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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 13, 2025

MR VISHAL GUPTA
PRESIDENT & GENERAL MANAGER, EOR
OCCIDENTAL PERMIAN LTD
5 GREENWAY PLZ STE 110
HOUSTON TX 77046-0521

Re: Operational Flexibility and/or Off-Permit Notification Review
Permit Number: O3636
Mallet CO2 Recovery Plant
Sundown, Hockley County
Regulated Entity Number: RN102205119
Customer Reference Number: CN600755086

Dear Mr. Gupta:

We have received your notification dated April 15, 2025, in accordance with Title 30 Texas Administrative Code § 122.222 (30 TAC § 122.222) for the above-referenced permit.

After evaluating the submitted information, we have determined that the action described in your submitted notification does not qualify for the operational flexibility and off-permit change as outlined in 30 TAC § 122.222.

Please re-evaluate your situation to determine the appropriate course of action as outlined in 30 TAC Chapter 122. The attached document outlines the reasons for not meeting the requirements for operational flexibility and/or off-permit notification.

Your cooperation in this matter is appreciated. If you need further information or have any questions regarding this action, please contact Mr. Mark Meyer at (512) 239-0445 or Mark.Meyer@tceq.texas.gov.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Sincerely,

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

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

Mr. Vishal Gupta
Page 2
June 13, 2025

Enclosure

cc: Ms. Femi Serrano, Manager Air Quality, EOR, Occidental Permian, Ltd., Houston
Mr. Bryan L. Alexander, Manager Plant Operations, OXY USA Inc., Sundown
Ms. Mellitanya Stephenson, Sr. Air Quality Engineer, Occidental Petroleum Corporation, Midland
Ms. Miranda Cheatham, Principal Consultant, Trinity Consultants, Austin
Air Section Manager, Region 2 - Lubbock

Project Number: 38077

Results of Operational Flexibility and/or Off-Permit Changes Review

After evaluating the submitted information, we have determined that the action described in your submitted notification does not qualify for the operational flexibility and/or off-permit change as outlined in 30 TAC Chapter 122, Section 122.222, for the following reason(s):

30 TAC Chapter 122, Section 122.222(a)(4) states that in order to meet the criteria for an Operational Flexibility and/or Off-Permit Change, the applicable preconstruction authorization must be obtained. At the time of the hard-copy submittal of the OP-Notify on April 7, 2025, the associated Permit by Rule (PBR) initial application, submitted April 2, 2025 (Project 391131), was pending, and thus, not yet obtained. This was initially communicated on April 30, 2025 via email to Ms. Miranda Cheatham, Principal Consultant, Trinity Consultants, and Mr. Bryan Alexander, Manager Plant Operations, OXY USA Inc. Following several discussions via email, which later also included Ms. Femi Serrano, Manager Air Quality, EOR, Occidental Permian, Ltd., and Ms. Mellitanya Stephenson, Sr. Air Quality Engineer, Occidental Petroleum Corporation, the applicant requested a conference call to discuss. The call was held on May 13, 2025 with Ms. Cheatham, Ms. Serrano, and Ms. Stephenson, representing Occidental Permian.

Following the conference call, an email was sent May 16, 2025 by TCEQ advising of the previous communicated determination by both management and Legal that the submitted OP-Notify did not meet the criteria and would be issued a denial. The email indicated that STEERS is set-up to implement OP-Notify rules correctly. Any registered PBR must have the related registration number and date to meet the OP-Notify requirements. Additionally, Legal has clarified that the submittal of the required PI-7, for the PBR, alone is not enough for an authorization to be obtained. Submitting a PI-7 is a required step for obtaining a PBR registration, but it is not the final step that allows for operation. Form PI-7 is a registration form, but it is not the registration, itself.

The appropriate revision applicant associated with Federal Operating Permit (FOP) O3636, should be submitted via STEERS to appropriately address the change/s to FOP O3636.