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November 21, 2022

Ms. Laurie Gharis
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Via Electronic Filing

Re: Contested Case Hearing Request and Public Meeting Request on the Application to Amend Air Quality Permit No. 102982 to Increase Emissions at the Exxon Mobil Chemical Baytown Olefins Plant

Dear Ms. Gharis,

Exxon Mobil Corporation ("Exxon") has applied to the Texas Commission on Environmental Quality ("TCEQ") for an amendment to Air Quality Permit No. 102982 (the "Amendment") to authorize additional air pollution from the Exxon Mobil Chemical Baytown Olefins Plant (the "Plant") at 3525 Decker Drive, Baytown, Harris County, Texas 77520.

I. Contested Case Hearing Request

Environment Texas requests a contested case hearing on this Amendment. Environment America, Inc., a Colorado non-profit corporation that in Texas does business as Environment Texas, advocates for clean air, clean water, and the preservation of Texas' natural resources. In pursuit of these goals, Environment Texas researches and distributes analytical reports on environmental issues, advocates before legislative and administrative bodies, engages in litigation, and conducts public education programs, among other activities. Environment Texas members are harmed by the air pollution from Exxon's Plant.

Mike Szumski is a member of Environment Texas and resides at 5006 Ashwood Drive, Baytown, Texas 77521. He can see the Exxon Plant from his house, including the eight furnaces that he and his neighbors have come to call the "eight dragons" because of the tremendous noises, large flames, and billowing black smoke that they generate. When Exxon fires up the furnaces at the Olefins Plant, the vibrations shake Mr. Szumski's

house. Those vibrations, along with larger explosions, like the explosion in late 2021, have repeatedly damaged his home.

Mr. Szumski likes to spend time in his garage with the door open, listening to music and working on his old cars. Sometimes when he is in his garage, Mr. Szumski will hear thunderous noises from Exxon and strong odors will fill the garage. Exxon's pollution sometimes smells strongly of oil, other times it has a chemical smell. He has witnessed thick black plumes of smoke coming from stacks at the Plant, and seen that smoke engulf his neighborhood at ground level. Mr. Szumski occasionally finds a sticky residue on his car, like an oily film or glaze coating the entire vehicle. He has to clean off of the windshield with cleaning products before he can safely drive. Mr. Szumski is highly concerned by Exxon's proposal to build a ninth furnace next to the existing eight and further increase pollution from the Plant.

Sharon Rogers is a member of Environment Texas and resides at 4 Bayvilla Drive Baytown, Texas, 77520. This is a statement directly from Ms. Rogers:

I have been a resident of Bay Villa for 49 years. When we purchased our dream home it was on the water with over an acre of land. We were so glad to be able to buy our home and raise our children there: we had woods across the street from our subdivision and had many small animal visitors like ducks, raccoons, rabbits, armadillos, possums, some foxes, and deer. Over the years, Exxon expanded in our direction and now Exxon is all around us and we hear the constant roar from the plants, the trains and trucks and other traffic that allow it to operate 24 hours a day, 365 days a year. Exxon has said we homeowners could be eligible for a buyout, but the only thing we've gotten from Exxon is more air pollution and more noise. On December 23, 2021, at 12:52 AM I was thrown out of my bed by an explosion across the street at Exxon. Please tell me how they can still call themselves "good neighbors"? They are terrible and now want to add more pollution to our already untenable situation. Their favorite time to burn off is between 12:30 and 3:00 AM. I certainly ask the TCEQ to deny their request to increase their pollution.

Mr. Szumski and Ms. Rogers each have standing in their own right to request a contested case hearing. The interests that Environment Texas seeks to protect, including the health and safety its members and the local community, as well as the area's natural beauty and resources, are germane to the organization's purpose. And neither the claim asserted, nor the relief requested requires the participation of the individual members in this case.

II. Disputed Issues of Fact

Environment Texas provides the following list of disputed issues that are relevant and material to the Commission's decision on this application, for consideration as part of the requested contested case hearing:

- Whether the proposed emissions will threaten the health and safety of nearby residents.
- Whether the proposed emissions will cause or contribute to exceedances of National Ambient Air Quality Standards.
- Whether the proposed emissions will exceed allowable Prevention of Significant Deterioration Increments.
- Whether the proposed emissions will cause nuisance conditions violating 30 Tex. Admin. Code § 101.4.
- Whether Draft Permit conditions are adequate to protect the public from cumulative risks in accordance with Tex. Water Code § 5.130.
- Whether the expanded plant will be protective of welfare, including wildlife and the environment in the surrounding area.
- Whether Exxon's air quality analysis complies with TCEQ's rules and guidance.
- Whether the new and modified sources will utilize Best Available Control Technology.
- Whether greenhouse gas controls reflect the use of Best Available Control Technology.
- Whether the emissions calculation methodologies used in the application are flawed or outdated.
- Whether proposed air monitoring and reporting requirements are adequate to ensure compliance with the Clean Air Act and protect local residents.
- Whether Exxon and TCEQ adequately considered the environmental justice impacts of the proposed pollution increases.
- Whether Exxon and TCEQ supplied the public with adequate information to verify the bases for the Exxon's claims and for TCEQ's decision to issue the permits.
- Whether Exxon has made all demonstrations required by 30 Tex. Admin. Code 116.111.

III. Public Meeting Request

Environment Texas requests that TCEQ and Exxon hold a public meeting regarding the Amendment to share information about the proposed changes with the surrounding communities and to accept public comment.

IV. Conclusion

Environment Texas appreciates the opportunity to file these requests for a public meeting and for a contested case hearing. We reserve the right to provide additional information on the matters discussed in this document as allowed by the Clean Air Act, the Texas Clean Air Act, and regulations implementing these statutes.

/s/Colin Cox

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