

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 12, 2023

MR JONATHAN HUNT PE  
SVP OPERATIONS  
ENERGY TRANSFER PETROCHEMICAL HOLDINGS LLC  
100 GREEN ST  
MARCUS HOOK PENNSYLVANIA 19061-4800

Re: Prevention of Significant Deterioration Permit  
Permit Numbers: 170854, PSDTX1614, HAP81, and GHGPSDTX227  
Energy Transfer Petrochemical Holdings, LLC  
Energy Transfer Petrochemicals Facility  
Nederland, Jefferson County  
Regulated Entity Number: RN111596409  
Customer Reference Number: CN606073617

Dear Mr. Hunt:

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. Cara Hill at (512) 239-4744, or write to the Texas Commission on Environmental Quality, Office of Air, Air Permits Division, MC-163, P.O. Box 13087, Austin, Texas 78711-3087.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Short", with a long horizontal line extending to the right.

Samuel Short, Deputy Director  
Air Permits Division  
Office of Air

Enclosure

cc: Air Section Manager, Region 10 - Beaumont

Project Number: 349610

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 12, 2023

THE HONORABLE JEFF BRANICK  
COUNTY JUDGE  
COUNTY COURTHOUSE  
1149 PEARL STREET  
BEAUMONT TX 77701

Re: Prevention of Significant Deterioration Permit  
Permit Numbers: 170854, PSDTX1614, HAP81, and GHGPSDTX227  
Energy Transfer Petrochemical Holdings, LLC  
Energy Transfer Petrochemicals Facility  
Nederland, Jefferson County  
Regulated Entity Number: RN111596409  
Customer Reference Number: CN606073617

Dear Judge Branick:

This letter serves as notification that the Texas Commission on Environmental Quality (TCEQ) has completed the technical review of the above application and has prepared a preliminary decision and draft permit. Energy Transfer Petrochemical Holdings, LLC is now required to publish notice of the application which would authorize construction of the Energy Transfer Petrochemicals Facility located at 2300 North Twin City Highway, Nederland, Jefferson County, Texas 77627. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. You may view the following documents through the Texas Commission on Environmental Quality Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid): the TCEQ's preliminary decision which includes the draft permit, the TCEQ's preliminary determination summary, the air quality analysis, and, once available, the TCEQ'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. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Short", with a long horizontal line extending to the right.

Samuel Short, Deputy Director  
Air Permits Division  
Office of Air

Enclosure

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 12, 2023

THE HONORABLE DON ALBANESE  
MAYOR OF NEDERLAND  
PO BOX 967  
NEDERLAND TX 77627

Re: Prevention of Significant Deterioration Permit  
Permit Numbers: 170854, PSDTX1614, HAP81, and GHGPSDTX227  
Energy Transfer Petrochemical Holdings, LLC  
Energy Transfer Petrochemicals Facility  
Nederland, Jefferson County  
Regulated Entity Number: RN111596409  
Customer Reference Number: CN606073617

Dear Mayor Albanese:

This letter serves as notification that the Texas Commission on Environmental Quality (TCEQ) has completed the technical review of the above application and has prepared a preliminary decision and draft permit. Energy Transfer Petrochemical Holdings, LLC is now required to publish notice of the application which would authorize construction of the Energy Transfer Petrochemicals Facility located at 2300 North Twin City Highway, Nederland, Jefferson County, Texas 77627. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. You may view the following documents through the Texas Commission on Environmental Quality Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid): the TCEQ's preliminary decision which includes the draft permit, the TCEQ's preliminary determination summary, the air quality analysis, and, once available, the TCEQ'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. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Short", with a long horizontal line extending to the right.

Samuel Short, Deputy Director  
Air Permits Division  
Office of Air

Enclosure

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 12, 2023

MS SHANNA BURKE  
SOUTH EAST TEXAS REGIONAL PLANNING COMMISSION  
2210 EASTEX FREEWAY  
BEAUMONT TX 77703

Re: Prevention of Significant Deterioration Permit  
Permit Numbers: 170854, PSDTX1614, HAP81, and GHGPSDTX227  
Energy Transfer Petrochemical Holdings, LLC  
Energy Transfer Petrochemicals Facility  
Nederland, Jefferson County  
Regulated Entity Number: RN111596409  
Customer Reference Number: CN606073617

Dear Ms. Burke:

This letter serves as notification that the Texas Commission on Environmental Quality (TCEQ) has completed the technical review of the above application and has prepared a preliminary decision and draft permit. Energy Transfer Petrochemical Holdings, LLC is now required to publish notice of the application which would authorize construction of the Energy Transfer Petrochemicals Facility located at 2300 North Twin City Highway, Nederland, Jefferson County, Texas 77627. You may view the following documents through the Texas Commission on Environmental Quality Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid): the TCEQ's preliminary decision which includes the draft permit, the TCEQ's preliminary determination summary, the air quality analysis, and, once available, the TCEQ'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. We will accept comments concerning the proposed project for a period of 30 days following publication of the public notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Short", with a long horizontal line extending to the right.

Samuel Short, Deputy Director  
Air Permits Division  
Office of Air

Enclosure

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 12, 2023

MR JONATHAN HUNT PE  
SVP OPERATIONS  
ENERGY TRANSFER PETROCHEMICAL HOLDINGS LLC  
100 GREEN STREET  
MARCUS HOOK PENNSYLVANIA 19061-4800

Re: Prevention of Significant Deterioration Permit  
Permit Numbers: 170854, PSDTX1614, HAP81, and GHGPSDTX227  
Energy Transfer Petrochemical Holdings, LLC  
Energy Transfer Petrochemicals Facility  
Nederland, Jefferson County  
Regulated Entity Number: RN111596409  
Customer Reference Number: CN606073617

Dear Mr. Hunt:

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 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.

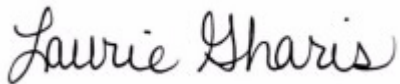
If you do not comply with **all** requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions.

Mr. Jonathan Hunt PE  
Page 2  
October 12, 2023

Re: Permit: 170854, PSDTX1614, HAP81, GHGPSDTX227

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. Cara Hill at (512) 239-4744.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis". The signature is written in black ink on a white background.

Laurie Gharis  
Chief Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality

Enclosure

cc: Air Section Manager, Region 10 - Beaumont  
Air Permits Section Chief, New Source Review Section (6MM-AP), U.S. Environmental Protection  
Agency, Region 6, Dallas

Project Number: 349610

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## EXAMPLE A

### COMBINED NOTICE OF PUBLIC MEETING AND APPLICATION AND PRELIMINARY DECISION FOR AIR QUALITY PERMITS

PROPOSED AIR QUALITY PERMIT NUMBERS 170854, PSDTX1614, HAP81, AND GHGPSDTX227

**APPLICATION AND PRELIMINARY DECISION.** Energy Transfer Petrochemical Holdings, LLC, 8111 Westchester Dr. Suite 600, Dallas, Texas 75225, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed State Air Quality Permit 170854, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1614, issuance of Hazardous Air Pollutant Major Source [FCAA §112(g)] Permit HAP81, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX227 for emissions of GHGs, which would authorize construction of the Energy Transfer Petrochemicals Facility located at 2300 North Twin City Highway, Nederland, Jefferson County, Texas 77627. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. **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>. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide, sulfuric acid mist, and greenhouse gases. The proposed facility will emit the following air contaminants which are significant for the FCAA §112(g) action: hazardous air pollutants. In addition, the facility will emit the following air contaminants: hydrogen sulfide and ammonia.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

#### Sulfur Dioxide

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
3-hour	181	512
24-hour	81	91
Annual	5	20

#### PM<sub>10</sub>

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
24-hour	8	30

#### Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
Annual	22	25

#### PM<sub>2.5</sub>

Maximum Averaging Time	Maximum Increment Consumed ( $\mu\text{g}/\text{m}^3$ )	Allowable Increment ( $\mu\text{g}/\text{m}^3$ )
24-hour	8.65	9
Annual	2.73	4

This application was submitted to the TCEQ on October 28, 2022. The executive director has determined that the emissions of air contaminants from the proposed 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.

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, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Beaumont regional office, and at Marion and Ed Hughes Public Library, 2712 Nederland Avenue, Nederland, Jefferson 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 Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas.

**INFORMATION AVAILABLE ONLINE.** These documents are accessible through the Commission's Web site at [www.tceq.texas.gov/goto/cid](http://www.tceq.texas.gov/goto/cid): the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, 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 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 application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-93.999496,29.993133&level=13>.

**PUBLIC COMMENT / PUBLIC MEETING.** You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and 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 on this permit application.

**The Public Meeting is to be held:**

**Thursday, November 30, 2023 at 7:00 PM  
Nederland Performing Arts Center at Nederland High School  
2101 N 18th Street  
Nederland, Texas 77627**

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

**OPPORTUNITY FOR A CONTESTED CASE HEARING.** You may request a contested case hearing regarding the portions of the application for State Air Quality Permit Number 170854, for PSD Air Quality Permit Number PSDTX1614, and for Hazardous Air Pollutant Major Source [FCAA §112(g)] Permit HAP81. There is no



opportunity to request a contested case hearing regarding the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX227. 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, other than GHGs, 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.** The executive director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit GHGPSDTX227. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn regarding State Air Quality Permit Number 170854, for PSD Air Quality Permit Number PSDTX1614, and for Hazardous Air Pollutant Major Source [FCAA §112(g)] Permit HAP81 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 State Air Quality Permit Number 170854, for PSD Air Quality Permit Number PSDTX1614, Hazardous Air Pollutant Major Source [FCAA §112(g)] Permit HAP81 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/](http://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 Energy Transfer Petrochemical Holdings LLC at the address stated above or by calling Ms. Celia Chu, Project Manager, Environmental at (713) 989-6428.

Notice Issuance Date: October 12, 2023

## Example B

### Publication Elsewhere in the Newspaper:

TO ALL INTERESTED PERSONS AND PARTIES:

Energy Transfer Petrochemical Holdings, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed State Air Quality Permit Number 170854, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1614, Hazardous Air Pollutant Major Source [FCAA §112(g)] Permit HAP81, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit Number GHGPSDTX227 for emissions of GHGs, which would authorize construction of the Energy Transfer Petrochemicals Facility located at 2300 North Twin City Highway, Nederland, Jefferson County, Texas 77627. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. Additional information concerning this application is contained in the public notice section of this newspaper.

↑  
3"  
minimum



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.

<b>Within 33 calendar days after date of this letter</b>
<p>Publish <i>Notice of Application and Preliminary Decision for an Air Quality Permit</i> in the same newspaper(s) in which you published <i>Notice of Receipt of Intent to Obtain Permit</i> for this application.</p> <ul style="list-style-type: none"> <li>- Example A must be published in "public notice" section of newspaper. Review for accuracy prior to publishing.</li> <li>- Example B (if applicable) must be published in prominent location (other than "public notice") in same issue of newspaper</li> <li>- As part of the expedited permitting process, it is recommended that you publish immediately.</li> </ul> <p>Provide copy of the complete application, the executive director's preliminary decision (including the draft permit), and the executive director's preliminary determination summary and executive director's air quality analysis, including any revisions, at a public place for review and copying. Keep them there for duration of the designated comment period. The public place should provide public access to the internet.</p>
<b>First day of newspaper publication</b>
<p>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 <i>Notice of Application and Preliminary Decision</i> (either English or alternative language notice, whichever is later).</p>
<b>Within 10 business days after date of publication</b>
<p>Proof of publication showing publication date and newspaper name should be emailed to <a href="mailto:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to:</p> <p style="padding-left: 40px;">Texas Commission on Environmental Quality            Office of the Chief Clerk, MC-105            Attn: Notice Team / AIR Expedited Permitting            P.O. Box 13087            Austin, Texas 78711-3087</p> <p>Mail or email, as instructed, photocopies of newspaper clippings showing publication date and newspaper name to persons listed on <i>Notification List</i>.</p>
<b>Within 30 calendar days after date of publication</b>
<p>Affidavit of publication for air permitting and alternative language affidavit of publication for air permitting (if applicable) should be emailed to <a href="mailto:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to:</p> <p style="padding-left: 40px;">Texas Commission on Environmental Quality            Office of the Chief Clerk, MC-105            Attn: Notice Team / AIR Expedited Permitting            P.O. Box 13087            Austin, Texas 78711-3087</p> <p>Mail or email, as instructed, photocopies of affidavits to persons listed on <i>Notification List</i>.</p>
<b>Within 10 business days after end of the designated comment period</b>
<p>Public Notice Verification Form should be emailed to <a href="mailto:PROOFS@tceq.texas.gov">PROOFS@tceq.texas.gov</a> or mailed to:</p> <p style="padding-left: 40px;">Texas Commission on Environmental Quality            Office of the Chief Clerk, MC-105            Attn: Notice Team / AIR Expedited Permitting            P.O. Box 13087            Austin, Texas 78711-3087</p> <p>Mail or email, as instructed, photocopies of Public Notice Verification Form to persons listed on <i>Notification List</i>.</p>

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## Instructions for Public Notice For New Source Review & Prevention of Significant Deterioration 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). As part of the expedited permitting process, it is recommended that you publish immediately.
- 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 (1<sup>st</sup> 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 [www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html).**
- 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 [www.tceq.texas.gov/permitting/air/nav/air\\_publicnotice.html](http://www.tceq.texas.gov/permitting/air/nav/air_publicnotice.html). 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 affidavits of publication.** 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](http://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 [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov) or mailed to:

Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
Attn: Notice Team / AIR Expedited Permitting  
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 the lettering must 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, the executive director's preliminary decision (including the draft permit), the executive director's preliminary determination summary and the executive director's air quality analysis, (including any subsequent revisions), 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). Location selected must provide public access to the internet.
- 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](http://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  
Austin, Texas 78711-3087

Applicant Name: Energy Transfer Petrochemical Holdings, LLC  
Permit No.: 170854, PSDTX1614, HAP81, and  
GHGPSDTX227  
Application Received Date: October 28, 2022

**AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING**

**STATE OF TEXAS §**

**COUNTY OF \_\_\_\_\_ §**

**BEFORE ME**, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly sworn, deposes and says that (s)he is *(Name of Person Representing Newspaper)*

the \_\_\_\_\_ of the \_\_\_\_\_  
*(Title of Person Representing Newspaper)* *(Name of the Newspaper)*

that said newspaper is generally circulated in \_\_\_\_\_, Texas;  
*(The municipality or nearest municipality to the location of the facility or the proposed facility)*

that the enclosed notice was published in said newspaper on the following 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.

[Affix Seal]

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

\_\_\_\_\_  
My Commission Expires



TCEQ-Office of the Chief Clerk

Applicant Name: Energy Transfer Petrochemical Holdings, LLC

MC-105 Attn: Notice Team

Permit No.: 170854, PSDTX1614, HAP81, and GHGPSDTX227

P.O. Box 13087

Application Received Date: October 28, 2022

Austin, Texas 78711-3087

**ALTERNATIVE LANGUAGE AFFIDAVIT OF PUBLICATION FOR AIR PERMITTING**

**STATE OF TEXAS §**

**COUNTY OF \_\_\_\_\_ §**

**BEFORE ME**, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly sworn, deposes and says that (s)he is (*Name of Person Representing Newspaper*)

the \_\_\_\_\_ of the \_\_\_\_\_;  
(*Title of Person Representing Newspaper*) (*Name of the Newspaper*)

that said newspaper is generally circulated in \_\_\_\_\_, Texas;  
(*The municipality or county in which the facility or proposed facility is located*)

that the enclosed notice was published in said newspaper on the following 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 [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov) or mailed to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, AIR Expedited Permitting, 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](mailto:R6AirPermitsTX@EPA.gov). Please contact Ms. Aimee Wilson ([wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov)) at (214) 665-7596 if you have any questions pertaining to electronic submittals to the EPA.

**Email copies to Ms. Cara Hill** at [Cara.Hill@tceq.texas.gov](mailto:Cara.Hill@tceq.texas.gov)

**Hard copies** should be sent to the following:

Texas Commission on Environmental Quality  
Beaumont Regional Office  
3870 Eastex Fwy  
Beaumont, Texas 77703-1830

Texas General Land Office  
Upland Leasing Team Leader  
Professional Services  
P.O. Box 12873  
Austin, Texas 78711-2873

The Honorable Jeff Branick  
County Judge  
County Courthouse  
1149 Pearl Street  
Beaumont Texas 77701

The Honorable Don Albanese  
Mayor Of Nederland  
Po Box 967  
Nederland TX 77627