

Magee, Melanie

From: Magee, Melanie
Sent: Thursday, March 10, 2016 11:40 AM
To: 'Hurst, Benjamin M'
Cc: Robinson, Jeffrey; Olszewski, Joshua; Parker, Cindy
Subject: Publication of EPA's approval of Rescission Request from ExxonMobil, Mont Belvieu GHG Step 2 PSD Permit (PSD-TX-103048-GHG)
Attachments: PN EMMBPP 030916.pdf

Mr. Hurst:

In our February 23, 2016 letter addressed to you, my Deputy Division Director, Lisa Price, approved the rescission of the ExxonMobil, Mont Belvieu Plastics Plant, EPA issued GHG Step 2 PSD permit (PSD-TX-103048-GHG). We planned to begin publication of the rescission notice on March 2, 2016. However, due to problems related to EPA's financial systems we were not able to meet the *The Baytown Sun* payment deadline for the public notice publication. The EPA financial system issues have been resolved and EPA is planning to publish notification of the rescission tomorrow, March 11, 2016, in *The Baytown Sun* newspaper and the EPA Region 6 website (<http://www.epa.gov/caa-permitting/ghg-psd-permitting-epas-south-central-region>). A copy of the revised public notice is attached. The rescission will automatically become effective 60 days after the publication of the rescission.

If I can be of any additional assistance, please let me know.

Thanks, Melanie

Melanie Magee
Environmental Engineer
Air Permits Section (6MM-AP)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202
(214) 665-7161



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

FEB 23 2016

Mr. Benjamin M. Hurst
Environmental Section Supervisor
Mont Belvieu Plastics Plant
ExxonMobil Chemical Plant
13330 Hatcherville Road
Mont Belvieu, TX 77580-9532

Dear Mr. Hurst:

This letter is in response to your January 22, 2016, request for a rescission of the EPA-issued Prevention of Significant Deterioration (PSD) permit for greenhouse gases (GHGs) associated with the ExxonMobil Chemical Company, Mont Belvieu Plastics Plant, Polyethylene Unit (PEX) Project (Exxon) (PSD-TX-103048-GHG). The EPA has reviewed the information contained in your rescission request and, with this letter, approves the rescission of the Exxon GHG PSD permit issued by the EPA on September 5, 2013. Please be aware that this rescission approval does not offer relief from other statutory or regulatory provisions that may apply to any GHG constituent gases¹.

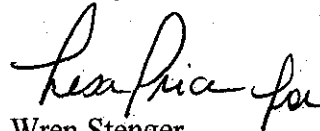
The public notice for the EPA's approval of your rescission request will begin on March 2, 2016, and will end May 2, 2016. A copy of the public notice and basis of decision are enclosed for your information. The public notice will be published in *The Baytown Sun* newspaper and will also be posted to the EPA Region 6 website (see: <http://www.epa.gov/caa-permitting/ghg-psd-permitting-epas-south-central-region>). The rescission will automatically become effective 60 days after the publication of the rescission.

You requested a rescission of the GHG PSD permit because you were classified as a Step 2 source. Generally speaking, Step 2 sources are sources that were classified as major, and were required to obtain a PSD or title V permit, based solely on the GHG emissions. Such sources are generally known as Step 2 sources because the EPA deferred the requirements for such sources to obtain PSD and title V permits until Step 2 of its phase-in of permitting requirements for the GHG under the PSD and title V GHG Tailoring Rule, 75 FR 31514, 35569-71 (June 3, 2010); 40 CFR § 52.21(b)(49)(v). In *Utility Air Regulatory Group (UARG) v. Environmental Protection Agency*, 134 S. Ct. 2427 (2014), the United States Supreme Court held that the EPA may not treat the GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD or title V permit and thus invalidated regulations implementing that approach. In order to begin the process of rescinding Step 2 permits in response to the Supreme Court's decision, on April 30, 2015, the EPA issued a direct final rule to narrowly amend the permit rescission provisions in the federal PSD regulations and the rulemaking became effective on July 6, 2015.

¹ Memorandum from Cynthia Giles, Assistant Administrator for Enforcement and Compliance Assurance, for Janet McCabe, Acting Assistant Administrator for Air and Radiation (December 19, 2014), <http://www.epa.gov/earth1r6/6pd/air/pd-r/ghg/oeca-noaction-assurance-memo121914.pdf>.

The EPA Region 6 issued the GHG PSD permit based on the applicability provisions described, at the time of permit issuance, at 40 CFR § 52.21(b)(49)(v)(b). In accordance with the permit rescission regulations at 40 CFR § 52.21(w)(2), this PSD permit is rescinded effective 60 days after publication of the rescission announcement. If you have any questions regarding this matter, please contact Mr. Jeff Robinson, Chief, Air Permits Section at (214) 665-6435.

Sincerely,



Wren Stenger

Director

Multimedia Planning and
Permitting Division

Enclosures

cc: Mr. Mike Wilson, P.E., TCEQ, Director, Air Permits Division