

Crude Condensate Terminal Expansion/Point Comfort, Texas: Earthjustice Judicial Petition Challenging TCEQ Air Permit



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Earthjustice on behalf of certain organizations and an individual filed a May 9th Petition before the 201st District Court in Travis County, Texas, challenging the Texas Commission on Environmental Quality's ("TCEQ") issuance of an air permit to Max Midstream Texas, LLC ("Midstream"). See D-1-GN-22-002153.

The air permit authorizes an expansion of Midstream's Seahawk Crude Condensate Terminal in Point Comfort, Texas ("Terminal").

The organizations and individual for which the Petition is filed include:

- San Antonio Bay Estuarine Waterkeeper
- Texas Campaign for the Environment
- S. Diane Wilson

The Petition states that certain plaintiffs asserted that Midstream underestimated the Terminal's capacity to emit air pollutants. The Terminal's referenced air emissions are stated to include:

- Volatile organic compounds
- Nitrogen oxides
- Carbon monoxide
- Sulfur dioxide
- Hydrogen sulfide
- Particulate matter
- Greenhouse gases

Midstream is stated to have sought a minor new source review permit as opposed to a Clean Air Act Prevention of Significant Deterioration ("PSD") permit.

The Petition alleges that Midstream should have sought a PSD permit based on comments submitted which asserted arguments such as:

- Inappropriate emission factors
- Insufficient information to demonstrate that emissions from the facilities meet all the criteria established by Texas's federally approved preconstruction permitting rule

- Failure to demonstrate that monitoring, testing, and recordkeeping requirements are sufficient to measure emissions related to the proposed project and the emission limits are practicably enforceable
- Reliance on vendor specifications/engineering knowledge not included in the public application
- Underrepresented expected emissions from truck and marine loading and overestimated collection efficiencies
- Failure to provide the basis for the crude characteristics used to calculate proposed emission limits

Additional arguments made in the referenced comments and a supplement are detailed in the Petition.

The causes of action asserted in the Petition include:

- TCEQ Erred By Denying Plaintiffs' Requests for a Contested Case Hearing
- TCEQ Erred by Issuing Permit Number 162941 to Max Midstream Texas, LLC

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