

Title V/Clean Air Act: Environmental Organizations Petition to Object to Baytown, Texas, Chemical Plant Permit Renewal



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Three environmental organizations filed a Petition to Object to Title V Permit ("Petition") issued by the Texas Commission on Environmental Quality ("TCEQ") related to the issuance of a Clean Air Act Title V Permit Exxon Mobil Corporation ("Exxon"), Baytown, Texas, chemical plant ("Plant").

The environmental organizations filing the Petition included:

- Environmental Integrity Project
- Sierra Club
- Texas Campaign for the Environment

collectively ("EIP")

Title V requires certain stationary sources of air pollution to obtain Operating Permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by the United States Environmental Protection Agency ("EPA"). The intent of a title V permit is to organize in a single document all the requirements which apply to the permit holder.

42 U.S.C. § 7661 requires that states submit each proposed Title V permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of the 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 of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

EIP's Petition addresses TCEQ's renewal of a Title V permit authorizing operation of the Plant. The Plant had been the subject of an EPA objection to a prior version of the renewed Title V permit. TCEQ had previously revised the permit in response to an EPA objection.

EPA did not object to the revised permit.

EIP alleges as grounds for objection:

- The Revised Proposed Permit Improperly Incorporates a Major New Source Review Permit by Reference
- Failure to Adjust the Plantwide Applicability Limits for NOx and VOC Downward to Account for Harris County's Recent Designation as a Serious Ozone Nonattainment Area

- Failure to Satisfy Sufficiently Detailed National Emission Standards for Hazardous Air Pollutants Applicability Determinations
- Failure to Assure Compliance with the Plant's Plantwide Applicability Limits
- Failure to Establish a Schedule for the Plant to Comply with the Commitment to Obtain a State Implementation Plan-Approved Chapter 116, Subchapter B Permit for Units and Emissions Authorized by State-Only Flexible Permit No. 20211/PAL16
- Improperly Incorporating Confidential Permit Terms
- Failure to Specify Monitoring, Testing and Recordkeeping Requirements Sufficient to Assure Compliance with Applicable Requirements for Projects Authorized by PBR

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