

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING TPC GROUP LLC

SOAH Docket No. 582-22-0799

TCEQ Docket No. 2021-1422-AIR

**Permit Nos. 22052, PSDTX1578, N286, GHGPSDTX201, 46307,
PSDTX1580, N288, GHGPSDTX202, 46426, PSDTX999M1, N290,
GHGPSDTX203, 19806, and PSDTX1586**

APPLICATION.

TPC Group LLC, 8600 Park Place Boulevard, Houston, Texas 77017-2513, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to State Air Quality Permits 22052, 46307, 46426, and 19806, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permits PSDTX1578, PSDTX1580, PSDTX999M1, and PSDTX1586, issuance of Nonattainment Permit Numbers N290, N286, and N288, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permits GHGPSDTX201, GHGPSDTX202, and GHGPSDTX203 for emissions of GHGs, which would authorize modification of the Houston Plant located at 8600 Park Place Boulevard, Houston, Harris County, Texas 77017. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd36of816825of&marker=-97.739444%2C32.452777&level=12>>. For the exact location, refer to the application. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code (TAC), Chapter 101, Subchapter J. The existing facility will emit the following air contaminants in a significant amount to require a Nonattainment Review: organic compounds. The facility will emit the following air contaminants in a significant amount: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. In addition, the facility will emit: carbon monoxide, organic compounds, nitrogen oxides, hazardous air pollutants, and sulfur dioxide. No other pollutant emission increase will result from this facility.

The De Minimis analysis modeling results indicate that all pollutants and averaging times do not exceed the respective de minimis concentrations and do not require PSD increment analyses.

The Executive Director has determined that the emissions of air contaminants from the existing facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and “best available control technology” will be used for the control of these contaminants.

Harris County has been designated nonattainment for ozone because Continuous Ambient Air Monitoring Stations have shown that ambient concentrations of ozone exceed the National Ambient Air Quality Standards (NAAQS) for ozone. Ground-level ozone is not emitted directly into the air, but is created by chemical reactions between nitrogen oxides (NOX) and volatile organic compounds (VOC). The Federal Clean Air Act (FCAA) requires that new major stationary sources and major modifications at sources in designated nonattainment areas must satisfy nonattainment new source review prior to commencement of construction.

As required by the nonattainment review, all air contaminants have been evaluated and the “lowest achievable emission rate” has been addressed for the control of these contaminants. The emission increases from this project will be offset with emission reductions by a ratio of 1.2 to 1. Furthermore, the applicant has demonstrated that the benefits of the existing facility significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. Finally, the applicant has certified that all major stationary sources owned or operated by the applicant in the state are in compliance or on a schedule for compliance with all applicable state and federal emission limitations and standards. The Executive Director, therefore, has made the preliminary determination to issue this permit.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director’s preliminary decision, draft permit, and the executive director’s preliminary determination summary and executive director’s air quality analysis, are available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and online at <https://www.publicnotice.live/TPC%20DH2%20Amendment%20Application%20Public%20Notice.pdf>. The facility’s compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street Suite H, Houston, Texas.

DIRECT REFERRAL.

The Notice of Application and Preliminary Decision was published on May 12, 2021. On November 1, 2021, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the application complies with all applicable statutory and regulatory requirements.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – January 6, 2022

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 161 309 4168

Password: s6f4ms

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 309 4168

Password: 762629

**Visit the SOAH website for registration at: <http://www.soah.texas.gov/>
or call SOAH at 512-475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 TAC Chapter 116, Subchapters A and B; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

To request to be a party, you must attend the hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

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/decisions/cc/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. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing

address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at 800-687-4040. Si desea información en Español, puede llamar al 800-687-4040. General information regarding the TCEQ may be obtained electronically at www.tceq.texas.gov

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information regarding the TCEQ can be found at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Further information may also be obtained from TPC Group LLC at the address stated above or by calling Mr. Jason Sanders, EHSS Environmental Manager at 713-475-7409.

Issued: November 22, 2021



Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality