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**Debbie Zachary**

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**From:** PUBCOMMENT-OCC  
**Sent:** Friday, August 19, 2022 8:29 AM  
**To:** PUBCOMMENT-OCC2; PUBCOMMENT-OPIC; PUBCOMMENT-ELD; PUBCOMMENT-APD  
**Subject:** FW: Public comment on Permit Number 2937  
**Attachments:** Valero 2937 CCH Request FINAL 8.18.222.pdf

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**From:** colincox@environmentalintegrity.org <colincox@environmentalintegrity.org>  
**Sent:** Thursday, August 18, 2022 4:15 PM  
**To:** PUBCOMMENT-OCC <PUBCOMMENT-OCC@tceq.texas.gov>  
**Subject:** Public comment on Permit Number 2937

**REGULATED ENTY NAME** VALERO CORPUS CHRISTI REFINERY EAST PLANT

**RN NUMBER:** RN100211663

**PERMIT NUMBER:** 2937

**DOCKET NUMBER:**

**COUNTY:** NUECES

**PRINCIPAL NAME:** VALERO REFINING TEXAS LP

**CN NUMBER:** CN600127468

**FROM**

**NAME:** Colin Cox

**EMAIL:** [colincox@environmentalintegrity.org](mailto:colincox@environmentalintegrity.org)

**COMPANY:** Environmental Integrity Project

**ADDRESS:** 1206 SAN ANTONIO ST  
AUSTIN TX 78701-1834

**PHONE:** 8323160580

**FAX:**

**COMMENTS:** Please see the attached hearing request from Citizens for Environmental Justice and Hillcrest Residents Association.



1206 San Antonio St.  
Austin, Texas 78701  
Phone: 832-316-0580  
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August 18, 2022

Ms. Laurie Gharis  
Chief Clerk, MC-105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

*Via Electronic Filing*

**Re: Contested Case Hearing Request on the Application to Amend Air Quality Permit Nos. 2937 and PSDTX1023M3 to Increase Emissions at the Valero Refining Bill Greehey Refinery East Plant in Corpus Christi, Texas**

Dear Ms. Gharis,

Valero Refining Texas, LP (“Valero”) has applied to the Texas Commission on Environmental Quality (“TCEQ”) for an amendment to Air Quality Permit Nos. 2937 and PSDTX1023M3 (the “Application”) to authorize emission of carbon monoxide, organic compounds, ammonia, exempt solvents, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and sulfur dioxide from the Bill Greehey Refinery East Plant at 1300 Cantwell Lane, Corpus Christi, Nueces County, Texas 78407.

Citizens for Environmental Justice and Hillcrest Residents Association (collectively, “Requestors”) appreciate the opportunity to submit this hearing request on the Application.

**I. Contested Case Hearing Request**

Citizens for Environmental Justice and Hillcrest Residents Association request a contested case hearing on this Application. Please direct all communication regarding these hearing requests to Colin Cox, Staff Attorney at Environmental Integrity Project.

**a. Information in support of Citizens for Environmental Justice's contested case hearing request.**

Citizens for Environmental Justice (CFEJ) is a grassroots organization based in Corpus Christi, Texas. Since 2001, CFEJ has worked to bring environmental justice to refinery row by advocating for fair relocations of fence line communities. Efforts include a landmark bio-monitoring study of a fenceline community that found high levels of benzene and other VOCs in the blood, initiating birth defects studies conducted by the Texas State Department Epidemiology and Surveillance Branch which spanned several years that reported many high rates of birth defects in Corpus Christi compared to the rest of the state and, challenging facility permits which led to the relocation of several fence line residents.

Citizens for Environmental Justice initially submitted a hearing request for this Application on December 19, 2014. In the over seven years that this Application has been pending, the members identified in that initial hearing request have either moved out of the area or passed away. Citizens for Environmental Justice files this request to identify a current member, Terry Cox, who resides in close proximity to Valero's East Refinery.

Terry Cox is a member of Citizens for Environmental Justice and lives at 1106 Vernon Drive, Corpus Christi, Texas, 78407. Mr. Cox's home is sandwiched between Valero's East and West Refineries and he can see both plants from the end of his street. Surrounded by heavy industry, he regularly smells noxious smells similar to the smell of burning trash. Mr. Cox would like to enjoy coffee on his porch, but the poor air quality in his neighborhood makes this difficult. After any length of time outside, his throat begins to feel irritated and raw and his sinuses get plugged up. Because of this, Mr. Cox is often unable to enjoy coffee outside his home, work in his garage, or mow his lawn. While the pollution is less noticeable inside, it sometimes permeates his home, too. Mr. Cox sometimes finds his truck covered in fine black powder. The black powder also accumulates on the siding of his house. Mr. Cox is concerned about Valero's pollution and its impact on his health. Mr. Cox does not want Valero to emit even more pollution around his home and cause even worse air quality.

Mr. Cox has standing in his own right to request a contested case hearing. The interests that Citizens for Environmental Justice seeks to protect by requesting this hearing are germane to its purpose, stated above. And neither the claim asserted nor the relief requested requires the participation of the individual members in this case.

**b. Information in support of Hillcrest Residents Association's contested case hearing request.**

Hillcrest Residents Association is a 501(c)(3) non-profit organization that was formed for the purpose of protecting public health, safety, the environment, and the quality of life for residents in the Hillcrest neighborhood and the immediately surrounding area, and to combat community deterioration. With this purpose as the focus, Hillcrest Residents Association intends to represent its members by participating in the decision-making process of local, state, and federal officials on issues related to pollution and protection of natural resources and other quality of life issues. Hillcrest Residents Association will represent its members in government proceedings and in court, if necessary, in pursuit of its stated purpose.

Barbara Major is a member of Hillcrest Residents Association and lives at 1315 Van Loan Avenue, Corpus Christi, Texas, 78407. Mrs. Major has a personal interest in this permit amendment because she lives in close proximity to the East Refinery and the numerous other facilities on Corpus Christi's "Refinery Row." Mrs. Major is no stranger to air pollution, and regularly smells odd, rotten odors outside of her home that are difficult to describe. She frequently experiences respiratory issues, including coughing and post-nasal drainage. These symptoms are worse when she is outdoors, though the pollution sometimes enters her home, as well. She used to spend a significant amount of time in her backyard, working in her garden or just relaxing. She has had to curtail that time in recent years out of concern for her health. Mrs. Major has gotten more sensitive to air pollution exposure as she has gotten older, and if she spends much time outside the pollution in the air can aggravate her respiratory symptoms. Mrs. Major is worried that additional pollution from Valero's East Refinery will make being outdoors even less pleasant, and make it even harder for her to enjoy her home and her yard.

Lamont Taylor is a member of Hillcrest Residents Association and owns property in Hillcrest at 1614 Kennedy Street, Corpus Christi, Texas, 78407. Mr. Taylor does not currently reside at this address, but visits regularly to maintain the property. He intends to repair the house at 1614 Kennedy so that he will be able to move back in and make it his primary residence. Mr. Taylor previously suffered from stage 4 cancer, which, after years of treatment, is now in semi-remission. He is worried that exposure to additional air pollution from Valero's East Refinery will impact his health and increase the risk that his cancer will return. He is also concerned that additional air pollution from Valero's East refinery will interfere with his use of his property and his plans to make it his home.

Both Mr. Taylor and Mrs. Major have standing in their own right to request a contested case hearing. The interests that Hillcrest Residents Association seeks to protect by requesting this hearing are germane to its purpose, stated above. And neither the claim asserted nor the relief requested requires the participation of the individual members in this case.

## **II. Disputed Issues of Fact**

Requestors provide the following list of disputed issues that are relevant and material to the Commission's decision on this application, for consideration as part of the requested contested case hearing. These issues were raised during the comment period and have not been withdrawn:

- Whether the proposed emissions will threaten the health and safety of nearby residents.
- Whether the proposed emissions will cause or contribute to exceedances of National Ambient Air Quality Standards.
- Whether the Valero's air quality analysis complies with TCEQ's rules and guidance.
- Whether the new and modified sources will utilize Best Available Control Technology.
- Whether the emissions calculation methodologies used in the application are flawed or outdated.

- Whether proposed monitoring and reporting requirements are adequate to ensure compliance with the Clean Air Act and protect local residents.
- Whether TCEQ adequately addressed environmental justice concerns and complied with Title VI of the Civil Rights Act in reaching the preliminary decision to issue this permit.

### III. Conclusion

Citizens for Environmental Justice and Hillcrest Residents Association appreciate the opportunity to file this hearing request and reserve the right to provide additional information on the matters discussed in this document as allowed by the Clean Air Act, the Texas Clean Air Act, and regulations implementing these statutes.

Sincerely,

/s/Colin Cox

ENVIRONMENTAL INTEGRITY PROJECT

Colin Cox

Staff Attorney

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832-316-0580

[colincox@environmentalintegrity.org](mailto:colincox@environmentalintegrity.org)

Attorney for Citizens for Environmental Justice  
and Hillcrest Residents Association

**Melissa Chao**

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**From:** PUBCOMMENT-OCC  
**Sent:** Monday, December 22, 2014 9:23 AM  
**To:** PUBCOMMENT-OCC2  
**Subject:** FW: Public comment on Permit Number 2937  
**Attachments:** Cmts on Valero Application 29372.pdf

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**From:** [kharagan@law.utexas.edu](mailto:kharagan@law.utexas.edu) [mailto:[kharagan@law.utexas.edu](mailto:kharagan@law.utexas.edu)]  
**Sent:** Friday, December 19, 2014 4:00 PM  
**To:** donotreply  
**Subject:** Public comment on Permit Number 2937

NSR  
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**REGULATED ENTY NAME** VALERO CORPUS CHRISTI REFINERY EAST PLANT

**RN NUMBER:** RN100211663

**PERMIT NUMBER:** 2937

**DOCKET NUMBER:**

**COUNTY:** NUECES

**PRINCIPAL NAME:** VALERO REFINING TEXAS LP

**CN NUMBER:** CN600127468

**FROM**

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**COMMENTS:** Please see attached file.

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SCHOOL OF LAW  
THE UNIVERSITY OF TEXAS AT AUSTIN

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*Environmental Clinic • 727 East Dean Keeton Street • Austin, Texas 78705  
Phone: (512) 232-2454 • Fax: (512) 232-2311*

December 19, 2014

Ms. Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087  
Submitted online

Re.: Comments on Valero, Air Quality Application to Renew and Amend Permit 2937

Dear Ms. Bohac:

Citizens for Environmental Justice appreciates the opportunity to submit these comments on Valero Refining's application regarding the Bill Greehey East Refinery in Corpus Christi, Texas.

Valero Refining's permit application seeks to amend a permit that was created by a 2010 alteration of a non SIP-approved flexible permit. Among other things, the application appears to propose to add new equipment, change emission calculations, modify operations at the facility, vent new emissions to flares, and and consolidate nineteen permits by rule and standard permits into Permit 2937. As noted by a TCEQ permit reviewer, "this could be the project that sends the normal person over the edge..."<sup>1</sup>

Valero Refining's application for renewal and expansion of air quality permit 2937 fails to demonstrate that the emissions from the facility will be adequately controlled and will not adversely affect air quality and human health, as required by 30 Tex.Admin.Code § 116.111(a)(2). The application does not include adequate provisions to demonstrate that the facility will not contribute to air pollution that will harm those who live, recreate, and attend religious services near the proposed facility. The application lacks compliant BACT recommendations and does not provide sufficient information for affected parties to evaluate the emission impacts of and the legal requirements triggered by the proposed permit amendment. Citizens for Environmental Justice (CFEJ), therefore, submits the following comments and respectfully request a contested case hearing on the permit application.

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<sup>1</sup> TCEQ project notes, 11/3/2014.



## A. COMMENTERS AND THE ADVERSE EFFECTS FROM THE PROPOSED FACILITY

CFEJ is a local organization working to raise awareness of Corpus Christi environmental justice issues at local, state, and national levels. CFEJ has initiated various studies that examine health disparity issues and possible links to environmental exposure. CFEJ works to hold government and industry accountable to the lower-income and minority communities that are often on the fencelines of industrial facilities. This work includes environmental monitoring and data collection efforts that have paved the way for enforcement actions as well as permit challenges that have resulted in more stringent emissions limits for area facilities. CFEJ participates in permitting actions to protect the health, well-being, and property interests of its members living along the Corpus Christi ship channel.

CFEJ has members who own property, reside, and recreate near Valero's Bill Greehey East Refinery and who would be adversely affected by emissions proposed by the current application. Accordingly, CFEJ is an affected person as defined by 30 Tex.Admin. Code §55.205(a)(1). No individual CFEJ member's participation is required for CFEJ to assert any claims or seek any relief in a contested case hearing regarding Valero's application.

Many CFEJ members live in the Northside neighborhoods, including Hillcrest and Dona Park. Dona Park homes are within 1,000 feet of the Valero facility. CFEJ members who live in Dona Park include: Tammy Foster (1118 Vernon Dr), Connie and Polo Gonzales (1214 Vernon), Carol Burnside (1106 Vernon Dr), Joe Musquiz (1206 Dona Dr), and Janette and Pat Dunehoo (1206 Vernon). CFEJ members who live in Dona Park are concerned about the impact of Valero's facility and its emissions on their use and enjoyment of their homes, on the value of their homes, and on their health.

CFEJ and its members reasonably believe that emissions of air pollutants, including toxics and particulate matter, from the Valero refinery are adversely affecting their health. CFEJ members are concerned that Valero's application does not accurately reflect the likely facility emissions, does not properly characterize changes that trigger PSD and associated BACT requirements, and does not propose BACT controls. CFEJ plans to review the draft permit and air quality analysis and dispersion modeling when they are made available, and will likely have additional comments.

Citizens for Environmental Justice may be contacted through:

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## B. CONCERNS REGARDING THE APPLICATION

Valero's permit application does not comply with the TCEQ requirements for protection of public health and welfare and for the use of the best available control technologies for controlling emissions. In addition the application contains unexplained inconsistencies, and does not describe the facility, the changes for which authorization is requested, and the emissions associated with those changes, with sufficient specificity to allow meaningful public comment.

### *1. Failure to Protect Public Health and Welfare*

The application fails to adequately demonstrate that the facility will be protective of public health and welfare. We assume that modeling results will be made available and will be subject to public comment, along with the draft permit, at second notice. CFEJ is particularly concerned about the VOC emissions from the Valero facility, including toxics, as well as fine particulate emissions, which increase pursuant to this application.

In addition, Corpus Christi is near nonattainment for ozone, and the Port, city and metropolitan area are growing rapidly. Likewise, the development of the Eagle Ford shale play is prompting industrial growth in the region. A number of facilities in the Corpus Christi area have applied for new or amended air permits in the past few years. CFEJ is concerned about the cumulative effects of these expansions on ozone levels in the Corpus area and in San Patricio County and asks that the TCEQ carefully ensure the accuracy of baseline ozone concentrations used in air quality modeling for Valero's permit.

### *2. The Application Includes Conflicting Statements and Inadequate Information Regarding Federal Requirements*

#### *a. Conflicting Statements Regarding PSD:*

CFEJ obtained Valero's permit application from the Austin TCEQ file room. In the transmittal letter submitted with the application, Valero states that because "actual emission increases of carbon monoxide (CO) and volatile organic compounds (VOC) exceed the federal Prevention of Significant Deterioration (PSD) major modification significance thresholds, a modification to its PSD permit is required."<sup>2</sup> Yet the application also states on Form PI-1 that the application is not a major modification of a PSD permit.<sup>3</sup> It similarly states on p. 8-5, "the projects associated with the permit amendment will not result in a significant net increase in emissions of any pollutant regulated by the TCEQ PSD program; therefore PSD review is not required."<sup>4</sup> Table 7.1, however, reflects emission increases clearly exceeding the significance levels for VOC and CO, and likely exceeding the significance level for PM<sub>2.5</sub>.<sup>5</sup> The permit application should be clear that PSD review is triggered by this application. The conflicting statements in the application are confusing and misleading to the public.

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<sup>2</sup> Letter from Valero permit engineer Kelli Coates to TCEQ, Oct. 31, 2014.

<sup>3</sup> Permit Application, Form PI-1, p. 4, question IV C.

<sup>4</sup> Permit Application, p. 8-5, Section 8.9.

<sup>5</sup> The permit indicates an 9.63 tpy increase in PM<sub>2.5</sub>. CFEJ believes PM<sub>2.5</sub> increases exceed the 10 tpy significance threshold.

*b. Lack of Specificity Regarding Project and Past Regulatory Actions Being Rolled Into PSD Permit and the Applicability of Federal Requirements*

This application is an example of the problems created by TCEQ's permitting program and its failure to require that all changes in the emissions authorized pursuant to a PSD permit be made, at the time they are authorized, to that PSD permit. TCEQ allows sources to make changes to federal PSDs permit through various mechanisms, some of which are not SIP approved and many of which fail to provide the 30-day notice and comment period required by 40 CFR §51.161. TCEQ's requirement that the physical, operational, and emission changes be rolled into the PSD permit at renewal does not resolve the problem created by allowing changes to proceed in the first place with no public review and often little to no agency review. That lack of review results, as here, in after-the-fact tracking of project-based emission changes and of baseline emissions as of the time of modification, which is difficult to impossible for the public and regulatory agencies.

At a minimum Valero should be required to provide information like that requested by U.S. EPA in its deflex audit program, so that the emissions changes at each unit and as a result of each project can be tracked over time. TCEQ describes this amendment as "correcting problems created by deflex" and the application repeatedly describes units and emissions left out of the alteration process used to deflex Valero's permit. TCEQ should require sufficient information from Valero to ensure that none of the many changes at the plant since the company's last SIP approved PSD permit violated federal or state permitting requirements.

Valero should also be required to clearly specify what operational changes have been and are proposed to be made at the facility. Several times that the application states that BACT review is not triggered because "no physical changes are proposed." But operational changes can also trigger PSD and BACT.

In addition, CFEJ is concerned about how emissions reflected in old PBRs are being "rolled in" to the permit. For example, it is not clear from the application that these emissions are being properly included in estimates of emission increases, nor that all units subject to prior PBRs have been subjected to BACT review. In addition, TCEQ should ensure that all emissions reflected in prior PBRs are incorporated in emission impact modeling for the facility.

Finally, there is insufficient information in the application to determine whether the emission increases that Valero relies on in its netting analysis are practicably enforceable and otherwise satisfy federal requirements.

*c. Discretionary Reviews Conducted as Part of an Alteration Process Cannot be Relied Upon in this PSD Amendment*

The application repeatedly relies on controls included in Valero's alteration of its flexible permit as BACT. EPA has, however, repeatedly stated that discretionary determination, such as what constitutes BACT, must be made pursuant to a public participation process that provides an opportunity for comment. Therefore, any BACT determinations made pursuant to TCEQ authorization mechanisms that did not provide for public notice and comment, as required by 40 CFR §51.161, should be subject to review during this permitting action.

### 3. *MSS Provisions are Inadequate*

The permit application segregated MSS emissions from routine emission for the same unit. When determining federal applicability and BACT requirements, unit emissions should be treated as a whole. The application should include a demonstration for all MSS emissions that are authorized in addition to routine emission from a particular unit, that: (1) normal BACT requirements for that unit cannot be met during MSS, (2) the authorized MSS emissions reflect the Best Available Control Technology for those Emissions, and (3) MSS emissions are properly limited in duration.

### 4. *Failure to Require Best Available Control Technology (BACT)*

As noted above, it does not appear that Valero's application addresses BACT requirements for every unit that should be subject to BACT review as part of this application. Further, for some of those units which Valero acknowledges are subject to BACT, the permit application does not include an adequate BACT analysis and the controls selected do not reflect BACT. The following is an illustrative, but not exhaustive, list of application and permit deficiencies related to the failure to require emissions standards that can be achieved by the best available control technology.

- a. *Delayed Coker:* Before venting any emissions to the atmosphere, Valero should be required to reduce the pressure to no more than 2 pounds per square inch gauge pressure. Valero's reliance on the 1995 NESHAP as establishing current day BACT is inappropriate. No more than two psi is BACT for venting these drums.<sup>6</sup>
- b. *Fugitive Leaks:* It is unclear from the application which fugitive components are properly subject to BACT review. For those units subject to BACT, an actual emission limit should be established based on the best controls, which include the use of leakless equipment. In addition, Valero's application does not demonstrate that Valero will implement a stringent leak detection and repair program. Valero should be required to consider a systematic, objective method to detect leaks, such as remote sensing using infrared.
- c. *Flares:* Operational changes are being made to the flares in that they are being used to control new emission sources. BACT should, therefore, be analyzed for the flares and should include operational requirements to assure the flares are meeting the stated 98% efficiency.

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<sup>6</sup> See Permit, Hyperion Refining, South Dakota Environment and Natural Resources' proposed revisions to previous PSD permit, 2/14/11; <http://denr.sd.gov/Hyperion/Air/20110214sb.pdf> at p. 17. Phillips 66 Coker and Refinery Expansion Project, Illinois, In public comment period until Dec 13, 2014; public notice: <http://www.epa.state.il.us/public-notices/2014/phillips-66-carrier-llc/project-summary.pdf> at p.24; and CA South Coast Air Quality Management District Rule 1114, <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1114.pdf?sfvrsn=4>; See also CA SouthCoast Air Quality Management District Proposed Rule 1114 for Petroleum Refinery Coking Operations\_Final EA for PR 1114, April 2013, <http://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2013/final-environmental-assessment-for-proposed-rule-1114.pdf?sfvrsn=6>.

- d. *Tanks*: Valero's application inappropriately determines that many tanks, including those which will be authorized to store product at a higher RVP, do not trigger BACT review. The application should include evaluation of the use of geodesic domes to reduce VOC emissions from storage tanks. Geodesic domes have been used and/or required for petroleum storage tanks owned by ExxonMobil, Phillips 66, ConocoPhillips and CITGO.<sup>7</sup> In the United States, more than 10,000 aluminum geodesic domes have been installed on petrochemical storage tanks.<sup>8</sup> By using geodesic domes on their storage tanks, the ExxonMobil Torrance Refinery reduced VOC emissions by 80%.<sup>9</sup> ExxonMobil explains, "These domes, installed on tanks that are used to store gasoline and other similar petroleum-derived materials, help reduce VOC emissions by blocking much of the wind that constantly flows across the tank roofs, thus decreasing evaporation from these tanks."<sup>10</sup>
- e. *Heaters/Boilers*: The application states that BACT is not required for heaters (other than the two new tank heaters) because no physical changes are proposed for the heaters. Changes in the method of operation are, however, proposed. NOx, CO, PM, and VOC emissions are being added to heaters QH-135 and QL-10 to control the #2 Reformer and #4 Platformer Splitter Purge Vents. Heater 130-H-01 is being newly used as a secondary control device for the Steam Methane Reformer Vent.<sup>11</sup> In addition, BACT determinations made during the deflex through alteration or based on different operating scenarios, should be reexamined as part of this application. The current heater and boiler emission limits do not reflect BACT.

<sup>7</sup> See, e.g., Phillips 66 Los Angeles Refinery Carson Plant – Crude Oil Storage Capacity Project, September 6, 2013, Table 1-1, Draft Negative Declaration, Available at: <http://www.aqmd.gov/docs/default-source/ceqa/documents/permit-projects/2014/draftnd-p66storage.pdf?sfvrsn=2>; SCAQMD Letter to G. Rios, December 4, 2009, Available at: [http://yosemite.epa.gov/r9/air/epss.nsf/e0c49a10c792e06f8825657e007654a3/e97e6a905737c9bd882576cd0064b56a/\\$FILE/ATTTOA6X.pdf/ID%20800363%20ConocoPhillips%20Wilmington%20-%20EPA%20Cover%20Letter%20%20-AN%20501727%20501735%20457557.pdf](http://yosemite.epa.gov/r9/air/epss.nsf/e0c49a10c792e06f8825657e007654a3/e97e6a905737c9bd882576cd0064b56a/$FILE/ATTTOA6X.pdf/ID%20800363%20ConocoPhillips%20Wilmington%20-%20EPA%20Cover%20Letter%20%20-AN%20501727%20501735%20457557.pdf); City of Richmond, Chevron Refinery Modernization Project, Environmental Impact Report, Volume 1: Draft EIR, March 2014 (Chevron DEIR) and Volume 3: Final EIR, Available at: <http://chevronmodernization.com/project-documents/>; CITGO Petroleum Corp. Clean Air Act Settlement, Available at: <http://www2.epa.gov/enforcement/citgo-petroleum-corporation-clean-air-act-settlement>.

<sup>8</sup> M. Doxey and M. Trinidad, Aluminum Geodesic Dome Roof for Both New and Tank Retrofit Projects, Materials Forum, v. 30, 2006; See also, See, e.g., Aluminum Geodesic Dome, Available at: <http://tankaluminumcover.com/Aluminum-Geodesic-Dome>; Larco Storage Tank Equipments, Available at: [http://www.larco.fi/aluminum\\_domes.html](http://www.larco.fi/aluminum_domes.html); Vacono Dome, Available at: [http://www.easyfairs.com/uploads/tx\\_ef/VACONODOME\\_2014.pdf](http://www.easyfairs.com/uploads/tx_ef/VACONODOME_2014.pdf); Peksay Ltd., Available at: <http://www.thomasnet.com/productsearch/item/10039789-13068-1008-1008/united-industries-group-inc/geodesic-aluminum-dome-roofs/>; United Industries Group, Inc., Available at: <http://www.thomasnet.com/productsearch/item/10039789-13068-1008-1008/united-industries-group-inc/geodesic-aluminum-dome-roofs/>.

<sup>9</sup> Torrance Refinery: An Overview of our Environmental and Social Programs, 2010, p.1; Available at: [http://www.exxonmobil.com/NA-English/Files/About\\_Where\\_Ref\\_TorranceReport.pdf](http://www.exxonmobil.com/NA-English/Files/About_Where_Ref_TorranceReport.pdf).

<sup>10</sup> *Id.*

<sup>11</sup> It is not clear from the application whether there are emissions consequences for this change.

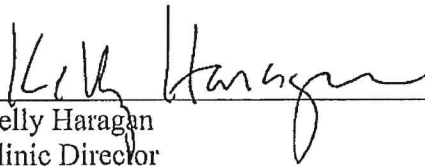
#### 4. Concerns about Emission Calculations

Finally, CFEJ has concerns that Valero's emission calculation methods underestimate emissions. For example, Valero estimates its annual fugitives VOC emissions to be 348.9 tpy based on EPA emission factors.<sup>12</sup> EPA has stated that such factors are not appropriate for use in permitting and studies of these factors confirm that they under-report actual VOC emissions.<sup>13</sup> Similarly, CFEJ is concerned about the accuracy of Valero's PM2.5 emission calculations. The company estimates emission increases to total 9.63 tpy. Because the significance level is 10 tpy, it is particularly important that these calculations receive stringent scrutiny.

#### C. CONCLUSION

CFEJ is very concerned about the impacts of Valero Refining on air quality in and around the Dona Park neighborhood and on ozone levels in the Corpus Christi area. They also believe that the permit application is inadequate to protect public health and fails to comply with Texas permitting requirements and federal Prevention of Significant Deterioration standards. The current application is inadequate to allow Commenters to fairly evaluate facility changes that trigger PSD and fails to require the monitoring and controls required by Texas and federal law. CFEJ, therefore, requests a contested case hearing.

Sincerely,

  
\_\_\_\_\_  
Kelly Haragan  
Clinic Director

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<sup>12</sup> Permit Application, Table 1-3.

<sup>13</sup> U.S. Environmental Protection Agency, Office of Inspector General, EPA Can Improve Emissions Factors Development and Management, Evaluation Report, Report No. 2006-P-00017 (March 22, 2006), pp. 11-12 (summarizing the Texas 2000 Air Quality Study... "This primarily involved under reporting of emissions from flares, process vents, and cooling towers, as well as from fugitive emissions (leaks). The under-reporting was caused largely due to the use of [un]certified emissions factors."); and U.S. Environmental Protection Agency, VOC Fugitive Losses: New Monitors, Emissions Losses, and Potential Policy Gaps, 2006 International Workshop (October 25-27, 2006).

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