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September 24, 2020

Administrator Andrew Wheeler
 U.S. Environmental Protection Agency
 Ariel Rios Building, Mail Code 1101A
 1200 Pennsylvania Avenue, NW
 Washington, DC 20460
 Fax number (202) 501-1450

RE: Notice of Intent to Sue for Failure to Timely Grant or Deny Petitions to Object to Title V Permit No. 02546, Permit No. 01498, Permit No. 03336, Permit No. 01440, Permit No. 03764, Permit No. 02942, Permit No. 01513, and Permit No. 01541.

Dear Administrator Wheeler:

With this letter, the Environmental Integrity Project, Sierra Club, Environment Texas, Port Arthur Community Action Network, and Neta Rhyne are giving you notice of our intent to sue you in your official capacity as Administrator of the U.S. Environmental Protection Agency for your failure to timely respond to eight petitions to object to Title V operating permits. Though more than 60 days have passed since Plaintiffs filed each of these petitions, you have not yet granted or denied any of them, as required by 42 U.S.C. § 766ld(b)(2).

Below is a list of the petitions and the date Plaintiffs filed the petitions:

Petition	Date Filed	Link to Petition
Petition to Object to Title V Permit No. O2546 (Waha Gas Plant)	3/10/2020	https://www.epa.gov/sites/production/files/2020-03/documents/etctexaspipelinewahapetition2020.pdf
Petition to Object to Title V Permit No. O1498 (Premcor Refining Group Inc., Port Arthur)	02/20/2018	https://www.epa.gov/sites/production/files/2018-03/documents/premcor_port_arthur_petition_2-20-18.pdf
Petition to Object to Title V Permit No. O3336 (Sandy	01/16/2018	https://www.epa.gov/sites/production/files/2018-

Creek Services, LLC)		01/documents/sandycreekpetition2018.pdf
Petition to Object to Title V Permit No. O1440 (Phillips 66 Borger Refinery)	09/12/2017	https://www.epa.gov/sites/production/files/2017-11/documents/borgerrefinerypetition2017.pdf
Petition to Object to Title V Permit No. 03764 (Kinder Morgan's Galena Park Terminal)	08/29/2017	https://www.epa.gov/sites/production/files/2017-09/documents/kindermorgangalenapetition2017.pdf
Petition Requesting that the Administrator Object to the Issuance of Proposed Title V Operating Permit No. O2942 for the Oak Grove Steam Electric Station	07/25/2017	https://www.epa.gov/sites/production/files/2017-07/documents/oak_grove_petition2017.pdf
Petition Requesting that the Administrator Object to the Issuance of Proposed Title V Operating Permit No. 01513 for BP Amoco Chemical Company's Texas City Chemical Plant	04/04/2017	https://www.epa.gov/sites/production/files/2017-04/documents/bp_texas_city_petition2017.pdf
Petition Requesting that the Administrator Object to the Issuance of Proposed Title V Operating Permit No. 01541 for Blanchard Refining Company's Galveston Bay Refinery	04/11/2017	https://www.epa.gov/sites/production/files/2017-04/documents/blanchard_petition2017.pdf

Authority to Bring Suit

Clean Air Act, Section 304(a)(2) authorizes a citizen suit in federal district court "against the Administrator where there is alleged a failure of the Administrator to perform any act or duty

under this chapter which is not discretionary with the Administrator." 42 U.S.C. § 7604(a)(2). You have failed to perform your nondiscretionary duty to grant or deny Plaintiffs' petitions within 60 days of receipt. 42 U.S.C. § 7661d(b)(2). Plaintiffs are hereby giving you the required 60-day notice of our intent to bring a citizen suit to compel you to expeditiously grant or deny our petitions. If you fail to grant or deny Plaintiffs' petitions within 60 days after receiving this notice, Plaintiffs will file suit in federal district court to compel your response.

Relief Requested

Plaintiffs will seek the following relief:

1. An order compelling you to expeditiously grant or deny the Petitions;
2. Attorney's fees and other litigation costs; and
3. Other appropriate relief as allowed.

Parties

As required by 40 C.F.R. § 54.3, the persons providing this notice are:

Environmental Integrity Project
1206 San Antonio Street
Austin, Texas 78701
Attn: Gabriel Clark-Leach

Sierra Club
2101 Webster Street, Suite 1300
Oakland, California 94612
Attn: Thien Chau

Port Arthur Community Action Network
501 West 15th Street
Port Arthur, Texas 77640
Attn: John Beard, Jr.

Environment Texas
200 East 30th Street
Austin, Texas 78705
Attn: Luke Metzger

Neta Rhyne
9227 Highway 17

Toyahvale, Texas 79786

While EPA regulations require this information, please direct all correspondence and communications regarding this mailer to the undersigned attorney. Please contact me if you have any questions regarding this notice letter, believe any of the foregoing information to be in error, or would otherwise like to discuss settlement of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Clark-Leach', written in a cursive style.

Gabriel Clark-Leach
Environmental Integrity Project
1206 San Antonio Street
Austin, TX 78701
(425) 381-0673 (phone)
gclark-leach@environmentalintegrity.org

Attorney for Plaintiffs