

**TCEQ AIR QUALITY PERMIT
REGISTRATION NUMBER 169687
TCEQ DOCKET NUMBER 2025-0887-AIR**

APPLICATION BY	§	BEFORE THE
BEAUMONT NEW AMMONIA LLC	§	
FKA OCI CLEAN AMMONIA LLC	§	
OCI CLEAN AMMONIA PRODUCTION	§	TEXAS COMMISSION ON
FACILITY	§	
NEDERLAND, JEFFERSON COUNTY	§	ENVIRONMENTAL QUALITY

EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS

I. INTRODUCTION

The Executive Director 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 regarding the above-referenced matter. The Texas Clean Air Act (TCAA), Texas Health & Safety Code (THSC) § 382.056(n), requires the Commission to consider hearing requests in accordance with the procedures provided in Tex. Water Code (TWC) § 5.556.1 This statute is implemented through the rules in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F.

Maps showing the location of the proposed plant are included with this Response and have been provided to all hearing requesters listed on the service list for this application. In addition, a current compliance history report, technical review summary, and a copy of the draft permit prepared by the Executive Director’s staff have been filed as backup material for the commissioners’ agenda. The Executive Director’s Response to Public Comment (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.

II. PLANT DESCRIPTION

This permit will authorize the Applicant to modify the OCI Clean Ammonia Production Facility. The facility is located approximately 6.0 miles South of the Interstate Highway 10 and Highway 90 intersection, and the following directions: from Interstate Highway 10 and Highway 90 in Beaumont, take Interstate Highway 10 West, then staying right at the fork, continue on U.S. Highway 287/69/96 South, exit onto Texas Highway 347 East for approximately 4.0 miles, Nederland, Jefferson County. Contaminants authorized under this permit include anhydrous ammonia, carbon monoxide, nitrogen oxides, organic compounds, particulate matter, including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and sulfur dioxide.

¹ Statutes cited in this response may be viewed online at www.statutes.legis.state.tx.us. Relevant statutes are found primarily in the THSC and the TWC. The rules in the TAC may be viewed online at www.sos.state.tx.us/tac/index.shtml, or follow the “Rules” link on the TCEQ website at www.tceq.texas.gov.

III. PROCEDURAL BACKGROUND

Beaumont New Ammonia LLC (Applicant), formerly known as OCI Clean Ammonia LLC (Applicant), has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the modification of an existing facility that may emit air contaminants.

The permit application was received on June 17, 2024, and declared administratively complete on June 25, 2024. The Notice of Receipt and Intent to Obtain an Air Quality Permit (NORI, first public notice) for this permit application was published in English on July 11, 2024, in the *Beaumont Enterprise*, and in Spanish on July 11, 2024, in *El Perico*. The Notice of Application and Preliminary Decision for an Air Quality Permit (NAPD, second public notice) was published on August 29, 2024, in English in the *Beaumont Enterprise*, and in Spanish on August 29, 2024, in *El Perico*. The original permit application and the notices were under the applicant's original name, OCI Clean Ammonia LLC, which has since been changed to Beaumont New Ammonia LLC. Since this application was received after September 1, 2015, it is subject to the procedural requirements of and rules implementing Senate Bill 709 (84th Legislature, 2015).

The Executive Director's Response to Comments was filed with the Chief Clerk's Office on March 31, 2025, and mailed to all interested parties on April 4, 2025. The cover letter attached to the RTC included information about making hearing requests and requests for reconsideration of the Executive Director's Decision. The time for hearing requests and requests for reconsideration ended on May 5, 2025.

TCEQ received timely hearing requests during the comment period that were not withdrawn from the following persons: Chase Porter of Lone Star Legal Aid, The Golden Triangle Group of the Sierra Club, Ariana Akbari, Ellen Buchanan, and Terry D. Stelly.

IV. EVALUATION PROCESS FOR HEARING REQUESTS

House Bill 801 established statutory procedures for public participation in certain environmental permitting proceedings, specifically regarding public notice and public comment and the Commission's consideration of hearing requests. Senate Bill 709 revised the requirements for submitting public comment and the Commission's consideration of hearing requests. The evaluation process for hearing requests is as follows:

A. Response to Requests

The Executive Director, the Public Interest Counsel, and the Applicant may each submit written responses to hearing requests. 30 TAC § 55.209(d).

Responses to hearing requests must specifically address:

- 1) whether the requestor is an affected person;
- 2) which issues raised in the hearing request are disputed;
- 3) whether the dispute involves questions of fact or of law;
- 4) whether the issues were raised during the public comment period;

- 5) whether the hearing request is based on issues raised solely in a public comment withdrawn by the commenter in writing by filing a withdrawal letter with the chief clerk prior to the filing of the Executive Director's Response to Comment;
- 6) whether the issues are relevant and material to the decision on the application; and
- 7) a maximum expected duration for the contested case hearing.

30 TAC § 55.209(e).

B. Hearing Request Requirements

In order for the Commission to consider a hearing request, the Commission must first determine whether the request meets certain requirements:

Affected persons may request a contested case hearing. The request must be made in writing and timely filed with the chief clerk. The request must be based only on the requestor's timely comments and may not be based on an issue that was raised solely in a public comment that was withdrawn by the requestor prior to the filing of the Executive Director's Response to Comment.

30 TAC § 55.201(c).

A hearing request must substantially comply with the following:

- 1) give the time, address, daytime telephone number, and where possible, fax number of the person who files the request. If the request is made by a group or association, the request must identify one person by name, address, daytime telephone number, and where possible, fax number, who shall be responsible for receiving all official communications and documents for the group;
- 2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the proposed facility or activity that is the subject of the application and how and why the requestor believes he or she will be adversely affected by the proposed facility or activity in a manner not common to members of the general public;
- 3) request a contested case hearing;
- 4) list all relevant and material disputed issues of fact that were raised during the public comment period and that are the basis of the hearing request. To facilitate the Commission's determination of the number and scope of issues to be referred to hearing, the requestor should, to the extent possible, specify any of the Executive Director's responses to comments that the requestor disputes and the factual basis of the dispute and list any disputed issues of law; and
- 5) provide any other information specified in the public notice of application.

30 TAC § 55.201(d).

C. Requirement that the Requester be an Affected Person

In order to grant a contested case hearing, the Commission must determine that a requestor is an "affected" person. Section 55.203 sets out who may be considered an affected person.

- a) For any application, 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. An interest common to members of the general public does not qualify as a personal justiciable interest.
- b) Except as provided by 30 TAC § 55.103, governmental entities, including local governments and public agencies with authority under state law over issues raised by the application may be considered affected persons.
- c) In determining whether a person is an affected person, all factors shall be considered, including, but not limited to, the following:
 - 1) whether the interest claimed is one protected by the law under which the application will be considered;
 - 2) distance restrictions or other limitations imposed by law on the affected interest;
 - 3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
 - 4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
 - 5) likely impact of the regulated activity on use of the impacted natural resource by the person;
 - 6) for a hearing request on an application filed on or after September 1, 2015, whether the requestor timely submitted comments on the application which were not withdrawn; and
 - 7) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.203

In regard specifically to air quality permits, the activity the commission regulates is the emissions of air contaminants into the atmosphere. Any person who plans to construct or modify a facility that may emit air contaminants must receive authorization from the commission. Commission rules also include a general prohibition against causing a nuisance. Further, for air quality permits, distance from the proposed facility is particularly relevant to the issue of whether there is a likely impact of the regulated activity on a person's interests because of the dispersion and effects of individual air contaminants emitted from a facility.

For applications filed on or after September 1, 2015, 30 TAC § 55.201(d) allows the commission to consider, to the extent consistent with case law:

1. the merits of the underlying application and supporting documentation in the commission's administrative record, including whether the application meets the requirements for permit issuance;
2. the analysis and opinions of the Executive Director; and
3. any other expert reports, affidavits, opinions, or data submitted by the Executive Director, the applicant, or hearing requestor.

In addition to the requirements in 30 TAC § 55.201 and 30 TAC § 55.203, requests for a contested case hearing by a group or association, on an application filed on or after September 1, 2015, must meet the requirements in 30 TAC § 55.205(b). Specifically: (1) the group or association must have submitted timely comments on the application; (2) the request must identify, by name and physical address, one or more members of the group or association that would otherwise have standing to request a hearing in their own right; (3) the interests the group or association seeks to protect must be germane to the organization's purpose; and (4) the claim asserted or the relief requested may not require the participation of the individual members in the case.

D. Referral to the State Office of Administrative Hearings

"When the commission grants a request for a contested case hearing, the commission shall issue an order specifying the number and scope of the issues to be referred to SOAH for a hearing." 30 TAC § 50.115(b). The commission may not refer an issue to SOAH for a contested case hearing unless the commission determines that the issue:

- 1) involves a disputed question of fact or a mixed question of law and fact;
- 2) was raised during the public comment period by an affected person whose hearing request is granted; and
- 3) is relevant and material to the decision on the application.

30 TAC § 50.115(c).

V. ANALYSIS OF HEARING REQUESTS

The Executive Director has analyzed the hearing requests to determine whether they comply with Commission rules, if the requestors qualify as affected persons, what issues may be referred for a contested case hearing, and what is the appropriate length of the hearing.

The following persons submitted timely hearing requests that were not withdrawn: Lone Star Legal Aid, The Golden Triangle Group of the Sierra Club, Ariana Akbari, Ellen Buchanan, and Terry D. Stelly. The hearing requests were submitted during the public comment period. The ED has determined that the hearing requests submitted by Lone Star Legal Aid, The Golden Triangle Group of the Sierra Club, Ariana Akbari, and Terry D. Stelly substantially comply with the requirements for form in 30 TAC § 55.201(c) and (d).

The Executive Director determined that the hearing request submitted by Ellen Buchanan does not substantially comply with the requirements for form in 30 TAC § 55.201(d). Ellen Buchanan did not provide a residential address for the Executive Director to determine her location relative to the proposed facility. Therefore, the

Executive Director recommends that the Commission find that Ellen Buchanan is not an affected person.

E. Groups and Associations

1. Golden Triangle Group of the Sierra Club

a) Whether the group or association submitted timely comments on the application.

The Golden Triangle Group of the Sierra Club requested a timely contested case hearing request in their comment letter. Therefore, the Executive Director recommends that the Commission find that The Golden Triangle Group has met this requirement of associational standing.

b) Whether one or more of the members of the group or association would otherwise have standing to request a hearing in their own right.

The Golden Triangle Group identified Ariana Akbari, Ellen Buchanan, and Terry D. Stelly as members of their group. Ellen Buchanan did not provide a residential address, therefore did not substantially comply with the requirements for form in 30 TAC § 55.201(d) and does not have standing to request a contested case hearing.

Ariana Akbari and Terry D. Stelly are not affected persons based on their respective residences relative to the location of the proposed plant. The Executive Director does not expect the regulated activity to have an impact on Ms. Akbari and Mr. Stelly that is not common to the general public. Additionally, Ms. Akbari and Mr. Stelly did not include personal justiciable interests that are not common to the general public.

The Golden Triangle Group of the Sierra Club did not identify an affected person who would otherwise have standing to request a hearing. Therefore, the Executive Director recommends the Commission find that The Golden Triangle Group of the Sierra Club has not met this requirement for associational standing.

c) Whether the interests of the group or association seeks to protect are germane to the organization's purpose.

The Golden Triangle Group of the Sierra Club did not describe the interests it seeks to protect nor the organization's purpose in their hearing request. Therefore, the Executive Director recommends that the Commission find that The Golden Triangle Group has not met this requirement for associational standing.

d) Whether the claim asserted, or the relief requested requires the participation of the individual members in the case.

The relief requested by The Golden Triangle Group does not require the participation of any individual member of The Golden Triangle Group. Thus, the Executive Director recommends the Commissioner's find that The Golden Triangle Group has met this requirement for associational standing.

Because The Golden Triangle Group did not meet all four requirements for associational standing, the Executive Director recommends the Commission find that The Golden Triangle Group of the Sierra Club is not an affected organization and deny their hearing request.

In their hearing request letter, the following issues were raised:

Issue 1: Whether continued operation of the plant will have adverse effects on air quality.

Issue 2: Whether the location is appropriate as it relates to schools and other industry in the area.

Issue 3: Whether the compliance history of the Applicant was considered during the permit review process.

A. Individual Hearing Requests

1. Lone Star Legal Aid on behalf of Commenter

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Commenter is not an affected person.

Lone Star Legal Aid requested a hearing on behalf of an individual only identified as 'Commenter.' Lone Star Legal Aid and Commenter did not provide the requester's location or residential address, therefore the Executive Director cannot determine Commenter's location relative to the proposed facility. Accordingly, the Executive Director recommends that the commission find that Commenter is not an affected person, as they did not substantially comply with the requirements of 30 TAC § 55.201(d)(2).

In their hearing request, Commenter raised the following issues:

Issue 4: Whether TCEQ adequately addressed environmental justice concerns and complied with Title VI of the Civil Rights Act.

Issue 5: Whether the permit application and draft permit incorrectly identified the Jefferson Youth Academy as being located more than 3,000 feet away from the facility as required by 30 TAC § 116.111(a)(2)(A)(ii).

Issue 6: Whether Beaumont New Ammonia's BACT analysis is limited in scope with respect to economic and technical considerations.

Issue 7: Whether Beaumont New Ammonia's boilers and heaters meet BACT for NO_x emissions.

Issue 8: Whether Beaumont New Ammonia's boilers and heaters meet BACT for CO emissions.

Issue 9: Whether Beaumont New Ammonia's boilers and heaters meet BACT for VOC emissions.

Issue 10: Whether 40 CFR Part 60, Appendix A, Reference Method 9 is an adequate monitoring condition for opacity of emissions.

Issue 11: Whether the permit application and draft permit failed to consider cleaner fuels.

Issue 12: Whether the elevated flair emissions and controls were considered on Beaumont New Ammonia's BACT analysis.

Issue 13: Whether Special Condition 7 of the draft permit clarifies how the flare will continuously meet an identified DRE requirement.

Issue 14: Whether TCEQ's standard flare control measures are inadequate and outdated.

Issue 15: Whether Beaumont Clean Ammonia's PM monitoring for cooling tower meets BACT.

Issue 16: Whether the permit application and draft permit maintenance and inspection requirements are adequate.

2. Ariana Akbari

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Ariana Akbari is not an affected person.

Ariana Akbari requested a hearing during the public comment period that was in writing and provided the required contact information. Using the address provided, the Executive Director determined that she lives approximately 1.97 miles from the plant. Ms. Akbari expressed general concerns about air quality, location, and compliance history in her hearing request. Based on her location relative to the plant, the Executive Director does not expect the regulated activity to have an impact on Ms. Akbari that is not common to the general public. Additionally, Ms. Akbari did not raise concerns that are not common to the general public regarding the use and enjoyment of her property. Accordingly, the Executive Director recommends that the Commission find that Ariana Akbari is not an affected person based on the criteria set forth in 30 TAC § 55.203.

In her hearing request, Ariana Akbari raised the following issues:

Issue 1: Whether continued operation of the plant will have adverse effects on air quality.

Issue 2: Whether the location is appropriate as it relates to schools and other industry in the area.

Issue 3: Whether the compliance history of the Applicant was considered during the permit review process.

3. Ellen Buchanan

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Ellen Buchanan is not an affected person.

Ellen Buchanan submitted a hearing request during the comment period. Ms. Buchanan's hearing request does not substantially comply with 30 TAC § 55.201(d). Ms. Buchanan did not provide a residential address in her hearing request, therefore, the Executive Director cannot determine her location relative to the proposed facility. Accordingly, the Executive Director recommends that the Commission find that Ellen Buchanan is not an affected person based on the criteria set forth in 30 TAC § 55.203.

In her hearing request, Ms. Buchanan raises the following issues:

Issue 1: Whether continued operation of the plant will have adverse effects on air quality.

Issue 2: Whether the location is appropriate as it relates to schools and other industry in the area.

Issue 3: Whether the compliance history of the Applicant was considered during the permit review process.

4. Terry D. Stelly

The Executive Director reviewed the factors found in 30 TAC § 55.201(c) and (d), and § 55.203 for determining whether a requestor is an affected person, and recommends the commission find that Terry D. Stelly is not an affected person.

Terry D. Stelly requested a hearing during the public comment period that was in writing and provided the required contact information. Using the address provided, the Executive Director determined that he lives approximately 4 miles from the plant. Mr. Stelly expressed concerns about air quality, location, and compliance history in his hearing request. Based on his location relative to the plant, the Executive Director does not expect the regulated activity to have an impact on Mr. Stelly that is not common to the general public. Accordingly, the Executive Director recommends that the Commission find that Terry D. Stelly is not an affected person based on the criteria set forth in 30 TAC § 55.203.

In his hearing request, Terry D. Stelly raised the following issues:

Issue 1: Whether continued operation of the plant will have adverse effects on air quality.

Issue 2: Whether the location is appropriate as it relates to schools and other industry in the area.

Issue 3: Whether the compliance history of the Applicant was considered during the permit review process.

VI. CONCLUSION

The Executive Director respectfully recommends the following actions by the Commission:

1. The Executive Director recommends the Commission find that Lone Star Legal Aid, The Golden Triangle Group of the Sierra Club, Ariana Akbari, Ellen Buchanan, and Terry D. Stelly filed timely hearing requests.
2. The Executive Director recommends the Commission find that the above-named hearing requesters are not affected organizations/persons.
3. The Executive Director recommends the Commission deny the hearing requests of the above-named hearing requesters.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Charmaine K. Backens, Deputy Director
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on this 29th day of July 2025, a true and correct copy of the "Executive Director's Response to Hearing Requests" for Air Quality Permit No. served on all persons on the service list by the undersigned via electronic filing, electronic mail, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.



Elizabeth Black, Staff Attorney
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REQUESTER(S):

See attached list.

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KOUNTZE TX 77625-1489

BUCHANAN , ELLEN
1245 S PINE ST
KOUNTZE TX 77625-7643

PORTER , CHASE
LONE STAR LEGAL AID
1415 FANNIN ST
HOUSTON TX 77002-7632

STELLY , TERRY D PRESIDENT
SOUTHEAST TEXAS CLEAN AIR & WATER INC
227 N 30TH ST
NEDERLAND TX 77627-7031

Beaumont New Ammonia LLC

169687

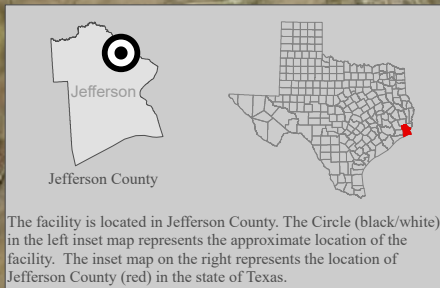
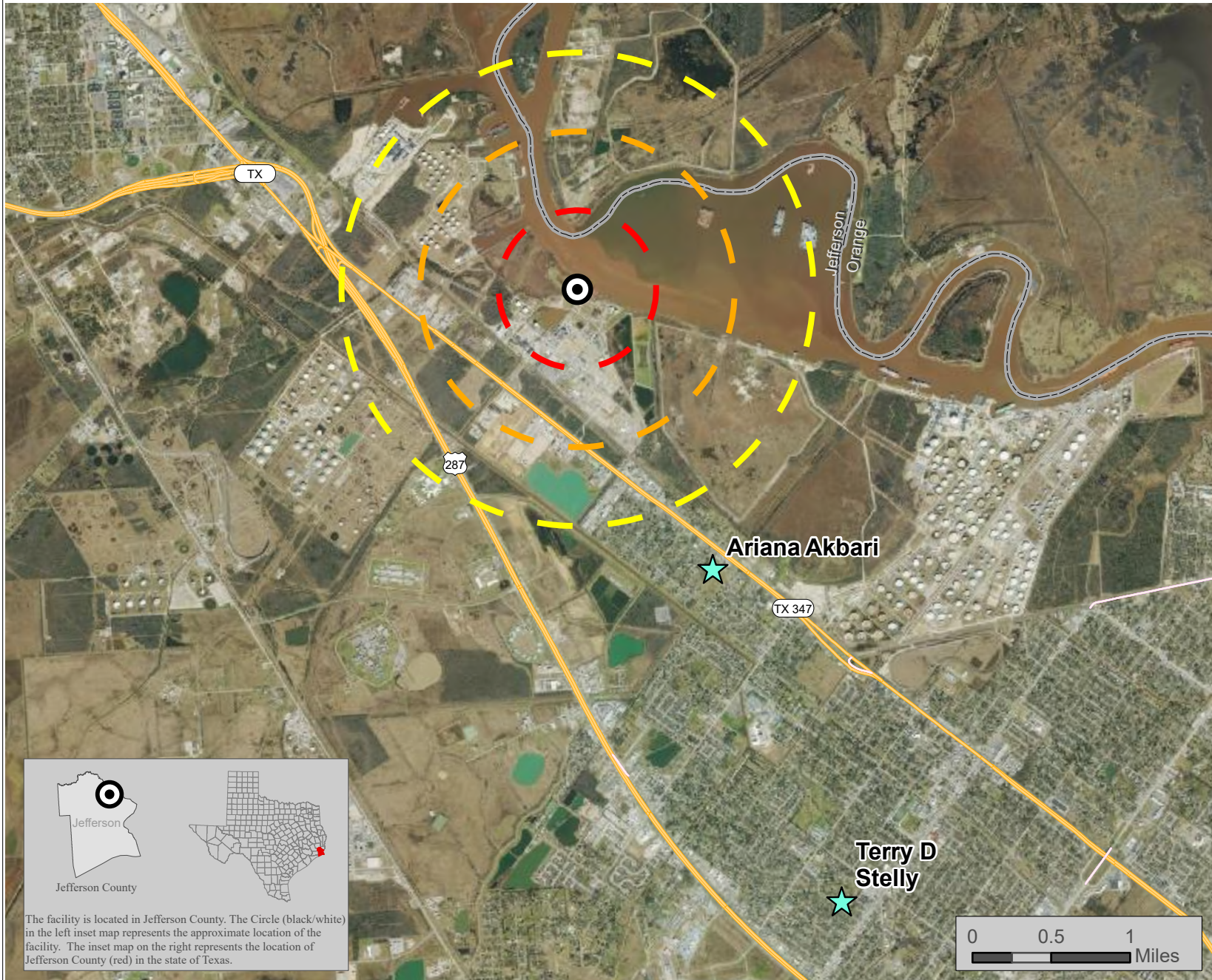
Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



*Protecting Texas by
Reducing and
Preventing Pollution*

Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 4/8/2025
CRF 0121403
Cartographer: RKukushk

- Requestors
- Facility Point
- 1.5 miles
- 0.5 miles
- 1 mile
- Highway
- Intermediate Roads
- County Boundary



The facility is located in Jefferson County. The Circle (black/white) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Jefferson County (red) in the state of Texas.

Source: The location of the facility was provided by the TCEQ Office of Legal Services (OLS). OLS obtained the site location information from the applicant and the requestor information from the requestor.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

Beaumont New Ammonia LLC
Appendix

NAME	ADDRESS	CITY	STATE	LATITUDE	LONGITUDE	DISTANCE (MILES)
Ariana Akbari	101 1st Street	Nederland	Texas	29.994345	-94.015707	1.97
Terry D. Stelly	227 N 30th St	Nederland	Texas	29.963182	-94.003968	4.24