

Title V/Clean Air Act: Harris County, Texas Petition to Object Filed Addressing Deer Park Chemical Manufacturing Facility



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Harris County, Texas filed a March 10th Title V Petition to Object (“Petition”) before the United States Environmental Protection Agency (“EPA”) Administrator related to the Lubrizol Corporation’s Deer Park Plant (“Plant”).

The Title V Petition objects to the Texas Commission on Environmental Quality (“TCEQ”) renewal of a Title V Permit for the Plant in Deer Park, Texas.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States or other government entities 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 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(b)(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 documentation) if the federal agency determines that it was not in compliance with the applicable requirements under the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition to the EPA Administrator, within 60 days of the expiration of the 45-day review period to object to the Permit.

The Petition addresses TCEQ’s renewal of Title V Permit No. 01931, which is stated to reauthorize operations at the Plant. TCEQ’s Executive Director is stated to have proposed to approve Plant’s application and issued a Draft Permit for which Harris County Attorney’s Office provided public comment. TCEQ is stated to have responded to public comments on the Draft Permit and sent a Proposed Permit to EPA for its review. As of November 26, 2024, the Proposed Permit is stated to have been subject to EPA review for 45 days which ended on January 10th.

Harris County’s Petition states that it is based on objections to the Draft Permit:

...raised with reasonable specificity during the public comment period and addressed in TCEQ’s Response to Comment (RTC) issued after the public comment period.

It alleges that TCEQ failed to make any modifications to the Draft Permit after the expiration of the public comment period.

The specific grounds for objection alleged include:

- EPA Must Object to the Lubrizol Permit because TCEQ did not Provide Adequate Public Access for the Renewal of Draft Permit O1931.
- EPA Must Object to the Lubrizol Permit because TCEQ Failed to Ensure the Location of the Permit By Rule (PBR) Supplemental Tables were Specifically Identified.
- EPA Must Object to the Lubrizol Permit because Vague and Unclear Recordkeeping Requirements, Monitoring and Reporting Standards, and Language used in the Permit Renders it Unenforceable as a Practical Matter.

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