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Re: Outstanding Noncompliance with Clean Air Act Limits at Dow Chemical Company's Texas Operations Plant in Freeport.

The Environmental Integrity Project submits this letter to raise concern over significant, unaddressed noncompliance with the Clean Air Act (CAA), 42 U.S.C. § 7401 *et seq.* and implementing regulations at Dow Chemical Company's Texas Operations plant in Freeport, Texas (the Freeport Plant). Specifically, we request that the United States Environmental Protection Agency (EPA) and/or Texas Commission on Environmental Quality (TCEQ) initiate formal enforcement for violations we have identified, and to investigate additional reported noncompliance as described in this letter to determine the extent to which Dow has violated applicable New Source Review (NSR) limits.

The Environmental Integrity Project (EIP) is a 501(c)(3) nonpartisan, nonprofit watchdog organization that advocates for effective enforcement of environmental laws and is comprised of former EPA enforcement attorneys and engineers, public interest lawyers and engineers, analysts, investigators, and community organizers. EIP's mission is to use objective facts and figures to hold federal and state agencies, and corporations, accountable and to help local communities obtain the protections of environmental laws. EIP helps level the playing field by giving communities the legal and technical resources they need to claim their rights under environmental laws.

Based on publicly available information and reasonable belief, Dow has reported repeated noncompliance with hourly emission limits applicable to at least four flares and four groups of furnaces at the Dow Freeport Plant, resulting in excess emissions of nitrogen oxide (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), and other harmful pollutants.

This letter is not an exhaustive summary of violations at the Freeport Plant, as it covers only the reported noncompliance at four flares and four groups of furnaces. We urge TCEQ and EPA to investigate the full scope of noncompliance at the Freeport Plant, including the events identified in this letter, and initiate a comprehensive enforcement action with meaningful compliance-related injunctive relief, mitigation, and civil penalties.

I. FACTUAL BACKGROUND

A. Dow's Freeport Plant and Permits

Dow Chemical Company, a subsidiary of Dow Inc.,¹ owns and operates the Freeport Plant located at 2301 N. Brazosport Boulevard in Freeport, Texas 77541.² Dow's Freeport Plant is a petrochemical facility that manufactures ethylene, propylene, polyethylene and other

¹ Dow Inc., U.S. Securities & Exchange Comm'n, Form 10-k, Ex. 21 (Feb. 4, 2025), <https://www.sec.gov/ix?doc=/Archives/edgar/data/0001751788/000175178825000012/dow-20241231.htm>.

² Dow is a "person" for purposes of this discussion and pursuant to the CAA. 42 U.S.C. § 7602(e).

products.³ Originally built in the 1940's, the plant is purportedly the largest integrated chemical manufacturing facility in the United States.⁴ The plant is a “stationary source” under the CAA that is subject to applicable provisions of the Texas Clean Air Act (TCAA) as well as state regulations established by the TCEQ and approved by EPA under 42 U.S.C. § 7410 as part of Texas’s State Implementation Plan (SIP), which is federally enforceable.

Emissions of air pollution from the Freeport Plant are governed by, among other requirements, multiple Texas NSR Permits issued to Dow by TCEQ pursuant to 30 Tex. Admin. Code § 116. Compliance with permit emission limits is mandatory and is also required by the TCAA and Texas SIP. *See* TX Health & Safety § 382.085(b); 30 TAC § 116.115(b)(2)(F).

Dow’s NSR Permits and all associated emission limits are also required to be incorporated into federal operating permits (Title V permits) which are issued to Dow by TCEQ pursuant to Title V of the CAA, 42 U.S.C. §§ 7661-7661f. Any release of air pollutants into the atmosphere in excess of a limit or condition contained in any of Dow’s NSR permits is a violation of both the underlying NSR permit and the corresponding Title V permit into which the limit has been incorporated. All such releases also violate the federal CAA, the TCAA, and the Texas SIP. *See* 42 U.S.C. §§ 7604(a)(1) and (f) and 7661a(a); 40 CFR § 70.11(a); TX Health & Safety § 382.0541; *id.* 382.085(b); 30 TAC § 116.115(b)(2)(F); *id.* § 122.143(4) (“[A]ny noncompliance with either the terms or conditions codified in [a Title V] permit or the provisional terms and conditions, if any, constitutes a violation of the Federal Clean Air Act and the Texas Clean Air Act and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.”).

Based on available information, Dow operates the Freeport Plant pursuant to at least 50 separate NSR Permits, which have been incorporated into at least 14 active Title V permits⁵ issued by TCEQ pursuant to the CAA, 42 U.S.C. §§ 7661-7661f, the TCAA, TX Health & Safety § 382.0541(a)(1), and the Texas SIP, 30 TAC §§ 112.10-112.165. The table below identifies the units, emission point numbers (EPNs), and associated Title V and NSR permit numbers that are relevant to the deviations, which are presumptive violations, identified in this letter.

Table 1. Dow Freeport Plant Flares and Furnaces at Issue

Unit	EPN	Plant Area	NSR	Title V
Large Flare	B60F3	Light Hydrocarbon 7 (LHC-7)	144784	2213
Pyrolysis Furnaces	B72SH1 through B72SH5			

³ *See e.g.* TCEQ, *Statement of Basis of Federal Operating Permit O3949* (May 11, 2018).

⁴ Dow, *Driving Dow’s Growth in Texas: The Making of Dow’s Largest Site*, CORPORATE.DOW.COM, available at: <https://corporate.dow.com/en-us/about-dow/company/history/texas-facility.html> (last visited Apr. 23, 2026).

⁵ *See* TCEQ, *Statement of Basis of the Federal Operating Permit: The Dow Chemical Company* (permit No. O2203) (Feb. 13, 2026), at 3 (identifying “additional FOPs” as O2211, O2213, O2216, O2219, O2220, O2221, O2697, O3777, O3905, O3949, O4393, O4673, O4689).

Ground Flare	OC2F500	Light Hydrocarbon 8 (LHC-8)	20432	
Elevated Flare	OC6F1			
Pyrolysis Furnaces	OC6S1 - OC6S10			
Ground Flare	OC2F596	Light Hydrocarbon 9 (LHC-9)	107153	3949
Ethane or Propane Cracking Furnaces	OC2H120 - OC2H129			
F-621 Furnace	A36S621	Polymeric Methylene Diphenylene Isocyanate	46431	2216

Pursuant to Texas’s Title V regulations, Dow must submit semi-annual, written reports to TCEQ that document “all instances of deviations,” as well as “the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.” 30 TAC § 122.145(2)(A).⁶ According to TCEQ guidance, “most deviations will become alleged violations upon review and investigation by the TCEQ or a regulatory agency with jurisdiction.”⁷ TCEQ also directs that, where a single event results in “noncompliance with multiple permit requirements . . . each deviation must be listed separately.”⁸ Where a facility submits “credible evidence . . . to dispute or overturn the apparent noncompliance” along with the deviation report, TCEQ may use that information “to preempt a deviation from becoming a violation.”⁹

Dow also must submit a report to TCEQ within two weeks after each “emission event that results in the emission of a reportable quantity of air contaminants[.]” TX Health & Safety § 382.0215(b)(3); *see* 30 TAC § 101.1(28) (defining “emissions event”); *see id.* § 101.201. These reports are published on TCEQ’s State of Texas Environmental Electronic Reporting System (STEERS). Under the TCAA, STEERS reports must contain “all information necessary to evaluate the emissions event, including” among other things, the duration of emissions and “the nature and measured or estimated quantity of air contaminant emitted, including the method of calculation of, or other basis for determining, the quantity of air contaminants emitted[.]” TX Health & Safety § 382.0215(b)(3). In most circumstances, emission events reported to STEERS should also be reported through the Title V semi-annual deviation report process.

B. Flares

The Dow Freeport Plant includes numerous flares that are meant to control pollutants in waste gas generated by various upstream processes during routine operations and upset events.

⁶ Deviations are “[a]ny indication of noncompliance with a term or condition of the Title V permit as found using compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information.” 30 TAC §122.10(5).

⁷ TCEQ, “Title V Deviation Reporting and Permit Compliance Certification” (Nov. 2012) at 13, available at: <https://www.tceq.texas.gov/downloads/compliance/investigations/assistance/title-v-guidance-2012-november.pdf>.

⁸ *Id.* at 14-15.

⁹ *Id.* at 13.

Publicly available information demonstrates that Dow has a history of repeated noncompliance with permit limits that apply to these flares.¹⁰

On January 19, 2021, EPA filed a complaint in federal court alleging that Dow violated CAA requirements applicable to the Freeport Plant's steam-assisted flares, resulting in excess emissions of pollutants, including VOCs and various hazardous air pollutants (HAPs). *EPA v. Dow Chemical Co.*, No. 2:21-cv-114 (E.D. La.). As relevant here, EPA alleged violations at the following three flares: EPNs B60F3, OC2F500, and OC6F1. Dow and EPA¹¹ subsequently entered a court-ordered consent decree on June 9, 2021 to resolve these claims.¹² Among other injunctive relief, Dow was required to install two flare gas recovery systems (FGRSs) at the Freeport Plant to minimize waste gas to these and other steam-assisted flares. (See 2021 CD at ¶¶ 37-37). These FGRSs recover waste gas from the flare header system, compressing the gas and reusing it as fuel within the facility.¹³

In 2025, TCEQ issued amendments to Dow's NSR permits 20432 and 144784 to incorporate certain requirements from the consent decree with EPA, including related to operation and availability of the FGRSs, flaring efficiency standards, and 98% flare combustion efficiency standards.¹⁴ See 2021 Consent Decree at ¶ 58(b) (requiring NSR amendments). The FGRSs route the recovered waste gas to the fuel stream for the plant's cracking furnaces.¹⁵ In

¹⁰See *infra* section II and Attachments A.1 and A.5. Under an April 2, 2025 judicial settlement agreement, TCEQ assessed a \$2 million penalty for Dow's violations of the TCAA, TX Health & Safety Code 382.085(b), and Texas SIP, 30 TAC 116.115(c). See *Texas v. Dow Chemical Co.*, Civ. No. D-1-GN-21-002123 (Tex. D. Ct., Travis County). TCEQ assessed this penalty for violations of emission limits on the Freeport Plant's flares, including during events that occurred *nearly 10 years ago* as well as a subset of the incidents identified in this letter. Under a pending order, TCEQ has also proposed a penalty of \$18,000 for unauthorized emissions from one flare at issue in this letter (B60F3) during a December 5, 2023 event. See TCEQ Docket No. 2024-1288-AIR-E (docket no. issued Aug. 7, 2024). TCEQ has also finalized or proposed enforcement orders that do not appear to be related to the sources at issue in this letter, including a recent order that imposed a small penalty of \$5,625 for an April 8, 2023 event that resulted in sulfur dioxide emissions from a storage drum (EPN OC6L8D91) and three pending actions related to violations of NSR Permit 834, which applies to the "Polyethylene 4 Plant." See TCEQ Docket Nos. 2025-0808-AIR-E (Mar. 24, 2026), 2026-0195-AIR-E (docket no. issued Feb. 11, 2026); 2025-1835-AIR-E (docket no. issued Dec. 2, 2025); 2025-0137-AIR-E (docket no. issued Jan. 28, 2025).

¹¹ The Louisiana Department of Environmental Quality is also a party to this consent decree, as it relates to industrial facilities located in Louisiana.

¹² The consent decree is available online at <https://www.epa.gov/enforcement/dow-chemical-company-performance-materials-na-inc-and-union-carbide-corporation-clean>. Although the consent decree was subsequently modified on January 8, 2024, the modified terms do not apply to the Dow Freeport Plant. *EPA v. Dow, et al.*, No. 2:21-cv-114 (E.D. La.) (Stipulation and Order Modifying the Consent Decree, filed Jan. 8, 2024).

¹³EPA, Air Pollution Control Cost Manual: Section 3.2 VOC Destruction Controls: Chapter 1 – Flares (Aug. 2019) at 1-18, available at https://www.epa.gov/sites/default/files/2019-08/documents/flarescostmanualchapter7thedition_august2019vff.pdf.

¹⁴See NSR Permit 20432 (issued Mar. 31, 2025); TCEQ, *Permit Alteration Source Analysis & Technical Review* (Mar. 27, 2025) (NSR Permit 20432); NSR Permit 144784 (issued July 16, 2025); TCEQ, *Permit Alteration Source Analysis & Technical Review* (Jun. 25, 2025) (NSR Permit 144784).

¹⁵See TCEQ, *Permit No. 161913 Pollution Control Standard Permit Technical Review* (July 30, 2020); TCEQ, *Permit No. 166672 Pollution Control Standard Permit Technical Review* (Nov. 12, 2021). TCEQ and Dow determined that the recirculated waste gas used as fuel has a higher VOC content compared to the fuels that Dow otherwise uses at these furnaces. As a result, TCEQ and Dow estimated that potential VOC emissions from the furnaces would increase following installation of the FGRSs. TCEQ also acknowledges that leaks associated with additional piping and components required for the FGRSs could occur.

addition, Dow’s amended NSR permits now include more stringent annual emission limitations on NOx, CO, and VOCs for the flares covered by the consent decree.

Despite these measures to achieve compliance, Dow has continued to report noncompliance with NSR limits applicable to three flares covered by the 2021 Consent Decree (EPNs B60F3; OC2F500; and OC6F1), as discussed in section II below. Tables 2 through 4 identify the emission limits that apply to these flares, as relevant for purposes of this letter, based on the Maximum Emission Rate Tables (“MAERT”) in the *currently applicable* NSR permits identified in Table 1.¹⁶

Table 2. Emission Limits for the LHC-7 Large Flare (B60F3)

Pollutant	Routine (lb/hr)	MSS¹⁷ (lb/hr)
CO	207.62	2602.53
NOx	40.74	360.30
VOC	202.29	2,168.77
Ethylene	95	1,820
Propylene	75	1,284.28

Table 3. Emission Limits for the LHC-8 Ground Flare

Pollutant	Routine (lb/hr)	MSS (lb/hr)
CO	117.91	1,168.39
NOx	23.14	225.75
VOC	145.16	8,762
Ethylene	143.9	834.95
Propylene	138.12	660

Table 4. Emission Limits for the LHC-8 Elevated Flare

Pollutant	Routine (lb/hr)	MSS (lb/hr)
CO	272.27	4,927.07
NOx	53.43	956.35
VOC	148.14	8,762
Ethylene	143.9	3,120
Propylene	138.12	1,200

Dow’s NSR permits also limit annual emissions from the Freeport Plant’s flares. As relevant to the violations identified in this letter, discussed in section II below, the *combined* routine emissions from the two LHC-8 flares (EPNs OC2F500 and OC6F1) may not exceed

¹⁶In some cases, the currently applicable limits in Tables 2 through 4 are different from the limits that were applicable to these flares at the time of each reported incident or deviation. TCEQ has modified the applicable emission limits for these flares between 2020 and present. Attachment A includes each limit that was applicable to each flare, according to Dow’s own report, at the time of each incident. See Attachment A.1 (Flare Incidents) at column L (“Limit in Incident Report”).

¹⁷MSS means “malfunction, startup, and shutdown.”

25.18 tons per year of VOCs and 8.65 tons per year of ethylene. *See* MAERT for NSR Permit 20432.

Dow also has reported deviations of requirements that apply to the LHC-9 Ground Flare (EPN OC2F596). Upon information and belief, this flare is not covered by the 2021 consent decree with EPA. Table 5 identifies applicable emission limits for this flare because Dow also has reported numerous deviations for LHC-9, as discussed in section II below.

Table 5. Emission Limits for the LHC-9 Ground Flare

Pollutant	Routine (lb/hr)	MSS (lb/hr)
CO	13.14	2,471.53
NOx	2.53	879.52
VOC	3.14	1,702.01
Ethylene	0.93	808.14
Propylene	0.22	93.18

In addition to the emission limits in Tables 2 through 5, Dow’s flares are subject to limits for speciated VOCs (such as benzene, hexane, toluene, propane, and ethane). Dow must limit emissions of these pollutants in accordance with representations in Dow’s NSR permit applications. *See* 30 TAC § 116.111(a)(2)(G) (“The proposed facility will achieve the performance specified in the permit application.”). Dow’s representations in its applications are federally enforceable permit conditions, 30 TAC § 116.116(a). Dow routinely omits these speciated VOC limits from its STEERS reports. As shown in Attachment A (Flare Incidents), when Dow reports a flaring incident that results in emissions of benzene, hexane, or other speciated VOCs, Dow misleadingly reports the NSR limit for *total VOCs* to STEERS.

Given that Dow’s incident reports must relay “all information necessary to *evaluate the emissions event*,” it is crucial that Dow report the pertinent limit for each speciated VOC, based on Dow’s representations in its permit applications. TX Health & Safety § 382.0215(b)(3) (emphasis added). TCEQ guidance confirms that the “Emission Limit” field in a STEERS report is meant to reflect the amount of emissions “authorized by various permits, rules, and orders[.]”¹⁸

In some instances, Dow misleadingly uses the “reportable quantity” for speciated VOCs as the “Emission limit” in Dow’s incident reports. *See* 40 CFR 302.4; 30 TAC §101.1(89)(A)(i)(I) (incorporating reportable quantities in 40 CFR 302.4); *see e.g.* Attachment A.1 at incident No. 452204, stating 10 lb/hr as “Emission Limit” for benzene at the B60F3 flare).¹⁹ Based on the TCAA and TCEQ’s guidance above, it is not appropriate for Dow to use the reportable quantity as the “Emission Limit” applicable to the flares (or any other source). The applicable limit for a speciated VOC is based on Dow’s representation in its permit applications. Dow’s failure to include the applicable emission limits for speciated VOCs inhibits the ability of

¹⁸TCEQ, “Reportable Event/Activity Notification/Reporting Form” (TCEQ – 10360 Instructions) at 6, available at: <https://www.tceq.texas.gov/airquality/emission-events> (document link titled “Follow these instructions for completing the AEME Report Form”).

¹⁹ TCEQ’s online database does not include Dow’s application for construction of the B60F3 flare, so we are not able to confirm the applicable limit for benzene from that unit.

regulators and the public to identify whether a flaring incident has resulted in a violation of those limits.

C. Furnaces

Dow’s Freeport Plant includes 50 boilers and furnaces (i.e. heaters), many of which are decades old, and which account for a significant portion of air pollution emitted from the plant. According to EIP’s analysis of 2020 National Emissions Inventory data, Dow’s boilers and furnaces are responsible for 41% of emissions of criteria pollutants – authorized and unauthorized – from the Freeport Plant.²⁰

Furnaces that are over 15 years old are considered outdated and should be candidates for replacement.²¹ Based on EIP’s previous analysis, at least 13 of Dow’s 50 furnaces and boilers are outdated.²² The following table identifies the estimated age and reported design heat input capacity of the furnaces for which Dow has reported numerous deviations, as discussed in section II below.

Table 6. Age and Design Capacity of Furnaces

Furnace EPN	Year Built²³	Age (years)	Design Heat Input Capacity (MMbtu/hr)²⁴
B72SH1 through 5	2006	20	514
OC2H120	Unknown	Unknown	598
OC2H121 through OC2H129	≥1972	>53	598
OC6S1 through OC6S7	1996	30	346
OC6S8	2000	26	283.1
OC6S9	2003	23	331
OC6S10	2000	26	283.1
A36S621	≥1997, ≤2005	>20	190

²⁰ EIP, *Air Pollution from Outdated Boilers and Heaters at U.S. Chemical Plants* (July 31, 2025) at 3, 6, available at: <https://environmentalintegrity.org/reports/air-pollution-from-outdated-boilers-and-heaters-at-u-s-chemical-plants/>.

²¹ *Id.* at 2. Small heaters with maximum heat input capacities of less than 240 million British thermal units per hour are good candidates for low- or zero-emission technologies that could reduce emissions of hazardous and criteria pollutants. In areas with cleaner grids or access to renewable energy like wind, solar, or hydropower, companies should consider electrification, especially for small heaters and boilers since this technology is readily available

²² *Id.* at 3 (Table 1).

²³ See TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 144784 and PSDTX994MI* (Apr. 14, 2019) at 7 (“Furnaces were constructed in 2006.”); TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 20432* (Jul. 31, 2019) at 6 (“Seven furnaces (EPNs OC6S1—OC6S7) were originally constructed in 1996 . . . Two SMK furnaces (EPNs OC6S8, OC6S10) were originally constructed in 2000 . . . Furnace H-9 (EPN OC6S9) was constructed in 2003.”). For all other furnaces, year of construction is based on Statements of Basis for Title V Permits O2213, O2216, and O3949.

²⁴ Based on Dow’s 2023 Emission Inventory Questionnaire.

Dow's furnaces are subject to hourly (lb/hour) emission limits contained in the MAERT for each NSR permit. Emissions from the furnaces that exceed these MAERT limits "are not authorized and are a violation of the permit." 30 § TAC 116.115(b)(2)(F).

Dow's furnaces also are subject to concentration-based limits (ppmvd CO) and heat input-based limits (lb NO_x/MMBTU). TCEQ has determined that these limits reflect the lowest achievable emissions rate (LAER) or the maximum pollution reductions achievable using the best available control technology (BACT). *See* 30 TAC § 116.12(17) (defining LAER); *id.* at §116.10 (defining BACT). Dow must ensure compliance with these BACT and LAER limits, which are required under Texas's NSR program. 30 TAC § 116.150(d)(1) (in nonattainment areas, requiring compliance with LAER); *id.* (allows existing major sources with PTE below 100 tpy of nonattainment pollutants to substitute BACT for LAER); *id.* at § 116.111(a)(2)(C) ("[BACT] must be evaluated for and applied to all facilities subject to the TCAA.").

For LHC-7 Pyrolysis Furnaces H-1 through H-5²⁵ and Pyrolysis Furnace Nos. 1 through 10,²⁶ TCEQ determined that the CO limits (ppmvd) and NO_x limits (lb/MMBTU) in Dow's NSR permits reflect BACT. For the ethane or propane cracking furnaces, Dow's NSR permits include NO_x limits (lb/MMBTU) based on LAER and CO limits (ppmvd) based on BACT.²⁷ For the F-621 Furnace, Dow's NSR permit includes NO_x limits based on BACT.²⁸ Any failure to comply with these limits demonstrates a failure to achieve BACT and LAER and constitutes a violation of the CAA, TCAA, Texas SIP, and is grounds for enforcement action. *See* . 42 U.S.C. § 7661a(a); 40 CFR § 70.11(a); TX Health & Safety 382.085(b); 30 TAC § 122.143(4).

Tables 7 through 13 identify the furnace emission limits for which Dow has reported noncompliance, discussed in section II below, and indicate whether each limit is contained in the MAERT or is a BACT or LAER limit contained in a special condition (SC) of Dow's current NSR permits.

²⁵TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 144784 and PSDTX994M1* (Apr. 14, 2019) at 7 ("NO_x emissions achieve 0.06 lb/MMBtu on an hourly basis . . . CO achieves 100 ppm on an hourly maximum, corrected to 3% oxygen, which was considered BACT when it was constructed . . . BACT is satisfied.").

²⁶TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 20432* (Jul. 31, 2019) at 7 ("Seven furnaces (EPNs 0C6S1—0C6S7) will revise calculations to use the original performance standards for NO_x of 0.10 lb/MMBtu on an hourly basis, which was considered BACT at the time of construction. (1996) . . . Two SMK furnaces (EPNs 006S8, 006S10) . . . meet performance standards for NO_x of 0.065 lb/MMBtu on an hourly basis, which was considered BACT at the time of construction . . . Furnace H-9 (EPN 0C6S9) meets performance standards for NO_x of 0.065 lb/MMBtu on an hourly basis, which was considered BACT at the time of construction. . . All ten furnaces were designed to meet 100 ppmvd maximum hourly, which was considered BACT at the time of construction for all furnaces.").

²⁷TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 107153* (Aug. 14, 2019) at 5 ("NO_x generation is limited by equipment design using low NO_x burners in concert with SCR [selective catalytic reduction] meeting LAER at 0.010 lb NO_x/MMBtu on a 12-month rolling average, an hourly average of 0.015 lb NO_x/MMBtu allows some short-term flexibility . . . CO emissions were estimated from vendor factors of 50 ppmvd @ 3% O₂ max hourly . . . which meets and exceeds current Tier I BACT for efficient combustion.").

²⁸TCEQ, *Permit Renewal & Amendment Source Analysis & Technical Review: Permit No. 46431* at 2-3 (document undated) (file on TCEQ Records Online is titled "AIR NSR_46431-117251 Permits_Public_20060303_Technical_Review_5131916_") ("Furnace F-621 (A36S621) will have burners with a NO_x limit of 0.03 lbs /MMBtu and selective catalytic reduction (SCR) with 86% reduction in NO_x. . . [T]his meets BACT.").

Table 7. Emission Limits LHC-7 Pyrolysis Furnace Nos. H-1 through H-5

Pollutant	Limit	Source (NSR)
NO _x	0.06 lb/MMBtu hourly avg.	SC 7.A(1)
CO	100 ppmv hourly avg.	SC 7.B(1)
NO _x	30.86 lb/hr	MAERT

Table 8. Emission Limits for Pyrolysis Furnace Nos. 1 through 7

Pollutant	Limit	Source (NSR)
NO _x	0.10 lb/MMBtu hourly avg.	SC 7.A
NO _x	38.54 lb/hr	MAERT
CO	100 ppmvd hourly maximum corrected to 3.0% excess O ₂	SC 7.B
CO	29.95 lb/hr	MAERT
VOC	2.08 lb/hr	MAERT
PM	2.27 lb/hr	MAERT

Table 9. Emission Limits for Pyrolysis Furnace Nos. 8 and 10

Pollutant	Limit	Source (NSR)
NO _x	0.065 lb/MMBtu hourly avg.	SC 8.A
CO	100 ppmvd hourly maximum corrected to 3.0% excess O ₂	SC 8.B

Table 10. Emission Limits for Pyrolysis Furnace No. 9

Pollutant	Limit	Source (NSR)
NO _x	0.065 lb/MMBtu hourly avg.	SC 9.A
NO _x	26.00 lb/hr	MAERT
CO	100 ppmvd hourly maximum corrected to 3.0% excess O ₂	SC 9.B

Table 11. Emission Limits for Ethane Cracking Furnaces (OC2H120-OC2H125)

Pollutant	Limit	Source (NSR)
NO _x	0.015 lb/MMBtu hourly avg.	SC 8.C (1)
CO	50 ppmvd hourly avg. corrected to 3.0% excess O ₂	SC 8.C (3)
CO	21.51 lbs/hr	MAERT
NO _x	8.97 lb/hr	MAERT

Table 12. Emission Limits for Ethane/Propane Cracking Furnaces (OC2H126-OC2H129)

Pollutant	Limit	Source (NSR)
NOx	0.015 lb/MMBtu hourly avg.	SC 8.C (1)
CO	50 ppmvd hourly avg. corrected to 3.0% excess O2	SC 8.C (3)
CO	21.55 lbs/hr	MAERT
NOx	8.99 lb/hr	MAERT

Table 13. Emission Limits for the F-621 Furnace

Pollutant	Limit	Source (NSR)
NOx	0.03 lb/MMBtu hourly avg.	SC 15
NH3	10 ppmv on a dry basis when corrected to 3.0% O2	SC 29
CO	15.43 lb/hr	MAERT
CO (MSS)	16.98 lb/hr	MAERT

II. DOW'S VIOLATIONS OF THE CLEAN AIR ACT

Below is a summary of the noncompliance discovered at the Dow Freeport Plant, based on a review of publicly available information, including Dow's semi-annual Title V deviation reports and TCEQ's STEERS database. For the three flares subject to the consent decree with EPA – which was lodged with the U.S. District Court for the Eastern District of Louisiana on January 19, 2021 – we reviewed information reported by Dow from January 20, 2021 to February 28, 2026.²⁹ For the LHC-9 Ground Flare and all furnaces identified above, which are not subject to the EPA consent decree, we reviewed information submitted between January 1, 2020 and February 28, 2026.

We are aware that TCEQ has assessed penalties against Dow for a subset of these incidents. Those penalties are identified in Attachment A,³⁰ including a \$2 million penalty imposed under an April 2, 2025 judicial settlement agreement and a pending order that would impose an \$18,000 penalty for unauthorized emissions from the B60F3 flare on December 5, 2023.³¹ Despite these actions, Dow continues to report repeated deviations of emission limits applicable to these units. We are not aware that any other penalties have been assessed for the noncompliance identified in this letter, including any demand for stipulated penalties under

²⁹Between the lodging of the Consent Decree on January 19, 2021 and entry of the Consent Decree on June 9, 2021, Dow reported five incidents related to these three flares. See STEERS Incident Report Nos. 350502, 350643, 351656, 352232, and 352826.

³⁰See Attachments A.1 (column W); A.2 (Column Q); and A.5 (References & Notes).

³¹See *supra* note 10 for a discussion of *Texas v. Dow*, Civ. No. D-1-GN-21-002123 and TCEQ Docket No. 2024-1288-AIR-E.

EPA’s 2021 consent decree or any TCEQ order or agreement.³² If neither agency has addressed the additional noncompliance identified herein, we urge EPA and/or TCEQ to do so.

A. Reported Noncompliance at Flares

During the periods identified above, the Freeport Plant’s flares emitted NO_x, CO, total VOCs, ethylene, and propylene in amounts that exceed the hourly limits in Dow’s NSR permits.

As an initial matter, in 2024, Dow violated its annual emission limits on VOCs and ethylene from the Freeport Plant’s LHC-8 flares (OC2F500 and OC6F1). Based on the point source emission inventory data available on TCEQ’s webpage,³³ Dow reported routine emissions of 45.44 tons VOCs and 9.57 tons ethylene from these flares (combined) in 2024. These emissions exceed Dow’s annual VOC limit (25.18 tpy) by 20.26 tons and annual ethylene limit (8.65 tpy) by 0.92 tons.

In addition, the tables below identify the number of reported incidents at each flare and the estimated emissions associated with each event, based on Dow’s own reports to TCEQ during the time periods identified above.

Table 14 presents the number of reported incidents at each flare, as well as the subset of incidents for which Dow reported emissions of CO, NO_x, and VOCs. However, Dow typically fails to report the quantity of *Total VOC* emissions from flare incidents in STEERS reports. Rather, Dow reports emissions of various speciated VOCs (like ethylene and propylene) and VOCs that Dow does not classify (*see e.g.* Attachment A.1. at Incident No. 393829).³⁴ The quantity of Total VOC emissions from each incident is necessary to evaluate compliance with the applicable limits on Total VOC from the plant’s flares, identified in Tables 2-5. For purposes of this letter, we determined the quantity of flare incidents that resulted in emissions of “Total VOCs” based on the number of incidents for which Dow reported emissions of *any VOCs* (i.e. any speciated VOC or unclassified VOCs). Within that subset, Table 14 presents the number of incidents for which Dow specifically reported emissions of ethylene, propylene, or other VOCs (i.e. speciated VOCs that are not ethylene or propylene).

³²As discussed above, we are aware that TCEQ has finalized or proposed additional orders for violations at the Freeport Plant, but these orders do not appear to be related to the sources at issue in this letter. *See supra* note 10 for a discussion of TCEQ Docket Nos. 2025-0808-AIR-E (Mar. 24, 2026), 2026-0195-AIR-E (docket no. issued Feb. 11, 2026); 2025-1835-AIR-E (docket no. issued Dec. 2, 2025); and 2025-0137-AIR-E (docket no. issued Jan. 28, 2025).

³³TCEQ, *Point Source Emissions Data*, <https://www.tceq.texas.gov/airquality/point-source-ei/point-source-emissions-data> (download available for “Point Source Emissions Data for RY2024 (Excel file 54MB”).

³⁴From our review, the quantity of emissions labeled as “VOC” or “VOCs” in Dow’s STEERS reports are almost always lower than the sum of all reported speciated VOC emissions (e.g. benzene, ethylene, propylene, toluene). In these instances, we assumed that Dow’s reported “VOC” emissions refer to additional, non-speciated VOCs, such as a group of C₅+ VOCs. We only identified one incident (No. 352232) in which Dow reports a quantity of “VOC” emissions that is equal to the total of all speciated VOCs reported. In all other instances, we assumed that VOC emissions reported as “VOC” or “VOCs” reflect a quantity of VOCs emissions that Dow did not otherwise report (i.e., a subset of speciated VOCs that does not reflect the Total VOC emissions from the event).

Table 14. Number of Reported Incidents by Pollutant during the Relevant Time Period³⁵

Flare	Total Events	Subset of Events that Included Each Pollutant					
		CO	NOx	Total VOCs	Ethylene	Propylene	Other VOC
B60F3	19	18	19	16	16	14	12
OC2F500	8	7	7	8	7	7	7
OC6F1	7	6	6	7	6	5	6
OC2F596	18	18	18	18	17	12	13
Total	52	49	50	49	46	38	38

For each flare, Table 15 presents the estimated emissions of CO, NOx, Total VOCs, ethylene, and propylene (in tons) during the incidents identified above, based on Dow’s reports to TCEQ.³⁶ Because Dow does not report “Total VOC” emissions from flare incidents on STEERS, as discussed above, we determined the quantity of Total VOC emissions by adding the reported amount of emissions for each unspciated or spciated VOC (e.g., ethylene, propylene, benzene, toluene). Table 15 also identifies the reported ethylene and propylene emissions from each flare, which are a subset of the calculated Total VOC emissions.

Table 15. Reported Total Emissions During Flaring Incidents (tons) during the Relevant Time Period³⁷

Flare	CO	NOx	Total VOCs	Ethylene	Propylene
B60F3	225.9	40.8	99.2	79.4	7.0
OC2F500	24.8	3.5	53.9	10.8	3.5
OC6F1	26.0	3.7	55.3	11.2	3.7
OC2F596	96.0	28.4	47.5	32.4	1.4
Total	372.6	76.4	255.9	133.8	15.6

Table 16 presents an estimate of the *minimum* quantity of excess CO, NOx, VOC, ethylene, and propylene emissions from each flare during the incidents described above,³⁸ based on information reported by Dow and the method described above.

³⁵The data in Table 14 is based on information reported by Dow from January 20, 2021 to February 28, 2026 for the three flares subject to the consent decree with EPA (EPNs B60F3, OC2F500 and OC6F1) and from January 1, 2020 to February 28, 2026 for the LHC-9 Ground Flare (EPN OC2F596).

³⁶TCEQ guidance on reporting emission events directs owners and operators to “report the total quantity of material released due to the event or activity, not only the quantity of material released above any authorized limits that exists [sic] in the rules or permits.” TCEQ, “Reportable Event/Activity Notification/Reporting Form” (TCEQ – 10360 Instructions) at 6, available at: <https://www.tceq.texas.gov/airquality/emission-events> (document link titled “Follow these instructions for completing the AEME Report Form”).

³⁷The data in Table 15 is based on information reported by Dow from January 20, 2021 to February 30, 2026 for the three flares subject to the consent decree with EPA (EPNs B60F3, OC2F500 and OC6F1) and from January 1, 2020 to February 28, 2026 for the LHC-9 Ground Flare (EPN OC2F596).

³⁸ Where Dow reported that the “Incident Type” was “Maintenance” or “Air Startup,” we used the applicable MSS limit in Dow’s NSR permit(s) to estimate the minimum excess emissions for the event. For all other incidents, in

Given the limited information in Dow’s STEERS reports, it is not possible to accurately determine the extent to which Dow exceeded hourly permit limits during incidents that lasted more than one hour. For example, Dow reported that an incident occurred at flare B60F3 on February 5, 2026 that lasted for 11 hours and resulted in emissions of 12,289.33 pounds CO and 12,073.48 pounds ethylene. (Incident No. 452763). Dow does not report the quantity of emissions that exceeded the flare’s hourly permit limits for CO and ethylene (Table 2) during this event or describe whether the flare exceeded those limits during *each hour* of this incident. Without more information, we are only able to estimate the *minimum* quantity of excess CO and ethylene emissions from the flare during this incident, based on the assumption that the flare emitted CO and ethylene at a steady rate across the 11-hour period. In this example, we multiplied Dow’s hourly CO limit for the flare by the duration of the incident (207.62 lbs/hr x 11 hours = 2,283.6 lb CO) and compared that quantity to the total reported emissions of CO to determine that the minimum excess CO emissions from the incident is 10,005.73 lbs CO.

However, Dow does not typically report an estimate of “Total VOC” emissions in Dow’s incident reports, as explained above. To estimate minimum *excess* VOC emissions in Table 16, we began by calculating the total quantity of VOCs emitted from each incident, based on Dow’s reported emissions of various speciated and unspeciated VOCs. We then compared that total quantity of VOCs to the applicable VOC limit in Dow’s permit using the method described above. The data used to calculate this information appears in Attachment A.1 (Flare Incidents).

For all of these reasons, the information in Table 16 is merely a starting point. We urge EPA and TCEQ to further investigate these incidents to determine an accurate accounting of excess emissions from Dow’s flares.

Table 16. Estimated Minimum Excess Emissions from Flare Incidents (tons) during the Relevant Time Period³⁹

Flare	CO	NOx	Total VOCs	Ethylene	Propylene
B60F3	41.7	5.0	38.7	45.9	0.0
OC2F500	5.7	0.2	34.7	6.6	1.4
OC6F1	0.2	0.0	2.5	6.5	1.5
OC2F596	91.7	27.5	43.8	32.1	1.3
Total	139.3	32.7	119.6	91.2	4.2

As the tables above demonstrate, Dow has continued to report noncompliance with limits applicable to three flares subject to the 2021 consent decree with EPA. Since lodging of that consent decree in January 2021, at these three flares, Dow has reported 34 incidents of noncompliance that have resulted in excess emissions, including a **minimum** estimate of 47.6 tons CO, 5.2 tons NOx, 75.8 tons VOCs, 59 tons ethylene, and 2.9 tons propylene. This is in

which Dow reported that the “Incident Type” was “Emissions Event,” we used the applicable Routine emission limit in Dow’s NSR permit(s) to estimate the minimum excess emissions from the event.

³⁹ The data in Table 16 is based on information reported by Dow from January 20, 2021 to February 30, 2026 for the three flares subject to the consent decree with EPA (EPNs B60F3, OC2F500 and OC6F1) and from January 1, 2020 to February 28, 2026 for the LHC-9 Ground Flare (EPN OC2F596).

addition to Dow’s 2024 violation of the annual limits on VOC and ethylene emissions from the LHC-8 flares (OC2F500 and OC6F1), discussed above.

In addition to the February 5, 2026 incident discussed above, Dow recently reported a 23-hour incident of noncompliance at the same flare (B60F3), which began on January 26, 2026 and resulted in emissions of 10.93 tons CO, 6.64 tons ethylene, 261.17 pounds of benzene, and 1.24 tons propylene. (Incident No. 452763).

Further, since January 2020, Dow has also reported 18 incidents of noncompliance with limits applicable to an additional flare that is not subject to the consent decree (OC2F569), resulting in minimum estimated excess emissions of 91.7 tons CO, 27.5 tons NOx, and 43.8 tons VOCs.

This information demonstrates that Dow’s flares are experiencing repeated issues that have resulted in significant emissions of NOx, CO, VOCs, and other harmful pollutants.

B. Reported Noncompliance at Furnaces

Dow has also reported repeated deviations associated with the Freeport Plant’s decades-old furnaces, including for emission limits on NOx, CO, and VOCs. The prevalence of these deviations indicates that these outdated units are underperforming, operating in noncompliance, and should be subject to enforcement and considered for replacement.⁴⁰

Table 17 identifies the number of reported deviations from NOx and CO limits applicable to each group of furnaces, including the MAERT limits and limits based on BACT and LAER in Dow’s NSR permits. This information is based on semi-annual Title V deviation reports and STEERS incident reports submitted by Dow to TCEQ between January 1, 2020 and February 28, 2026. For additional details regarding these deviations, see Attachments A.2 (Heater Deviations) and A.3 (Heater Incidents).

Table 17. Reported Deviations and Incidents where Dow Identified Permit Limit Exceedances during the Relevant Time Period⁴¹

Furnace Group	Total Events	Reported Noncompliance with Limits			
		CO (lb/hr)	CO (ppmv)	NOx (lb/hr)	NOx (lb/MMbtu)
LHC-7 Pyrolysis	12	0	7	2	8
LHC-8 Pyrolysis	49	8	19	3	27
LHC-9 Cracking	13	4	3	4	5
F-621 Furnace	7	2	0	0	2
Total	81	14	29	9	42

⁴⁰ See *infra* note 21.

⁴¹ The data in Table 17 is based on information reported by Dow from January 1, 2020 to February 28, 2026.

In addition to the noncompliance detailed in Table 17, Dow also reported seven CO deviations and 10 NO_x deviations during the relevant period, but Dow did not identify the applicable CO or NO_x limit(s) at issue in those deviation reports.⁴² Altogether, this information demonstrates that Dow has reported at least 50 instances of noncompliance with CO limits and 61 instances of noncompliance with NO_x limits during 94 events since January 2020. In addition to NO_x and CO, Dow has reported deviations and incidents at the plant's furnaces that resulted in emissions of NH₃, PM, and VOCs, including ethylene and propylene. These incidents and deviations are identified in the detailed charts in Attachments A.2 (Heater Deviations) and A.3 (Heater Incidents).

According to Dow's NSR permits, Dow's semi-annual, Title V deviation reports must include, "for each instance of excess emissions *or failure to meet a BACT* or operational requirement . . . [the] magnitude of excess emissions[.]"⁴³ "Excess emissions" means, among other things "any period in which the facility emissions exceed a maximum emission limit set forth in th[e] permit[.]"⁴⁴ As explained below, Dow routinely fails to identify the "magnitude of excess emissions" resulting from deviations at the Freeport Plant's furnaces. Dow is not adhering to proper reporting protocol to STEERS, sometimes even reporting in ways that appear to obscure the extent of deviation.

In some instances, the detailed charts in Attachments A.2 (Heater Deviations) and A.3 (Heater Incidents) include information about the amount of pollution emitted during a deviation or incident at Dow's furnaces, based on Dow's own reports. However, in Title V deviation reports, Dow routinely omits the quantity of *excess emissions* from the furnaces resulting from a significant portion of these events. On STEERS, Dow only reports the *total* quantity of emissions released during an event.⁴⁵ As explained above, it is not possible to accurately determine the extent of excess emissions during an incident based on the total quantity of emissions during an event. This is particularly true for heat input-based (MMBTU) and concentration-based (ppmv) BACT and LAER limits.

In addition, Dow routinely reports that "no unauthorized emissions" occurred from deviations of BACT and LAER limits on NO_x and CO. These instances are identified in Attachment A.2 (Heater Deviations) (column K). Each exceedance of a BACT or LAER limit results in excess emissions that must be stated in Dow's Title V deviation reports, pursuant to the permit requirements above. During such periods, Dow fails to operate the furnace(s) to maintain compliance with limits that reflect the lowest achievable emissions rate or the best available control technology. Assuming that Dow's "no unauthorized emissions" statements are meant to indicate that the furnaces did not exceed *hourly mass* limits for CO or NO_x (e.g. the lb/hr MAERT limits in Tables 7 through 13), Dow's statements are misleading and incorrect. When the furnaces exceed concentration or heat-input based emission limits, the furnaces release unauthorized emissions of CO or NO_x. Whether or not these emissions are "unauthorized" does not depend on whether Dow also violated entirely separate hourly mass limits for NO_x and CO.

⁴²See Attachment A.2 (Heater Deviations) at column L ("Limit in Deviation Report"). For these instances, the limit is "Not stated."

⁴³See, e.g. NSR 107153, SC 39(B)(1) (emphasis added).

⁴⁴See, e.g. *id.* SC 39.

⁴⁵ See *supra* note 36.

Accordingly, for these periods, Dow should be required to report the amount of excess pollution emitted from each furnace, compared to the amount of pollution that the furnace would have emitted if Dow had complied with the BACT or LAER limits.

As a result of the issues identified above, we are not able to account for the excess emissions resulting from Dow's noncompliance with permit limits applicable to Freeport Plant's furnaces. This lack of transparency ultimately restricts the public's access to information about air pollution data, and must be remedied to ensure that EPA, TCEQ, and the public can determine the extent of any violations that have occurred, which in turn allows for a more complete understanding of impact on air quality and human health.

III. REQUEST FOR ENFORCEMENT AND OTHER RECOMMENDATIONS

The information above and in Attachment A demonstrates that Dow has reported instances of noncompliance at four flares and four groups of furnaces that clearly violate Dow's NSR permits, the Texas SIP, the TCAA, and the CAA. We urge TCEQ and EPA to initiate immediate enforcement action to enjoin those violations, assess the maximum penalties, require measures to enjoin future violations and ensure safe operations of the Freeport Plant and that Dow complies with the law.

In addition, due to Dow's reporting errors and omissions, additional investigation is required to determine the nature and extent of additional violations at the flares and furnaces that occurred during other periods of reported noncompliance identified above. EIP urges TCEQ and EPA to investigate these additional reports to determine the extent to which Dow has violated NSR limits applicable to these flares and furnaces.

Further, Dow has indicated that some incidents and deviations identified in this letter are related to winter storms and other weather events. Those events are marked in Attachments A.1 (column V) and A.2 (column P). Given the frequency of Dow's reported deviations and incidents during weather events, this noncompliance should receive enhanced attention from regulators. In fact, given the regularity of such weather events, we urge EPA and TCEQ to scrutinize whether Dow should *anticipate* them, meaning that the Freeport Plant would not be exempt from routine emission limits during these periods. Under Dow's permits, the Freeport Plant "shall not be operated unless all air pollution emission capture and abatement equipment is maintained in good working order and operating properly during normal facility operations."⁴⁶ As such, TCEQ and EPA should require Dow to properly operate all equipment at the Freeport Plant, including the flares and furnaces at issue in this letter, at all times, including during increasingly frequent weather events. To that end, EPA and TCEQ should also evaluate whether certain technical, work practice, or other operational changes should be implemented to improve weather-related resiliency at the plant. This is particularly crucial as these events continue to become more frequent and intense.

Recall that this letter is not an exhaustive summary of violations at the Freeport Plant, as it covers only the reported noncompliance at four flares and four groups of furnaces. We urge TCEQ and EPA to investigate the complete scope of noncompliance at Dow's Freeport Plant,

⁴⁶See e.g. NSR Permit No. 20432 at 2 (incorporated under Title V Operating Permit No. 02213).

including the events identified in this letter, and initiate a comprehensive enforcement action with appropriate compliance-related relief, mitigation, and meaningful penalties.

TCEQ has not succeeded in bringing the Freeport Plant into full, continuous compliance with the law. In addition to the 2025 penalty of \$2 million and the proposed penalty of \$18,000, mentioned above, we are aware that TCEQ has finalized or proposed enforcement orders for Dow's violations at sources other than the four flares and four furnace groups at issue in this letter.⁴⁷ TCEQ recently imposed a small penalty of \$5,625 for an April 8, 2023 emission event that resulted in 2,821.82 pounds of sulfur dioxide from a storage drum (EPN OC6L8D91).⁴⁸ TCEQ has also initiated three enforcement actions related to violations of NSR Permit 834, which applies to the "Polyethylene 4 Plant."⁴⁹ To effectively and finally resolve the serious, repeated noncompliance at sources across Dow's Freeport Plant, it is necessary for TCEQ and/or EPA to initiate a comprehensive enforcement approach designed to bring this plant into regular and sustained compliance and to heavily discourage and penalize post-settlement or post-judgment noncompliance.

As part of this comprehensive enforcement action, TCEQ and EPA should require Dow to address the reporting issues detailed above. Specifically, for all incidents reported to STEERS, Dow should be required to accurately identify all applicable emission limits, including for speciated VOCs, rather than merely reference the reportable quantity. For incidents that result in excess VOC emissions, Dow should be required to report the total quantity of VOC emissions, in addition to the quantity of individual, speciated VOCs. TCEQ and/or EPA should also require Dow to submit accurate Title V deviation reports, which should separately identify each deviation from applicable limits, clearly state the limit associated with each deviation, and provide an estimate of excess emissions, including for deviations from concentration-based (ppmvd) and heat input-based (lb/MMBTU) limits.

Thank you for your prompt consideration of these serious concerns. If you have any questions or additional matters you wish to discuss, please do not hesitate to contact me.

Sincerely,

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⁴⁷ See *supra* note 10; TCEQ, Commissioner's Integrated Database, <https://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.MoreResults&StartRow=6&EndRow=10&Step=5> (search for CN600356976).

⁴⁸ TCEQ Docket No. 2025-0808-AIR-E (Mar. 24, 2026).

⁴⁹ See 2026-0195-AIR-E (TCEQ docket no. issued Feb. 11, 2026); 2025-1835-AIR-E (TCEQ docket no. issued Dec. 2, 2025); 2025-0137-AIR-E (TCEQ docket no. issued Jan. 28, 2025).



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