

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



EXAMPLE A

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR AN AIR QUALITY PERMIT

PROPOSED AIR QUALITY PERMIT NUMBER 3467B AND NONATTAINMENT PERMIT NUMBER N306

APPLICATION AND PRELIMINARY DECISION. LBC Houston, L.P., 2625 Bay Area Boulevard Suite 200, Houston, TX 77058-1551, has applied to the Texas Commission on Environmental Quality (TCEQ) for Amendment of Permit Number 3467B and issuance of Nonattainment Permit Number N306, which would authorize modification of LBC Houston Bayport Terminal at 11666 Port Road, Seabrook, Harris County, Texas 77586. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. This application was submitted to the TCEQ on January 3, 2023. The existing facility will emit the following air contaminants in amounts significant enough to require a Nonattainment Review: volatile organic compounds. In addition, the facility will emit: carbon monoxide, hazardous air pollutants, 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. No other pollutant emission increase will result from this facility.

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 (NO_x) and volatile organic compounds (VOC). The Federal Clean Air Act (CAA) 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 1.3 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 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 permit application, the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, and the executive director's air quality analysis will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and at Evelyn Meador Branch Library, 2400 North Meyer Avenue, Seabrook, 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 Street, Suite H, Houston, Texas.

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's Web site at www.tceq.texas.gov/goto/cid: the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, the air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned as follows: Evelyn Meador Branch Library, 2400 North Meyer Avenue, Seabrook, Harris County, Texas, 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 application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.025277,29.6075&level=13>.

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, if requested by an interested person, 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.**

After the deadline for public comment, the executive director will consider the comments and prepare a response to all public comment. **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. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.**

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for public comment, the executive director will consider the comments and prepare a response to all relevant and material or significant public comment. **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. The mailing will also provide instructions for requesting a contested case hearing or reconsideration of the executive director's decision.**

A contested case hearing is a legal proceeding similar to a civil trial in a state district court. A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (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; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests 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. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. 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. Issues that are not submitted in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn, the executive director may 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 CID. If any timely hearing requests are received and 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.

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 www14.tceq.texas.gov/epic/eComment/, 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 LBC Houston, L.P. at the address stated above or by calling Mr. John Powe, Regional Manager - Air Compliance at (281) 961-3368.

Notice Issuance Date: May 9, 2024