

Title V/Clean Air Act: Petition to Object Filed Addressing Houston, Texas Refinery



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The Environmental Integrity Project, Texas Environmental, Justice Advocacy Services, Caring for Pasadena Communities, and Sierra Club (collectively, “EIP”) submitted an August 19th Title V Petition to Object (“Petition”) before the United States Environmental Protection Agency (“EPA”) Administrator related to Valero Refining-Texas, L.P. (“Valero”).

The Petition objects to the Texas Commission on Environmental Quality (“TCEQ”) issuance of a Title V Permit to Valero’s Houston, Texas Refinery.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. These plans are submitted to and approved by EPA. The intent of a Title V Permit is to organize in a single document all of 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 receipt of the proposed Permit (and all necessary supporting information) if the Agency 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(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 states that is the second petition to EPA by these organizations in the last four years regarding renewal of the Title V Permit for Valero’s Houston Refinery. They argue that TCEQ’s revised proposed Permit fails to resolve objections from an EPA 2022 Order.

The petitioners note two actions:

1. This Petition seeks EPA’s review of TCEQ’s new proposed Title V Permit and its alleged non-compliance with both Title V requirements and EPA’s 2022 Title V Order.
2. EIP states it will provide notice to EPA of their intention to file suit under Section 304 of the Clean Air Act to “remedy EPA’s unreasonable delay in taking over the Permit to fix the numerous problems identified in EPA’s 2022 Order that TCEQ has failed to resolve.”

The grounds for objection cited in this Petition include:

1. ENVIRONMENTAL JUSTICE CONCERNS MANDATE INCREASED FOCUS AND ACTION BY EPA TO ENSURE THAT THE PERMIT'S PROVISIONS ARE STRONG AND COMPLY WITH TITLE V AND OTHER CLEAN AIR ACT REQUIREMENTS.
2. TCEQ FAILED TO PROVIDE NOTICE TO THE PUBLIC THROUGH A MAILING LIST FOR REVISIONS TO THE TITLE V PERMIT.
3. THE PROPOSED TITLE V PERMIT FAILS TO INCLUDE SUFFICIENT MONITORING, TESTING, AND RECORDKEEPING REQUIREMENTS TO ASSURE COMPLIANCE WITH APPLICABLE LIMITS ESTABLISHED BY PERMITS BY RULE.
 1. Inadequate Fugitive Monitoring.
 2. Inadequate Monitoring for Storage Tanks.
 3. The Proposed Permit Provides Inadequate Monitoring for Docks.
4. THE NEW PROPOSED PERMIT DOES NOT INCLUDE THE REQUIRED GENERAL DUTY TO OPERATE AND MAINTAIN THE VALERO HOUSTON REFINERY CONSISTENT WITH SAFETY AND AIR POLLUTION PRACTICES.
5. THE NEW PROPOSED PERMIT STILL FAILS TO INCLUDE SUFFICIENT MONITORING, REPORTING, AND EMISSION CALCULATION REQUIREMENTS FOR KEY UNITS AND LIMITS AT THE REFINERY.
 1. The Proposed Permit's Monitoring Requirements Still Cannot Ensure Compliance with the Hourly and Annual PM Limits for the Refinery's FCCU.
 2. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the Hourly and Annual Limits for the Refinery's Flares.
 3. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the Hourly and Annual VOC Limits for the DAF Unit.
 4. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the PM and Opacity Limits for Boilers 1-4.
 5. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with Hourly Annual VOC Limits for Fugitive Emissions.
 6. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the Hourly and Annual PM and VOC Limits for the Atmospheric Tower Heater.
 7. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the Hourly and Annual Limits for the Refinery's Tanks.
 8. The Proposed Permit's Monitoring Requirements Cannot Ensure Compliance with the Hourly and Annual PM10 Limits for Refinery's Cooling Towers.
6. IN VIOLATION OF 40 C.F.R. § 70.7(A)(5), TCEQ FAILED TO PROVIDE A REASONED EXPLANATION FOR WHY THE PROPOSED PERMIT ENSURE COMPLIANCE WITH THE LIMITS AT ISSUE HERE FOR THE FCCU, FLARES, DAF UNIT, BOILERS, FUGITIVE EMISSIONS, ATMOSPHERIC TOWER HEATER, TANKS, AND COOLING TOWERS.

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