

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 26, 2015

Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Executive Director's Response to Hearing Request Brief for Texas Eastern  
Transmission, LP, Air Quality Permit No. 56610  
TCEQ Docket No. 2015-1381-AIR

Dear Ms. Bohac:

Enclosed please find a copy of the Executive Director's Response to Hearing Request brief for the above referenced item. If you have any questions, please do not hesitate to call me at extension 1439.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer J. Furrow".

Jennifer J. Furrow  
Staff Attorney  
Environmental Law Division

Enclosure

**TCEQ AIR QUALITY PERMIT NO. 56610  
TCEQ DOCKET NO. 2015-1381-AIR**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE TEXAS</b>
<b>TEXAS EASTERN</b>	<b>§</b>	
<b>TRANSMISSION, LP</b>	<b>§</b>	<b>COMMISSION ON</b>
<b>LONGVIEW COMPRESSOR</b>	<b>§</b>	
<b>STATION</b>	<b>§</b>	
<b>LONGVIEW, GREGG COUNTY</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) files this response (Response) to the requests for a contested case hearing submitted by persons listed herein. The Texas Clean Air Act (TCAA) § 382.056(n) requires the Commission to consider hearing requests in accordance with the procedures provided in Texas Water Code § 5.556.<sup>1</sup> This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

A current compliance history report, technical review summary, and draft permit prepared by the Executive Director's staff are being filed concurrently with the TCEQ's Office of Chief Clerk for the Commission's consideration. In addition, the Executive Director's Response to Public Comments (RTC), which was mailed by the chief clerk to all persons on the mailing list, is on file with the Chief Clerk for the Commission's consideration.

**I. Application Request and Background Information**

Texas Eastern Transmission, LP (Applicant) applied to the TCEQ for the renewal of a New Source Review (NSR) Authorization under TCAA § 382.0518. This renewal will authorize the continued operation of an existing plant, Longview Compressor Station, which may emit air contaminants.

If issued, this permit will authorize the Applicant to continue operation of an existing permitted facility, which includes three natural gas-fired reciprocating engines at a natural gas compressor station. The facility is located at 3009 Lilly Street, Longview, Gregg County, Texas. Contaminants authorized under this permit include: volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM), including particulate matter less than 10 microns in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>).

The permit application was received on December 9, 2014, and declared administratively complete on December 15, 2014. The Notice of Receipt and Intent to Obtain an Air Quality Permit (public notice) for this permit application was published in English on January 15, 2015 in the *Longview News-Journal* and in Spanish on January 21, 2015 in *La Opinión*. A copy of

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<sup>1</sup> Statutes cited in this response may be viewed online at [www.capitol.state.tx.us/statutes/statutes.html](http://www.capitol.state.tx.us/statutes/statutes.html). Relevant statutes are found primarily in the Texas Health and Safety Code and the Texas Water Code. The rules in the Texas Administrative Code may be viewed online at [www.sos.state.tx.us/tac/index.shtml](http://www.sos.state.tx.us/tac/index.shtml), or follow the "Rules, Policy & Legislation" link on the TCEQ website at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

## **EXECUTIVE DIRECTOR'S RESPONSE TO HEARING REQUESTS**

**Texas Eastern Transmission, LP, Permit No. 56610**

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the permit application was placed at the Longview Public Library on January 15, 2015. However, the application was misfiled and consequently, it was unavailable when Ms. Maxey requested to view it. Therefore, the comment period was extended until February 20, 2015 and the permit application remained on file at the library until February 20, 2015. The RTC was filed on September 2, 2015, and mailed out along with the letter setting the matter on the Commissioner's Agenda to all interested persons, including those who asked to be placed on the mailing list for this application and those who submitted comment or requests for contested case hearing.

The TCEQ Enforcement Database was searched and no pending enforcement activities were found. The Applicant is not delinquent on any payment to the TCEQ.

The TCEQ received a timely hearing request during the public comment period from Ms. Sheila Maxey.

### **II. Analysis of Hearing Requests**

The Applicant is seeking a renewal that would not result in an increase in allowable emissions and would not result in an emission of an air contaminant not previously emitted. TCAA § 382.056(g) states, "The commission may not seek further comment or hold a public hearing...in response to a request for a public hearing on an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted."<sup>2</sup> Therefore, the Commission should deny the hearing request as a matter of law and approve the renewal of Applicant's Permit No. 56610.

Although this renewal application will not result in an increase in allowable emissions and will not result in an emission of an air contaminant not previously emitted, TCAA § 382.056(o) states, "[n]otwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission determines that the application involves a facility for which the applicant's compliance history is in the lowest classification under Sections 5.753 and 5.754, Water Code, and rules adopted and procedures developed under those sections."<sup>3</sup> The Commission adopted 30 TAC, Chapter 60 to evaluate compliance history. The lowest classification under the Texas Water Code §§ 5.753 and 5.754 and 30 TAC § 60.2 is an "unsatisfactory performer." Under 30 TAC § 60.3(a)(3)(B), the TCEQ may hold a hearing on an air permit renewal if the site is classified as an unsatisfactory performer. The compliance history for the company and the site is reviewed for the five-year period prior to the date the permit application was received by the ED. The company has a rating of 1.25, and has been classified as a "satisfactory" performer according to 30 TAC Chapter 60. The site has a rating of 0.00, and has been classified as a "high" performer according to 30 TAC Chapter 60. Therefore, a hearing should not be granted under TCAA § 382.056(o) based on the compliance history of Applicant.

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<sup>2</sup> See also 30 TAC § 55.201(i)(3)(C) (Renewals of air applications that "would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted" are applications for which there is no right to a contested case hearing).

<sup>3</sup> See also 30 TAC § 55.201(i)(3)(C) (stating the commission may hold a hearing if the application "involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations").

**III. Executive Director's Recommendation**

The renewal of this permit would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. Under these circumstances, TCAA § 382.056(g) directs the Commission to "not seek further comment or hold a public hearing." Because consideration of hearing requests on a "no increase" renewal application is governed by TCAA § 382.056(g) and (o), this Response does not include an analysis of the individual hearing request. Accordingly, the ED respectfully recommends the Commission deny the hearing request as a matter of law and approve the renewal of Applicant's Permit No. 56610.

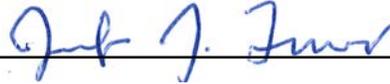
Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E., Executive Director

Caroline Sweeney, Deputy Director  
Office of Legal Services

Robert Martinez, Division Director  
Environmental Law Division



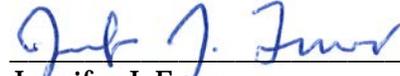
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

On October 26, 2015, a true and correct copy of the foregoing instrument was served on all persons on the attached mailing list by the undersigned via deposit into the U.S. Mail, inter-agency mail, facsimile, electronic transmission or hand delivery.

  
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Jennifer J. Furrow

**MAILING LIST  
TEXAS EASTERN TRANSMISSION, LP  
DOCKET NO. 2015-1381-AIR; PERMIT NO. 56610**

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