



Apr 28, 2022

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Texas Commission on Environmental Quality

P.O. Box 13087, MC 105

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**RE: Comments Valero Refining-Texas Air Quality Permit Number 2501A, at 9701 Manchester St Houston, Harris County, Texas 77012.**

Dear Texas Commission on Environmental Quality,

On 03/15/2022, Valero Refining-Texas, L.P. submitted its application to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 2501A, which would authorize the continued operation of its Houston Refinery located at 9701 Manchester St, Houston, Harris County, Texas 77012. Air Alliance Houston submits these comments in response.

The facility is situated within the Houston Ship Channel— an area convoluted with industrial facilities and pollution. Communities that live in and near these facilities are engulfed with pollution of every kind. Houston Ship Channel communities face serious health impacts from pollution from these many nearby sources. For example, research by the University of Texas’s School of Public Health found that children living within two miles of the Houston Ship Channel have a 56 percent greater chance of getting leukemia than children living farther away

as well as other severe health impacts.<sup>1</sup> The facility itself has a long history of noncompliance with permit requirements and unsafe operating conditions as evidenced by the nine (9) enforcement orders it has received between 2019 till date and by the 15 emergency responses since 2015. Despite the numerous administrative orders against it, TCEQ maintains that the facility has a satisfactory compliance score.<sup>2</sup>

It is abundantly clear that TCEQ must do more to ensure Valero's compliance with its permits and protect the communities situated near and around the facility from harm. For all of these reasons, Commenters respectfully request that the TCEQ deny the permit to require compliance with existing permits and safe conditions that do not expose the community to further harm.

## **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 by emphasizing an agenda centered on equity and environmental justice.

## **II. INTRODUCTION**

Valero Refining-Texas, L.P. owns the refinery located at 9701 Manchester St. Houston, Harris County, Texas 77012 in the Manchester/Harrisburg community. The facility impacts

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<sup>1</sup> K. Walker et al., University of Texas Health Science at Houston, School of Public Health, An investigation of the association between hazardous air pollutants and lymphohematopoietic cancer risk among residents of Harris County, Texas, See electronically at:

<https://pdfs.semanticscholar.org/3b67/75f96037b7dd2104a11296784f52d4cddf33.pdf>.

<sup>2</sup> TCEQ Compliance History Search. See electronically at:

<https://www2.tceq.texas.gov/oce/ch/index.cfm?fuseaction=main.viewdetails&rid=870399162001134>

communities– many of the environmental justice communities in the Houston Ship Channel are already overburdened with many sources of pollution.

### *A. The Affected Communities Are Environmental Justice Communities*

The United States Environmental Protection Agency (EPA) defines “environmental justice (EJ) communities” as Communities most impacted by environmental harms and risks or overburdened communities. There are a few factors that go into identifying EJ communities, including where there is: (1) disproportionate exposure to environmental hazards and (2) increased vulnerability to said hazards. The EPA further describes these factors in their definition of an overburdened community: the term describes situations where multiple factors, including both environmental and socioeconomic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.<sup>3</sup> The Harrisburg/Manchester neighborhood is one such region whereby refineries, chemical plants, sewage treatment facilities, and hazardous waste sites encompass the homes of nearly 2,000 residents.

#### *1. Manchester/Harrisburg*

Harrisburg/Manchester has a history that predates Houston. Harrisburg was a community located at the confluence of Brays Bayou and Buffalo Bayou. Manchester lies near the confluence of Sims Bayou and the Ship Channel. Its modest homes are surrounded by Channel industries. Harrisburg residential areas have largely disappeared.<sup>4</sup> In the Manchester/Harrisburg community, Socioeconomic stressors combined with environmental stressors establish that they would be considered an EJ community under the EPA definition. Twenty-five percent (29%) of

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<sup>3</sup> United States Environmental protection Agency. See electronically at: <https://www.epa.gov/environmentaljustice>

<sup>4</sup> See electronically at:

[https://www.houstontx.gov/planning/Demographics/2019%20Council%20District%20Profiles/Harrisburg\\_Manchester\\_Final.pdf](https://www.houstontx.gov/planning/Demographics/2019%20Council%20District%20Profiles/Harrisburg_Manchester_Final.pdf)

residents are children under the age of 18 and eleven percent (11%) are seniors aged 65 and older.<sup>5</sup> Additionally, thirty-eight (38%) residents have no high school diploma and only thirty-two (32%) have a high school diploma. The median income is \$32,448 with many residents falling below the poverty line.<sup>6</sup> Seventy-six percent (76%) of residents speak only Spanish in their homes.

## 2. Galena Park

Portions of the Galena Park community are within a one-mile radius of the facility. Galena Park is also considered an environmental justice community. According to the 2020 Census, twenty-seven percent (27.5%) of residents in Galena Park live in poverty. The median household income is \$47,849. The community is predominantly a minority community with eighty-six percent (86.4%) of residents being Hispanic. A large portion of the community is considered a sensitive population with thirty-six percent (36.90%) of the population being children under 18 and eight percent (8%) being seniors over 65. Residents in Galena Park by all definitions live in an environmental justice community and deserve protection by the TCEQ.

This means this is a permit that involves significant environmental justice implications and requires particular focus and action by TCEQ to address these concerns.

### III. Concerns Regarding The Facility and Application

Valero Refining -Texas, L.P. (Valero) owns and operates a petroleum refinery located at 9701 Manchester Street in Houston, Harris County, Texas. The refinery includes a Tank Farm which contains multiple tanks that are used to store crude oil, gas oil, diesel, residuals, and various petroleum feedstocks. Under this permit, Valero proposes to incorporate several PBRs

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<sup>5</sup> *Id.*

<sup>6</sup> Julianne Crawford. 2018. Environmental Racism in Houston's Harrisburg/Manchester Neighborhood. See electronically at: <http://bay.stanford.edu/blog/2018/3/15/environmental-racism-in-houstons-harrisburgmanchester-neighborhood>

and standard permits either by consolidation or reference. This permit application also proposes to add the Potential to Emit (PTE) inhalable particulate matter (PM) to the Maximum Allowable Emissions Rate Table (MAERT) for multiple sources, and requests that benzene emissions be removed from the MAERT since benzene emissions are a subset of total VOC.<sup>7</sup>

### **A. Valero Has A Long History Of Noncompliance**

Valero has a notorious history of non-compliance with nine (9) enforcement orders since 2019<sup>8</sup>, fifteen (15) emergency responses since 2015,<sup>9</sup> and twenty-two (22) Emissions Events R since 2015.<sup>10</sup>

Most recently, in February 2021, the facility was cited for the following Failure to obtain authorization before constructing or modifying a source of air contaminants, Failure to prevent unauthorized emissions. Specifically, emissions from a pinhole leak resulted in the release to the atmosphere and caused a high concentration of slurry oil to be deposited in multiple vehicles and private property in the Galena Park area, Failure to prevent nuisance conditions. Specifically, an investigation conducted on July 9, 2018, determined that high concentrations of slurry oil were deposited in multiple vehicles and personal property in the Galena Park area resulting from a pinhole leak from the facility.

In terms of emergency responses, the most recent emergency response was recorded on July 29, 2021. The most recent emissions event record lasted 15 hours, 30 minutes on February

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<sup>7</sup> Valero Refinery Application for Permit Renewal and Amendment, TCEQ Air Quality Permit Nos. 2501A and PSDTX767M2 at page 4.

<sup>8</sup> TCEQ CR Query. *See electronically at:*

[https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeodetail&addn\\_id=938813382002161&re\\_id=870399162001134](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeodetail&addn_id=938813382002161&re_id=870399162001134)

<sup>9</sup> TCEQ Emergency Response Report. *See electronically at:*

[https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.emsincdetail&addn\\_id=938813382002161&re\\_id=870399162001134](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.emsincdetail&addn_id=938813382002161&re_id=870399162001134)

<sup>10</sup> TCEQ Air Emissions Event Reports. *See electronically at:*

[https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeincdetail&addn\\_id=938813382002161&re\\_id=870399162001134](https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeincdetail&addn_id=938813382002161&re_id=870399162001134)

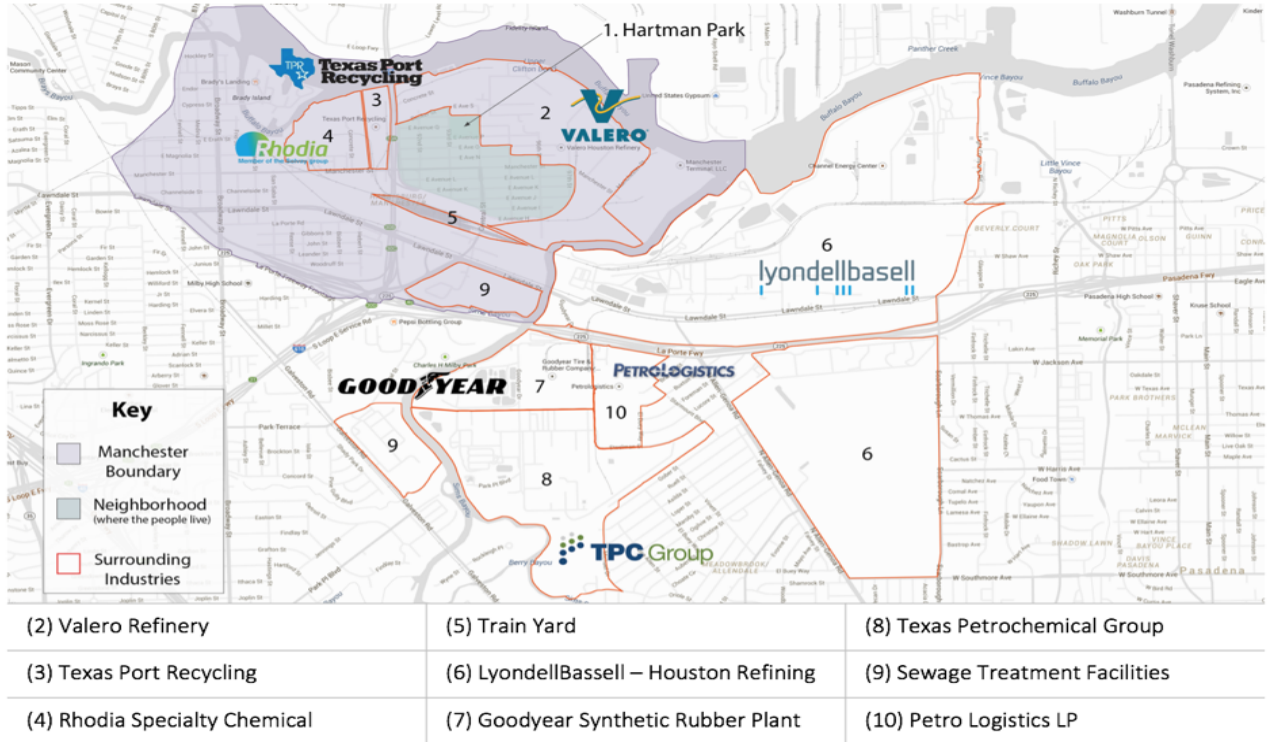
7, 2022. During these emissions events, various violations of NSR Permit No. 2501A occurred. For example, 55.6 pounds per hour of Hydrogen Sulfide was released despite an emission limit of 0.21 pounds per hour, Similarly, 8.19 pounds of particulate Matter was released despite the 3.66 pounds per hour limit. Several more of these violations occurred Carbon Monoxide, Nitrogen Oxides (NOx), and Sulfur dioxide. Twenty-two of these events have been recorded since 2015. The facility has been releasing hazardous substances into residential communities causing unnecessary harm.

### ***B. Cumulative Impacts Of Surrounding Facilities on Human Health***

As mentioned above, the areas surrounding Valero's Houston refinery are communities of color with a large and low-income population that is overburdened by hazardous and other air pollution, including from multiple refineries and petrochemical facilities. Cumulative Impacts refer to the total burden – positive, neutral, or negative – from chemical and non-chemical stressors and their interactions that affect the health, well-being, and quality of life of an individual, community, or population at a given point in time or over a period of time.<sup>11</sup>

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<sup>11</sup> United States Environmental Protection Agency. 2022. *Cumulative Impacts*. See electronically at: [https://www.epa.gov/system/files/documents/2022-01/ord-cumulative-impacts-white-paper\\_externalreviewdraft-508-tagged\\_0.pdf](https://www.epa.gov/system/files/documents/2022-01/ord-cumulative-impacts-white-paper_externalreviewdraft-508-tagged_0.pdf)



*Figure 1. Map of the Harrisburg/Manchester Neighborhood*

TCEQ needs to create and update processes to address this pattern of disregard and noncompliance by Valero. It is evident that Valero has disregarded the requirements of its permits which were created to maintain the intent of the Clean Air Act. Valero accepts the fines imposed and continues its noncompliance. Strict enforcement, fenceline monitoring, consistent facility inspections are a few ways to begin the remedial process that is needed.

#### IV. CONCLUSION

Air Alliance Houston is very concerned about the impacts of Valero Refining-Texas, L.P., on air quality in and around the Manchester neighborhood and in the Houston Ship Channel. It is clear that the facility displays a pattern of disregard and noncompliance. For all of these reasons, Commenters respectfully request that the TCEQ deny the permit and require the applicant to choose a location that is appropriate for its intended use. Should there be any questions about the scope of these comments, please contact the undersigned representative.

Respectfully submitted,

/s/

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