

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF	§	PETITION FOR OBJECTION
	§	
Clean Air Act Title V Permit Nos. O1668 and O1669	§	
	§	
Issued to Shell Chemical LP and Shell Oil Company	§	Permit Nos. O1668 and O1669
	§	
Issued by the Texas Commission on Environmental Quality	§	
	§	

**PETITION TO OBJECT TO AND ISSUE OR DENY TITLE V PERMIT NOS. O1668
AND O1669 ISSUED BY THE TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**

Pursuant to section 42 U.S.C. §§ 7661d(b)(2), Environmental Integrity Project and Sierra Club (“Petitioners”) hereby petition the Administrator of the U.S. Environmental Protection Agency (“Administrator” or “EPA”) to object to Federal Operating Permit Nos. O1668 and O1669 issued by the Texas Commission on Environmental Quality (“TCEQ” or “Commission”) for the Deer Park Chemical Plant and Refinery (collectively, the “Deer Park Complex”) in Harris County, Texas.

Because these permits were issued by the TCEQ in response to an EPA objection order more than 90 days after the objection order was issued and because the reissued permits fail to resolve EPA’s objections, the Clean Air Act requires that the Administrator take final action to resolve the permits’ deficiencies. 42 U.S.C. § 7661d(c). Accordingly, the Administrator may not remand the objectionable permits back to Texas. Instead, he must object to the proposed permits and then take action to modify and reissue the permits himself, consistent with the requirements of the Act.

I. PETITIONERS

The Environmental Integrity Project is a non-profit, non-partisan watchdog organization that advocates for effective enforcement of environmental laws. EIP has three goals: (1) to illustrate through objective facts and figures how the failure to enforce and implement environmental laws increases pollution and harms public health; (2) to hold federal and state agencies, as well as individual corporations accountable for failing to enforce or comply with environmental laws; and (3) to help local communities obtain protections guaranteed by environmental laws. The Environmental Integrity Project has offices and programs in Austin, Texas and Washington, D.C.

The Sierra Club is a national nonprofit organization with 67 chapters and over 635,000 members dedicated to exploring, enjoying, and protecting the wild places of earth; to practicing and promoting the responsible use of earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Lone Star Chapter of the Sierra Club has members who live, work, and recreate in areas affected by air pollution from the Deer Park Complex.

II. PROCEDURAL BACKGROUND

This petition addresses the TCEQ's reopening of Permit Nos. O1668 and O1669 authorizing operation of Shell's Deer Park Complex, which consists of an integrated chemical plant and petroleum refinery. The Deer Park Complex is a major contributor to air pollution problems that plague neighborhoods along the Houston Ship Channel. The reopening was required to address deficiencies identified by EPA in an order objecting to the TCEQ's renewal of Shell's Title V permits. (Exhibit A), *In the Matter of Shell Chemical LP and Shell Oil Company, Shell Deer Park Chemical Plant and Refinery*, Order on Petition Nos. VI-2014-04 and VI2014-05 ("Deer Park Order"); *see also*, (Exhibit B), Petition to Object to Renewal Permit No. O1668;

(Exhibit C), Petition to Object to Renewal Permit No. O1669. The Administrator granted Petitioners' request for objection on the following grounds:

- The permits' incorporation by reference of Permit by Rule ("PBR") requirements fails to assure compliance with applicable requirements, because the permits are unclear how PBRs apply to units at the Deer Park complex, *Deer Park Order* at 11-16;
- The Deer Park Chemical Plant Title V permit fails to assure compliance with particulate matter emissions from pyrolysis furnaces authorized by New Source Review ("NSR") Permit No. 3219/PSDTX974, *Id.* at 17-19;
- The permits do not assure compliance with NSR permit emission limits for storage tanks and wastewater treatment facilities, *Id.* at 19-28; and
- The permit for the Deer Park Chemical Plant fails to address Shell's non-compliance with 30 Tex. Admin. Code § 116.116(d)(2), which requires the Company to incorporate PBRs for previously permitted units into existing NSR permits for those units upon renewal or amendment of the NSR permit, *Id.* at 34-36.

The *Deer Park Order* was issued on September 24, 2015 and triggered a 90-day deadline for the TCEQ to submit final revised permits resolving the Administrator's objection. 42 U.S.C. § 7661d(c); 30 Tex. Admin. Code § 122.231(b)(3). The TCEQ missed this deadline, waiting more than six months to issue notice of *draft* revisions to the Shell Deer Park Title V Permits on May 3, 2016. The final reopening permits were not issued until April, 2017.

Petitioners timely-filed comments with the TCEQ demonstrating that the Draft Reopening Permits did not resolve EPA's objection and explaining that EPA and not the TCEQ is responsible for issuing the revised permits. (Exhibit D), Petitioners' Comments on Draft Reopening Permit Nos. O1668 and O1669 ("Reopening Public Comments"); (Exhibit E), Draft Reopening Permit No. O1668; (Exhibit F), Reopening Statement of Basis, Permit No. O1668, (Exhibit G), Draft Reopening Permit No. O1669, (Exhibit H), Reopening Statement of Basis, Permit No. O1669.

EPA also filed public comments on the Draft Reopening Permits. (Exhibit I), EPA Comments on Draft Reopening Permit Nos. O1668 and O1669 (“EPA Reopening Comments”).

On May 19, 2016, Petitioners filed with EPA a petition asking EPA to issue or deny Permit Nos. O1668 and O1669. (Exhibit J), (“Issue or Deny Petition”). The Issue or Deny Petition explained that the TCEQ had missed its deadline to revise Shell’s objectionable Title V permits and that the Clean Air Act requires EPA to correct these permits itself. Consistent with the Reopening Public Comments, the Issue or Deny Petition explains that the TCEQ’s late-filed draft revisions fail to resolve deficiencies identified by EPA’s objection order. The Issue or Deny Petition also explains that because Shell’s objectionable permits remain effective even after the Administrator objected to them, EPA must act quickly resolve the permits’ deficiencies to ensure that people living near the Deer Park Complex are not further deprived of public health protections guaranteed by the Act. As of the date that this petition for objection was filed, EPA has not responded to the Issue or Deny Petition.

On February 3, 2017, the TCEQ’s Executive Director issued notice of Proposed Reopening Permit Nos. O1668 and O1669 and his response to public comments on the draft permits. (Exhibit K), Notice of Proposed Permit and the Executive Director’s Response to Public Comment, Reopening (“Reopening Response to Comments”); (Exhibit L), Proposed Reopening Permit No. O1668; (Exhibit M); Proposed Reopening Permit No. O1669. EPA’s 45-day review period for the Proposed Reopening Permits began on February 7, 2017 and ended on March 24, 2017. Because EPA did not object to the permits, members of the public have 60-days from the close of EPA’s review period to petition the Administrator to object to the proposed reopening permits. This petition for objection is timely filed.

III. LEGAL REQUIREMENTS

A. Title V Permits Generally

Title V permits are the primary method for enforcing and assuring compliance with the Clean Air Act's pollution control requirements for major sources. *Operating Permit Program*, 57 Fed. Reg. 32,250, 32,258 (July 21, 1992). Prior to enactment of Title V, regulators, operators, and members of the public often had difficulty determining which requirements applied to each major source and whether sources were complying with applicable requirements. This was a problem because applicable requirements for each major source were spread across many different rules and orders, some of which did not make it clear how general requirements applied to specific sources.

The Title V permitting program was created to resolve this problem by requiring each major source to obtain an operating permit that lists all applicable federally-enforceable requirements, contains enough information for readers to determine how applicable requirements apply to units at the permitted source, and establishes monitoring requirements that are sufficient to assure compliance with all applicable requirements. 42 U.S.C. § 7661c(a) and (c); *Virginia v. Browner*, 80 F.3d 869, 873 (4th Cir. 1996) (“The permit is crucial to implementation of the Act: it contains, in a single, comprehensive set of documents, all CAA requirements relevant to the particular source.”); *Sierra Club v. EPA*, 536 F.3d 673, 674-75 (D.C. Cir. 2008) (“But Title V did more than require the compilation in a single document of existing applicable emission limits It also mandated that each permit . . . shall set forth monitoring requirements to assure compliance with the permit terms and conditions”).

Because federal courts are often unwilling to enforce otherwise applicable requirements that have been omitted from or displaced by conditions in a Title V permit, state-permitting

agencies and EPA must ensure that Title V permits accurately and clearly explain what each major source must do to comply with the law. *See, e.g., Sierra Club v. Otter Tail*, 615 F.3d 1008 (8th Cir. 2008 (holding that enforcement of New Source Performance Standard omitted from a source’s Title V permit was barred by 42 U.S.C. § 7607(b)(2)).

EPA must object to a state-issued Title V permit if it fails to include and assure compliance with all applicable requirements. 40 C.F.R. § 70.8(c). If EPA does not object to a Title V permit, “any person may petition the Administrator within 60 days after the expiration of the Administrator’s 45-day review period to make such objection.” 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d); 30 Tex. Admin. Code § 122.360. The Administrator “shall issue an objection . . . if the petitioner demonstrates to the Administrator that the permit is not in compliance with the requirements of the . . . [Clean Air Act].” 42 U.S.C. § 7661d(b)(2); *see also*, 40 C.F.R. § 70.8(c)(1). The Administrator must grant or deny a petition to object within 60 days of its filing. 42 U.S.C. § 7661d(b)(2).

B. The Act Requires EPA’s Administrator to Take Over the Permitting Process for Shell’s Title V Permits

Where EPA objects to a state-issued Title V permit, the state permitting authority must revise the permit within 90 days to resolve deficiencies identified in EPA’s objection order. 42 U.S.C. §§ 7661d(b)(3) and (c). Where the state permitting authority fails to revise an objectionable permit within 90 days, the Clean Air Act requires the Administrator to take over the permitting process and to “modify, terminate, or revoke such permit.” 42 U.S.C. § 7661d(b)(3); *see also, id.* at § 7661d(c); 40 C.F.R. §§ 70.7(g)(4) and (5) and 70.8(d). EPA’s failure to promptly perform this duty undermines Title V’s primary goals of providing operators with certainty about which requirements apply to their major sources and improving enforcement of public health protections that apply to major sources of air pollution. 57 Fed. Reg. 32265-66.

When EPA promulgated its initial Title V program rules, the Agency clarified that the Title V permitting program would result in increased certainty because it provides a process for stakeholders to resolve disputes about which requirements properly apply to a particular source outside the enforcement context:

Currently, many enforcement actions are hindered by disputes over which Act requirements apply. Under the permit system, these disputes will no longer arise because any differences among the State, EPA, the permittee, and interested members of the public as to which of the Act's requirements apply to the particular source will be resolved during the permit issuance and subsequent review process.

Id. at 32266.

To ensure that disputes among competing stakeholders do not thwart the Title V program's goals of greater certainty and improved enforcement, EPA's Title V rules establish a clearly delineated process for reviewing and resolving such disputes promptly and with finality. 42 U.S.C. §§ 7661a(b), 7661b(c), 7661d(a),(b), and (c). For this process to work, EPA must perform its duty to correct and reissue objectionable Title V permits where a state permitting authority fails to or refuses to timely correct deficiencies identified in an EPA objection order.

IV. GROUNDS FOR OBJECTION

A. The Proposed Permits Fail to Resolve EPA's Objection to the TCEQ's Incomplete and Confusing Method of Incorporating PBR Requirements by Reference

1. Specific Grounds for Objection, Including Citation to Permit Term

EPA granted Petitioners' request for objection to the TCEQ's renewal of Permit Nos. O1668 and O1669 because the permits failed to provide enough information about the PBR requirements that apply to units at the Deer Park Complex to make the requirements practicably enforceable. *Deer Park Order* at 11-16. The Executive Director's revisions to Shell's Title V Permits do not resolve this deficiency.

a. Relevant Permit Terms in Proposed Reopening Permit No. O1668

Special Condition No. 22 provides that Shell must comply with the requirements of PBRs referenced in the permit's New Source Review Authorization References attachment and that listed PBRs are incorporated into the Title V permit by reference.

Special Condition No. 23 provides that Shell "shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR."

The Proposed Reopening Permit's New Source Review Authorization References attachment lists PBRs that Shell has claimed to authorize construction of or modification(s) to emission units at the Deer Park Chemical Plant. Proposed Reopening Permit No. O1668 at 548-49.

The Proposed Reopening Permit's New Source Review Authorization References by Emission Unit lists units and unit groups authorized by the Title V permit and identifies PBRs and other New Source Review ("NSR") permits that contain limits that apply to each listed unit or unit group. *Id.* at 550-577. This table includes registration numbers for registered and certified PBRs claimed by Shell in brackets next to listed PBR rule numbers. *Id.*

The Proposed Reopening Permit's Statement of Basis provides the following information about PBRs incorporated by reference into the Title V permit by reference:

To address an objection to this permit granted by the EPA Administrator . . . [t]he attached tables have been revised to provide information on PBRs claimed at this site. These NSR permits and registrations can be found in the main TCEQ file room[.]

Reopening Statement of Basis, Permit No. O1668 at 112.

A PBR may be claimed when both the following conditions are met: 1. The facility meets all applicable requirements of 30 TAC § 106.4. These requirements limit the amount of annual emissions to less than federal permit major source levels, and require compliance with all state and federal regulations; and 2. The facility meets

all applicable conditions of one or more individual PBRs contained in 30 TAC 106. These requirements may specify design requirements for certain facilities, production or material use limits, and operational restrictions.

Certain PBRs require registration with TCEQ as stated in the specific PBR. Other PBRs are not required to be registered with TCEQ. In either case, the permit holder must maintain sufficient records to demonstrate compliance with the annual emissions limits specified in 30 TAC § 106 and maintain sufficient records to demonstrate compliance with the emission limits and specific conditions of the PBR.

Permit holders may also certify emissions in a PBR registration to establish federally enforceable emission limits below the emission limits of 30 TAC § 106.4 which establishes limits for production and planned MSS for each facility (pieces of equipment) to 250 tons per year (tpy) Nitrogen Oxides (NO_x) and Carbon Monoxide (CO); 25 tpy Volatile Organic Compounds (VOC), Particulate Matter (PM), Sulfur Dioxide (SO₂), and any other contaminant (except water, nitrogen, ethane, hydrogen, oxygen, and greenhouse gases); 15 tpy of particulate matter with diameters of 10 microns or less (PM₁₀); or 10 tpy of particulate matter with diameters of 2.5 microns or less (PM_{2.5}).

PBR registrations may be certified to demonstrate that emission allowables for each facility claimed under the PBR are less than the netting or major source trigger levels under the PSD and NNSR programs. Certifications are also required for sites subject to NO_x cap and trade programs under 30 TAC Chapter 101 and for ensuring that any PBR claims to not exceed permitted flexible caps for facilities permitted under 30 TAC Chapter 116, Subchapter G.

For PBRs that are registered with TCEQ, copies of the registration letters may be viewed through the Remote Document Server (RDS) at <https://webmail.tceq.state.tx.us/gw/webpub>. PBR registrations that are certified will have the specific maximum permitted allowables for each facility attached to the registration letter.

Id. at 112-13.

b. Relevant Permit Terms in Proposed Reopening Permit No. O1669

Special Condition No. 23 provides that Shell must comply with the requirements of PBRs referenced in the permit's New Source Review Authorization References attachment and that listed PBRs are incorporated into the Title V permit by reference.

Special Condition No. 24 provides that Shell “shall comply with the general requirements of 30 TAC Chapter 106, Subchapter A or the general requirements, if any, in effect at the time of the claim of any PBR.”

The Proposed Reopening Permit’s New Source Review Authorization References attachment lists PBRs that Shell has claimed to authorize construction of or modification(s) to emission units at the Deer Park Refinery. Proposed Reopening Permit No. O1669 at 550.

The Proposed Reopening Permit’s New Source Review Authorization References by Emission Unit lists units and unit groups authorized by the Title V permit and identifies PBRs and other New Source Review (“NSR”) permits that contain limits that apply to each listed unit or unit group. *Id.* at 551-579. This table includes registration numbers for registered and certified PBRs claimed by Shell in brackets next to listed PBR rule numbers. *Id.*

The Statement of Basis for Proposed Reopening Permit No. O1669 provides the same information regarding PBRs incorporated by reference into the Title V permit found in the Statement of Basis for Proposed Reopening Permit No. O1668. Reopening Statement of Basis, Permit No. O1669 at 2, 128-29.

2. Applicable Requirement or Part 70 Requirement Not Met

Each Title V permit must include “[e]missions limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.” 40 C.F.R. § 70.6(a)(1). The terms, conditions, and limits of PBRs and NSR permits authorizing emissions from units at the Shell Deer Park Complex, including source-specific PBR certified registrations, are “applicable requirements.” *Id.* at § 70.2; 30 Tex. Admin. Code § 122.10(2)(H).

As explained below, the Proposed Reopening Permits fail to assure compliance with PBR and NSR permit requirements because they do not include enough information about how these

permits apply to units at the Deer Park Complex for readers to reliably identify controlling limits for each unit. While the Proposed Reopening Permits incorporate by reference many different permit documents, they do not incorporate any documents that definitely identify the controlling limits and requirements for emission units that are subject to requirements in PBRs and NSR permits. Accordingly, the Proposed Reopening Permits violate 42 U.S.C. § 7661c(a).

3. Inadequacy of the Permit Term

a. The Permit Record for the Shell Permit Renewal and Reopening Demonstrates that Even the Executive Director is Unable to Track which PBR Requirements Apply to Units at the Deer Park Complex

The TCEQ's practice of incorporating applicable requirements, including PBRs, by reference into Title V permits does not assure compliance with applicable requirements if documents necessary to make sense of the incorporated requirements are not readily available to members of the public. 42 U.S.C. § 7661c(a); *Deer Park Order* at 15-16. Although the Executive Director has stated that complete information about Shell's PBR authorizations is easily accessible to members of the public through the TCEQ's remote document server and file room, the permitting record for this project is replete with examples of the Executive Director's inability to find relevant information about PBRs despite his unfettered access to the TCEQ's files. These examples undermine the Executive Director's claim that relevant information necessary to make sense of incorporated PBRs and NSR permits is easily accessible to members of the public:

The *Deer Park Order* directed the TCEQ to identify PBRs that authorize site-wide emissions at the Deer Park Complex. In response, the Executive Director identified the following PBRs as site-wide authorizations for the Deer Park Chemical Plant in Draft Reopening Permit No. O1668: 106.261 (12/24/1998), 106.263 (9/4/2000), 106.264 (3/14/1997), 106.264 (9/4/2000), 106.355 (11/1/2001), 106.475 (3/14/1997), 106.478 (3/14/1997), and 51 (9/12/1989). Draft

Reopening Permit No. O1668 at 555-557. After Petitioners argued in their public comments that the TCEQ's PBR rules do not allow major sources to claim site-wide PBR authorizations, the Executive Director removed the site-wide authorizations from Proposed Reopening Permit No. O1668 and provided the following explanation of Shell's PBR practices:

Shell Deer Park . . . has not registered any site-wide PBRs or Standard Exemptions (SE). As a general practice, Shell utilizes PBRs and SEs as appropriate to authorize discrete increases in emissions from specific equipment that result from changes in method of operation or equipment modification. *PBR and SE usage at Deer Park is unit specific and is never intended to authorize speculative emissions from multiple units.*"

Reopening Response to Comments at 13 (emphasis added).

The Executive Director's Reopening Response to Comments does not acknowledge that this statement is completely inconsistent with Draft Reopening Permit No. O1668, which identifies several specific PBRs claimed by Shell that apply site-wide. It does not make sense that the Executive Director would list these specific PBRs as site-wide authorizations by mistake. Either he listed the relevant PBRs as site-wide authorizations because he had no idea which units the PBRs applied to or he removed reference to site-wide PBRs because he believes they were improperly claimed. In either case, the change to Draft Reopening Permit No. O1668 and the Executive Director's response to comments concerning site-wide PBR authorizations demonstrates that the TCEQ has not properly resolved the question of how claimed PBRs apply to units at the Deer Park Chemical Plant.

The TCEQ's inability to track PBR authorizations at the Deer Park Complex is also apparent in the Executive Director's difficulty determining which PBR registrations are currently active and which are not. For example, Draft Renewal Permit No. O1668, issued in 2012, incorporated many different PBRs that the Executive Director later determined had been voided even before the initial issuance of Permit No. O1668 in 2004. Petition to Object to Renewal Permit

No. O1668, Exhibit D, *Response to Comments on Draft Renewal Permit No. O1668 at Modifications Made from the Draft Permit to the Proposed Permit*.¹ The Executive Director was also unable to determine whether another PBR claimed for the Deer Park Chemical Plant was active or not. *Id.* (“Records have not been located showing that this PBR has been rolled into Permit. Thus, this authorization remains”).

Even after being instructed by EPA to ensure that the Deer Park Complex Title V permits did not incorporate any voided or outdated PBRs, the Proposed Reopening Permits still incorporate six PBR registrations that have been voided, including Registration No. 87871, which the Reopening Response to Comments incorrectly states has been removed from the Title V permits. Reopening Response to Comments at 10.

The fact that the Executive Director has not been able to reliably use the TCEQ’s own records to determine how PBR requirements apply to units at the Deer Park Complex undermines his claim that all relevant information necessary to determine how PBR requirements apply to units at the Deer Park Complex is available in the TCEQ’s files and may be easily accessed by members of the public. Accordingly, the Administrator must object to the Proposed Reopening Permits because they fail to sufficiently incorporate and assure compliance with applicable NSR permit and PBR limits.

b. The Proposed Reopening Permits Fail to Resolve EPA’s Objection and Do Not Assure Compliance with Applicable PBR Limits and Requirements

Comments on Draft Renewal Permit Nos. O1668 and O1669 demonstrated that the permits’ method of incorporating PBR requirements by reference was confusing and failed to

¹ The TCEQ did not number the pages of this document, so the citation references the applicable section heading. The response to comments is available electronically at: http://www14.tceq.texas.gov/epic/eCID/index.cfm?fuseaction=main.download&doc_id=239603212014045&doc_name=RTC%20Mailing%201668%2Epdf&requesttimeout=5000

assure compliance with applicable requirements. Specifically, Commenters showed that the Title V Permits did not include enough information for readers to determine (1) which units were subject to each claimed PBR; (2) which pollutant each unit was authorized to emit under claimed PBRs; and (3) how much pollution each unit was authorized to emit under claimed PBRs. Petition to Object to Renewal Permit No. O1668, Exhibit C, Comments on Draft Renewal Permit No. O1668 at 5-8; Petition to Object to Renewal Permit No. O1669, Exhibit C, Comments on Draft Renewal Permit No. O1669 at 5-7; Petition to Object to Renewal Permit No. O1668 at 19-25; Petition to Object to Renewal Permit No. O1669 at 17-22. EPA objected to Shell's permits and directed the TCEQ to:

- Identify which PBRs apply to which emission units and which PBRs apply generally or site-wide for both the Chemical Plant and the Refinery, *Deer Park Order* at 15;
- Identify which units *and pollutants* are regulated under claimed PBRs, *Id.*;
- Explain the purpose of the New Source Authorization References table and the New Source Review Authorization References by Emission Unit table, *Id.*;
- Ensure that the Chemical Plant and Refinery Title V permits include all current PBRs authorized at the source and do not reference minor NSR permits or PBRs that may no longer be applicable, *Id.*;
- Provide a list of emission units for which only general requirements are applicable, and if an emission unit is considered insignificant, it should be identified in the Statement of Basis as such, *Id.*;
- Make it clear that records for demonstrating compliance with PBRs must be available to the public, *Id.*; and
- Ensure that the Title V permits are clear and unambiguous as to how the emission limits apply to particular emission units, *Id.* at 16.

In response to EPA's objection, the Executive Director revised Shell's Title V Permits to remove several PBRs that are no longer active and to incorporate and identify specific PBR

registrations and certifications that establish source-specific requirements for emission units at the Deer Park Complex. While these changes are a step in the right direction, they do not resolve EPA's objection. Indeed, as Petitioners explain below, the Proposed Reopening Permits' method of incorporating Shell's certified and registered PBRs creates additional problems. Moreover, none of these changes even purport to address EPA's clear instruction that the TCEQ clarify that records demonstrating compliance with PBRs must be made available to the public.

i. The Proposed Reopening Permits Incorporate Outdated PBRs

Incorporation of outdated permits creates confusion about which requirements apply to a Title V source. *Deer Park Order* at 15. Accordingly, EPA instructed the TCEQ to "ensure that the Chemical Plant and Refinery title V permits include all current PBRs authorized at the source and do not reference minor NSR permits or PBRs that may no longer be applicable." *Id.* Nonetheless, the Proposed Reopening Permits incorporate PBR registrations that have been voided. Specifically, Proposed Reopening Permit No. O1668 incorporates by reference the following voided PBR registrations: 52089, 87871, 100328, 101891, and 92386. Proposed Reopening Permit No. O1668 at 550-577. Proposed Reopening Permit No. O1669 incorporates by reference the following voided PBR registration: 101891. Proposed Reopening Permit No. O1669 at 560. PBR Registration Nos. 52089, 87871, 100328, and 101891 were incorporated into NSR Permit No. 3179 and voided. (Exhibit N), Permit Renewal Letter, Permit No. 3179 (November 10, 2016). PBR Registration No. 92386 was incorporated into NSR Permit No. 3985A and voided. (Exhibit O), Permit Renewal Letter, Permit No. 3985A (August 2, 2016). Accordingly, the Administrator must object to and correct the Proposed Reopening Permits because the TCEQ failed to resolve EPA's objection.

ii. *The Executive Director's Revisions do not Resolve Ambiguity about how Registered and Certified PBRs Apply to Units at the Deer Park Complex*

To address EPA's objection that the TCEQ failed to make it clear how claimed PBRs apply to units at the Deer Park Complex, the Executive Director revised the New Source Review Authorization References by Emission Unit tables in the Proposed Reopening Permits to incorporate by reference source-specific PBR registrations and certifications. He also revised the Statements of Basis for the permits to explain that readers may find copies of incorporated PBR registrations and certifications using the TCEQ's remote document server.

While these changes are a step in the right direction, they do not resolve EPA's objection. This is so because the Proposed Reopening Permits do not indicate how and whether certified and registered PBRs authorizing projects at emission units that are also subject to requirements in other NSR permits modify requirements in those other permits. This is an issue, because Texas's rules allow operators to claim PBRs in lieu of authorizing modifications through an amendment or revision to an existing NSR permit. 30 Tex. Admin. Code § 116.116(d)(1). Thus, for those units covered by certified and/or registered PBRs and other NSR permits, *see* Tables 1 and 2 *infra*, it is not enough for the Proposed Reopening Permits' New Source Authorization References by Emission Unit tables to list the applicable permits for each unit. The Title V Permits must also explain which of the various NSR and PBR permits that authorize a particular unit, if any, actually contain the controlling limits for the unit. If none of the permits state the controlling limit for a particular pollutant for a particular unit—for example, if a registered PBR was used to authorize Shell to emit a specified amount of pollution in addition to a limit contained in an NSR permit—the Proposed Reopening Permits must list the controlling limit. The Proposed Reopening Permits, the Statements of Basis, and the permitting record for this project improperly leave readers completely in the dark about how multiple authorizations for units at the Deer Park Complex

should be reconciled to identify controlling requirements. In this way, the Proposed Reopening Permits are not just unclear about how PBRs apply to units at the Deer Park Complex, they are also unclear about how NSR permits apply to units that are also authorized by PBR(s).

Table 1: Permit No. O1668 Units Authorized by Multiple Permits, Including Registered PBR(s)

EPN	Name	Permits ²
A1301	Flare	21262, 3179, 106.261[79604], 106.262[79604], 106.492[79604], PSDTX928
A1333	Flare	3179, 56476, 106.261[113881], 106.262[113881], 106.492[unregistered]
A327	Storage Tank	1119, 86[34358], 118[32282], 106.261[109247], 106.478[109247], 106.261[132997], 106.478[132997]
A328	Storage Tank	1120, 86[34358], 118[32282], 106.261[109247], 106.261[132997], 106.478[132997]
AP19	Storage Tank	3214, 106.261[115088], 106.478[15088]
D350	Storage Tank	9334, 106.262[102096], 106.478[102096]
D390	Storage Tank	3179, 56476, 102.261[87871]
D391	Storage Tank	3179, 106.261[87871]
D392	Storage Tank	3179, 56476, 106.261[87871]
D394	Storage Tank	3179, 106.261[87871]
D395	Storage Tank	3179, 106.261[87871]
F8300	Furnace	3179, 106.261[87871]
FOL601	Gas Oil Stabilizer Reboiler	3216, 106.261[113881], 106.262[113881], 106.492[unregistered]
FOL602	Stage 3 Preheater Furnace	3216, 106.261[113881], 106.262[113881], 106.492[unregistered]

² PBR registration numbers are listed in brackets.

FOL603	Hydrogen Preheat Furnace	3216, 106.261[113881], 106.262[113881], 106.492[unregistered]
FOL604	Gasoline Stabilizer Reboiler	3216, 106.261[113881], 106.262[113881], 106.492[unregistered]
FUGOXU	Fugitives	9334, 106.262[98473]
FUGPAU3	Fugitives	3179, 106.262[52089]
G353	Storage Tank	9334, 106.261[96915], 106.262[96915]
G354	Storage Tank	21262, 106.261[113881], 106.262[113881], 106.492[unregistered], PSDTX928
H87002	Thermal Oxidizer	3179, 56476, 106.261[101891]
H9200	Incinerator	3179, 56476, 106.261[100328], 106.262[100328], 106.261[123359], 106.262[123359]
HT2FUG	Fugitives	3216, 106.261[76699], 1060262[76699]
HT3FUG	Fugitives	3215, 106.261[115088], 106.478[115088]
IRUFUG	Fugitives	18576, 106.261[113881], 106.262[113881], 106.492[unregistered]
K307	Storage Tank	3219, 106.262[87173], 106.261[87173], PSDTX974
NTFFUG	NTFFUG	18576, 106.261[79604], 106.262[79604], 106.492[79604]
OL3FUG	Includes Fugitive Emissions A327FUG, A328FUG, and FTOL911	3214, 106.261[101891], 106.261[115088], 106.478[115088], 106.261[133287], 106.261[92219], 106.478[unregistered]
OP2ELFLA	Flare Stack	3219, 106.261[79604], 106.262[79604], 106.492[79604]
OP2FUG	Fugitive Emissions	3219, 106.478[unregistered], 106.261[127854], PSDTX974
OP3ELFLA	Flare Stack	3219, 106.476[unregistered], 106.492[unregistered],

		106.261[79604], 106.262[79604], 106.492[79604], PSDTX974
PAUFE	Fugitives	3179, 106.262[100328], 106.261[100328], 106.262[108593], 106.261[108593], 106.478[unregistered]
S390	Storage Tank	9334, 106.261[109247], 106.478[109247]
S391	Storage Tank	9334, 106.261[109247], 106.478[109247]
S392	Storage Tank	9334, 106.261[109247], 106.478[109247]
S400	Storage Tank	9334, 106.261[109247], 106.478[109247]
SCRWRTC	Rail Car Loading Scrubber	3179, 56476, 3985A, 106.262[84642], 106.262[92386], 106.478[92386], 106.261[108593], 106.262[108593]
SITE3FE	Loading Fugitives	18576, 106.261[113881], 106.262[113881], 106.261[79604], 106.262[79604], 106.492[79604]
T331	Storage Tank	3219, 106.262[87173], 106.261[87173], PSDTX974
T665A	Storage Tank	3179, 56476, 106.261[87871]
T74B	Storage Tank	3985A, 106.262[92386], 106.478[92386], 106.261[108593], 106.262[108593]
T87302	Storage Tank	3179, 56476, 106.261[87871]
T400	Storage Tank	3179, 106.261[87871]
TB3-301-R1	Tank	3217, 106.262[92675], 106.478[92675]
TBD301	Tank	18576, 106.261[113881], 106.262[113881], 106.492[unregistered]
TBD910	Tank	18576, 106.261[113881], 106.262[113881], 106.492[unregistered]

TBD911	Tank	3217, 106.261[113881], 106.262[113881], 106.492[unregistered]
TBD912	Tank	3217, 106.261[113881], 106.262[113881], 106.492[unregistered]
TF34001	Storage Tank	3214, 106.261[101891]
TOL400	Storage Tank	3219, 106.261[102948], 106.261[129997], PSDTX974
TOL901	Storage Tank	3219, 106.262[87173], 106.261[87173], PSDTX974
TOL903	Storage Tank	3219, 106.262[87173], 106.261[87173], PSDTX974
TOL904	Storage Tank	3219, 106.262[87173], 106.261[87173], PSDTX974
TOL905	Storage Tank	3216, 106.261[113881], 106.262[113881], 106.492[unregistered], 106.261[76699], 106.262[76699]
TOL910	Storage Tank	3219, 106.261[102948], 106.262[87173], 106.261[87173], PSDTX974
TOL911	Storage Tank	2597, 106.262[130755], 106.478[130755]
TOL920	Storage Tank	3214, 106.262[87173], 106.261[87173]
TU30900	Storage Tank	56496, 106.261[87871]
TU30901	Storage Tank	56496, 106.261[87871]
TUT604	Storage Tank	3218, 106.261[78624]
TUT605	Tank	3218, 106.261[78624]
V118	Process Vent	3173, 106.261[76265], 106.262[76265]
V392	Process Vent	3173, 106.261[112344], 106.262[112344]
VBD934	Storage Vessel	18576, 3217, 106.261[79604], 106.262[79604], 106.492[79604]
WRTT	Distribution Loading	1968, 19849, 53[33524], 118[34230]

Table 2: Permit No. O1669 Units Authorized by Multiple Permits, Including Registered PBR(s)

EPN	Name	Permits
A333FUG	Fugitives	21262, 22038, 106.261[87183], 106.262[87183], 106.478[87183], PSDTX815, PSDTX928
A333	Tank	21262, 22038, 106.261[87183], 106.262[87183], 106.478[87183], PSDTX815, PSDTX928
AP7-R1	Tank	21262, 106.261[93992], 106.478[93992], PSDTX928
F329	Storage Tank	21262, 106.262[105772], PSDTX928
F365	MTBE Storage Tank	21262, 106.262[105772], PSDTX928
FUGCOKER	Coker Fugitives	21262, 106.261[95595], PSDTX928
FUGCR3	Catalytic Reformer – 3 Fugitives	21262, 106.262[96066]
FUGDISP	Dispatch Fugitives	21262, 106.261[101891], PSDTX928
FUGDU1	Distillation Unit 1 Fugitives	21262, 106.261[120555], 102.262[120555], 106.261[120437], PSDTX928
G326	Gasoline Storage Tank	21262, 106.478[94547], PSDTX928
V54	Vessel/Regen K.O. Pot	21262, 106.262[100945], PSDTX928

iii. *The Proposed Reopening Permits Fail to Clarify how Unregistered PBRs Apply to Units at the Deer Park Complex*

The Executive Director’s revisions to Permit Nos. O1668 and O1669 do not address EPA’s objection as it applies to unregistered PBRs claimed for projects at the Deer Park Complex. The Proposed Reopening Permits are deficient because they fail to provide readers—including judges, regulators, and citizens who have the authority to enforce the permits—with information necessary to answer three basic questions about how incorporated unregistered PBRs apply to emission units

at the Deer Park Complex: (1) Which pollutants may Shell emit from each unit under claimed unregistered PBRs; (2) How much pollution may Shell emit from each unit under claimed unregistered PBRs; and (3) How do Unregistered PBRs Affect Requirements in NSR Permits?

a. Which Pollutants May Each Unit Authorized by Unregistered PBR Emit?

PBRs may be used to authorize emission of *any* contaminant other than water, nitrogen, ethane, hydrogen, oxygen, and greenhouse gasses. 30 Tex. Admin. Code § 106.4(a)(1)(E).³ However, claiming a PBR for a project cannot automatically authorize the emission of all pollutants up to the limits identified in § 106.4 (*i.e.*, 250 TPY NO_x + 250 TPY CO + 25 TPY VOC + 25 TPY SO₂ + 25 TPY PM + 25 TPY Lead + 25 TPY H₂S + 25 TPY H₂SO₄ = 650 TPY NSR Pollutants) without completely undermining the integrity of Texas’s major NSR permitting programs. If PBRs automatically authorized 650 TPY in combined NSR pollutant emissions, *each* claimed unregistered PBR would authorize allowable emission increases exceeding applicable major source and major modification thresholds without *any* prior authorization or public participation. This reading also conflicts with the regulatory purpose of the PBR program stated in the Texas Administrative Code, which limits its applicability to “certain types of facilities or changes within facilities which the commission has determined will not make a significant contribution of air contaminants.” 30 Tex. Admin. Code § 106.1. The TCEQ could not have reasonably determined that all projects increasing potential emissions from covered facilities by 650 tons per year are insignificant and may be authorized by PBR without violating 42 U.S.C. § 7410(a)(2)(D) (providing that State Implementation Plans must include provisions sufficient to prevent construction of sources that will cause or contribute to violations of National Ambient Air Quality Standards or Prevention of Significant Deterioration program requirements).

³ The term “contaminant,” as defined by the Texas Clean Air Act encompasses all federally regulated NSR pollutants. *See*, Tex. Health & Safety Code § 382.003(2).

Fortunately, Texas does not read its rules to reach this conclusions. Instead, (1) only emissions related to the particular construction project for which a PBR is claimed are authorized, *see, e.g.*, 30 Tex. Admin. Code § 106.4(a) (stating that emissions from a facility authorized by PBR must remain below 106.4(a)(1) emission limits, “*as applicable*”) (emphasis added); and (2) cumulative authored emissions for each PBR project must remain below the major modification threshold. PBR Checklist, Section 1.⁴ However, the Proposed Reopening Permits undermine the enforceability of these crucial restrictions because they do not contain any information describing the projects and emissions authorized by unregistered PBRs for any emission unit at the Deer Park Complex. Instead, the reopened permits only list unregistered PBRs by rule number and identify emission units subject to requirements in the claimed PBRs. This method of listing unregistered PBR requirements in Shell’s Title V Permits incorrectly suggests that each unit authorized by an unregistered PBR may emit all contaminants listed in § 106.4 up to the limits contained in that rule, unless the specific claimed PBR contains more stringent limits. Because the incorporated rules do not identify which of the many different pollutants that unregistered PBRs *may* be used to authorize each emission unit at the Deer Park Complex is *actually authorized to emit*, the Title V Permits must provide this information: The permits must explain *how* the incorporated PBRs apply to emission units at the Deer Park Complex. Because the Proposed Reopening Permits omit this information for unregistered PBRs, they are incomplete and fail to assure compliance with applicable requirements.

As the Reopened Title V Permits are written, the only limits that clearly apply to emission units at the Deer Park Complex authorized by unregistered PBRs are those listed at § 106.4(a)(1) and the claimed PBRs. These limits are not stringent enough to assure compliance with major

⁴ Available electronically at: <https://www.tceq.texas.gov/assets/public/permitting/air/Forms/PermitsByRule/Checklists/10149.pdf>

NSR requirements and to prevent construction projects that violate applicable air quality standards. Because the Proposed Reopening Permits incorrectly suggest that *all* pollutants that *may* be authorized by an unregistered PBR are in fact authorized by each PBR Shell has claimed, they fail to assure compliance with applicable requirements. Accordingly, the Administrator must object to the Proposed Reopening Permits.

b. How Much Pollution May Shell Emit under Unregistered PBRs?

While each NSR permit and certified PBR registration incorporated by Shell's Title V permits is assigned a unique number and includes source-specific emission limits and special conditions based on the Executive Director's review of Shell's applications, unregistered PBRs establish generic emission limits and operating requirements that apply to all new and modified facilities authorized by the claimed PBRs. These generic requirements are found in Texas's PBR rules at 30 Texas Administrative Code, Chapter 106. When construction of a new or modified emission unit is authorized by an unregistered PBR, the PBR (or PBRs) claimed by the operator—*i.e., the rule itself*—is the permit authorizing the project. *See, e.g.,* 30 Tex. Admin. Code § 106.261 (“[F]acilities, or physical or operational changes to a facility, are permitted by rule provided that all of the following conditions of this section are satisfied”).

Thus, while the Proposed Reopening Permits identify incorporated NSR permits and registered or certified PBRs by listing their unique permit numbers, the reopened permits identify applicable unregistered PBRs by *rule number* and the date that each rule was promulgated (not the date(s) the PBR was claimed by Shell). This way of listing applicable requirements is misleading, because it suggests that each claimed unregistered PBR, like the NSR permits incorporated into Shell's Title V Permits, is a single authorization. This suggestion is misleading because Shell has claimed the same PBR to separately authorize construction of or modifications to multiple emission units. The amount of pollution each unit covered by an unregistered PBR that also

applies to other units depends upon how many projects the PBR was used to authorize and how many units were covered by each project.

For Example, Proposed Reopening Permit No. O1668 indicates that Shell has claimed PBR 106.492 (9/4/2000) to authorize construction of or modifications to the following units at the Deer Park Chemical Plant:

Table 3: Permit No. O1668 Units Subject to Unregistered 106.492 PBRs

EPN	Unit/Group Name
A1333	Flare
FOL601	Gas Oil Stabilizer Reboiler
FOL602	Stage 3 Preheater Furnace
FOL603	Hydrogen Preheat Furnace
FOL604	Gasoline Stabilizer Reboiler
G354	Storage Tank
IRUFUG	Fugitives
OP3GRFLA	Flare Stack
TBD301	Tank
TBD910	Tank
TBD911	Tank
TBD912	Tank
TOL905	Storage Tank

30 Tex. Admin. Code § 106.492 does not establish any annual emission limits for criteria pollutants, so the general limits at § 106.4(a)(1) apply. The VOC limit in § 106.4(a)(1) is 25 tons per year. If all of these units were authorized as part of the same project, then cumulative VOC emissions authorized by the unregistered 106.492 PBR from all these units must remain below 25 TPY. However, if Shell claimed 106.492 to authorize separate projects at each of these units, each unit would be authorized to emit 25 TPY, and cumulative VOC emissions authorized by the unregistered PBR would be 325 TPY (13 units * 25 TPY). *See*, Reopening Response to Comments at 21 (“If at least one facility at a site has been subject to public notice, . . . total emissions from all facilities utilizing PBRs are not subject to the 30 TAC 106.4(a)(1) limits”). Because Proposed Reopening Permit No. O1668 is ambiguous about whether these units are authorized to emit 25

TPY of VOC, 325 TPY of VOC, or some other amount, it fails to specify and assure compliance with the applicable limit(s). Proposed Reopening Permit No. O1668 is deficient for the same reason with respect to each pollutant limited by § 106.4(a)(1) emitted by the above-listed units.

This problem also applies to the following unregistered PBRs incorporated by reference into the Proposed Reopening Permits to authorize multiple emission units at the Deer Park Complex:

Table 4: Permit No. O1668 Unregistered PBRs Claimed for Multiple Units at the Deer Park Chemical Plant

PBR	EPNs Authorized
106.472 (3/14/1997)	T87001, T87004, T87005
106.472 (9/4/2000)	DIESEL TANK, F349, GASOLINE TANK, S332, T13146, TOL3070, TOL912, TC33002
106.473 (9/4/2000)	DIESEL TANK, GASOLINE TANK
106.532 (9/4/2000)	AU602, EAERAT, MAERAT, WAERAT
51 (6/7/1996)	D369, F356

Table 5: Permit No. O1669 Unregistered PBRs Claimed for Multiple Units at the Deer Park Refinery

PBR	EPNs Authorized
106.263 (11/1/2001)	H332V, V601, V602
106.478 (9/4/2000)	G359, G363, V329

c. How do Unregistered PBRs Affect Requirements in NSR Permits?

Table 1 indicates that many units at the Deer Park Complex are authorized by several permits, including a mix of NSR permits, registered or certified PBRs, and unregistered PBRs. Because unregistered PBRs may be used in lieu of an amendment or revision to an existing NSR permit, 30 Tex. Admin. Code § 116.116(d)(1), the Proposed Reopening Permits must specify whether and how unregistered PBRs have been used to modify requirements in NSR permits that apply to common units. Nothing in the Proposed Reopening Permits, the Statements of Basis, the

incorporated permits, or the PBR rules explains how unregistered PBRs affect requirements in NSR permits and registered PBRs covering common units at the Deer Park Complex. Thus, the Proposed Reopening Permits are not only unclear about how unregistered PBRs apply to units at the Deer Park Complex, but also about how NSR and registered PBRs apply to units that are also covered by one or more unregistered PBRs. Because this is so, requirements in NSR and PBR permits incorporated by reference into the Proposed Reopening Permits are not sufficiently identifiable and enforceable. Accordingly, the Administrator must object to the Proposed Reopening Permits.

4. Issue Raised in Public Comments

Petitioners raised this issue on pages 8-27 of their Reopening Public Comments. Petitioners did not identify specific outdated PBR registrations incorporated into the Proposed Reopening Title V Permits in their public comments, because the registrations were not voided until after the close of the public comment period. Because the registrations were voided after the close of the public comment period, Petitioners may properly identify them as a basis for objection for the first time in this petition. 42 U.S.C. § 7661d(b)(2).

5. Analysis of State's Response

The Executive Director dismissed Petitioners' demonstration that the Proposed Reopening Permits fail to assure compliance with incorporated PBR requirements as "beyond the scope of this reopening action." Reopening Response to Comments at 23. The Executive Director, however, does not explain why he believes this demonstration is beyond the scope of the reopening action and his contention is clearly wrong. Petitioners' public comments squarely address the Executive Director's failure to ensure—as the *Deer Park Order* requires—that "the title V permit[s] are] . . . clear and unambiguous as to how the emission limits apply to particular emission units." *Deer Park Order* at 16. In particular, Petitioners' comments focus on issues arising from the

Proposed Reopening Permits' incorporation by reference of Shell's PBR registrations and certifications. These source-specific authorizations were not incorporated into Shell's renewal permits and were included for the first time in the reopened Title V permits to address EPA's objection. Petitioners' demonstrations regarding defects that drew EPA's objection to Shell's Title V permits and changes made to the permits in response to EPA's objection are clearly within the scope of the reopening project.

While the Executive Director contends that Petitioners' PBR demonstrations are beyond the scope of the reopening project, he offers the following response "for informational purposes only:"

PBRs may be used by major sources subject to Title V, and thus are incorporated by reference in operating permits. By rule, no source, whether a major or minor emitting source, may circumvent major NSR applicability through use of a PBR. PBRs are for sources of emissions from equipment that the commission has determined are insignificant. Emission limits authorized by case-by-case permits are established through the NSR permit review process. PBR limits are identified in 30 TAC Chapter 106.4(a)(1). The discussion of the ED's approval of the various emission limits can be found in the technical reviews of each NSR/PBR permit action that has occurred. These documents are accessible to the public through the TCEQ remote document server and the TCEQ file room. Emission limits are specified in 30 TAC § 106, and the permit holder must maintain sufficient records to demonstrate compliance with the emission limits and specific conditions of both registered and unregistered PBRs.

Id. at 23-24.

This informational response does not actually address Petitioners' demonstration that the Proposed Reopening Permits' particular method of incorporating PBR requirements by reference undermines the enforceability of PBR and NSR requirements. Specifically, the Executive Director's response does not explain:

- where one can find information about which pollutants potentially authorized by an unregistered PBR are actually authorized by the unregistered PBRs Shell has claimed to authorize construction of new or modified emission units at the Deer Park Complex;

- how much pollution units at the Deer Park Complex are authorized to emit under unregistered PBRs claimed to authorize construction of multiple new or modified emission units at the Deer Park Complex;
- how and whether source-specific emission limits and operating requirements in Shell's registered and certified PBRs modify emission limits and operating requirements in Shell's NSR permits; or
- how and whether generic emission limits in unregistered PBRs claimed by Shell modify emission limits and operating requirements in Shell's NSR permits.

While EPA has allowed the TCEQ to incorporate PBR and minor NSR permit limits into Title V permits by reference, the documents incorporated by reference into the Proposed Reopening Permits do not actually specify controlling limits for all units at the Deer Park Complex. The Proposed Reopening Permits are deficient because the permit documents in addition to the registrations, permits, and rules they incorporate by reference fail to provide enough information to allow the reader to identify and enforce the controlling emission limits and operating requirements for each of the emission units authorized by PBRs at the Deer Park Complex.

The Executive Director's response that requirements in NSR permits are established through the NSR review process and that limits in PBRs are identified by § 106.4(a)(1) is both misleading and non-responsive. This is so for three reasons:

First, the Executive Director's response wholly fails to acknowledge the difficulty created by the TCEQ's rule allowing Shell to claim a PBR in lieu of an amendment or alteration to an existing NSR permit to authorize projects at the Deer Park Complex. 30 Tex. Admin. Code § 116.116(d)(1). Shell has relied on this rule to claim PBRs for many different units previously authorized by an NSR permit. None of the information in the Executive Director's response or in the registered and certified PBRs newly incorporated into the Proposed Reopening Permits explains whether and how registered, certified, and unregistered PBRs modify requirements in Shell's NSR permits or where a reader may look to find the controlling emission limits and

operating requirements for each unit at the Shell Deer Park Complex authorized by an NSR permit and one or more PBRs. Thus, the Proposed Reopening Permits do not actually and effectively incorporate controlling limits for all units by reference.

Second, as the Proposed Reopening Permits' incorporation of registered and certified PBRs with limits significantly lower than the 106.4(a)(1) limits demonstrate, it is simply untrue that applicable limits for all PBRs may be found at 106.4(a)(1).

Third, even in cases where Shell has claimed unregistered PBRs subject to 106.4(a)(1) limits, the Proposed Reopening Permits fail to explain *how* those limits apply to units at the Deer Park Complex. Specifically, the Proposed Reopening Permits fail to identify or incorporate documents identifying: (1) which pollutants potentially authorized by each claimed unregistered PBR each unit at the Deer Park Complex is actually authorized to emit; and (2) how 106.4(a)(1) limits are divided amongst the various units at the Deer Park Complex authorized by unregistered PBRs. While some documents about registered and certified PBR projects are available through the TCEQ's Remote Document server and file room, this information is not available for unregistered PBR projects.

The Administrator must object to the Proposed Reopening Permits because they neither identify nor incorporate readily identifiable and enforceable emission limits and operating requirements for the 130 units and unit groups at the Deer Park Complex that are authorized by PBRs.

B. Proposed Reopening Permit No. O1668 Fails to Resolve EPA's Objection to the TCEQ's Failure to Assure Compliance with 30 Tex. Admin. Code § 116.116(d)(2)

1. Specific Grounds for Objection, Including Citation to Permit Term

30 Tex. Admin. Code § 116.116(d)(2) requires PBRs claimed in lieu of amending or altering an NSR permit to be incorporated into the NSR permit when the NSR permit is next

renewed or amended. EPA objected to Shell’s Title V Permits because the TCEQ failed to show that PBRs had been properly incorporated into Shell’s NSR permits. *Deer Park Order* at 34-36. The Proposed Reopening Permits do not resolve this deficiency. Consistent with § 116.116(d)(2), many of the PBR certifications incorporated by reference for this first time into the Proposed Reopening Permits required Shell to incorporate them into a specified NSR permit when next amended or renewed. Reopening Public Comments at 29-30. Shell has failed to follow this requirement for the following incorporated PBR registrations and certifications:

Table 6: Deer Park Chemical Plant PBR Certifications Requiring Incorporation into a NSR Permit

PBR Registration	Exhibit No.	Date Issued	Affected Case-by-Case Permit	Exhibit No. (IMS)	Date of Last Renewal or Amendment
87173	D-9	2/5/2009	3219	D-15	6/6/2011
96915	D-10	8/8/2011	9334	D-16	11/26/2013
102096	D-11	5/21/2012	9334	D-16	11/26/2013
13881	D-12	12/5/2013	18576	D-17	4/15/2014
			3216	D-18	10/27/2015
115088	D-13	2/6/2014	3215	D-19	10/20/2015
			3216	D-18	10/27/2015
108593	Exhibit P	5/29/2016	3985A	Exhibit Q	8/2/2016
			3179	Exhibit R	10/10/2016

Because each of the relevant NSR permits has been renewed or amended since the issuance of related PBR certifications, the PBR certifications should have been incorporated into the NSR permit and voided. Because the listed PBR certifications have not been incorporated into the relevant NSR permits, Shell is in violation of 30 Tex. Admin. Code § 116.116(d)(2) as well the conditions of its PBR registrations and certifications. Accordingly, Proposed Reopening Permit No. O1668 must include a schedule for Shell to come into compliance with the incorporation requirement. Because the Proposed Permit does not include a compliance schedule, it is deficient.

2. Applicable Requirement of Part 70 Requirement Not Met

If a source has failed to comply with requirements in an applicable SIP at the time its Title V permit is issued, the Title V permit must include a schedule for the source to correct its non-compliance. 42 U.S.C. §§ 7661b(b), 7661c(a); 40 C.F.R. §§ 7035(c)(8)(iii)(C); 30 Tex. Admin. Code § 122.142(e). 30 Tex. Admin. Code § 116.116(d)(2) is part of the Texas SIP. *See*, 40 C.F.R. § 52.2270(c) (identifying 30 Tex. Admin. Code § 116.116 as part of the Texas SIP). As explained below, Shell has failed to comply with 30 Tex. Admin. Code § 116.116(d)(2) and Proposed Reopening Permit No. O1668 is deficient because it does not include a schedule for Shell to comply with that requirement.

3. Inadequacy of the Permit Term

The record for this permitting project demonstrates that the TCEQ has a great deal of difficulty tracking PBR authorizations at major sources like the Deer Park Complex. Although this difficulty is creditable in large part to the TCEQ's decision to allow operators to claim an unlimited number of PBRs to authorize emissions and changes at major sources, like the Deer Park Complex, the difficulty is also partially due to the TCEQ's failure to properly enforce the requirements of 30 Tex. Admin. Code § 116.116(d)(2), which could significantly reduce the number of authorizations the Agency must track. This rule requires operators who have used PBRs in lieu of amending or altering an existing NSR permit to incorporate PBR authorizations into the existing NSR permit when it is next renewed or amended. Through this process, the two authorizations are incorporated into a single NSR permit that lists on its face the applicable requirements and emission limits that apply to units at the source. Tex. Health & Safety Code § 382.0511(a) ("The commission may consolidate *into a single permit* any permits, special permits, standard permits, permits by rule, or exemptions for a facility or federal source") (emphasis added).

This rule is also important for two other reasons:

First, incorporating PBR requirements and emission limits into existing permits clarifies applicable unit-specific requirements and limits for affected units. Including unit-specific information in NSR permits makes applicable requirements easier to identify and enforce, and provides greater clarity to regulators, the public, and industry.

Second, PBRs should only be used to authorize insignificant increase of emissions. 30 Tex. Admin. Code § 106.1; 68 Fed. Reg. 64545. When PBRs are used to increase authorized emissions at previously permitted sites, the cumulative impact of emissions and emissions from previously permitted activities will often be significant. This may be so even if the previously authorized emissions and the emission increases authorized by PBR are insignificant when considered in isolation. Because emissions from facilities authorized by PBR and NSR permits may present a threat to public health and interfere with attainment of the NAAQS, the TCEQ must evaluate the impact of emissions authorized by PBRs at previously permitted facilities, as required by Tex. Health & Safety Code § 382.002. The process of incorporation required by 30 Tex. Admin. Code § 116.116(d)(2) provides the specific mechanism for conducting these evaluations.⁵

EPA objected to Shell's Title V Permits because the Executive Director did not to explain how Shell's failure to incorporate various PBRs into NSR permits for the Deer Park Complex when renewed or amended was consistent with the law. *Deer Park Order* at 36. EPA instructed the TCEQ to explain the status of PBRs identified in the petition and to demonstrate how the TCEQ's actions regarding PBRs claimed by Shell is consistent with 30 Tex. Admin. Code §

⁵ Petitioners' concern about the use of PBRs to construct projects with unacceptable emission impacts is not merely theoretical. Petitioners' Reopening Public Comments show that the TCEQ advised Shell to use the PBR process to avoid modeling air quality impacts resulting from pollution emitted by a new tank *because* the TCEQ believed that emissions from the tank would result in unacceptable health impacts. Reopening Public Comments at 32-33.

116.116(d)(2). *Id.* In response to EPA's objection, the Executive Director took two steps relevant to this issue: First, he declared that many of the PBRs identified in Petitioners' initial comments had been incorporated into Shell's NSR permits or were no longer effective for other reasons and removed them from Shell's Title V Permits. Second, the Executive Director incorporated specific PBR registrations and certifications into Shell's Draft Reopening Permits. Many of these registrations and certifications specifically required Shell to incorporate them into Shell's NSR permits when the relevant NSR permit was next renewed or amended. *See, Table 6 supra.* These registrations and certifications provide new specific evidence that Shell is violating 30 Tex. Admin. Code § 116.116(d)(2).

Each of the NSR permits identified in Table 6 was amended or renewed after the date the relevant PBR registration or certification was issued without incorporating or referencing the PBR registration. Thus, Shell failed comply with the incorporation requirement even though this obligation is spelled out on the face of its PBR registration and certification letters. Because Proposed Reopening Title V Permit No. O1668 does not establish a schedule for Shell to comply with 30 Tex. Admin. Code § 116.116(d)(2), the permit is deficient and the Administrator must object to it.

4. Issues Raised in Public Comments

Petitioners raised this issue on pages 27-33 of their Reopening Public Comments. Petitioners did not identify Shell's failure to incorporate PBR Registration No. 108593 into Permit No. 3985A or 3179 in their public comments, because Shell's obligation to incorporate this registration did not arise until after the close of the public comment period. 42 U.S.C. § 7661d(b)(2).

5. Analysis of State's Response

While the Executive Director responded to a number of questions posed by EPA regarding the TCEQ's PBR incorporation process, he did not respond to Petitioners' comments on this issue. *See*, Reopening Response to Comments at 19-22. Accordingly, the Executive Director failed to address substantive comments on Proposed Reopening Permit No. O1668 and the Administrator must object to it.

C. The Proposed Reopening Permits do not Resolve EPA's Objection to the TCEQ's Failure to Specify Monitoring Requirements that Assure Compliance with VOC and Benzene Emission Limits for Tanks at the Deer Park Complex

1. Specific Grounds for Objection, Including Citation to Permit Term

Proposed Reopening Permit Nos. O1668 and O1669 are deficient because they fail to specify monitoring and emission calculation requirements that assure compliance with short-term and annual VOC and benzene emission limits on storage tanks at the Deer Park Complex.

a. Relevant Permit Terms in Proposed Reopening Permit No. O1668

Special Condition No. 22 provides that Shell must comply with the requirements of NSR permits referenced in the permit's New Source Review Authorization References attachment, and that listed NSR permits are incorporated into the Title V permit by reference.

The Proposed Reopening Permit's New Source Review Authorization References attachment identifies NSR Permit Nos. 21262 and PSTX928 as authorizations incorporated by reference into the Title V Permit. These two permit numbers refer to the same permit that covers many of the storage tanks at the Shell Deer Park Complex and establishes multi-unit hourly and annual emission caps for benzene and VOC that include emissions from Shell's storage tanks.

b. Relevant Permit Terms in Proposed Reopening Permit No. O1669

Special Condition No. 23 provides that Shell must comply with the requirements of NSR permits referenced in the permit's New Source Review Authorization References attachment, and that listed NSR permits are incorporated into the Title V permit by reference.

The Proposed Reopening Permit's New Source Review Authorization References attachment identifies NSR Permit Nos. 21262/PSDTX928 as an authorization incorporated by reference into the Title V Permit. Proposed Reopening Permit No. O1669 at 550.

2. Applicable Requirement or Part 70 Requirement Not Met

Each Title V permit must contain monitoring, recordkeeping, and reporting conditions that assure compliance with all applicable requirements. 42 U.S.C. § 7661c(a) and (c); 40 C.F.R. § 70.6(a)(3) and (c)(1); *In the Matter of Wheelabrator Baltimore, L.P.* ("Wheelabrator Order"), Permit No. 24-510-01886 at 10 (April 14, 2010). Emission limits in NSR permits incorporated by reference into the Proposed Permits are applicable requirements. 40 C.F.R. § 70.2. The rationale for the selected monitoring requirements must be clear and documented in the permit record. 40 C.F.R. § 70.7(a)(5); *In the Matter of United States Steel, Granite City Works* ("Granite City I Order"), Order on Petition No. V-2009-03 at 7-8 (January 31, 2011).

As explained below, the Proposed Reopening Permits are deficient because (1) they fail to specify monitoring and emission calculation methods that assure compliance with emission limits and operating requirements in incorporated NSR permits; and (2) the permit record does not contain a reasoned justification for the Executive Director's determination that monitoring methods included in the Proposed Reopening Permits assure compliance with emission limits in Shell's NSR permits.

3. Inadequacy of the Permit Term

NSR Permit No. 21262/PSDTX928 establishes the following emission caps that cover many of storage tanks at the Deer Park Complex:

Table 7: Permit No. 21262/PSDTX928 VOC and Benzene Emission Caps

Pollutant	lbs/hour	TPY
Benzene	10.96	30.36
VOC	1,877.69	2,846.90

Permit No. 21262/PSDTX928 contains two special conditions that purport to explain how Shell is to monitor and calculate emissions from its storage tanks to determine compliance with these emission caps. First, Special Condition No. 17(G) provides that:

Emissions from all tanks and loading operations associated with this permit shall be calculated using the methods described in Appendix A to the flexible permit application submitted on August 15, 1995, February 10, 1997, and December 23, 1998.

Second, Special Condition No. 30 states that:

The holder of this permit shall keep records to demonstrate compliance with the hourly (lb/hr) and annual TPY emission limits specified by the flexible permit for the following compounds: NO_x, CO, PM, SO₂, VOC, H₂S, and benzene. Compliance with the emission limits for each source shall be demonstrated according to the “Source Specific Compliance Guidelines” outlined in the document entitled, Flexible Permit Compliance Document, submitted with the flexible permit applications on August 15, 1995, February 10, 1997, and December 23, 1998. An annual summary of emissions from each criteria pollutant for which an emissions cap has been established in this permit shall be submitted on or before the date the annual air emissions inventory is due for the prior calendar year. The summary will include a table listing the criteria pollutant, actual total annual emissions for that pollutant, and the emissions cap for that pollutant.

The Proposed Permits, which both incorporate by reference Permit No. 21262/PSDTX928, are deficient because they do not identify monitoring methods for storage tanks that assure compliance with hourly and annual benzene and VOC emission caps and because the Proposed Reopening Permits do not explain how emissions from Shell’s tanks should be calculated to assure

compliance with the applicable emission caps. As Petitioners explained in their previous petition—which was granted by EPA—the application documents referenced by Permit No. 21262/PSDTX928, Special Condition Nos. 18 and 30 do not actually identify the method Shell must use to calculate VOC and benzene emissions from its storage tanks. Petition to Object to Renewal Permit No. O1668 at 30; Petition to Object to Renewal Permit No. O1669 at 25. This is enough to show that the Proposed Reopening Permits are deficient.

Rather than modify Shell's Title V Permits to identify applicable monitoring and emission calculation requirements for storage tanks, the Executive Director conferred with Shell and explained in his Reopening Response to Comments that Shell uses an AP-42-based program to calculate emissions from storage tanks at the Deer Park Complex. Reopening Response to Comments at 18-19. The Executive Director's discussion of Shell's purported monitoring practices in his response to comments fails to resolve EPA's objection for two reasons: First, the modeling and emissions calculation methods discussed in the Executive Director's Reopening Response to Comments are not directly mandated by the Proposed Reopening Permits. Thus, even if the discussed methods were sufficient to assure compliance with applicable emission caps, which the Executive Director has not shown, the Proposed Reopening Permits would still be deficient because they do not require Shell to use those methods. Second, as Petitioners explained in their original petitions challenging the Shell Deer Park Title V Permit renewals, DIAL studies directly monitoring VOC emissions from storage tanks at the Shell Deer Park Refinery show that AP-42 calculations have significantly underestimated actual emissions from some of Shell's tanks. The Executive Director has not shown that, in light of this study and other similar studies identified by Petitioners, Shell's reliance on AP-42 emission factors assures compliance with storage tank emission limits.

4. Issues Raised in Public Comments

Petitioners raised this issue on pages 2-3 of the Reopening Public Comments.

5. Analysis of State's Response

a. DIAL Studies

The Executive Director appears to mock without answering Petitioners' demonstration that emissions tests directly measuring VOC emissions from storage tanks at Shell's Deer Park Refinery measured significantly more pollution being emitted from several storage tanks than predicted by Shell's AP-42-based emissions modeling method:

EIP cites to a DIAL study purporting to show the calculating methodologies and emission factors established by EPA and relied upon throughout industry to determine compliance with emission limits are somehow unreliable.

Reopening Response to Comments at 16.

The Executive Director is correct that Petitioners rely on a study—one conducted at the Shell Deer Park Refinery using a reliable direct monitoring technology—to show that Shell's AP-42 based emission calculation protocol, which is not actually identified in the Proposed Reopening Permits, does not reliably predict actual emissions from Shell's tanks under all operating scenarios. The Executive Director, however, is incorrect that AP-42 emission factors are a favored method for establishing and determining compliance with permit limits:

An AP-42 emission factor is a value that roughly correlates the quantity of a pollutant released to atmosphere with an activity associated with the release of that pollutant. . . The use of these emission factors may be appropriate in some permitting applications, such as establishing operating permit fees. . . EPA, however, has also stated that AP-42 factors do not necessarily yield accurate emissions estimates for individual sources. . . Because emission factors essentially represent an average of a range of facilities and of other emission rates, they are not necessarily indicative of emissions from a given source at all times; with a few exceptions, use of these factors to develop source-specific permit limits or to determine compliance with permit requirements is generally not recommended. . . The District's reliance on the emission factors in making its monitoring decisions is therefore problematic.

In the Matter of Tesoro Refining and Marketing Co., Petition No. IX-2004-6 (March 15, 2005) at 32 (internal citations omitted).

Petitioners brought relevant studies showing that AP-42 emission factors have significantly underestimated actual storage tank emissions from large industrial complexes to the Executive Director's attention in 2012. Nearly five years later, the Executive Director has yet to attempt to address these studies or explain why he believes AP-42 emission factors reliably assure compliance with benzene and VOC emission caps that apply to storage tanks at the Deer Park Complex. The Executive Director's failure to respond to substantive comments renders the Proposed Reopening Permits deficient and the Administrator must object to them.

b. NSR Permit No. 21262/PSDTX928 Does Not Identify Applicable Monitoring and Emission Calculation Methods that Assure Compliance with Applicable VOC and Benzene Emission Caps

In response to EPA's objection, the Executive Director provided the following explanation concerning compliance monitoring for Shell's storage tanks:

Special Condition 18 (Permit 3219/PSDTX974) and Special Conditions 17.G and 30 (Permit 21262) establish the parameters which must be monitored and recorded for each storage tank in order to demonstrate compliance with the permit emission limits. The emissions for each tank are calculated using the approved TCEQ and EPA calculation methodology which requires the input of the actual physical characteristics of each storage tank, as well as, the actual data of the material stored in each tank. Since the physical characteristics of the individual storage tanks do not change, the emissions from each tank are heavily dependent on the vapor pressure of the material stored and the number of times the volume of the tank turns over. Since Maximum Allowable Emission Rate Table states that compliance with the annual emission rates is on a 12-month rolling basis, records must be kept on a monthly basis as a minimum in order to comply with the permit requirements. The special conditions require records of the material stored in each tank, the monthly average temperature and the vapor pressure of the material at that temperature. The conditions also require records of the throughput of each tank for each material stored. The throughput divided by the volume of the tank determines the number of tank turnovers per month. Since the physical characteristics of the tanks do not change and the material stored in the majority of the storage tanks does not change from month to month, the most [relevant] parameters of the material stored at the monthly average temperature and the throughput of material to the tank. The

conditions referenced above require records of actual physical data for each storage tank to be kept and used in the emission calculations in the place of generic default information. Therefore, the monitoring and recordkeeping required by Permits 3219/PSDTX974 and 21262 are adequate to demonstrate compliance with the permit emission rates.

The permits also include procedures for establishing the speciation of the material stored in an individual storage tank [permit 21262, Special Condition Nos. 17.B and 30]. All of the approved methods of speciation require some level of actual data in order to determine the speciation of the material stored including the amount of benzene present in the material for those storage tanks listed under the benzene emission cap in Permit 21262. The method of speciation used and the data used for each material speciation must be documented in order to comply with the requirements of the special condition.

Reopening Response to Comments at 18-19.

This response fails to address Petitioners' demonstration and EPA's objection for three reasons. First, although Permit No. 3219/PSDTX974, Special Condition No. 18 does require Shell to maintain records of material stored, VOC annual average temperature, and annual average vapor pressure, and to maintain throughput levels below limits listed in the confidential section of Shell's December 1999 application, these requirements only apply to tanks authorized by that permit. These requirements does not apply to the many different storage tanks authorized by Permit No. 21262/PSDTX928. The tank monitoring special conditions in Permit No. 21262/PSDTX928 do not, in fact, specify *any* parameters that must be monitored to determine compliance with applicable VOC and benzene caps. Second, the throughput requirements in Permit No. 3219/PSDTX974, Special Condition No. 18—which were established to assure compliance with VOC and benzene emission limits—are not practicably enforceable, because they are contained in Shell's *confidential* application materials and unavailable to members of the public who are authorized to enforce them.⁶ Federally-enforceable throughput limits may not be made

⁶ Special Condition No. 18(H) provides that “[s]torage tanks on this permit are limited to the annual throughputs listed in the *confidential* application dated December 1999” (emphasis added).

confidential. 42 U.S.C. §§ 7661c(a) and 7661b(e). Third, neither Permit No. 3219/PSDTX974 nor 21262/PSDTX928 actually specifies the emission calculation method that assures compliance with applicable storage tank emission limits and caps. Not even the application materials identified in Permit No. 21262 as containing the relevant information about calculating emissions from Shell's storage tanks specify the method Shell must use. EPA objected to Shell's Title V Permits for this reason and the TCEQ has not remedied this deficiency. *Deer Park Order* at 19- 25.

The Executive Director's response also provides an extended discussion of the method that Shell used to calculate emission caps for tanks at the Deer Park Complex. The Executive Director contends this discussion is relevant, because "application representations, including calculation methodologies, are enforceable conditions of the permit and TCEQ can rely on such representations in determining compliance with permit limits." Reopening Response to Comments at 18. This response fails to rebut Petitioners' demonstration that the Proposed Title V Permits are deficient and does not resolve EPA's objection to the permits. This is so for several three reasons. First, Shell's representation that it calculated its tanks' potential to emit and emission caps using a certain methodology does not, on its face, commit Shell to using that same methodology to determine compliance with its emission caps. Second, Petitioners have reviewed Shell's renewal application and were unable to find the information contained in the Executive Director's response to comments. *See*, (Exhibit S), Application to Renew Permit No. 21262 and (Exhibit T), Tank Supplement to Permit No. 21262 Renewal Application. While representations in an NSR permit application are enforceable conditions under 30 Tex. Admin. Code § 116.116(a), the Executive Director has not identified any rule that makes Shell's communications with the Executive Director outside the NSR permitting context enforceable conditions. Indeed, Texas's rules indicate that representations made as part of the Title V application process are not generally enforceable

conditions of a Title V permit. 30 Tex. Admin. Code § 122.140. Third, the Executive Director has not explained why calculating actual emissions using the same process that Shell used to determine its tanks' potential to emit assures compliance with applicable emission limits. For these reasons, the Administrator must object to the Proposed Reopening Permits.

V. CONCLUSION

Petitioners identified serious deficiencies in Shell's Title V Permits in 2012. EPA issued its objection to those permits until 2015. It is now 2017 and the Executive Director has declined to make changes to the Title V Permits to assure compliance with the Act's public health requirements. Petitioners respectfully request that the Administrator object to the Proposed Reopening Permits and act expeditiously to revise Shell's Title V Permits to finally provide those who live and work near the Deer Park Complex with protections guaranteed by the Clean Air Act.

Sincerely,

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EXHIBIT LIST

- (Exhibit A) *In the Matter of Shell Chemical LP and Shell Oil Company, Shell Deer Park Chemical Plant and Refinery*, Order on Petition Nos. VI-2014-04 and VI2014-05 (“Deer Park Order”)
- (Exhibit B) Petition to Object to Renewal Permit No. O1668
- (Exhibit C) Petition to Object to Renewal Permit No. O1669
- (Exhibit D) Petitioners’ Comments on Draft Reopening Permit Nos. O1668 and O1669 (“Reopening Public Comments”)
- (Exhibit E) Draft Reopening Permit No. O1668
- (Exhibit F) Reopening Statement of Basis, Permit No. O1668
- (Exhibit G) Draft Reopening Permit No. O1669
- (Exhibit H) Reopening Statement of Basis, Permit No. O1669
- (Exhibit I) EPA Comments on Draft Reopening Permit Nos. O1668 and O1669 (“EPA Reopening Comments”)
- (Exhibit J) Petition Requesting that EPA Issue or Deny Permit Nos. O1668 and O1669 (“Issue or Deny Petition”)
- (Exhibit K) Notice of Proposed Permit and the Executive Director’s Response to Public Comment, Reopening (“Reopening Response to Comments”)
- (Exhibit L) Proposed Reopening Permit No. O1668
- (Exhibit M) Proposed Reopening Permit No. O1669
- (Exhibit N) Permit Renewal Letter, Permit No. 3179 (November 10, 2016)
- (Exhibit O) Permit Renewal Letter, Permit No. 3985A (August 2, 2016)
- (Exhibit P) PBR Registration Letter, Permit No. 108593
- (Exhibit Q) TCEQ Permit Information for Permit No. 3985A
- (Exhibit R) TCEQ Permit Information for Permit No. 3179
- (Exhibit S) Application to Renew Permit No. 21262
- (Exhibit T) Tank Supplement to Permit No. 21262 Renewal Application