



January 12, 2022

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Office of the Chief Clerk

Texas Commission on Environmental Quality (TCEQ)

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Austin, Texas 78711-3087

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

RE: Lyondell Chemical Company Air Quality Permit Number 83817 at 2502 Sheldon Road, Channelview, Harris County, Texas 77530

To Whom it May Concern:

Air Alliance Houston (AAH) submitted written comments in response to the permit modification request referenced above from Lyondell Chemical Company on July 6, 2022. We are pleased that the Texas Commission on Environmental Quality (TCEQ) is holding a Public Meeting on this permit on January 12, 2022. Public Meetings allow for impacted residents to speak to and hear directly from both the facility and TCEQ about air quality and safety concerns in their neighborhoods.

In response to the Public Meeting and additional Comment Period, we have summarized here our main concerns and recommendations related to this permit modification:

1. **The rationale for and impact of the modifications requested in the facility's permit application are unclear at best.** Before TCEQ approves this permit application and the modifications it contains, we ask that they provide answers to the following *in plain-language* so local residents are fully informed of what the requested permit modifications will do and how they will impact their air quality and health:
 - a. What will the permit modification do in terms of individual unit and total facility emissions limits compared to permit allowances?
 - b. Why is the facility seeking these changes?

- c. There was a heavy flaring event visible from this facility less than a week ago. How will this permit modification affect allowable flaring emission rates related to start-up, shut-down, and maintenance events?
 - d. Where can the community find the plain-language explanations for this permit modification request?
2. According to the Toxic Release Inventory (TRI), this Lyondell facility is one of the top sources of ethylene oxide pollution in Harris County, and this pollution has been increasing year-after-year. An analysis of five years of risk data show the Lyondell facility *alone* is responsible for 98.6% of the estimated excess cancer risk within the surrounding areas. Census tracts downwind of the plant all have elevated cancer risk. The most recent total Risk-Screening Environmental Indicators (RSEI) score for the Lyondell facility for ethylene oxide was significantly higher than the median score for industry and for the county, state, and the country. **We are deeply concerned that a facility's RSEI score can be so high without any significant action being taken by state regulators.** Before TCEQ renews any permits or approves a permit modification for this facility, we ask that TCEQ conduct a thorough investigation into levels of carcinogen pollution at this facility and mandate a Corrective Action Plan for reaching compliance with *current* emissions standards and preventing future exceedances.
3. The Lyondell facility has a history of Clean Air Act (CAA) non-compliance and emergency events including:
 - a. 32 emissions events since 2015.
 - b. 26 emergency responses since 2015.
 - c. 7 formal enforcement actions since 2017; and
 - d. 5 formal complaints for excess emissions, unauthorized releases, and illegal venting.

The Environmental Protection Agency (EPA) has levied over \$22,000 in penalties and fines for these violations. Lyondell is also bound to a \$50 million agreement with EPA (2021) in response to violations of virtually all state and federal air pollution control laws at its six Texas-area plants (including the Channelview facility). **Before TCEQ renews any permits or approves their modification for this facility, they should act as true regulators and require Lyondell to come into compliance with current state and federal clean air laws** by requiring:

- a. A public Corrective Action Plan for reaching compliance with *current* emissions standards and preventing future excess emissions, unauthorized releases, and illegal venting; and
 - b. Completion of the \$50 million of mandated upgrades and other compliance measures agreed to in response to EPA agreement (2021) outlining violations of New Source Review/Prevention of Significant Deterioration (NSR/PSD), Minor New Source Review, 40 C.F.R. Parts 51 and 52, New Source Performance Standards (NSPS), 40 C.F.R. Part 60, Subparts A and DDD, and Title V permit. Overburdened communities like Channelview must be protected from the unnecessary harms caused by the Lyondell facility. This settlement is intended to reduce exposure, and TCEQ should be an active participant in its enforcement.
4. **The approval of this permit will allow continued air pollution impacts to a community that is overburdened by multiple air pollution sources, including from refineries, chemical plants, sewage treatment facilities, and hazardous waste (Superfund) sites (See Figure 1).**

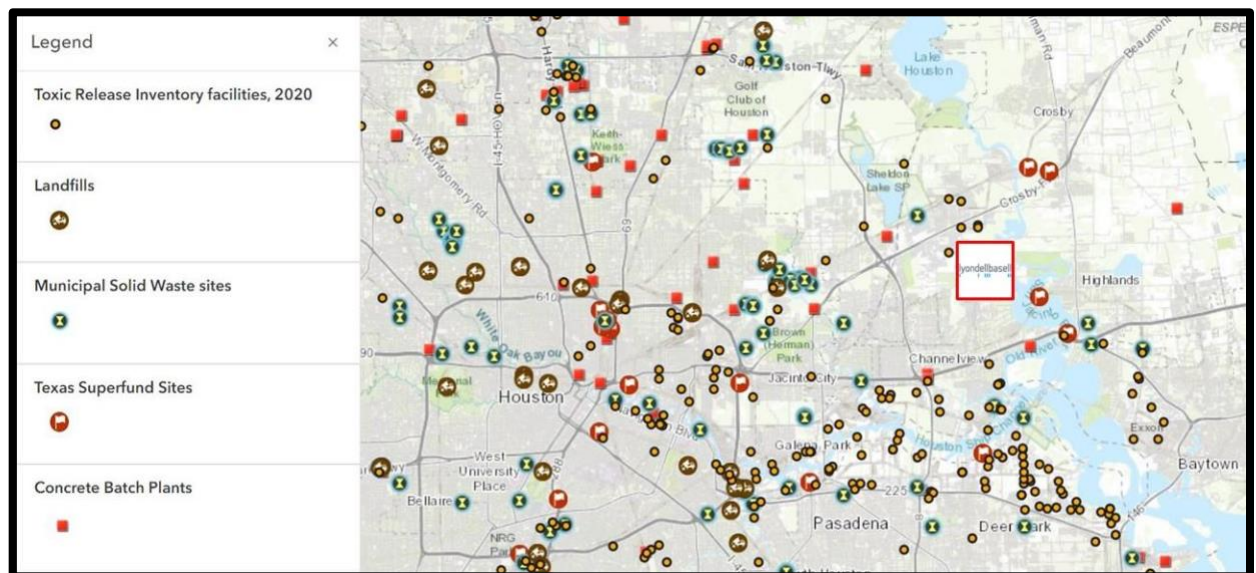


Figure 1. Map of the industrial burden in the community near Lyondell Channelview

Of great concern, the Lyondell facility is less than one mile from 2,400 Channelview residences including Harvey Brown Elementary School. According to EJSCREEN, people living in the two mile radius surrounding this facility are in the top 10 percentile for virtually every possible metric for environmental harm, including Particulate Matter (99%), Ozone (98%), Diesel Particulate Matter (99%), Air Toxics Cancer Risk (99%), Air Toxics Respiratory Hazard Index (99%), Traffic Proximity and Volume (90%), Superfund Proximity (98%), Risk Management Plan (RMP) Facility Proximity (99%), Hazardous

Waste Proximity (96%), Underground Storage Tanks (92%), and Wastewater Discharge (95%). This area is predominantly minority (90%), low-income (37% earning less than \$50,000 a year), and linguistically isolated (11%). **This is a permit that involves significant environmental justice considerations**; therefore, TCEQ must carefully weigh the facility's requests against the burdens it will create to public and environmental health. Without this careful analysis, TCEQ is once again expecting communities of color and lower-income to bear the burden of industrial harms. **The environmental justice concerns in Channelview are reason alone for TCEQ to do everything in its power to strengthen this permit application and examine the requested modification closely.**

We appreciate this additional opportunity to make recommendations to reduce the public health impacts of air pollution and to advance environmental justice in Houston/Harris County. If you have questions about these comments, please feel free to contact us at any time.

Respectfully submitted,


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