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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AIR PERMIT NO. 22433  
FLEXIBLE AIR QUALITY PERMIT  
NO. 22433

FACILITY: MARATHON PETROLEUM COMPANY LLC.  
502 - 10<sup>TH</sup> STREET SOUTH  
TEXAS CITY TEXAS 77590-8650  
"PETITION"

WE THE CONCERNED CITIZENS  
NOW COME TO DISPUTE  
THE FLEXIBLE AIR QUALITY  
PERMIT OF MARATHON PETROLEUM  
COMPANY LLC.

WE ARE ADVERSELY AFFECTED  
BY THE AIR EMISSIONS AND  
CONTAMINANTS, AND  
CARCINOGENS, AND  
OUR HEALTH IS HARMED  
BY BENZENE, AND  
SULFUR AND ORGANIC  
COMPOUNDS, COMING FROM MARATHON  
PETROLEUM COMPANY LLC.

(2)

OUR HEALT IS EFFECTED  
MORE THAN THE  
GENERAL POPULATION THAT  
IS AT LEAST

TWO MILES DOWNWIND  
IN THE PRESIDENTIAL  
COMMUNITY, AND PUTS US  
IN GREATER HARM AND  
HEALTH RISKS

I RESIDE AT 220-2<sup>ND</sup> AVE. NORTH  
TEXAS CITY, TEXAS

AND MY FAMILY MEMBERS.

I REPRESENT MY SELF AND  
FAMILY MEMBERS AND

WHOM EVER; WOULD LIKE ME  
TO REPRESENT THEM,

WHO SIGN THIS PETITION  
AND I WITHDRAW REPRESENTATION  
OF ANYONE WHO DESIRE TO  
REPRESENT THEMSELVES, OR APPOINT SOMEONE!

WE DESIRE A HEARING  
ON THE GROUNDS OF  
REDUCING HARMFUL  
AIR POLLUTANTS, AND  
AIR EMISSIONS, CONTAMINANTS,  
AND THE HARMFUL  
EFFECTS ON OUR  
HEALTH AND LIVES!

TO BE INCLUDED  
ALSO ARE THE  
COMPLIANCE RECORDS  
OF MARATHON PETROLEUM  
COMPANY L.C.

PLAINTIFFS : CONCERNED CITIZENS  
P.O. Box 1366  
TEXAS CITY, TEXAS 77590

REPRESENTED  
BY : FRANKLIN TARVER  
409 948 3680

"Dispute Air Permit"  
(MARATHON)

William Crutch  
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Gayola Tereno  
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ARTHUR JONES  
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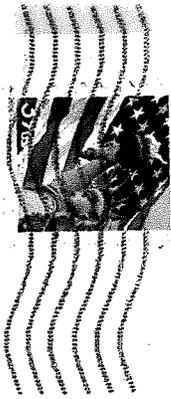
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Donna Threlk  
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CONDEARNED CITEZENS  
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N HOUSTON TX 773

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087

Austin TEXAS 78711-3087

**TCEQ AIR QUALITY PERMIT NUMBER 98954**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE</b>
<b>BLANCHARD REFINING COMPANY</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>LLC</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>TEXAS CITY REFINERY</b>	<b>§</b>	
<b>TEXAS CITY, GALVESTON COUNTY</b>		

**EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT**

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response) on the New Source Review Authorization application and Executive Director's preliminary decision.

As required by Title 30 Texas Administrative Code (TAC) § 55.156, before an application is approved, the Executive Director prepares a response to all timely, relevant and material, or significant comments. The Office of Chief Clerk received timely comments from the following persons: Franklyn Tarver. This Response addresses all timely public comments received, whether or not withdrawn. If you need more information about this permit application or the permitting process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

**BACKGROUND**

Description of Facility

Blanchard Refining Company LLC (Applicant) has applied to the TCEQ for a New Source Review Authorization under Texas Clean Air Act (TCAA) § 382.0518. This will authorize the construction of a new facility that may emit air contaminants.

This permit will authorize the Applicant to begin planned maintenance, start-up and shutdown (MSS) activities at the Texas City Refinery, previously owned by Marathon Petroleum Company LLC. The facility is located at 502 10th St., S Texas City, Galveston County. Contaminants authorized under this permit include carbon monoxide, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, and sulfur dioxide.

Procedural Background

Before work is begun on the construction of a new facility that may emit air contaminants, the person planning the construction must obtain a permit from the commission. This permit application is for an initial issuance of Air Quality Permit Number 98954 to authorize planned MSS activities that have historically occurred and continue to occur at the site. Permitting these activities was required to maintain the affirmative defense for the emissions as specified in 30 TAC § 101.122(h).

A permit application to amend flexible permit 22433 was received on January 5, 2007 and declared administratively complete on March 13, 2007. The Notice of Receipt and Intent to Obtain an Air Quality Permit for the application was published in English on April 9, 2007, in *The Texas City Sun* and in Spanish on April 9, 2007, in *El Dia*. This application received the request for a hearing on May 7, 2007, which is being addressed in the Comments and Responses. The application to amend 22433 was subsequently withdrawn November 19, 2012 and Blanchard submitted the current application for initial issuance of Permit No. 98954 to authorize the planned MSS emissions. The comment and hearing request were carried forward to the new application. The application for Permit No. 98954 was received on October 11, 2011 and declared administratively complete on October 18, 2011. The Notice of Receipt and Intent to Obtain an Air Quality Permit (first public notice) for this permit application was published in English on November 10, 2011, in the *Galveston County Daily News* and in Spanish on November 10, 2011, in *La Informacion*. The Notice of Application and Preliminary Decision for an Air Quality Permit (second public notice) was published on June 3, 2021, in English in the *Galveston County Daily News* and in Spanish on June 03, 2021, in *La Informacion*.

## COMMENTS AND RESPONSES

### Health Effects/Air Quality

1. **Comment:** Commenters are concerned about being near the site due to the effect of the air emissions and carcinogens, noting their health is harmed by benzene, sulfur and organic compounds from the site. (Franklyn Tarver)

**Response:** The Executive Director is required to review permit applications to ensure they will be protective of human health and the environment. For this type of air permit application, potential impacts to human health and welfare or the environment are determined by comparing the Applicant's proposed air emissions to appropriate state and federal standards and guidelines. These standards and guidelines include the National Ambient Air Quality Standards (NAAQS), TCEQ Effects Screening Levels (ESLs), and TCEQ rules. As described in detail below, the Executive Director determined that the emissions authorized by this permit are protective of human health and welfare and the environment.

### NAAQS

The U.S. Environmental Protection Agency (EPA) created and continues to evaluate the NAAQS, which include both primary and secondary standards, for pollutants considered harmful to public health and the environment.<sup>1</sup> Primary standards protect public health, including sensitive members of the population such as children, the elderly, and those individuals with preexisting health conditions. Secondary NAAQS protect public welfare and the environment, including animals, crops, vegetation, visibility, and buildings, from any known or anticipated adverse effects from air

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<sup>1</sup> 40 CFR 50.2

contaminants. The EPA has set NAAQS for criteria pollutants, which include carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM<sub>10</sub>), and PM less than or equal to 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>).

The Applicant conducted a NAAQS analysis for Nitrogen Dioxide (NO<sub>2</sub>), Carbon Monoxide (CO), and total Particulate Matter (PM) suspended in the atmosphere, including total particulate matter equal to or less than 10 microns in diameter (PM<sub>10</sub>) and particulate matter equal to or less than 2.5 microns in diameter (PM<sub>2.5</sub>). The first step of the NAAQS analysis is to compare the proposed modeled emissions against the established de minimis level. Predicted concentrations (GLCmax)<sup>3</sup> below the de minimis level are considered to be so low that they do not require further NAAQS analysis. Table 1 contains the results of the de minimis analysis.

Table 1. Modeling Results for De Minimis Review

Pollutant	Averaging Time	GLCmax (µg/m <sup>3</sup> )	De Minimis (µg/m <sup>3</sup> )
NO <sub>2</sub>	1-hr	3.3	7.5
NO <sub>2</sub>	Annual	0.03	1
CO	1-hr	285	2000
CO	8-hr	219	500
PM <sub>10</sub>	24-hr	4.6	5
PM <sub>2.5</sub>	24-hr	1.16	1.2
PM <sub>2.5</sub>	Annual	0.004	0.2
SO <sub>2</sub>	1-hr	7.7	7.8
SO <sub>2</sub>	3-hr	7	25

The pollutant emissions below the de minimis level should not cause or contribute to an exceedance of the NAAQS and are protective of human health and the environment.

Effects Screening Levels

ESLs are specific guideline concentrations used in TCEQ's evaluation of certain pollutants. These guidelines are derived by the TCEQ's Toxicology Division and are based on a pollutant's potential to cause adverse health effects, odor nuisances, and

<sup>3</sup> The GLCmax is the maximum ground level concentration predicted by the modeling.

effects on vegetation. Health-based ESLs are set below levels reported to produce adverse health effects, and are set to protect the general public, including sensitive subgroups such as children, the elderly, or people with existing respiratory conditions. The TCEQ's Toxicology Division specifically considers the possibility of cumulative and aggregate exposure when developing the ESL values that are used in air permitting, creating an additional margin of safety that accounts for potential cumulative and aggregate impacts. Adverse health or welfare effects are not expected to occur if the air concentration of a pollutant is below its respective ESL. If an air concentration of a pollutant is above the screening level, it is not necessarily indicative that an adverse effect will occur, but rather that further evaluation is warranted.

The Applicant conducted a health effects analysis using the Modeling and Effects Review Applicability (MERA) guidance.<sup>4</sup> The MERA is a tool to evaluate impacts of non-criteria pollutants. It is a step-by-step process, evaluated on a chemical species by chemical species basis, in which the potential health effects are evaluated against the ESL for the chemical species. The initial steps are simple and conservative, and as the review progresses through the process, the steps require more detail and result in a more refined (less conservative) analysis. If the contaminant meets the criteria of a step, the review of human health and welfare effects for that chemical species is complete and is said to "fall out" of the MERA process at that step because it is protective of human health and welfare. For this permit, all pollutants satisfy the MERA criteria and therefore are not expected to cause adverse health effects. Benzene fell out of the review at Step 3 with impacts less than 10% of the ESLs. Table 2 identifies the pollutants with the highest impact evaluated which satisfied the MERA criteria at Steps 5 and 6, and Table 3 identifies the frequency of ESL exceedance for the Step 5 evaluation.

Table 2. Minor NSR MSS Project-Related Modeling Results for Health Effects

Pollutant & CAS#	Worst-case Scenario	Averaging Time	GLCmax (µg/m <sup>3</sup> )	ESL (µg/m <sup>3</sup> )
gasoline 8006-61-9	Uncontrolled Floating-Roof Tank MSS - Refilling/Standing Idle (T127) + ILEA at worst-case location (ILEA7)	1-hr	13,440	3500

<sup>4</sup> See APDG 5874 guidance document.

Pollutant & CAS#	Worst-case Scenario	Averaging Time	GLCmax (µg/m <sup>3</sup> )	ESL (µg/m <sup>3</sup> )
kerosene 8008-20-6	Uncontrolled Fixed-Roof Tank MSS - Vented Degassing (T161) + ILEA at worst-case location (ILEA7)	1-hr	8375	1000
light reformate (contains 8-12% benzene) NA	Uncontrolled Floating-Roof Tank MSS - Refilling/Standing Idle (T147) + ILEA at worst-case location (ILEA7)	1-hr	1586	1250
petroleum distillates 8002-05-9	Uncontrolled Floating-Roof Tank MSS - Refilling/Standing Idle (T164) + ILEA at worst-case location (ILEA7)	1-hr	13,821	3500

Pollutant & CAS#	Worst-case Scenario	Averaging Time	GLCmax (µg/m <sup>3</sup> )	ESL (µg/m <sup>3</sup> )
toluene 108-88-3	Uncontrolled Floating-Roof Tank MSS - Refilling/Standing Idle (T6) + ILEA at worst-case location (ILEA7)	1-hr	5862	4500
xylene 1330-20-7	Uncontrolled Floating-Roof Tank MSS - Vented Degassing (T22) + ILEA at worst-case location (ILEA7)	1-hr	1374.44	2200

Table 3. Minor NSR MSS Hours of Exceedance for Health Effects

Pollutant	Averaging Time	1 X ESL GLCmax	2 X ESL GLCmax	4 X ESL GLCmax
gasoline	1-hr	24	24	0
kerosene	1-hr	5	5	5
light reformate (contains 8-12% benzene)	1-hr	13	0	0
petroleum distillates	1-hr	5	5	0
toluene	1-hr	8	0	0

State Property Line Analysis (30 TAC Chapter 112)

Because this application has sulfur emissions, the Applicant conducted a state property line analysis to demonstrate compliance with TCEQ rules for net ground-level concentrations for sulfur dioxide (SO<sub>2</sub>), hydrogen sulfide (H<sub>2</sub>S), and sulfuric acid (H<sub>2</sub>SO<sub>4</sub>), as applicable. This analysis demonstrated that resulting air concentrations will not exceed the applicable state standard as shown in Table 4.

Table 4. Project-Related Modeling Results for State Property Line

Pollutant	Averaging Time	GLCmax (µg/m <sup>3</sup> )	De Minimis (µg/m <sup>3</sup> )
SO <sub>2</sub>	1-hr	7.7	14.3
H <sub>2</sub> S	1-hr	2.16	71 (If property is residential, recreational, business, or commercial)
H <sub>2</sub> S	1-hr	3.24	113 (If property is not residential, recreational, business, or commercial)

In summary, based on the Executive Director's staff review, it is not expected that existing health conditions will worsen, or that there will be adverse health effects on the general public, sensitive subgroups, or the public welfare and the environment as a result of proposed emission rates associated with this project.

Compliance History

- Comment:** Commenter asked about the compliance history of the applicant and site. (Franklyn Tarver)

**Response:** During the technical review of the permit application, a compliance history review of both the company and the site is conducted based on the criteria in 30 TAC Chapter 60. These rules may be found at the following website: <https://www.tceq.texas.gov/rules/index.html>.

The compliance history is reviewed for the five-year period prior to the date the permit application was received and includes multimedia compliance-related components about the site under review. These components include: enforcement orders, consent decrees, court judgments, criminal convictions, chronic excessive emissions events,

investigations, notices of violations, audits and violations disclosed under the Audit Act, environmental management systems, voluntary on-site compliance assessments, voluntary pollution reduction programs, and early compliance. However, the TCEQ does not have jurisdiction to consider violations outside of the State of Texas.

A company and site may have one of the following classifications and ratings:

- High: rating below 0.10 - complies with environmental regulations extremely well;
- Satisfactory: rating 0.10 - 55.00 - generally complies with environmental regulations;
- Unsatisfactory: rating greater than 55.00 - fails to comply with a significant portion of the relevant environmental regulations.

This site has a rating of 6.95 and a classification of Satisfactory. The company rating has a rating of 3.16, and a classification of Satisfactory. The company rating reflects the average of the ratings for all sites the company owns in Texas.

**CHANGES MADE IN RESPONSE TO COMMENT**

No changes to the draft permit have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Toby Baker, Executive Director

Erin E. Chancellor, Director  
Office of Legal Services

Guy Henry, Acting Deputy Director  
Environmental Law Division

A handwritten signature in black ink that reads "Ashley N. Rich". The signature is written in a cursive style and is positioned above a horizontal line.

Ashley Rich , Staff Attorney  
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REPRESENTING THE  
EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
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