

Premcor Alsip Dist.
031824AAB
96030063

Minor Modification – Issued 7/11/2022
USEPA Review ended – 7/10/2022
Date this Petition submitted – 7/23/2022

C23D32 is a private and anonymous investigative watchdog group that monitors IEPA leadership behaviors and actions for abuse and corruption of authority.

Pursuant to the Clean Air Act, C23D32 is petitioning the Administrator of the USEPA to object to the Title V minor modification proposed for issuance by IEPA for the Premcor Alsip facility on May 26, 2022 and issued on July 11, 2022. C23D32 explained deficiencies in the proposed Permit in comments to USEPA on June 13, 2022 (shown at bottom of this email).

The USEPA states on their webpage explaining the Title V petition process that anyone can petition the USEPA to object to any permitting authority action (initial, modification, renewals and reopenings). They go on to state that this includes minor modifications. The only criteria is that the petition be timely (within 60 days after the end of USEPA objection period on a proposed permit) and based on comments submitted to the permitting authority.

Comments were submitted to the USEPA on this minor modification regarding the testing requirements that were modified to continue the delay of critical testing of a barge loading operation. Condition 4.10(h)(ii)(B). This is problematic because the IEPA intentionally squeezes changes to periodic monitoring into the minor modification bucket to avoid public notice and comment so that the public has no ability to even know what this nefarious and deceptive Agency is doing. Pandering to industry rather than protecting its citizens.

Illinois makes it almost impossible to participate in minor modifications because it is not transparent with the public in its permitting actions or its materials used to justify its permitting actions. This petition is legitimate because C23D32 submitted comments to USEPA to object to this minor modification and have IEPA resubmit as a significant modification so that the public could properly comment and a proper response justifying the change. As has been indicated in C23D32 comments on several permitting actions by the IEPA, apparently some opinionated bureaucrats believe they are above the law and can simply do what they please given the silence on this permitting action.

Premcor asked the IEPA to make changes to a template permit used by IEPA, to make changes to Title I permit conditions and to delay critical testing on a barge loading operation yet again. These are not minor modification changes.

The following are all reasons why the permitting action must be objected to by the USEPA because it did not meet the criteria for a minor modification.

Petition Claim #1 – Minor modification in an EJ community without outreach in violation of the IEPA EJ Practices and Policies. The public was not given the opportunity to comment on this gross relaxation of testing allowing the facility to continue operating without any valid means of demonstrating compliance. The policy (available on IEPA website) states that permitting transactions that trigger significant public interest will be provided with outreach. C23D32 considers the relaxation of a critical air pollution control device test requirement to be of significant public interest. This is a discriminatory and hostile action that has been taken against an already overburdened community.

Petition Claim #2 – As stated in the comments to the USEPA, there were changes to this permit made as a result of changes to some secretive template that the IEPA uses to write its minor modifications. Yet the materials posted to justify these changes did not list out or discuss these changes to such template. They were not even identified as to where in the permit such changes were made to even know what these changes were. Additionally, a minor modification is supposed to be accompanied by a redline version of the permit which was not posted with the minor modification so that it could be seen what changes the source requested and what changes were based on the IEPA's nefarious template changes. The IEPA allows for companies to make changes and comment on a template but does not allow the public to make changes and comment on a template permit is a disgrace.

Petition Claim #3 – The sheer amount of changes that appear to have been made throughout the permit is enough to justify that the IEPA made significant changes that warranted a public comment period. It is yet unknown as to just how many, where and what changes that Premcor in cooperation with IEPA actually made to this permit under the guise of a minor modification. Again, this is due to the woefully inadequate transparency required to allow the public to understand what is being done to a permit.

Petition Claim #4 – Apparently there were changes made to Title I construction permits that were not identified in the materials posted with the minor modification. A change to a construction permit is supposed to be a significant change. Not only did the IEPA not state what these were and where, but the sheer egotistical act of actually doing it in a minor modification is hostile toward the citizens of Illinois.

Petition Claim #5 – The testing delay that was granted in this permit is the most disgusting act this Agency could do to an EJ community and whoever is letting these discriminatory violations of decent human rights needs to be told they can no longer act passively aggressive through a government agency to further their personal bigoted beliefs. This cycle of not being able to test because the barge loading doesn't operate will continue to repeat itself and the result in no testing ever being conducted. Thus, there will never be a demonstration of compliance other than an estimation and record. This demonstration would be for multiple applicable requirements. The source cannot be allowed 90 days to test. The source is and has been fully aware of its obligation to test and must be capable of testing on day 1 of beginning barge loading, not day 90 after barge loading begins when they are no longer obligated to test and can once again ask for another change to the permit delaying testing. The source must be required to have completed the testing before the barge loading is stopped once barge loading is started. Tests should be done no sooner than 3 years after last test and no later than 8 years after the last test unless the barge loading operation didn't operate within this 11 year period, then the same requirements as above would be allowed (must be required to have completed the testing before the barge loading is stopped).

USEPA has stated "the unavailability during the public comment period of information needed to determine applicability of or to impose an applicable requirement may also result in a deficiency in the permit's content." (Cash Creek Generation, LLC, Louisiana Pacific Corporation, WE Energies Oak Creek Power Plant, Alliant Energy-WPL Edgewater Generating Station). C23D32 was denied opportunity to comment on the changes asked for by Premcor and could not have submitted meaningful comments during the public comment period because the IEPA never afforded a public comment period on these significant changes to the permit. Because changes were never disclosed or discussed in a statement of basis and because the permit record provides no support the changes cannot have a basis in application documents or in response to comments. USEPA must object to the Premcor Alsip minor modification for IEPA's failure to provide proper public notice and opportunity to comment on the relaxation of testing requirements intended to demonstrate compliance with numerous VOM limits. The complete lack of transparency with permit materials that the modification is supposedly based on is yet another failure. The complete disregard for opportunity to comment is even another fault that IEPA continues to commit to the destruction of overburden and underserved communities.

There is no basis in the permit record to support these changes as a minor modification. For the reasons stated C23D32 requests for a second time that USEPA object to the Premcor Alsip minor modification.

This petition to object has been submitted to the following by email.

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