Jon Niermann, *Chairman*Emily Lindley, *Commissioner*Bobby Janecka, *Commissioner*Toby Baker, *Executive Director* 



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 12, 2023

MS BROOKE VANDYGRIFF CHIEF OPERATING OFFICER HIF USA LLC 1201 LOUISIANA ST HOUSTON TX 77002-5600

Re: Permit Application

Permit Number: 169075

HIF USA LLC

HIF Matagorda eFuels Plant Bay City, Matagorda County

Regulated Entity Number: RN111500245 Customer Reference Number: CN606018331

Dear Ms. Vandygriff:

The Texas Commission on Environmental Quality (TCEQ) has made a preliminary decision on the above-referenced application. In accordance with Title 30 Texas Administrative Code § 39.419(b), you are now required to publish Notice of Application and Preliminary Decision. You must provide a copy of this preliminary decision letter with the draft permit at the public place referenced in the public notice.

If you have any questions, please call Ms. Maryam Rasti at (512) 239-1310, or write to the TCEQ, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

Kristyn Campbell, Manager

**Energy New Source Review Permits Section** 

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Air Permits Division

**Enclosure** 

cc: Air Section Manager, Region 12 - Houston

Project Number: 342150

Jon Niermann, *Chairman*Emily Lindley, *Commissioner*Bobby Janecka, *Commissioner*Toby Baker, *Executive Director* 



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Re: Permit Application

Permit Number: 169075

HIF USA LLC

HIF Matagorda eFuels Plant Bay City, Matagorda County

Regulated Entity Number: RN111500245 Customer Reference Number: CN606018331

Dear Ms. Vandygriff:

The Texas Commission on Environmental Quality (TCEQ) has completed the technical review of your application and has prepared a preliminary decision and draft permit.

You are now required to publish notice of your proposed activity. To help you meet the regulatory requirements associated with this notice, we have included the following items:

- Notices for Newspaper Publication (Examples A and B)
- Public Notice Checklist
- Instructions for Public Notice
- Affidavit of Publication for Air Permitting (Form TCEQ-20533) and Alternative Language Affidavit of Publication for Air Permitting (Form TCEQ-20534)
- Web link to download Public Notice Verification Form (refer to Public Notice Instructions)
- Notification List
- Draft Permit

Please note that it is **very important** that you follow **all** directions in the enclosed instructions. If you do not, you may be required to republish the notice. A common mistake is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

A "Public Notice Checklist" is enclosed which notes the time limitations for each step of the public notice process. The processing of your application may be delayed if these time limitations are not met (i.e.; submitting proof of publication of the notice within 10 business days after publication, affidavits of publication within 30 calendar days after the date of publication, and public notice verification form within 10 business days after the end of the designated comment period). This checklist should be used as a tool in conjunction with the enclosed, detailed instructions.

If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

Ms. Brooke Vandygriff Page 2 January 12, 2023

Re: Permit: 169075

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300. If you have any other questions, please contact Ms. Maryam Rasti at (512) 239-1310.

Sincerely,

Laurie Gharis Chief Clerk

Office of the Chief Clerk

Texas Commission on Environmental Quality

Laurie Gharis

Enclosure

cc: Air Section Manager, Region 12 - Houston

Air Permits Section Chief, New Source Review Section (6MM-AP), U.S. Environmental Protection Agency, Region 6, Dallas

Project Number: 342150

## **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**



### **EXAMPLE A**

## NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY PERMIT

**PROPOSED PERMIT NUMBER: 169075** 

APPLICATION AND PRELIMINARY DECISION. HIF USA LLC, 711 Louisiana Street, Suite 1100, Houston, Texas 77002-5600, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit Number 169075, which would authorize construction of a HIF Matagorda eFuels Plant located on the north side of Farm-to-Market Road 521 at the intersection of Farm-to-Market Road 521 and Farm-to-Market Road 358 Bieri Road, Bay City, Matagorda County, Texas 77414. AVISO DE IDIOMA ALTERNATIVO. El aviso de idioma alternativo en espanol está disponible en <a href="https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps.">https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps.</a> This application was submitted to the TCEQ on May 13, 2022. The proposed facility will emit the following contaminants: carbon monoxide, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, organic compounds, ammonia, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less and sulfur dioxide.

The executive director 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 Bay City Public Library, Bay City Branch, 1100 7th Street, Bay City, Matagorda County, Texas 77414, 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 Street Suite H, Houston, Texas.

**PUBLIC COMMENT/PUBLIC MEETING.** You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comment or to ask questions about the application. The TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. 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.

RESPONSE TO COMMENTS AND 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. Because no timely hearing requests have been received, after preparing the response to comments, the executive director may then issue final approval of the application. 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 Commissioners' Integrated Database (CID).

**INFORMATION AVAILABLE ONLINE.** When they become available, the executive director's response to comments and the final decision on this application will be accessible through the Commission's Web site at <a href="https://www.tceq.texas.gov/goto/cid">www.tceq.texas.gov/goto/cid</a>. Once you have access to the CID using the above link, enter the permit number for this application which is provided at the top of this notice. 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 application. <a href="http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=28.8023&lng=-96.08222&zoom=13&type=r">http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=28.8023&lng=-96.08222&zoom=13&type=r</a>.

**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 <a href="https://www14.tceq.texas.gov/epic/eComment/">www14.tceq.texas.gov/epic/eComment/</a>, 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 HIF USA LLC at the address stated above or by calling Ms. Elizabeth Stanko, Director of ESG Advisory Services at (713) 244-1039.

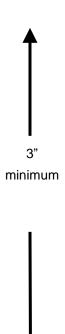
Notice Issuance Date: January 12, 2023

## Example B

### **Publication Elsewhere in the Newspaper:**

### TO ALL INTERESTED PERSONS AND PARTIES:

HIF USA LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit Number 169075, which would authorize construction of a HIF Matagorda eFuels Plant located on the north side of Farm-to-Market Road 521 at the intersection of Farm-to-Market Road 521 and Farm-to-Market Road 358 Bieri Road, Bay City, Matagorda County, Texas 77414. Additional information concerning this application is contained in the public notice section of this newspaper.





Minimum 2 column widths or 4 inches



# Public Notice Checklist Notice of Application and Preliminary Decision for an Air Quality Permit (2nd Notice)

The following tasks must be completed for public notice. If publication in an alternative language is required, please complete the tasks for both the English and alternative language publications. Detailed instructions are included in the "Instructions for Public Notice" section of this package.

### Within 33 calendar days after date of this letter

Publish Notice of Application and Preliminary Decision for an Air Quality Permit in the same newspaper(s) in which you published Notice of Receipt of Intent to Obtain Permit for this application.

- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.
- Example B (if applicable) must be published in prominent location (other than "public notice") in same issue of newspaper

Provide copy of the complete application (including any subsequent revisions) and the executive director's preliminary decision (including the draft permit) at a public place for review and copying. Keep them there for duration of the designated comment period.

### First day of newspaper publication

Review published newspaper notice for accuracy. If errors, contact Air Permits Division.

Ensure copy of the complete application (including any subsequent revisions) and the executive

director's preliminary decision (including the draft permit) are at the public place.

It is recommended that the signs from the first notice be in place and the lettering must remain legible and visible until 30 days after publication of the *Notice of Application and Preliminary Decision* (either English or alternative language notice, whichever is later).

### Within 10 business days after date of publication

Proof of publication showing publication date and newspaper name should be emailed to <a href="mailedto:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team P.O. Box 13087

Austin, Texas 78711-3087

Mail or email, as instructed, photocopies of newspaper clippings showing publication date and newspaper name to persons listed on *Notification List*.

### Within 30 calendar days after date of publication

Affidavit of publication for air permitting and alternative language affidavit of publication for air permitting (if applicable) should be emailed to PROOFS@tceq.texas.gov or mailed to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team P.O. Box 13087

Austin, Texas 78711-3087

Mail or email, as instructed, photocopies of affidavits to persons listed on Notification List.

### Within 10 business days after end of the designated comment period

Public Notice Verification Form should be emailed to PROOFS@tceq.texas.gov or mailed to:

Texas Commission on Environmental Quality

Office of the Chief Clerk, MC-105

Attn: Notice Team P.O. Box 13087

Austin, Texas 78711-3087

Mail or email, as instructed, photocopies of Public Notice Verification Form to persons listed on Notification List.

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## Instructions for Public Notice For New Source Review Air Permit

### **Notice of Application and Preliminary Decision**

We have completed the technical review of your application and issued a preliminary decision. You must comply with the following instructions:

### **Review Notice**

Included in the notice is all of the information which the commission believes is necessary to effectuate compliance with applicable public notice requirements. Please read it carefully and notify the Texas Commission on Environmental Quality (TCEQ) immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

### **Newspaper Notice**

- You must publish the enclosed Notice of Application and Preliminary Decision for an Air Quality Permit within 33 calendar days after the date this information was mailed to you (see date of letter).
  - You must publish the enclosed Notice of Application and Preliminary Decision for an Air Quality Permit at your expense, in the same newspaper(s) in which you published the Notice of Receipt and Intent to Obtain Permit for this application. The newspaper must be a newspaper that is of general circulation in the municipality where the facility is or will be located. If the facility is not located within a municipality, the newspaper must be of general circulation in the municipality nearest the location.
  - You must publish this notice in one issue of any applicable newspaper.
  - You will find two example notices enclosed in this package. *Example A* must be published in the "public notice" section of the newspaper. The phrase "Example A" is not required to be published. *Example B* must be published in the **same issue** of the newspaper as *Example A*; however, it must be published in a prominent location (other than the public notice section). *Example B* refers the public to the "public notice" section of the newspaper where *Example A* provides more information regarding the permit application.
  - Example B must be a total of at least 6 column inches (standard advertising units) with a height of at least 3 inches and a horizontal dimension of 2 column widths. If the newspaper chosen does not use standard advertising units for measurement, the notice must be at least 12 square inches with the shortest side of at least 3 inches.
  - The bold text of the enclosed notice must be printed in the newspaper in a font style or size
    that distinguishes it from the rest of the notice (i.e., bold, italics). Failure to do so may
    require re-notice.

### **Alternative Language Notice**

In certain circumstances, applicants for air permits must complete notice in alternative languages.

- Public notice rules require the applicant to determine whether a bilingual program is required at
  either the elementary or middle school nearest to the facility or proposed facility location.
  Bilingual education programs are determined on a district-wide basis. When students who are
  required to attend either school are eligible to be enrolled in a bilingual education program,
  some alternative language notice is required (newspaper notice).
- Since the school district, and not the schools, must provide the bilingual education program, these programs do not have to be located at the elementary or middle school nearest to the facility or proposed facility to trigger the alternative language notice requirement. If there are students who would normally attend the nearest schools eligible to be taught in a bilingual education program at a different location, alternative language notice is required.
- If triggered, publications of alternative language notices must be made in a newspaper or publication printed primarily in each language taught in the bilingual education program. The same newspaper(s) used for *Notice of Receipt and Intent to Obtain Permit* must be used for publication of the *Notice of Application and Preliminary Decision for an Air Quality Permit*. This notice is required if such a newspaper or publication exists in the municipality or the county where the facility is or will be located.
- The applicant must demonstrate a good faith effort to identify a newspaper or publication in the required language. If a newspaper or publication of general circulation published at least once a month in such language cannot be found, publishing in that language is not required, but signs must remain posted in the same location(s) utilized during the *Notice of Receipt of Intent to Obtain Permit (1st public notice)*.
- Publication in an alternative language section or insertion within an English language newspaper does not satisfy these requirements.
- The applicant has the burden to demonstrate compliance with these requirements. You must fill out the *Public Notice Verification Form (Form TCEQ-20244)* indicating your compliance with the requirements regarding publication in an alternative language. This form is available at <a href="https://www.tceq.texas.gov/permitting/air/nav/air\_publicnotice.html">www.tceq.texas.gov/permitting/air/nav/air\_publicnotice.html</a>.
- It is suggested the applicant work with the local school district to do the following:
  - (a) determine if a bilingual program is required in the district;
  - (b) determine which language is required by the bilingual program;
  - (c) locate the nearest elementary and middle schools; and
  - (d) determine if any students attending either school are entitled to be enrolled in a bilingual educational program.
- If you determine that you must meet the alternative language notice requirements after receipt of the full public notice package, you are responsible for ensuring that the publication in the alternative language is complete and accurate in that language. Spanish notice templates are available through the Air Permits Division Web site at <a href="https://www.tceq.texas.gov/permitting/air/nav/air\_publicnotice.html">www.tceq.texas.gov/permitting/air/nav/air\_publicnotice.html</a>. All italic notes should be replaced with the corresponding Spanish translations for the specific application and published in the alternative language publication. Email a copy to Air Permits Division staff.
- If you are required to publish notice in a language other than Spanish, you must translate the entire public notice at your own expense.

### **Public Comment Period**

- The public comment period will last at least 30 calendar days after publication of the last notice.
- The comment period will be longer if the last day of the public comment period ends on a
  weekend or a holiday. In this case, the comment period will end on the next business day.
- The comment period for the permit may lengthen depending on whether a public meeting is held. If a public meeting is held, the comment period will be extended to the later of either the date of the public meeting or the end of the second notice period.

### **Proof of Publication**

- Check each publication to ensure that the articles were accurately published. If a notice was not published correctly you may be required to republish.
- For each newspaper in which you published, you must submit proof of publication that shows the notice, the date of publication, and the name of the newspaper to the Office of the Chief Clerk within 10 business days after the date of publication. Acceptable proofs of publication are 1) copies of the published notice or 2) the newspaper clippings of the published notice. If you choose to submit copies of the published notice to the Office of the Chief Clerk, copies must be on standard-size 8½" x 11" paper and must show the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8½" x 11" pages. Please note, submitting a copy of your published notice could result in faster processing of your application. It is recommended that you maintain newspaper clippings or tear sheets of the notice for your records.
- You must submit an affidavit of publication for air permitting and alternate language
  affidavit of publication for air permitting (if applicable) to the Office of the Chief Clerk within
  30 calendar days after the date of publication. You must use the enclosed affidavit forms.
  The affidavits must clearly identify the applicant's name and permit number. You are
  encouraged to submit the affidavit with the proof of publication described above.
- You must submit the *Public Notice Verification Form (Form TCEQ-20244)* to the Office of the Chief Clerk within **10 business days** of the end of this public comment period. You must use this form to certify that you have met alternative language notice requirements. **This form is available at www.tceq.texas.gov/permitting/air/nav/air publicnotice.html.**
- The affidavits of publication, Public Notice Verification Form, and acceptable proof of publication of the published notices should be emailed to <a href="mailed-to:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to:

Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit(s) you send to the Chief Clerk have all blanks filled in correctly.
- Photocopies of newspaper clippings, affidavits, and verifications must also be sent to those listed on the enclosed Notification List within the deadlines specified above.

### Failure to Publish and Submit Proof of Publication

You must meet all publication requirements. If you fail to publish the notice or submit proof of publication on time, the TCEQ may suspend further processing on your application or take other actions.

### Sign Posting

It is recommended that the signs that were put in place prior to publication of the first notice remain in place and be legible and visible until 30 days after publication of the *Notice of Application and Preliminary Decision* (either English or alternative language notice, whichever is later).

### **Application in a Public Place**

- You must provide a copy of the complete application (including any subsequent revisions) and the executive director's preliminary decision (including the draft permit), at a public place for review and copying by the public. This place must be in the county in which the facility is located or proposed to be located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls.)
- This copy must be accessible to the public for review and copying. The copy must be available
  beginning on the first day of newspaper publication and remain in place until the commission
  has taken action on the application or the commission refers issues to the State Office of
  Administrative Hearings.
- If the application is submitted to the TCEQ with information marked as "CONFIDENTIAL," you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the Texas Commission on Environmental Quality, Public Information Coordinator, MC-197, P.O. Box 13087, Austin, Texas 78711-3087."
- You must submit verification of file availability using the *Public Notice Verification Form* (*Form TCEQ-20244*) within 10 business days after end of the publications' designated comment period. Do not submit the form verifying that the application was in a public place until after the comment period is complete. If a public meeting is held or second notice is required causing the public comment period to be extended, at a later date you will be required to verify that the application was in a public place during the entire public comment period. This form is available at www.tceq.texas.gov/permitting/air/nav/air\_publicnotice.html.

### **General Information**

When contacting the Commission regarding this application, please refer to the permit number at the top of the *Notice of Application and Preliminary Decision*.

If you have questions or need assistance regarding publication requirements, please contact the Office of the Chief Clerk at (512) 239-3300 or the project reviewer listed in the cover letter.

TCEQ-Office of the Chief Clerk MC-105 Attn: Notice Team P.O. Box 13087 Applicant Name: <u>Hif USA LLC</u>

Permit No.: <u>169075</u>

Application Received Date: <u>May 13, 2022</u>

Austin, Texas 78711-3087

### AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §			
COUNTY OF		§	
<b>BEFORE ME</b> , the undersigned authority, on this	day personally aเ	ppeared	
of Person Representing Newspaper)	, who being by n	ne duly sworn, deposes and says that (s)he is	s (Name
the		of the(Name of the Newspaper)	
(Title of Person Representing Newspaper)		(Name of the Newspaper)	
that said newspaper is generally circulated in	tion of the facility	or the proposed facility)	, Texas;
that the enclosed notice was published in said news	spaper on the follo	owing date(s):	
		(Newspaper Representative's Signature)	
Subscribed and sworn to before me this the	day of	, 20	
to certify which witness my hand and seal of office.			
		Notary Public in and for the State of Texas	
[Affix Seal]			
		Print or Type Name of Notary Public	
		My Commission Expires	

TCEQ-Office of the Chief Clerk MC-105 Attn: Notice Team

P.O. Box 13087

Austin, Texas 78711-3087

Applicant Name: Hif USA LLC

Permit No.: 169075

Application Received Date: May 13, 2022

### ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING

STATE OF TEXAS §		
COUNTY OF		§
<b>BEFORE ME</b> , the undersigned authority, on this	day personally a	ppeared
of Person Representing Newspaper)	, who being by m	ne duly sworn, deposes and says that (s)he is (Name
the(Title of Person Representing Newspaper)		of the
(Title of Person Representing Newspaper)		(Name of the Newspaper)
that said newspaper is generally circulated in	r proposed facility	, Texas;
that the enclosed notice was published in said news	spaper on the foll	lowing date(s):
		(Newspaper Representative's Signature)
Subscribe and sworn to before me this the	day of _	, 20
to certify which witness my hand and seal of office.		
	_	Notary Public in and for the State of Texas
[Affix Seal]		
		Print or Type Name of Notary Public
	_	My Commission Expires

### **Notification List**

It is the responsibility of the applicant to furnish the following offices with copies of the notices published, the *Affidavit of Publication for Air Permitting, the Alternative Language Affidavit of Publication for Air Permitting (if applicable)*, and a completed copy of the *Public Notice Verification Form (Form TCEQ-20244)*. Acceptable proof of publication and any affidavits and Form TCEQ-20244 should be emailed to <a href="mailto:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087.

**Electronic copies** should be submitted via email to the U.S. Environmental Protection Agency (EPA), **Region 6** at R6AirPermitsTX@EPA.gov. Please contact Ms. Aimee Wilson (wilson.aimee@epa.gov) at (214) 665-7596 if you have any questions pertaining to electronic submittals to the EPA.

Email copies to Ms. Maryam Rasti at Maryam.Rasti@tceq.texas.gov

Hard copies should be sent to the following:

Texas Commission on Environmental Quality Houston Regional Office 5425 Polk St Ste H Houston, Texas 77023-1452