

US EPA ARCHIVE DOCUMENT

CCI Corpus Christi LLC
Condensate Splitter Facility and Bulk Petroleum Terminal
Corpus Christi, Nueces County, Texas
Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions
PSD-TX-1388-GHG

Summary of Revisions in Final Permit

U.S. Environmental Protection Agency
September 12, 2014

Table of Contents

I. Summary of the Formal Public Participation Process3

II. Update to Applicability Analysis3

III. Revisions in Final Permit4

IV. Nation Historic Preservation Act (NHPA)4

V. Endangered Species Act (ESA).....4

I. 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 CCI Corpus Christi LLC, on August 6, 2014. The public comment period on the draft permit began August 6, 2014 and closed on September 5, 2014. EPA announced the public comment period through a public notice published in the *Corpus Christi Caller Times* on August 6, 2014 and on Region 6's website. EPA also notified agencies and municipalities on August 6, 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 permit, Statement 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 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 27, 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 August 27, 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 August 29, 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 received no emailed or written comments concerning the draft permit during the comment period, and did not receive any request for a public hearing. EPA posted its announcement that there would not be a hearing on August 29, 2014.

II. Update to Applicability Analysis

On June 23, 2014, the United States Supreme Court issued a decision addressing the application of stationary source permitting requirements to greenhouse gases (GHG). *Utility Air Regulatory Group (UARG) v. Environmental Protection Agency* (EPA) (No. 12-1146). The Supreme Court said that the EPA may not treat greenhouse gases as an air pollutant for purposes of determining whether a source is a major source required to obtain a Prevention of Significant Deterioration (PSD) or title V permit. However, the Court also said that the EPA could continue to require that PSD permits, otherwise required based on emissions of conventional pollutants, contain limitations on GHG emissions based on the application of Best Available control Technology (BACT). Pending further EPA engagement in the ongoing judicial process before the District of Columbia Circuit court of Appeals, the EPA is proceeding with this final permitting decision consistent with EPA's understanding of the Supreme Court's decision.

In this final permit decision the EPA is continuing to apply the PSD BACT requirement to GHG emissions from CCI Corpus Christi LLC's Condensate Splitter Facility.¹ This project is otherwise subject to PSD because it emits a regulated NSR pollutant other than GHG (specifically CO and NO_x) above the major source threshold. In addition, the proposed source emits or has the potential to emit 75,000 tons per year (tpy) or more of GHG on a carbon dioxide equivalent (CO₂e) basis (*see* 40 C.F.R. § 52.21(b)(49)(iv); *PSD and Title V Permitting Guidance for Greenhouse Gases* (March 2011) at 12-13). CCI calculates total potential CO₂e emissions of 207,771 tpy. Since the Supreme Court recognized

¹ While our statement of basis indicated that 40 C.F.R. § 52.21(b)(49)(v) was the basis of applicability for the permitting action, the application and record establish that 40 C.F.R. § 52.21(b)(49)(iv) fits the facts of this project as a primary matter.

EPA's authority to limit application of BACT to sources that emit GHGs in greater than *de minimis* amounts, EPA believes it may apply the 75,000 tons per year threshold in existing regulations at this time to determine whether BACT applies to GHGs at this facility. Accordingly, this project continues to require a PSD permit that includes limitations on GHG emissions based on application of BACT.

III. Revisions in Final Permit

The following is a list of administrative and clarifying changes for the *CCI Corpus Christi LLC Condensate Splitter Facility (PSD-TX-1388) 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 of 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 immediately upon issuance of this final decision.

This administrative change is made as a result of not receiving any comments during the comment period requesting a change in the draft permit or otherwise opposing its issuance.

IV. National Historic Preservation Act (NHPA)

On July 9, 2014, EPA sent a letter to the State Historic Preservation Officer (SHPO) requesting concurrence on EPA findings for CCI's cultural survey. The SHPO provided concurrence to the EPA on July 16, 2014.

V. Endangered Species Act (ESA)

EPA submitted the final draft BA to the Southwest Region, Corpus Christi, Texas Ecological Services Field Office of the USFWS on June 23, 2014, and to NOAA Southeast Regional Office, Protected Resources Division of NMFS on May 30, 2014. We received concurrence from USFWS on August 1, 2014, and NOAA on July 31, 2014.