

US EPA ARCHIVE DOCUMENT

M&G Resins USA LLC, Corpus Christi Texas

Prevention of Significant Deterioration Permits for Greenhouse Gas Emissions

Resins Plant Permit Number: PSD-TX-1352-GHG

Utility Plant Permit Number: PSD-TX-1354-GHG

Summary of Revisions in Final Permits

U.S. Environmental Protection Agency
November 17, 2014

Summary of the Formal Public Participation Process

The U.S. Environmental Protection Agency, Region 6 (EPA) proposed to issue Prevention of Significant Deterioration (PSD) permits to M&G Resins USA LLC for each of two co-located sources that are part of the single project, Project Jumbo. One of the PSD permits was for the PET Plant (PSD-TX-1352-GHG) and the other for the co-located Utility Plant (PSD-TX-1354-GHG). The public comment period on each draft permit began October 14, 2014 and closed on November 13, 2014. EPA announced the public comment period through a public notice published in the *Corpus Christi Caller-Times* on October 14, 2014 and on Region 6's website. EPA also notified agencies and municipalities on October 14, 2014 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 permits, Statements of Basis and other supporting documentation available on Region 6's website, and available for viewing at the Owen R. Hopkins Public Library in Corpus Christi, TX.

EPA's public notice for the draft permits also provided the public with notice of the public hearing. The public notice stated that "Any request for a public hearing must be received by the EPA either by email or mail by November 6, 2014, and must state the nature of the issues proposed to be raised in the hearing...EPA maintains the right to cancel a public hearing if no request for a public hearing is received by November 6, 2014, or the EPA determines that there is not a significant interest. If the public hearing is cancelled, notification of the cancellation will be posted by November 10, 2014 on the EPA's Website <http://yosemite.epa.gov/r6/Apermit.nsf/AirP>. Individuals may also call the EPA at the contact number listed above to determine if the public hearing has been cancelled." 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 November 10, 2014.

Revisions in Final Permits

The following is a list of administrative and clarifying changes for both the M&G Resins USA, LLC PET Plant and Utility Plant permits.

Cover Sheet for each permit

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.

Body of each permit

We removed the "Draft" watermark from the final permit, removed the word "Draft" from the title of the permit, and changed the footnote on each page to eliminate the word "Draft" and "PN Version".

Endangered Species Act

Pursuant to Section 7(a)(2) of the Endangered Species Act (ESA) (16 U.S.C. 1536) and its implementing regulations at 50 CFR Part 402, EPA is required to insure that any action authorized, funded, or carried out by EPA is not likely to jeopardize the continued existence of any federally-listed endangered or threatened species or result in the destruction or adverse modification of such species' designated critical habitat.

On April 4 2014, EPA submitted the final draft BA, dated March 5, 2014, to the Southwest Region, Corpus Christi, Texas Ecological Services Field Office of the USFWS for its concurrence that issuance of the permits may affect, but is not likely to adversely affect the whooping crane, West Indian manatee, leatherback sea turtle, green sea turtle, Kemp's ridley sea turtle, loggerhead sea turtle, and hawksbill sea turtle. USFWS provided concurrence and agreed with EPA's determinations on April 23, 2014.

EPA submitted the final draft BA, dated March 5, 2014, to the NOAA Southeast Regional Office, Protected Resources Division of NMFS on March 31, 2014, for its concurrence that issuance of the permits may affect, but is not likely to adversely affect the leatherback sea turtle, green sea turtle, Kemp's ridley sea turtle, loggerhead sea turtle, and hawksbill sea turtle. NOAA provided concurrence and agreed with EPA's determinations on June 3, 2014.

National Historic Preservation Act (NHPA)

Section 106 of the NHPA requires EPA to consider the effects of this permit action on properties eligible for inclusion in the National Register of Historic Places. To make this determination, EPA relied on and adopted a cultural resource report prepared by Horizon Environmental Services, Inc. (Horizon) on behalf of Zephyr, for M&G facilities, submitted in March 10, 2014.

After evaluation of the report, EPA Region 6 determined that since there are no historic properties or archaeological resources located within the APE, issuance of the permits to M&G will not affect properties potentially eligible for listing on the National Register.

On March 6, 2014, EPA sent letters to Indian tribes identified by the Texas Historical Commission as having historical interests in Texas to inquire if any of the tribes have historical interest in the particular location of the project and to inquire whether any of the tribes wished to consult with EPA in the Section 106 process. EPA received no requests from any tribe to consult on this proposed permit. On August 13, 2014, EPA provided a copy of the report to Texas's State Historic Preservation Officer (SHPO) for consultation and concurrence with its determination. SHPO provided concurrence and agreed with EPA's determinations on August 21, 2014.