

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 16, 2008

TO: Persons on the attached mailing list.

RE: Huntsman Petrochemical Corporation  
Permit No. 20160

### **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any action is taken on this application unless all requests for contested case hearing or reconsideration have been withdrawn before that meeting.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 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 the Hebert Library, 2005 Merriman, Port Neches, Jefferson County, Texas. The facility's compliance file, if any exists, is available for public review at the Texas Commission on Environmental Quality Beaumont Regional Office, 3870 Eastex Freeway, 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 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 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/mr

Enclosures

MAILING LIST  
for  
Huntsman Petrochemical Corporation  
Permit No. 20160

FOR THE APPLICANT:

Steve M. Barre, Site Manager  
Michael C. Miller, Environmental Manager  
Huntsman Petrochemical Corporation  
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Port Neches, Texas 77651

INTERESTED PERSONS:

Adam Martin  
P.O. Box 26030  
Beaumont, Texas 77720

FOR THE EXECUTIVE DIRECTOR:

Shawn Slack, 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  
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FOR PUBLIC INTEREST COUNSEL:

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FOR THE CHIEF CLERK:

LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

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APPLICATION BY §  
HUNTSMAN PETROCHEMICAL §  
CORPORATION PROPYLENE §  
OXIDE/METHYL TERTIARY BUTYL §  
ETHER (PO/MTBE) PRODUCTION UNIT §  
PORT NECHES, JEFFERSON COUNTY §  
PERMIT NO. 20160 §  
RN100219252 §

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY  
CHIEF CLERKS OFFICE

### EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

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

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 one comment letter from Mr. Adam Martin of Beaumont, Texas. 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](http://www.tceq.state.tx.us).

### BACKGROUND

#### Description of Facility

Huntsman Petrochemical Corporation has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) §382. 0518. This will authorize the modification and continued operation of a facility that may emit air contaminants.

This permit will authorize the applicant to modify the permit to incorporate various Permits by Rules and a Standard Permit from previous authorizations and to change representations relating to emissions to the Ground Flare, Dock Flare and the Catalyst Prep Scrubber. The facilities in this permit are segments in the propylene oxide (PO) and methyl tertiary butyl ether (MTBE) manufacturing process. The facility is located at 6001 Highway 366 Port Neches, Jefferson County. Contaminants authorized under this permit include: nitrogen oxides (NOx), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), ammonia (NH<sub>3</sub>), and particulate matter 10 microns or less (PM10).

#### 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 a modification and continued operation of existing facilities. The permit application was received on July 27, 2006, and declared administratively complete on August 3, 2006. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published on August 25, 2006, in the Beaumont Enterprise. 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:

Mr. Martin expressed concern that Huntsman does not have a current environmental impact study for migratory birds, migratory insects, or aquatic animals/mammals found in the Gulf of Mexico that may be impacted by particulates.

### RESPONSE 1:

The TCEQ's jurisdiction is established by the Legislature and is limited to the issues set forth in statute. Accordingly, the TCEQ does not have jurisdiction to require an impact study of the migratory birds, migratory insects, or the aquatic animals in the Gulf of Mexico as requested by Mr. Martin. However, National Ambient Air Quality Standards (NAAQS) are created by the United States Environmental Protection Agency (EPA) and include both primary and secondary standards. The primary standards are those which the Administrator of the EPA determines are necessary, with an adequate margin of safety, to protect the public health, including sensitive members of the population such as children, the elderly, and individuals with existing lung or cardiovascular conditions. Secondary NAAQS are those which the Administrator determines are necessary to protect the public welfare and the environment, including animals, crops, vegetation, and buildings, from any known or anticipated adverse affects associated with the presence of an air contaminant in the ambient air. For this specific permit application, appropriate air dispersion modeling was performed. The permit reviewer used modeling results to verify that predicted ground level concentrations from the proposed facility are not likely to adversely impact off-property receptors. The modeling predictions were reviewed by the TCEQ Air Permits Division, and the modeling analysis was determined to be acceptable.

Additionally, Title 30, Section 101.4 of the Texas Administrative Code (TAC) prohibits the discharge of contaminants which may be injurious to, or adversely affect animal life. Finally, it should be noted that receipt of a State air quality permit does not relieve the regulated entity from complying with all applicable federal requirements under the Endangered Species Act.

**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, Director  
Environmental Law Division



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Shawn A. Slack, Staff Attorney  
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REPRESENTING THE  
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ENVIRONMENTAL QUALITY