

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
JUPITER BROWNSVILLE, LLC  
SOAH Docket No. 582-21-0111  
TCEQ Docket No. 2020-1080-AIR  
Proposed Permit Nos. 147681, PSDTX1522, and GHGPSDTX172**

## **APPLICATION.**

Jupiter Brownsville, LLC, 5151 Belt Line Road, Suite 715, Dallas, Texas 75254-7547, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of proposed State Air Quality Permit 147681, issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1522, and issuance of Greenhouse Gas (GHG) PSD Air Quality Permit GHGPSDTX172 for emissions of GHGs, which would authorize construction of a Heavy Condensate Upgrader Facility located at 11700 RL Ostos Road, Brownsville, Cameron County, Texas 78521. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice:

<<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.355277%2C25.961111&level=12>>. For the exact location, refer to the application. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code (TAC), Chapter 101, Subchapter J. The 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 and sulfur dioxide. In addition, the facility will emit the following air contaminants: hazardous air pollutants, hydrogen sulfide and sulfuric acid mist.

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

<b>Maximum Averaging Time</b>	<b>Maximum Increment Consumed (<math>\mu\text{g}/\text{m}^3</math>)</b>	<b>Allowable Increment (<math>\mu\text{g}/\text{m}^3</math>)</b>
3-hour	417	512
24-hour	31	91
Annual	2	20

PM<sub>10</sub>

Maximum Averaging Time	Maximum Increment Consumed (µg/m <sup>3</sup> )	Allowable Increment (µg/m <sup>3</sup> )
24-hour	0	30
Annual	4	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed (µg/m <sup>3</sup> )	Allowable Increment (µg/m <sup>3</sup> )
Annual	3	25

PM<sub>2.5</sub>

Maximum Averaging Time	Maximum Increment Consumed (µg/m <sup>3</sup> )	Allowable Increment (µg/m <sup>3</sup> )
24-hour	7	9
Annual	1	4

This application was submitted to the TCEQ on July 14, 2017. 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 TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director’s preliminary decision, draft permit, and the executive director’s preliminary determination summary and executive director’s air quality analysis, are available for viewing and copying at the TCEQ Central Office and the TCEQ Harlingen Regional Office. Copies of these documents are also available at the Brownsville Public Library, 2600 Central Boulevard, Brownsville, Cameron County, Texas. Copies may also be obtained by emailing [jupiterbrownsville@gmail.com](mailto:jupiterbrownsville@gmail.com) or by calling 956-335-3100. The facility’s compliance file, if any exists, is available for public review at the TCEQ Harlingen Regional Office, 1804 W Jefferson Avenue, Harlingen, Texas.

**DIRECT REFERRAL.**

The Notice of Application and Preliminary Decision was published in English and Spanish on May 25, 2019. On August 20, 2020, the Applicant filed a request for direct referral to the State Office of Administrative Hearings (SOAH). Therefore, the chief clerk has referred this application directly to SOAH for a hearing on whether the portions of the application for State Air Quality Permit Number 147681 and for PSD Air Quality Permit Number PSDTX1522 comply with all applicable statutory and regulatory requirements. A contested case hearing is not applicable to the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX172, and the

Executive Director may issue final approval of the application for the portion of the application for GHG PSD Air Quality Permit Number GHGPSDTX172.

**CONTESTED CASE HEARING.**

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

**10:00 a.m. – November 16, 2020**

To join the Zoom meeting via computer:

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

**Meeting ID:** 160 566 6542

**Password:** 0111JUP

or

To join the Zoom meeting via telephone:

(346) 248-7799

**Meeting ID:** 160 566 6542

**Password:** 0606839

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

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

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

**MAILING LIST.**

You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

**AGENCY CONTACTS AND INFORMATION.**

Public comments and requests must be submitted either electronically at [www.tceq.texas.gov/agency/decisions/cc/comments.html](http://www.tceq.texas.gov/agency/decisions/cc/comments.html), or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing

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

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

#### **INFORMATION.**

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

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

Further information may also be obtained from Jupiter Brownsville LLC at the address stated above or by calling Mr. Tom Ramsey, Chief Executive Officer at 956-335-3100.

Issued: September 29, 2020



Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality