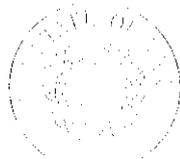


Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 19, 2013

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal of the Executive Director's Use Determination regarding Air Products and Chemicals, LLC's Use Determination Application No. 16632, TCEQ Docket No. 2013-1252-MIS-U.

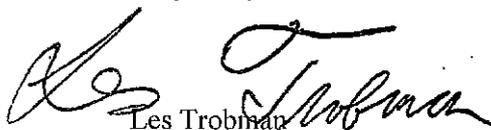
The above-referenced appeal (Appeal) was filed by Air Products and Chemicals, LLC (Appellant). Appellant requests Commission consideration of the negative use determination for its carbon capture and sequestration system. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeal by the Executive Director, the Office of Public Interest Counsel, and the Chief Appraiser for the Jefferson County Appraisal District; and the subsequent filing of a legal reply to the responses by the Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their positions.

This letter is to notify the Chief Appraiser for the Jefferson County Appraisal District, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M. on Thursday, August 8, 2013**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Monday, August 19, 2013**. To be considered timely, an original and seven copies of any response or reply brief must be received in the OCC on or before the applicable 5:00 P.M. deadline. All briefs filed with the OCC should also be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket number provided above. All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> *or* by filing an original and 7 copies with the Chief Clerk of the TCEQ. All response and reply briefs should also be mailed to all other persons on the attached mailing list on the same day mailed or filed in the Office of Chief Clerk. You will be notified by subsequent letter of the Commission meeting during which the Commissioners will consider this matter.

Chapter 17 of the Commission's rules (30 Texas Administrative Code Chapter 17) contains the requirements applicable to Use Determinations, including the rules that address the review standards and appeal process. The website of the Texas Secretary of State (<http://www.sos.state.tx.us/tac/index.shtml>) contains a complete copy of the Texas Administrative Code, including Chapter 17 of Title 30.

If you have any questions about the briefing schedule or related matters, please contact Elaine Lucas, Assistant General Counsel, at 512-239-6215.

Very Truly Yours,


Les Trobman
General Counsel

Mailing List

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey

Mailing List
Air Products and Chemicals, LLC
TCEQ Docket No. 2013-1252-MIS-U

Gerard Thompson
Environmental Group
Air Products and Chemicals, Inc.
7201 Hamilton Blvd.
Allentown, Pennsylvania 18195-1501
610/481-5154 FAX 610/481-5900

Gerald D. Higdon
Locke Lord, LLP
2800 JPMorgan Chase Tower, 600 Travis
Houston, Texas 77002
713/238-3709 FAX 713/229-2535
jhigdon@lockelord.com

Roland Bieber, Chief Appraiser
Jefferson County Appraisal District
P.O. Box 21337
Beaumont, Texas 77720
409/840-9944 FAX 409/727-5621
rbieber@jcad.org

Ron Hatlett
TCEQ SBEA Division MC 110
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-5678

Chance Goodin
TCEQ Office of Air MC 206
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6335 FAX 512/239-6188

Steve Hagle, Deputy Director
TCEQ Office of Air MC 122
P.O. Box 13087
Austin, Texas 78711-3087
512/239-2104 FAX 512/239-3341

Robert Martinez
TCEQ Environmental Law Division MC 173
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-0606

Blas Coy
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311