



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

AUG 28 2015

Mr. Michael Catt  
VP-OPS, Copano Processing, L.L.C.  
1001 Louisiana Street, Suite 1000  
Houston, TX 77002

Dear Mr. Catt:

This letter is in response to your July 31, 2015 request for a rescission of EPA-issued Prevention of Significant Deterioration (PSD) permit for greenhouse gases (GHGs) associated with the Copano Processing, L.L.C., Houston Central Gas Plant (Copano) (PSD-TX-104949-GHG). EPA has reviewed the information contained in your rescission request and, with this letter, approves the rescission of the GHG PSD permit for Copano issued by EPA on March 8, 2013. Please be aware that this rescission approval does not offer relief from other statutory or regulatory provisions that may apply to any GHG constituent gases<sup>1</sup>.

The public notice for EPA's approval of your rescission request will begin on September 2, 2015 and will end November 1, 2015. A copy of the public notice and basis of decision are enclosed for your information. The public notice will be published in *The Colorado County Citizen* and will also be posted to the EPA Region 6 website (see: <http://yosemite.epa.gov/r6/Apermit.nsf/AirP>). The rescission will automatically become effective 60 days after the publication of the rescission.

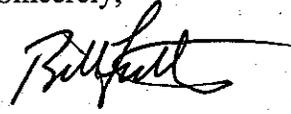
You requested a rescission of the GHG PSD permit because you were classified as a Step 2 source. Generally speaking, Step 2 sources are sources that were classified as major, and were required to obtain a PSD or title V permit, based solely on GHG emissions. Such sources are generally known as Step 2 sources because EPA deferred the requirements for such sources to obtain PSD and title V permits until Step 2 of its phase-in of permitting requirements for GHG under the PSD and title V GHG Tailoring Rule, 75 FR 31514, 35569-71 (June 3, 2010); 40 CFR § 52.21(b)(49)(v). In *Utility Air Regulatory Group (UARG) v. Environmental Protection Agency*, 134 S. Ct. 2427 (2014), the United States Supreme Court held that EPA may not treat GHGs as an air pollutant for purposes of determining whether a source is a major source required to obtain a PSD or title V permit and thus invalidated regulations implementing that approach. In order to begin the process of rescinding Step 2 permits in response to the Supreme Court's decision, on April 30, 2015, EPA issued a direct final rule to narrowly amend the permit rescission provisions in the federal PSD regulations and the rulemaking became effective on July 6, 2015.

EPA Region 6 issued the GHG PSD permit based on the applicability provisions described, at the time of permit issuance, at 40 CFR § 52.21(b)(49)(v)(b). In accordance with the permit rescission regulations

<sup>1</sup> Memorandum from Cynthia Giles, Assistant Administrator for Enforcement and Compliance Assurance, for Janet McCabe, Acting Assistant Administrator for Air and Radiation (December 19, 2014), <http://www.epa.gov/earth1r6/6pd/air/pd-r/ghg/oeca-noaction-assurance-memo121914.pdf>.

at 40 CFR § 52.21(w)(2), this PSD permit is rescinded effective 60 days after publication of the rescission announcement. If you have any questions regarding this matter, please contact Mr. Jeff Robinson, Chief, Air Permits Section at (214) 665-6435.

Sincerely,



Wren Stenger  
Director  
Multimedia Planning and  
Permitting Division

Enclosures

cc: Mr. Mike Wilson, P.E., TCEQ, Director, Air Permits Division