

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



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

12/17/2024

The Sierra Club and three other environmental organizations filed the following document before the Administrator of the Environmental Protection Agency ("EPA") on December 3rd:

Petition to Object to the Title V Operating Permit for the Valero Houston Refinery ("Petition").

The other three environmental organizations joining the Petition include:

- Texas Environmental.
- Justice Advocacy Services.
- Caring for Pasadena Communities.

The Petition provides that it is addressing the Valero Houston refinery located in Houston, Texas, owned by Valero Energy Partners, L.P. ("Valero"). However, the Petition also indicates that it is specifically addressing the tank farm portion of the 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 the requirements that 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 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 date of the 45-day review period to object to the permit.

Sierra Club's Petition states that the proposed Title V permit issued for the refinery by the Texas Commission on Environmental Quality is in the environmental justice community of Manchester.

The grounds for objection put forth by Sierra Club include:

- 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.
- The proposed permit contains insufficient monitoring requirements to ensure compliance with emission limits for tanks under NSR 129444.

- The proposed permit still fails to include sufficient monitoring for opacity for stationary vents.
- Method 9 monitoring once per quarter is inadequate to ensure compliance with the opacity limits.
- EPA should require specific methods of opacity monitoring for the stationary vents.
- The proposed permit violates Title V by failing to make information incorporated by reference readily available to the public.
- TCEQ's incorporation by reference of the PBR supplemental table is insufficient to satisfy Title V.
- TCEQ must include applicable PBR requirements within the permit. It's failure to do so violates Title V.

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