more contiguous or adjacent properties; or 3) are not under common control. Therefore, TCEQ believes that the facility is one site.

E-mail from Dianne Anderson, TCEQ Office of Air, *Re: Stationary Source Determination Request: Enbridge Ingleside Energy Center* (January 20, 2022) (emphasis in original).

TCEQ's initial decision to deny Enbridge's request was correct. SIC code 4226 applies to establishments "primarily engaged in the storage of special products, not elsewhere classified" and include "[p]etroleum

and chemical bulk stations and terminals for hire.” Even if LPG storage and transfer on a for hire basis do not fall under this category, such activities may occur at a 4226 establishment so long as they are not the establishment’s *primary* business. Crude oil storage on a for-hire basis is properly categorized under SIC code 4226 and constitutes the Ingleside Energy Center’s primary engagement. In fact, the Ingleside Energy Center is among the largest crude oil terminals in the United States, with 15.3 million barrels of storage capacity. Enbridge’s Ingleside LPG business is comparatively miniscule, at 80,000 barrels of storage capacity. The Ingleside Energy Center’s LPG storage capacity is approximately one half of one percent of its total storage capacity. Given this difference, the site’s *primary* activity plainly falls under SIC code 4226, “petroleum and chemical bulk stations and terminals for hire.” And because SIC code 4226 applies to “[e]stablishments *primarily* engaged in the warehousing and storage of special products, not elsewhere categorized” rather than sources *only* engaged in the warehousing and storage of such products, Enbridge’s nominal LPG activities do not render this designation improper for the entire Ingleside Energy Center.

Additionally, SIC code 4925 does not properly describe LPG activities at the Ingleside Energy Center. This is so for two reasons: First, SIC code 4925 describes establishments that manufacture and/or distribute gas *for sale*. But Enbridge’s primary justification for changing SIC code 5171, which had been assigned to the Ingleside Energy Center since its construction, is that Enbridge now operates the site as a for-hire terminal. It does not take title to the materials it stores, sell it to end users, or receive a fee or commission for selling the product. Crain, Caton & James, Memorandum, Identification of SIC Codes for Enbridge’s Ingleside Operations (February 23, 2022).¹ This fact contradicts the essential definition of SIC code 4925. Second, SIC code 4925 classifies establishments that manufacture and/or distribute gas, but it does not describe storage facilities. According to Enbridge, their oil and LPG operations “derive their primary income from fees for storage, not the sale of goods.” *Id.* Therefore, since SIC code 4925 does not describe the primary activities of the Ingleside Energy Center, it is an inappropriate classification.

As TCEQ noted in its denial of Enbridge’s request, SIC code 4226 is the most appropriate code for the Ingleside Energy Center, because the *primary* business at the site has been and continues to be storage of petroleum liquids. That is all that SIC code 4226 requires. Further, the SIC Manual states that “[e]ach establishment is to be classified according to its *primary activity*,” emphasizing that an establishment’s primary activity “is determined by its principal product or group of products produced or distributed, or services rendered.” Thus, TCEQ’s initial determinations that SIC code 4925 does not apply to the LPG operations separately and that SIC code 4226 accurately describes the primary business of the entire site were correct.

B. The Enbridge Ingleside Oil Terminal (RN101225746) and the Enbridge Ingleside LPG Terminal (RN111588505) Constitute a Single Major Source for Purposes of Title V.

And even if Enbridge were correct that LPG and crude activities at the Ingleside Energy Center constitute separate stationary sources under PSD regulations, the center is still a single major source for purposes of Title V. This is so because Texas’s Title V regulations do not require adjacent operations under common control to share the same SIC code Major Group in order to constitute a single major source. Under these regulations, a major source subject to Title V permitting requirements includes “[a]ny site which directly emits or has the potential to emit, 100 tpy or more of any air pollutant.” 30 Tex. Admin. Code § 122.10(13)(C). The term “site,” as used in this definition means “[t]he total of all stationary sources located on one or more contiguous or adjacent properties, which are under common control of the same person (or persons under common control).” *Id.* § 122.10(27). Accordingly, the Ingleside Energy Center is a single Title V major source.

In fact, an email from Moda’s consultant included as part of Attachment 10 to the Renewal Application concedes that the Ingleside Energy Center is a single major source for purposes of Title V:

Moda does not dispute that the oil terminal and the LPG system together constitute a single major site for purposes of Title V permitting, since both the oil terminal and the LPG system are under common control by their parent company, Moda Ingleside, LLC. However, the oil terminal can operate without the LPG system, and the LPG system can operate without the oil terminal. Their commonality ends with sharing a fence line and a parent company (the only two criteria for major site determination for Title V purposes).

However, they do not share the same SIC code, the third criterion required under the definition of an NSR "stationary source," and therefore they must not be considered the same "stationary source" under NSR regulations [40 CFR §52.21(b)(5) and §52.21(b)(6)(i)].

Email from Sharon Jones to Dianne Anderson, *Re: Stationary Source Determination Request: Moda Ingleside Energy Center (RN101225746)* (September 20, 2021).

Thus, even if Ingleside Energy Center consists of two separate stationary sources for purposes of PSD, those adjacent and commonly controlled sources constitute a single site for purposes of Title V, and that site is a major source for purposes of Title V because it has the potential to emit (and actually emits) VOC in quantities that exceed 100 TPY. Accordingly, LPG and crude oil activities and equipment at the Ingleside Energy Center are subject to Title V permitting requirements. *Id.* § 122.120(a).

Title V permits must include and assure compliance with all applicable requirements. 42 U.S.C. § 7661c(a). Applicable requirements include Texas Permit by Rule ("PBR") requirements, Texas State Implementation Plan ("SIP") requirements, New Source Performance Standard ("NSPS") requirements, and National Emission Standards for Hazardous Air Pollutant ("NESHAP") requirements, such as those listed in Table 1 above, which have been removed from the Draft Permit. 30 Tex. Admin. Code § 122.10(2). The Draft Permit fails to identify and assure compliance with these applicable requirements because they have been omitted from the Draft Permit. Accordingly, the Draft Permit is deficient.

RESPONSE TO COMMENT 1: The ED respectfully disagrees with the Commenter's assertion "The Enbridge Ingleside Oil Terminal (RN101225746) and the Enbridge Ingleside LPG Terminal (RN111588505) Constitute a Single Major Source for Purposes of Title V".

TCEQ's decision to assign separate regulated entity numbers (RN) to Enbridge Ingleside Oil Terminal (RN101225746) and the Enbridge Ingleside LPG Terminal (RN111588505) was affirmed in a letter dated January 27, 2025 (see Attachment B). TCEQ's site determination decision was based on: 1) the application representation information provided by Enbridge Ingleside, LLC (applicant), in support of their site determination request 2) the definition of a site defined in [30 TAC Chapter 122](#), 3) current Environmental Protection Agency (EPA) guidance – See EPA's [Wehrum](#) letter dated April 30, 2018, and EPA [Draft Memo](#) dated September 4, 2018.

When evaluating a site determination request, the information provided should be clear on whether the two companies meet at least one of the following criteria: 1) have separate primary Standard Industrial Classification (SIC) codes; 2) are not located on one or more contiguous or adjacent properties; or 3) are not under common control.

1) Separate SIC codes

The Enbridge Ingleside Oil Terminal has a SIC code of 4226: Special Warehousing and Storage, Not Elsewhere Classified. EIP argues the Enbridge Ingleside LPG Terminal should also have the SIC code of 4226, however, Enbridge argues the LPG Terminal should have the SIC code 4925: Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Establishments Engages in the Manufacture and/or Distribution of Gas for Sale, including Mixtures of Manufactured with Natural Gas.

SIC Code 4226

All parties are in agreement this is the proper SIC code for the Oil Terminal.

SIC Code 4925

In U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), SIC code 4925 falls under Major Group 49: Electric, Gas, and Sanitary Services. Specifically, SIC code 4925 is included in Industry Group 492: Gas Production and Distribution. This Industry Group and Major Group, along with the SIC Code 4925, include "liquefied petroleum gas" and any facilities that are engaged in the production and distribution and/or managing of liquefied petroleum gas. Enbridge has indicated that the LPG Terminal is an establishment that offers distribution services to companies that sell LPG. While

EIP argues that Enbridge's LPG Terminal does not sell LPG, Enbridge itself does not have to sell the LPG being distributed at the Terminal. While "for sale" is mentioned in the SIC Code, the LPG product is classified under this SIC Code and further meets the SIC Code as it is going downstream for sale to an ultimate consumer. Furthermore, in the SIC Code, gas distribution through mains, manufactured gas production and distribution is included in the code manual and is applicable to the LPG Terminal.

With such representations, SIC code 4925 is applicable to the LPG Terminal.

2) Location

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are located on one or more contiguous or adjacent properties. Enbridge submitted a map that shows the two terminals are separated geographically and that the LPG terminal is surrounded by its own fence.

3) Common Control

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are not under common control. The Oil Terminal and the LPG Terminal are each owned by separate subsidiaries of the parent company, Enbridge.

Therefore, Enbridge Ingleside LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746) are separate sites for the purposes of both NSR and Title V permitting.

COMMENT 2: The Draft Permit Fails to Assure Compliance with Applicable Prevention of Significant Deterioration Preconstruction Permitting Requirements for Coating Operations Authorized by Permit Registration No. 161880.

Permit No. 122362/PSDTX1430M1 was initially issued in 2015. The project authorized in 2015 triggered PSD preconstruction permitting requirements and involved the construction of new storage tanks, marine vessel loading docks, tank truck loading racks, control devices, piping and auxiliary equipment, and authorized planned maintenance, startup, and shutdown activities. Technical Review Document (Permit No. 122362/PSDTX1430, Project Nos. 215243, 216284). Five years later, Enbridge filed an application to amend Permit No. 122362/PSDTX1430 to authorize maintenance, start-up, and shutdown emissions from abrasive dry blasting activities performed at the site. Technical Review Document (Permit No. 122362/PSDTX1430M1, Project No. 315204). According to the Technical Review Document for this project, the amendment was necessary to authorize activities at the site that had been ongoing since the permit's initial issuance in 2015 but that had not been previously authorized. *Id.* This amendment was approved on November 30, 2020. Before this amendment was issued, Enbridge submitted a PBR registration to authorize pipe coating activities at the Ingleside Energy Center. As explained by the Technical Review Document for the registered PBR, this authorization is connected to blasting activities authorized by the amendment to Permit No. 122362/PSDTXM1430M1.

Enbridge operates a crude and condensate storage transfer site at the Enbridge Ingleside Energy Center. Occasionally, some pipes brought to the site need surface preparation (machining, polishing and buffing claimed under PBR 106.265) before any coating can be applied. Surface preparation (abrasive blasting operations) are authorized under NSR Permit 122362 (EPN's: Blast, Blastload). Coating compounds are mixed onsite per manufacturer specifications and applied to the pipe surface. No heating ovens are used for the drying process; pipes are allowed to air dry before being removed from the site.

Technical Review Document (Permit No. 161880, Project No. 335539).

As indicated by the Technical Review Document for PBR Registration No. 161880, the surface coating activities authorized by PBR and the blasting activities authorized by Permit No. 122362 are substantially related: blasting activities are undertaken to prepare pipes for surface coating. And, as indicated by the Technical Review Document for Permit No. 122362/PSDTX1430M1, the blasting activities authorized by that permit have been ongoing since that permit was first issued in 2015. Specifically, the blasting activities are planned Maintenance, Startup, and Shutdown activities involving facilities and activities

authorized by the initial issuance of Permit No. 122362/PSDTX1430M1. Accordingly, surface coating activities authorized by PBR Registration No. 161880 are substantially related to activities facilities and activities authorized by the initial issuance of Permit No. 122362/PSDTX1430M1.

Because emissions from blasting and surface coating operations are part of the same project authorized by the initial issuance of Permit No. 122362/PSDTX1430, and because the initial issuance of that permit triggered PSD preconstruction permitting requirements, emissions authorized through the amendment to Permit No. 122362/PSDTX1430 and PBR Registration No. 161880 are also subject to PSD preconstruction permitting requirements. These emissions are not the result of physical or operational changes to the Ingleside Energy Center. These are emissions that should have been authorized in 2015 and Enbridge's failure to authorize them were violations of the law that Enbridge disclosed pursuant to Texas's Environmental, Health, and Safety Audit Privilege Act. Accordingly, activities and emissions authorized by the amendment to Permit No. 122362/PSDTX1430 and PBR Registration No. 161880 are subject to PSD preconstruction permitting requirements.

The amendment to Permit No. 122362/PSDTX1430 and approval of PBR Registration No. 161880 did not include a review pursuant to TCEQ's PSD regulation at 30 Tex. Admin. Code § 116.160 and do not assure compliance with substantive PSD requirements. PBR Registration No. 161880, moreover, was issued without any public notice or opportunity for public comment and therefore does not comply with public participation requirements for PSD permits. See 30 Tex. Admin. Code § 116.111(b) (requiring applicants to comply with requirements of the TCEQ's Chapter 39 and 55 public participation requirements). Accordingly, the Draft Permit fails to ensure compliance with applicable PSD preconstruction permitting requirements and must include a schedule for Enbridge to obtain a proper PSD authorization for blasting and pipe coating activities at the Ingleside Energy Center. 30 Tex. Admin. Code § 7661c(a); 40 C.F.R. § 70.6(a).

RESPONSE TO COMMENT 2: The initial NSR permit (122362) was issued on June 22, 2015 (Project 215243). An initial PSD permit authorizing VOC emissions from facilities to be constructed at the site was issued simultaneously with the initial NSR permit (PSDTX1430). An amendment to the NSR permit was issued on August 8, 2018, authorizing an expansion of facilities at the site (project 276838). A major modification authorizing emissions of VOC and NOx from those facilities was issued simultaneously with the NSR amendment (PSDTX1430M1). The amendment to permit 122362 authorizing PM emissions from abrasive blasting operations was submitted on April 20, 2020, and issued on November 30, 2020. The PBR authorizing VOC and PM emissions from coating operations was submitted on July 8, 2020, and issued July 24, 2020 (Project 317652). The emissions from abrasive blasting and coating operations authorized in the amendment and PBR respectively were identified under an internal audit pursuant to the Texas Environmental Health and Safety Audit Privilege Act.

A review of the application information for the amendment authorizing abrasive blasting emissions was conducted. Except for the statement that the activity and emissions were identified as a result of an internal audit, there is no representation that the abrasive blasting activities and emissions date back to the initial issuance of the permit. As represented in the site's audit findings, abrasive blasting operations did not occur at the site until January 1, 2019. (This date was also identified in the deficiency response of July 7, 2020 included in the application information for the amendment). Small parts surface coating operations first occurred onsite on March 1, 2019. Prior to these dates, blasting and surface coating operations were performed offsite. Both the initial issuance of the permit and the modification authorizing the expansion of the site predate the point where these activities and associated emissions first occurred (no construction occurred as a result of these activities).

Since abrasive blasting and coating operations were not included in the maintenance, startup, and shutdown activities authorized in the initial review nor expansion amendment and since both the initial review and expansion amendment predate when these activities and emissions first occurred at the site, the authorization of these activities constitute a separate project and not a retrospective review of the initial project or the expansion project in which PSD for VOC was triggered for both. Pursuant to NSR rules, a project is a major modification if the project results in both a significant emissions increase and a significant net emissions increase. Representations of the project emissions increase for PM, PM10, and PM2.5 from the amendment authorizing abrasive blasting included emissions from abrasive blasting as well as PM emissions from coating operations as if both activities were part of the same project. Project

increases of PM, PM10, and PM2.5 as represented did not exceed significance levels and therefore did not trigger PSD. Even if these emissions had been included as part of the initial issuance project, PSD for PM, PM10, and PM2.5 would not have been triggered. A separate major NSR applicability evaluation was conducted for VOC emissions authorized in the PBR registration authorizing coating operations VOC emissions resulting from coating operations did not result in a significant project increase. Therefore, PSD review was not triggered.

COMMENT 3: The Draft Permit Fails to List PBR Registration No. 161880 as an Applicable Requirement.

Title V permits must include and ensure compliance with all applicable requirements at the permitted source. 42 U.S.C. § 7661c(a); 40 C.F.R. § 70.6(a). PBRs registered under Texas's federally approved Chapter 106 PBR regulations are applicable requirements for purposes of Title V. 30 Tex. Admin. Code § 122.10(2)(H). Enbridge's application to renew Title V permit No. O3906 identifies PBR Registration No. 161880 as an applicable requirement. Renewal Application at Attachment 4. Yet this Registration is not specifically identified by the Draft Permit as an applicable requirement, and it is not listed in the Draft Permit's New Source Review Authorization References by Emissions Unit table or its New Source Review Authorization References table. Because the Draft Permit fails to identify and incorporate this PBR Registration as an applicable requirement, it fails to ensure compliance with it.

RESPONSE TO COMMENT 3: 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 August 16, 2024, in the application for project 34024 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. PBR registration number 161880 is listed in Table A.
3. Revised Special Term and Condition 11 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 August 16, 2024 in the application for project 34024), 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 66-69) has been updated to include the emission units listed in the OP-PBRSUP tables. PBR registration number 161880 is listed that authorizes unit 1.
5. Revised the SOB to include a reference to the PBR Supplemental Table and Special Term and Condition 11. 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 4: The Draft Permit Fails to Include Monitoring, Testing, Recordkeeping, and Reporting Requirements that Ensure Compliance with Hourly and Annual Emission Limits on VOC Emissions from Enbridge's Fugitive Equipment.

The Draft Permit is deficient because it fails to establish monitoring, reporting, recordkeeping, and emission calculation requirements to ensure compliance with fugitive emissions limits at the Ingleside

Energy Center. 42 U.S.C. § 7661c(a), (c); 40 C.F.R. § 70.6(c)(1). Specifically, the Draft Permit fails to ensure compliance with the 2.16 lbs/hr and 9.48 TPY VOC emissions limits for equipment fugitives listed in Maximum Allowable Emission Rate Table (“MAERT”) Permit No. 122362/PSDTX1430M1, which is incorporated by and attached to the Draft Permit. Footnote 5 to the MAERT for this permit provides that these VOC limits are “estimate[s]” that are “enforceable through compliance with the applicable special condition(s) and permit application representations.”

TCEQ’s EPA-approved regulations provide that representations in air permit applications become enforceable conditions of the issued permit. 30 Tex. Admin. Code § 116.116(a)(1); 79 Fed. Reg. 8368,8385 (February 12, 2014) (proposed rule accepting TCEQ’s policy that “[t]he permit application, and all the representations in it, is part of the permit when it is issued and as such is enforceable.”). Further, Enbridge relied on these “estimates” to determine that fugitive emissions would not result in unacceptable air quality impacts and were controlled at a level consistent with federal Best Available Control Technology (“BACT”). Thus, these “estimates” of VOC emissions are applicable requirements that require monitoring and reporting sufficient to ensure compliance. 42 U.S.C. § 7661c(c) (each Title V permit “shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions”); 40 C.F.R. § 70.6(c); 30 Tex. Admin. Code § 122.42(c).

This monitoring must be sufficient to yield reliable data from the relevant time period that are representative of Enbridge’s compliance with the permit. 40 C.F.R. § 70.6(a)(3)(i)(B). The monitoring and reporting provisions in the Draft Permit and Permit No. 122362/PSDTX1430M1, however, cannot ensure compliance with the hourly and annual VOC emissions limits for fugitive equipment in Permit No. 122362/PSDTX1430M1’s MAERT or enforceable representations in Enbridge’s permit applications that those limits are based on. The main fugitive monitoring requirements from Permit No. 122362/PSDTX1430M1 (at Special Condition No. 25) only requires quarterly monitoring using a gas analyzer. Quarterly use of a gas analyzer cannot ensure compliance with hourly and annual MAERT limits because it is too infrequent and also likely to miss leaks from valves, pumps, seals and other equipment. EPA itself has recognized deficiencies in such leak detection and repair (“LDAR”) programs.⁵

Special Condition No. 25 is also inadequate to ensure compliance with Permit No. 122362/PSDTX1430M1’s MAERT VOC limits on fugitive equipment because it does not describe the method Enbridge must use to calculate VOC emissions from the hundreds or thousands of components covered by those limits, except for the provisions from Special Condition No. 25.I that only apply to emissions from the limited number of components on Enbridge’s “delay repair list.” TCEQ, moreover, has not even explained why it believes that the limited calculation method discussed in 25.I is accurate with respect to the remainder of fugitive emissions from the Ingleside Energy Center.

Permit No. 122362/PSDTX1430M1 also contains other special conditions that may apply to fugitive equipment subject to MAERT VOC limits, but none of these other requirements ensure compliance with those limits. Special Condition Nos. 2-5. Special Condition No. 2 does not speak to monitoring, reporting, or recordkeeping for these VOC limits, while Condition Nos. 3-5 only generally list various NSPS and NESHAP subparts that may apply to various pieces of equipment at the Ingleside Energy Center authorized by the permit without detailing any of the specific applicable provisions of these Subparts.

While the Draft Permit notes that certain NESHAP, NSPS, and SIP provisions may apply to the same fugitive equipment authorized by Permit No. 122362/PSDTX1430M1, these provisions do not speak to monitoring and reporting (or calculation of emissions) for the specific VOC emission limits for that equipment established by the permit’s MAERT. Additionally, nothing in the permit ties any NSPS or NESHAP requirements to specific fugitive VOC hourly or annual emission rates or explains how any NSPS or NESHAP monitoring can be used to determine specific, actual emissions of VOC from Enbridge’s fugitive equipment.

To remedy these problems and ensure compliance with hourly and annual VOC emission limits established by the MAERT in Permit No. 122362/PSDTX1430M1, TCEQ should require Enbridge to use optical gas imagining in addition to a LDAR program, strengthen the LDAR program required by the permit, and establish a clear calculation methodology that accurately reflects hourly and annual VOC emissions from Enbridge’s fugitive equipment.

RESPONSE TO COMMENT 4: The ED respectfully notes 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 ED respectfully disagrees with the Commenters assertion that Title V permit O3906 and NSR permit numbers 122362 and PSDTX1430M1 do not include adequate monitoring, reporting, recordkeeping, or emission calculation requirements to ensure compliance with hourly and annual limits for fugitive emissions for the following reasons.

As documented in the applicable requirements summary (ARS) table (see proposed permit at pages 22-55), the proposed permit includes extensive monitoring, reporting, recordkeeping and testing (MRRT) requirements for the fugitive units, storage tanks and loading racks subject to requirements under 40 CFR Part 63, Subpart EEEE NESHAP: Organic Liquids Distribution (Non-Gasoline). The MRRT requirements listed in the ARS are sufficient to demonstrate compliance with applicable state and federal regulations for VOC emissions.

Special condition 25.A through 25.L of NSR permit numbers 122362 and PSDTX1430M1 state the applicable requirements (including MRRT) for fugitive emissions. PBR registration 159913 authorizes VOC emissions for fugitive unit FUG. Table D of OP-PBRSUP form dated August 16, 2024, for project 34024 documents the monitoring requirements.

In regard to Commenter's statement that "In NSR Permit 122362 storage tank throughput and service is limited to the simultaneous loading of condensate into 12 storage tanks at any given time yet provide no monitoring or recording keeping assuring compliance", the ED respectfully notes the Major NSR Summary Table for NSR Permit Numbers 122362 and PSDTX1430M1, issued November 30, 2020, documents the MRRT requirements. Specifically, monitoring requirements for storage tanks are stated in NSR permit Special Conditions (SC) 3, 4, 8 and 23; recordkeeping requirements are stated in SC 3, 4, 8, 12, 23; and reporting requirements are listed in SC 3, 4. In addition the ARS table in the Proposed Permit (see pages 41-43), document the MRRT requirements under 30 TAC Chapter 115 storage of VOCs, 40 CFR Part 60, Subpart Kb, and 40 CFR Part 63, Subpart EEEE for GRPTK-1 unit (representing the 12 storage tanks). These MRRT requirements are sufficient to demonstrate compliance with the applicable requirements.

Short term (hourly) emission rates for VOC are based component count, correlation equations, and EPA industry-appropriate emission factors as represented in the NSR permit application. The sum of the calculated hourly emission rate is used to calculate monthly emission rate and the annual emission rates are based on monthly totals that are summed on a rolling 12-month basis.

Emission rates for VOCs are calculated/determined using the methodology summarized in the NSR permit application representation including using stack testing data, manufacturer's specifications, applicable work practice standard, 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 for processing NSR permit 122362 and PSDTX1430M1 and PBR registrations (listed above) projects (and not during Title V permit review). 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.

With regard to the Commenter's assertion about insufficiency of quarterly monitoring frequency for fugitives, the regulation that stipulates the leak definition typically also prescribe the monitoring frequency. The monitoring requirements according to the 28VHP LDAR programs have been demonstrated to meet BACT based on the monitoring frequency and leak definitions that are specified for this LDAR program. Hourly leak inspections are not required for this LDAR program, which has been approved as BACT for numerous sites within Texas. In regard to the Commenter's

assertion about using optical gas imaging (OGI) technology, the ED respectfully notes that this requirement is not supported as a BACT or by any applicable state or federal regulation to demonstrate compliance.

Validation and stability of emission factors used in the emission calculations may be ascertained by the public by various methods such as use of MRRT (which assists in controlling the performance and reducing variances of the manufacturing process), analyzing PCC deviation reports for the unit over a time period of interest, conducting stack testing per EPA approved procedures, analyzing emissions inventory reports submitted by the site and determining impact (if any) of recent NSR amendment projects that may affect the units performance. TCEQ is not aware of any facts that would require any other additional monitoring to further validate fugitive units related emission factors beyond that which has consistently been required under federal law and Texas permits.

The ED respectfully notes that emission calculation methodologies represented by the applicant in an NSR permit application must be consistent with the emission calculation methodologies used by the applicant to report emissions inventory data to TCEQ. Chapter 4 of the TCEQ's 2022 [emissions inventory guidelines](#) document describes the acceptable emissions determination methodologies.

TCEQ's Office of Compliance and Enforcement (OCE) enforces compliance with state's environmental laws to address any non-compliance and enforcement issues. 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., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

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 O3906 including emission limitations and standards. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENT 5: The Draft Permit Fails to Include Monitoring, Testing, Recordkeeping, and Reporting Requirements that Ensure Compliance with Hourly and Annual Emission Limits on VOC Emissions from Terminal Marine Loading Activities.

The Draft Permit incorporates Permit No. 122362/PSDTX1430M1 by reference. This permit establishes various emission limits and operating limits related to marine loading. The permit's MAERT establishes the following VOC limits on loading losses that are not directed to one of the Terminal's pollution controls:

EPN	Source Name	lbs/hour	TPY
DOCK-2	Uncollected Loading Dock No. 2	11.87	N/A
DOCK-4	Uncollected Loading Dock No. 4	11.87	N/A
DOCK-5	Uncollected Loading Dock No. 5	11.87	N/A
DOCK CAP	Uncollected Dock Emissions Cap	N/A	35.54

The Permit's MAERT also establishes emission limits for Vapor Combustion Units ("VCUs") used to control VOC and H2S emissions related to marine loading at the Terminal. VCUs 1 through 7 are each subject to the following hourly emission limits:

Contaminant	lbs/hour
VOC	10.78
NOX	0.92
CO	0.39
PM	0.57
PM10	0.57
PM2.5	0.57
SO2	7.93
H2S	<0.01

Combined annual emissions from all these VCUs are subject to the following MAERT limits:

Contaminant	TPY
VOC	36.53
NOX	9.06
CO	4.16
PM	5.12
PM10	5.12
PM2.5	5.12
SO2	63.25
H2S	0.03

Permit No. 122362/PSDTX1430M1 contains several special conditions meant to ensure compliance with these limits and to satisfy federal BACT and impacts requirements. See Special Condition Nos. 13-19, 23 (loading generally), 26-28 (VCUs). These special conditions, however, improperly include confidential operating limits and do not assure compliance with applicable requirements. Accordingly, the Draft Permit is deficient. 42 U.S.C. § 7661c(a), (c); 40 C.F.R. § 70.6(a), (c).

Special Condition No. 13 establishes a maximum throughput limit for product loaded at the Terminal of 689,580,000 barrels. This operating limit is intended to help ensure compliance with annual emission limits for controlled and uncontrolled loading at the Terminal and to constrain the Terminal's potential to emit. 30 Tex. Admin. Code § 116.12(29) ("Any physical or enforceable operational limitation on the capacity of a stationary source to emit a pollutant ... may be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.").

Special Condition No. 14, establishes hourly throughput limits for marine loading and requires all vapors generated from marine loading to be routed to Enbridge's VCUs. These requirements, along with others in the permit, are intended to ensure compliance with hourly emission limits for each Terminal VCU as well as hourly emission limits for uncontrolled loading losses for the Terminal's docks. The hourly throughput limit established by Special Condition No. 14 differs from the annual throughput limit in that it is confidential. The incorporation of a confidential operating limit is problematic for three reasons:

First, 40 C.F.R. § 70.6(b)(1) provides that "[a]ll terms and conditions in a part 70 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator *and citizens* under the [Clean Air] Act." (emphasis added). The hourly loading rate is a constraint on the Terminal's potential to emit pollutants resulting from marine loading activities meant to ensure compliance with emission limits used to demonstrate that the Terminal's air quality impacts are acceptable and to demonstrate compliance with federal BACT pollution control requirements. This operating limit fails the test of enforceability because citizens, who are authorized to enforce the limit, are unable to even know what the limit is.

Second, 42 U.S.C. § 7661b(e) provides that "[t]he contents of a [Title V] permit shall not be entitled to protection [as confidential information] under section 7414(c) of [the Clean Air Act]." The operating limit established by Permit No. 122362/PSDTX1430M1 Special Condition No. 14 to limit the Terminal's

potential to emit and to help ensure compliance with emission limits for marine loading activities is an applicable requirement of Enbridge's Title V permit. Accordingly, it may not be kept confidential.

Third, because the confidential hourly throughput limit is part of the program established by Permit No. 122362/PSDTX1430M1 to assure compliance with MAERT emission limits related to marine loading and because members of the public did not have an opportunity to consider the sufficiency of this limit, we have been deprived of an opportunity to evaluate the sufficiency of the permit's compliance demonstration requirements. This deficiency is not limited to Special Condition No. 14. For example, Special Condition No. 19.C relies on the permit's throughput limits to ensure that loading equipment used for marine loading will function properly.

Special Condition No. 18 establishes several requirements meant to ensure that the Terminal's marine loading VOC collection system operates at a collection efficiency of 99.9%, as represented in the permit application(s) for the project(s) authorizing the collection system when loading very large crude carriers. It is important that this level of control is continuously achieved, because it is presumed when Enbridge calculates how much uncontrolled VOC is emitted during loading activities and is necessary to prevent Terminal pollution controls from being overloaded.

Unfortunately, the primary Special Condition No. 18 requirement—a testing protocol approved by the Executive Director, is not included with the Draft Permit. Neither Permit No. 122362/PSDTX1430M1 or the Draft Permit identify and incorporate the applicable test protocol. The Draft Permit is therefore incomplete and fails to assure compliance with applicable requirements. *In the Matter of WE Energies Oak Creek Power Plant*, Order on Petition to Object to Permit No. 241007690-P10 at 25-26 (June 12, 2009) (“Furthermore, along with the construction permit requirement to comply with an MPAP approved by WDNR, the permit also requires ESP inspection in accordance with an approved MPAP as a means of demonstration and monitoring compliance with the PM limit[.]... Because compliance with the approved MPAP is required, the plan must be included in the permit pursuant to 40 C.F.R. § 70.6(a)(1).”). EPA objected to the same test protocol language in a permit incorporated into the Title V permit for Blanchard Refining's Galveston Bay Refinery. *In the Matter of Blanchard Refining Company, Galveston Bay Refinery*, Order on Petition No. VI-2017-7 at 31-32 (August 9, 2021). As EPA explained in that matter:

If TCEQ wishes to effectively incorporate this test protocol by reference, an enforceable permit document must identify the specific document where the test protocol can be found, consistent with EPA's longstanding guidance concerning IBR....TCEQ could either make these revisions directly to ... [the] title V permit, or it could add any necessary monitoring to ... [the NSR permit] and then promptly revise the title V permit to incorporate the updated version of that permit. In either case, the *title V permit* must ultimately contain or reference the necessary monitoring in order to resolve the EPA's objection.

Id. (internal citations omitted) (emphasis in original).

Special Condition No. 22 identifies records Enbridge must maintain to demonstrate compliance with emissions limits related to marine loading and provides that “[l]oading emissions shall be calculated using the methods to determine the MAERT limits in the permit application for the facilities authorized by this permit.” This is problematic because the permit fails to identify the relevant application or applications that contain the calculation method. Permit No. 122362/PSDTX1430M1 was initially issued in 2015 and, according to TCEQ's permit tracking webpage, has been revised or amended at least eight times since then.⁶ The TCEQ's vague incorporation by reference of unspecified emission calculation methodologies fails to assure compliance with emission limits for marine loading activities established by Permit No. 122362/PSDTX1430M, as required by 42 U.S.C. § 7661c(a), (c) and 40 C.F.R. § 70.6(a), (c), and has deprived members of the public of a fair opportunity to assess the sufficiency of the Draft Permit's monitoring methods. To correct this deficiency, TCEQ must amend the Draft Permit (or Permit No. 122362/PSDTX1430M1) to clearly include or incorporate the referenced document. As EPA has previously explained, “[t]o the extent TCEQ incorporates such requirements by reference, it must identify the specific document [or documents] incorporated by reference and the specific location within such document [or documents] that contains the relevant calculation methods.” *In the Matter of Gulf Coast Growth Ventures, LLC*, Order on Petition No. VI-2021-3 at 20 (May 12, 2022).

Special Condition No. 26 establishes monitoring and operating requirements meant to assure compliance with MAERT limits for Enbridge's seven VCUs. For VCUs 1 through 4, Special Condition No. 26.A directs Enbridge to maintain combustion temperatures based on stack testing conducted in 2017 to ensure compliance with the presumed 99.9% VOC DRE. For VCUs 5 through 7, Special Condition No. 26.B directs Enbridge to ensure compliance with the presumed 99.9% VOC DRE by maintaining a six-minute average temperature of 1,500oF until initial stack testing is conducted. Special Condition No. 27 requires Enbridge to conduct stack testing of VCUs 5 through 7 "to demonstrate compliance with the MAERT." The permit does not require stack testing for VCUs 1 through 4, because initial testing has already been conducted on those units. In addition to the one-time stack testing requirement, Permit No. 122362/PSDTX1430M1 requires Enbridge to inspect its VCUs to ensure that they are leak-free (Special Condition No. 28.A), to install equipment preventing undetected bypasses of the VCUs (Special Condition No. 28.B), and to maintain records relating to leak inspections and measures taken to prevent bypassing the controls (Special Condition No. 28.C).

The requirements established by Special Condition Nos. 26 through 28, as supplemented by other requirements in Permit No. 122362/PSDTX1430M1 do not ensure continuous compliance with hourly and annual MAERT limits for VOC, NOX, CO, PM, PM10, PM2.5, SO2, and H2S that apply to Enbridge's VCUs. A single stack test is not sufficient to establish the level of performance achieved by each of Enbridge's VCUs for their entire effective lives, across all operating scenarios authorized by the Draft Permit. Making matters worse, Special Condition No. 27 allows TCEQ to modify or waive the stack test requirement entirely upon Enbridge's request ("Requests to waive testing for any pollutant specified in this condition shall be submitted to the TCEQ Office of Air, Air Permits Division.")⁷ EPA has objected to this language in other Texas permits because the TCEQ "failed to demonstrate how waiving stack testing requirements is consistent with the requirement that there is adequate monitoring for the specified units." *In the Matter of Premcor Refining Group Inc., Valero Port Arthur Refinery*, Order on Petition No. VI-2018-4 at 23 (November 30, 2021). The record in this matter is also silent on this question. Accordingly, the test waiver provision further establishes the insufficiency of stack testing requirements established by Special Condition No. 27. Requirements established by Special Condition Nos. 13-19, and 23 related to marine loading generally do not remedy this deficiency. These special conditions are intended to ensure that vapors from loading are properly captured and directed to Enbridge's VCUs. But these requirements cannot assure compliance with VCU emission limits if the VCUs do not continuously achieve the level of DRE performance presumed by the permit.

RESPONSE TO COMMENT 5: The ED respectfully notes 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.

Regarding Commenter's assertion about confidential information referenced in the hourly throughput limit established by NSR Permit 122362, Special Condition (SC) No. 14, the ED respectfully notes the reference to the confidential attachment in SC 14 is a remnant of when a prior owner of the terminal elected to submit emissions calculations confidentially. This rate was superseded by the 2019 permit amendment application and subsequent permit amendment issued in December 2019 (Permit No. 122362, TCEQ Project No. 302841). In this amendment application, the maximum hourly crude/condensate loading throughput rate was represented as non-confidential in Table 3 "Marine Loading – S1" of the emissions calculations provided as an Excel file, the most recent version being file "20191119_Emissions-Calculations, v6.0.xlsx." Further, the corresponding emission rates in the permit's current Maximum Allowable Emission Rate Table (MAERT) are dependent on this 2019 publicly available rate, not the rate referenced in Permit 122362 SC 14. Thus, the Applicant no longer relies on this previously confidential rate for permit representations, allowable emissions, nor compliance.

Additionally, the Applicant notes there is an amendment application for this permit that was submitted in January 2021 (Permit No. 122362 / PSDTX1430M2 / GHGPSDTX209, TCEQ Project No. 324420) which is still pending. In this pending amendment, the throughput rate has been updated (see the application at Table E-2 of Appendix E, Emissions Calculations), and the Applicant plans to remove the reference to the confidential rate in SC 14 at the time that amendment is issued.

The ED respectfully disagrees with the Commenter's assertion that Title V permit O3906 and NSR permit numbers 122362 and PSDTX1430M1 do not include adequate monitoring, reporting, recordkeeping, or emission calculation requirements to ensure compliance with hourly and annual limits for VOC emissions from terminal marine loading activities for the following reasons.

As documented in the applicable requirements summary (ARS) table (see proposed permit at pages 22-55), the proposed permit includes extensive monitoring, reporting, recordkeeping and testing (MRRT) requirements for the terminal marine loading racks subject to requirements under 40 CFR Part 63, Subpart Y. The MRRT requirements listed in the ARS are sufficient to demonstrate compliance with applicable state and federal regulations for VOC emissions.

The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

Special condition 13 through 23 of NSR permit numbers 122362 and PSDTX1430M1 state the applicable requirements (including MRRT) for marine loading emissions. PBR registration 162551 authorizes vapor combustion unit VCU-8. Table D of OP-PBR SUP form dated August 16, 2024, for project 34024 documents the monitoring requirements.

Short term (hourly) emission rates for VOC are based component count, correlation equations, and EPA industry-appropriate emission factors as represented in the NSR permit application. The sum of the calculated hourly emission rate is used to calculate monthly emission rate and the annual emission rates are based on monthly totals that are summed on a rolling 12-month basis.

Emission rates for VOCs are calculated/determined using the methodology summarized in the NSR permit application representation including using stack testing data, manufacturer's specifications, applicable work practice standard, 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 for processing NSR permit 122362 and PSDTX1430M1 and PBR registrations (listed above) projects (and not during Title V permit review). 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.

Regarding the Commenter's assertion about insufficiency of quarterly monitoring frequency for fugitives, the regulation that stipulates the leak definition typically also prescribe the monitoring frequency. The monitoring requirements according to the 28VHP LDAR programs have been demonstrated to meet BACT based on the monitoring frequency and leak definitions that are specified for this LDAR program. Hourly leak inspections are not required for this LDAR program, which has been approved as BACT for numerous sites within Texas. Regarding use of optical gas imaging (OGI) to measure fugitive VOC emissions, the ED respectfully notes that currently OGI is not an applicable requirement based on applicable state or federal regulation and is not supported as a BACT.

Validation and stability of emission factors used in the emission calculations may be ascertained by the public by various methods such as use of MRRT (which assists in controlling the performance and reducing variances of the manufacturing process), analyzing PCC deviation reports for the unit over a time period of interest, conducting stack testing per EPA approved procedures, analyzing emissions inventory reports submitted by the site and determining impact (if any) of recent NSR amendment projects that may affect the units performance. TCEQ is not aware of any facts that would require any other additional monitoring to further validate fugitive units related emission factors beyond that which has consistently been required under federal law and Texas permits.

The ED respectfully notes that emission calculation methodologies represented by the applicant in an NSR permit application must be consistent with the emission calculation methodologies used by the applicant to report emissions inventory data to TCEQ. Chapter 4 of the TCEQ's 2022 [emissions inventory guidelines](#) document describes the acceptable emissions determination methodologies.

TCEQ's Office of Compliance and Enforcement (OCE) enforces compliance with state's environmental laws to address any non-compliance and enforcement issues. 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., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENTS FILED ON 07/31/2023 BY Patrick A. Nye, President of Ingleside on the Bay Coastal Watch Association, Inc. (IOBCWA.) and resubmitted 01/08/2024 by Cyndi Valdes, Executive Director, of IOBCWA and Tim Doty.

COMMENT 6: My name is Patrick A. Nye and I live at 1018 Bayshore Dr., Ingleside, Texas 78362 and serve as president of Ingleside on the Bay Coastal Watch Association, Inc. (IOBCWA), a 501 (c) 3 non-profit organization. It is in the public's interest to **include all** air and water permits in this important Federal Operating Permit and not piecemeal to minimize the extent of air and water emissions. I respectfully ask that the TCEQ;

- 1) Decline processing the draft Federal Operating Permit O3906 (FOP) as it contains errors and omission of permits under review and/or litigation.
- 2) Reverse the TCEQ's Executive Director's recommended approval as it is premature.
- 3) Consider comments submitted on this permit on 7/31/23 (Attachment A) by Environmental Integrity Project which asserts that TCEQ incorrectly issued Enbridge two stationary source permits at the same facility instead of one.
- 4) Include the number of deviations since 2017 that total approximately 200 non-compliance violations so that the public can include this with comments. Also define why the TCEQ says the Enbridge facility has a good compliance record. TCEQ should not grant the FOP when, in fact, the self-reporting deviations are so numerous (See Attachment B: Compliance History).
- 5) FOP should include four new storage tanks air emissions that are currently under construction.
- 6) Include pending Water Rights Permit WRPERM 13775 for 500-acre feet of "firewater". Oil fires use foam mixed with freshwater and not bay water.
- 7) Include emissions from blue ammonia Enbridge/Yara (Ingleside Clean Ammonia Partners, LLC) Permit #174275, another s Major Stationary Source ON THE SAME SITE that requires Prevention of Significant Deterioration and New Source Review . The new registered entity name misleads in suggesting that this project will be "Clean" – even without carbon capture and sequestration, which it seeks to exempt for 180 days per process train.
- 8) Include the emissions associated with the ammonia export terminal also located on the Enbridge site.
- 9) FOP fails to incorporate local air monitoring data, fails to demonstrate that air emissions will be de minimis ,and fails to assure employment of Best Available Control Technologies and practices .
- 10) Enbridge has added four more oil tanks that have been constructed since the FOP was filed and prior to the notice of this Notice and Comment Hearing was announced. These tanks, the fugitive

emissions, pumps and vapor combustions units have probably not been included in the emission calculations for the FOP.

- 11) As required, this FOP should be delayed until all applicable emissions are included instead of piecemealing. In its 7/15/22 cover letter with the application, Enbridge admits that both the LPG and petroleum terminals operate from the same location – the Enbridge Ingleside Energy Center (EIEC), the name on the FOP application. TCEQ should not have allowed the separation of the single EIEC into two sites – the Enbridge Ingleside LPG Terminal and the Enbridge Ingleside Oil Terminal. And now, Enbridge is planning to expand the same EIEC into being an Ammonia Export Terminal in partnership with Norway's Yara, under a new name and new Registered Entity Number – all in order to avoid emissions thresholds!
- 12) Enbridge has applied for a Water Rights Permit WRPERM 13775 seeking 500-acre feet of “firewater” for their facility. Weeks later Enbridge and Yara announced their ammonia facility. As you know ammonia production requires huge amounts of water to produce. The Water Rights permit emissions are likely not included in the FOP calculations. Permit calls for 100,000 gallons per minute. The FOP should describe where this wastewater goes.

RESPONSE TO COMMENT 17: As stated earlier in Response to Comment 1, the ED respectfully disagrees with the Commenter's assertion “TCEQ incorrectly issued Enbridge two stationary source permits at the same facility instead of one”.

For reasons noted in Response to Comment 1, TCEQ's decision to assign separate regulated entity numbers (RN) to Enbridge Ingleside Oil Terminal (RN101225746) and the Enbridge Ingleside LPG Terminal (RN111588505) was based on and consistent with: 1) the application representation information provided by Enbridge Ingleside, LLC (applicant), in support of their site determination request 2) the definition of a site defined in [30 TAC Chapter 122](#), 3) EPA's [Wehrum](#) letter dated April 30, 2018, and 4) EPA's [Draft Memo](#) dated September 4, 2018.

When evaluating a site determination, the information provided should be clear on whether the two companies meet at least one of the following criteria: 1) have separate primary Standard Industrial Classification (SIC) codes; 2) are not located on one or more contiguous or adjacent properties; or 3) are not under common control.

1) Separate SIC codes

The Enbridge Ingleside Oil Terminal has a SIC code of 4226: Special Warehousing and Storage, Not Elsewhere Classified. EIP argues the Enbridge Ingleside LPG Terminal should also have the SIC code of 4226, however, Enbridge argues the LPG Terminal should have the SIC code 4925: Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Establishments Engages in the Manufacture and/or Distribution of Gas for Sale, including Mixtures of Manufactured with Natural Gas.

SIC Code 4226

All parties are in agreement this is the proper SIC code for the Oil Terminal.

SIC Code 4925

In U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), SIC code 4925 falls under Major Group 49: Electric, Gas, and Sanitary Services. Specifically, SIC code 4925 is included in Industry Group 492: Gas Production and Distribution. This Industry Group and Major Group, along with the SIC Code 4925, include “liquefied petroleum gas” and any facilities that are engaged in the production and distribution and/or managing of liquefied petroleum gas. Enbridge has indicated that the LPG Terminal is an establishment that offers distribution services to companies that sell LPG. While EIP argues that Enbridge's LPG Terminal does not sell LPG, Enbridge itself does not have to sell the LPG being distributed at the Terminal. While “for sale” is mentioned in the SIC Code, the LPG product is classified under this SIC Code and further meets the SIC Code as it is going downstream for sale to an ultimate consumer. Furthermore, in the SIC Code, gas distribution through mains, manufactured gas production and distribution is included in the code manual and is applicable to the LPG Terminal.

With such representations, SIC code 4925 is applicable to the LPG Terminal.

2) Location

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are located on one or more contiguous or adjacent properties. Enbridge submitted a map that shows the two terminals are separated geographically and that the LPG terminal is surrounded by its own fence.

3) Common Control

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are not under common control. The Oil Terminal and the LPG Terminal are each owned by separate subsidiaries of the parent company, Enbridge.

Therefore, Enbridge Ingleside LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746) are separate sites for the purposes of both NSR and Title V permitting.

In regard to deviation 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](http://www.tceq.texas.gov).

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 RN101225746 is shown as "satisfactory" [[TCEQ Compliance History Search \(texas.gov\)](#)].

Deviation reports are usually processed by TCEQ 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 comments "These tanks, the fugitive emissions, pumps and vapor combustions units have probably not been included in the emission calculations for the FOP" and "The Water Rights permit emissions are likely not included in the FOP calculations", the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

COMMENT 18: FOP Permit O3906 was issued in 2018 pertaining to Oxy's Liquefied Petroleum Gas (LPG) and has been improperly removed from the FOP. The new application improperly split the Enbridge Oil Terminal into two separate stationary sources instead of a single major source for Title V. Enbridge is the largest oil exporter in North America and the TCEQ's incorrect determination that an LPG terminal and crude oil terminal did not belong to the same Standard Industrial Classification Major Group Category is a sham. In fact, on July 15, 2022, after three times being denied request to segregate crude oil exports with LPG activities, the TCEQ, without public notice, without public comments granted Enbridge two air permits. Was the TCEQ strong-armed and consented although this practice is against the law? Does the TCEQ personnel suffer through litigation, reprimands, or demotions when they break the laws they are there to enforce? The TCEQ needs to correct this mistake. This incorrect designation increases air emissions and threatens the very lives of the citizens TCEQ was formed to protect. Ingleside Primary School, the very youngest of our school children, is 1.6 miles away in the direct path of these emissions, Ingleside on the Bay is immediately adjacent to the site on both land and water, and the TCEQ has ZERO air monitors in San Patricio County. Inside Climate News describes this incorrect designation as "a common tactic to avoid major source permits".

Dividing sites is a common tactic to avoid major source permits, Clark-Leach said. He worked a similar case against Enbridge Energy, a \$180 billion Canadian oil and gas company, and its Ingleside Energy Center on Corpus Christi Bay.

Three times the TCEQ denied requests to split the center's oil and gas operations into separately permitted sites: July 2021, September 2021 and January 2022. Then the consultant preparing Enbridge's application shared a 3-page memo by a downtown Houston lawfirm, copying Jeff Saitas, a former TCEQ executive director and a lobbyist for oil companies, in the email.

After that, the TCEQ agreed to separate the sites. Clark-Leach challenged that determination in official comments in July 2023. A spokesperson for Enbridge said the company was "following federal and state regulation by treating the Oil Terminal and LPG Terminal as separate sites."

Source: 'Major' Problem in Texas: How Big Polluters Evade Federal Law and Get Away With It - Inside Climate News, 12/26/23

RESPONSE TO COMMENT 18: For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "The new application improperly split the Enbridge Oil Terminal into two separate stationary sources instead of a single major source for Title V". Please refer to Response to Comment 1 for additional information.

COMMENT 19: In March of 2021, IOBCWA requested a Public Meeting from Senator Zaffirini and Representative Lozano concerning Enbridge (MODA) Air Quality Amended Permit #122362 for its oil export terminal. This was the FOURTH (4TH) amended permit submitted by Enbridge since 2019 in an attempt to circumvent EPA and TCEQ requirements. Each amended permit was in rapid succession amending emissions standards just below stricter safety standards. Dr. Ronajit Sahu was called to evaluate the December 2019 and 2021 permits and found that the calculations used for the vapor combustion units (VCU) were "totally unrealistic". He goes on further to state: "The emission factor is the pounds of NOx emitted per million BTUs contained in the waste gases routed to the combustors for "destruction." I have set out, below, the summary from the 2019 Moda submission of what its tests allegedly showed. If you look at the "heat flow rate" Moda reported for inputs to the combustors, you will see that VCUs 1 and 3 were allegedly tested at 4 billion or 5 billion BTU/hr heat (energy) input. This is a huge heat rate. It is the heat rate one would expect for a utility power plant boiler the size of a small office building. The combustors proposed for the Lone Star Ports terminal were to have a heat rate of 125 MMBTU/hr -- so, roughly 1/32nd or less of the heat rate Moda was claiming. (Moda VCU #2 tested at a heat rate more than the proposed VCUs at Lone Star, about twice as great, but that could be credible.) Moda calculated NOx emissions/hour from the VCUs by taking the worst pounds of NOx/hour measured and dividing it by the heat rate and arrived at the "worst case" scenario of 0.0058+ pounds NOx/MMBTU. Then it doubled that, to be safe. So, it arrived at 0.0117 lb/MMBTU as the emission rate it used to calculate how much NOx would be emitted from its VCUs. The EPA Ap-42 rate (itself, not reliable, but

frequently used) is 0.1 lb/MMBTU for NOx --10x more than Moda was using. Because Moda used a very low NOx emission rate for its 2019 NOx emissions from VCUs, total NOx emissions appear to have been very badly understated. The 2021 recalculation of the 2019 NOx emissions does not correct all of this apparent error; it looks to have corrected about half of it. Enbridge was forced to start over on its air permits because of its understated emissions calculations and the TCEQ's lack of oversight to "check the math".

RESPONSE TO COMMENT 19: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

Special condition 13 through 23 of NSR permit numbers 122362 and PSDTX1430M1 state the applicable requirements (including MRRT) for marine loading emissions. PBR registration 162551 authorizes vapor combustion unit VCU-8. Table D of OP-PBRSUP form dated August 16, 2024, for project 34024 documents the monitoring requirements.

Short term (hourly) emission rates for VOC are based component count, correlation equations, and EPA industry-appropriate emission factors as represented in the NSR permit application. The sum of the calculated hourly emission rate is used to calculate monthly emission rate and the annual emission rates are based on monthly totals that are summed on a rolling 12-month basis.

Emission rates for VOCs are calculated/determined using the methodology summarized in the NSR permit application representation including using stack testing data, manufacturer's specifications, applicable work practice standard, 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 for processing NSR permit 122362 and PSDTX1430M1 and PBR registrations (listed above) projects (and not during Title V permit review). 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.

COMMENT 20A: As TCEQ is aware, IOBCWA and various academia have been studying the effects of Enbridge's air emissions utilizing SCI monitoring, Greenhouse Gas Monitoring, Optical Gas Imagery and documentation of the frequency of phone calls to TCEQ's local office and complaints filed (see Attachment C) when strong hydrocarbon volatile organic compound (VOC) vapors flow through our neighborhoods. Since TCEQ lacks air monitoring in San Patricio County and the TCEQ bases their air permit evaluations on calculations provided by the applicant, we would like to show you what the TCEQ and EPA are missing. Shown below are monthly averages for SCI monitors for May 2023 are in Port Aransas that has the cleanest VOC air emissions at 10 ppb as we can expect from the Gulf of Mexico wind source direction. Ingleside on the Bay (IOB) and South Exxon highest readings hit 449 ppb and 495 ppb respectively. The cities of Ingleside and Gregory topped out at 51,995 ppb and 57,268 ppb respectively with their highest values. Ingleside Primary School is the closest school to the emissions that have been, incorrectly calculated for years, still reflects high VOC levels and recently ALLOWED to divide their LPG and oil export terminals into two stationary permits thus INCREASING the pollutants emitted by Enbridge.

TCEQ may respond to these numbers as not being up to EPA standards but here is the question: What does the TCEQ have that is better? How about the number of air emission complaints filed from IOB residents? The TCEQ on occasion, have utilized mobile air monitoring. Are the results from these surveys allowed to be reviewed by IOBCWA? Optical Gas Imagery (OGI) was conducted by Tim Doty through Earthworks on December 2021 and September 2022 each time capturing Enbridge's VOCs, Hazardous Air Pollutants, Particulate Matter and other emissions that had failed to be consumed by the VCUs. Many times IOBCWA record emissions in the middle of the night like at 2:08am 9/2022.

RESPONSE TO COMMENT 20A: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for VOC emission sources to demonstrate compliance with the applicable requirements.

Emission rates for VOCs are calculated/determined using the methodology summarized in the NSR permit application representation including using stack testing data, manufacturer's specifications, applicable work practice standard, 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 for processing NSR permit 122362 and PSDTX1430M1 and PBR registrations (listed above) projects (and not during Title V permit review). 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.

Regarding use of optical gas imaging (OGI) to measure fugitive VOC emissions, the ED respectfully notes that currently OGI is not an applicable requirement based on applicable state or federal regulation and is not supported as a BACT. The regulation that stipulates the leak definition typically also prescribe the monitoring frequency. The monitoring requirements according to the 28VHP LDAR programs have been demonstrated to meet BACT based on the monitoring frequency and leak definitions that are specified for this LDAR program. Hourly leak inspections are not required for this LDAR program, which has been approved as BACT for numerous sites within Texas.

Regarding how TCEQ handles complaints filed by residents, please refer to TCEQ's OCE website, which provides additional information on this issue (see [Investigations, Compliance, and Enforcement - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/investigations-compliance-and-enforcement)). TCEQ follows an investigation process (see [Investigations and Compliance Assistance - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/investigations-and-compliance-assistance)) to further review complaints. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action (see [Enforcement Process and Actions - Texas Commission on Environmental Quality - www.tceq.texas.gov](https://www.tceq.texas.gov/enforcement-process-and-actions)).

TCEQ uses emergency response and mobile monitoring resources, etc., to monitor the environment in response to severe weather events (e.g., hurricanes) and major site events (e.g., explosions, fires). See [Ambient Air Monitoring Following Natural and Industrial Events](#) for additional information. TCEQ's Monitoring Division provides the foundation for making sound, scientifically based decisions for the protection of public health and the environment by ensuring the collection, analysis, and display of quality environmental data. Results of the data gathered by TCEQ's mobile monitoring team in response to a special request may be requested through the TCEQ Regional Office (Phone 361-881-6900).

COMMENT 20B: Texas A&M Corpus Christi completed a PhD greenhouse gas dissertation outlining the “Source and Flux of Methane Released from the Corpus Christi Coastal Area” defended by Dr. Hao Yu. Her conclusions summed up what IOB has been experiencing for years from inadequate monitoring and nonenforcement by agencies.

Although methane is not regulated, this hydrocarbon compound is the precursor for VOC’s therefore this dissertation data should be included with the FOP application. EPA is expected to regulate methane and limit greenhouse gas emissions as well as lower PM2.5 annual average standards due to the serious health effects. Enbridge already has 85.1526 tons per year of VOC emissions and 1.8 tons per year of PM2.5. To be protective of the environment and human health, TCEQ needs to add the cumulative effects for all sources including new permits and ship traffic.

RESPONSE TO COMMENT 20B: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

COMMENT 21: This facility is a Major Source of VOC and Hazardous Air Pollutants, yet the monitoring and compliance demonstrations for this facility are the bare minimum. Sensory monitoring is not adequate to protect the health of our community. We deserve more than a weekly smell, sight and sound walk around of the largest oil export facility in North America. TCEQ must enforce great emission monitoring with the FOP. Vessels and tugboats docking at the facility releases plumes of exhausts that should be attributed to this facility. The TCEQ should assure the citizens that TCEQ is required to protect, by increasing the periodic monitoring of the facility when the permits exceed Major Source of VOC and Hazardous Air Pollutants Enforcement with penalties and larger fines is only one way to limit the violators.

RESPONSE TO COMMENT 21: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for VOC emission sources to demonstrate compliance with the applicable requirements.

In regard to public’s access to compliance status reports, TCEQ’s Office of Compliance and Enforcement (OCE) enforces compliance with state’s environmental laws to address any non-compliance and enforcement issues. OCE generally conducts ‘annual’ investigations and/or a site visit for sites that have been issued a site operating permit (SOP). 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., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

COMMENT 22: In NSR Permit 122362 storage tank throughput and service is limited to the simultaneous loading of condensate into 12 storage tanks at any given time yet provide no monitoring or recording keeping assuring compliance. How does this affect the FOP’s application evaluation calculations and what can be done to ensure compliance rational assurance methods selected? Mandatory release of the compliance status reports should be reviewed by the public and commented upon prior to approval.

RESPONSE TO COMMENT 22: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for VOC emission sources to demonstrate compliance with the applicable requirements.

In regard to Commenter's statement that "In NSR Permit 122362 storage tank throughput and service is limited to the simultaneous loading of condensate into 12 storage tanks at any given time yet provide no monitoring or recording keeping assuring compliance", the ED respectfully notes the Major NSR Summary Table for NSR Permit Numbers 122362 and PSDTX1430M1, issued November 30, 2020, documents the MRRT requirements. Specifically, monitoring requirements for storage tanks are stated in NSR permit Special Conditions (SC) 3, 4, 8 and 23; recordkeeping requirements are stated in SC 3, 4, 8, 12, 23; and reporting requirements are listed in SC 3, 4. In addition the ARS table in the Proposed Permit (see pages 41-43), document the MRRT requirements under 30 TAC Chapter 115 storage of VOCs, 40 CFR Part 60, Subpart Kb, and 40 CFR Part 63, Subpart EEEE for GRPTK-1 unit (representing the 12 storage tanks). These MRRT requirements are sufficient to demonstrate compliance with the applicable requirements.

In regard to public access to compliance status reports, TCEQ's Office of Compliance and Enforcement (OCE) enforces compliance with state's environmental laws to address any non-compliance and enforcement issues. 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., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENT 23: This Federal Operating Permit and the TCEQ provide no reporting requirements for the group VCU according to 30 TAC 122.145. See renewal draft page 50. The Enbridge VCUs have been problematic with maintaining the permit limits and were exceeding these permit limits due to miscalculations. OGI has exposed that even the tank seals are leaking and the VCUs are notoriously out of compliance. Utilizing this data would go a long way for the TCEQ assurance for the Ingleside school children, the elderly and people with preexisting conditions that they will be adequately protected from VOC, PM2.5, ozone NOx and SO2 when there are Zero TCEQ monitors in the area. Researching and implementing a health survey to determine if there are any health or cancer hotspots in the surrounding communities prior to permit approval. The TCEQ has been exposed to rubberstamping and aid and abetting industries permitting processes behavior and we condone a transparent process in favor of the TCEQ Mission Statement: "protect our state's public health" instead of economic development at the cost of citizens health and suffering.

RESPONSE TO COMMENT 23: As stated in Response to Comment 19, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

In regard to the Commenters assertion "This Federal Operating Permit and the TCEQ provide no reporting requirements for the group VCU according to 30 TAC 122.145", the ED respectfully notes that periodic monitoring (PM) requirements for GRPVCU unit (See PP page 57) states "If the result of the Test Method 9 is opacity above the opacity limit in the applicable requirement, the permit holder shall report a deviation."

In addition, 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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENT 24: Certainly, chemical reactions occur with the cumulative emissions affected by humidity combining in chemical compounds not reported in air permits. What harmful chemicals do these pollutants create that are health and life threatening? Does the combination and chemical reactions of these compounds elevate the pollutants to New Source Review? The TCEQ should include the variations of chemical reactions as new source emissions are added to the heterogeneous mixture.

RESPONSE TO COMMENT 24: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for VOC emission sources to demonstrate compliance with the applicable requirements.

COMMENT 25: For years I personally have been concerned about the Clean Water Act and the silt plumes caused by docking operations at Enbridge. Dr. Kirk Cammarata conducted a seagrass study along the shoreline from Enbridge west basin across the IOB community's bayfront. Conclusive evidence was found to point to propwash siltation covering seagrasses in direct violation of the Clean Water Act. Again, on December 27, 2023 at 1:57pm docking operations was captured by photos exposing the tremendous amount of silt that covers seagrass beds. Silt plume circled in red.

Violations of this type should be considered and addressed for the FOP. Whose job is it to enforce and administer fines and mitigation for the loss of seagrasses including the TCEQ? How does the residents of Texas respond to "no responses" from TCEQ?

RESPONSE TO COMMENT 25: Regarding water pollution from the Enbridge Inglewood site, the ED respectfully notes that although the TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, the NSR permits that are incorporated by reference into this federal operating permit only regulate air emissions and the FOP application is subject to requirements under 30 TAC Chapter 122 for air media. 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 26: Enbridge is a Canadian owned company that recently lost its request for a 313 Tax Abatement from the Ingleside Independent School District (ISD). Sources tell me that Enbridge set up a meeting with the ISD following its loss and demanded (bullied) the ISD to reverse its vote and allow the 313 to pass. It appears that this same technique that Enbridge instigated during the splitting of the single source air permit into two separate stationary sources. Should companies such as these be penalized instead of abetted during permit requests?

COMMENT 27: We are certain that TCEQ is aware that Enbridge failed to apply and receive a permit for the clearing of 100±acres of live oaks with pothole wetlands from the city of Ingleside and then bullied them with this statement captured in the Ingleside Index newspaper May 3, 2023? A spokesman for Enbridge said - 'he would ask them to quote, "stop screwing us over with the local government.'" This certainly not a tactic common and/or acceptable for the TCEQ when they are reviewing permits. As a Texan, born in Corpus Christi, I am insulted that a foreign company granted privileges to operate in our coastal areas then threaten local governments.

RESPONSE TO COMMENTS 26 AND 27: The ED respectfully notes that TCEQs jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have zoning authority with regard to where a facility is located. Zoning ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities.

Similarly, the TCEQ does not have authority to consider any possible effect on property value, tax base, the appeal of an area to attract business or to regulate whether a business can locate in a particular area as a result of actions taken by this agency with regard to the review of an air quality permit.

For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "It appears that this same technique that Enbridge instigated during the splitting of the single source air permit into two separate stationary sources". Please refer to Response to Comment 1 for additional information.

COMMENT 28: Enbridge, a Canadian company and Yara, a Norwegian company recently filed for an EXPEDITED Ammonia Air Permit #174275 requesting a major stationary source for carbon monoxide and particulate matter. The project requires Prevention of Significant Deterioration (PSD) of these compounds plus nitrogen oxides, unspeciated volatile organic compounds, PM less than 2.5 microns, and greenhouse gases that exceed their applicable significance levels. In addition, minor New Source Review is required for other compounds including sulfur dioxide, PM less than 10 microns, ammonia and speciated VOCs. These foreign companies have the audacity to call this project, Ingleside Clean Ammonia Partners, LLC. Here is the list of pollutants they wish to receive expedited approval from the EPA and TCEQ:

These pollutants do not look CLEAN to me. This permit should be considered during the FOP analysis. Given the prior history of the facility's self-reporting emissions, miscalculations of emissions we are concerned that these numbers represent the low end of potential pollutants. This permit exposes yet another obvious untruth in that they claim to be able to capture 95% of the carbon dioxide and yet carbon capture and storage does not exist in Texas and nowhere in the world has any company captured even close to 95% from any facility. The reason this is important to the FOP evaluation is that we fear that these claims are going to affect TCEQ's effectiveness for the FOP and future permits. This ammonia permit describes carbon capture and sequestration in this portion of the disingenuous permit: This would allow for the production of ammonia for 360 days after start-up of both units AND allow the product, ammonia to be shipped overseas while they emit 3,376,116.96 tons of carbon dioxide greenhouse gases into our air space.

To be clear, Enbridge intends to export oil from more than 15.1 million barrels of storage while continuing to emit pollutants, separate the 80,000 barrels LPG terminals to reduce their threshold above the major

stationary permitting level, add ammonia to a NEW EXPEDITED LLC and add another NEW LLC for the vessel exporting terminal. Their intent is to apply for 4 different air permits and one water rights permit that should be cumulatively considered in this FOP application.

RESPONSE TO COMMENT 28: For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "Their intent is to apply for 4 different air permits and one water rights permit that should be cumulatively considered in this FOP application". Please refer to Response to Comment 1 for additional information.

Since, Enbridge Ingleside LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746) are separate sites for the purposes of both NSR and Title V permitting, only air permits issued to Enbridge Ingleside Oil Terminal (RN101225746) are considered in FOP O3906.

COMMENT 29: Information to the TCEQ is limited but there are air monitoring devices located on the Flint Hills facility location that may help determine the levels of emissions at Enbridge. Perhaps the TCEQ will utilize these to calculate emissions at Enbridge. Why or why not?

RESPONSE TO COMMENT 29: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

Regarding 'there are air monitoring devices located on the Flint Hills facility location that may help determine the levels of emissions at Enbridge', the ED respectfully notes that allowable emission rates and emission calculations for various pollutants at the Enbridge site are calculated using the methodology summarized in the NSR permit application representation including use of stack testing data, manufacturer's specifications, applicable work practice standard, 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 for NSR projects. 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 NSR permit, including the emission limits as listed in the MAERT.

COMMENT 30: Since the original air permit was recalculated due to errors, how can the TCEQ assure that the concentrations of emissions at the property boundary less than the applicable National Ambient Air Quality Standards (NAAQS)? What method was used to verify compliance with NAAQS and did TCEQ confirm with their calculations or depend on the applicant Enbridge?

RESPONSE TO COMMENT 30: The stated purpose of the TCAA § 382.002(a) is to "safeguard the state's air resources from pollution by controlling or abating air pollution and emission of air contaminants." In accordance with this purpose, prior to a new source review (NSR) permit being approved, the TCEQ typically conducts a protectiveness review to determine the technical requirements, compliance with the National Ambient Air Quality Standards (NAAQS) for all pollutants, and maximum production rates at which a plant's operation will not be detrimental to human health and welfare or the environment.

The United States Environmental Protection Agency (EPA) created and periodically reviews the NAAQS, found in 40 Code of Federal Regulations (CFR) § 50.2. The NAAQS include both primary and secondary standards. The primary standards are those the Administrator of the EPA determines are necessary, within an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions.

Secondary NAAQS are those the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The NSR review also includes protectiveness and health effects review under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) including hydrogen fluoride (HF).

Although ambient air monitoring is outside the scope of a Title V permit action, the ED respectfully notes that the Federal Clean Air Act (FCAA) requires every state to establish a network of air monitoring stations for criteria pollutants under NAAQS, using criteria set by EPA's Office of Air Quality Planning and Standards for their location and operation. The TCEQ submits an annual monitoring network plan (AMNP) report to EPA in partial fulfillment of these requirements. Additional information about TCEQ's ambient air monitoring for various pollutants and the locations of various ambient air monitors may be found at <https://www.tceq.texas.gov/airquality/monops>.

Current live ambient air values of ambient air monitoring data within the State of Texas may be found at [The TAMIS Experience \(arcgis.com\)](https://www.tceq.texas.gov/airquality/monops).

As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

The ED also respectfully notes that NAAQS is not an applicable requirement for individual facilities and is also not an applicable requirement under 30 TAC Chapter 122. As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for emission sources of NAAQS pollutants to demonstrate compliance with the applicable requirements.

COMMENT 31: There are many various types of crude oils stored and mixed from various upstream production sources. It is evident that Enbridge doesn't differentiate these oils in their permit. Does the type, location of oil product change the pollutants in the air permit and affect the emissions type? Many crude oils in West Texas Permian Basin have high levels of hydrogen sulfides. Different crude oil types should be considered in the Enbridge FOP.

RESPONSE TO COMMENT 31: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

Regarding 'the type, location of oil product change the pollutants in the air permit and affect the emissions type' and 'Different crude oil types should be considered', the ED respectfully notes that allowable emission rates and emission calculations for various pollutants at the Enbridge site are calculated using the methodology summarized in the NSR permit application representation including use of stack testing data, manufacturer's specifications, applicable work practice standard, 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 for NSR projects. 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 NSR permit, including the emission limits as listed in the MAERT.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for various emission sources to demonstrate compliance with the applicable requirements.

COMMENT 32: Noise pollution has increased from the Enbridge oil terminal in the form of pump noise, VCU startups, ship traffic, tugboat engines, truck and heavy equipment noise and banging on tanks. What restrictions, if any, are enforced on the FOP?

COMMENT 33: Light pollution from the vessels, tanks and equipment have become more prevalent. Does the FOP consider light pollution in its permit review?

RESPONSE TO COMMENTS 32 AND 33: The ED respectfully 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 noise or light emitting from a facility when determining whether to approve or deny a permit application.

COMMENT 34: Safety is a major concern for the surrounding communities. What is the safety plan for a tank fire, explosion, tanker collision, pier collision by a vessel (occurred 3/15/2021), oil spills (occurred at Flint Hills 12/24/2022 and at Enbridge 4/19/2022), barge sinking (occurred in 2023), and VCU flares? Does the TCEQ include safety in its FOP review? How can the TCEQ "protect our state's public health", the vulnerable communities from harm.

COMMENT 35: What is the blast zone for an oil tank explosion? Wind direction could limit Ingleside and/or IOB from escaping the fumes so what is the alternative plan to limit exposure to residents? Where does the wastewater go from the fire retardants used during an event?

RESPONSE TO COMMENTS 34 AND 35: The ED appreciates Commenter's concerns regarding safety during various events such as fire, explosion, collision, and spills that are stated to have occurred over the past few years at or near the Enbridge Ingleside Oil Terminal site.

As required by Special Term and Condition 18 of the Proposed Permit, Enbridge Ingleside Oil Terminal site is in compliance with applicable requirements under FOP O3906 including compliance with Risk Management Plan requirements from 40 Code of Federal Regulations (CFR) Part 68. The permit holder is required to submit to the appropriate agency either a compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR § 68.10(a), or as part of the permit compliance certification (PCC) submitted under this permit. 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 TCEQ (e.g., Regional Office) in accordance with 30 TAC § 122.145(2)(A). As documented in the statement of basis (SOB), the Enbridge Ingleside Oil Terminal site had a "satisfactory" compliance history rating.

TCEQ issued air permits do not authorize any emissions from upsets (including unscheduled events such as fire, explosion, collision, and spills), unplanned maintenance, shutdowns, and startups. Unauthorized emissions from upsets, unplanned maintenance, shutdowns, and startups, or excess opacity that are required to be reported to the TCEQ if they exceed the reportable quantity as specified in 30 TAC Chapter 101, Subchapter F. TCEQ investigates reported events, and they may be subject to enforcement action. In addition to emissions incidents, TCEQ also responds to spills that are over a reportable quantity and may conduct an inhouse or onsite emergency response investigation to ensure cleanup activities are completed.

The ED respectfully notes 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 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.

Therefore, issues regarding accountability due to events from Enbridge Ingleside Oil Terminal location resulting in unauthorized emissions is not within the scope of this permit review. The NSR permitting

process was in regard to NSR Permits 122362, PSDTX1430M1 and 162551, which authorized construction at Enbridge Ingleside Oil Terminal site. A Best Available Control Technology (BACT) Review, Federal Applicability Review, and Health Effects Review were conducted based on only the permitted allowable emissions and authorized sources from the Enbridge Ingleside Oil Terminal facility. As noted earlier, TCEQ issued air permits do not authorize any emissions from upsets, emergencies, or malfunctions.

The ED has reviewed the permit application for FOP O3906 (including PCC submittals) 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 36: Are marine vessels exhaust from ships and tugboats calculated in the FOP? Why or why not?

RESPONSE TO COMMENT 36: As stated in Response to Comment 17, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

Regarding calculation of 'marine vessels exhaust from ships and tugboats', the ED respectfully notes that allowable emission rates and emission calculations for various pollutants at the Enbridge site are calculated using the methodology summarized in the NSR permit application representation including use of stack testing data, manufacturer's specifications, applicable work practice standard, 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 for NSR projects. 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 NSR permit, including the emission limits as listed in the MAERT.

As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for various emission sources to demonstrate compliance with the applicable requirements.

COMMENT 37: Vapor Combustion Units have been a real problem for Enbridge as shown in the photos below. What safety measures are included in the FOP for these events as it relates to LPG and oil exports?

RESPONSE TO COMMENT 37: As stated in Response to Comment 19, the ED respectfully notes that under the two-permit system in Texas, only 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, 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.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

In regard to the Commenters assertion "This Federal Operating Permit and the TCEQ provide no reporting requirements for the group VCU according to 30 TAC 122.145", the ED respectfully notes that periodic monitoring (PM) requirements for GRPVCU unit (See proposed permit, page 57) states "If the result of the Test Method 9 is opacity above the opacity limit in the applicable requirement, the permit holder shall report a deviation." Deviation reports are reviewed annually by OCE, and violations may be documented and could result in enforcement action as appropriate as part of the investigation. The deviation reporting rules in 30 TAC 122.145 also require corrective actions or preventive measures to be reported.

In addition, 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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

COMMENT 38: Enbridge has been constantly in violations and their air emissions are affecting our air quality and water quality in Ingleside on the Bay (IOB) that is situated adjacent to the facility's property. Undisputable evidence has been shown by two optical gas imagery studies by Earthworks, videos of flaring from the vapor combustion units, SailBri Cooper Inc (SCI) air monitors located in IOB and Ingleside, TX, and a PhD dissertation by Dr. Hao Yu identifying Enbridge as the point source for methane emissions from Enbridge. The aforementioned tangible evidence will be sent in separate comments as attachments. I request a public hearing to be scheduled to allow this information to be made public, in a location accessible to neighboring communities and with time allocated to present beyond a 2-3 minute time limit. Our community is populated by both old and young, retirees and school children that has relied on the TCEQ to monitor industries to safeguard our health. Enbridge is located upwind of Ingleside Primary School and Live Oak Park where baseball and other sports are played. There are ZERO TCEQ monitors in the entire San Patricio County. There are Zero health studies to determine the health effects in San Patricio County. Except for the SCI monitoring that consistently shows higher total volatile organic compounds (TVOC) in IOB and Ingleside. Many of the TVOC SCI monitoring spikes occur in the middle of the night when people are sleeping. Complaints filed with TCEQ are daytime occurrences that occur as strong petroleum odors. Enforcement of the air permits, fines and increased onsite inspections and monitoring would be the a start. A total reevaluation of the air and wastewater permits should be mandated by the TCEQ and EPA. Docked vessels emit exhaust plumes as they fire up their engines. This should be regulated and considered as additional emissions in the permitting process. Attached are my original comments for an amended air permit that was denied by the TCEQ because the application was flawed and had to be resubmitted.

COMMENT 39: Pertains to the history of emissions and complaints. Documented on OGI and Video emissions from the Enbridge facility and VCUs (vapor combustion units).

COMMENT 40: Pertaining to SailBri Cooper air monitoring near Enbridge. NOTE THE HIGH LEVELS OF TOTAL VOLATILE ORGANIC COMPOUND EMISSIONS FLOWING OVER SCHOOLS AND POPULATIONS IN INGLESIDE AND IOB.

COMMENT 41: PhD dissertation on methane released in Coastal Area including IOB. Pages 156-157 Discussion summarizes that: "In summer, as more wind came from the south and southeast, although the highest CH₄ mixing ratio was still related to the north wind, the relatively higher CH₄ corresponding to the south and southeast winds was probably caused by emissions from maritime exhaust and loading/offloading operations at the dock of the MODA Ingleside Energy Center." Published May 2022

RESPONSE TO COMMENTS 38, 39, 40 AND 41: The ED appreciates Commenter's concerns regarding emissions from vapor combustion units, need to hold a public hearing, lack of monitoring stations located nearby, and emissions from vessels docked at the Enbridge Ingleside Oil Terminal site.

As stated in Response to Comment 19, the ED respectfully notes that under the two-permit system in Texas, only 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 (including emissions from vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

Regarding 'Docked vessels emit exhaust plumes as they fire up their engines. This should be regulated and considered as additional emissions in the permitting process' and 'emissions from maritime exhaust and loading/offloading operations at the dock', the ED respectfully notes that allowable emission rates and emission calculations for various pollutants at the Enbridge site are calculated using the methodology summarized in the NSR permit application representation including use of stack testing data, manufacturer's specifications, applicable work practice standard, 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 for NSR projects. 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 NSR permit, including the emission limits as listed in the MAERT.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

In regard to the Commenters assertion "This Federal Operating Permit and the TCEQ provide no reporting requirements for the group VCU according to 30 TAC 122.145", the ED respectfully notes that periodic monitoring (PM) requirements for GRPVCU unit (See PP page 57) states "If the result of the Test Method 9 is opacity above the opacity limit in the applicable requirement, the permit holder shall report a deviation."

In addition, 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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed. In addition, EPA requires permit holders to electronically file reports and emissions data for the fugitive units required under 40 CFR Part 63, Subpart EEEE, via Electronic Reporting of Air Emissions, Compliance and Emissions Data Reporting Interface ([CEDRI](#)).

Regarding use of optical gas imaging (OGI) to measure fugitive VOC emissions, the ED respectfully notes that currently OGI is not an applicable requirement based on applicable state or federal regulation and is not supported as a BACT. The regulation that stipulates the leak definition typically also prescribe the monitoring frequency. The monitoring requirements according to the 28VHP LDAR programs have been demonstrated to meet BACT based on the monitoring frequency and leak definitions that are specified for this LDAR program. Hourly leak inspections are not required for this LDAR program, which has been approved as BACT for numerous sites within Texas.

TCEQ uses emergency response and mobile monitoring resources, etc., to monitor the environment in response to severe weather events (e.g., hurricanes) and major site events (e.g., explosions, fires). See [Ambient Air Monitoring Following Natural and Industrial Events](#) for additional information. TCEQ's Monitoring Division provides the foundation for making sound, scientifically based decisions for the protection of public health and the environment by ensuring the collection, analysis, and display of quality environmental data. Results of the data gathered by TCEQ's mobile monitoring team in response to a special request may be requested through the TCEQ Regional Office (Phone 361-881-6900).

In regard to holding a comment and public hearing, the ED respectfully notes that a comment and public hearing was held by the applicant on January 11, 2024, to give the public an opportunity to submit formal comments regarding FOP O3906.

In regard to the lack of monitoring stations located nearby, the ED respectfully notes that 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 manufacturing activity in the Corpus Christi area.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on 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 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.

Regarding odors or foul smell from the pollution, the ED respectfully notes the permit holder must comply with all applicable requirements including 30 Texas Administrative Code § 101.4, which prohibits nuisance conditions such as odor. The rule states that "no person shall discharge from any source" air contaminants which are or may "tend to be injurious to or adversely affect human health or welfare, animal life, vegetation, or property, or as to interfere with the normal use and enjoyment of animal life, vegetation, or property." "Air contaminant" is defined in the Texas Clean Air Act (TCAA) § 382.003(2), to include "particulate matter, radioactive material, dust, fumes, gas, mist, smoke, vapor, or odor."

Emissions from the facility are not expected to produce nuisance odors. However, individuals are encouraged to report any concerns about nuisance issues online ([Make an Environmental Complaint - Texas Commission on Environmental Quality - www.tceq.texas.gov](#)) or by contacting the Corpus Christi Regional Office at 361-881-6900, or by calling the twenty-four hour toll-free Environmental Complaints Hotline at 1-888-777-3186. The TCEQ reviews all complaints received.

For additional details regarding how TCEQ handles complaints filed by residents, please refer to TCEQ's OCE website, (see [Investigations, Compliance, and Enforcement - Texas Commission on Environmental Quality - www.tceq.texas.gov](#)). TCEQ follows an investigation process (see [Investigations and Compliance Assistance - Texas Commission on Environmental Quality - www.tceq.texas.gov](#)) to further review complaints. If the facility is found to be out of compliance with the terms and conditions of the permit, it will be subject to possible enforcement action (see [Enforcement Process and Actions - Texas Commission on Environmental Quality - www.tceq.texas.gov](#)).

COMMENT 42 FILED ON 07/31/2023 BY Elida I. Castillo

I request a Notice and Comment Hearing for Enbridge Federal Operating Permit O3906 because I live and recreate close to the facility and am already experiencing impacts from increased air pollution emissions. Permit conditions should be strengthened to address the following concerns:

- A) This facility is the largest crude oil export facility in North America and sits adjacent to the small community of Ingleside on the Bay, Live Oak park is 1 mile away and less than 2 miles downwind to the Ingleside Elementary School. The miscalculation of existing emission rates, weak monitoring requirements and lack of record keeping requirements are not protective of human health and environmental safety. On at least a quarterly basis, Enbridge should give presentations to the Ingleside ISD, City of Ingleside, and City of Ingleside on the Bay to prove that emissions are safe.

- B) The permit holder has consistently failed to maintain the minimal required records to demonstrate compliance with the site emission limitations. The compliance history for this facility shows that during inspections Enbridge has failed repeatedly to maintain records and data for VCU temperatures and marine loading pressure losses. Yet, the TCEQ still gives this facility a perfect compliance rating. Enbridge should make available to the public, online, their compliance record.
- C) This facility is a Major Source of Hazardous Air Pollutants, yet the monitoring and compliance demonstrations for this facility are the bare minimum. Sensory monitoring is not adequate to protect the health of our community. We deserve more than a weekly smell, sight and sound walk around of the largest oil export facility in North America. Optical Gas Imagery (OGI) and fence line monitoring should be conducted with results available to the public online.
- D) Enbridge is one facility not two! The TCEQ has violated their duty by dividing the Enbridge facility into two sites, therefore allowing them to release more harmful emissions across two permits. In this FOP, Enbridge has removed its LPG tanks, marine 2 loading, hot oil heating and emergency flare from this permit. Have the facilities been decommissioned? Permit and conditions should be rewritten to encompass operations of Enbridge as a single facility.
- E) An OGI survey by Tim Doty of the Enbridge facility in December of 21 and in September of 2022 revealed VCUs not destroying emissions. This photography showed significant emissions filling the airshed of the neighboring community of Ingleside on the Bay. Investigations by a TCEQ investigator confirmed the facility exceeded emissions for VCU-5 and VCU-8. Yet, the TCEQ still gives this facility a perfect compliance rating. Repeated requests to meet with the TCEQ to review investigation results have not been granted. Install Best Available Control Technologies (BACT) on the VCUs.
- F) Enbridge has been found to have used incorrect emission factors in calculations for a previous permit amendment which resulted in low emission rates. Emission rates for this renewal are a fraction of emission rates for the 2018 federal operating permit. Replacements and improvements to facilities should be included to verify emission rates.
- G) In NSR Permit 122362 storage tank throughput and service is limited to the simultaneous loading of condensate into 12 storage tanks at any given time yet provide no monitoring or recording keeping to assure compliance. Add monitoring and record keeping requirements that are made available to the public.
- H) This Federal Operating Permit and require no reporting requirements for the Vapor Combustion Units. Add report and record keeping for this sole form of emission control on this site.
- I) Enbridge Ingleside Energy Center has planned expansion into McGloin's Bluff Archeological Site 41SP11, a known Karankawa Campground eligible for placement on the National Register of Historic Places and as a State Archeological Landmark. The Texas Historical Commission cleared the property for indus.

RESPONSE TO COMMENT 42: The ED appreciates Commenter's concerns regarding increased emissions, need to conduct monitoring using OGI and fence line monitoring, planned site expansion into McGloin's Bluff Archeological Site, and need to provide public access to compliance records at the Enbridge Ingleside Oil Terminal site.

For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "Enbridge is one facility not two". Please refer to Response to Comment 1 for additional information.

As stated in Response to Comment 19, the ED respectfully notes that under the two-permit system in Texas, only 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 (including emissions from vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

Regarding 'incorrect emission factors in calculations', the ED respectfully notes that allowable emission rates, emission calculations and emission factors for various pollutants at the Enbridge site are calculated using the methodology summarized in the NSR permit application representation including use of stack

testing data, manufacturer's specifications, applicable work practice standard, 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 for NSR projects. 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 NSR permit, including the emission limits as listed in the MAERT.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

Regarding use of optical gas imaging (OGI) to measure fugitive VOC emissions, the ED respectfully notes that currently OGI is not an applicable requirement based on applicable state or federal regulation and is not supported as a BACT. The regulation that stipulates the leak definition typically also prescribe the monitoring frequency. The monitoring requirements according to the 28VHP LDAR programs have been demonstrated to meet BACT based on the monitoring frequency and leak definitions that are specified for this LDAR program. Hourly leak inspections are not required for this LDAR program, which has been approved as BACT for numerous sites within Texas.

The Enbridge Ingleside Oil Terminal site is not subject to any federal or state requirement for marine terminals to install and maintain 'fenceline' monitoring at the facilities. Applicant is required to perform monitoring to demonstrate compliance with the applicable requirements and permitted emission limits to ensure protectiveness of their site.

In regard to the planned site expansion into McGloin's Bluff Archeological Site, the ED respectfully notes that TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have zoning authority with regard to where a facility is located. Zoning ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities.

Similarly, the TCEQ does not have authority to consider any possible effect on property value, tax base, the appeal of an area to attract business or to regulate whether a business can locate in a particular area (including historical places) as a result of actions taken by this agency with regard to the review of an air quality permit.

In regard to "Enbridge should make available to the public, online, their compliance record", the ED respectfully notes that applicant's and site's compliance history (CH) rating is determined on an annual basis by TCEQ's Office of Compliance and Enforcement (OCE) Office, which enforces compliance with 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](http://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 RN101225746 is shown as "satisfactory" [TCEQ Compliance History Search (texas.gov)].

In regard to public's access to compliance status reports, TCEQ's Office of Compliance and Enforcement (OCE) enforces compliance with state's environmental laws to address any non-compliance and enforcement issues. In addition to providing online access to air permit records, TCEQ's [CFR Online](http://www.tceq.texas.gov/cfr) website also provides online 24x7 access to the public for all compliance and enforcement (OCE) records

pertaining to a site (e.g., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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 43A, 43B AND 43C FILED ON 07/27/2023 BY Kathryn Masten, Ph.D.

I request a Notice & Comment Hearing for Enbridge's federal operating permit. The explosive growth of Moda, now Enbridge, is one of the main reasons my husband and I moved away from Ingleside on the Bay, where we lived at 1006 Sandpiper. We seller-financed the sale of a lot bordering Enbridge on Huisache and Live Oak and a canalfront lot on N. Sandpiper, so we still have a financial interest in the community. We are very concerned about Enbridge's continues expansion plans that involve cutting down trees and destroying important pothole wetlands and Karankawan archeological sites to create a solar farm to power a blue hydrogen/ammonia facility. We are also aware of Enbridge's browbeating TCEQ into regulating the site as two different entities in order to skirt pollution limits and Prevention of Serious Deterioration (PSD) regulations.

COMMENT 43A: Here are some specific concerns I have from the Statement of Basis: 1) p. 4: I don't believe quarterly monitoring of stationary vents is sufficient nor is it appropriate to exempt vents that can't produce visible emissions. Why not use OGI?

COMMENT 43B: p. 5: What is meant by "alternate fuels? Should their burning even be permitted? How is the requirement to monitor burning of alternate fuels more frequently going to be documented and enforced? 3) In the chart of p. 5, NNSR is deemed N/A. However, how can TCEQ be sure that the area really is "in attainment"? There are NO TCEQ air monitors nearby; the TCEQ CC Status page (<https://www.tceq.texas.gov/airquality/sip/cc/cc-status>) shows that most measures are "unclassifiable" and therefore marked somehow as "in attainment"; and monitors placed in Ingleside on the Bay have been showing pollution levels that are concerning. Please explain each N/A in the table.

COMMENT 43C: In the draft permit, please explain why so many things are included in the Permit Shield. Of specific concern is the statement that "loading and unloading of marine vessels in San Patricio County is exempt from 30 TAC Chapter 115, Subchapter C, Division 1." Within the last 5 years (since 2018), the nation's now two largest oil export terminals (Enbridge & South Texas Gateway) have been constructed next to the small City of Ingleside on the Bay. We moved to IOB in 2018 (within 1/4 mile of Enbridge) and had to move out in 2021 because of worsening health effects. My asthma was exacerbated, and my husband developed vertigo and headaches when going outside - especially with the increased volume of ships docking at Enbridge. Many of our other neighbors also had to move out due to worsening health effects. TCEQ should NOT allow marine loading to be in the Permit Shield; vessels should be required to use shore power. And the community needs to really understand why every item in the permit shield is in there and give their consent.

RESPONSE TO COMMENTS 43, 43B AND 43C: The ED appreciates Commenter's concerns regarding sufficiency of monitoring and the need to conduct monitoring using OGI at the Enbridge Ingleside Oil Terminal site, use of alternate fuels, placement of air monitors to determine attainment status, applicability under 30 TAC Chapter 115, Subchapter C, Division 1 and worsening health effects.

The TCEQ rules in 30 TAC Chapter 111 set forth the requirements for visible emissions and particulate matter. As stated in the Statement of Basis (SOB) (which is part of the permit record), the site includes stationary vents constructed after January 31, 1972 and with a flowrate less than 100,000 actual cubic feet per minute (acfm) which are limited, over a six-minute average, to 20% opacity averaged over a six-minute period as required by 30 TAC § 111.111(a)(1)(B). As a site may have a large number of stationary vents that fall into this category, they are not required to be listed individually in the permit's Applicable Requirement Summary. This is consistent with EPA's White Paper for Streamlined Development of Part 70 Permit Applications, July 10, 1995, which states that requirements that apply identically to emission units at a site can be treated on a generic basis such as source-wide opacity limits.

Periodic monitoring is specified in Special Term and Condition 3 for stationary vents, which are subject to 30 TAC § 111.111(a)(1)(B) to verify compliance with the 20% opacity limit. These vents are not expected to produce visible emissions during normal operation. As for the frequency of visible emissions

observations to demonstrate compliance with 30 TAC § 111.111(a)(1)(B), opacity requirements, the TCEQ evaluated the probability of these sources violating the opacity standards and determined that there is a very low potential that an opacity standard would be exceeded. It was determined by TCEQ that continuous monitoring for these sources is not warranted as there would be very limited environmental benefit in continuously monitoring sources that have a low potential to produce visible emissions. Therefore, the TCEQ set the visible observation monitoring frequency for these sources to once per calendar quarter.

In the event that visible emissions are detected, either through the quarterly observation by company personnel or other credible evidence, such as observations by the public, the permit holder shall either report a deviation or perform a Test Method 9 observation to determine the opacity consistent with the 6-minute averaging time specified in 30 TAC § 111.111(a)(1)(B). An additional provision is included to monitor combustion sources more frequently than quarterly if alternate fuels are burned for periods greater than 24 consecutive hours. This will address possible emissions that may arise when switching fuel types. It is well known that combustion sources such as boilers and steam generation units may use 3 types of alternate fuel sources that include: 1) solid fuels (e.g., wood, coal, etc.), 2) liquid fuels (e.g., diesel oil, liquid propane, etc.) and 3) gaseous fuels (e.g., natural gas, methane, etc.). Monitoring frequency to monitor visible emissions from combustion sources will be dependent on the source of fuel used.

Regarding use of optical gas imaging (OGI) to measure opacity, the ED respectfully notes that currently OGI is not an applicable requirement based on applicable state or federal regulation and is not supported as a BACT that may apply to stationary vents.

In regard to the placement of monitoring stations located nearby to determine attainment status, the ED respectfully notes that 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 manufacturing activity in the Corpus Christi area.

TCEQ annually evaluates the number and location of air monitors within its network to assess compliance with federal monitoring requirements and the adequacy of monitoring coverage for identified monitoring objectives as a part of the Annual Monitoring Network Plan provided to EPA on July 1 of each year. This plan is made available on 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 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.

In regard to Commenter's specific concern regarding the statement "loading and unloading of marine vessels in San Patricio County is exempt from 30 TAC Chapter 115, Subchapter C, Division 1.", the ED respectfully notes that the statement reflects applicable regulation cited in 30 TAC Chapter 115, Subchapter C, Division 1, §115.217(b)(6). It specifically states "The following exemptions apply in the covered attainment counties as defined in 115.10 of this title (relating to Definitions). Marine vessels. All loading and unloading of marine vessels is exempt from this division."

In regard to Commenter's concern regarding worsening health effects, the ED respectfully notes that under the two-permit system in Texas, only 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 (including emissions from

vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

COMMENTS 44 FILED ON 07/24/2023 BY Lynne Goeglein Porter.

I request a "Notice and Comment Hearing" to have a public meeting regarding this Federal Permit. Enbridge is one facility not two. The TCEQ has violated their duty by dividing the Enbridge facility into two sites, therefore allowing them to release more harmful emissions across two permits.

In this FOP, Enbridge has removed its LPG tanks, marine 2 loading, hot oil heating and emergency flare from this permit. Have these facilities been decommissioned? The Permit and conditions should be rewritten to include operations of Enbridge as a single facility. In NSR Permit 122362 the storage tank throughput and service is limited to the simultaneous loading of condensate into 12 storage tanks at any given time yet there has not been provided any monitoring or recording keeping to assure compliance. The permit for the company--not companies should include monitoring and record keeping requirements that are made available to the public. We need a public hearing.

RESPONSE TO COMMENT 44: For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "The Permit and conditions should be rewritten to include operations of Enbridge as a single facility". Please refer to Response to Comment 1 for additional information.

In regard to the Commenter's assertion that Enbridge has removed its LPG tanks, marine 2 loading, hot oil heating and emergency flare from this permit, the ED respectfully notes **that** these removed this permit and transferred to another permit, due to splitting the site to a separate RN.

Regarding lack of any monitoring or recording keeping for the 12 condensate storage tanks to assure compliance, as stated in Response to Comment 22, the ED respectfully notes the Major NSR Summary Table for NSR Permit Numbers 122362 and PSDTX1430M1, issued November 30, 2020, documents the MRRT requirements. Specifically, monitoring requirements for storage tanks are stated in NSR permit Special Conditions (SC) 3, 4, 8 and 23; recordkeeping requirements are stated in SC 3, 4, 8, 12, 23; and reporting requirements are listed in SC 3, 4. In addition the ARS table in the Proposed Permit (see pages 41-43), document the MRRT requirements under 30 TAC Chapter 115 storage of VOCs, 40 CFR Part 60, Subpart Kb, and 40 CFR Part 63, Subpart EEEE for GRPTK-1 unit (representing the 12 storage tanks). These MRRT requirements are sufficient to demonstrate compliance with the applicable requirements.

In regard to holding a comment and public hearing, the ED respectfully notes that a comment and public hearing was held by the applicant on January 11, 2024, to give the public an opportunity to submit formal comments regarding FOP O3906.

COMMENT 45 FILED ON 07/24/2023 BY Jennifer R Hilliard.

My name is Jennifer Hilliard and I live at 904 Sandpiper in Ingleside on the Bay. This Title V permit draft incomplete and contains errors.

The first error in this draft permit of the incomplete list of emission sources. While the Statement of Basis facility description has not changed since the previous version permitted by Oxy and it clearly describes the Liquid Propane Gas facility and Crude Oil Terminal, the LPG emission including a flare that is used by all processes has been deleted from this permit. Enbridge has strong-armed the TCEQ into dividing it site in two separate NSR stationary sources. The crude oil terminal with storage of 15.1 million barrels and the LPG terminal with storage of over 80,000 barrels. This ludicrous division of the facility does not exempt Enbridge from including all emissions from the site to be included under one Title V permit. These emissions are required to be a part of this draft permit. By dividing the site into two sources the TCEQ is allowing Enbridge to expand it's ability to emit harmful emissions into the small community of Ingleside on the Bay, with residences 1000 feet from the facility without public notice and zero monitoring. The TCEQ has failed in requiring the facility to prove that they are operating within the current emission limits and flow through limitations even when the minimal paperwork Enbridge is required to produce, has failed to meet inspection requirements. The acceptance of stack testing completed in 2017 to serve as verification

that the VCU's are operating as required to destroy cancer causing and ozone producing emissions is another gift to a known polluter. These major pollution control devices should be regularly inspected and tested, even my car has to be inspected every year, but a device capable of spewing tons of VOCS and Hazardous Air Pollutants (HAPS) within three miles of an elementary school only needs to be reviewed once in it's lifetime. The TCEQ has is failing our communities, be it by intention, lack of funding, the result to the people of the State Texas is the same, more air pollution, more cancers, less natural resources, and higher health care costs. We have had people move away from our community because of the impact of this facility on the air quality. Now the TCEQ is allowing for this one site to emit twice as much by dividing into two sources and placing the economic interests of a Canadian company over the interest of public health and environmental resources. This facility employs 29 people yet makes \$Billions of dollars a year in profits, while paying millions in tariffs and taxes to the Port of Corpus Christi and the State of Texas. Our health, our home, our natural resources are being traded for favors and income to State coffers.

RESPONSE TO COMMENT 45: For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "Enbridge has strong-armed the TCEQ into dividing it site in two separate NSR stationary sources". Please refer to Response to Comment 1 for additional information.

Process description in the Statement of Basis is consistent with the site determination decision by TCEQ.

COMMENTS 46A, 46B AND 46C FILED ON 01/11/2024 BY Sandra Love Sanchez.

COMMENT 46 A: Enbridge's failure to maintain and provide records for maintenance and purging emissions, along with the absence of applicable Maximum Achievable Control Technology (MACT) information, demonstrates a concerning lack of transparency and commitment to emissions control. The neglect in conducting annual tightness testing for marine vessels, coupled with instances of marine vapor combustor unit (VCU) stack temperature deviations, suggests a lax approach to safety protocols, potentially jeopardizing both environmental and operational integrity. The missing records for Method 21 leak detection and repair (LDAR) monitoring, coupled with vapor collection pressures falling below permitted values during vessel loading, indicate a disregard for comprehensive monitoring and control measures, posing risks of uncontrolled emissions. Crude oil spills and atmospheric volatilization raise alarming environmental concerns, reflecting a failure in spill prevention measures and response protocols.

COMMENT 46 B: Additionally, incorrect representations in New Source Review permits and the absence of vacuum truck emissions incorporation underscore Enbridge's failure to adhere to accurate reporting standards. The inaccuracies in the calculation of collection efficiencies, lack of VCU temperature records, missed audio/visual/olfactory inspections, and incorrect VCU performance tests reveal a systemic failure in maintaining consistent and accurate operational standards. Enbridge's failure to update the Title V permit, use correct TCEQ emission factors, and maintain required authorizations and documentation further highlight a pattern of negligence and non-compliance with regulatory obligations. The lapses in updating emission inventories, submitting required fees, and accurately calculating and reporting inlet flow and VOC mass rates on VCUs demonstrate a disregard for comprehensive environmental stewardship.

COMMENT 46 C: Furthermore, Enbridge's failure to confirm air samples representing actual conditions and to use accurate heat input in emission factor calculations for oxides of nitrogen (NOx) and carbon monoxide (CO) raises questions about the reliability of their reported emissions data. The failure to confirm the performance tests of some VCUs to meet MACT requirements and the omission of timely notices for the construction of a storage tank, as well as reporting issues with screwed connectors on two-inch lines, collectively form a troubling narrative of non-compliance and inadequate environmental responsibility, warranting serious reconsideration of their eligibility for a Federal operating permit.

RESPONSE TO COMMENTS 46 A, 46B AND 46C: The ED appreciates Commenter's concerns regarding lack of transparency and commitment to emissions control at the Enbridge Ingleside Oil Terminal site.

As stated in Response to Comment 19, the ED respectfully notes that under the two-permit system in Texas, only 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 (including emissions from vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

As stated earlier in Response to Comments 4 and 5, the proposed permit includes sufficient MRRT requirements to demonstrate compliance with the applicable requirements. The vapor combustion units (GRPVCU and VCU-4) that collect and control VOC emissions are subject to MRRT requirements listed in ARS table pages 50 and 55 and periodic monitoring requirement listed on page 58.

The ED respectfully disagrees with the Commenters assertion that Title V permit O3906 and NSR permit numbers 122362 and PSDTX1430M1 do not include adequate monitoring, reporting, recordkeeping, or emission calculation requirements to ensure compliance with hourly and annual limits for fugitive emissions for the reasons stated in Response to Comment 4.

In regard to non-compliance issues, 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](http://www.tceq.texas.gov/Compliance-History).

Deviation reports are usually processed by TCEQ and acted upon as required to address/resolve any potential non-compliance issues such as asserted violations concerning operation of tanks, VCU, LDAR, etc. 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.

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 RN101225746 is shown as "satisfactory" [TCEQ Compliance History Search \(texas.gov\)](http://www.tceq.texas.gov/Compliance-History-Search).

In addition to providing online access to air permit records, TCEQ's [CFR Online](http://www.tceq.texas.gov/CFR-Online) website also provides online 24x7 access to the public for all compliance and enforcement (OCE) records pertaining to a site (e.g., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

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 O3906 including emission limitations and standards. These reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed.

Per 30 TAC § 122.142(d) (Permit Content Requirements), for any emission units not in compliance with the applicable requirements at the time of the renewal application, the permit holder is required to submit a compliance schedule consistent with § 122.132(d)(4)(C). An OP-ACPS (Application Compliance Plan and Schedule) form referenced above must be contained in the renewal application. The renewal application received by TCEQ on 07/18/2022 included a compliance schedule as listed in the Proposed Permit.

COMMENTS 47A, 47B, 47C, 47D, 47E AND 47F FILED ON 01/11/2024 BY Charles Howard Boone.

My name is Charlie Boone. I live at 468 Sunset Ingleside on the Bay, Texas 78362. I am opposed to the renewal and issuance of the FOP #03906 and I request that the comment period be extended to provide adequate time for the public to assess the information in the application and to receive additional information that has been omitted from the application. I request that the TCEQ answer the following questions:

COMMENT 47A: How will air emissions be monitored at this facility? There are no ambient air monitoring sites in the region or even in San Patricio County. What technology will be used to monitor emissions and how will the public have access to the air monitoring data?

COMMENT 47B: When will the TCEQ put an air monitoring station in San Patricio County and specifically in the proximity of the Enbridge Ingleside Oil Facility? Over 60% of the oil exports from the United States travel through the three sites in Ingleside, including the Enbridge site. What is the rationale for not having air monitoring sites in the proximity of these facilities?

COMMENT 47C: Why has the TCEQ allowed this permit to be split into two permits? We are affected by all of the emissions from this site. How can the decision to split the permits into two permits be explained other than as a way for Enbridge to avoid Applicable requirements to include Texas Permit by Rule ("PBR") requirements, Texas State Implementation Plan ("SIP") requirements, New Source Performance Standard ("NSPS") requirements, and National Emission Standards for Hazardous Air Pollutant ("NESHAP") requirements? Does the EPA agree with the decision to split this site into two permits?

COMMENT 47D: How will the TCEQ assure that no unpermitted activities occur on this site? Enbridge has been engaged in unpermitted blasting and surface coating operations. How will TCEQ ensure these activities are included in the application and permitted properly? Since these violations have gone unchecked and unmonitored, how will TCEQ assure the public that they will assess the activities of Enbridge and enforce permitting regulations?

COMMENT 47E: How does the permitting activity of TCEQ in any way comport with the Federal goals regarding air quality and reduction in green house gases? TCEQ does not measure or monitor the air emissions from this facility, how will it ensure compliance?

COMMENT 47F: If Enbridge is to self-monitor air emissions, please specify the equipment to be used, specifications of that equipment and installation and maintenance for the equipment. Where will the data collected by Enbridge be made accessible to the public.

RESPONSE TO COMMENTS 47A, 47B, 47C, 47D, 47E AND 47F: The ED appreciates Commenter's concerns regarding insufficient or lack of "air monitoring", TCEQ's decision to split the site, unpermitted blasting and surface coating operations at the Enbridge Ingleside Oil Terminal site, reduction in green house gases and public access to permit and compliance information for the site.

For reasons noted in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "the decision to split the permits into two permits be explained other than as a way for Enbridge to avoid Applicable requirements". Please refer to Response to Comment 1 for additional information.

The ED respectfully notes that "air monitoring" as referenced by the Commenter is a general term for the on-going collection and use of measurement data or other information for assessing performance against a standard or status with respect to a specific requirement. With regard to EPA's air quality regulatory requirements, monitoring includes: 1) ambient air quality monitoring, and 2) stationary source emissions monitoring.

A Title V permit (such as FOP O3906) requires sufficient monitoring of stationary emission sources located within the permitted site to demonstrate compliance with applicable state and federal regulations. As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes all applicable terms and conditions and applicable requirements including sufficient monitoring requirements to demonstrate compliance with applicable state and federal regulations. The permit holder must file a PCC report to certify on an annual basis that it complies with all requirements contained in the FOP.

Although ambient air monitoring is outside the scope of a Title V permit action, the ED notes that the Federal Clean Air Act (FCAA) requires every state to establish a network of air monitoring stations for criteria pollutants, using criteria set by EPA's Office of Air Quality Planning and Standards for their location and operation. The TCEQ submits an annual monitoring network plan (AMNP) report to EPA in partial fulfillment of these requirements. Additional information about TCEQ's ambient air monitoring for various pollutants and the locations of various ambient air monitors may be found at <https://www.tceq.texas.gov/airquality/monops>.

Regarding unpermitted blasting and surface coating operations at the Enbridge Ingleside Oil Terminal site, the ED respectfully notes that this comment is similar to Comment 2. Please refer to Response to Comment 2 for additional information.

In regard to reduction in green house gases, the ED respectfully notes that that under the two-permit system in Texas, only 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 (including emissions from vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

Based on the application representation information provided by the applicant for NSR permits, the Enbridge Ingleside Oil Terminal site is not subject to permit requirements for greenhouse gas emissions.

In regard to public access to permit and compliance information for the site, the ED respectfully notes that this comment is similar to Comments 46 A, 46B and 46C. Please refer to Response to Comments 46 A, 46B and 46C for additional information.

COMMENTS 48 FILED ON 01/11/2024 BY COASTAL BEND SIERRA CLUB GROUP.

COMMENT: Thank you, my name is Jim Klein. I speak tonight as the President of the Coastal Bend Sierra Club Group. The Sierra Club is the world's oldest environmental organization, started back in 1892. The Coastal Bend Sierra Club Group represents people living in about 18 different counties, centered around the Coastal Bend here. Coastal Bend Sierra Group opposes permit number 3906 as threat the environment and to the health of Coastal Bend Sierra Club members, due to incidence of asthma and COPD. Enbridge generates bad odors, the IB region, this is the Ingleside on the Bay region, has experienced a number of incidents due to a heavy accelerated ship traffic in the last year and a half or so. One of these is in 2021, December of 2022, January of '23, August of '23, and now January of '24. The Enbridge facility rightfully should be viewed by the TCEQ as a single source, not split into two to meet emissions requirements. TCEQ should conduct a study of cumulative air emissions in Coastal Bend air shed. Enbridge has experienced hundreds of environmental citations, received hundreds of environmental citations, but has a perfect TCEQ compliance record. So, I would recommend, Sierra Club recommends, that TCEQ needs to fundamentally reform violation penalties. Coastal Bend Sierra Club opposes permit number 3906 as harmful to human and environmental health of this region. Thank you.

RESPONSE TO COMMENT 48: The ED respectfully notes that this comment is similar to Comment 1. Please refer to Response to Comment 1 for additional information.

GROUPED COMMENT 49 FILED BY FOLLOWING INDIVIDUALS – ON SPLITTING THE SITE INTO TWO DIFFERENT REGULATED ENTITIES (RN). SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 to JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Commenters who asked about the designation of allowing the company to split the site into separate sites.

Charles Howard Boone, Donna Boone, Kelley Burnett, Payton Campbell, Christopher Carleton, Lucia D Dailey, Tim Doty, Jesse Garcia, Jim Klein, Janet Laylor, Ilan Levin, Thomas Mack, Kathryn A Masten-

Cain, Jordyn Middlebrooks, Lisa Riley, Shelli Smith, Cyndi Valdes, Sheila Walton, Susan M Wilder, and Suzi Wilder.

RESPONSE TO GROUPED COMMENT 49: For the reasons stated earlier in Response to Comments 1, the ED respectfully disagrees with the Commenter's assertion "allowing Enbridge Oil Terminal to be split into two separate stationary sources instead of a single major source for Title V". Please refer to Response to Comment 1 for additional information.

GROUPED COMMENT 50 FILED BY FOLLOWING INDIVIDUALS – ENVIRONMENT & HEALTH EFFECTS ON THE COMMUNITY AND LACK OF AIR MONITORS SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 to JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Commenters who asked about the health and safety of the activities at the site and that there are no TCEQ air monitoring stations in San Patricio County and requested that an air monitor be located in their area.

Kate A, Abigail Rose Alvarez, Lindsey Arismendez, Desiree Beaudry, Rocky Buenrostro, Kelley K Burnett, Josh C, Rachel Caballero, Mary Ann Callender, Steve Canion, Anne Carleton, Elida I Castillo, Patt Coeckelenbergh, Carroll D Collier, Arabella Colombier, Connie, Crow-Dockler Sarah Crumbley, Cindy Davis, Molly Davis, Luna Alexandria De Terre, Katherine Diaz, Tim Doty, Margaret Duran, Natalie Evans, M F, Thomas J Farley, Deborah A Ferrell, Larry R Ferrell, Maddy Fischer, Blair Fitzgerald, Joe Froetschel, Robert Ellsworth Graham, Carla Gresenz, Douglas Gresenz, Martha S Habluetzel, Steve Hall, Page Hall, Linda Ham, Autumn Marie Hensiek-Fain, Lex Hill, Vladimir Kisilitsa, Theresa Kotalik, Robert Kresta, Helen Lance, Charlotte Lawrence, Rodrigo Leal, Alexia Leclercq, Kay Lenin, Nancy Lubbock, Michelle Mack, Kathryn A Masten-Cain, Peyton Mcfarlain, Jessika McFarland, Eli McKay, Idana Merrick, John Mircovich, Connie Mircovich, Peter Nathaniel Moore, Ann R, Nyberg Patrick Arnold Nye, Julie Ann Nye, Dorothy Peña, Sarah Perez, Lynne Porter, Andrea Puyol, Becky Rector, Brandi M Robinson, Roland Robinson, Karen Rodgers, Shirley Saltarelli, Sandra Sanchez, Katarina Schumann, Encarnacion Serna, Doug Smith, Stacey Spadafore, Tom Strubbe, David Suba, Robert Toole, Lisa Turcotte, Cynthia L Valdes, Lou Valdes, Sheila Walton, Corra Marie Ward, Allison Watkins, John Weber, Lawrence Whittle, Susan M Wilder, Steven L Wilder, Suzi Wilder, Shelby Williamson, Ken Willis, Bess Willis, Michael Wood, and Anne Wright Jeff Wright.

RESPONSE TO GROUPED COMMENT 50: The ED appreciates Commenter's concerns regarding impact of emissions from the site on the environment and health of the local community and the lack of "air monitoring" stations in San Patricio County.

As stated earlier, in regard to effects of emissions from the site on the environment and health of the local community, the ED respectfully notes that that under the two-permit system in Texas, only 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 (including emissions from vessels docked at the Enbridge Ingleside Oil Terminal site). 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.

As stated in Response to Comments 30, the stated purpose of the TCAA § 382.002(a) is to "safeguard the state's air resources from pollution by controlling or abating air pollution and emission of air contaminants." In accordance with this purpose, prior to a new source review (NSR) permit being approved, the TCEQ typically conducts a protectiveness review to determine the technical requirements, compliance with the National Ambient Air Quality Standards (NAAQS) for all pollutants, and maximum production rates at which a plant's operation will not be detrimental to human health and welfare or the environment.

The United States Environmental Protection Agency (EPA) created and periodically reviews the NAAQS, found in 40 Code of Federal Regulations (CFR) § 50.2. The NAAQS include both primary and secondary standards. The primary standards are those the Administrator of the EPA determines are necessary, within an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse effects associated with the presence of an air contaminant in the ambient air. The NSR review also includes protectiveness and health effects review under EPA's National Emission Standards for Hazardous Air Pollutants (NESHAP) including hydrogen fluoride (HF).

Although ambient air monitoring is outside the scope of a Title V permit action, the ED respectfully notes that the Federal Clean Air Act (FCAA) requires every state to establish a network of air monitoring stations for criteria pollutants under NAAQS, using criteria set by EPA's Office of Air Quality Planning and Standards for their location and operation. The TCEQ submits an annual monitoring network plan (AMNP) report to EPA in partial fulfillment of these requirements. Additional information about TCEQ's ambient air monitoring for various pollutants and the locations of various ambient air monitors may be found at <https://www.tceq.texas.gov/airquality/monops>.

Current live ambient air values of ambient air monitoring data within the State of Texas may be found at [The TAMIS Experience \(arcgis.com\)](https://www.tceq.texas.gov/airquality/monops).

The ED also respectfully notes that NAAQS is not an applicable requirement for individual facilities and is also not an applicable requirement under 30 TAC Chapter 122. As stated earlier in Response to Comments 4 and 5, the Proposed Permit includes sufficient MRRT requirements for emission sources of NAAQS pollutants to demonstrate compliance with the applicable requirements.

GROUPED COMMENT 51 FILED BY FOLLOWING INDIVIDUALS – ON THE INDIGENOUS HISTORY AT THE SITE SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 TO JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Abigail Rose Alvarez, Dylan Ansara, Sophia Antrim, Lindsey Arismendez, Melannie Cader, Elida I Castillo, Skye Clee-Green, Arabella Colombier, Jarrid Cornell, Molly Davis, Luna Alexandria De Terre, Katherine Diaz, Jalen Evans, Natalie Evans, Dash Harris, Lex Hill, Sara Iagnemma, Natalie Krueger, Robin Lambaria, Alexia Leclercq, Kay Lenin, Kathryn A Masten-Cain, Jessika McFarland, Jade McKay, Eli McKay, Peter Nathaniel Moore, Dorothy Pena, Sarah Perez, Faith Randolph, Sydney Ribera, Mallory Richard, Amanda Rios-Place, Crystal S, Sandra Love Sanchez, Deandra Marie Sanchez, Sandra Sanchez, Katarina Schumann, Stacey Spadafore, Robert Toole, Shelby Williamson, and Dakota Willingham.

RESPONSE TO GROUPED COMMENT 51: The ED appreciates Commenter's concerns regarding the use/ownership of indigenous ancestral land belonging to the Karankawa tribe.

As stated in Response to Comments 26, 27 and 42, in regard to use/ownership of land, the ED respectfully notes that TCEQs jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have zoning authority with regard to where a facility is physically located. Zoning ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities.

Similarly, the TCEQ does not have authority to consider any possible effect on property value, tax base, the appeal of an area to attract business or to regulate whether a business can locate in a particular area (including historical places) as a result of actions taken by this agency with regard to the review of an air quality permit.

GROUPED COMMENT 52 FILED BY FOLLOWING INDIVIDUALS – WATER PERMIT, BLUE HYDROGEN SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC)

WEBSITE FROM JULY 22, 2023 TO JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Kelley K Burnett, Elida I Castillo, Paul Lee Gingrich, Idana Merrick, Shirley Saltarelli, and Corra Marie Ward.

RESPONSE TO GROUPED COMMENT 52: The ED appreciates Commenter's concerns regarding a water rights application and planned development of blue hydrogen.

In regard to a water permit application, the ED respectfully notes that although the TCEQ is responsible for the environmental protection of air and water as well as the safe management of waste, the NSR permits that are incorporated by reference into this federal operating permit only regulate air emissions and the FOP application is subject to requirements under 30 TAC Chapter 122 for air media. 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.

As stated in Response to Comments 26, 27 and 42, in regard to the planned development of blue hydrogen, the ED respectfully notes that that under the two-permit system in Texas, only 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 (including emissions from the planned development of blue hydrogen facility). 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.

GROUPED COMMENT 53 FILED BY FOLLOWING INDIVIDUALS – CITY ISSUES, JURISDICTION FOR PUBLIC SAFETY IN THE COMMUNITY AND PROPERTY TAXE IMPACTS SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 TO JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Kathryn A Masten-Cain, and Jesse V Garcia.

RESPONSE TO GROUPED COMMENT 53: As stated in Response to Comment 51, in regard to use/ownership of land, the ED respectfully notes that TCEQs jurisdiction is established by the Legislature and is limited to the issues set forth in statute. The TCEQ does not have zoning authority with regard to where a facility is physically located. Zoning ordinances are normally enacted by cities or counties and enforced by local law enforcement authorities.

Similarly, the TCEQ does not have authority to consider any possible effect on property value, tax base, the appeal of an area to attract business or to regulate whether a business can locate in a particular area (including historical places) as a result of actions taken by this agency with regard to the review of an air quality permit.

GROUPED COMMENT 54 FILED BY FOLLOWING INDIVIDUALS – REQUEST FOR HEARING SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 TO JANUARY 11, 2024

Carl Daniel Amsden, Patricia Baldeschwiler, Tami Carlson, Nathan Cerwonka, Thomas Cerwonka, Kellen Chiddix, Shane Chiddix, David Clark, Marie H Clark, Stormy Coleman, Jeff Davis, Greg Edgar, Larry R Ferrell, Patrick L Fitzgerald, Shane Grunwald, Kenneth Hanson, Willey Kelli, Claudeen Kembro, Leann Kisilitsa, Charles Kotalik, Senator Morgan Lamantia, Brian R Lawson, Representative J M Lozano, Patrick McCracken, Phillip McMullin, Julie Ann Nye, M Judith Orr, William Ross Porter, Mark Rathbun, Greg Rehard, Mark Roberts, G P Schumann, Sunny Shuptrine, Douglas Smith, Shelli Smith, Otwell Terry, George Matt Tracy, Jamie Tracy, Penny Weakly, Tom Weakly, Margaret Weaver, Ray Westerfeld, Susan M Wilder, Mary Bess Willis, L Wusterhausen, and Gary Young.

RESPONSE TO GROUPED COMMENT 54: In regard to holding a comment and public hearing, the ED respectfully notes that a comment and public hearing was held by the applicant on January 11, 2024, to give the public an opportunity to submit formal comments regarding FOP O3906.

GROUPED COMMENT 55 FILED BY FOLLOWING INDIVIDUALS –REQUESTING TO EXTEND THE COMMENT PERIOD SUBMITTED ON-LINE BY INDIVIDUALS AT THE PUBLIC HEARING ON JANUARY 11, 2024.

Kelley Burnett, Payton Campbell, Elida I Castillo, Lucia D Dailey, Tim Doty, Jim Klein, Janet Laylor, Eli McKay, Patrick Arnold Nye, Julie Ann Nye, Dorothy Pena, Lynne Goeglein Porter, Sandra Love Sanchez, Shelli Smith, and Cyndi Valdes,

RESPONSE TO GROUPED COMMENT 55: In regard to requesting an extension of the public comment period, the ED respectfully notes that the public comment period for FOP O3906/Project 34024 started on June 29, 2023 and ended on January 11, 2024 which was the same date the comment and public hearing was held by the applicant. The ED determined that the public was given sufficient opportunity (196 days) to review the permit application and submit formal comments to TCEQ and therefore deny the request for an extension before the close of the hearing.

GROUPED COMMENT 56 FILED BY FOLLOWING INDIVIDUALS – CONCERNED ABOUT THE COMPLIANCE RECORD AT THE SITE SUBMITTED ON-LINE BY INDIVIDUALS VIA TCEQ'S OFFICE OF CHIEF CLERK (OCC) WEBSITE FROM JULY 22, 2023 TO JANUARY 14, 2024 AND PUBLIC HEARING ON JANUARY 11, 2024.

Commenters stated that despite violations the company has a good compliance history
Desiree Beaudry, Lucia D Dailey, Tim Doty, Jim Klein, Eli McKay, Julie Ann Nye, Patrick Arnold Nye, Dorothy Pena, and Doug Smith.

RESPONSE TO GROUPED COMMENT 56: The ED appreciates Commenter's concerns regarding compliance record at the site.

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](http://www.tceq.texas.gov).

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 RN101225746 is shown as "satisfactory" [[TCEQ Compliance History Search \(texas.gov\)](http://www.tceq.texas.gov)].

Deviation reports are processed by TCEQ 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. The PCC reports are reviewed by OCE annually. Violations may be issued and enforcement action taken as appropriate to ensure corrective actions are completed.

Per 30 TAC § 122.142(d) (Permit Content Requirements), for any emission units not in compliance with the applicable requirements at the time of the renewal application, the permit holder is required to submit a compliance schedule consistent with § 122.132(d)(4)(C). An OP-ACPS (Application Compliance Plan and Schedule) form referenced above must be contained in the renewal application. The renewal application received by TCEQ on 07/18/2022 included a compliance schedule as listed in the Proposed Permit.

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., Enbridge Ingleside, LLC having Regulated Entity Number: RN101225746) 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.

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 Enbridge Ingleside, LLC, FOP O3906/project 34024, Regulated Entity Number: RN101225746.

<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
A	KATE	
ALVAREZ	ABIGAIL	ROSE
AMSDEN	CARL	DANIEL
ANSARA	DYLAN	
ANTRIM	SOPHIA	
ARISMELENDEZ	LINDSEY	
BALDESCHWILER	PATRICIA	
BEAUDRY	DESIREE	
BOONE	CHARLES	HOWARD
BOONE	DONNA	
BUENROSTRO	ROCKY	E
BURNETT	KELLEY	K
C	JOSH	
CABALLERO	RACHEL	
CADER	MELANNIE	
CALLENDER	MARY	ANN
CAMPBELL	PAYTON	
CANION	STEVE	
CARLETON	ANNE	
CARLETON	CHRISTOPHER	
CARLSON	TAMI	
CASTILLO	ELIDA	I
CERWONKA	NATHAN	
CERWONKA	THOMAS	
CHIDDIX	KELLEN	
CHIDDIX	SHANE	
CLARK	DAVID	
CLARK	MARIE	H
CLARK-LEACH	GABRIEL	
CLEE-GREEN	SKYE	
COECKELENBERGH	PATT	
COLEMAN	STORMY	
COLLIER	CARROLL	D
COLOMBIER	ARABELLA	
CORNELL	JARRID	
CROW-DOCKLER	CONNIE	
CRUMBLY	SARAH	
DAILEY	LUCIA	D
DAVIS	CINDY	
DAVIS	JEFF	
DAVIS	MOLLY	
DE TERRE	LUNA	ALEXANDRIA
DIAZ	KATHERINE	
DOTY	TIM	

DURAN	MARGARET	PEGGY	
EDGAR	GREG		
EVANS	JALEN		
EVANS	NATALIE		
F	M		
FARLEY	THOMAS	J	
FERRELL	DEBORAH	A	
FERRELL	LARRY	R	
FISCHER	MADDY		
FITZGERALD	BLAIR		
FITZGERALD	PATRICK L		
FROETSCHER	JOE		
GARCIA	JESSE	V	
GINGRICH	PAUL	LEE	
GRAHAM	ROBERT	ELLSWORTH	
GRESENZ	CARLA		
GRESENZ	DOUGLAS		
GRUNWALD	SHANE		
HABLUETZEL	MARTHA	S	
HALL	PAGE		
HALL	STEVE		
HAM	LINDA		
HANSON	KENNETH		
HARRIS	DASH		
HENSIEK-FAIN	AUTUMN	MARIE	
HILL	LEX		
HILLIARD	JENNIFER	R	
IAGNEMMA	SARA		
KEMBRO	CLAUDEEN		
KISILITSA	LEANN		
KISILITSA	VLADIMIR		
KOTALIK	CHARLES		
KOTALIK	THERESA		
KRESTA	ROBERT		
KRUEGER	NATALIE		
LAMANTIA	MORGAN		SENATOR
LAMBARIA	ROBIN		
LANCE	HELEN		
LAWRENCE	CHARLOTTE		
LAWSON	BRIAN	R	
LAYLOR	JANET		
LEAL	RODRIGO		
LECLERCQ	ALEXIA		
LENIN	KAY		
LEVIN	ILAN		
LOZANO	J	M	REPRESENTATIVE
LUBBOCK	NANCY		
MACK	MICHELLE		
MACK	THOMAS		
MASTEN-CAIN	KATHRYN	A	
MCCRACKEN	PATRICK		
MCFARLAIN	PEYTON		

MCFARLAND	JESSIKA	
MCKAY	ELI	
MCKAY	JADE	
MCMULIN	PHILLIP	
MERRICK	IDANA	
MIDDLEBROOKS	JORDYN	
MIRCOVICH	CONNIE	
MIRCOVICH	JOHN	
NYBERG	ANN	R
NYBERG	ANN	
NYE	JULIE	ANN
NYE	PATRICK	ARNOLD
ORR	M	JUDITH
OTWELL	TERRY	
PEÑA	DOROTHY	
PEREZ	SARAH	
PETER	NATHANIEL	
PORTER	LYNNE	GOEGLEIN
PORTER	WILLIAM	ROSS
PUYOL	ANDREA	
RANDOLPH	FAITH	
RATHBUN	MARK	
RECTOR	BECKY	
REHARD	GREG	
RIBERA	SYDNEY	
RICHARD	MALLORY	
RILEY	LISA	T
RILEY	ROY	
RIOS-PLACE	AMANDA	
ROBERTS	MARK	
ROBINSON	BRANDI	M
ROBINSON	ROLAND	
RODGERS	KAREN	
ROSA	CORA	
S	CRYSTAL	
SALTARELLI	SHIRLEY	
SANCHEZ	DEANDRA	MARIE
SANCHEZ	SANDRA	LOVE
SCHUMANN	G	P
SCHUMANN	KATARINA	
SERNA	ENCARNACION	
SHUPTRINE	SUNNY	
SMITH	DOUGLAS	
SMITH	SHELLI	
SPADAFORE	STACEY	
STRUBBE	TOM	
SUBA	DAVID	
TOOLE	ROBERT	
TRACY	GEORGE	MATT
TRACY	JAMIE	
TURCOTTE	LISA	
VALDES	CYNTHIA	L

VALDES	LOU	
WALTON	SHEILA	
WARD	CORRA	MARIE
WATKINS	ALLISON	
WEAKLY	PENNY	
WEAKLY	TOM	
WEAVER	MARGARET	
WEBER	JOHN	
WESTERFELD	RAY	
WHITTLE	LAWRENCE	
WILDER	STEVEN	L
WILDER	SUSAN	M
WILDER	SUZI	
WILHELM	HOLLY	
WILLEY	KELLI	
WILLIAMSON	SHELBY	
WILLINGHAM	DAKOTA	
WILLIS	BESS	
WILLIS	KEN	
WILLIS	MARY	BESS
WOOD	MICHAEL	
WRIGHT	ANNE	
WRIGHT	JEFF	
WUSTERHAUSEN	L	
YOUNG	GARY	

APPENDIX B - SITE DETERMINATION FOR ENBRIDGE INGLESIDE ENERGY CENTER

Brooke Paup, Chairwoman
Bobby Janicka, Commissioner
Catarina R. Gonzalez, Commissioner
Kelly Keel, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 27, 2025

VIA ELECTRONIC TRANSMISSION

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Re: Site Determination for Enbridge Ingleside Energy Center (RN101225746) - Enbridge Ingleside LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746)

Dear Mr. Gosselin and Mr. Groten:

On behalf of the Texas Commission on Environmental Quality (TCEQ) Executive Director, I am confirming our determination that Enbridge Ingleside LPG Terminal and Enbridge Ingleside Oil Terminal are separate sites for both the purposes of New Source Review (NSR) and Title V permitting. Enbridge Ingleside Oil Terminal will retain regulated entity number RN101225746. Enbridge Ingleside LPG Terminal has received RN111588505.

Background

On July 15, 2021, Enbridge Ingleside, LLC submitted a request for a stationary source determination under the company's previous name, Moda Ingleside, LLC. TCEQ recommended the request be re-submitted subsequent to the company name change that went into effect in October of 2021. On November 29, 2021, Enbridge submitted the request for a stationary source determination as the company believed the LPG terminal and the petroleum terminal are two separate stationary sources for the purposes of new source review permitting, while remaining a single major source for purposes of Title V permitting. On July 15, 2022, TCEQ concurred that Enbridge Ingleside LPG Terminal and Enbridge Ingleside Oil Terminal are separate sites for NSR and Title V permitting based on current Environmental Protection Agency (EPA) guidance.

On May 31, 2023, Environmental Integrity Project (EIP) submitted a letter on behalf of Ingleside on the Bay Coastal Watch Association and the Coastal Alliance to Protect our Environment ("CAPE"), asking TCEQ staff to re-consider the approval of Enbridge's request, and to confirm that the Ingleside Energy Center is a single stationary source for purposes of all Clean Air Act programs. On November 17, 2023, Enbridge submitted a written response to concerns raised by the EIP letter.

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As of today, January 27, 2025, we affirm our decision that Enbridge Ingleside LPG Terminal and Enbridge Ingleside Oil Terminal are two separate sites for the purposes of both NSR and Title V permitting.

Site Determination

When evaluating a site determination, the information provided should be clear on whether the two companies meet at least one of the following criteria: 1) have separate primary Standard Industrial Classification (SIC) codes; 2) are not located on one or more contiguous or adjacent properties; or 3) are not under common control.

1) Separate SIC codes

The Enbridge Ingleside Oil Terminal has a SIC code of 4226: Special Warehousing and Storage, Not Elsewhere Classified. EIP argues the Enbridge Ingleside LPG Terminal should also have the SIC code of 4226, however, Enbridge argues the LPG Terminal should have the SIC code 4925: Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Establishments Engaged in the Manufacture and/or Distribution of Gas for Sale, including Mixtures of Manufactured with Natural Gas.

SIC Code 4226

All parties ~~are in agreement~~ this is the proper SIC code for the Oil Terminal.

SIC Code 4925

In U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), SIC code 4925 falls under Major Group 49: Electric, Gas, and Sanitary Services. Specifically, SIC code 4925 is included in Industry Group 492: Gas Production and Distribution. This Industry Group and Major Group, along with the SIC Code 4925, include "liquefied petroleum gas" and any facilities that are engaged in the production and distribution and/or managing of liquefied petroleum gas. Enbridge has indicated that the LPG Terminal is an establishment that offers distribution services to companies that sell LPG. While EIP argues that Enbridge's LPG Terminal does not sell LPG, Enbridge itself does not have to sell the LPG being distributed at the Terminal. While "for sale" is mentioned in the SIC Code, the LPG product is classified under this SIC Code and further meets the SIC Code as it is going downstream for sale to an ultimate consumer. Furthermore, in the SIC Code, gas distribution through mains, manufactured gas production and distribution is included in the code manual and is applicable to the LPG Terminal.

With such representations, SIC code 4925 is applicable to the LPG Terminal.

2) Location

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are located on one or more contiguous or adjacent properties. Enbridge submitted a map that shows the two terminals are separated geographically and that the LPG terminal is surrounded by its own fence.

3) Common Control

The Enbridge Ingleside Oil Terminal and Enbridge Ingleside LPG Terminal are not under common control. The Oil Terminal and the LPG Terminal are each owned by separate subsidiaries of the parent company, Enbridge.

Conclusion

After review of the initial request, the EIP letter dated May 31, 2023, and the Enbridge letter dated November 17, 2023, the Executive Director affirms her decision that Enbridge Ingleside LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746) are separate sites for the purposes of both NSR and Title V permitting.

Site Determination for Enbridge Ingleside Energy Center (RN101225746) - Enbridge Ingleside
LPG Terminal (RN111588505) and Enbridge Ingleside Oil Terminal (RN101225746)
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TCEQ appreciates your attention to this matter. If you have any questions, please contact me or
Contessa Gay of the Office of Legal Services' Environmental Law Division at (512) 239-5938 or
contessa.gay@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Short", followed by a long horizontal line extending to the right.

Samuel Short
Deputy Director
Office of Air, Air Permits Division
Texas Commission on Environmental Quality