

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

CONSOLIDATED NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN AIR PERMIT, NOTICE OF APPLICATION AND PRELIMINARY DECISION, AND NOTICE OF PUBLIC MEETING

PERMIT NUMBER: 2501A

APPLICATION AND PRELIMINARY DECISION. Valero Refining-Texas, L.P., 9701 Manchester St, Houston, TX 77012-2408, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to Air Quality Permit Number 2501A, which would authorize existing emissions of hydrogen cyanide from the Fluid Catalytic Cracking Unit within the Houston Refinery located at 9701 Manchester St, Houston, Harris County, Texas 77012. In addition to hydrogen cyanide, the existing facility emits the following contaminants: organic compounds, carbon monoxide, sulfur dioxide, nitrogen oxides, sulfuric acid, and particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. This application was submitted to the TCEQ on February 10, 2014.

The executive director has determined the application is administratively complete and has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The executive director has made a preliminary decision to issue the permit because it meets all rules and regulations. The permit application, executive director's preliminary decision, and draft permit will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and at the Park Place Regional Library, 8145 Park Place, Houston, Harris County, Texas beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk St Ste H, Houston, Texas.

The public location mentioned above provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to the application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.72222&lng=-95.255&zoom=13&type=r>.

PUBLIC COMMENT/PUBLIC MEETING. The TCEQ will hold a public meeting for this application. **You may submit public comments on this application (including the air quality analysis, the executive director's draft permit, the executive director's preliminary determination summary, and the executive director's preliminary decision) to the TCEQ Office of the Chief Clerk at the address below.** The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting is not a contested case hearing. The TCEQ will consider all public comments in developing a final decision on the application. The public meeting will consist of two parts, an Informal Discussion Period and a Formal Comment Period. During the Informal Discussion Period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application. However, informal comments made during the Informal Discussion Period will not be considered by the TCEQ Commissioners before reaching a decision on the permit, and no formal response will be made to the informal comments. During the Formal Comment Period, members of the public may state their formal comments into the official record. A written response to all formal comments will be prepared by the executive director and considered by the Commissioners before they reach a decision on the permit. A copy of the response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this application and who provides a mailing address. **Only relevant and material issues raised during the formal comment period can be considered if a contested case hearing is granted.**

The Public Meeting is to be held:

**Thursday, September 20, 2018 at 7:00 PM
Hartman Park Community Center
9311 East Avenue P
Houston, Texas 77012**

You may submit additional written public comments within 30 days of the date of newspaper publication of this notice in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below. After the deadline for public comment, the executive director will consider the comments and prepare a response to all public comments. The response to comments, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments or is on a mailing list for this application.

OPPORTUNITY FOR A CONTESTED CASE HEARING. You may request a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court. **Unless a written request for a contested case hearing is filed within 30 days from this notice, the executive director may approve the application.** A contested case hearing will only be granted based on disputed issues of fact that are relevant and material to the Commission's decisions on the application. Further, the Commission will only grant a hearing on issues raised by you or others during the public comment period and not withdrawn.

A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. If requesting a contested case hearing, you must submit the following: (1) your name (or, for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; and (6) a description of how you use the property which may be impacted by the facility. If the request is made by a group or an association, the one or more members who have standing to request a hearing and the interests which the group or association seeks to protect, must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns.

Following the close of all applicable comment and request periods, the executive director will forward the application and any requests for contested case hearing to the Commissioners for their consideration at a scheduled Commission meeting. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact relating to relevant and material air quality concerns raised during the comment period.** Issues such as property values, noise, traffic safety, and zoning are outside of the Commission's jurisdiction to address in this proceeding.

EXECUTIVE DIRECTOR ACTION. After the deadline for public comments, the executive director will consider the comments and prepare a response to all relevant and material, or significant public comments. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application and will be posted electronically to the CID. If no timely contested case hearing requests are received, or if all hearing requests are withdrawn, the executive director may issue final approval of the application. If all timely hearing requests are not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material air quality concerns submitted during the comment period.**

MAILING LIST. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/agency/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Valero Refining-Texas, L.P. at the address stated above or by calling Mr. Matthew Lindquist, Manager Environmental Engineering at (713) 923-3300.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Notice Issuance Date: August 28, 2018