

US EPA ARCHIVE DOCUMENT

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

**Basis of Decision for Issuance of PSD-TX-107055-GHG**

**Supplement to the Statement of Basis**

U.S. Environmental Protection Agency  
April 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 Matagorda I Energy Center, LLC near Clemville in Matagorda County, Texas. The public comment period on the draft permit began on February 5, 2014 through March 7, 2014. EPA announced the public comment period through a public notice published in *Bay City Tribune, Matagorda county* 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 February 25, 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 February 27, 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 March 13, 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 Matagorda Energy Center

### *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.

## **National Historic Preservation Act (NHPA)**

On April 11, 2014, the State Historical Preservation Officer (SHPO) concurred with EPA's finding that the issuance of the permit will not affect properties potentially eligible for listing on the National Register (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.

Bcc: Reading files (6PD-R)  
Apex Matagorda Energy Center file

CONCURRENCE: braganza: 6PD-R10-04-2012: Apex-MatagordaFinal permit

Robinson 6PD-R	Olszewski 6RC	Arnold 6RC	Smith 6RC	6PD
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