

**Environmental Integrity Project
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July 6, 2009

Ms. LaDonna Castañuela
Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax: (512) 239-3311

Via Facsimile and U.S. Mail


Re: Motiva Enterprises LLC Port Arthur Refinery in Jefferson County; CN600124051; RN100209451;
Flexible Permit No. 8404; Prevention of Significant Deterioration Permit No. PSD-TX-1062(M1)

Dear Ms. Castañuela:

Enclosed for filing, please find public comments on the proposed amendment of Motiva Enterprises LLC's (Motiva) Flexible Permit 8404 and PSD-TX-1062(M1) for the Refinery in Port Arthur, Jefferson County, Texas.

Thank you for your attention to this matter. Please call me at (512) 637-9477 should you have any questions.

Sincerely,


Christina Mann

Enclosure

**PUBLIC COMMENTS ON THE PROPOSED AMENDMENT OF MOTIVA
ENTERPRISES LLC's (MOTIVA) FLEXIBLE PERMIT 8404 AND PSD-TX-1062 FOR
THE REFINERY IN PORT ARTHUR, JEFFERSON COUNTY, TEXAS**

The Environmental Integrity Project (EIP) is a nonpartisan, nonprofit organization dedicated to the more effective enforcement of environmental laws and to the prevention of political interference with those laws. EIP has offices and programs in Texas. EIP's research and reports shed light on how environmental laws affect public health. EIP works closely with communities seeking to enforce those laws.

EIP understands that Motiva has applied for an amendment of its Texas Flexible Permit No 8404 and PSD-TX-1062. According to Motiva, the purpose of the amendment application is to “update the representations of Power Station 4, which is part of the Crude Expansion Project (CEP) to reflect current emissions information and calculations.”¹ EIP intends to submit additional comments after an opportunity to review the draft permit.

Initial Comments and Questions

1. EIP would like to be added to the mailing list for this application.
2. Does TCEQ intend to hold this application as subject to both the state Flexible Permit requirements (30 TAC §116.710–§116.760) and the Federally-approved State Implementation Plan PSD requirements (30 TAC §116.160–§116.163)?
3. EIP is concerned that the amendments to the large refinery expansion application (the original CEP) are being submitted and evaluated in a piecemealed fashion that makes it difficult to assess the actual changes to the project as a whole. Why is this application being considered separately from a different amendment application submitted March 24, 2009 (which in fact references this May 11, 2009 amendment application)?
4. EIP notes that the federal permit number actually changes in TCEQ's databases from the original PSD-TX-1062 to PSD-TX-1062M1. This is confusing to the public because a search of the original PSD permit will not inform the public that there is an active amendment application or that an amended permit has been granted. The identification of the original PSD permit should carry forward, like any other permit. For example, the Flexible Permit number does not change every time an amendment is granted.
5. EIP would like the Executive Director to detail the cumulative permitting history for Flexible Permit No. 8404 and PSD-TX-1062 since the CEP approval of November 15, 2006, including a final tally on the total changes in emissions.

¹ See cover letter to Motiva's permit amendment application, May 11, 2009.

6. At what point does the TCEQ intend to determine whether the requirements of 30 TAC Chapter 122 will be triggered?
7. Regardless of Motiva's assertions that this application is being processed "conservatively" as a PSD application, EIP would like to remind TCEQ that federal law requires notice and comment *after* a draft permit is available for review. If TCEQ disagrees, please provide an explanation for the legal position.

Thank you for the opportunity to comment on this permit amendment application.

Sincerely,

A handwritten signature in black ink that reads "Christina Mann". The signature is written in a cursive, flowing style.

Christina Mann, Attorney

ENVIRONMENTAL INTEGRITY PROJECT