

US EPA ARCHIVE DOCUMENT

Occidental Chemical Corporation
Ingleside Chemical Plant
Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions
PSD-TX-1292-GHG

Summary of Revisions in Final Permit

U.S. Environmental Protection Agency
January 8, 2014

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 Occidental Chemical Corporation (OxyChem), Ingleside Chemical Plant on July 10, 2013. The public comment period on the draft permit began July 10, 2013 and closed on August 9, 2013. EPA announced the public comment period through a public notice published in *The Ingleside Index* on July 10, 2013 and on Region 6's website. EPA also notified agencies and municipalities on July 8, 2013 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 available for viewing at the Ingleside Public Library in Ingleside, 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 request for a public hearing must be received by the EPA either by email or mail by August 5, 2013, 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 August 5, 2013, 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 August 7, 2013 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 August 7, 2013.

Revisions in Final Permit

The following is a list of administrative and clarifying changes for the *Occidental Chemical Corporation, Ingleside Chemical Plant (PSD-TX-1292-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.

2. Page 16

Section V. titled "Performance Testing Requirements" has been modified as follows:

~~E.~~ K. The Permittee shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to this facility,

2. Safe sampling platform(s),
3. Safe access to sampling platform(s), and
4. Utilities for sampling and testing equipment.

~~M.~~ L. Unless otherwise specified, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For purposes of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply.

~~N.~~ M. During subsequent operations, if the maximum hourly production rate is greater than that recorded during the initial test period, stack sampling shall be performed at the new operating conditions within 120 days, to verify continued performance at permitted emission limits.

This administrative change was made to correct an error in the list values.

National Historic Preservation Act (NHPA)

On July 24, 2013, EPA sent a letter to the State Historic Preservation Officer (SHPO) requesting concurrence on EPA findings for OxyChem's cultural survey. The SHPO sent a letter with concurrence to the EPA on August 28, 2013.

Endangered Species Act (ESA)

EPA determined that there are sixteen (16) federally-listed endangered species for San Patricio County, Texas. Ten (10) of these species fall under jurisdiction of USFWS. EPA determined that issuance of the proposed permit will have no effect on four (4) species (the red wolf (*Canis rufus*), slender rush-pea (*Hoffmannseggia tenella*), South Texas ambrosia (*Ambrosia cheiranthifolia*), and the golden orb (*Quadrula aurea*)), as there are no records of occurrence, no designated critical habitat, nor potential suitable habitat for these species within the action area.

EPA determined that other six (6) species may be present in the action area in certain circumstances. As a result of this potential occurrence and based on the information provided in the biological assessment, the issuance of the permit may affect, but is not likely to adversely affect these six (6) species. Consequently, EPA submitted a letter to the Southwest Region, Corpus Christi, Texas Ecological Services Field Office of the USFWS for its concurrence that issuance of the permit may affect, but is not likely to adversely affect the following species:

- Gulf Coast jaguarundi (*Herpailurus yagouaroundi cacomitli*)
- Ocelot (*Leopardus pardalis*)
- Northern Aplomado falcon (*Falco femoralis septentrionalis*)
- Piping plover (*Charadrius melodus*)
- Whooping crane (*Grus americana*)
- West Indian manatee (*Trichechus manatus*)

The USFWS concurred on October 24, 2013.

The remaining seven (6) of species fall under the jurisdiction of National Marine Fisheries Service (NMFS). EPA determined that all 6 species may be present in the action area in certain circumstances. As a

result of this potential occurrence and based on the information provided in the biological assessment, the issuance of the permit may affect, but is not likely to adversely affect these 6 species. Consequently, EPA submitted a letter to the NMFS for its concurrence that issuance of the permit may affect, but is not likely to adversely affect the following species:

- leatherback sea turtle (*Dermochelys coriacea*)
- green sea turtle (*Chelonia mydas*)
- Kemp's ridley sea turtle (*Lepidochelys kempii*)
- loggerhead sea turtle (*Caretta caretta*)
- Hawksbill sea turtle (*Eretmochelys imbricate*)
- Smalltooth sawfish (*Pristis pectinata*)

NMFS concurred on our effects determinations on January 7, 2014.