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Office of the Chief Clerk

Texas Commission on Environmental Quality

P.O. Box 13087, MC 105

Austin, Texas 78711-3087

*Electronic submission via <http://www14.tceq.texas.gov/epic/eComment/>*

**RE: Comments in Response to Notice of a Renewal of Federal Operating Permit No. O106,  
Application No. 32790.**

Dear Executive Director,

Air Alliance Houston (AAH) appreciates the opportunity to comment on the Texas Commission on Environmental Quality's (TCEQ) Notice of a Renewal of Federal Operating Permit (Permit) No. O106, Application No. 32790, to authorize operation of the Pasadena Product Terminal, a Petroleum Bulk Stations and Terminals facility located at 100 Jefferson and Highway 225 in Pasadena, Texas 77506, owned and operated by the Phillips 66 Company.

The Phillips 66 Company is a diversified energy manufacturing and logistics company. With a portfolio of midstream, chemical, refining, marketing, and specialty businesses, the company processes, transports, stores, and markets fuels and products<sup>1</sup>. The Pasadena Products Terminal emits hazardous air pollutants like benzene, volatile organic compounds, 1,2,4-Trimethylbenzene, Isopentane, and a host of other chemicals.

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<sup>1</sup>Accessed electronically at: <https://www.phillips66.com/about>

Commentors contend that the Draft Permit for the Pasadena Product Terminal is insufficient for the following reasons: (1) it does not include sufficient monitoring or recordkeeping to assure compliance with various emission limits and protect surrounding communities, and (2) the permitting process lacks meaningful environmental justice considerations for communities surrounding the facility.

## **I. COMMENTERS**

Air Alliance Houston (AAH) is a Texas 501(c)(3) non-profit advocacy organization working to reduce the public health impacts of air pollution and advance environmental justice through applied research, education, and advocacy. AAH takes a strong stance against disproportionate exposure to air pollution in overburdened communities of color and lower income by focusing attention on health equity and environmental justice.

## **II. ENVIRONMENTAL JUSTICE CONCERNS**

### **A. Residential Communities in Pasadena are Overburdened by Pollution**

Residential areas in Pasadena are surrounded by Ship Channel industries and are overburdened with pollution. There are 1,951 residences within one (1) mile of Pasadena Product Terminal, and 8,901 within two (2) miles. “Overburdened communities” are defined as communities or geographic locations that experience disproportionate environmental harms and risks. This disproportionality can be a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. The increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities. These communities are generally minority, low-income, and indigenous populations.

According to EJ Screen, a profile of the community within two (2) miles of Pasadena Product Terminal is as follows: thirty percent (30%) of residents are children under the age of 18; 10% are seniors aged 65 and older; 28% of residents have no high school diploma; per capita income is \$24,168 with many residents falling below the poverty line; and 30% are lacking access to health insurance. Furthermore, residents of color comprise 76% of Pasadena’s population with 71% alone being Hispanic/Latino. Forty-six percent (46%) of residents speak a language other than English at home, with an overwhelming percentage being Spanish.<sup>2</sup> The industrial burden as shown in Figure 1 below is significant. Pasadena is surrounded and overburdened by seventeen (17) Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF) such as water dischargers, toxic waste releasing facilities, Superfund sites, and various sources of air pollution such as freeways.

Map of the industrial burden in communities near Phillips 66 Pasadena Product Terminal

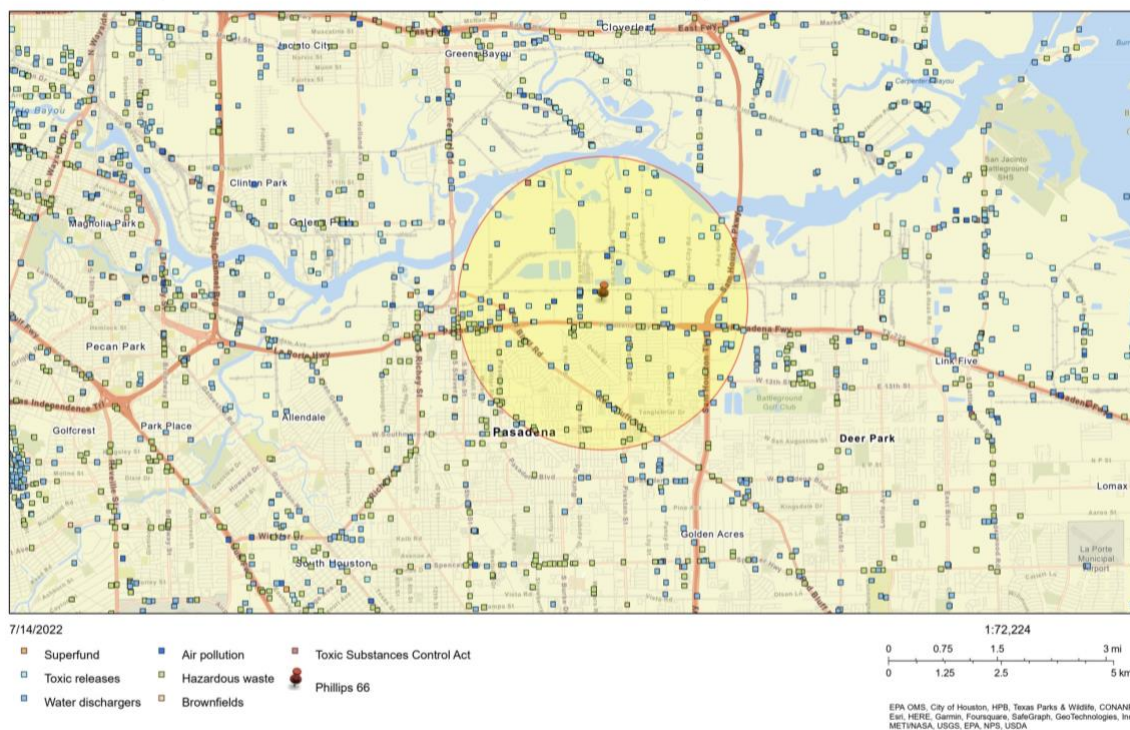


Figure 1: Map of Industrial Burden in Communities Near Philips 66 Pasadena

<sup>2</sup>EJSCREEN ACS Summary Report. Available electronically at: <https://ejscreen.epa.gov/mapper/>

## B. There are Sensitive Land Uses Near and Around Pasadena Product Terminal

The Pasadena Product Terminal is within a two (2) mile radius of multiple sensitive land uses as shown in Figure 2 below. For example, there are eight (8) schools, nine (9) places of worship, and several county and city land uses.

Map of sensitive land uses in communities near Phillips 66 Pasadena Product Terminal

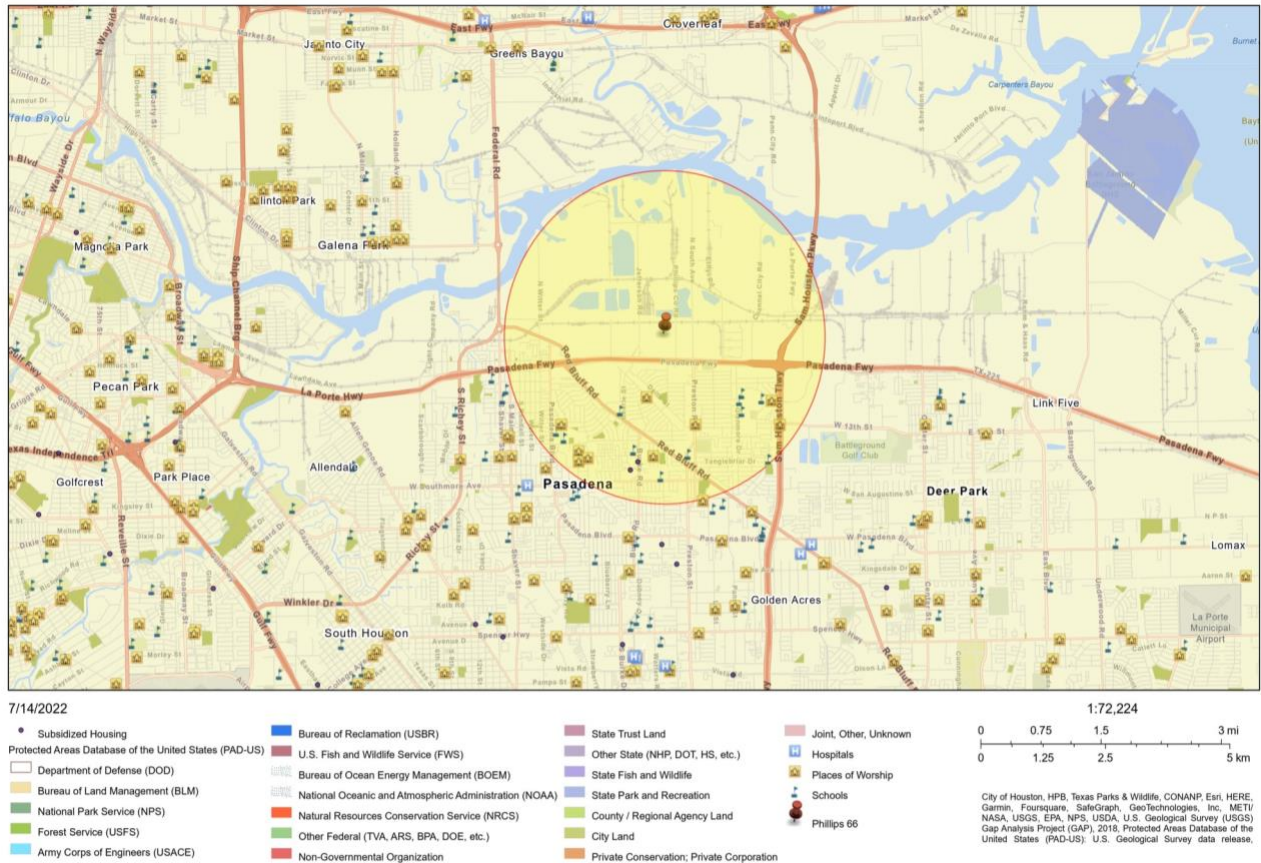


Figure 2: Map of Sensitive Land Uses near Phillips 66 Product Terminal

## C. Pasadena Is an Environmental Justice Community and Requires Additional Protections.

In the Pasadena community, socioeconomic stressors combined with environmental stressors establish that they would be considered an environmental justice community under the EPA definition. The guiding principle of environmental justice is that everyone, regardless of race, color, national origin, or income is entitled to equal protection from environmental harms and

risks.<sup>3</sup> By all definitions, Pasadena is an environmental justice community. As such, the community deserves additional protections from sources of pollutions.

### **III. CONCERNS REGARDING THE FACILITY AND ITS HISTORY**

#### **A. Pasadena Product Terminal Has a History of Non-Compliance.**

The Pasadena Product Terminal has a history of noncompliance with three (3) notices of permit violations, nine (9) investigations, and five (5) emissions events since 2015.

##### *1. Permit Violations*

On February 9, 2022, Pasadena Product Terminal failed to submit a minor modification to Federal Operating Permit (FOP) O-00106 prior to the start-up of modified equipment (Category B3), a violation of its permit under 30 TAC Chapter 122, SubChapter B 122.143(4); 30 TAC Chapter 122, SubChapter C 122.217(a)(2); 5C THSC Chapter 382 382.085(b); OP Special Term and Condition 1A.<sup>4</sup> The facility also violated the General Terms and Condition of its permit on May 16, 2019 by failing to submit an accurate Permit Compliance Certification (PCC) dated June 28, 2018. The facility has another permit violation from 2019 for its failure to submit the Initial Tier II within 90 days (Category C3). These violations ranged from minor to moderate.<sup>5</sup>

##### *2. Investigations*

There have been nine (9) compliance investigations of Pasadena Product Terminal since 2016 with the most recent being on February 25, 2022.<sup>6</sup>

##### *3. Emissions Events*

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<sup>3</sup> Environmental Protection Agency. See electronically at: <https://www.epa.gov/environmentaljustice/environmental-justice-your-community>

<sup>4</sup>TCEQ. Notice of Violations. See electronically at: [https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.novdetail&addn\\_id=148459532001361&re\\_id=159459522001361](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.novdetail&addn_id=148459532001361&re_id=159459522001361)

<sup>5</sup> *id.*

<sup>6</sup>TCEQ Investigations. See electronically at: [https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.invdetail&addn\\_id=148459532001361&re\\_id=159459522001361](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.invdetail&addn_id=148459532001361&re_id=159459522001361)

Due to the severe storm event from Hurricane Harvey in Harris County, the roofing on Tank 2302 of Pasadena Product Terminal was impacted, and product was discovered on the roof. Product drained through the roof drain and was released to secondary containment. Product was floating on rainwater, which was contained in the secondary containment of the tank. The included estimated emissions are for two EPCNs combined (Tank 2303 and Tank 2302). Tank 2303 and Tank 2302 are External Floating Roof tanks exposed to the environment at least eight (8) hours before recovery.<sup>7</sup> During that time, toxic air pollutants like Benzene and VOCs were released into the environmental and nearby communities.

### **B. Pasadena Product Terminal has a History of Missed Reporting**

On June 26, 2018, Pasadena Product Terminal violated 30 TAC Chapter 122, SubChapter B 122.143(4); 30 TAC Chapter 122, SubChapter B 122.145(2)(B); 5C THSC Chapter 382 382.085(b) and the General Terms and Conditions of its permit (not applicable to CH) by failing to submit a deviation report no later than 30 days after the end of the reporting period.<sup>8</sup> Similarly, on the same day, the facility was also found to be in violation of 30 TAC Chapter 122, SubChapter B 122.143(4); 30 TAC Chapter 122, SubChapter B 122.146(2); 5C THSC Chapter 382 382.085(b); PERMIT ST&C 16 for its failure to submit a Permit Compliance Certification (PCC) no later than 30 days after the end of the certification period. Strict compliance with reporting requirements and deadlines is critical to ensuring facilities are staying within the bounds of the emissions allowable in their approved permits.

## **IV. CONCLUSION**

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<sup>7</sup>TCEQ Air Emission event Reports. See electronically at: [https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeincdetail&addn\\_id=148459532001361&re\\_id=159459522001361](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeincdetail&addn_id=148459532001361&re_id=159459522001361)

<sup>8</sup>TCEQ. Enforcement [https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.emsincdetail&addn\\_id=148459532001361&re\\_id=159459522001361](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.emsincdetail&addn_id=148459532001361&re_id=159459522001361).

Air Alliance Houston (AAH) appreciates the opportunity to comment on the Notice of Renewal of Federal Operating Permit No. O106 for Pasadena Product Terminal, owned and operated by the Phillips 66 Company. Commenters are concerned about the impacts of this facility on air quality and public health and request the following:

- **TCEQ must consider environmental justice concerns during decision-making on this and future permit applications from Pasadena Product Terminal due to the cumulative impact of environmental and health harms caused by the operation of this facility.**
- **TCEQ must require Philips 66 Company to update emergency protocols to prevent future malfunction and emissions events like those that occurred during Hurricane Harvey.**
- **TCEQ must require strict compliance with all conditions of current and future permits issued to Pasadena Product Terminal including reporting requirements. We also recommend that TCEQ make compliance reports, emissions events, and all other related communication from this facility available and accessible to fenceline communities.**

Should there be any questions about these comments, please feel free to contact the undersigned representative at any time. We appreciate your urgent attention to these matters.

Respectfully submitted,

/s/

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