

US EPA ARCHIVE DOCUMENT

Energy Transfer Company (ETC), Jackson County Gas Plant
Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions
PSD-TX-1264-GHG

Summary of Revisions in Final Permit

U.S. Environmental Protection Agency
May 24, 2012

Summary of the Formal Public Participation Process

The U.S. Environmental Protection Agency, Region 6 (EPA) proposed to issue a Prevention of Significant Deterioration (PSD) permit to the Energy Transfer Company (ETC), Jackson County Gas Plant on March 21, 2012. The public comment period on the draft permit began March 21, 2012 and closed on April 21, 2012. EPA announced the public comment period through a public notice published in *The Jackson County Herald-Tribune* on March 21, 2012 and on Region 6's website. EPA also notified agencies and municipalities on March 21, 2012 in accordance with 40 CFR Part 124.

The Administrative Record for the draft permit was made available at EPA Region 6's office. EPA also made the draft permit, Statement of Basis and other supporting documentation available on Region 6's website and the Jackson County Memorial Library in Edna, TX.

EPA's public notice for the draft permit also provided the public with notice of the public hearing. The public notice stated that "Any requests for a public hearing must be received by EPA by email or mail by April 19, 2012, and must state the nature of the issues proposed to be raised in the hearing...*EPA has the right to cancel a public hearing if no request for a public hearing is received by April 19, 2012 or EPA determines that there is not significant interest. If the hearing is cancelled, EPA will post an announcement of the cancellation by April 23, 2012 on EPA's website <http://yosemite.epa.gov/r6/Apermit.nsf/AirP>. Individuals may also call the EPA at the above contact number to determine if the public hearing has been cancelled.*" During the public comment period, EPA received one phone call requesting a hearing concerning the draft permit. Consistent with the instructions provided in the public notice, the caller was informed hearing requests must be in writing and sent by mail, or electronically by email. EPA did not receive any written comments concerning the draft permit during the comment period, and did not receive any written requests for a public hearing. EPA posted its announcement that there would not be a hearing on April 23, 2012.

Revisions in Final Permit

The following is a list of administrative and clarifying changes for the *Energy Transfer Company (ETC), Jackson County Gas Plant (PSD-TX-1264-GHG) Prevention of Significant Deterioration Permit, Final Permit Conditions*.

1. Cover Sheet

The cover sheet titled "Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions Issued Pursuant to the Requirements at 40 CFR §52.21" has been modified to state the following:

In accordance with 40 CFR §124.15(b)(3), this PSD Permit becomes effective ~~30 days after the service of notice of this final decision unless review is requested on the permit pursuant to 40 CFR §124.19~~ immediately upon issuance of this final decision.

This administrative change is made as a result of not receiving any comments during the comment period related to this action. We received one comment sent by email after the

comment period. This late comment requested no changes to the draft permit. Accordingly, even if the late comment were timely, pursuant to 40 CFR §124.15(b)(3) EPA would issue the permit to be effective upon issuance.

2. Malfunction Reporting

On page 5, under Special Conditions I.D.1. and I.D.2. the permit details requirements for reporting malfunctions. These special conditions are changed to clarify the relationships between permit provisions and provide clearer terms to assure prompt reporting of any increases above the allowable emission limits. We have revised the Special Conditions as follows:

Permittee shall notify EPA by mail within ~~two working days~~ 48 hours following the discovery of any failure of air pollution control equipment, process equipment, or of a process to operate in a normal manner, which results in an increase in GHG emissions above the allowable emission limits stated in Section II of this permit.

~~In addition, Permittee shall notify EPA in writing within 15 days of any such failure described under Section III. Within 10 days of the restoration of normal operations after any failure described in I.D.1., Permittee shall provide a written supplement to the initial notification that~~ This notification shall include a description of the malfunctioning equipment or abnormal operation, the date of the initial malfunction, the period of time over which emissions were increased due to the failure, the cause of the failure, the estimated resultant emissions in excess of those allowed in Section II, and the methods utilized to mitigate emissions and restore normal operations.

3. Page 19, Special Condition III.J. This special condition is changed to clarify when the retention period of records begins. We have revised the Special Condition as follows:

Permittee shall maintain records for 5 years from the ~~event~~ date of any of the following: that includes the duration of startup, shutdown, the initial startup period for the emission units, pollution control units, malfunctions, performance testing, calibrations, checks, maintenance and duration of an inoperative monitoring device and emission units with the required corresponding emission data.

4. Page 19, Special Condition III.L. This special condition is changed to correct a typographical error. We have revised the Special Condition as follows:

Excess emissions shall be defined as any period in which the facility emissions exceeds a maximum emission limit set forth in this permit.

Fulfillment of Endangered Species Act (ESA) Obligations

On March 8, 2012, EPA sent a letter to U.S. Fish and Wildlife Service (USFWS or “Service”) requesting informal consultation and concurrence with EPA’s determination that the issuance of the permit for construction “may affect, but is not likely to adversely affect” the whooping crane. By letter dated April 25, 2012 (and clarification by email on May 18, 2012), the USFWS

concurrent with the determination. ETC has committed to both EPA and USFWS that it will implement the conservation measures for the whooping crane requested by the Service. In agreement with both EPA and USFWS, EPA's responsibilities under ESA Section 7 have been fulfilled.

Fulfillment of National Historic Preservation Act (NHPA) Obligations

On April 17, 2012, EPA sent a letter to the State Historic Preservation Office (SHPO) requesting concurrence with EPA determination that no properties eligible for the listing on the National Register because none are present. In an April 26, 2012 response letter, the SHPO requested that additional topographical maps with the location and dimensions of the project be incorporated into the cultural survey. ETC provided the information to the EPA and the EPA responded to the SHPO with a revised cultural survey on April 17, 2012. The SHPO sent a letter with concurrence to the EPA on May 1, 2012. EPA's obligations under NHPA Section 106 have been fulfilled.

Bcc: Reading file (6PD-R)
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CONCURRENCE:aimeewilson:6PD-R:05/04/12:ETC Final Permit Revisions Summary
050412.doc.

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