

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2007

TO: Persons on the attached mailing list.

RE: ExxonMobil Oil Corporation
Permit No. 46534 and PSD Air Quality Permit No. PSD-TX-992M1

Decision of the Executive Director.

The executive director has made a decision that the above-referenced permit application meets the requirements of applicable law. **This decision does not authorize construction or operation of any proposed facilities.** This decision will be considered by the commissioners at a regularly scheduled public meeting before any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.

Enclosed with this letter is a copy of the Amended Executive Director's Response to Comments. A copy of the complete application, draft permit and related documents, including public comments, is available for review at the TCEQ Central office. A copy of the complete application, the draft permit, and executive director's preliminary decision are available for viewing and copying at the TCEQ Central Office, the TCEQ Beaumont Regional Office, and at the Beaumont Public Library, 801 Pearl Street, Beaumont, Texas.

If you disagree with the executive director's decision, and you believe you are an "affected person" as defined below, you may request a contested case hearing. In addition, anyone may request reconsideration of the executive director's decision. A brief description of the procedures for these two requests follows.

How To Request a Contested Case Hearing.

It is important that your request include all the information that supports your right to a contested case hearing. You must demonstrate that you meet the applicable legal requirements to have your hearing request granted. The commission's consideration of your request will be based on the information you provide.

The request must include the following:

- (1) Your name, address, daytime telephone number, and, if possible, a fax number.
- (2) If the request is made by a group or association, the request must identify:
 - (A) one person by name, address, daytime telephone number, and, if possible, the fax number, of the person who will be responsible for receiving all communications and documents for the group; and
 - (B) one or more members of the group that would otherwise have standing to request a hearing in their own right. The interests the group seeks to protect must relate to the organization's purpose. Neither the claim asserted nor the relief requested must require the participation of the individual members in the case.
- (3) The name of the applicant, the permit number and other numbers listed above so that your request may be processed properly.
- (4) A statement clearly expressing that you are requesting a contested case hearing. For example, the following statement would be sufficient: "I request a contested case hearing."

Your request must demonstrate that you are an **"affected person."** An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Your request must describe how and why you would be adversely affected by the proposed facility or activity in a manner not common to the general public. For example, to the extent your request is based on these concerns, you should describe the likely impact on your health, safety, or uses of your property which may be adversely affected by the proposed facility or activities. To demonstrate that you have a personal justiciable interest, you must state, as specifically as you are able, your location and the distance between your location and the proposed facility or activities. A person who may be affected by emissions of air contaminants from the facility is entitled to request a contested case hearing.

Your request must raise disputed issues of fact that are relevant and material to the commission's decision on this application. The request must be based on issues that were raised during the comment period. The request cannot be based solely on issues raised in comments that have been withdrawn. The enclosed Amended Response to Comments will allow you to determine the issues that were raised during the comment period and whether all comments raising an issue have been withdrawn. The public comments filed for this application are available for review and copying at the Chief Clerk's office at the address below.

To facilitate the commission's determination of the number and scope of issues to be referred to hearing, you should: 1) specify any of the amended executive director's responses to comments that you dispute; and 2) the factual basis of the dispute. In addition, you should list, to the extent possible, any disputed issues of law or policy.

How To Request Reconsideration of the Executive Director's Decision.

Unlike a request for a contested case hearing, anyone may request reconsideration of the executive director's decision. A request for reconsideration should contain your name, address, daytime phone number, and, if possible, your fax number. The request must state that you are requesting reconsideration of the executive director's decision, and must explain why you believe the decision should be reconsidered.

Deadline for Submitting Requests.

A request for a contested case hearing or reconsideration of the executive director's decision must be in writing and must be **received by** the Chief Clerk's office no later than **30 calendar days** after the date of this letter: You should submit your request to the following address:

LaDonna Castañuela, Chief Clerk
TCEQ, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

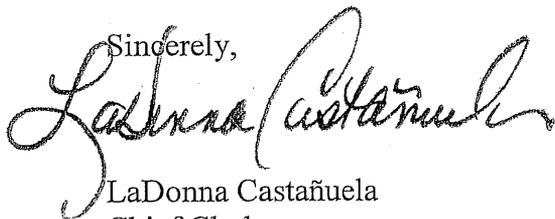
Processing of Requests.

Timely requests for a contested case hearing or for reconsideration of the executive director's decision will be referred to the alternative dispute resolution director and set on the agenda of one of the commission's regularly scheduled meetings. Additional instructions explaining these procedures will be sent to the attached mailing list when this meeting has been scheduled.

How to Obtain Additional Information.

If you have any questions or need additional information about the procedures described in this letter, please call the Office of Public Assistance, Toll Free, at 1-800-687-4040.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/cz

Enclosures

MAILING LIST

for

ExxonMobil Oil Corporation

Permit No. 46534 and PSD Air Quality Permit No. PSD-TX-992M1

FOR THE APPLICANT:

W. S. Stewart
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FOR PUBLIC INTEREST COUNSEL:

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Texas Commission on Environmental Quality
Public Interest Counsel MC-103
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INTERESTED PERSONS:

Rev. Roy Malveaux
P.O. Box 6672
Beaumont, Texas 77725

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
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Austin, Texas 78711-3087

FOR THE EXECUTIVE DIRECTOR:

Erin Selvera, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
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Texas Commission on Environmental Quality
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FOR OFFICE OF PUBLIC ASSISTANCE:

Bridget Bohac, Director
Texas Commission on Environmental Quality
Office of Public Assistance MC-108
P.O. Box 13087
Austin, Texas 78711-3087

TCEQ AIR QUALITY PERMIT NO. 46534
PSD AIR QUALITY PERMIT NO. PSD-TX-992M1

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CHIEF CLERKS OFFICE

APPLICATION BY	§	BEFORE THE
EXXONMOBIL OIL CORPORATION	§	
FOR FLUIDIZED CATALYTIC	§	TEXAS COMMISSION ON
CRACKER UNIT SCR	§	
BEAUMONT, JEFFERSON COUNTY	§	ENVIRONMENTAL QUALITY

AMENDED EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Amended Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code § 55.156 (30 TAC § 55.156), before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk timely received comment letters from the following persons: Rev. Roy L. Malveaux. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process please call the TCEQ Office of Public Assistance at 1-800-687-4040. General information about the TCEQ can be found at our website at www.tceq.state.tx.us.

BACKGROUND

Description of Facility

Exxonmobil Oil Corporation has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA), §382. 0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the applicant to construct a selective catalytic reduction (SCR) system on their fluidized catalytic cracking unit (FCCU) to reduce emissions of nitrogen oxides (NO_x). The facility is located at 1795 Burt Street Beaumont, Jefferson County. Contaminants authorized under this permit amendment include particulate matter, sulfuric acid mist, and ammonia.

Procedural Background

Before work is begun on the construction of a new facility or a modification of an existing facility that may emit air contaminants, the person planning the construction or modification must obtain a permit or permit amendment from the commission. This permit application is for an amendment. The permit application was received on January 5, 2007, and declared administratively complete on January 24, 2007. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice)

for this permit application was published on February 1 and 5, 2007, in the *Beaumont Enterprise* and *La Voz*, respectively. The Notice of Application and Preliminary Decision was published in the *La Voz* on May 24, 2007 and in the *Beaumont Enterprise* on May 27, 2007. Since this application was administratively complete after September 1, 1999, this action is subject to the procedural requirements adopted in accordance with House Bill 801, 76th Legislature, 1999.

COMMENTS AND RESPONSES

COMMENT 1: A contested case hearing is requested because the commenter and others may be affected by emissions from this facility due to their proximity to the site (within a mile and a half).

RESPONSE 1: This is an emissions control project required by an agreement between ExxonMobil and EPA which will improve emission controls for the FCCU and the quality of the air in that area. This permit amendment does not authorize any increase in operating rate for the FCCU.

This permit authorizes the installation of a control device (SCR), required by a Consent Decree between ExxonMobil and the Environmental Protection Agency (EPA), to reduce the emissions of NO_x from the FCCU at this site. As a result, NO_x allowable emissions from the FCCU will be reduced by more than 350 pounds per hour and 1600 tons per year.

The SCR control system may cause an increase in the emissions of sulfuric acid mist as a small fraction of the sulfur dioxide present in the exhaust is oxidized on the SCR catalyst and reacts with the water present to form sulfuric acid. Sulfuric acid mist is considered condensable particulate matter so the particulate matter emission rate will increase as well. Ammonia must be injected into the gas stream for the SCR system to function and remove NO_x so there will also be a small amount of ammonia present. These emissions are minimized by requirements added to the permit conditions to ensure emission control is best available control technology (BACT). This will limit total increases in allowable emissions attributable to the SCR system to less than 70 pounds per hour and 120 tons per year. The potential increase in off-site concentrations of these pollutants in the ambient air was evaluated using an approved air dispersion model and were predicted to be insignificant for particulate matter, within requirements of state rules for sulfuric acid mist, and acceptable for ammonia reviewed through the Modeling and Effects Review Applicability Guidance.

Regarding the request for a contested case hearing, determinations concerning affected party status and whether or not to grant the hearing request will be considered by the commission, pursuant to TCEQ rules, at a commission meeting to be scheduled by the chief clerk. The chief clerk shall mail notice to the applicant, executive director, public interest counsel, and all timely commenters and requestors at least thirty-five days before the first meeting at which the commission considers the requests.

CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality
Glenn Shankle, Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division



Erin Selvera, Staff Attorney
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Representing the Executive Director of the
Texas Commission on Environmental Quality

1. The first part of the document is a letter from the author to the editor, dated 10/10/1964. The letter discusses the author's interest in the subject of the journal and the possibility of publishing a paper on the topic.

2. The second part of the document is a letter from the editor to the author, dated 10/15/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

3. The third part of the document is a letter from the author to the editor, dated 10/20/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

4. The fourth part of the document is a letter from the editor to the author, dated 10/25/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

5. The fifth part of the document is a letter from the author to the editor, dated 10/30/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

6. The sixth part of the document is a letter from the editor to the author, dated 11/5/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

7. The seventh part of the document is a letter from the author to the editor, dated 11/10/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

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9. The ninth part of the document is a letter from the author to the editor, dated 11/20/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

10. The tenth part of the document is a letter from the editor to the author, dated 11/25/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

11. The eleventh part of the document is a letter from the author to the editor, dated 12/1/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

12. The twelfth part of the document is a letter from the editor to the author, dated 12/5/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

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14. The fourteenth part of the document is a letter from the editor to the author, dated 12/15/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

15. The fifteenth part of the document is a letter from the author to the editor, dated 12/20/1964. The author responds to the editor's letter and expresses interest in the editor's suggestions.

16. The sixteenth part of the document is a letter from the editor to the author, dated 12/25/1964. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

17. The seventeenth part of the document is a letter from the author to the editor, dated 1/1/1965. The author responds to the editor's letter and expresses interest in the editor's suggestions.

18. The eighteenth part of the document is a letter from the editor to the author, dated 1/5/1965. The editor expresses interest in the author's work and suggests that the author submit a paper for consideration.

19. The nineteenth part of the document is a letter from the author to the editor, dated 1/10/1965. The author responds to the editor's letter and expresses interest in the editor's suggestions.