

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 6**  
**1201 ELM STREET, SUITE 500**  
**DALLAS, TEXAS 75270**

September 8, 2022

Gabriel Clark-Leach  
Environmental Integrity Project  
1206 San Antonio Street  
Austin, Texas 78701

Re: Petition for Objection for Intercontinental Terminals Company (ITC) Permit O3785

Dear Mr. Clark-Leach:

We received your August 31, 2022 petition requesting an EPA objection to the ITC Pasadena proposed title V permit renewal. However, because EPA Region 6 objected to the proposed permit on which this petition was based on June 30, 2022, there was no opportunity under CAA § 505(b)(2) for the public to petition EPA to object to this particular proposed permit. Instead, as explained below, the public will have an opportunity to petition on the revised proposed permit that TCEQ submits in response to EPA's June 30, 2022 objection (provided EPA does not object to that proposed permit during its 45-day review period).

As a general matter, when EPA objects to a proposed permit during its 45-day review period, the initial public petition opportunity is delayed until after the state transmits a second, revised proposed permit to EPA in order to resolve EPA's objection. More specifically, because EPA objected to the initial proposed permit, there is no opportunity to petition on that initial proposed permit. CAA § 505(b)(2) ("If the Administrator does not object to the issuance of a permit pursuant to [CAA § 505(b)(1)], any person may petition the Administrator within 60 days after the expiration of the 45-day review period specified in [CAA § 505(b)(1)] to take such action." (emphasis added)); 40 CFR § 70.8(d) (similar). Instead, the new proposed permit that a state transmits to EPA in response to EPA's initial objection would be the proposed permit on which the public could file a petition. See, e.g., 40 CFR § 70.8(c)(4). The revised proposed permit therefore establishes the petition response timelines. The petition opportunity associated with the revised proposed permit includes all issues that could have been raised on the initial proposed permit (including issues that did, and did not, lead EPA to object).

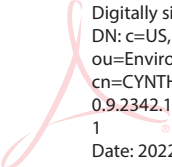
Here, EPA Region 6 objected to the renewal of the ITC Pasadena proposed permit on June 30, 2022 (during EPA's 45-day review period). After objecting, EPA revised its public website to remove the petition deadlines associated with that proposed permit. In response to EPA's objection, TCEQ will provide EPA Region 6 with a revised proposed permit. EPA will update its public website once more to

indicate the appropriate petition timelines associated with the revised proposed permit once it is received. Provided EPA does not object to this revised proposed permit during its 45-day review period, the public may petition the Administrator to object by the date indicated on our website at <https://www.epa.gov/caa-permitting/operating-permit-timeline-texas>.

Sincerely,

**CYNTHIA  
KALERI**

Cynthia J. Kaleri  
Chief, Air Permits Section



Digitally signed by CYNTHIA KALERI  
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