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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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MAY 14 2007

2007 MAY 14 AM 10: 29

BY Jul

May 9, 2007

CHIEF CLERKS OFFICE

VIA FACSIMILE AND US Mail
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax Number: 512-239-3311

Re: COMMENTS of Citizens for Environmental Justice, Refinery Reform Campaign and South Texas Colonias Initiative, Request for Contested Case Hearing on the APPLICATION and attempt to obtain Air Permit NO. 46637 which would authorize modifications to the Barge Dock 7 Operations located at 1801 Nueces Bay Blvd., Citgo Refining and Chemicals Company, L.P., Corpus Christi, Nueces County, Texas

- Dear Chief Clerk:

Citizens for Environmental Justice, Refinery Reform Campaign, South Texas Colonias Initiative, hereby submit the following comments to the **Application and Intent to Obtain Air Permit** No. 46637 submitted to the Texas Commission on Environmental Quality ("TCEQ") by Citgo Refining and Chemicals Company, L.P., on February 2, 2007. Commenters request a contested case hearing on Citgo Refining and Chemicals Company, L.P., Application and Intent to Obtain Air Permit NO. 46637. The project was determined to be "administratively complete" on March 15, 2007, and newspaper notice was published on April 11, 2007. These comments are timely filed since Commenters submitted them within 30 days after newspaper notice was published.

Commenter Citizens for Environmental Justice is a Corpus Christi non-profit community organization. Suzie Canales is a Corpus Christi resident and Director of Citizens for Environmental Justice which works to achieve environmental justice in Corpus Christi, Texas; South Texas Colonias Initiative is a non-profit organization which works to improve living conditions for residents of the colonias, Lionel Lopez, Director and a Corpus Christi resident; The Refinery Reform Campaign, Denny Larson, Director, is a national campaign that seeks to clean up refineries. Members of Citizens for Environmental Justice live and work near, and are directly affected by Citgo's facility.

COMMENTS:

The population near Citgo refinery, also known as refinery row, is mostly people of color and low-income. Health studies indicate that Corpus Christi has higher rates of certain types of cancer and over-all birth defects than the rest of the state.

The latest in a series of birth defects studies conducted by the Texas Department of State Health Services Epidemiology and Surveillance Branch (7/06) revealed that for 1996-2002, the Corpus

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Christi area had 84% higher rates of overall birth defects when compared to the rest of the registry. Severe birth defects were 17% higher in Corpus Christi, when compared to the rest of the state.

A report by Citizens for Environmental Justice, "Corpus Christi, Texas: Criminal Injustice in an All American City," revealed that race zoning restrictions applied decades ago, forcing people of color and low-income to live by hazardous site, refineries and dumpsites. Although the racial zoning was repealed, the communities along refinery row are still predominantly low-income, communities of color - city, county and the state of Texas have not corrected the problem. This has been brought to the attention of the US Department of Justice.

A statistical analysis conducted by Public Citizen "Industrial Upset Pollution: Who Pays the Price?" strongly indicates that children of color and low-income are being adversely impacted by pollution, affecting school attendance rates, children's health, education and the economy.

Citgo Refinery East Plant is also currently under Federal Criminal Indictments, for among other things, violating the Clean Air Act by operating 2 tanks (116 & 117) without proper pollution control devices, resulting in the release of tons of uncontrolled benzene, a carcinogen, straight into the environment, and lying about it. The fence-line community of Hillcrest, which includes Citizens for Environmental Justice members, have been directly impacted by these criminal acts and would be directly impacted by the issuance of this permit, which would emit the following contaminants: organic compounds, nitrogen oxides, carbon monoxide and sulfur dioxide.

In addition, questions have been raised about the emission rate numbers provided by the TCEQ permit reviewer for the proposed CITGO permit amendment on the east barge loading dock. Please see enclosed comments, page 3 of this letter, written by Dr. Neil Carman.

We request that TCEQ consider the issues identified above and grant us a contested case hearing.

Sincerely,


Enrique Valdivia

Counsel

Texas RioGrande Legal Aid

1111 North Main

San Antonio, Texas 78212

PH: 210-212-3700

FAX: 210-212-3772



SIERRA CLUB
FOUNDED 1892

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

2007 MAY 14 AM 10: 29

CHIEF CLERKS OFFICE

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57531

April 24, 2007

Re: CITGO Corpus Christi Refinery permit No. 46637
East Barge loading permit amendment

Dear Suzie,

Questions need to be raised about the emission rate numbers provided by the TCEQ permit reviewer for a proposed CITGO refinery permit amendment on the east barge loading dock. Numerical inconsistencies exist in each of the four sets of emission rates [hourly vs annual] that need to be clarified by TCEQ. Annual emission rates suggest the TCEQ may have established an annual operating limit on the loading operations and the permit should specify such limitations. The amount of benzene also needs identification as to how much will be emitted in the annual VOC number of 41.53 tpy since it's difficult to estimate the benzene concentration from this information.

The TCEQ permit reviewer for CITGO permit No. 46637 supplied these proposed emission rates:

Max VOC 159.69 #/hr, Total VOC 41.53 T/yr

NOx 15.69 #/hr, 22.52 T/yr

CO 11.77 #/hr, 16.89 T/yr

SO2 0.01 #/hr, 0.06 T/yr

A. Numerical inconsistencies in hourly VOC rates vs annual VOC rates

Annual VOC emission rate in tons per year (41.53 T/yr) compared to hourly VOC rates in pounds per hour (159.69 #/hr) do not make sense when converting annual 41.53 tpy to hourly 159.69 #/hr, and it's regardless of whether or not barge loading is allowed 24/7/365 (8760 hours or 100%). One question is if permit special conditions establish a maximum annual limit on east barge loading hours that might clarify this disparity. The 41.53 t/yr suggests there may be a permit limit on barge loading hours compared to the 159.69 #/hr rate; together they may allow 520 hours of operation per year, which is less than two hours per day and 10 hours per week. A question is how many hours Citgo intends to operate the east loading barge.

Hourly vs Annual VOC calculations:

TCEQ draft permit data: Max VOC 159.69 #/hr, Total VOC 41.53 T/yr

Calculating 159.69 #/hour x 8760 hours/yr [assumes 100% of yr] / 2000 #/t = 699.44 tons/yr.

Annual emission rate of 699.44 tons/yr is ~17X higher than the TCEQ draft permit value for total VOC annual rate of 41.53 T/yr.

Calculating Total VOC 41.53 T/yr x 2000 #/ton = 83,060 pounds/yr / 8760 hours/yr = 9.48 #/hr

Difference between Max VOC 159.69 #/hr and 9.48 #/hr = 17X [16.84X]

Hours of operation would have to be limited to ~1.5 hours per day [1.42 hr/d] in a permit special condition since the 41.53 tpy is less than 1.5 hours per day of operation based on 159.69 #/hr max VOC rate.

B. Numerical inconsistencies in hourly rates vs annual NOx, CO and SO2 rates

Additional disparities appear in the hourly and annual rates for the NOx, CO and SO2 emission rates.

Sincerely,

Neil Carman, Ph.D.
1202 San Antonio Street
Austin, Texas 78701
Neil_Carman@greenbuilder.com

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37331

H OPA
MAY 09 2007
BY RG

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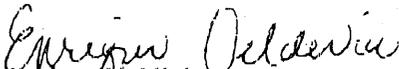
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Neil Carman, Ph.D.
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Neil_Carman@greenbuilder.com

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2007 MAY -9 11:17
CHIEF CLERKS OFFICE

facsimile transmittal

To: Chief Clerk, TCEQ Fax: 512-239-3311
From: Suzie Canales, CFEJ Date: 5/9/2007
Re: Citgo permit # 46637 - comments and request for hearing Pages: 4 (including cover)

Urgent For review Please comment Please reply Please recycle

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