



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

JAN 15 2010

Mr. Richard A Hyde, P.E., Deputy Director
Office of Permitting and Registration
Texas Commission on Environmental Quality (MC 122)
P.O. Box 13087
Austin, TX 78711-3087

Re: Objection to Federal Operating Permit No. 2690
ExxonMobil Corporation, Linear Low Density Polyethylene Plant
Chambers County, Texas

Dear Mr. Hyde:

We received the proposed minor revision for the Federal Operating Permit (FOP) for the ExxonMobil Linear Low Density Polyethylene Plant in our office on December 1, 2009. The EPA's 45-day review period will end on January 15, 2010. The minor revision incorporates Minor NSR permit No. 4831 and Pollution Control Project (PCP) permit Nos. 47243 and 77687 into the FOP.

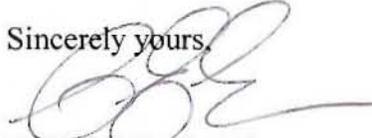
In accordance with 40 CFR § 70.8(c), EPA is objecting to the proposed permit action. Section 505(b)(1) of the federal Clean Air Act (Act) and 40 CFR § 70.8(c) require EPA to object in writing to the issuance of a proposed Title V permit within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with applicable requirements of the Act or requirements under 40 CFR Part 70. Specific reasons for each objection and a description of the terms and conditions that the permit must include to respond to the objections are enclosed.

Section 505(c) of the Act and 40 CFR § 70.8(c)(4) provide that if the permitting authority fails, within 90 days of the date of the objection, to submit a permit revised to meet the objections, then EPA will issue or deny the permit in accordance with the requirements of 40 CFR Part 71. Because the objection issues must be fully addressed within 90 days, we suggest that the revised permit be submitted with sufficient advance notice so that any outstanding issues may be resolved prior to the expiration of the 90-day period. We also note concerns related to the adequacy of permitting associated with the incorporation by reference of Permits by Rule (PBR) and Standard Permits (e.g., Pollution Control Project permits) that may not meet the requirements of the federally-approved Texas State Implementation Plan (Texas SIP) have been raised in two citizen petitions filed with EPA, dated August 28, 2009, and January 5, 2009. Should the Title V permit

be issued without resolving these concerns and EPA determines these concerns have merit, EPA may reopen the Title V permit for cause, pursuant to 40 CFR § 70.7(f) and (g).

We are committed to working with the TCEQ to ensure that the final Permit is consistent with the all applicable requirements, including the federally-approved Texas SIP and the Texas FOP program. If you have questions or wish to discuss this further, please contact Jeff Robinson, Chief, Air Permits Section at 214-665-6435, or Stephanie Kordzi, Texas Permit Coordinator at (214) 665-7520. Thank you for your cooperation.

Sincerely yours,



Carl E. Edlund, P.E.

Director

Multimedia Planning and Permitting Division

Enclosure

cc: Manager, Environmental Affairs
ExxonMobil Corporation

Mr. Steve Hagle, Director
Air Permits Division
Texas Commission on Environmental Quality (MC-163)

Enclosure

- 1. Objection to Special Permit Condition 3.** Under the *Special Terms and Conditions* provisions of the draft Title V permit, Condition 3 requires stationary vents with certain flow rates comply with identified provisions of 30 TAC Chapter 111 of the Texas SIP. However, there is no identification of the specific stationary vents that are subject to those requirements. As such, this condition fails to meet the requirement of 40 CFR § 70.6(a)(1), in that the condition lacks the specificity to ensure the compliance with the applicable requirements associated with those unidentified emission units. In addition, the Statement of Basis document for the draft Title V permit does not provide the legal and factual basis for Condition 3, as required by 40 CFR § 70.7(a)(5). Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit since Condition 3 is not in compliance with the requirements of 40 CFR § 70.6(a)(1) and 70.7(a)(5). In response to this objection, TCEQ must revise Condition 3 of the draft Title V permit to list the specific stationary vents that are subject to the specified requirements of 30 TAC Chapter 111 and provide an explanation in the Statement of Basis for the legal and factual basis for Condition 3.
- 2. Objection to Applicable Requirements Summary for Failing to Identify Specific Compliance Option.** The proposed Title V permit lists 40 CFR Part 63 Subpart FFFF – National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing in the applicable requirements summary table for emission units GRPLPEVNT1F (L1BF24001, L1BF24002, L1BF24003, L1BF24010, L1BF24157, L1BF25034, L1BF25040, L1DR23117, L1DR24012, L1DR25010, L1VD01427, L1VD02427, L1YD01310, L1YF01328, L1YF02310D), HEXDDRYREGN, L1YF01310A, L1YF01310B, L1YF01310D, MR&RSVNT, PURGERVNT, REACTORVNT, and SC&RFVNT. Subpart FFFF gives options for compliance with emission limits and monitoring based on the process involved. The *Applicable Requirements Summary* table lists the units and shows that Subpart FFFF to be applicable to the units listed but it does not identify the specific compliance and associated monitoring sections that are applicable to each unit. The compliance and associated monitoring option selected by ExxonMobil must be stated in the Title V permit and tied to the emission unit(s) to which it applies. Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit because the *Applicable Requirements Summary* fails to identify the specific emission limitations and standards, including those operational requirements that assure compliance with 40 CFR Part 63, Subpart FFFF, as required by 40 CFR § 70.6(a)(1). In response to this objection, the draft Title V permit must reference the specific compliance and emission limit options selected by the permit holder that will be used to ensure compliance with the emission limitations governing miscellaneous Organic Chemical Manufacturing regulated under 40 CFR Part 63, Subpart FFFF.
- 3. Objection to Special Condition 14 for Failing to Meet Compliance Certification Requirements.** Special Condition 14 of the draft Title V permit states that the permit holder shall certify compliance with all terms and conditions. The compliance certification requirements for Title V permits are stated in 40 CFR § 70.6(c)(5). Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit because Special Condition 14 of the draft renewal does not meet the regulatory requirements. In response to this objection,

TCEQ must amend Special Condition 14 to include all the requirements for compliance certifications, as set forth in 40 CFR § 70.6(c)(5), including the identification of the methods or other means for determining the compliance status with each term and condition of the permit.

4. **Objection to the Permit Shield.** The draft Title V permit includes a “Permit Shield” attachment that covers some “grandfathered” facilities, and TCEQ’s statement of basis (SOB) includes statements that a specific facility was constructed before a certain date. EPA has previously objected to negative applicability determinations based on conclusory statements on “grandfathered” units claiming that no modifications have occurred that triggered PSD, NSR or a modification subject to NSPS applicability (*See, e.g.*, letter from Kerrigan G. Clough, Assistant Regional Administrator, EPA, Region 8 to the Colorado Department of Public Health and Environment, Re: EPA Review of Proposed Title V Operating Permit for TriGen-Colorado Energy Corporation, dated September 13, 2000 (“TriGen Objection”). Similar conclusory statements such as those contained in the draft Title V permit and the accompanying SOB do not meet the permit shield requirements of 40 CFR § 70.6(f). Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit because the permit shield provisions of the draft title V permit are not supported by an adequate determination that meets the requirements of 40 CFR § 70.6(f), as further explained in the TriGen Objection referenced above. In response to this objection, TCEQ must provide an adequate demonstration consistent with the requirements described above or delete the permit shield requirements in the Title V permit.

Additional Concerns:

1. *Table New Source Review Authorization References* - Some of the permits that are incorporated by reference may actually be old or outdated underlying permits. EPA recognizes that underlying permits are revised from time to time. Nonetheless, the most recent revision of the underlying permit (and the issuance date) must be stated in the table when incorporated by reference in the Title V permit so the public may properly comment on the Title V permit. TCEQ must confirm that the version of the underlying permit that is incorporated into the Title V permit is readily available in the public records. *See, In the Matter of Premcor Refining Group, Inc.*, Petition No. VI-2007-02 at 5 (May 28, 2009).
2. Permit Condition 10 – In accordance with 40 CFR § 70.6(a)(1)(i), permit conditions must define and provide regulatory citations referencing proper authority allowing TCEQ to grant special exemptions.
3. The New Source Review Requirements table in the SOB does not match the draft Title V permit. The SOB only shows that PBR 106.183 is incorporated. The draft Title V permit shows three minor NSR permits and several PBR authorizations.

4. The *New Source Review (NSR) Authorization References* table in the draft Title V permit shows a PBR registration listed as SE-PRE91. It is unclear what this registration is for since it does not have a typical PBR number. When incorporating by reference PBR registrations it would be helpful to include the permit number or the project number.