Title V/Clean Air Act: Sierra Club Petition to Object to Baton Rouge, Louisiana, Refinery Utilities Unit

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The Sierra Club, Earthjustice and Environmental Integrity Project (collectively "Sierra Club") filed a February 12th Petition to Object to a Title V Permit ("Petition") issued by the Louisiana Department of Environmental Quality ("LDEQ") for the ExxonMobil Fuels & Lubricant Company's Baton Rouge, Louisiana, Refinery. ("Refinery").

The Petition is filed before the United States Environmental Protection Agency ("EPA") Administrator and addresses the Clean Air Act Title V Operating Permit for the Utilities Unit at the Refinery.

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Title V Operating Permits. States administer Title V through adopted implementation plans. These plans are submitted to and approved by the 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.

Sierra Club's Petition addresses LDEQ's renewal and modification of the Title V Permit for the Utilities Unit. The Utilities Unit is described as including the Refinery's wastewater treatment system ("System"). The System is stated to emit volatile organic compounds ("VOCs") and VOC hazardous air pollutants.

Sierra Club alleges as grounds for objection:

- Environmental justice concerns mandate increased focus and action by EPA to ensure that the permit's provisions— including its monitoring and emission calculation provisions—are strong and comply with Title V requirements.
- The proposed permit's monitoring and emission calculation requirements cannot ensure compliance with the hourly and annual VOC limits for the refinery's wastewater treatment system.
- The proposed permit's monitoring and emission calculation requirements cannot ensure compliance with the hourly and annual PM limits for the utility unit's cooling tower.
- In violation of 40 C.F.R. § 70.7(a)(5), LDEQ failed to provide a reasoned explanation for why the proposed permit ensures compliance with the VOC and PM limits at issue here.

A copy of the Petition can be downloaded here.