

Title V/Clean Air Act: Center for Biological Diversity Petition Addressing Phillips 66 Rodeo, California Refinery Permit Renewal



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A number of environmental organizations submitted a March 19th Petition to the United States Environmental Protection Agency ("EPA") Administrator pursuant to Section 505(b)(2) of the Clean Air Act and 40 C.F.R. § 70.8(d) titled:

Petition Requesting the Administrator Object to the Issuance of the Renewal Title V Major Facility Review Permit Issued to the Phillips 66 – San Francisco Refinery ("Petition")

The organizations filing the *Petition* include:

- Communities for a Better Environment
- Center for Biological Diversity
- Friends of the Earth
- San Francisco Baykeeper
- Sierra Club
- Stand.earth

(Collectively "CBD")

The federal Clean Air Act Title V program includes a provision that allows the EPA Administrator to object to a Title V Permit issued by a delegated state. In other words, Congress provided EPA a Clean Air Act oversight role by mandating that every Title V Permit be subjected to a 45-day EPA review period before the Title V Permit is finalized.

The EPA Administrator can object to a Title V Permit at two points. An objection may be made during the 45-day review period and in response to a public petition within 60 days after the end of the 45-day review period. Further, even if the EPA fails to object to a proposed Title V Permit, a right to petition the agency to reconsider its failure to object to the permit is potentially available. However, only those who have submitted comments on the draft permit during the applicable public comment period have a right to petition. The right to petition EPA arises at the close of the agency's 45-day review period.

The CBD *Petition* objects to the issuance of the Renewal Title V Permit for a Phillips 66 refinery located in Rodeo, California. The organizations argue the Renewal violates the federal Clean Air Act:

- By approving an increase in source capacity limits for hydrocracking Units 240 and 246 without legal or factual basis

- The area Air Quality Management District did not provide adequate notice regarding the approved increases, therefore denying the public opportunity to meaningful participate in the Permit review process

The CBD further states that the Administrator should modify, revoke, or terminate the Renewal Title V Permit so that it does not include the increased source capacity limits. In addition, they state that to the extend Phillips 66 intends to pursue the increase in source capacity limits, the Administrator should require Notice of Public Comment and Response to Comments prior to reissuance.

[A copy of the *Petition* can be downloaded here.](#)