

US EPA ARCHIVE DOCUMENT

Flint Hills Resources Corpus Christi, LLC – West Refinery
Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions
PSD-TX-6819A-GHG

Summary of Revisions in Final Permit

U.S. Environmental Protection Agency
May 23, 2014

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 Flint Hills Resources (FHR) Corpus Christi, LLC - West Refinery for its Domestic Crude Project on April 11, 2014. The public comment period on the draft permit began on April 11, 2014 and closed on May 12, 2014. EPA announced the public comment period on the EPA Region 6 website and through a public notice published in the Corpus Christi Caller - Times on April 11, 2014. EPA also notified agencies and municipalities on April 9, 2014, in accordance with 40 CFR Part 124.

During the public comment period, the Administrative Record for the draft permit was available at the EPA Region 6 office in Dallas, Texas. EPA also posted the draft permit, Statement of Basis and other supporting documentation on the Region 6 website and provided a hard copy of this information to the Owen R. Hopkins Public Library in Corpus Christi, Texas, for public viewing.

The public notice for the draft permit also provided the public with notice of the public hearing. The public notice stated, "Any request for a public hearing must be received by the EPA either by email or mail by April 30, 2014, and must state the nature of the issues proposed to be raised in the hearing" and "The EPA maintains the right to cancel a public hearing if no request for a public hearing is received by April 30, 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 May 2, 2014, on the EPA's Website at <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 the announcement that there would not be a public hearing on May 1, 2014.

II. Revision in Final Permit

EPA made one administrative change to the Flint Hills Resources Corpus Christi, LLC – West Refinery, Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions (PSD-TX-6819A-GHG) Draft Permit for this Final Permit. We have modified the cover sheet titled "Prevention of Significant Deterioration Permit for Greenhouse Gas Emissions Issued Pursuant to the Requirements at 40 CFR §52.21" as follows:

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.

EPA made this administrative change because we did not receive any comments during the public comment period for this action.

III. Endangered Species Act

EPA determined that issuance of the proposed permit for the Domestic Crude Project at the existing FHR Corpus Christi West Refinery will have no effect on nine of the listed species, specifically the piping plover (*Charadrius melodus*), Northern aplomado falcon (*Falco femoralis septentrionalis*), smalltooth sawfish (*Pristis pectinata*), Gulf coast jaguarundi (*Herpailuraus yagouaroundi cacomitli*), ocelot (*Leopardus pardalis*), red wolf (*Canis rufus*), slender rush-pea (*Hoffmannseggia tenella*), eskimo curlew (*Numenius borealis*), and South Texas ambrosia (*Ambrosia cheiranthifolia*). These species are either thought to be extirpated from Nueces County or Texas, or are not present in the Action Area.

Two species, the whooping crane (*Grus americana*) and the West Indian manatee (*Trichechus manatus*), have the potential to occur within in the Action Area. Based on the information provided in the Biological Assessment (BA), EPA determined that the issuance of the permit may affect, but is not likely to adversely affect these two species. The EPA requested concurrence with this determination from the U.S. Fish and Wildlife Service (USFWS) Corpus Christi, Texas Ecological Services Field Office, through a letter dated March 19, 2014. The USFWS agreed with EPA's determination and provided concurrence through a letter dated May 15, 2014.

Additionally, five federally-listed marine species may be present within the facility's action area: the leatherback sea turtle (*Dermochelys coriacea*), the green sea turtle (*Chelonia mydas*), the Kemp's ridley sea turtle (*Lepidochelys kempii*), the loggerhead sea turtle (*Caretta caretta*), and the Hawksbill sea turtle (*Eretmochelys imbricate*). As a result of their potential occurrence and based on the information provided in the BA, EPA determined that the issuance of the permit may affect, but is not likely to adversely affect these species. The EPA requested concurrence with this determination from the National Marine Fisheries Service (NMFS), Southeast Regional Office, Protected Resources Division, St. Petersburg, Florida, through a letter dated February 21, 2014. The NMFS agreed with EPA's determination and provided concurrence through a letter dated May 23, 2014.

IV. Magnuson-Stevens Act

EPA determined that issuance of the proposed permit for the Domestic Crude Project will have no adverse impacts on Essential Fish Habitat (EFH). Based on the information provided in FHR's EFH report, air modeling indicates that pollutant levels will be below *de minimis* levels over the water, and all wastewater and stormwater discharges that will be generated as a result of the project will be pretreated onsite, resulting in negligible impacts on the water quality of the tidally-influenced Viola Ship Channel.

V. National Historic Preservation Act

EPA determined that, while there are cultural materials of historic or prehistoric age identified within the 1.9-mile radius of the Area of Potential Effect (APE), the potential for intact archaeological resources is low within the construction footprint of the project itself. There are no historic properties located within the APE, and while there are archaeological resources within the APE, they will be avoided. EPA determined that issuance of the permit to FHR will not affect properties on or potentially eligible for listing on the National Register.

EPA requested concurrence on EPA's determinations for FHR's Cultural Resources Assessment from the Texas's State Historic Preservation Office (SHPO), through a letter dated April 2, 2014. The SHPO agreed with EPA's determinations and provided concurrence through a letter dated April 28, 2014.