



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

MAR 14 2016

Mr. Benjamin M. Hurst  
Environmental Section Supervisor  
Baytown Olefins Plant  
ExxonMobil Chemical Plant  
5000 Bayway Drive  
Baytown, TX 77522-4004

Dear Mr. Hurst:

This letter is in response to your January 22, 2016 request for a rescission of EPA-issued Prevention of Significant Deterioration (PSD) permit for greenhouse gases (GHGs) associated with the ExxonMobil Chemical Company, Baytown Olefins Plant, Ethylene Unit Addition Project (ExxonMobil) (PSD-TX-102982-GHG). EPA has reviewed the information contained in your rescission request and, with this letter, approves the rescission of the ExxonMobil GHG PSD permit issued by EPA on November 25, 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>.

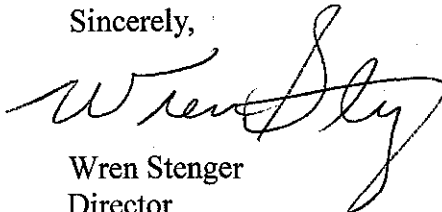
The public notice for EPA's approval of your rescission request will begin on March 15, 2016 and will end May 16, 2016. A copy of the public notice and basis of decision are enclosed for your information. The public notice will be published in *The Baytown Sun* newspaper and will also be posted to the EPA Region 6 website (see: <http://www.epa.gov/caa-permitting/ghg-psd-permitting-epas-south-central-region>). 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.

<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>.

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 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 regarded this matter, please contact Mr. Jeff Robinson, Chief, Air Permits Section at (214) 665-6435.

Sincerely,

A handwritten signature in black ink, appearing to read "Wren Stenger". The signature is fluid and cursive, with a large, stylized initial "W".

Wren Stenger  
Director  
Multimedia Planning and  
Permitting Division

Enclosures

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