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# Title V Objection/Clean Air Act: Environmental Organizations Petition to Object Addressing Five Alabama Department of Environmental Management Permits

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Five environmental organizations filed a Petition (“Petition”) requesting that the United States Environmental Protection Agency (“EPA”) Administrator object to the issuance of Title V Renewal Permits (“Permits”) for the following five facilities:

- Plains Marketing LP (Mobile County, AL), Permit No. 503-3013 (“Plains Marketing”)
- Alabama Bulk Terminal (Mobile County, AL), Permit No. 503-3035 (“AL Bulk Terminal”)
- Kimberly-Clark Corporation (Mobile County, AL), Permit No. 503-2012 (“Kimberly-Clark”)
- Epic Alabama Maritime Assets, LLC – Alabama Shipyard LLC (Mobile County, AL), Permit No. 503-6001 (“Alabama Shipyard”)
- UOP LLC (Mobile County, AL), Permit No. 503-8010 (“UOP”)

The environmental organizations filing the Petition include:

- Greater-Birmingham Alliance to Stop Pollution
- Mobile Environmental Justice Action Coalition (“MEJAC”)
- Clean Healthy Educated Safe Sustainable Africatown
- Mobile Alabama NAACP Unit #5044 Environmental and Climate Justice Committee

(collectively, “MEJAC”)

42 U.S.C. § 7661d(a) requires that states submit each Title V operating permit to EPA for review. The federal agency has 45 days to object to the issuance of the Permit if it determines it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a Permit, Section 505(b)(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.

MEJAC describes its decision to address five permits in one Title V Objection Request Petition as unusual. It states this action was required:

... given the strict petition deadlines contained in Clean Air Act . . . and the decision of ADEM to transmit the proposed versions of eight permits – including each of the Permits addressed in this Petition – to EPA during a one-week period in September.

MEJAC states it chose to focus this Petition on the five Permits that it states represent the emission producing sources of most concern to the communities near them and:

. . . to raise issues that represent consistence deficiencies in ADEM permitting that could be improved through EPA granting objections to these Permits.

The Petition raises what it categorizes as three types of objections which it asks that ADEM address in the future that include:

1. provide the information required and necessary for meaningful public participation in the Title V permitting process,
2. provide meaningful consideration of the environmental justice impacts of Title V permits and ADEM's permitting process,
3. carefully review the permit terms to ensure they contain all applicable requirements and comply with the Act, especially terms included to avoid major source requirements, as well as specific monitoring, recordkeeping and reporting sufficiently to ensure compliance with those important terms.

EPA is requested to object to the five Permits because:

- ADEM failed to comply with the procedural requirements to issue these Permits;
- ADEM's issuance of these Permits does not comply with Title V's public participation requirements or the prohibition against disparate impacts under Title VI of the Civil Rights Act of 1964; and
- The Permits' terms fail to comply with significant requirements of the Clean Air Act, especially regarding the adequacy of synthetic minor limits and monitoring, recordkeeping, and reporting requirements.

The remainder of the Petition alleges in more specific detail certain deficiencies in the five Permits.

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