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August 10, 2021

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

RE: Comments on Three Permit Applications Submitted by the TPC Group LLC to Authorize the Butadiene Expansion Project at TPC's Houston Plant (Permit Nos. 22052, 46307, and 46426)

Dear Ms Gharis:

Air Alliance Houston, Achieving Community Tasks Successfully, Bayou City Waterkeeper, Coalition for Environment, Equity & Resilience, Environmental Community Advocates of Galena Park, Environmental Defense Fund, Environment Texas, Healthy Port Communities Coalition, Houston Sierra Club, Mi Familia Vota, Moms Clean Air Force, Texas Campaign for the Environment, Texas Housers, One Breath Partnership, and Public Citizen appreciate this opportunity to comment on three air permit applications submitted by TPC Group LLC ("TPC") to authorize the construction of new emissions units and the modification of existing units as part of its Butadiene Expansion project ("BD expansion project.").

INTRODUCTION

A. Background

TPC Group LLC has submitted three applications to authorize a significant expansion at its Houston Plant located at 8600 Park Place Boulevard, in Houston, Texas, 77017 — a site located within an area that is in serious nonattainment of the 2008 ozone National Ambient Air Quality Standards (NAAQS). The facility is a major source of hazardous air pollutants and criteria pollutants, including Nitrogen Oxides (NOx), and the carcinogenic pollutant 1,3 Butadiene. TPC's Houston Plant is directly adjacent to the Houston neighborhoods of Park Place, Pecan Park, and Glenbrook, and is located less than a mile from Manchester, approximately two miles from Galena Park, and less than two miles from Pasadena -- all of which are environmental justice communities

predominantly comprised of working class communities of color (94%) with more than half (62%) of households earning less than \$50,000 a year. Residents living near the Houston Plant are overburdened by pollution and are challenged by more serious barriers to upward mobility than most people living in Texas.

According to the Environmental Protection Agency's (EPA) EJSCREEN tool, people living in the three-mile radius surrounding the Houston Plant are in the top ten percentile for the following EJ Index criteria: Particulate Matter 2.5 (94%), NATA Diesel PM (95%), NATA Air Toxics Cancer Risk (96%), NATA Respiratory Hazard Index (93%), Traffic Proximity and Volume (95%), Lead Paint Indicator (94%), Superfund Proximity (97%), RMP Proximity (98%), Hazardous Waste Proximity (95%), Wastewater Discharge Indicator (95%).¹

The TPC Butadiene Expansion (BD Expansion) project will contribute to detrimental health and safety effects on the mostly Latino and low-income families that live in the Galena Park, Manchester, and Pasadena communities as well as the greater Houston area. Additionally, TPC is a frequent violator of environmental protections and erroneously inflated its emissions reductions in its application materials. The Texas Commission for Environmental Quality (TCEQ) must carefully weigh the impacts associated with the proposed expansion project against the burdens it will create on the low income underserved residents living in the area and in doing so should deny the permits until TPC is both in compliance with environmental protections and the company resubmits its application with accurate and complete information.

B. Commenters

Air Alliance Houston (AAH) is a 501(c)(3) non-profit advocacy organization working to reduce the public health impacts from air pollution and advance environmental justice through applied research, education, and advocacy. AAH takes a strong stance against disproportionate exposure to air pollution by emphasizing an agenda centered on equity and environmental justice. By advocating in partnership with communities overburdened by air pollution, AAH aims to advance environmental justice.

Achieving Community Tasks Successfully (ACTS) is a community-led organization that empowers citizens with knowledge, resources, and strategies to affect change in their communities.

Bayou City Waterkeeper seeks to protect and restore the integrity of our bayous, rivers, streams, and the bays through advocacy, education, and action.

Coalition for Environment, Equity & Resilience (CEER) is a unique advocacy collaborative made up of 28 non-profit member organizations that represent the conservation, environmental justice and civic engagement sectors. CEER envisions a region that is equitable,

¹ Available electronically at <https://ejscreen.epa.gov/mapper/demogreportpdf.aspx?report=acs2017>.

environmentally sustainable and economically strong where residents have the opportunity to live, work, learn, play, and pray free from environmental hazards.

Environmental Community Advocates of Galena Park (ECAGP)'s mission is to organize and educate the community about environmental conditions in Galena Park, Texas, and surrounding areas. All activities (past, present, and future) are aimed at raising public awareness around issues of air quality, access to health care, and the built environment for underserved neighborhoods.

Environmental Defense Fund (EDF) is a nonprofit environmental advocacy group that works to preserve the natural systems on which all life depends.

Environmental Integrity Project is a 19-year-old nonpartisan nonprofit organization, based in Washington D.C. with an office and programs in Texas, that is dedicated to enforcing environmental laws and strengthening policy to protect public health.

Environment Texas is a non-profit advocate for clean air, clean water, clean energy, wildlife and open spaces, and a livable climate.

Healthy Port Communities Coalition (HPCC) works in partnership with and builds the capacity of residents to educate decision-makers; works toward transparency and equity in Port Houston decision-making processes; and advocates for the enforcement of existing policies and the development of new policies that aim to protect the public health and safety of communities impacted by the Houston Ship Channel.

Houston Sierra Club is a Regional Group of the Lone Star Chapter of the Sierra Club. The mission of the Houston Sierra Club is to foster the quality of the environment within its territorial limits and to work for the purposes of the Sierra Club, including: "To protect and conserve the natural resources of the State of Texas, the United States, and the world; to undertake and publish scientific and educational studies concerning all aspects of man's environment and the natural ecosystems of the world; and to educate the people of the United States and the world to the need to preserve and restore the quality of that environment and the integrity of those ecosystems."

Mi Familia Vota is a national civic engagement organization that unites Latino, immigrant, and allied communities to promote social and economic justice through citizenship workshops, voter registration, and voter participation.

Moms Clean Air Force is a community of over one million parents united against air and climate pollution to protect our children's health.

Texas Campaign for the Environment is a 501(c)(3) non-profit organization whose mission is to Empower Texans to fight pollution through sustained grassroots organizing campaigns that shift corporate and governmental policy.

Texas Health and Environment Alliance (THEA) is a 501(c)(3) non-profit advocacy organization working to protect public health and the environment from the harmful effects of toxic substances. THEA participates in the Healthy Port Communities Coalition.

Texas Housers is a nonprofit 501(c)(3) corporation whose mission is to support low-income Texans' efforts to achieve the American dream of a decent, affordable home in a quality neighborhood.

One Breath Partnership is a nonprofit, nonpartisan coalition that elevates work for clean air in Houston, Harris County and the surrounding region. The founding members of One Breath Partnership are Air Alliance Houston, Environment Texas, Environmental Defense Fund, Environmental Integrity Project, Public Citizen, and Rice University. Our work is made possible through the Houston Endowment.

Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power.

ARGUMENT

I. The Butadiene Expansion Project Of TPC's Houston's Plant Will Negatively Impact The Health And Safety Of Low Income Minority Populations

TPC releases a substantial amount of 1,3-Butadiene. 1,3-Butadiene is a compound used to make plastics and rubbers, including tires. Exposure to 1,3-butadiene has both acute and chronic effects. According to the EPA's Integrated Risk Information System (IRIS), acute exposure to 1,3-butadiene by inhalation in humans results in irritation of the eyes, nasal passages, throat, and lungs. Neurological effects, such as blurred vision, fatigue, headache, and vertigo, have also been reported at very high exposure levels. Chronic exposure via inhalation to the compound has been found to result in an increase in cancer, cardiovascular diseases, such as rheumatic and arteriosclerotic heart diseases, while other human studies have reported effects on the blood. Additionally, EPA has classified 1,3-Butadiene as carcinogenic in humans by inhalation.²

Emission levels of 1,3-Butadiene are highest within two miles of the Ship Channel compared to relatively affluent neighborhoods on Houston's west side; these levels are more than 150 times greater in communities such as Manchester and Harrisburg.³ Children who live along

² Available electronically at: <https://www.epa.gov/sites/default/files/2016-08/documents/13-butadiene.pdf>

³ Available electronically at: <https://www.ucsusa.org/resources/double-jeopardy-houston?emci=b7f83670-1985-eb11-85aa-00155d43c992&emdi=05b0f653-5386-eb11-85aa-00155d43c992&ceid=3712402#>.

the Ship Channel are 56 percent more likely to develop a kind of leukemia than those who live 10 miles away.⁴ The EPA has recognized that each of these predominantly minority communities-- Manchester, Galena Park, Pasadena and East Houston neighborhoods-- face disproportionately high exposure to risks created by industrial sources of pollution, like TPC's Houston Plant.⁵ Approving TPC's permits without first considering the health and safety of the citizens who live in these areas would be contrary to the mission of TCEQ to protect the public health of Texas residents.

II. TPC Is A Frequent Violator Of Federal And State Environmental Protections and Permit Applications Should Not Be Approved Until The Company Addresses And Corrects Ongoing Violations.

Violations of the Clean Air Act contribute to Harris County's air pollution crisis and threaten public health. The TPC Group is a frequent violator of federal environmental protections with a history of chemical fires and illegal releases of harmful air pollution. For example, in 2019, its Port Neches plant exploded, releasing tons of highly carcinogenic 1,3-butadiene into the environment and forcing the evacuation of 60,000 residents.⁶ TPC's violations also include sudden surges of illegal air pollution from its Houston Plant during repeated unauthorized upsets, maintenance activities, startups, and shutdowns.

In 2019, TPC was fined \$214,000 for excessive emissions and pollution — including a failure to report incidents — by the Texas Commission on Environmental Quality.⁷ According to the company's estimates as reported to the EPA's Toxic Release Inventory, TPC Group's Houston Plant - the facility that is being considered for expansion - released nearly 24,000 pounds of butadiene in 2020.⁸ In addition, according to records for the U.S Environmental Protection Agency, the facility is currently not compliant with the Federal Clean Air Act. It violated the Clean Air Act every quarter for at least the last three years. These ongoing violations must be resolved before the TCEQ approves TPC's application for the requested permits authorizing the BD Expansion project.

III. TPC Erroneously Inflated Its Nitrogen Oxide(NOx) Emissions Reductions For Boiler 9 According to TPC's applications for amendments to Permit Nos. 220052, 46307, and 46426.

⁴ Available electronically at: <https://ehp.niehs.nih.gov/doi/10.1289/ehp.11593?emci=b7f83670-1985-eb11-85aa-00155d43c992&emdi=05b0f653-5386-eb11-8aa-00155d43c992&ceid=3712402>

⁵ Available electronically at: https://www.epa.gov/sites/production/files/2016-12/documents/texas_ej_plan_8-3-16_final.pdf

⁶ Available electronically at: <https://www.bbc.com/news/world-us-canada-50571868>

⁷ Available electronically at: <https://www.beaumontenterprise.com/news/article/Houston-company-TPC-Group-has-long-history-14867138.php>

⁸ Available electronically at: <https://enviro.epa.gov/facts/tri/ef-facilities/#/Release/77017TXSPT8600P>

Under TPC's application package for Permit Nos. 220052, 46307, and 46426, the company maintains that the NOx emissions from new units and units modified as part of the BD Expansion project will be minor. According to the application for permit No. 46307 at 7-2, TPC erroneously maintains that the project does not trigger Nonattainment New Source Review ("NNSR") requirements for NOx, because the project will result in a 398.59 ton net reduction in annual NOx emissions, due to the shutdown of Boiler 9.⁹ However, that is not the case. TPC's analysis is incorrect because the NOx emissions reduction claimed for Boiler 9 is significantly greater than the Boiler's actual NOx emissions during the baseline period, as reported to the TCEQ's Emissions Inventory and MECT programs. According to reported filings, Boiler 9 emitted 315 tons of NOx in 2018 and 246 tons of NOx in 2017, making the two-year average during this period 280 tons of NOx.

TPC's Emissions Inventory reports for Boiler 9 are consistent with the Company's reports for Texas's MECT program but not with the information listed in the application. Given these inconsistencies, TCEQ should heavily scrutinize TPC's representations regarding past and/or potential emissions throughout the BD Expansion project applications.

CONCLUSION

Given TPC Group LLC's erroneous inflation of NOx emissions reduction and TPC's ongoing violations of federal environmental protections, TCEQ should not approve the company's applications for permits authorizing construction of the BD Expansion project. TCEQ should protect the health and safety of the working class communities of color that live within three miles of the plant that are already overburdened with air pollutants by requiring TPC to correct current violations at both its Houston and Port Neches plant.

Sincerely,



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⁹ Application, Permit No. 46307, Table 3F.

ATTACHMENT A

TRI Facility Report: TPC GROUP LLC (77017TXSPT8600P) Releases of TRI Chemicals to the Environment

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TRI Facility Report: TPC GROUP LLC (77017TXSPT8600P)

Releases of TRI Chemicals to the Environment



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