



September 23, 2022

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

Re: Comments on Intercontinental Terminals Company (ITC) LLC's Renewal of Federal Operating Permit O1061

Dear Ms. Gharis,

Air Alliance Houston submits the following comments concerning the renewal of Federal Operating Permit No. O1061 (“Draft Permit”) Application No. 28256, which would authorize operation of International Terminals Company (ITC)’s Deer Park Terminal, located at 1943 Independence Pkwy S in La Porte, Harris County, Texas 77571-9801. These comments explain our position on the Draft Permit as follows. Texas Commission on Environmental Quality (TCEQ) should not approve the Draft Permit until these actions have taken place:

- **ITC and TCEQ must be transparent with the community about the status of the investigation into the Deer Park terminal fire in March 2019 and demonstrate that enhanced measures have been adopted to prevent a similar incident;**
- **TCEQ must hold ITC in compliance with its current air permits to protect the communities situated near and around the facility from the public health harms of air pollution; and**
- **TCEQ must thoroughly analyze the Draft Permit for disproportionate impacts to low-income communities and communities of color, under federal civil rights law, by studying the full impact of this facility, taking into account cumulative impacts from other nearby sources of pollution and other factors that diminish the quality of life and health in those communities.**

I. Commenters

Air Alliance Houston (AAH) is a Texas 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 in overburdened communities of color and lower income by focusing attention on health equity and environmental justice.

II. Background

ITC Deer Park provides terminal services to the petrochemical industry. They store petrochemical liquids and gasses, fuel oil and bunker oil, and highly toxic chemicals like benzene, 1,3-Butadiene, and Ethylene Oxide. The Deer Park location is considered one of the largest “tank farms” in the country with 242 tanks on-site. In 2019, this facility experienced a series of catastrophic fires that caused an environmental disaster with damage ranging from hazardous air pollution to disruptions to schools, ship, and road traffic and enjoyment of property. According to the information documented by ITC in STEERS and represented in Air Emissions Event Report Database incident 304871, this event resulted in over 15 million pounds of air pollution and continued for 106 days. The investigation for this incident is still currently ongoing by the Chemical Safety Board (CSB).¹

A. Incident Summary

On Sunday, March 17, 2019, ITC Deer Park experienced a fire at their 2nd 80’s Tank Farm that held naphtha. The next morning, ITC reported that the fire had spread to five additional adjacent tanks, for a total of eight tanks containing gasoline blends, toluene, naphtha, xylenes, pyrolysis gasoline, and blended oils involved in the fire. By Tuesday, March 19, 2019, ITC reported that two additional tanks, both containing pyrolysis gasoline, were confirmed to be on fire bringing the total to 10 tanks burning. ITC was unable to isolate or stop the release of naphtha products from the tank, and the fire continued to burn, intensify, and progressively involved additional tanks in the tank farm. On Wednesday, March 20, 2019, ITC issued a press statement indicating all tank fires were extinguished, however, the same day, a flash fire occurred in one of the tanks and toxins continued to be released into the air.²

On Thursday, March 21, 2019, elevated levels of benzene at >1 part per million (ppm) were detected in the community, which prompted a shelter-in-place order. The next day, the containment wall surrounding the tank farm breached and released tens of thousands of barrels of fire-fighting water and petrochemicals into Tucker Bayou and the Houston Ship Channel (HSC). Booms were deployed, and the U.S. Coast Guard closed a portion of the HSC between Tucker Bayou and the San Jacinto Monument to Crystal Bay. Later that day, the tank farm fire re-ignited causing a secondary fire to ignite in the Tidal Road drainage ditch, extending to the confluence with Tucker Bayou, and threatening other petrochemical storage tanks in the area.³

B. Community Impact

The communities impacted by this incident are environmental justice communities, where people of color are disproportionately overburdened with toxic pollution. As explained

¹ US Chemical Safety Board. Intercontinental Terminal Company (ITC) Tank Fire. <https://www.csb.gov/intercontinental-terminal-company-itc-tank-fire/>

² U.S. Chemical Safety and Hazard Investigation Board. Storage Tank Fire at Intercontinental Terminals Company, LLC (ITC) Terminal Deer Park, Texas | *Incident Date: March 17, 2019* | No. 2019-01-I-TX

³ *Id.*

above, this incident lasted for five days wreaking havoc on the communities. During this time, communities in the impacted areas were forced to stay in their homes, and children had to miss consecutive days of school. Natural resources and the economy were also impacted as tens of thousands of barrels of contaminated water were released into the Tucker Bayou and HSC.

i. School closures

The five-day incident caused large-scale school closures for four consecutive days from March 18 - March 22, 2019. The impacted school districts include Deer Park Independent School District (ISD), La Porte ISD⁴, Channelview ISD, Galena Park ISD, Pasadena ISD, and Sheldon ISD.⁵

ii. Shelter in place

At the start of the incident, a shelter-in-place order was issued by the City of Deer Park for the north end of the city. As the fire continued to spread, the city later expanded the shelter-in-place to include the entire city.⁶ Days later, the City of Deer Park issued a second shelter-in-place due to reports of benzene and other volatile organic compounds (VOCs) within the city limits. The shelter-in-place order was lifted at 11:40 am the following morning.⁷

iii. Roadway closures

As the fire continued to spread and the threat of injury became apparent, multiple roadways were shut down. The Lynchburg Ferry and parts of State Highway (SH) 225 near the facility were closed in both directions in the vicinity of the facility. Highway 225 closed in both directions between Beltway 8 and Independence Parkway. Additionally, the U.S. Coast Guard (USCG) closed a seven-mile stretch of the Houston Ship Channel adjacent to the ITC Deer Park terminal following a breach in the containment wall surrounding the tank farm that allowed contaminants to enter the waterway.⁸

iv. Additional closures

In addition to roadway and school closures, Harris County Precinct Two closed eight waterfront parks. The City of La Porte closed all waterfront parks within its limits. On Saturday, March 23, 2019, Independence Parkway, the San Jacinto Monument, Battleship Texas State Park, and Lynchburg Ferry crossing closed due to the detection of intermittent levels of VOCs.

⁴ KPRC Click2Houston, "21 March 2019. [Online]. Available: <https://www.click2houston.com/news/deer-park-la-porte-school-districts-to-be-closed-friday-due-to-deer-park-fire>.

⁵ KPRC Click2Houston, "18 March 2019. [Online]. Available: <https://www.click2houston.com/news/la-porte-isd-cancels-classes-wednesday-due-to-deer-park-fire>.

⁶ City of Deer Park, "City of Deer Park - ITC Fire Updates," [Online]. Available: <http://www.deerparktx.gov/1778/ITC-Fire>.

⁷ City of Deer Park - Shelter in Place, " [Online]. Available: <http://www.deerparklepc.org/1722/Shelter-In-Place>.

⁸ Houston Chronicle, "22 March 2019. [Online]. Available: <https://www.houstonchronicle.com/business/bizfeed/article/Spill-at-ITC-in-Deer-Park-closes-7-mile-stretch-13709407.php>.

v. Exposure to harmful air pollution

A recent study⁹ of air pollution impacts during the ITC Deer Park fire confirmed, using both regulatory monitors and low-cost fenceline sensors, that fenceline communities were exposed to statistically significant increased levels of PM_{2.5} during the incident. Moreover, these higher PM levels were concentrated in areas where predominantly people of color and low-income lived.

TCEQ is fully aware of the environmental disaster that happened at ITC's facility in Deer Park in March 2019. This same company now seeks to renew its permit for five more years without any transparency or enhanced protections for impacted communities. TCEQ must ensure ITC strictly adheres to environmental laws intended to protect the public, rather than catering to industry and approving ITC's permit application without due diligence. TCEQ must actively work to ensure another incident like the March 2019 incident does not happen again.

III. Environmental Justice Concerns

The ITC facility is located in Deer Park, Texas and situated directly upwind from the communities of Channelview and Cloverleaf. Its downwind areas also include the cities of Galena Park, Jacinto City, and Pasadena. Due to their proximity to the largest and busiest fossil fuel import/export and manufacturing hub in North America, the Houston Ship Channel, these areas are already inundated by significant levels of industrial pollution from nearby oil refineries, various petrochemical manufacturing facilities, petroleum and chemical storage terminals, fugitive emissions from the spiderweb of pipelines that converge in the area, and the subsequent maritime and on-road emissions related to the concentration of industrial activity within the Ship Channel area. Over the course of their lifetime, communities near these facilities are subjected to a lifetime of exposure to innumerable chemicals from various sources. Many of these chemicals have known chronic exposure risks, while the potential long-term exposure effects of others have not been rigorously evaluated. In addition, residents live with the constant anxiety of so-called industrial upsets; explosions, malfunctions, and releases that have the potential to adversely affect their health and safety more immediately. As a result, surrounding residents – especially those living downwind – face serious adverse health risks and impacts.

A. Factors Defining Local EJ 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 several factors that define 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

⁹ Liu, G. et al. “Chemical explosion, COVID-19, and environmental justice: Insights from low-cost air quality sensors
<https://pubmed.ncbi.nlm.nih.gov/35944636/>

environmental and socioeconomic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.¹⁰

EPA has recognized that the communities downwind of ITC’s Deer Park Terminal face disproportionately high exposure to risk created by industrial sources of pollution like ITC.¹¹ Moreover, a 2006 task force report for former Houston Mayor Bill White noted: “Over 20 of the largest industrial sources [of pollution] are located in East Houston. The Port of Houston, and the Ship Channel that feeds it, passes through the middle of this area and generates a variety of hazardous pollutants, adding to those from the nearby industrial sources.” These sources include refineries, chemical plants, sewage treatment facilities, hazardous waste (Superfund) sites, and brownfields (see Figure 1):

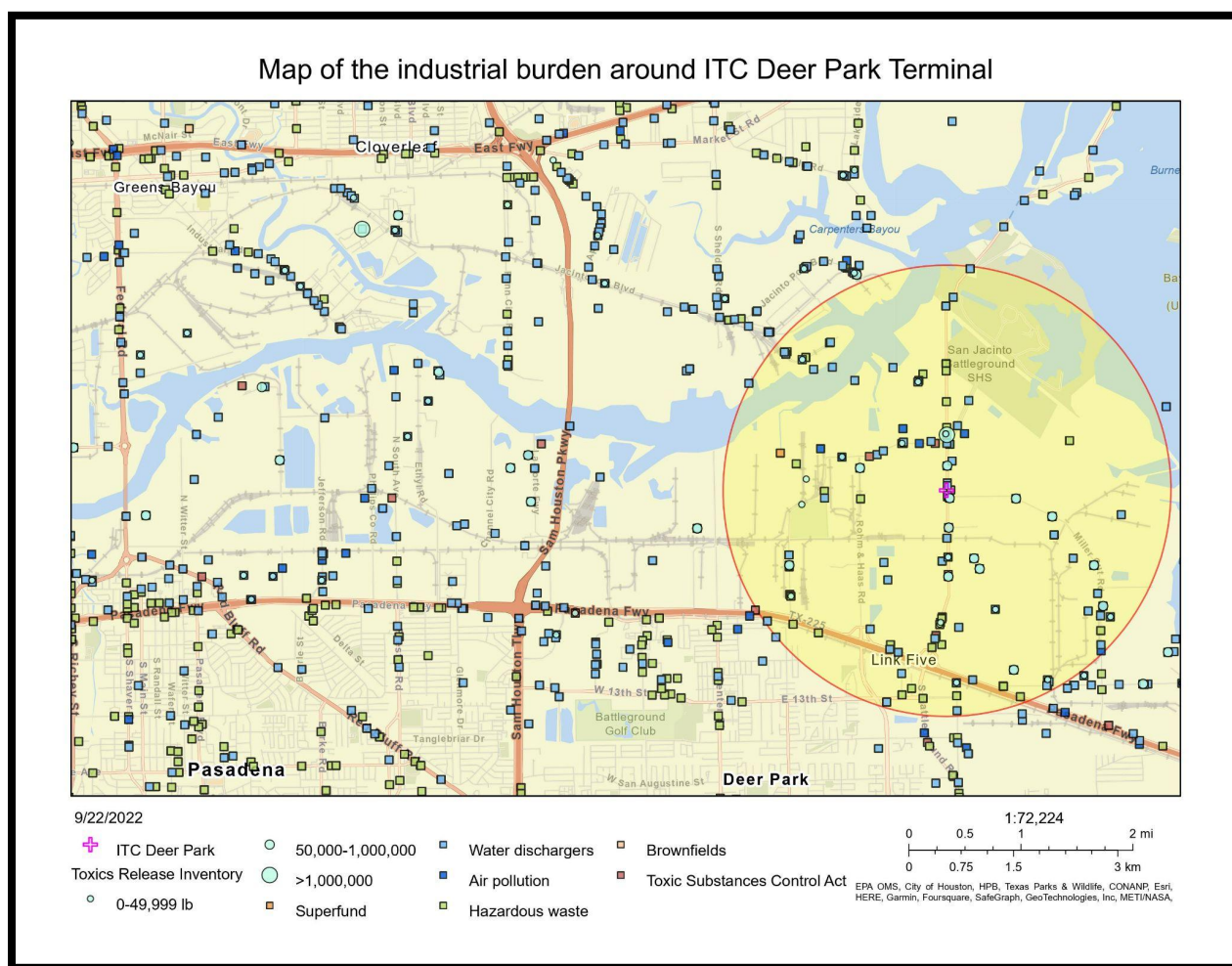


Figure 1. Map of the industrial burden in communities near the ITC Deer Park Terminal (EJScreen)

¹⁰ United States Environmental protection Agency. See electronically at: <https://www.epa.gov/environmentaljustice>

¹¹ EPA Region 6, Texas Environmental Justice Collaborative Action Plan at 4 (August 3, 2016). See electronically at: https://www.epa.gov/sites/production/files/2016-12/documents/texas_ej_plan_8-3-16_final.pdf.

B. Profile of the Immediate Surrounding Community

There are nearly 900 residences located within only a two (2) mile radius of the Deer Park Terminal and nearly 6,000 located within a three (3) mile radius. According to EPA's EJSCREEN tool, people living in the two (2) mile radius surrounding the Lyondell facility are in the top 10 percentile in the country for the following EJ criteria:

- 2017 Diesel Particulate Matter
- 2017 Air Toxics Cancer Risk
- 2017 Air Toxics Respiratory Hazard Index
- Superfund Proximity
- RMP Facility Proximity
- Hazardous Waste Proximity ¹²

i. Deer Park

The Deer Park community hosts the ITC Deer Park Terminal and is burdened by countless other sources of industrial pollution as well. A significant portion of the community is also considered a sensitive population with 40.6% of the population being children under 18 and seniors over 65. Residential areas in Deer Park are surrounded by Ship Channel industries and are consistently exposed to routine flaring, emission events, and industrial disasters - all placing an existing cumulative health burden onto residents.

ii. Channelview

In Channelview, multiple petrochemical facilities surround residential areas. Socioeconomic and environmental stressors further establish that Channelview is an EJ community under the EPA definition. According to the 2020 Census, a large portion of the community is considered a sensitive population with over one-third (34.2%) of residents being children under the age of 18, and 7.3% being seniors aged 65 and older. Additionally, 28% of residents have no high school diploma. Per capita income is \$21,370 with a fifth of residents (20%) falling below the poverty line. The community is predominantly a minority community with residents of color comprising 86.6% of Channelview's population with 72% alone being Hispanic/Latino. Over sixty-three percent (63.3%) of residents speak a language other than English at home, mostly Spanish.¹³ Residents in Channelview by all definitions live in an EJ community and deserve protection by the TCEQ.

iii. Cloverleaf

Cloverleaf shares much of Channelview's similar industrial pollution concerns and burdens, being located directly west of it. According to the 2020 Census, a large portion of the community is considered a sensitive population with nearly half (42%) of its residents being

¹² EJSCREEN ACS Summary Report. Available electronically at: <https://ejscreen.epa.gov/mapper/>

¹³ United States Census Bureau, Quickfacts, Channelview CDP, Texas. See electronically at: <https://www.census.gov/quickfacts/channelviewcdptexas>

children under the age of 18 seniors aged 65 and older. Additionally, 32.2% of residents have no high school diploma. Per capita income is \$18,701 with over a quarter of its residents (27.8%) falling below the poverty line. The community is predominantly a minority community with residents of color comprising 87.8% of Cloverleaf's population (75.4% alone being Hispanic/Latino). Over sixty-three percent (68.4%) of residents speak a language other than English at home, with an overwhelming percentage being considered linguistically isolated.¹⁴ Residents in Cloverleaf by all definitions live in an EJ community and deserve protection by the TCEQ.

iv. Galena Park

Galena Park directly borders the Ship Channel and is directly downwind from some of its largest and most polluting facilities. It is also considered an environmental justice community. According to the 2020 Census, 27.5% of residents in Galena Park live in poverty. The median household income is \$47,849 and per capita income is \$17,267. The community is predominantly a minority community with residents of color comprising 91% of Galena Park's population (86.4% of residents alone are Hispanic). Moreover, 74% of residents speak a language other than English at home with a significant percentage of those residents considered linguistically isolated as well. A large portion of the community is considered a sensitive population with 36.9% of the population being children under 18 and eight percent (8%) being seniors over 65. Additionally, 46.1% of residents have no high school diploma.¹⁵ Residents in Jacinto City by all definitions live in an environmental justice community and deserve protection by the TCEQ.

v. Jacinto City

Jacinto City, located directly north of Galena Park is also considered an environmental justice community. According to the 2020 Census, 22.9% of residents in Jacinto City live in poverty. The median household income is \$41,784 and per capita income is \$17,323. The community is predominantly a minority community with residents of color comprising 92.7% of Galena Park's population (88.9% of residents alone are Hispanic). Moreover, 75.7% of residents speak a language other than English at home with a significant percentage of those residents considered linguistically isolated as well. A large portion of the community is considered a sensitive population with 35.6% of the population being children under 18 and seniors over 65.¹⁶ Residents in Jacinto City by all definitions live in an environmental justice community and deserve protection by the TCEQ.

¹⁴ United States Census Bureau, Quickfacts, Cloverleaf CDP, Texas. See electronically at: <https://www.census.gov/quickfacts/cloverleafcdptexas>

¹⁵ United States Census Bureau, Quickfacts, Galena Park city, Texas. See electronically at: <https://www.census.gov/quickfacts/galenaparkcitytexas>

¹⁶ United States Census Bureau, Quickfacts, Jacinto City city, Texas. See electronically at: <https://www.census.gov/quickfacts/jacintocitycitytexas>

vi. Pasadena

Residential areas in Pasadena are surrounded by Ship Channel industries. In the Pasadena community, socioeconomic stressors combined with environmental stressors establish that they would be considered an EJ community under the EPA definition. Thirty percent (30%) of residents are children under the age of 18, and 10% are seniors aged 65 and older. Additionally, 28% of residents have no high school diploma. Per capita income is \$24,168 with many residents falling below the poverty line. 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.¹⁷

The outlined socioeconomic and environmental factors indicate that the proposed renewal of this permit involves significant environmental justice implications and requires particular focus and action by TCEQ to address these concerns. Given that people living near ITC's Deer Park Terminal are already overburdened by pollution, vulnerable to health concerns due to age, isolated due to language barriers, and facing more serious barriers to upward mobility than most people living in Texas, the TCEQ must carefully weigh the impacts associated with the proposed renewal against the continued burdens it will propagate.¹⁸

IV. Concerns Regarding Facility History and Harms to Public Health

ITC's Deer Park terminal is a major source of hazardous air pollution from volatile organic compounds as well as criteria pollutants—including the precursors for ozone formation (NO_x and VOC)—located in the now recently redesignated Harris County **severe** ozone nonattainment area.¹⁹

A. ITC Deer Park Has A Long History of Noncompliance

The ITC Deer Park facility itself has a long history of noncompliance with permit requirements and unsafe operating conditions as evidenced by the four Clean Air Act (CAA) enforcement actions it has received over the last five years, the two TAC administrative enforcement orders,²⁰ and the 28 emergency responses since 2015. Moreover, it has spent at least 10 of the last 12 quarters in CAA noncompliance, and 10 quarters with significant violations, paying just \$3,983 in penalties from formal enforcement actions over the last five years. Its current CAA compliance status is classified as “high priority violation” (HPV) and “significant noncompliance” (SNC) (as of September 16, 2022). Despite the numerous administrative and

¹⁷ United States Census Bureau, Quickfacts, Pasadena city, Texas. See electronically at: <https://www.census.gov/quickfacts/pasadenacitytexas>

¹⁸ See, e.g., 30 Tex. Admin. Code §§ 116.111(a)(2)(A)(ii), 116.150(d)(4).

¹⁹ Texas Commission on Environmental Quality. Houston-Galveston-Brazoria: Ozone History <https://www.tceq.texas.gov/airquality/sip/hgb/hgb-ozone-history>

²⁰ TCEQ Effective Enforcement Orders. See electronically at: https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeodetail&addn_id=527382622001134&re_id=542382612001134

court orders, investigations, and complaints against it, TCEQ maintains that the facility has a “satisfactory” compliance score as of September 2021.^{21 22}

Over the past four years alone (since 2018), TCEQ has issued citations to the ITC Deer Park Terminal for the following violations²³:

1. Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on March 17, 2019, TCEQ/STEERS Incident No. 304871
2. Failure to report all deviations for the reporting period of March 08, 2020 through September 07, 2020.
3. Failure to control emissions during loading operations at Track B2
4. Failure to control emissions during loading operations at First 12s Truck Rack
5. Failure to control emissions during transfer operations at a frac tank.
6. Failure to control emissions during loading operations at Track H2
7. Failure to conduct internal inspections of Tanks 80-17 and 160-4
8. Failure to monitor components
9. Failure to maintain closed hatch in Internal Floating Roof (IFR) on tank
10. Failure to prevent open-ended lines.
11. Failure to control vapors during marine loading operations
12. Failure to operate flare (EPN: FL-H) with a net heating value above 300 BTU/scf
13. Failure to operate without visible leaks or spills on storage tank ST-100-54.
14. Failure to operate without visible leaks or spills on storage tank ST-80-6.
15. Failure to maintain minimum net heating value on flare FL-80s.
16. Failure to maintain minimum net heating value on flare FL-H.
17. Failure to maintain minimum net heating value on flare FL-12s.
18. Exceeding annual throughput limit.
19. Failure to prevent Open Ended Lines (OELs).

ITC Deer Park has also been the subject of twelve (12) compliance investigations by the TCEQ since 2017.²⁴

²¹ EPA Enforcement and Compliance History Online (ECHO) Search. See electronically at:

<https://echo.epa.gov/detailed-facility-report?fid=110000504268>

²² TCEQ Compliance History Search. See electronically at:

<https://www2.tceq.texas.gov/oce/ch/index.cfm?fuseaction=main.viewdetails&rid=542382612001134>

²³ TCEQ Notice of Violations. Air Operating Permit 1061. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.novdetail&addn_id=527382622001134&re_id=542382612001134

²⁴ TCEQ Investigations. Air Operating Permit 1061. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.invdetail&addn_id=527382622001134&re_id=542382612001134

B. Emergency Responses and Emission Events

The most recent emergency response was recorded on February 1, 2021. Several more of these emergency response events have occurred over the past few years including the notorious explosion and fire that erupted on March 17, 2019 (discussed in greater depth earlier in the comments) - causing visible emissions including an enormous plume of black smoke billowing into the air for days. Since 2015, the plant has been responsible for 28 emergency response events.²⁵

During the most recent emissions event on July 16, 2022 the ITC Deer Park Terminal violated its permit by illegally releasing over 4,500 pounds of highly carcinogenic 1,3-butadiene into the air and surrounding communities within a span of only 11 minutes, despite having an allowed emission limit of (0) and no legal allowance to release any 1,3-butadiene at all.²⁶ Breathing high levels of 1,3-butadiene for a short time may cause nausea, dry mouth and nose, headache, and decreased blood pressure and pulse rate. The Department of Health and Human Services (DHHS), IARC, and EPA have determined that 1,3-butadiene is a human carcinogen.²⁷

Several more of these emissions events and even permit violations have occurred over the past few years resulting in illegal emissions released into the surrounding community. From February 17 to March 10, 2022 (for 507 hours, 30 minutes) the facility violated its permit by releasing tens of hundreds of pounds of benzene, butane, carbon monoxide, dripolene, heptane, n-hexane - 110543, NOX, particulate matter, pentane, and sulfur dioxide into the air due to a sunken internal floating roof (IFR) on one of its tanks. These emissions occurred despite the facility having no permit allowance to emit any of these pollutants at all: An allowed emission limit of (0) for each of these pollutants.²⁸ Only a few days earlier, on February 5, 2022 the facility was responsible for illegally releasing benzene into the atmosphere for over 3 hours due to a pipeline leak despite, once again, having no permit allowance to do so.²⁹ All of these instances of illegal emissions occurred at the very same facility that ITC is seeking an FOP renewal for. These occurrences display ITC Deer Park's clear negligence for current permit requirements.

²⁵ TCEQ Emergency Responses at Intercontinental Terminals Deer Park Terminal. Air Operating Permit 1061. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.emsincdetail&addn_id=815480762001157&re_id=831480752001157

²⁶ TCEQ Air Emission Event Report Database Incident 383571. See electronically at:

<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=383571>

²⁷ CDC. Toxic Substances Portal. ToxFAQs for 1,3-Butadiene:

<https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=458&toxid=81>

²⁸ TCEQ Air Emission Event Report Database Incident 374675. See electronically at:

<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=374675>

²⁹ TCEQ Air Emission Event Report Database Incident 373963. See electronically at:

<https://www2.tceq.texas.gov/oce/eer/index.cfm?fuseaction=main.getDetails&target=373963>

ITC Deer Park has been responsible for 21 such air quality emission events since 2015 alone.³⁰ The facility has consistently been releasing hazardous chemicals into nearby communities contributing to unnecessary harm and health risks.

Moreover, ITC Deer Park has faced 10 official complaints to TCEQ regarding smoke and particulate emissions, fly ash emissions, equipment noncompliance issues, degassing issues, emission event issues, adverse air quality issues, high pollution levels, and health issues, further highlighting the persistent harm and nuisance it causes nearby communities.³¹ It is evident that the facility has also disregarded the requirements of its permits, which were created to maintain the intent of the CAA. Instead, ITC Deer Park accepts the meager fines imposed and continues its noncompliance. TCEQ must address this pattern of disregard and noncompliance by ITC Deer Park before approving any future permit renewals.

C. Volatile Organic Compound (VOC) Pollution

ITC Deer Park continues to remain a significant contributor to overall Volatile Organic Compound (VOC) pollution within surrounding areas as well. According to TCEQ data, over the last 5 years, the facility's total annual VOC releases have ranged from approximately 115 to 174 tons per year (230,000 - 348,000 lbs) showing little to no signs of significant pollution reduction or emissions mitigation through process improvements.³² Such high levels of hazardous air pollution add considerable burden to the already high levels of adverse health risks within surrounding communities.

VOCs along with NOx, play a major role in the atmospheric reactions that produce ozone, which is the primary constituent of smog. People with lung disease, children, older adults, and active people can be affected when ozone levels are unhealthy. Ground-level ozone exposure is linked to a variety of short-term health problems, including lung irritation and difficulty breathing, as well as long-term problems, such as permanent lung damage from repeated exposure, aggravated asthma, reduced lung capacity, and increased susceptibility to respiratory illnesses such as pneumonia and bronchitis.

Furthermore, acute (short-term) inhalation exposure of humans to VOCs (such as

³⁰ TCEQ Air Quality Emission Events at Intercontinental Terminals Deer Park Terminal. Air Operating Permit 1061. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.eeincdetail&addn_id=527382622001134&re_id=542382612001134

³¹ TCEQ Air Quality Complaints at Intercontinental Terminals Deer Park Terminal. Air Operating Permit 1061. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.complincdetail&addn_id=527382622001134&re_id=542382612001134

³² TCEQ CR Query, Air Emissions Inventory, Intercontinental Terminals Deer Park Terminal. See electronically at:

https://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=iwr.pgmdetail&addn_id=550597252009251&disp_aei=Y

benzene - which the Deer Park Terminal routinely emits and constitutes the greatest percentage of its VOC emissions) may cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, unconsciousness. Chronic (long-term) inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells and anemia in occupational settings. Reproductive effects have been reported for women exposed by inhalation to high levels, and adverse effects on the developing fetus have been observed in animal tests. Increased incidences of leukemia have also been observed in humans occupationally exposed to benzene and similar carcinogenic VOCs.

D. Cumulative Impacts of Surrounding Facilities on Human Health

As mentioned previously, the areas surrounding ITC Deer Park are communities that are already significantly overburdened by hazardous and other air pollution, including from multiple refineries and petrochemical facilities, hazardous waste sites, RMP facilities, and Superfund sites (see Figure 1: Map of the industrial burden in communities near ITC Deer Park). 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.³³ TCEQ must consider these cumulative health and industrial impacts when approving the ITC Deer Park permit renewal as well as other refinery permits and facility corrective action plans in the immediate area.

V. Summary of Overall Deficiencies

ITC does not have adequate safety measures in place to prevent harm to communities. According to the Chemical Safety Board’s factual update, ITC did not equip the Tank 80-8 piping manifold with emergency or remotely operated isolation valves.³⁴ These valves are instrumental to stopping an uncontrolled release if, for example, the pump or piping manifold were damaged. Instead, ITC operators must manually close both the Tank 80-8 supply valve to the pump and the return valve from the pump back to the tank. With a major fire such as the one that occurred at ITC’s Deer Park Terminal, neither ITC operators nor emergency responders could access the area to close these manually operated valves. ITC must remedy this situation and install emergency or remotely operated valves on its facilities to prevent another catastrophe in the facility before the Draft Permit may be granted.

TCEQ and ITC have failed to provide information about the shortcomings and remedial measures of the 2019 incident. Although the investigation into the 2019 disaster is ongoing, TCEQ should make information readily available and accessible to the public about

³³ 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

³⁴ U.S. Chemical Safety and Hazard Investigation Board. Storage Tank Fire at Intercontinental Terminals Company, LLC (ITC) Terminal Deer Park, Texas | *Incident Date: March 17, 2019* | No. 2019-01-I-TX.

both its shortcomings and remedial measures surrounding the incident. During the fire, TCEQ failed to monitor emissions for VOCs because of scheduled maintenance.³⁵ Failures like that cannot happen during times of environmental disasters. Community members must have a full understanding of what pollutants are in the atmosphere and the effects they can have on them. Additionally, TCEQ should require ITC to share its shortcomings and subsequent remedial measures with the public in accessible formats. It is imperative that the communities who are on the fenceline of the ITC Deer Park facility feel safe.

TCEQ has failed to analyze the permit for disproportionate impacts to low-income communities and communities of color, in accordance with federal civil rights law. On multiple occasions, TCEQ has stated that air permits evaluated by the agency are reviewed without reference to the socioeconomic or racial status of the surrounding community. Under Title VI of the Civil Rights Act, the TCEQ must determine whether the adverse effect of the policy or practice disproportionately affects members of a group identified by race, color, or national origin.³⁶ Here, there is an abundance of data showing that communities of color disproportionately bear the burden of pollution. TCEQ has a legal obligation to prevent disparate impacts whether they are intentional or not.

TCEQ has failed to study the full impact of this facility holistically, taking into account cumulative impacts such as the number of existing facilities in the community and other sources of pollution. TCEQ must approach this permit renewal with an equity-centered lens. The Pasadena community and those north of the facility such as Cloverleaf, Galena Park, and Jacinto City are burdened by multiple sources of pollution from facilities that diminish the quality of life and health of Texas communities. TCEQ must consider the disproportionate pollution burdens already occurring in these communities from multiple industrial sources and incorporate enhanced mitigative actions in the permitting process which address the cumulative impacts to these communities and provide greater protective measures for public health and safety.

VI. Conclusion

Air Alliance Houston (AAH) appreciates the opportunity to comment on the Notice of Renewal of Federal Operating Permit No. O1061 for International Terminals Company (ITC)'s Deer Park Terminal, located at 1943 Independence Pkwy S in La Porte, Harris County, Texas 77571-9801. We are concerned about the impacts of this facility on air quality and public health and request the following:

³⁵<https://www.tceq.texas.gov/assets/public/response/smoke/correspondence/response-from-Niermann-to-Adrian-Garcia.pdf>

³⁶ U.S. Dep't of Justice, Title VI Legal Manual

- 1. An explanation of the actions ITC and TCEQ have taken since the fire at the Deer Park Terminal in March 2019 to prevent future disasters at ITC's terminal and to provide adequate protection for communities that exposed to pollution from the Deer Park and facility;**
- 2. The Draft Permit be thoroughly analyzed for disproportionate impacts to low-income communities and communities of color, under federal civil rights law, by studying the full impact of this facility holistically, taking into account cumulative impacts from other nearby sources of pollution and other factors that diminish the quality of life and health in those communities; and**
- 3. Demonstration that TCEQ has held ITC in compliance with its current air permits to protect the communities situated near and around the facility from the public health harms of air pollution.**

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

Respectfully submitted,

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