

TCEQ Docket No. 2018-1304-AIR
TCEQ Air Quality Permit Number 140792, PSDTX1498, and GHGPSDTX158

December 3, 2018

Via Electronic Filing

Ms. Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC 105
P.O. Box 13087
Austin, TX 78711-3087

RE: Reply to ED, OPIC and Rio Grande LNG re: Contested Case Hearing Requests by Vecinos Para el Bienestar de la Comunidad Costera, Shrimpers and Fishermen of the RGV, and Save RGV from LNG on Air Quality Permit Application by Rio Grande LNG, TCEQ Air Quality Permit Number 140792, PSDTX1498, and GHGPSDTX158

Dear Ms. Bohac:

Please find enclosed a joint reply for the above-referenced matter by Vecinos Para el Bienestar de la Comunidad Costera, Shrimpers and Fishermen of the RGV, and Save RGV from LNG to the Responses to Hearing Requests filed by the Executive Director, OPIC, and Rio Grande LNG.

Sincerely,

/s/ Rachel Zummo

Rachel Zummo
Texas RioGrande Legal Aid

Attorney for Vecinos Para el Bienestar de la Comunidad Costera and Shrimpers and Fishermen of the RGV

/s/ Charles W. Irvine

Charles W. Irvine
Irvine & Conner PLLC

Attorney for Save RGV from LNG

**TCEQ Docket No. 2018-1304-AIR
TCEQ Air Quality Permit Number 140792, PSDTX1498, and GHGPSDTX158**

APPLICATION BY	§	BEFORE THE
RIO GRANDE LNG, LLC FOR THE	§	
RIO GRANDE LNG AND RIO BRAVO	§	TEXAS COMMISSION ON
PIPELINE FACILITY IN	§	
BROWNSVILLE, CAMERON COUNTY	§	ENVIRONMENTAL QUALITY

**Hearing Requestors' Reply to
Responses to their Fair Hearing Requests**

Please consider this reply by Vecinos Para el Bienestar de la Comunidad Costera (VBCC), Shrimpers and Fishermen of the RGV (Shrimpers), and Save RGV from LNG (collectively, Protestants) to responses of the Executive Director, OPIC, and Rio Grande LNG to requests for a contested case hearing on Rio Grande LNG's air permit application. Protestants maintain their request for a contested case hearing, and at a minimum request a public interest hearing as recommended by OPIC.

Important issues raised by Protestants.

Protestants have raised legitimate issues that should be referred to a contested case hearing. Of the 29 disputed issues raised by VBCC and Shrimpers, the Executive Director recommended that 23 be referred to SOAH. Of the 18 issues raised by Save RGV from LNG, the ED recommended that 13 be referred to SOAH. As Protestants have raised valid concerns about issues that go to how much people will be impacted—including but not limited to whether the Best Available Control Technology (BACT) analysis was adequate and complete, whether the controls listed in the permit application are BACT, and whether estimates in the permit application were accurate, and whether the Commissioners should refer all the recommended issues to a contested case hearing.

Protestants and affected party status.

There is no dispute that Protestants' comments and requests for a contested case hearing were timely filed. According to the ED's Response, Protestants do not meet the requirements for associational standing solely because their individual requestors' homes do not meet an undefined distance standard.

The ED's Response does not name a specific distance but appears to apply the distance standard of 1.5 miles from the proposed plant. See ED's Response at 8 (concluding that more than 1.5 miles from the proposed plant is not "near"). Applicant argues that no one whose residence is more than 1 mile from the facility can be an affected person because its position is that "air emissions have been shown to be safe at the property line of the proposed Facility." Applicant's Response at 9–10.

This facility has a large pollution footprint, not unlike that of a refinery. Rio Grande LNG proposed to emit more NO_x per year (2,059 tpy) than was emitted by a number of refineries in 2016, including the Galveston Bay Refinery (1,986 tpy), ExxonMobil's Baytown (1,873 tpy) and Beaumont Refineries (1,951 tpy), and Motiva's Port Arthur Refinery (1,861 tpy).¹

The Applicant models the one-hour concentration of nitrogen dioxide (NO₂) attributable to the facility, itself (so, not considering the cumulative NO₂ impacts of the facility and other sources in the area), to exceed the "significant impact level" at a considerable distance, 22.8 km (14.7 miles) from the center of the facility. Regarding significant impact levels, TCEQ guidance provides:

¹ TCEQ, *Construction Permit Source Analysis & Technical Review, Permit No. 140792, PSDTX1498, and GHGSDTX158* (p.2); TCEQ, *Point Source Emission Inventory* (2016), available at <https://www.tceq.texas.gov/airquality/point-source-ei/psei.html>. Rio Grande's proposed tons per year of NO_x also exceeds the 2016 annual NO_x emissions of a number of power plants, including the Coletto Creek Power Station, El Paso Electric's Newman Station, and Luminant's Sandow 5 Generating Plant.

The Environmental Protection Agency (EPA) has historically used pollutant-specific concentration levels, known as SILs, to identify the degree of air quality impact that causes or contributes to a violation of a NAAQS or PSD increment. A proposed source can demonstrate that they do not cause or contribute to a violation by showing that the ambient air quality impacts resulting from the proposed source's emissions would be less than the SIL concentration levels.²

The quotation is not to the effect that a concentration exceeding the SIL does cause a violation of the NAAQS. Rather, the SIL is the level above which the risk of a NAAQS violation is sufficiently high that evidence beyond a regulatory presumption must be marshaled to justify the project that gives rise to the significant impact.

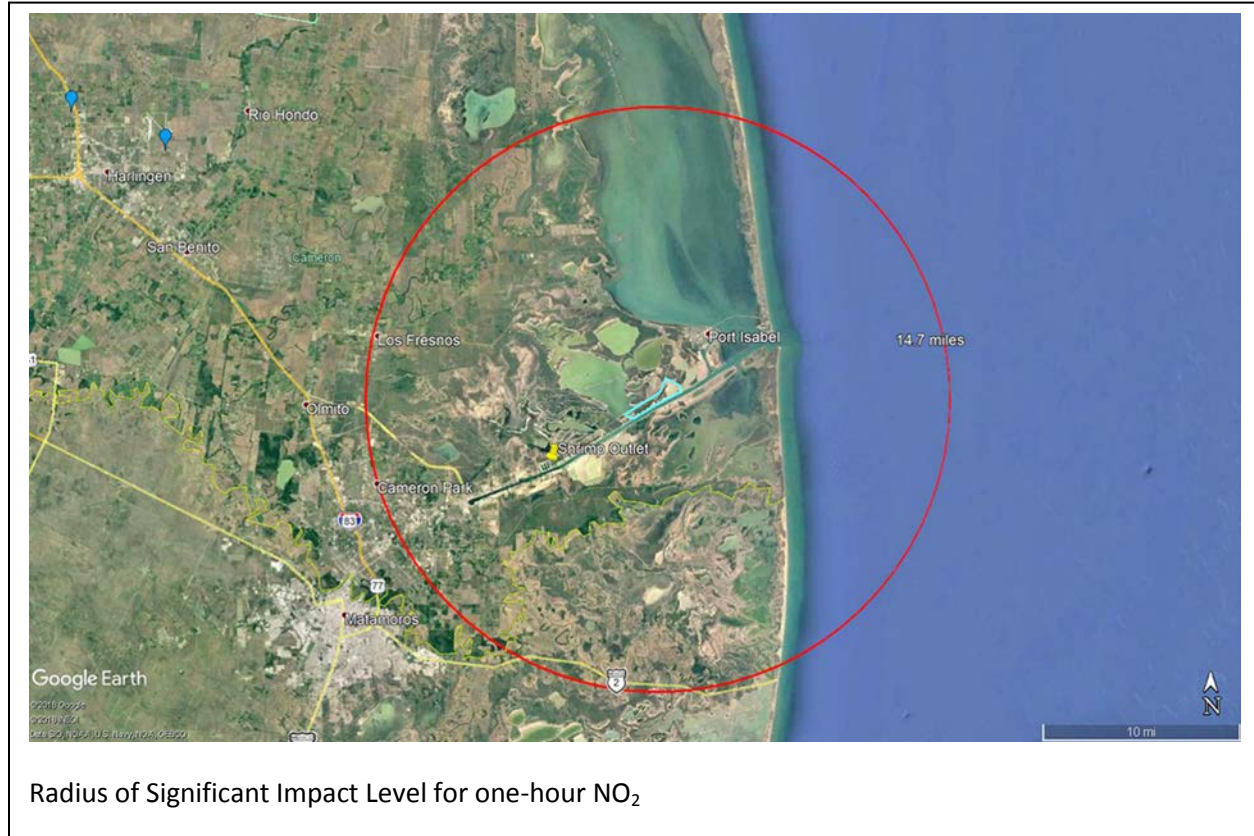
Exposure to risk beyond that to which the general public is exposed is the trigger for a particular person's standing to participate in civil proceedings, including regulatory proceedings.

The issue is whether Foster [the would-be party] is genuinely at risk of being affected by the proposed campus. The risk that the campus will adversely affect her neighborhood is sufficient to confer standing on Foster. She does not have to prove the extent of future harm to proceed.

Save Our Springs All., Inc. v. Lowry, 934 S.W.2d 161, 163 (Tex. App. 1996).

Pennell v. City of San Jose, 485 U.S. 1, 8, 108 S. Ct. 849, 855, 99 L. Ed. 2d 1 (1988) (landlord in the category of persons at risk of ordinance enforcement has standing) is to the same effect.

² TCEQ, *Air Quality Modeling Guidelines* (APDG 6232, Sept. 2018), p. 32 of 110.



It is true that the group members named in the comments and request live miles from the proposed facility site. TCEQ rules, however, contain no distance restrictions for defining whether a person is an affected party with protected interest in this matter. See 30 Tex. Admin Code § 55.203(c)(2); OPIC Response at 6. By arbitrarily applying a distance standard of 1 to 1.5 miles, the ED and Applicant argue for a drastic change in the Commission’s referral process.

Because the area of impact for air emissions depends on multiple factors—including the type and level of emissions, the height of the emission source, and the area topography and meteorology—the law does not include a distance limitation for affected persons. Indeed, for large facilities like the Rio Grande LNG terminal, persons have been granted affected person status who live many miles from the source. For example:

- **In Re: Application of Air Quality Permit No. 102892 for the Construction of a New Ethylene Production Unit at ExxonMobil’s Baytown Olefins Plant:** an individual qualified as an affected person in a challenge to ExxonMobil’s Baytown Ethylene plant permit based in part on her ownership of a motorcycle repair shop, which was located 4–5 miles from the Exxon plant. Her home was about three blocks from the shop (SOAH Docket NO. 582-13-4611; TCEQ Docket No. 2013-0657-AIR). Exxon’s proposed emission increases were significantly smaller than the emissions proposed by Rio Grande LNG.³
- ***In Re: Application for Air Quality Permit No. 85013; PSD-TX-1138, and HAP 48 for the Las Brisas Energy Center, LLC:*** in the 2009 challenge to construction of the Las Brisas power plant, individuals were admitted as affected persons who lived more than 10 miles from the plant site and more than a dozen individuals were admitted as affected persons who lived more than 5 miles from the site. For example, Mr. Whakefield was an active participant in that hearing and his home was approximately 9 miles from the Las Brisas site. (SOAH Docket No. 582-09-2005; TCEQ Docket No. 2009-0033-AIR).
- **In Re: Application for Air Quality Permit Nos. 79188, PSD-TX-1072, and HAP 14 for NRG Texas Power LLC:** affected party status was granted to Douglas Ray, who lived approximately 4 miles from the site. (SOAH Docket Nos. 582-08-0861 and 582-08-4013; TCEQ Docket Nos. 2007-1820-AIR and 2008-1210-AIR).

In September 2015, the TCEQ adopted new procedures for public participation in environmental permitting pursuant to the requirements of S.B. 709 (GI-233). The new requirements clarified the process and information that the public needed to submit in order to timely and adequately request a contested case hearing. However, neither S.B. 709 nor the

³ ExxonMobil’s proposed ton per year increases were as follows: NO_x (235.59), CO (931.16); VOC (224.14); PM, PM₁₀, PM_{2.5} (90.54, 78.58, 73.45); and SO₂ (22.47). See, TCEQ, *Construction Permit Source Analysis & Technical Review, Permit No. 102982*.

updated TCEQ guidance changed the definition of who qualifies as an “affected person,” in order to be granted party status in a contested case. See 30 Tex. Admin. Code § 55.203(a). Given the opportunity, the Legislature declined to redefine “affected person,” and declined to set an arbitrary distance limit for this type of air permit. Similarly, the TCEQ also declined to set a distance limit when it issued new rules and guidance after September 2015. Therefore, previous court rulings, TCEQ determinations and SOAH decisions on the definition of an “affected person” must be followed in this matter. The applicant’s arguments regarding a distance limit of one mile must be rejected. Also, the ED’s vague assertions of a distance limit are also unsupported by any law or prior decision.

Applicant’s response contends that Ms. Lela Burnell of Shrimpers and Ms. Erika Avila of VBCC have not named a personal justiciable interest, and cites Executive Director’s Response to Requests for Reconsideration and Hearing Requests, *J.R. Thompson Inc.* (TCEQ Docket No. 2017-1727-AIR) and Executive Director’s Response to Requests for Reconsideration and Hearing Requests, *Freeport LNG* (TCEQ Docket No. 2014-0692-AIR) and their related Commissioner’s orders as examples of the Commissioners denying hearing requests for noncompliance with the form requirements of 55 Tex. Admin. Code § 55.201(d).

The hearing requests described in those decisions are not analogous to those made by Ms. Burnell and Ms. Avila. Between those two hearing requests, a total of three requestors were not referred to hearing. Two of those were not referred due to form errors that neither Ms. Burnell nor Ms. Avila made.

The J.R. Thompson ED Response recommended that one requestor not be found an affected person because her statements about her concerns were submitted in a separate comment and were not included in the hearing request. Executive Director’s Response to Requests for

Reconsideration and Hearing Requests, *J.R. Thompson Inc.* (TCEQ Docket No. 2017-1727-AIR) at 6. In contrast, Ms. Burnell's and Ms. Avila's concerns are specifically discussed in Shrimpers' and VBCC's hearing request. VBCC and Shrimpers Request at 4-5. The J.R. Thompson example is not analogous to VBCC's or Shrimpers' request for a hearing.

The Freeport ED Response recommended not referring two of four requestors. The first had raised concerns only about the proposed liquefaction facility, and the Response was limited to the proposed pretreatment facility. Executive Director's Response to Requests for Reconsideration and Hearing Requests, *Freeport LNG* (TCEQ Docket No. 2014-0692-AIR) at 1, 6. Here, Requestors have requested a hearing on the facility at issue. The Freeport ED Response recommended not referring a second requestor because she cited only general air quality concerns. *Freeport* ED Response at 6-8. That requestor simply stated that she would "be adversely affected by the air emissions" and listed potential health impacts without discussing that they might affect her. Melanie Oldham Hearing Request, *Freeport LNG* (TCEQ Docket No. 2014-0692-AIR). In contrast, Ms. Burnell and Ms. Avila cited specific concerns about the facility's impact on them as individuals. Ms. Burnell's hearing request identified the air contaminant risk to her economic interest in her livelihood and her frequent proximity to the site while working at Shrimp Outlet, less than five miles from the site. Ms. Avila's hearing request discussed her various reasons for needing to be near the facility and specifically stated that she is concerned about the facility's impact on her health and safety. In addition, the ED's Response found that both Ms. Burnell and Ms. Avila identified personal justiciable interests.

In response to the hearing request from Save RGV from LNG's Flora Gunderson, who named concerns about her husband's history of experiencing an industrial explosion in 2005, Applicant cites Executive Director's Response to Hearing Requests, *Navasota North Country*

Peakers Operating Company I, L.L.C. (TCEQ Docket No. 2015-0566-AIR). In that Response, the ED stated that a requestor should not be granted a hearing based on her brother's home being near the facility site because she was "not asking as a representative of her brother" and "would not be living near the proposed facility." ED's Response, *Navasota* at 8. In contrast, Ms. Gunderson lives only 2.3 miles from the proposed facility and claimed personal justiciable interests other than her husband's prior trauma. *Save RGV from LNG Hearing Request* at 3.

VBCC.

VBCC is an affected person because the community, Laguna Heights, is within 4 miles of the proposed facility and VBCC members also recreate and work along the Ship Channel.

The ED, OPIC, and Applicant do not adequately assess whether the interests claimed by VBCC are common to the general public. It is true that air pollution will disperse, but the members of VBCC live closer to the facility than do members of the general public, and some group members travel past it to access basic services like grocery stores and healthcare providers. The fact that many people in the area have similar driving routes does not negate the injury to Protestants and Ms. Avila in particular.⁴

Ms. Avila works as a kitchen preparer at a seafood restaurant on South Padre Island. She takes State Park Road 100 to work and travels through Port Isabel, approximately 3 miles from the Rio Grande LNG site, on a daily basis. Ms. Avila travels to Brownsville weekly to buy groceries and do family activities. She takes Highway 48 from her home to Brownsville, passing directly by the facility site. Because of the location of her home and because Ms. Avila's work and personal needs require her to routinely come close to the proposed facility, she is more

⁴ "To deny standing to persons who are in fact injured simply because many others are also injured, would mean that the most injurious and widespread Government actions could be questioned by nobody . . . where a harm is concrete, though widely shared, the Court has found injury in fact." *Andrade v. NAACP of Austin*, 345 S.W.3d 1, 7-8 (Tex. 2010), quoting approvingly *United States v. Students Challenging Regulatory Agency Procedures*, 412 U.S. 669, 686-688 (1973) and *FEC v. Akins*, 524 U.S. 11, 24 (1998).

affected than a member of the general public. Ms. Avila is concerned about the impacts of increased air pollutants and risk of accidents and explosions from the proposed facility on her health and safety.

Applicant and OPIC contend that Ms. Avila has not named a personal justiciable interest. Protestants urge the Commissioners to adhere to the ED's reasoning and recognize Ms. Avila's personal justiciable interest.

Shrimpers.

OPIC recommends that Shrimpers be found an affected person. Ms. Burnell works approximately 40 hours per week at the Shrimp Outlet, which is within 5 miles of the proposed facility site. Crew members for Shrimp Outlet must pass by the proposed facility site to carry out their job responsibilities. Ms. Burnell, who relies on shrimp sales for her livelihood, is concerned that air pollution from the facility will have a negative impact on the local environment and impact both the quality of her product and customers' interest in purchasing local shrimp. Ms. Burnell's ability to continue making a living is "a personal justiciable interest related to a[n] . . . economic interest affected by the application," as required for affected person status by 30 Tex. Admin. Code § 55.203(a), and is not common to members of the general public. There is a reasonable relationship between Ms. Burnell's air quality, health effects, and economic concerns and the regulation of air contaminants. OPIC Response at 14.

Ms. Burnell is impacted more than the general public because of Shrimp Outlet's proximity to the site. Parties have been admitted to contested case hearings on TCEQ air permits for operating businesses close to the proposed facility site. As mentioned above, in 2013 an individual qualified as an affected person in a challenge to ExxonMobil's Baytown Ethylene plant permit based in part on her ownership of a motorcycle repair shop, which was located 4-5

miles from the Exxon plant. *In Re: Application of Air Quality Permit No. 102892 for the Construction of a New Ethylene Production Unit at ExxonMobil's Baytown Olefins Plant* (SOAH Docket N0. 582-13-4611; TCEQ Docket No. 2013-0657-AIR).

Ms. Burnell also must pass the facility site multiple times a week to carry out her work responsibility of transporting shrimp from a processing center to the store. It is not feasible for her to travel an alternate route because State Highway 48 is the most direct route and the next best route would take much longer and use more fuel. Ms. Burnell also passes the facility when she visits her mother on South Padre Island. Ms. Burnell is concerned that air pollution from the facility will have negative impacts on her health.

The ED rejects the standing credentials of the Shrimpers and Fishermen of the RGV on the sole rationale that Ms. Burnell resides too far, i.e., 18 miles, from the site. The ED neglects to consider that she works and docks boats at the Shrimp Outlet, which is less than 5 miles from the facility. The Shrimpers and Fishermen hearing request alleges that the crews on the Shrimp Outlet boats pass along the ship channel past the proposed LNG facility, and the record shows the proposed LNG facility abuts the ship channel. The hearing request makes the credible allegation that Ms. Burnell is concerned about the facility's emissions' impacts on her health and on that of her boats' crews. By logical extension, adverse impacts to the health of her crews will adversely impact Ms. Burnell's business (and those of other shrimpers docking up-channel from the proposed facility site), at the very least.

The ED's focus on the distance to her residence is misplaced. The agency's regulation that guides the "standing" decision, 30 TAC § 55.203, makes no reference to the location of a would-be "affected person's" residence as an appropriate factor to consider. Travel to and in the vicinity of a project, if the travel is an actual historical fact and not merely an option in the

future, is widely accepted to bestow a justiciable interest on the traveler. Thus, in *S. Utah Wilderness All. v. U.S. Dep't of Interior*, No. 2:13-CV-01060-EJF, 2015 WL 4389580 (D. Utah July 17, 2015), the court reasoned, at *8, that a would-be party sufficiently alleges a geographical nexus to a challenged project, when, in that case, "he" states (1) he has gone multiple times to a spot within 26 miles of the project site, (2) he has rafted on a river within half a mile of the project site, (3) he has traveled extensively through the project area, and (4) he has traversed through or within view of the parcels of land where the project is planned to occur. In *N. Arapaho Tribe v. Ashe*, 925 F. Supp. 2d 1206 (D. Wyo. 2012), at 1214, the court found that requiring native American tribal members to travel greater distances and to bear additional expenses for travel and other logistics were particularized burdens that contributed to establishing the members' standing.

Ms. Burnell's and that of her boats' crews travel proximity to the site are not conjectural or hypothetical. Unlike other residents of the State or, even, of the county, she and they have and will surely in the future pass along the Brownsville Ship Channel in close proximity to the project site. And, travel to or near a project site has long been recognized as establishing a geographical tie to a project that vests in the traveler standing.

The ED's sole reason for not finding Ms. Burnell an affected person is that her residence is several miles from the proposed facility site. Ms. Burnell's employment and family commitments, however, frequently place her closer to the facility than the general public. Additionally, Ms. Burnell has a personal justiciable economic interest in local air quality. Therefore, Ms. Burnell is an affected person and Shrimpers have associational standing.

In addition to Ms. Burnell, there are other members of Shrimpers who have concerns about the proposed facility's impact on them. Shrimpers member Jaime Garcia is a commercial

fisherman and fishes in the Brownsville Ship Channel almost every night when weather permits. Mr. Garcia lives at 33 Bueno Drive, Brownsville, TX 78520. His phone number is 956-521-1944. Mr. Garcia passes the facility site almost every time he fishes in the Ship Channel. Mr. Garcia also travels from Brownsville to Port Isabel almost every day to fish. He travels along State Highway 48 and passes the facility site on his way to Port Isabel. If he took the State Highway 100 route, Mr. Garcia would have to spend more time and gas money and would also experience more wear and tear on his vehicle.

Shrimpers member Amber Thomas lives at 4306 Shafer Road, Bayview, TX 78566, within 10 to 11 miles of the proposed facility site. Her phone number is 956-909-0898. She has concerns about the air quality impacts of the LNG facility because of their potential health effects on me and my family. Ms. Thomas works at Burnell Marine Supply, 2230 Fisherman's Place Road. It is in the same building as Shrimp Outlet, within 5 miles of the proposed facility site. Ms. Thomas's work hours at Burnell Marine Supply are 9 a.m. to 5 p.m. She commutes past the facility site on State Highway 48 to go to work and back every workday. Ms. Thomas also travels on State Highway 48 past the facility site to buy groceries and visit the bank in Brownsville.

Save RGV from LNG.

Save RGV from LNG's request for a contested case hearing complied with all of the applicable rules in Chapter 55. The organization's comments and hearing request identified a number of individuals within the anticipated impacts of Rio Grande's air quality impacts, including Mrs. Flora Gunderson, whose residence is approximately 2.3 miles from the edge of the proposed facility, and four others within 5 miles of the facility. For these reasons, Save RGV from LNG should be granted party status to contest the permit application.

Conclusion.

Protestants maintain that they are affected persons for purposes of the air permit application. The issues recommended by the ED and OPIC should be referred to hearing, along with the other issues raised by Protestants.

Respectfully submitted,

/s/ Rachel Zummo

Rachel Zummo
Texas RioGrande Legal Aid
Texas State Bar No. 24102690
4920 N. IH-35
Austin, TX 78751
512-374-2746
512-447-3940 (fax)
rzummo@trla.org

*Attorney for Vecinos Para el Bienestar de
la Comunidad Costera and Shrimpers and
Fishermen of the RGV*

/s/ Charles W. Irvine

Charles W. Irvine
Irvine & Conner PLLC
4709 Austin Street
Houston, TX 77004
713-533-1704
713-524-5165 (fax)
charles@irvineconner.com

Attorney for Save RGV from LNG

cc: Service List

APPLICATION BY
RIO GRANDE LNG, LLC FOR THE
RIO GRANDE LNG AND RIO BRAVO
PIPELINE FACILITY IN
BROWNSVILLE, CAMERON COUNTY

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AFFIDAVIT OF LELA BURNELL

Lela Burnell, after being duly sworn, stated that:

“My name is Lela Burnell. I am over the age of eighteen (18) years of age and am competent to make this affidavit. The statements contained herein are true and correct.

“I live at 32711 San Carlos Road, Los Fresnos, Texas 78566, within eighteen miles of the proposed facility site.

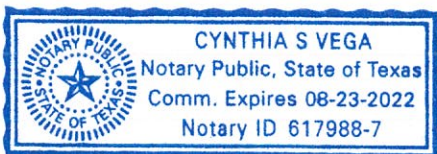
“I am a member of Shrimpers and Fishermen of the RGV. Shrimpers and Fishermen of the RGV is an unincorporated nonprofit association of individuals who live, work, and recreate around the Brownsville Ship Channel. Some members of the group are recreational fishermen who fish in the Ship Channel close to the proposed facility and rely on that fishing for food.

“My family owns and operates a store called Shrimp Outlet, 2230 Fisherman’s Place Road, Brownsville, Texas 78521. My work hours at the store are 9:00 a.m. to 5:00 p.m., Monday through Friday. The store is located on the Brownsville Ship Channel and within five miles of the proposed facility site. I drive past the proposed facility site at least three times a week on State Highway 48 to pick up packaged shrimp from the processing plant at 508 Port Road, Port Isabel, Texas 78578, and bring it to the store. I drive from the store to the processing plant, so the most direct route is to travel on State Highway 48 and pass the proposed facility site. If I avoided the facility site by taking State Highway 100, it would take considerably more time and use more fuel. I also drive on State Highway 48 past the site to visit my mother, who lives in Isla Blanca Park. I am concerned that air pollution from the facility will impact my health.

“My livelihood depends on my customers’ interest in buying the shrimp. Many of my customers are vacationers who visit the area for its clean environment. I am concerned that a large industrial facility within five miles of the store may harm my business if customers have concerns about the air quality impacts on the health of the local environment.”

Lela Burnell Koral

SUBSCRIBED AND SWORN TO BEFORE ME by Lela Burnell on this 3 day of December, 2018.



Cynthia S Vega
Notary Public, State of Texas

APPLICATION BY
RIO GRANDE LNG, LLC FOR THE
RIO GRANDE LNG AND RIO BRAVO
PIPELINE FACILITY IN
BROWNSVILLE, CAMERON COUNTY

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AFFIDAVIT OF JAIME GARCIA

Jaime Garcia, after being duly sworn, stated that:

“My name is Jaime Garcia. I am over the age of eighteen (18) years of age and am competent to make this affidavit. The statements contained herein are true and correct.

“I live at 33 Bueno Drive, Brownsville, TX 78520.

“I am a member of Shrimpers and Fishermen of the RGV. Shrimpers and Fishermen of the RGV is an unincorporated nonprofit association of individuals who live, work, and recreate around the Brownsville Ship Channel. Some members of the group are recreational fishermen who fish in the Ship Channel close to the proposed facility and rely on that fishing for food.

“I am a commercial fisherman. I fish in the Brownsville Ship Channel and dock one boat in Port Isabel and one closer to the Port. I fish in the Ship Channel almost every night when weather permits. I pass the facility site via boat in the Ship Channel almost every time I fish in the Ship Channel.

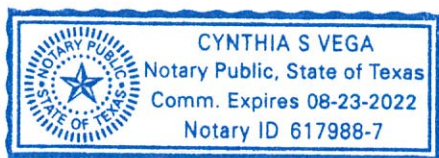
“Fishing is my livelihood. I go to Port Isabel almost every day to fish. I travel along State Highway 48 and pass the facility site on my way to Port Isabel. If I took Highway 100, it would take much longer, cost me more in gas, and put more wear and tear on my vehicle.

“I am concerned about increased air pollution around where I work. I am concerned about the impact on wildlife and on my health.”

Jaime Garcia

SUBSCRIBED AND SWORN TO BEFORE ME by Jaime Garcia on this 3 day of December, 2018.

Cynthia S Vega
Notary Public, State of Texas



APPLICATION BY
RIO GRANDE LNG, LLC FOR THE
RIO GRANDE LNG AND RIO BRAVO
PIPELINE FACILITY IN
BROWNSVILLE, CAMERON COUNTY

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AFFIDAVIT OF AMBER THOMAS

Amber Thomas, after being duly sworn, stated that:

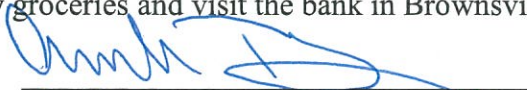
“My name is Amber Thomas. I am over the age of eighteen (18) years of age and am competent to make this affidavit. The statements contained herein are true and correct.

“I live at 40306 Shafer Road, Bayview, TX 78566.

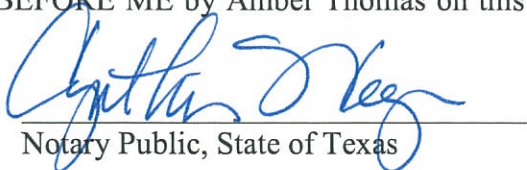
“I am a member of Shrimpers and Fishermen of the RGV. Shrimpers and Fishermen of the RGV is an unincorporated nonprofit association of individuals who live, work, and recreate around the Brownsville Ship Channel. Some members of the group are recreational fishermen who fish in the Ship Channel close to the proposed facility and rely on that fishing for food.

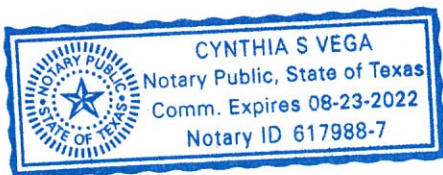
“I have concerns about the air quality impacts of the LNG facility because of their potential health effects on me and my family.

“I work at Burnell Marine Supply, 2230 Fisherman’s Place Road. It is in the same building as Shrimp Outlet. My work hours at Burnell Marine Supply are 9 a.m. to 5 p.m. I commute past the facility site on State Highway 48 to go to work and back every workday. I also travel on 48 past the facility site to buy groceries and visit the bank in Brownsville.”



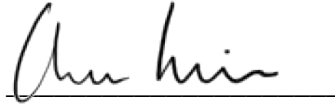
SUBSCRIBED AND SWORN TO BEFORE ME by Amber Thomas on this 3 day of December, 2018.


Notary Public, State of Texas



Certificate of Service

I certify that on December 3, 2018, a copy of the foregoing instrument was served with the TCEQ's Office of the Chief Clerk, and a copy was served on the Executive Director, OPIC, and the Applicant via hand delivery, facsimile transmission, electronic submittal, or by deposit in the U.S. Mail.

A handwritten signature in black ink, appearing to read "Charles W. Irvine", is written above a horizontal line.

Charles W. Irvine