



# SIERRA CLUB

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**Valero faces clean air lawsuit for violations at Port Arthur, Texas refinery**

*Environmental and neighborhood groups allege 1.8 million pounds of illegal pollution*

**PORT ARTHUR, Texas** -- Environment Texas, Sierra Club and the Port Arthur Community Action Network (PA-CAN) announced today their intent to sue Valero Energy Corporation and the Premcor Refining Group, Inc., in federal court for violating the federal Clean Air Act at their Port Arthur, Texas refinery during hundreds of so-called “emission events” that have occurred since May 2014.

The environmental groups’ May 22 “notice of intent to sue” alleges over 600 violations of numerous hourly and annual limits on emissions of sulfur dioxide (SO<sub>2</sub>), volatile organic compounds (VOCs), hydrogen sulfide, nitrogen oxides, particulate matter, and other air pollutants over the previous five years, as well as dozens of violations relating to improper operation of the refinery’s large industrial flares.

Those violations were disclosed in Valero’s own compliance reports, the groups said, and have resulted in more than 1.8 million pounds of unauthorized pollution. As recently as two months ago, Valero released over 100 tons of sulfur dioxide and tons more of other pollutants in a single, 36-hour-long emission event.

The suit, which can be filed 60 days from now in U.S. District Court in Beaumont, would be the fifth case filed by Environment Texas and Sierra Club since 2008 to confront illegal air emissions from oil refineries and petrochemical facilities along the Gulf Coast of Texas.

“Valero’s Port Arthur Refinery has a poor compliance record even when compared to other Texas oil refineries, spewing out millions of pounds of dangerous pollution into surrounding neighborhoods,” explained Luke Metzger, Executive Director of Environment Texas. “Port Arthur residents deserve better.”

“Valero’s continued emissions have directly affected the quality of life, health, and safety of residents in Port Arthur and its West Side community. Children as well as adults suffer respiratory illnesses, severe allergies, and related health issues that limit their activity and ability

to enjoy an active, healthy lifestyle,” said John Beard, President of Port Arthur Community Action Network. “Air is Life, and everyone has a right to breathe clean air. Our lives—and our children’s lives—shouldn’t be burdened by Valero’s illegal pollution.”

According to the groups, Valero has released over 850,000 pounds of SO<sub>2</sub> alone during emission events, without authorization, over the past five years. Exposure to SO<sub>2</sub> can cause respiratory illness and worsen the effects of asthma and existing cardiovascular disease. Nitrogen oxides (NO<sub>x</sub>) and VOCs contribute to the formation of ground-level ozone (smog), another pollutant that causes respiratory problems, particularly among vulnerable populations such as children, the elderly and those with asthma or cardiovascular disease.

According to the EPA, about 36,000 people live within a three-mile radius of the refinery, where there are also at least five schools, two community centers, four public parks, and over 20 churches.

“Federal law allows affected citizens and their organizations to sue violators of the Clean Air Act when state and federal regulators have not done enough to get them to comply with the law,” said Neil Carman, Clean Air Program Director for Sierra Club’s Lone Star Chapter. “The situation facing Port Arthur residents cries out for significant, effective enforcement.”

According to Environment Texas’s recent *Major Malfunction* report, Valero’s Port Arthur Refinery experienced a disastrous fire in a storage tank in 2017 that released over a quarter-million pounds of particulate matter -- more than any other facility in the entire state released from emission events over that entire year. Overall, the report states, the Port Arthur Refinery was the second-worst polluter in the Beaumont region that year, releasing just under a million pounds of all pollutants during malfunction and maintenance events.

The Clean Air Act “citizen suit” provision allows private citizens affected by violations of the law to bring an enforcement suit in federal court after first providing 60 days prior notice to the violator and to state and federal environmental agencies. Citizens can seek a court order requiring compliance with the law and a monetary penalty of up to \$99,681 per day for each violation of the Act.

*Sierra Club has approximately 24,000 members in Texas who are dedicated to exploring, enjoying, and protecting Texas’ environment and natural resources.*

*Environment Texas advocates for clean air, clean water, and preservation of Texas’s natural areas on behalf of approximately 4,000 members statewide. Environment Texas is the state arm of Environment America.*

*Port Arthur Community Action Network advocates for solutions that reduce or eliminate environmental and public health hazards and improve the quality of life in Port Arthur.*

*The groups are represented by the non-profit National Environmental Law Center; Lone Star Legal Aid; attorney David Nicholas of Newton, Massachusetts; and Houston attorney Philip Hilder; copies of the notice letter are available upon request.*

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