

TCEQ Public Meeting Overview

Thursday, October 15, 2026, at 7:00 p.m., at the Jerry Fay Wilhelm Center for the Performing Arts, 1401 Cedar Street, Bastrop, for the SpaceX "Starlink Factory Bastrop" air permit, TCEQ Permit 182733 / Project 403572 www.tceq.texas.gov

Permit 182733 is an application for the **initial issuance** of an Air Quality New Source Review (NSR) Permit for aluminum furnaces. Initial air permit issuances for industrial facilities carry full public notice, public comment, and contested case hearing rights under Texas Health & Safety Code § 382.056 and 30 TAC Chapter 55.

This guide will help prepare you for the public meeting (or any similar public meeting) in as plain language as possible about complicated technical matters.

The identified "Priority" comment areas are the technical levers administrative law judges and air quality engineers look for in formal contested case hearings or comment responses, whether you file a request for contested case hearing or not. You should add your own concerns to the nine points we recommend.

The guide gives answers on TCEQ deadlines for both public comments and requests for CCHs. LIV will make its own public comments for everyone's benefit on the record, *but LIV currently does not intend to request a contested case hearing (CCH)*. Whether any affected persons should request one or what a request must contain to be considered by TCEQ are both *outside* the scope of this guide.

LIV will post additional suggestions on its website that might assist your comments on the record and your questions in the *informal* live Q & A at the meeting.

The purpose of the public meeting is two-fold: (1) to provide an informal (off the record) Q & A for the public to ask questions of TCEQ and, hopefully, of SpaceX (*caveat*: applicants or their consultant representatives sometimes choose not to participate); and (2) for the public to make comments *on the official record*. *This guide primarily addresses public comments. Just note that informal questions you ask and Q and A to be preserved, repeat them during public comment on the record!*****

We have included critical deadlines to preserve all your rights --- deadlines and legal requirements must be strictly observed in any formal challenge to the permit. The deadline for public comments (October 15) and the deadline for requesting a CCH (not a date certain at this time) are critical.

TCEQ is obligated to respond in writing to all comments included in the official record of the Oct. 15 meeting (this could take weeks or months). Sign up with TCEQ at the meeting if you want to receive a copy of the official responses.

You can submit formal written comments before Oct. 15 – see Part 3 of this guide.

Part 1: Summary for the Public Meeting --- Public Comments on the Record; Informal Q & A

1. What is SpaceX Asking For?

SpaceX is asking TCEQ for an air permit (Permit #182733 / Project 403572) to construct and operate the so-called "Starlink Factory Bastrop" on FM1209 consisting of:

- **Two Large Aluminum Melting Furnaces:** Fired by natural gas, melting up to 4 total tons of aluminum ingots per hour (operating 24/7, up to 35,040 tons per year). SpaceX says pollution controls for emissions from these melting stacks are zero ("uncontrolled"). (Smoke/fumes are released into the building.)
- **Six Electric Holding Furnaces:** Keep molten metal hot before casting. Smoke/fumes vented into the building go through standard building filters (MERV-8), and vent out the roof.
- **Six Die-Casting Machines:** Authorized under a separate "Permit by Rule."
- The aluminum furnaces will feed die-casting machines designed for mass-producing lightweight aluminum casings, brackets, and structural frames. Because this SpaceX campus involves "Starlink" facilities, there is speculation the aluminum fabrication may be part of SpaceX's "data centers in space" initiative. [Read about the Musk projects on this campus as of June 2026.](#) Feel free to ask questions Oct. 15!

2. Main Technical Flaws & "Red Flags" in the Proposal – PUBLIC COMMENTS

When speaking at the meeting or writing comments, community members can focus on these main points for *on the record* public comments):

1. ***Unproven Pollution Reduction Calculations (Priority #1):***

- SpaceX claims a **92% reduction** in particle/dust pollution without installing scrubbers or baghouses on the main stacks.
 - *How?* They claim the building itself traps 90% of dust, and basic air filters (MERV-8) catch 20% of what's left ().
 - *The Problem:* Open doors, ventilation fans, and tiny microscopic metal fumes (under 1 micron) blow right through MERV-8 filters. If this assumption is wrong, pollution could be **up to 10 times higher** than SpaceX claims.
- #### 2. ***No Hourly Tracking / Weak Recordkeeping (Priority #2):***

- SpaceX requested—and TCEQ agreed—to drop hourly tracking of how much metal is melted, switching to monthly reports instead.
- *The Problem:* Air limits are set per hour to prevent short-term toxic spikes. Monthly reports cannot prove SpaceX didn't exceed hourly safety limits. SpaceX permit should require hourly reporting.

3. ***Confidential Calculations Withheld from the Public (Priority #3):***

- SpaceX hid key math and emission formulas in "Confidential Appendix C." Under Texas law, the types and amounts of air pollution emitted **cannot be kept secret**.

4. ***Missing Final Air Quality / Health Studies (Priority #4):***

- TCEQ sent SpaceX a deficiency letter in March 2026 asking for complete computer modeling of air impacts. The public record does not show how this was resolved or if surrounding neighborhoods will be safe from fine particulates () and metals.

5. ***Discrepancy in Toxic Lead Emissions (Priority #5):***

- One part of SpaceX's filing lists lead emissions at 1.10 lbs/year, while another part says 0.43 lbs/year. They need to clarify this discrepancy.

6. ***Are They Already Operating? (Priority #6)***

- Application workbooks show boxes checked for both "Already constructed" and "Already operating." TCEQ needs to clarify if this facility was legally authorized under prior permits or if it operated without required permits.
- ***Note this doesn't automatically mean an unpermitted violation occurred. In making oral or written comment, we recommend avoiding statements like "they admitted they're operating illegally," in favor of the more measured tone suggested above.***

Additional Comments: To ensure your spoken or written comments submitted on or before October 15 are as comprehensive as possible for a potential contested case hearing, add these additional standard air permitting issues to throw a more complete net around the application:

7. ***Initial Stack Testing Requirements (Testing vs. Math)***

- The Issue: The application relies entirely on paper emission factors (standard mathematical formulas) to show low pollution levels.
- The Comment to Add: Request that TCEQ require mandatory initial stack testing (source sampling) within 180 days of startup for both melting furnace exhaust stacks to verify actual, , , and toxic metal emission rates under maximum operating capacity. Paper calculations should not substitute for real-world measurements on unmonitored furnaces.

8. ***Off-Site Nuisance & Odor Prohibitions (30 TAC § 101.4):***

- The Issue: Under Texas Rule 30 TAC § 101.4, no facility may discharge air contaminants that interfere with the normal use and enjoyment of life or property (nuisance, severe smoke, or industrial odors).

- The Comment to Add: Request that TCEQ include explicit, enforceable special conditions requiring an Odor & Nuisance Management Plan and establishing rapid response protocols for neighboring properties, given the site's proximity to residential and rural land uses.

9. Continuous Monitoring of Filter Pressure Drop (Special Condition Enforceability)

- The Issue: SpaceX claims a building/filter credit (MERV-8) for particulate control. Standard filter pads only work if they are maintained and operating within specified differential pressure ranges.
- The Comment to Add: Request that TCEQ require continuous differential pressure gauges with visual/audible alarms and hourly differential pressure logs on the rooftop filtration system (HOLDFRNCAP) to prove continuous compliance.

Part 2: Key Talking Points for 3-Minute Oral Comments on the Record

If speakers have limited time at the microphone, prioritize these three clear asks, and hand in your lengthier comments in writing, **to put both on the record:**

1. **Demand Proof on Pollution Filters:** *"Require SpaceX to prove that a standard building and MERV-8 filters actually trap 92% of microscopic metal dust before giving them credit for it."*
2. **Bring Back Hourly Records:** *"Require SpaceX to keep hourly melting logs so TCEQ can enforce hourly air safety limits."*
3. **Disclose Hidden Calculations:** *"Release the confidential math and final computer modeling to the public before making a final permit decision."*

Part 3: Written Comments & Contested Case Hearing Strategy

1. Is this written analysis ready to form the basis of formal comments?

- **Yes, we believe it is, but add any additional comments you have.** Our technical analysis will serve as the core framework for formal written comments. It raises specific, legally and technically grounded objections (e.g., BACT determinations under 30 TAC, MERV-8 efficiency limitations, hourly vs. monthly monitoring enforceability, and air dispersion modeling). It adds three additional comments that are "standard" for air permit contested cases.

2. Important Rules & Deadlines for Preserving Issues for Contested Case

- **Written Comments Prior to October 15**

- **Submit written comments under Permit 182733 / Project 403572**, include your mailing address, and request a written response and placement on the mailing list. Use the [TCEQ electronic comment portal](#) or [mail them](#) to TCEQ.
 - The ultimate deadline for the official comment period is the **close of the October 15 meeting**.
- **The Public Meeting Rule (Formal vs. Informal):**
 - At the meeting on October 15, there will be an **informal Q&A** phase and a **formal public comment** phase.
 - **CRITICAL:** Questions or statements made **only** during the informal Q&A are **NOT** part of the official legal record and will not receive formal written responses. You must submit written comments or questions ahead of time through the TCEQ portal, at the meeting, and/or speak them during the *formal* oral comment segment to get them on the record. This would include repeating any informal Q & A questions if you want them preserved.
- **Can you submit further written comments on the record (and make them part of any contested case) after October 15?**
 - **NO.** The public meeting on October 15 **IS** the final deadline **for submitting comments on the record, receiving a response from TCEQ, and using them as issues in a contested case.**
 - **Can you submit Contested Case Requests AFTER October 15? (Grace Period)**
 - **YES.** The public meeting on October 15 is **NOT** the final deadline **for filing a Request for Contested Case Hearing (CCH).**
 - Under TCEQ rules, **the deadline to request a contested case hearing typically extends until 30 days after the Executive Director mails the Response to Comments (RTC)** (or as specified in the official Notice of Application and Preliminary Decision).
- **Can NEW issues be added in a Contested Case Request after October 15?**
 - **NO**, unless they were raised in timely public comments.
 - Under Texas Clean Air Act rules (30 TAC § 55.201 / Texas Health & Safety Code § 382.056), a contested case hearing request can **ONLY be granted on issues that were raised in timely submitted public comments.**
 - **Strategy:** You must ensure that **every issue** you might ever want to bring up in a CCH (filter efficiency, lead math, hourly records, modeling, Subpart RRR MACT applicability, prior construction, etc.) is submitted in writing as a public comment **on or before the close of the comment period**. If an issue is not in the public comments, an Administrative Law Judge (ALJ) cannot consider it during a hearing.
 - If you are a neighbor to the facility and think you, or a group that represents you, are an “affected person” (an affected landowner, generally those living close to

the property boundary who may be personally impacted, or an impacted group that represents the landowner), who can protest the permit in a contested case, **you or someone else has to raise every issue you might want to use by October 15. Then, you must request the hearing within 30 days after the TCEQ responds to public comments.**

- A strategy that is often followed is for an affected person or group who wants to request a hearing to file a protective, bare bones request **prior to or during the public meeting** for a contested case as follows:
 - **"I am an affected person living at [address] within [distance] of the facility, and I hereby request a contested case hearing on all issues raised in these comments."**
 - This acts as a protective "placeholder" CCH request.
 - After TCEQ issues the Response to Comments (RTC), the formal 30-day CCH clock begins (RTC could take weeks or months).
 - The affected neighbor or group can then file an amended, more formal, detailed request for contested case hearing.