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To All Recipients:

This is a Notice of Intent letter (“NOI”) submitted by the Sierra Club and Public Citizen (“Citizens”) pursuant to Sections 304(a)(1) and (a)(3) of the federal Clean Air Act. 42 U.S.C. § 7604(a)(1), (3). This NOI conforms with the notice requirements set forth in 42 U.S.C. § 7604(b)(1), and the applicable notice regulations at 40 C.F.R. Part 54.

The corporations receiving this NOI are Vantage Data Centers TX11, LLC, Vantage Data Centers TX21, LLC, and Vantage Data Centers Management Company, LLC (collectively “Vantage”) and VoltaGrid, LLC (“VoltaGrid”).

If Vantage and VoltaGrid do not resolve the noticed violations within 60-days of issuance of this letter, or the United States Environmental Protection Agency or the State of Texas fails to take action sufficient to fully resolve the violations, Citizens will file suit in the United States District Court for the Western District of Texas to compel compliance with the Clean Air Act and stop the ongoing harm suffered by Citizens and their members. If necessary, Citizens will seek all available remedies from the court, including declaratory, injunctive and equitable relief, civil penalties, and the costs of litigation, including attorneys’ fees.

I. INTRODUCTION

This NOI identifies serious, continuing violations of New Source Review, a program Congress established in the 1977 Clean Air Act amendments to protect public health and improve air quality. The program is designed to prevent construction of new facilities that are “major” sources of “criteria” pollutants from degrading air quality in attainment areas or interfering with improvement of air quality in nonattainment areas.

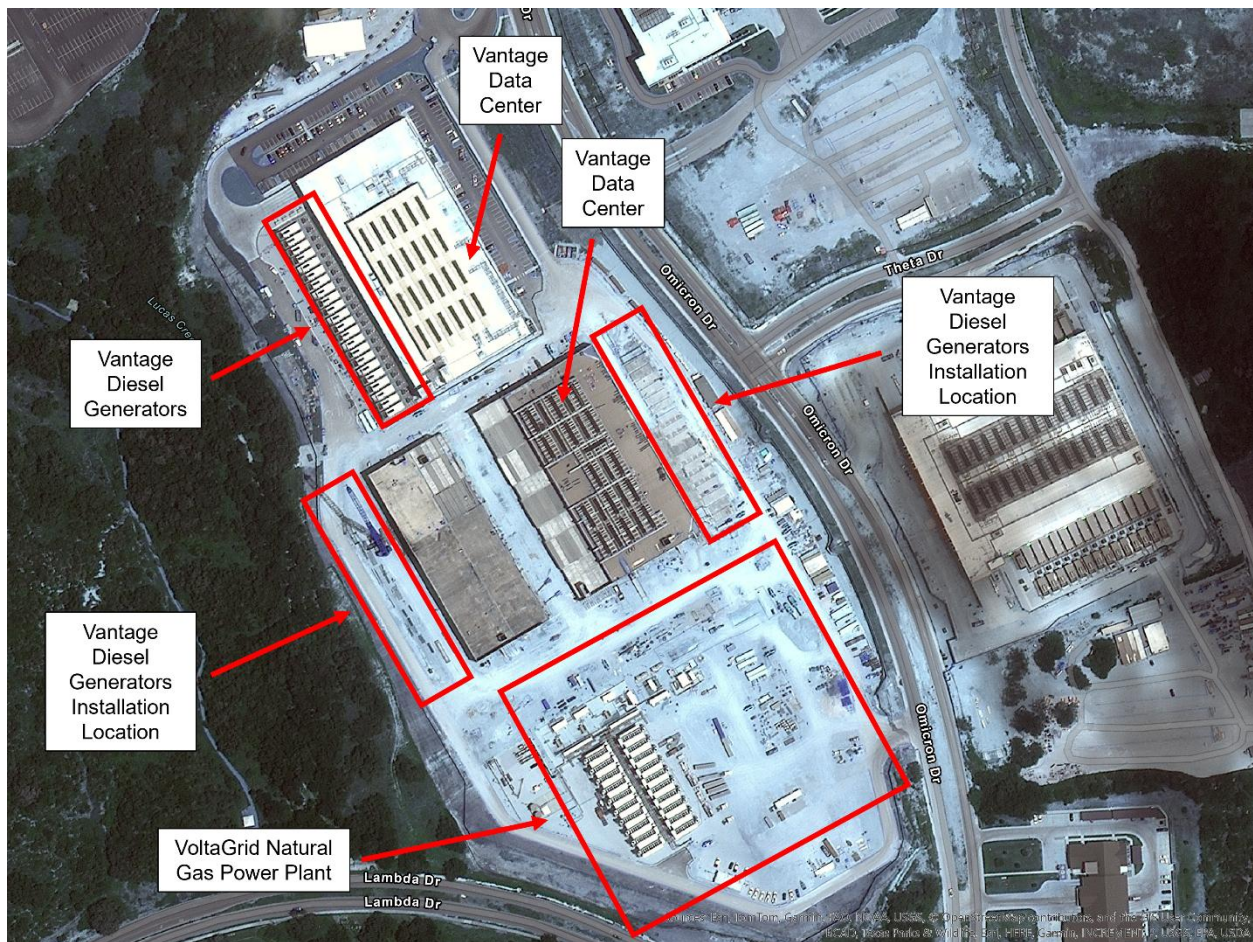
To achieve these goals, the Clean Air Act imposes stringent preconstruction requirements on major sources of air pollution. Facilities with the potential to emit significant amounts of criteria pollutants or their precursors must undergo a public permitting process and install stringent pollution controls. In areas with unhealthy air quality, Congress imposed even stricter requirements, including the lowest achievable emission rates and emissions offsets within the same region, to protect public health and reduce overall pollution. Vantage and VoltaGrid sought to avoid these requirements.

Citizens are sending this NOI because Vantage and VoltaGrid are attempting to circumvent these protections in San Antonio, where ozone poses a serious public health threat. After Vantage found out it could not connect to the utility, it entered a self-described partnership with VoltaGrid (the “Partnership”) to construct 423 megawatts of behind-the-meter electricity to power two San Antonio data center campuses.¹

¹ Vantage Data Centers, *Vantage Data Centers and VoltaGrid Establish Partnership to Deploy More Than One Gigawatt of Power Generation* (last visited July 20, 2026), <https://vantage-dc.com/news/vantage-data-centers-and-volta-grid-establish-partnership-to-deploy-more-than-one-gigawatt-of-power-generation>

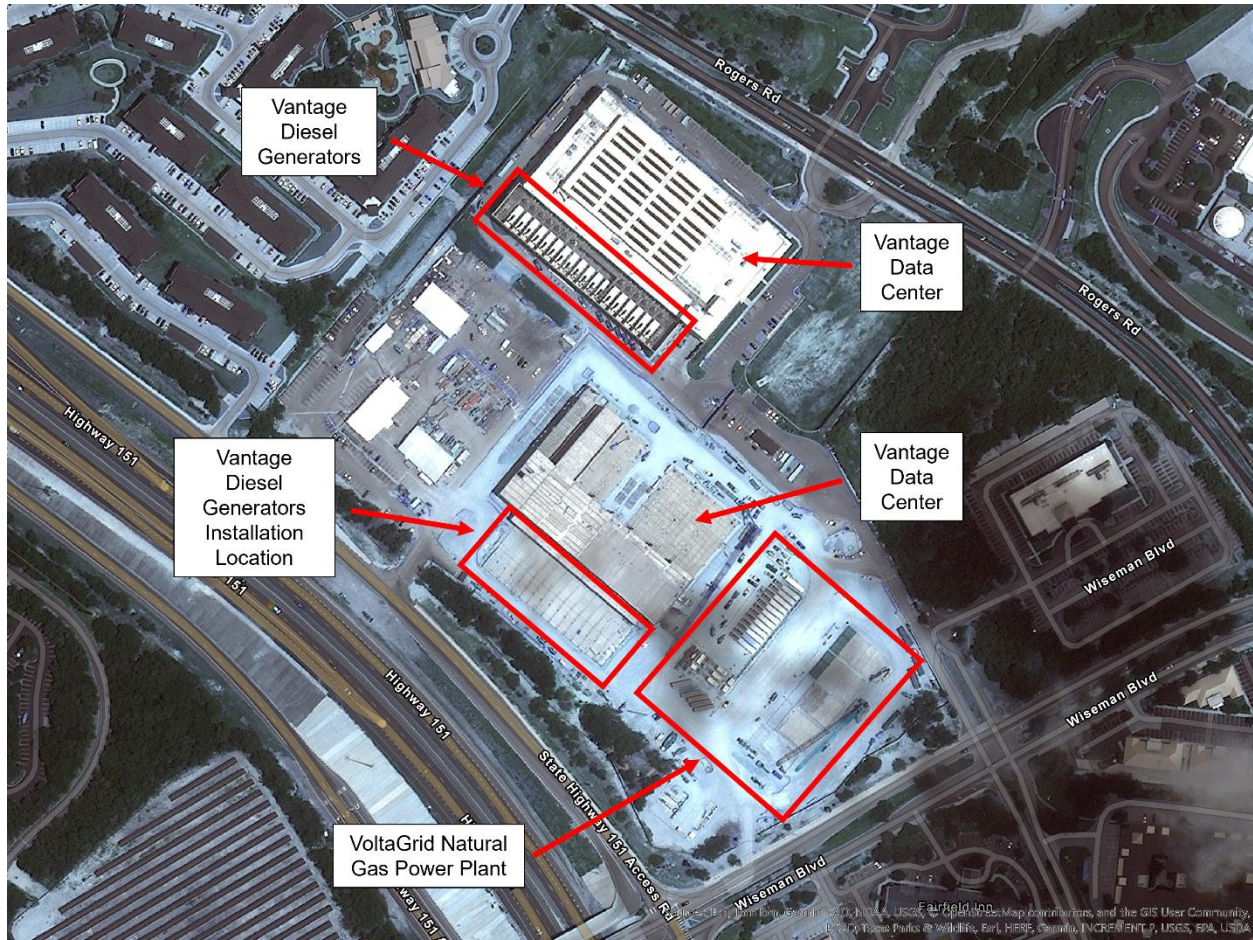
423 megawatts of electricity is enough to power about 106,000 homes annually or put another way, enough energy to power the city of Richmond, Virginia. The physical addresses of the campuses are 14270 Omicron Drive and 5207 Rogers Road, San Antonio, Texas. They are in Bexar County, Texas.

Figure 1: Omicron Drive Data Center



[VoltaGrid-establish-partnership-to-deploy-more-than-one-gigawatt-of-power-generation/](https://perma.cc/U6KL-TEGA) [https://perma.cc/U6KL-TEGA].

Figure 2: Rogers Road Data Center



The Partnership claims the gas-fired power plants (423 megawatts) and the 454 megawatts of diesel-fired backup generation at the data centers are not major sources of pollution. This is despite envisioning the creation of enough power, excluding the diesel backup generators, to power a city the size of Richmond, Virginia. To avoid public scrutiny, stringent emissions controls, and pollution offsets, they obtained “minor” source permits from the Texas Center for Environmental Quality (“TCEQ”). They did this by claiming each data center, and each co-located power plant at each location are separate sources of pollutants that purportedly fall below major-source thresholds. They do not. There was no opportunity for public notice or participation regarding the issuance of the minor source permits. The permits do not require pollution controls

or operating limits or even require monitoring or reporting sufficient to ensure emission limits are met.²

The Partnership is attempting to get away with a piecemeal approach to Clean Air Act permitting to fast-track these projects. The scope of the projects and the pollution they bring have grown since the initial minor source permit approvals, especially after formation of the Partnership. Further expansion appears likely.

According to publicly available information, Vantage initially intended to build small data centers – approximately 32 MW of IT infrastructure at Omicron Drive and 48 MW of IT infrastructure capacity at Rogers Road that would connect to the grid through the local utility.³ Part of the construction plans included large, diesel-fired backup generators.

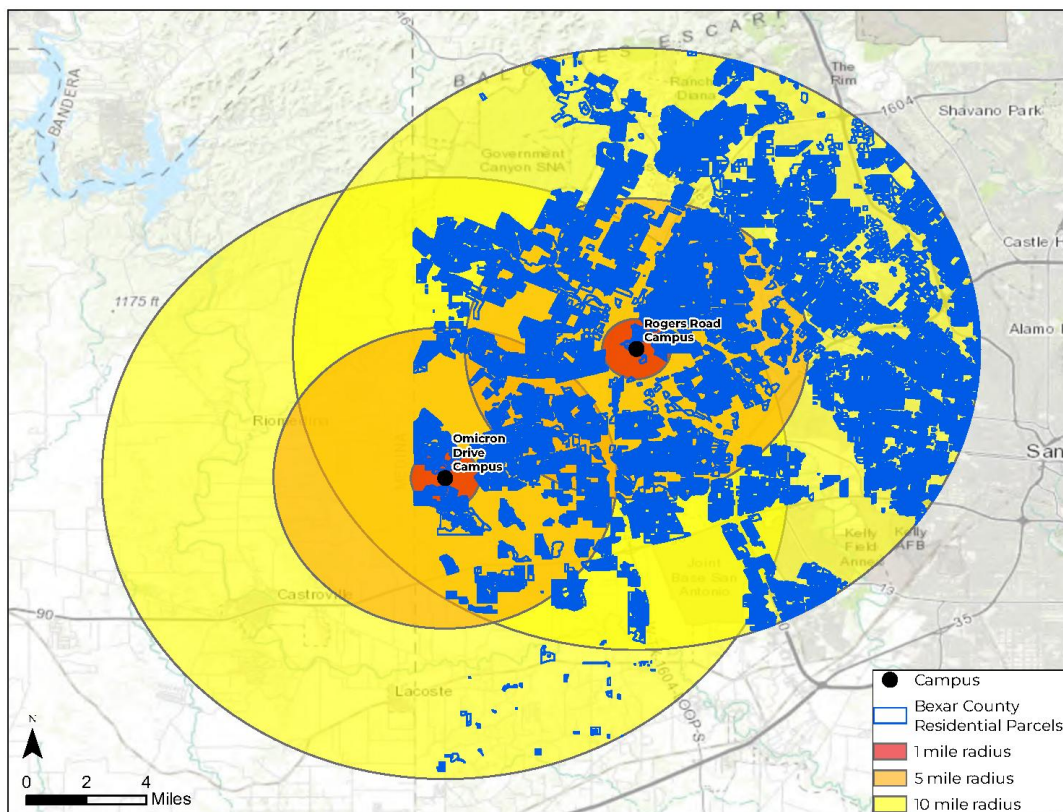
For purposes of this NOI, these projects and their locations are referred to as the “Omicron Drive campus” and the “Rogers Road campus”. Construction began for both in December 2023.

These campuses are located near residential neighborhoods, medical offices, hospitals, parks, retirement homes, schools, daycares, and/or churches. Citizens’ members and their families live, work, worship, recreate, exercise, and attend school and day care in the areas impacted by the Partnership’s flagrant disregard of the Clean Air Act’s requirements that protect public health. The air quality in San Antonio is degraded and affecting human health due to unacceptable levels of ozone. In addition, these campuses are major sources for hazardous air pollutants (“HAPs”), specifically formaldehyde, a known human carcinogen.

² VoltaGrid submitted an application to revise the minor source authorization for the power plant at the Omicron Drive on June 24, 2026. This application, unlike the initial application, requests operating limits on its generating engines to accommodate emissions from two proposed diesel generators without revising the registration Nitrogen Oxide (“NOx”) limit not to exceed 50 tons per year. Application for Standard Permit Registration No. 177637, Project No. 411374, dated June 24, 2026. The application remains pending and the proposed operating limits are not sufficient to restrain the power plant’s potential to emit NOx and/or Volatile Organic Compounds (“VOC”) below the major source threshold.

³ Email from Emily A. Weissinger, Ramboll, to Grace King, Tex. Comm’n on Env’t Quality, re: TCEQ Air Permit No. 175523/Project No. 391320 (May 8, 2025), Email from Emily A. Weissinger, Ramboll, to Joshua Wheatley, Tex. Comm’n on Env’t Quality, re: TCEQ Air Permit No. 175523/Project No. 391320 (May 2, 2025). Available electronically at: https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_EXTERNAL_SEARCH_GET_FILE&dID=8896613&Rendition=Web&SearchID=18375476&searchType=External. Application for Permit by Rule Registration No. 175524, Project No. 394863, at 1, dated June 2025.

Figure 3: Bexar County Residential Properties With 10-Mile Radius of the Campuses



Vantage and VoltaGrid are violating the Clean Air Act. The four “minor” source permits do not shield them from major-source permitting requirements. Each campus has the potential to emit ozone-forming pollution and carbon monoxide (“CO”) well above major-source thresholds, even when analyzed as separate component parts.⁴

II. THE CLEAN AIR ACT’S NEW SOURCE REVIEW FRAMEWORK

A. National Ambient Air Quality Standards

Congress passed the Clean Air Act to protect and enhance the quality of the Nation’s air resources to promote the public health and welfare and the productive capacity of its population. 42 U.S.C. § 7401(b)(1). To achieve that goal, the Clean Air Act instructed the Administrator of the United States Environmental Protection Agency (“EPA”) to promulgate regulations establishing national ambient air quality standards (“NAAQS”) for “criteria” air pollutants to protect public health with an adequate margin of safety. 42 U.S.C. § 7409(b)(1). Relevant here, EPA has established NAAQS for Ozone and carbon monoxide. 40 C.F.R. §§ 50.8, 50.19, 50.15, 50.10. Ozone is commonly known as smog.

⁴ This NOI also identifies other serious, ongoing violations of the Clean Air Act and Texas SIP. *See* Claim 5.

B. State Implementation Plans

States develop State Implementation Plans or “SIPs” to implement the Clean Air Act requirements within its boundaries. When the U.S. EPA approves some or all of a state’s proposed SIP, the approved portions have the effect of federal law and can be enforced via a Clean Air Act citizen suit provision.

The U.S. EPA approved aspects of the Texas SIP that are relevant to the claims in this case, including New Source Review permits.⁵

C. New Source Review

“New Source Review” is a permitting framework established by Congress in the 1977 amendments to the Clean Air Act. The framework is intended to ensure that proposed facilities which may be “major” stationary sources of criteria pollutants go through stringent, preconstruction permitting requirements so they do not degrade air quality and human health in areas where the air is clean (“attainment”) or interfere with improvement in areas where the air is dirty (“nonattainment”).

The New Source Review permitting process establishes federally enforceable permit limits and other conditions, including stringent pollution control requirements and monitoring, that are applicable during the construction phase of a new stationary source (or a modification of an existing major source) that has the potential to emit at or above “major” source thresholds for one or more “criteria” pollutants. New Source Review permits remain applicable once the source becomes operational. TCEQ is required through its SIP to adopt and implement a program that meets or exceeds the New Source Review framework.

The type of permit required depends on the attainment status in the area where the proposed major source will be located. Nonattainment new source review (“NNSR”) permits are required in nonattainment areas, and prevention of significant deterioration (“PSD”) permits are required in attainment areas. 30 Tex. Admin. Code §§ 116.111(a)(2)(H) (NNSR), (a)(2)(I) (PSD).

A “stationary source” is “[a]ny building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under [the Clean Air Act].” 40 C.F.R. §§ 51.165(a)(1)(i), 51.166(b)(5); 30 Tex. Admin. Code § 116.12(37). “Building, structure, facility or installation” is further defined to mean, “[a]ll of the pollutant-emitting activities that belong to the same industrial grouping, are located in one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control. . . .” 40 C.F.R. §§ 51.165(a)(1)(ii)(A), 51.166(b)(6)(i); 30 Tex. Admin. Code § 116.12(6).

“Potential to emit” is the “maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or enforceable operational limitation on the

⁵ 40 C.F.R. § 52.2270 (listing approved sections of 30 Tex. Admin. Code Ch. 116—Control of Air Pollution by Permits for New Construction or Modification).

capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, may be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.” 40 C.F.R. §§ 51.165(a)(1)(iii), 51.166(b)(4); 30 Tex. Admin. Code § 116.12(29). “Federally enforceable” limits must be practically enforceable. *See, e.g., Weiler v. Chatham Forest Prods., Inc.*, 392 F.3d 532, 535 (2d Cir. 2004); 54 Fed. Reg. 27,274, 27,283 (June 28, 1989).

Relevant to this NOI, EPA designated San Antonio, Texas as a nonattainment area for the 2015 8-hour ozone NAAQS on September 24, 2018, and classified the area as in “serious” nonattainment on July 22, 2024. 40 C.F.R. § 81.344. San Antonio is in attainment for carbon monoxide. *Id.*

The Clean Air Act and the Texas SIP require new stationary sources that have the potential to emit 50 tons per year (“TPY”) or more of volatile organic compounds or nitrogen oxides in a “serious” nonattainment area for the 8-hour ozone NAAQS to obtain a NNSR permit from TCEQ.⁶ Nitrogen oxides and volatile organic compounds are ozone precursors that react in the presence of sunlight to form ground-level ozone. Facilities with proposed sources having the potential to emit 250 TPY or more regulated new source review pollutants must obtain a PSD permit. 42 U.S.C. §§ 7475(a), 7479(1); 30 Tex. Admin. Code §§ 116.12(19) (incorporating 40 C.F.R. 51.166(b)(1) by reference), 116.160(a).

NNSR preconstruction permits require controls that ensure the Lowest Achievable Emission Rate (“LAER”). 42 U.S.C. §§ 7501(3), 7503(a)(2); 30 Tex. Admin. Code § 116.150(d)(1). LAER requires the best control technology ever successfully used for that source type, and the cost of the technology is not a valid reason to avoid LAER if a proven technology exists.

The New Source Review framework in nonattainment areas imposes many other requirements through the NNSR preconstruction permitting process because air quality is not meeting the NAAQS and is therefore impacting human health.⁷

PSD preconstruction permits require the installation of controls that represent the Best Achievable Control Technology (“BACT”). 42 U.S.C. § 7475(a)(4); 30 Tex. Admin. Code § 30 Tex. Admin. Code § 116.160(c)(2)(A). BACT means the maximum degree of reduction for each criteria air pollutant subject to regulation, taking into account energy, environmental, economic impacts, and other costs. 42 U.S.C. § 7479(3); 30 Tex. Admin. Code § 116.160(c)(1)(A).

⁶ 30 Tex. Admin. Code §§ 116.12(19) & tbl. I, 116.110(a)(1), 116.111(a)(2)(H), 116.150. Each of these regulations is incorporated by reference into the Texas SIP. 42 C.F.R. § 52.2270(c).

⁷ For example, an applicant must demonstrate that the benefits of locating a major project in a nonattainment area *significantly* outweigh the project’s social and environmental costs. 42 U.S.C. § 7503(a)(5); 30 Tex. Admin. Code § 116.150(d)(4). An applicant also must offset emissions that contribute to nonattainment in a way that provides a net air quality benefit to the area, thereby bringing the area closer to achieving attainment and improving human health. 42 U.S.C. § 7503(c); 30 Tex. Admin. Code § 116.150(c)(3).

III. CLAIMS

Facts and assertions relevant to Claims 1-5

VoltaGrid, LLC and each of the Vantage entities identified above are a “person.” 42 U.S.C. § 7602(e).

Vantage Data Centers Management Company, LLC is a “person” for purposes of 42 U.S.C. § 7602(e) and is an operator of the Omicron Drive and Rogers Road campuses.⁸

The Partnership is a “person” as that term is defined in the Clean Air Act. 42 U.S.C. § 7602(e).

Vantage Data Centers TX11, LLC owns the parcel of land upon which the Omicron Drive campus is being constructed and/or operated and is also the operator of the data center facilities under construction.⁹

Vantage Data Centers TX21, LLC owns the parcel of land upon which the Rogers Road campus is being constructed and/or operated and is also an operator of the data center facilities under construction.¹⁰

Vantage and VoltaGrid, whether each campus is aggregated as a single source or each are treated as separate sources, are constructing a “stationary source” as that term is defined 42 U.S.C. § 7411(a)(3), 40 C.F.R. §§ 51.165(a)(1)(i), 51.166(b)(5), and 30 Tex. Admin. Code § 116.12(37). The distinction regarding aggregation is explained below.

Ozone forms as a result of chemical reactions between NO_x and VOC in the presence of sunlight.¹¹

NO_x and VOC are precursors to ground-level ozone formation and are separately counted toward a source’s potential to emit ozone. 40 C.F.R. §§ 51.165(a)(1)(xxxvii)(C)(1), 51.166(b)(49)(i)(B)(1); 30 Tex. Admin. Code § 116.12(19).

⁸ Tex. Comptroller of Pub. Accts., *Data Centers in Texas*, <https://comptroller.texas.gov/taxes/data-centers/data-center-lists.php> [https://perma.cc/DK44-84C7] (last visited July 15, 2026) (listing registered qualifying data centers and qualifying large data center projects in Texas).

⁹ Bexar Cnty. Appraisal Dist., Property Details for Property ID No. 1433664, Harris Govern Online Portal, <https://hgo.harrisgovern.com/bexar/property/2026-1433664> [https://perma.cc/N6TX-R9AR] (last visited July 15, 2026). Vantage Data Centers TX1, LLC, which is listed as the owner of the Omicron parcel, changed its name to Vantage Data Centers TX11, LLC. Amendment to Registration for Vantage Data Centers TX1, LLC, File No. 804889229 (Tex. Sec’y of State Oct. 30, 2023).

¹⁰ Bexar Cnty. Appraisal Dist., Property Details for Property ID No. 1433747, Harris Govern Online Portal, <https://hgo.harrisgovern.com/bexar/property/2026-1433747> [https://perma.cc/3R9L-N2LN] (last visited July 15, 2026). Vantage Data Centers TX2, LLC, which is listed as the owner of Rogers Road parcel, changed its name to Vantage Data Centers TX21, LLC. Amendment to Registration for Vantage Data Centers TX2, LLC, File No. 804889236 (Tex. Sec’y of State Oct. 30, 2023).

¹¹ See U.S. Env’t Prot. Agency, *Ground-Level Ozone Basics*, “How does ground-level ozone form?,” <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics#formation> [https://perma.cc/5ADD-ZUPM] (last visited July 15, 2026).

Formaldehyde, a hazardous air pollutant or HAP, will be emitted above major source thresholds as a result of construction and/or operation of the power plants at both campuses.¹²

Formaldehyde is a human carcinogen, meaning that it can cause cancer.¹³

The power plants serve no purpose other than generating dedicated electricity for the campuses. Because the power plants are support facilities, they take on the SIC code of the data centers they support for purposes of determining whether the data center and power plant at each location constitute a single stationary source. 45 Fed. Reg. 52,676, 52,695 (Aug. 7, 1980).

The data center facilities and the power plants at both campuses meet the EPA and TCEQ requirements for aggregation and therefore each campus constitutes a single stationary source for purposes of the violations Citizens raise for failure to obtain major source New Source Review preconstruction permits.

The data center and power plant facilities constitute a single stationary source because: 1) they are located on contiguous or adjacent property; 2) they fall within the same major industrial grouping; and 3) they are under the control of the same person or persons under common control (the Partnership, Vantage, VoltaGrid or a combination thereof). 30 Tex. Admin. Code § 116.12(6); 40 C.F.R. §§ 51.165(a)(1)(i)–(ii), 51.166(b)(6)(i). The activities on the campus reflect the “common sense notion of a plant” that EPA sought to capture when it established the three-part source aggregation test adopted by TCEQ regulations. 45 Fed. Reg. 52,695.¹⁴ Vantage obtained “minor source permits” to cover emissions from diesel-fired backup generators at Vantage’s data center facilities; 22 generators at the Omicron Drive campus and 33 generators at the Rogers Road campus.¹⁵ Both permits became effective on February 29, 2024.¹⁶ The Omicron Drive permit was revised to reflect the addition of 64 additional diesel generators on May 9, 2025 (bringing the total number of diesel generators to 86). The permit for Rogers Road was revised on July 22, 2025, to reflect the addition of 32 diesel generators (bringing the total number of diesel generators to 65).

¹² 42 U.S.C. § 7412(a)(1); Application for Standard Permit Registration No. 177637, Project No. 380453, dated September 20, 2024 at Appendix A (representing formaldehyde emissions of 31.54 tons per year); Application for Standard Permit Registration No. 181707, Project No. 398729, dated September 2025 at Appendix A (representing formaldehyde emissions of 20.15 tons per year).

¹³ See U.S. Env’t Prot. Agency, *Formaldehyde*, <https://www.epa.gov/sites/default/files/2016-09/documents/formaldehyde.pdf> [<https://perma.cc/594N-SC7E>] (accessed July 15, 2026).

¹⁴ Each campus when aggregated as a single stationary source is subject to a partnership agreement and is at least partially constructed and operational.

¹⁵ VoltaGrid concedes power plants are major sources of hazardous air pollutants based on their potential to emit formaldehyde at rates exceeding 10 TPY and to emit combined HAPs at rates exceeding 25 TPY. 42 U.S.C. § 7412(a)(1). See *supra* note 12.

¹⁶ See Texas’s Permit by Rule (“PBR”) for Portable and Emergency Engines and Turbines at 30 Tex. Admin. Code § 106.511. VOC emissions from belly tanks used to store diesel fuel for the diesel generators are authorized by unregistered claims of Texas’s PBR at 30 Tex. Admin. Code § 106.472 for Organic and Inorganic Liquid Loading and Unloading activities and equipment.

Vantage's minor source permits reflect the following equipment and emissions:

Omicron Drive campus¹⁷		
EQUIPMENT	Pollutant	Permit Limit (TPY)
(86) MTU 20V400G74S DS2800 3,010 kWe diesel generators	NOx	99.8
	CO	22.62
	VOC	4.4 ¹⁸
	Formaldehyde (CH ₂ O)	0.00152
	Total HAPs	0.0302

Rogers Road campus¹⁹		
EQUIPMENT	Pollutant	Permit Limit (TPY)
(65) MTU 20V400G74S DS2800 3,014 kWe diesel generators	NOx	99.5
	CO	22.5
	VOC	4.38 ²⁰
	Formaldehyde (CH ₂ O)	0.00151
	Total HAPs	0.0302

Vantage submitted authorization for its “minor source permits” for the data center facilities at both locations on the same day, February 29, 2024.²¹ VoltaGrid obtained minor source permits for the power plants on October 10, 2024 (Omicron Drive Campus) and on November 3, 2025 (Rogers Road campus).²²

¹⁷ PBR Registration 175523, Project No. 391320.

¹⁸ This limit excludes VOC emissions from 86 Diesel Belly Tanks under unregistered PBR 106.472.

¹⁹ PBR Registration 175524, Project No. 394863.

²⁰ This limit excludes VOC emissions from 65 Diesel Belly Tanks under unregistered PBR 106.472.

²¹ See *supra* notes 17, 19.

²² See Texas's Standard Permit for Electric Generating Units (“EGUs”). See also Standard Permit Registration No. 177637, Project No. 380452 (Omicron Drive campus) and Standard Permit Registration No. 181707, Project No. 3987279 (Rogers Road campus).

VoltaGrid's minor source permits reflect the following equipment and emissions:

Omicron Drive campus²³		
EQUIPMENT	Pollutant	Permit Limit (TPY)
(80) Jenbacher J620 GS-J715 3,310 kWe natural gas generating engines	NOx	49.97
	CO	215.14
	VOC	24.29
	Formaldehyde (CH ₂ O)	31.54
	Total HAPs	40.30

Rogers Road campus²⁴		
EQUIPMENT	Pollutant	Permit Limit (TPY)
(16) Jenbacher J620 GS-J715 3,310 kWe natural gas generating engines	NOx	38.72
	CO	61.72
	VOC	35.99
(20) Jenbacher J624-L3785 4,810 kWe natural gas generating engines	Formaldehyde (CH ₂ O)	20.15
	Total HAPs	25.04

On June 24, 2026, VoltaGrid submitted an application to revise its permit for the Omicron Drive campus.²⁵ The application proposes to replace several generating engines in the original plan with larger engines and to authorize use of two black-start diesel generators. This revision seeks increases to emission limits for NOx, VOC, formaldehyde, and total HAPs, and proposes to decrease the emission limit for CO. As of July 21, 2026, the application has not been approved by the TCEQ.

Table 1 is a summary of the potential to emit for each criteria or precursor pollutant at each campus, as reflected in the minor source permits, including application materials. Table 1 also demonstrates what the potential to emit would be if the data center facilities and power plant were aggregated. Table 2 is Citizens' *corrected* potential to emit calculations, both as individual sources and as aggregated single sources. Both tables include formaldehyde because it is relevant to the *corrected* potential to emit calculations for VOC at each campus, as explained below.

²³ Standard Permit Registration No. 177637, Project No. 380452.

²⁴ Standard Permit Registration No. 181707, Project No. 398729.

²⁵ Application for Standard Permit Registration No. 177637, Project No. 411374, dated June 24, 2026.

Table 1: State Minor Source Permits Potential to Emit

PTE Calculations (TPY)	NO_x	VOC	CO	Formaldehyde
Vantage Omicron Drive	99.8	4.4	22.62	0.00152
VoltaGrid Omicron Drive	49.97	24.29	215.14	31.54
Vantage Rogers Road	99.5	4.38	22.5	0.00151
VoltaGrid Rogers Road	38.72	35.99	61.72	20.15
Omicron Drive Campus (aggregated)	149.77	28.69	237.76	31.54
Rogers Road Campus (aggregated)	138.22	40.37	84.22	20.15

Table 2: Citizens' Calculated Potential to Emit

PTE Calculations (TPY)	Corrected NO_x	Corrected VOC	Corrected CO	Corrected Formaldehyde
Vantage Omicron Drive	2,017.50	88.66	455.41	0.0305
VoltaGrid Omicron Drive	1,429.63	85.53	304.15	44.15
Vantage Rogers Road	1,524.85	67.01	344.20	0.0231
VoltaGrid Rogers Road	643.33	82.52	86.41	28.21
Omicron Drive Campus (aggregated)	3,447.13	174.19	759.56	44.18
Rogers Road Campus (aggregated)	2,168.18	149.53	430.61	28.23

Claims 1 - 2. Unauthorized construction of the Omicron Drive campus without a major source Clean Air Act preconstruction permit for Ozone and CO, in violation of the Clean Air Act and the Texas SIP.

All facts and assertions above are incorporated herein by reference as if set out in full.

As an initial matter, and according to the minor source permit, the potential to emit formaldehyde at the Omicron Drive power plant (31.54 TPY) is larger than the represented potential to emit

VOC from the same power plant (24.29 TPY). This cannot be accurate because formaldehyde *is* a VOC. VoltaGrid's represented potential to emit VOC for the Omicron Drive power plant fails to account for formaldehyde emissions. This straightforward and critical error caused VoltaGrid's minor source permit to significantly understate the power plant's potential to emit VOC.²⁶ The problems don't end there.

The minor source permits associated with the Omicron Drive campus do not restrain the potential to emit NOx or VOC (precursors to ozone) or CO as purported because they are not enforceable as a practical matter. There are no pollution controls requirements, operating limits, or monitoring and reporting requirements that ensure that permit requirements are met. These are minor sources on paper only. *Weiler*, 392 F.3d at 535; 54 Fed. Reg. 27,283.

Companies seeking to construct a stationary source with the physical capacity to emit pollution above major source thresholds may not authorize construction with a minor source permit, unless that permit identifies practically enforceable operating limits and pollution controls as part of the source's design that are sufficient to prevent emissions from exceeding major source thresholds. To do so would pose grave harm to air quality, human health, and the integrity of the New Source Review framework. Instead, such companies must either seek and accept a federally enforceable synthetic minor source permit that restrains potential to emit criteria (or precursor) pollutants below major source thresholds or they must accept major source applicability. As to ozone, Vantage and Voltagrid, through the Partnership or otherwise, must therefore apply for and obtain a major source preconstruction Nonattainment New Source Review (NNSR) permit and as to CO, they must apply for and obtain a major source preconstruction Prevention of Significant Deterioration (PSD) permit.

This is because potential to emit, in the absence of federally enforceable operating limits or controls, must be calculated assuming the maximum capacity of a source to emit relevant criteria pollutants (here, NOx, VOC, and CO) and formaldehyde under its physical and operational design of continuous operation,²⁷ which equates to 8,760 hours per year for the natural gas generating engines, and 876 hours per year for the diesel backup generators. 30 Tex. Admin. Code §§ 106.511, 116.12(29).²⁸ This recalculated potential to emit is referred to in the NOI and Table 2, above, as the *corrected* potential to emit for NOx, VOC, CO, and formaldehyde.

²⁶ See email correspondence between Brittany Williams, TCEQ and Korby Bracken, VoltaGrid starting October 4, 2024 through October 7, 2024 regarding whether formaldehyde was included in the VOC potential to emit calculations at the Omicron Drive power plant. See Attachment A. See also Application for Standard Permit Registration No. 177637, Project No. 380453, dated September 20, 2024 at Appendix B (INNIO Jenbacher vendor sheet indicating that VOC emission factor used to calculate Omicron Drive permit VOC emission limits only include "C_xH_y species with x>2 + C₂H₄"); Application for Standard Permit Registration No. 181707, Project No. 398729, dated September 2025 at Appendix B (INNIO Jenbacher vendor sheet indicating that VOC emission factor used to calculate the Rogers Road permit VOC emission limits only include "C_xH_y species with x>2 + C₂H₄").

²⁷ See 40 C.F.R. §§ 51.165(a)(1)(iii) (NNSR), 51.166(b)(4) (PSD); 30 Tex. Admin. Code § 116.12(29).

²⁸ The PBR at § 106.511 limits the use of backup generators to 10% of the normal operating schedule of the primary equipment. The normal operating schedule of VoltaGrid's natural gas generators is 8,760 hours/year. Accordingly,

The VoltaGrid minor source permit at the Omicron Drive campus was authorized on October 10, 2024, after the redesignation of the San Antonio area as serious nonattainment for ozone. The major source threshold for NO_x and VOC applicable to this campus as aggregated is therefore 50 TPY.²⁹

The corrected calculations for the potential to emit from the Omicron Drive campus as an aggregated, single source of emissions are listed in the table below. All exceed applicable major source thresholds for purposes of NSSR/PSD applicability. *See also* Table 2, *supra*.

CAMPUS	NO _x TPY Corrected	VOC TPY Corrected	CO TPY Corrected
Omicron Drive	3,447.13	174.19	759.56

Construction of the Vantage data center facilities at the Omicron Drive campus began on December 15, 2023.³⁰ The power plant and the data center facilities at this campus are at least partially constructed and operational.³¹

Vantage Data Centers TX11, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through the Partnership or otherwise, do not have the required preconstruction NSSR/PSD major source permit authorizations to construct or operate the Rogers Road campus

Claim 1 asserts that Vantage Data Centers TX11, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through the Partnership or otherwise, are constructing and operating an aggregated, single major source of ozone at the Omicron Drive campus in a serious nonattainment area for ozone without an NSSR preconstruction permit. The campus is a major source of both NO_x and VOC, which are precursors to ozone.

Claim 2 asserts that Vantage Data Centers TX11, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through their Partnership or otherwise, are constructing and operating an aggregated, single major source of CO at the Omicron Drive campus without a PSD preconstruction permit.

the diesel backup generators authorized by PBR are limited to 876 hours/year (this is consistent with how potential to emit is calculated for emergency use generators).

²⁹ The Partnership may argue the date construction began at the Vantage data center is the applicable date in terms of what ozone major source threshold applies but that is incorrect and irrelevant. The major source threshold for ozone prior to the redesignation to serious nonattainment was 100 TPY. The corrected potential to emit calculations for NO_x and VOC far exceed 100 TPY.

³⁰ Tex. Dep't of Licensing & Regul., *Architectural Barriers Project Details: TABS2024007561*, <https://www.tdlr.texas.gov/TABS/Search/Project/TABS2024007561> [https://perma.cc/3TER-HTUZ] (last visited July 20, 2026).

³¹ As of January 12, 2026, VoltaGrid had constructed 20 J620 engines, ten of which were operational. TCEQ Investigation Report, Investigation No. 2122581 at 3 of 4, available electronically at: https://records.tceq.texas.gov/cs/idcplg?IdcService=TCEQ_EXTERNAL_SEARCH_GET_FILE&dID=9815134&Rendition=Web&SearchID=18376707&searchType=External

Each day from the date construction began through the present that these entities construct and/or operate the Omicron Drive campus is a violation of the Clean Air Act and the Texas SIP. Each day of each violation is subject to civil penalties up to \$124,426 per day.³² These violations will continue until a major source NNSR preconstruction permit for NOx and VOC (precursors to ozone) is obtained, and as to CO, until a major source PSD preconstruction permit is obtained.

In the alternative, Citizens provide notice of intent to plead that the Vantage data center facilities at the Omicron Drive campus are a major source for ozone and CO for purposes of NNSR and PSD applicability without aggregation based on corrected potential to emit calculations. Likewise, Citizens will assert that the VoltaGrid power plant at the Omicron Drive campus is a major source for ozone and CO for purposes of NNSR/PSD applicability without aggregation based on corrected potential to emit calculations. *See* Table 2.

Beginning on the first day of construction through the present, each day that Vantage and/or VoltaGrid constructed, constructs, or operates a major source of criteria pollutants above major source thresholds w/o proper NNSR/PSD permit(s) is a violation of the Clean Air Act and the Texas SIP. Each day of each violation is subject to civil penalties up to \$124,426 per day. These violations will continue until the Omicron Drive campus facilities being constructed and operated by Vantage and VoltaGrid are issued the proper major source preconstruction NNSR/PSD permits for ozone and CO.

Claims 3 - 4. Unauthorized construction of the Rogers Road campus without a major source Clean Air Act preconstruction permit for Ozone and CO, in violation of the Clean Air Act and the Texas SIP.

All assertions above are incorporated herein by reference as if set out in full.

The same problem that slipped through the cracks at the Omicron Drive campus power plant occurred at the Rogers Road campus; namely, formaldehyde emissions from the power plant were incorrectly excluded from the potential to emit calculations for VOC. Similar to the power plant at the Omicron Drive Campus, VoltaGrid excluded formaldehyde emissions from the potential to emit VOC in its permit materials. This straightforward and critical error caused VoltaGrid's minor source permit to significantly understate the power plant's potential to emit VOC. *See supra* note 26.

Likewise, neither of the minor source permits associated with the Rogers Road campus restrain the potential to emit NOx or VOC (precursors to ozone) or CO because they are not enforceable as a practical matter. There are no pollution controls requirements, operating limits, or monitoring and reporting requirements that ensure that permit requirements are met. These too are minor sources on paper only for the same reasons discussed in Claims 1-2, *supra*.

³² Civil Monetary Penalties Inflation Adjustments for 2025, 90 Fed. Reg. 1,375, 1,378 (Jan. 8, 2025).

The VoltaGrid minor source permit at the Rogers Road campus was authorized on November 3, 2025, after the redesignation of the San Antonio area as serious nonattainment for ozone. The major source threshold for NOx and VOC applicable to this campus as aggregated is therefore 50 TPY.³³

The corrected calculations for the potential to emit from the Rogers Road campus as an aggregated, single source of emissions are listed in the table below. All exceed applicable major source thresholds for purposes of NNSR/PSD applicability. *See also* Table 2, *supra*.

CAMPUS	NOx TPY Corrected	VOC TPY Corrected	CO TPY Corrected
Rogers Road	2,168.18	149.53	430.61

Construction of the Vantage data center facilities at the Rogers Road campus began on December 11, 2023.³⁴

Vantage Data Centers TX21, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through the Partnership or otherwise, do not have the required preconstruction NNSR/PSD major source permit authorizations to construct or operate the Rogers Road campus.

At a public hearing on May 28, 2026, Vantage represented that its backup generators are partially operational.³⁵ VoltaGrid has not submitted the required notification that its Rogers Road natural gas engines are operating.³⁶

Claim 3 asserts that Vantage Data Centers TX21, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through the Partnership or otherwise, are constructing and operating an aggregated, single major source of ozone at the Rogers Road campus in a serious nonattainment area for ozone without a NNSR preconstruction permit. The campus is a major source of both NOx and VOC, which are precursors to ozone.

³³ 30 Tex. Admin. Code § 116.12 tbl. I. The Partnership may argue the date construction began at the Vantage data center is the applicable date in terms of what ozone major source threshold applies but that is incorrect and irrelevant. The major source threshold for ozone prior to the redesignation to serious nonattainment was 100 TPY. The corrected potential to emit calculations for NOx (an ozone precursor) exceeds 100 TPY.

³⁴ Tex. Dep't of Licensing & Regul., *Architectural Barriers Project Details: TABS2024005974*, <https://www.tdlr.texas.gov/TABS/Search/Project/TABS2024005974> [https://perma.cc/9CTW-TJ77] (last visited July 20, 2026).

³⁵ Stephanie Koithan, *'A Special Place in Hell': San Antonio Residents Push Back Against Far West Side Data Center*, San Antonio Current (June 11, 2026), <https://www.sacurrent.com/news/san-antonio-news/a-special-place-in-hell-san-antonio-residents-push-back-against-far-west-side-data-center/> [https://perma.cc/3CD6-62GZ]. Vantage also reported emissions from its Rogers Road diesel generators to the Texas Emissions Inventory in 2025.

³⁶ 30 Tex. Admin. Code § 116.615(5)(A) requires VoltaGrid to provide notice to the TCEQ of the commencement of operations of its power plants. On June 11, 2026, in response to a Texas Public Information Act records request, the TCEQ confirmed that they have not received any startup notifications for VoltaGrid's Rogers Road power plant. *See* Attachment B.

Claim 4 asserts that Vantage Data Centers TX21, LLC, Vantage Data Centers Management Company, LLC and VoltaGrid, through the Partnership or otherwise, are constructing and operating an aggregated, single major source of CO at the Rogers Road campus without a PSD preconstruction permit.

Each day from the date construction began through the present that these entities construct and/or operate the Rogers Road campus is a violation of the Clean Air Act and the Texas SIP. Each day of each violation is subject to civil penalties up to \$124,426 per day.³⁷ These violations will continue until a major source NNSR preconstruction permit for NOx and VOC (precursors to ozone) is obtained, and as to CO, until a major source PSD preconstruction permit is obtained.

In the alternative, Citizens provide notice of intent to plead that the Vantage facilities at the Rogers Road campus are a major source for ozone and CO for purposes of NNSR/PSD applicability without aggregation based on corrected potential to emit calculations. *See* Table 2. Likewise, Citizens will assert that the VoltaGrid power plant at the Rogers Road campus is a major source for ozone for purposes of NNSR applicability without aggregation based on corrected potential to emit calculations. *See* Table 2.

Beginning on the first day of construction through the present, each day that Vantage and/or VoltaGrid constructs or operates a major source of criteria pollutants above major source thresholds w/o proper NNSR/PSD permit(s) is a violation of the Clean Air Act and the Texas SIP. Each day of each violation is subject to civil penalties up to \$124,426 per day. These violations will continue until the Rogers Road campus facilities operated by Vantage and VoltaGrid are issued the proper major source preconstruction NNSR/PSD permits for ozone and CO, as applicable.

Claim 5: Operation of the data center facilities' diesel-fired generators at the Rogers Road campus in violation of the minor source permit.

All assertions above are incorporated herein by reference as if set out in full.

Vantage Data Centers TX21, LLC is listed on the minor source permit as the owner and operator of the data center facilities at the Rogers Road campus. Vantage Data Centers Management Company, LLC also is an operator of these facilities. *See supra* note 8.

Diesel-fired generators at this campus are authorized to provide backup power during an outage at the co-located natural gas power plant.³⁸ They are not authorized to operate as a primary power source for the data center while the power plant is being constructed. Operation of the

³⁷ Civil Monetary Penalties Inflation Adjustments for 2025, 90 Fed. Reg. 1,375, 1,378 (Jan. 8, 2025).

³⁸ 30 Tex. Admin. Code § 106.511; Application for Permit by Rule Registration, Permit No. 175524, Project No. 370964 at 1, 9, dated June 2025.

diesel generators as the primary power source for this data center is prohibited by the Texas SIP and Vantage Data Centers, TX21, LLC's minor source permit.³⁹

Vantage Data Centers, TX21, LLC reported emissions of approximately 22 tons of NO_x from its Rogers Road data center during 2025 to TCEQ's Emissions Inventory.⁴⁰ At the public hearing on draft Title V Permit No. O4790, which would authorize operation of the Rogers Road data center, Vantage's representative testified that this data center was operational. VoltaGrid represented to TCEQ that its Rogers Road power plant—the primary power source for this data center—was not operational in 2025 and that it would be constructed in 2026.⁴¹ VoltaGrid has not yet submitted notification to TCEQ that its power plant at the Rogers Road campus is operating, as required by its minor source permit. 30 Tex. Admin. Code § 116.615(5). Taken together, these facts indicate that Vantage Data Centers, TX21, LLC began operating its diesel generators as the primary power source for its data center in 2025 prior to construction and operation of the Rogers Road campus power plant.

Each day from the time the data center facilities at the Rogers Road location became operational in 2025 through the present that Vantage operates its diesel generators as a primary power source is a violation of the Clean Air Act, the Texas SIP, and minor source permit held by Vantage Data Centers, TX21, LLC. Each day of each violation is subject to civil penalties up to \$124,426 per day. These violations will continue until Vantage Data Centers, TX21, LLC and Vantage Data Centers Management Company, LLC ceases operation of these diesel generators as a primary source of power.

IV. HARM TO HUMAN HEALTH

The campuses at Omicron Drive and Rogers Road are and will expose nearby residents to CO, Ozone, NO_x and VOC, HAPs, including formaldehyde which also is a VOC. VOC and NO_x are the key ingredients necessary to form ground-level ozone (smog), a serious air pollution problem that threatens health in San Antonio and Bexar County. These pollutants can worsen respiratory disease, damage the heart and lungs, interfere with everyday activities, and raise cancer risks. Children, older adults, people with asthma or heart disease, and pregnant women face more serious risks.

Carbon Monoxide

Carbon monoxide reduces the blood's ability to deliver oxygen to vital organs including the heart, lungs, and brain.⁴² Even “lower levels of carbon monoxide can permanently harm your

³⁹ Tex. Health & Safety Code § 382.085(a); 30 Tex. Admin. Code §§ 106.6, 106.511; PBR Registration No. 175524, Project No. 370964; PBR Registration No. 175524, Project No. 394863.

⁴⁰ Emissions Inventory Report, RN111926465, Vantage Data Center TX21, Emissions Inventory Year: 2025. *See* Attachment C.

⁴¹ AEIF Fee Basis Form Submission Confirmation, RN112293980/BGA041O (Apr. 28, 2026). *See* Attachment D.

⁴² Agency for Toxic Substances & Disease Registry, *Interaction Profile for Carbon Monoxide, Formaldehyde, Methylene Chloride, Nitrogen Dioxide, and Tetrachloroethylene* app. A, at A-1 to A-6, avail. at

heart and brain” and pose greater risks to people with heart or lung disease.⁴³ Exposure to “lower levels” of carbon monoxide during pregnancy may even harm a child’s mental development.⁴⁴ People with heart disease are “especially vulnerable” and can experience chest pain after short-term exposure to elevated levels of carbon monoxide.⁴⁵

Nitrogen Oxides

NO_x are a family of chemicals that are a key ingredient of ground-level ozone and fine particle pollution.⁴⁶ Exposure to one kind of NO_x, nitrogen dioxide (“NO₂”), can damage the respiratory system.⁴⁷ Longer-term exposures to higher concentrations of NO₂ may contribute to the development of asthma and increase the risk of respiratory infections.⁴⁸ Children, older adults, and people with asthma are particularly at risk of these effects.⁴⁹

Volatile Organic Compounds

VOC are a class of organic compounds that evaporate at normal room temperatures.⁵⁰ Specific VOC include chemicals like benzene, toluene, and formaldehyde, which are hazardous air pollutants under the Clean Air Act.⁵¹ Not all VOC are HAPs. Like NO_x, VOC emissions contribute to the formation of ground-level ozone.⁵²

Health impacts from short-term exposure to VOC can irritate the eyes, nose, and throat and cause headaches, dizziness, nausea, and respiratory symptoms, including asthma-related effects in susceptible people.⁵³ Some VOC can damage critical organs like the liver, kidneys, and the

<https://www.atsdr.cdc.gov/interaction-profiles/media/pdfs/ip12-a.pdf> [https://perma.cc/7FGS-SDBG] (last visited July 9, 2026).

⁴³ Agency for Toxic Substances & Disease Registry, *Public Health Statement for Carbon Monoxide*, <https://wwwn.cdc.gov/TSP/PHS/PHS.aspx?phsid=1146&toxid=253> [https://perma.cc/CER5-ZQUY] (last visited July 13, 2026).

⁴⁴ *Id.*

⁴⁵ U.S. Environmental Protection Agency, *Basic Information About Carbon Monoxide Outdoor Air Pollution*, <https://www.epa.gov/co-pollution/basic-information-about-carbon-monoxide-co-outdoor-air-pollution> [https://perma.cc/8VU9-PEUY] (last visited July 9, 2026).

⁴⁶ Tex. Comm’n on Env’t Quality, *Nitrogen Dioxide State Implementation Plan Requirements*, <https://www.tceq.texas.gov/airquality/sip/criteria-pollutants/sip-no2> (last visited July 9, 2026).

⁴⁷ *Id.*

⁴⁸ U.S. Environmental Protection Agency, *Basic Information About NO₂*, <https://www.epa.gov/no2-pollution/basic-information-about-no2> [https://perma.cc/VLC7-BBDB] (last visited July 9, 2026).

⁴⁹ *Id.*

⁵⁰ U.S. Env’t Prot. Agency, *Technical Overview of Volatile Organic Compounds*, <https://www.epa.gov/indoor-air-quality-iaq/technical-overview-volatile-organic-compounds> [https://perma.cc/X3Q7-PPTT] (last visited July 15, 2026).

⁵¹ 42 U.S.C. § 7412(b)(1).

⁵² See *Ground-Level Ozone Basics*, *supra* Note 11.

⁵³ U.S. Env’t Prot. Agency, *Volatile Organic Compounds’ Impact on Indoor Air Quality*, <https://www.epa.gov/indoor-air-quality-iaq/volatile-organic-compounds-impact-indoor-air-quality> [https://perma.cc/F4SU-U3AT] (last visited July 15, 2026); Am. Lung Ass’n, *Volatile Organic Compounds*,

central nervous system.⁵⁴ For instance, benzene and toluene can impact the body's ability to form blood and cause neurological effects, respectively.⁵⁵

Some VOC that will be emitted from the campuses also are carcinogens. Benzene exposure increases the risk of leukemia and other blood disorders, and formaldehyde, as discussed below, is a known carcinogen.⁵⁶

Ozone

As stated, NOx and VOC react with sunlight to create ground-level ozone.⁵⁷ Ozone is a “respiratory toxic agent that can cause acute respiratory health effects when people breathe high concentrations of it over several hours.”⁵⁸ Ozone can make it difficult to breathe, damage airways, increase susceptibility to lung infections, worsen asthma and other respiratory diseases, and increase the risk of death from lung disease.⁵⁹ Ozone affects healthy people but impacts people with preexisting respiratory conditions more seriously.⁶⁰ Children face the “greatest risk” from ozone because their lungs are still developing, and they are generally more active than adults.⁶¹ Long-term ozone exposure is linked to increases in hospitalizations and development of new cases of respiratory disease.⁶²

These impacts are not merely theoretical. When ozone levels are high, EPA recommends that sensitive people limit their outdoor activities.⁶³ People with asthma may experience worsening

<https://www.lung.org/clean-air/indoor-air/indoor-air-pollutants/volatile-organic-compounds> (last visited July 15, 2026).

⁵⁴ See *Volatile Organic Compounds' Impact on Indoor Air Quality*, *supra* note 52.

⁵⁵ Agency for Toxic Substances & Disease Registry, *Toxicological Profile for Toluene*, <https://www.atsdr.cdc.gov/toxprofiles/tp56.pdf> [https://perma.cc/NL6Q-VVZA] (last visited July 15, 2026); Agency for Toxic Substances & Disease Registry, *Toxicological Profile for Benzene*, <https://www.atsdr.cdc.gov/toxprofiles/tp3.pdf> [https://perma.cc/K2E9-TJW7] (last visited July 15, 2026).

⁵⁶ Nat'l Cancer Inst., *Benzene and Cancer Risk*, <https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/benzene> [https://perma.cc/65Q9-C36X] (last visited July 15, 2026).

⁵⁷ See *Ground-Level Ozone Basics*, *supra* note 11.

⁵⁸ Tex. Comm'n on Env't Quality, *Ozone: The Facts*, <https://www.tceq.texas.gov/airquality/monops/ozonefacts.html> [https://perma.cc/M8EB-8H99] (last visited July 9, 2026).

⁵⁹ U.S. Environmental Protection Agency, *Health Effects of Ozone Pollution*, <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution> [https://perma.cc/GB7W-CQKH] (last visited July 9, 2026); U.S. Environmental Protection Agency, *Air Quality Guide for Ozone* (Feb. 2023), <https://document.airnow.gov/air-quality-guide-for-ozone.pdf> [https://perma.cc/ZZG9-ND2Q].

⁶⁰ See *Health Effects of Ozone Pollution*, *supra* note 59.

⁶¹ *Id.*

⁶² *Id.*

⁶³ See *Ozone: The Facts*, *supra* note 58; U.S. Environmental Protection Agency, *Patient Exposure and the Air Quality Index*, <https://www.epa.gov/ozone-pollution-and-your-patients-health/patient-exposure-and-air-quality-index> [https://perma.cc/KTM6-488X] (last visited July 9, 2026).

symptoms, need more medication, and face greater risks of emergency room visits or hospitalization.⁶⁴

These harms are especially concerning because the San Antonio region already has an ozone problem. EPA designated the region as being in “serious” nonattainment with the federal ozone standard, meaning people are already consistently exposed to ozone levels EPA says is problematic.⁶⁵

Formaldehyde

The data center campuses would also emit substantial amounts of formaldehyde. Formaldehyde is classified as a hazardous air pollutant⁶⁶ and a known human carcinogen⁶⁷ that in the short term can irritate the skin, eyes, nose, and throat.⁶⁸

V. THE PERSONS RESPONSIBLE FOR THE ALLEGED VIOLATIONS

“Vantage” and “VoltaGrid,” as identified and defined in this NOI, are persons responsible for the alleged violations. All corporations noticed herein as well as the Partnership are “persons” for purposes of the Clean Air Act. The minor source permits issued by TCEQ to construct the facilities at the two campuses were issued to VoltaGrid, LLC and either Vantage Data Centers TX11, LLC (in the case of Omicron Drive) or Vantage Data Centers TX21, LLC (in the case of Rogers Road). TCEQ issued these minor permits based upon applications submitted on behalf of the same legal entities. The Vantage Data Centers Management Company, LLC is identified, as explained above, as an operator of the data center facilities under construction and/or operation at campuses at Omicron Drive and Rogers Road. The Vantage Data Centers Management Company, LLC is legally responsible for the violations alleged in this NOI.

VI. THE LOCATIONS OF THE VIOLATIONS

The Omicron Drive campus is located at 14270 Omicron Drive, San Antonio, TX 78245. The Rogers Road campus is 5207 Rogers Road, San Antonio, Texas 78251. The Omicron Drive campus and the Rogers Road campus are both located in Bexar County. These are the locations of the violations.

⁶⁴ EPA, *Patient Exposure and the Air Quality Index*.

⁶⁵ See Clean Air Act Reclassification of San Antonio, Dallas-Fort Worth, and Houston-Galveston-Brazoria Ozone Nonattainment Areas; TX, 89 Fed. Reg. 51,829, 51,843 (June 20, 2024).

⁶⁶ 42 U.S.C. § 7412(b)(1).

⁶⁷ Nat'l Cancer Inst., *Formaldehyde and Cancer Risk* (June 10, 2011), <https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/formaldehyde/formaldehyde-fact-sheet> [https://perma.cc/Y9FH-BAWA].

⁶⁸ U.S. Env'tl. Prot. Agency, *Facts About Formaldehyde*, <https://www.epa.gov/formaldehyde/facts-about-formaldehyde> [https://perma.cc/UR44-PTUV] (last visited July 17, 2026)

VII. THE NAME, ADDRESS AND PHONE OF THE PERSONS GIVING NOTICE

The Sierra Club is a person giving notice to Vantage, VoltaGrid and others as required by statute and regulation regarding the violations alleged herein. The Sierra Club is located at 2101 Webster Street, Suite 1300, Oakland, California, 94612 and its phone number is (415) 977-5589.

The Sierra Club is a nationwide non-profit environmental membership organization, which has its purpose to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out those objectives.

Members of the Sierra Club are avid outdoor enthusiasts who work, live, worship and/or recreate near the two campuses and who are concerned about the pollution coming from them. They are particularly concerned about the impact that pollution is having on their health, the health of their families, and the health of the natural environment. This is especially true given San Antonio's already unhealthy air due to ozone.

Public Citizen is a person giving notice to Vantage, VoltaGrid and others as required by statute and regulation regarding the violations alleged herein. Public Citizen's headquarters are located at 1600 20th Street NW, Washington, DC 20009 and its phone number is (202) 588-1000. Public Citizen has a Texas office located at 309 E 11th Street, Suite 2, Austin, TX 78701 and its phone number is (512) 477-1155.

Public Citizen is a nonprofit consumer advocacy organization with members in all 50 states. Public Citizen appears on behalf of its members before Congress, administrative agencies, and the courts to advocate for the right of individuals and families to live and work in communities that are healthy and safe from pollution. To that end, Public Citizen promotes measures to hold polluters accountable and strong public protections for the health of communities and the environment. Through its Texas office, Public Citizen works to protect the health, environment, and consumer rights of Texans. That office engages with the Texas Legislature, state regulatory agencies, and local communities to advance policies on clean energy, environmental enforcement, product safety, campaign finance reform, and fair trade.

Members of Sierra Club and Public Citizen have been injured and continue to be injured by the unauthorized and/or excess emissions coming from both campuses, in violation of the Clean Air Act, the TEXAS SIP, and regarding Claim 5, the minor source permit issued to VoltaGrid at the Rogers Road campus.

VIII. CONCLUSION

This NOI is based on publicly available sources of information. Additional information, including information in the possession of Vantage, VoltaGrid or the Partnership, may reveal additional details about the violations described or may reveal additional violations of other

Clean Air Act requirements. This letter covers all such violations, including the violations described above, that occur after the date of this letter.

If you believe any of the facts described above are in error, have any information indicating that you have not violated the Clean Air Act, or if you have any questions concerning this letter or the violations described herein, please contact the undersigned attorney for the Environmental Integrity Project. Finally, we would welcome the opportunity to meet with you to discuss the resolution of this matter prior to the expiration of the 60-day notice period. You should feel encouraged to contact us if you would like to arrange a meeting.

Sincerely,

ENVIRONMENTAL INTEGRITY PROJECT



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On behalf the Sierra Club and Public Citizen

Enclosures: Attachments A-D