

**OPPORTUNITY TO CALL FOR CLEAN AIR:  
VALERO ENERGY PARTNERS HOUSTON - TANKS SITE PUBLIC HEARING  
Monday, December 12, 2022 at 7:00 PM  
Hartman Park Community Center, 9311 East Avenue P, Houston (713) 928-4803**

**What is the Texas Commission on Environmental Quality deciding in this process?**

- Whether to renew Valero Energy Partners’ Clean Air Act operating permit for the tanks site as is, or require changes to assure that the permit and Valero’s operations under the permit comply with all applicable clean air requirements, which should include sufficient monitoring for enforceability.

**What kinds of air pollution does Valero Energy Partners emit?**

- Volatile organic compounds (VOCs) and other hazardous air pollutants, like benzene, hydrogen sulfide, and ammonia, that contribute to ozone and/or can cause cancer, birth defects, neurological, respiratory and other chronic and acute health impacts.
- The refinery facility also emits sulfur dioxide and nitrogen oxides which can cause or contribute to asthma, cardiovascular, and environmental harm – as well as particulate matter (soot) which can cause and contribute to early death, heart attacks, asthma, difficulty breathing, and other serious health effects.
- During Hurricane Harvey, Valero released a “second storm” of air pollution that local neighborhoods experienced and it is important to ensure the permit includes inadequate toxic release prevention measures from storm impacts.<sup>1</sup>

**What can I do?**

Texas Environmental Justice Advocacy Services (t.e.j.a.s.) is encouraging the public to share their concerns and comments about the Valero Energy Partners, L.P. – Valero Partners Houston Operating Permit # 3784. TCEQ will be required to listen to any members of the public who wish to come and speak at the public hearing. It will begin at 7pm at the Hartman Park Community Center on Monday, December 12. Speakers will be allowed to speak in the order they arrive and register at the hearing. *If you cannot arrive at 7pm it is still worth coming after that time to try to speak as the hearing will likely continue until 9pm. After speaking, you are welcome to leave the hearing and do not need to stay for the entire time.*

The public hearing will begin with an informal question and answer session for thirty minutes. During that time, the public may ask Valero and TCEQ staff questions about the application. Questions or comments made during that time are for informational purposes only and will *not* become part of the public record and are *not* required to be considered by TCEQ during the permit decision. The second part of the meeting is the time when the public may offer formal concerns and comments on the record.

Public comments may also be submitted online before the hearing begins at 7pm Central time on December 12 at <http://www14.tceq.texas.gov/epic/eComment/>. Type “**3784**” in the Permit

---

<sup>1</sup> L. Olsen, *After Harvey, a ‘second storm’ of air pollution, state reports show*, HOUSTON CHRON. (Mar. 31, 2018), <https://www.houstonchronicle.com/news/houston-texas/houston/article/After-Harvey-a-second-storm-of-air-12795260.php> (quoting Juan Parras, t.e.j.a.s.).

Number box. This will bring up two pending permit applications. Choose the one with “RN Number” listed as: RN109290692 by clicking on the number “3784” in the row for that RN number. You will be taken to an online form where you can type in or attach a comment. Comments may also be sent by mail well in advance, to ensure they are received before December 12 to TCEQ, Office of Chief Clerk, MC-105, P. O. Box 13087, Austin, Texas 78711-3087.

In addition to hearing concerns and ways the public believes TCEQ must strengthen the Valero permit, TCEQ also considers whether to inspect and bring enforcement action against Valero while also regulating other major sources along the Houston Ship Channel. Community residents may wish to call for TCEQ to fully enforce requirements of this and other permits, to evaluate cumulative impacts, and to provide public information on the status of clean air enforcement at Valero and other polluting facilities along the Ship Channel.

### **What can TCEQ do to strengthen protection for the community in this permit?**

**1. Require sufficient monitoring, recordkeeping, and reporting to assure compliance with the tank facility’s air pollution limits so the public can tell if Valero is meeting the limits.**

- Strengthen monitoring, recordkeeping, and reporting for all applicable requirements for Valero’s tanks and pollution vents.
- TCEQ should extend fence-line monitoring at the refinery around the entire facility.

**2. Ensure the permit includes applicable requirements designed to protect the community from the increased threat of air pollution releases linked with hurricanes or flooding.** Require Valero to take all steps available to inspect, monitor, repair, perform maintenance on, winterize and upgrade its storage tanks to prevent a release like the one that happened after Hurricane Harvey.

**3. Remove all unlawful and harmful alternative standards that allow Valero to release excess pollution during startup, shutdown, and maintenance (or “MSS”) time periods.**

Community members need the requisite level of health protection at all times – including times when the facility is starting up, shutting down, or performing maintenance. This may happen on a pre-scheduled basis or due to an impending hurricane when it is critically important that an orderly procedure occur, to prevent emission spikes.

**4. Include specific terms and conditions that assure compliance with all applicable clean air requirements.**

- The permit must clearly identify and fully assure that Valero is meeting all “Permit By Rule” requirements for recent upgrades or installations of tanks.
- Assure compliance with all national standards for hazardous air pollutants that the permit fails to fully incorporate.
- Add a compliance schedule if necessary to require prompt and timely compliance, for any continuing compliance problems, including through consultation with other local enforcers such as Harris County and EPA regarding the Hurricane Harvey release and any later problems.

**5. Consider environmental justice** as a key concern and reason to strengthen the permit, including by strengthening monitoring, and commit to reduce and mitigate the cumulative

impacts due to the fact that Valero's pollution, along with that of other major polluting sources, is falling disproportionately on communities of color and low-income people, including children, in Manchester, Pasadena, Galena Park, and Milby Park.

### **How can I find out what happens next?**

You may ask TCEQ to add you to the mailing list for this permit and this facility to receive information regarding TCEQ's actions. When you comment orally or in writing, just ask TCEQ to add you to the mailing list for Permit 3784 and all permits for the Valero Houston Refinery and Valero Energy Partners facility and provide your name, mailing address or email address.

### **What will happen after the public hearing?**

After the public hearing, the TCEQ Executive Director will be required to create a written response to all written and oral public comments it has received, including statements at the public hearing.

TCEQ will have to release that Response to Comments for public review. TCEQ will be required to consider whether to change and improve the permit based on comments received. TCEQ will be required to submit a proposed permit to EPA for review. EPA will have 45 days to decide whether to object and require changes to the permit. After seeing what action TCEQ or EPA take, all commenters will be able to review and consider whether to evaluate follow-up action.

### **Important additional information:**

- All community residents are welcome to attend the hearing to listen or speak, or both.
- TCEQ has been asked to provide a Spanish interpreter at the hearing. Comments in Spanish or English may be offered, and TCEQ is required to consider them.
- Any person may offer comments on a Title V permit. A person's status in this country does not affect the right to submit comments in this hearing. In previous permitting matters, the TCEQ has stated that it does not and would not retaliate against any person voicing any environmental concern. If you do not feel comfortable attending in person, you may send someone else to read a comment on your behalf or submit a comment to t.e.j.a.s. and ask that someone read it into the record.
- To determine compliance ratings, the TCEQ only considers its own enforcement processes – so, complaints made to Harris County will not affect Valero's TCEQ compliance rating.
  - Environmental complaints to the TCEQ may be submitted online at <https://www.tceq.texas.gov/compliance/complaints> at 1-888-777-3186.
- EPA also takes complaints at this link: <https://echo.epa.gov/report-environmental-violations>. If you are concerned about toxic releases from Valero or other nearby refineries, please feel free to offer those in public comments and discuss with t.e.j.a.s.
- The Harris County Attorney's Office complaint link is: <https://app.dao.hctx.net/complaint-form>

**For additional information, please contact [[t.e.j.a.s., Environmental Integrity Project, Earthjustice, or Lone Star Legal Aid.]]** *This document contains information for further research and evaluation and does not contain and cannot be relied on for legal advice. Anyone needing or seeking legal assistance should contact a local attorney.*