

Title V/Clean Air Act: Earthjustice Files Petition to Object to Dale, Indiana Coal Hydrogenation Refinery Permit



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08/14/2019

Earthjustice and two other organizations (collectively “Earthjustice”) filed an August 8th Petition to Object to the issuance of two Clean Air Act permits for the construction of a direct coal hydrogenation refinery (“Refinery”) in Dale, Indiana.

The air permit was issued by the Indiana Department of Environmental Management and includes a Combined Prevention of Significant Deterioration (“PSD”) and Part 70/Title V Operating Permit.

The Petition was filed before the Administrator of the United States Environmental Protection Agency (“EPA”) and is styled:

Petition to Object to the Prevention of Significant Deterioration (PSD)/New Source Construction and Part 70 Operating Permit for Riverview Energy Corporation (“Petition”)

42 U.S.C. § 7661(d)(a) of the Clean Air Act requires that states submit each proposed Title V Operating Permit to EPA for review. EPA is required to object to the issuance of a proposed Title V Permit within writing within 45 days of receipt of the proposed Permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements under the Clean Air Act. If EPA does not object to a Permit, the Clean Air Act provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review, to object to the Permit.

The *Petition* states that the Refinery would use VEBA Combi Cracking technology. It states this would be the first use of such technology for this type of facility in the United States.

The *Petition* alleges that there are deficiencies in the combined Title V PSD Permit which include:

- Unknown or uncertain design specifications that undermine the validity of the entire permit;
- Inaccurate and unreliable emissions calculations that underestimate the Refinery’s emissions;
- Flaws in the Permit’s technology analysis and selection of emissions control technologies;
- Insufficient emissions monitoring and reporting requirement; and
- Deficiencies in the air quality and emissions modeling underlying the Permit.

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