

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 15, 2020

MR DAVID F GARCIA PE  
DIRECTOR  
AIR AND RADIATION DIVISION  
US ENVIRONMENTAL PROTECTION AGENCY REGION 6  
1201 ELM STREET STE 500  
DALLAS TX 75270

Re: Executive Director's Response to EPA Order  
PETITION No. VI-2015-12  
Permit Number: O2212  
The Dow Chemical Company  
Hydrocarbons & Energy (1)  
Freeport, Brazoria County  
Regulated Entity Number: RN100225945  
Customer Reference Number: CN600356976

Dear Mr. Garcia:

On February 18, 2020, the U.S. Environmental Protection Agency (EPA) Administrator signed an order granting a petition for objection to federal operating permit (FOP) O2212. Specifically, EPA granted a claim that the FOP improperly incorporates confidential operational limits contained in New Source Review (NSR) permit 22072.

A timely renewal application for FOP O2212 was received by the Texas Commission on Environmental Quality (TCEQ) on December 27, 2019. It was indicated in the renewal application that all the emission units and associated NSR permits were being consolidated into FOP O2213 and that FOP O2212 would be voided. FOP O2213 was issued April 1, 2020, incorporating all emission units and associated NSR permits previously in FOP O2212.

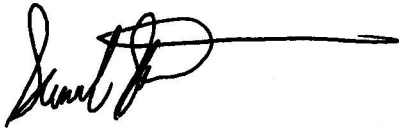
The Dow Chemical Company submitted a permit application update for NSR permit 22072 to TCEQ on April 14, 2020. The revision to NSR permit 22072 was issued on April 29, 2020. On May 13, 2020, The Dow Chemical Company submitted an Off-Permit Notification for FOP O2213, notifying TCEQ and EPA Region 6 that NSR permit 22072, Special Condition No. 2, was revised to replace references to confidential throughput limits with nonconfidential throughput limits. This change did not change authorized emission rates.

With the off permit notification action, TCEQ understands that the petitioner's claims and EPA's objections are resolved.

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Please provide written confirmation of resolution to the objection. Thank you for your cooperation in this matter. Please contact Mr. Jesse Chacon, P.E., at (512) 239-5759 if you have any questions.

Sincerely,

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

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

cc: Mr. Peter Holicki, Corporate Vice President Manufacturing and Engineering EHS, The Dow Chemical Company, Midland  
Ms. Cheryl Steves, Environmental Manager, The Dow Chemical Company, Lake Jackson  
Ms. Fran Falcon, Environmental Leveraged Delivery Leader, The Dow Chemical Company, Freeport  
Director, Harris County, Pollution Control Services, Pasadena  
Air Section Manager, Region 12 - Houston