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September 10, 2007

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

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SEP 10 2007  
BY ll

SEP 10 PM 1:00  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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. 9604A which would authorize modifications a No. 2 Fluid Catalytic Cracking Unit 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 Amendment No. 9604A submitted to the Texas Commission on Environmental Quality ("TCEQ") by Citgo Refining and Chemicals Company, L.P., on June 14, 2007. Commenters request a contested case hearing on Citgo Refining and Chemicals Company, L.P., Application and Intent to Obtain Air Permit NO. 9604A. The project was determined to be "administratively complete" on June 28, 2007. These comments are timely filed since only one newspaper publishing has been submitted.

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 has been criminally convicted by a federal jury of violating the Clean Air Act by knowingly 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 for over ten (10) years.

Citgo continued to operate illegally even after they were made aware by the TCEQ that the community was adversely being impacted. Citgo should not be granted a permit that would allow them to increase emissions, especially VOCs, on a community that has suffered tremendously, at the hands of Citgo.

A preliminary soil sample study in the Hillcrest community showed that PAHs were elevated at six (6) to ten (10) times the EPA residential soil limit. House dust samples collected in Hillcrest were comparable to dust samples collected at the Former Soviet Union.

Should this permit be granted, it would result in an additional burden on the community of 31.4 tpy of VOCs and 15.3 tpy of PM/PM10.

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, sulfur dioxide, carbon monoxide, nitrogen oxides, sulfuric acid mist, and particulate matter including particulate matter less than ten microns in diameter.

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

Sincerely,

  
Enrique Valdivia

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