

US EPA ARCHIVE DOCUMENT

**Greenhouse Gas Prevention of Significant Deterioration Preconstruction Permit
For Apex Bethel Energy Center, LLC**

Basis of Decision for Issuance of PSD-TX-104511-GHG

Supplement to the Statement of Basis

**U.S. Environmental Protection Agency
MARCH 17, 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 for Greenhouse Gases (GHG) for the Apex Bethel Energy Center, LLC located near Palestine City, Tennessee Colony, Texas. The public comment period on the draft permit began on December 26, 2013 and closed on January 27, 2014. EPA announced the public comment period through a public notice published in *The Palestine Herald Press* and on Region 6's website. EPA also notified agencies and municipalities 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, the Palestine Memorial Library in Palestine, Texas.

EPA's public notice for the draft permit also provided the public with notice of a public hearing. The public notice stated that "*Any request for a public hearing must be received by the EPA either by email or U.S. mail by January 17, 2014, and must state the nature of the issues proposed to be raised in the hearing. Attendance at the public hearing is not required in order to submit written comments.... EPA has the right to cancel a public hearing if no request for a public hearing is received or EPA determines that there is not significant interest. **If the public hearing is cancelled**, notification of the cancellation will be posted by January 22, 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 January 28, 2014.

Revisions in Final Permit

The following is a list of administrative and clarifying changes for the Greenhouse Gas Prevention of Significant Deterioration Preconstruction Permit for Apex Bethel Energy Center

1. Throughout the permit the change from "APEX" to lower letters "Apex" has been made at the request of the applicant.
2. *Final Permit Conditions:*

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.

3. The TCEQ permit number has been corrected to "Standard Permit Registration No 104511" on page 5 of the permit.
4. The startup time has been changed per the application from 15 minutes to 30 minutes which is consistent with the calculations of emissions (page 9).
5. For consistency of compliance and monitoring with other power generation plants the compliance period in the permit and statement of basis will reflect 12 month rolling average instead of 365 day rolling average.
6. All the CO₂e emission estimates have been changed to reflect the new GWP for CH₄, N₂O and SF₆ as in the final rule effective on January 1, 2014 (79FedReg 3907 Table 1-A).
7. The federal requirement for the emergency generator has been changed accordingly for the spark ignition internal combustion engine to 40 CFR Subpart JJJJ (page 10).

These changes are administrative in nature for clarification, consistency and will not result in any increase in permitted emissions. The corrections can be made since there were no comments received during the comment period related to this action. No other changes have been made to the draft permit.

National Historic Preservation Act (NHPA)

On February 5, 2014, EPA received a letter from the State Historical Preservation Officer (SHPO) indicating that they did not concur with EPA's determination that issuance of the permit will not affect properties potentially eligible for listing on the National Register (NR). The SHPO determined that there was insufficient information to determine if several historic-age buildings, identified within the visual Area of Potential Effect of the project, were potentially eligible for listing on the NR. In a conference call on February 5, 2014, representatives of EPA, SHPO and APEX discussed what additional information was needed and on February 11, 2014, APEX and their consultant, CH2M Hill, submitted a revised cultural report that included the requested information to the SHPO and EPA. EPA and the SHPO reviewed the revised report and on March 11, 2014, the SHPO provided concurrence on the determination that issuance of the permit will not affect properties potentially eligible for listing on the NR.

EPA also sent letters on April 19, 2013 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 did not receive any requests from tribes to be consulting parties.

