

**ENVIRONMENTAL APPEALS BOARD**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C.**

	)	
In re Ultramar Inc.	)	CAA Appeal No. 24-11
South Coast Air Quality Management	)	
District Title V Operating Permit Renewal	)	
for Facility ID 800026	)	
	)	

**ORDER DISMISSING PETITION FOR LACK OF JURISDICTION**

Petitioner Genghun Eng filed a “Permit Brief Appeal” asking the Environmental Appeals Board to “reverse” Administrator Michael Regan’s Order Denying a Petition for Objection to a Title V Operating Permit (Title V Petition No. IX-2024-14) issued by the South Coast Air Quality Management District to the Ultramar Inc. refinery in Los Angeles County, California. As explained further below, the Board has does not have jurisdiction to review the Administrator’s order. Accordingly, the Board dismisses this appeal for lack of jurisdiction.


As stated in previous orders, the Board is a tribunal of limited jurisdiction. The Board’s authority is limited by the statutes, regulations, and Administrator’s delegations that authorize and govern the Board’s authority. *See In re Tewa Women United, Dr. Maureen Merritt, and Concerned Citizens for Nuclear Safety*, CAA Appeal No. 15-03, at 2 (EAB May 15, 2015) (Order Dismissing Petition for Lack of Jurisdiction); *In re Stericycle Inc.*, CAA Appeal No. 13-01, at 4-5 (EAB Nov. 14, 2013) (Order Dismissing Appeal for Lack of Jurisdiction); *In re DPL Energy Montpelier Elec. Generating Station*, 9 E.A.D. 695, 698 (EAB 2001). Where the Board lacks jurisdiction, it dismisses the appeal.

In this case, Genghmun Eng filed with the Agency a petition pursuant to CAA section 505(b)(2), 42 U.S.C. § 7661d(b)(2), requesting that the Administrator object to the Ultramar Title V operating permit. CAA section 505(b)(2) specifically provides that the Administrator may not delegate the authority to object to a Title V permit.<sup>1</sup> That section also provides that a denial of a petition to object is subject to judicial review under CAA section 307 (42 U.S.C. § 7607). CAA § 505(b)(2), 42 U.S.C. § 7661d(b)(2).<sup>2</sup> Thus, although Petitioner may have a forum available in which to seek relief, that forum is not the Board. The Board has no authority to review the Administrator’s Order Denying A Petition For Objection To A Title V Operating Permit. As such, this appeal is dismissed for lack of jurisdiction.

So ordered.<sup>3</sup>

**ENVIRONMENTAL APPEALS BOARD**

Dated: November 7, 2024

By:   
Ammie Roseman-Orr  
Environmental Appeals Judge

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<sup>1</sup> Additionally, as the Board has previously explained, “nothing in the Clean Air Act or in part 70 grants the Board jurisdiction to review Title V permits issued by approved states pursuant to part 70.” *In re Sierra Pacific Indus., Anderson Div.*, 16 E.A.D. 375, 381 (EAD 2014).

<sup>2</sup> The Clean Air Act includes timing and venue requirements for seeking review. CAA § 307(b), 42 U.S.C. § 7607(b).

<sup>3</sup> The three-member panel deciding this matter is composed of Environmental Appeal Judges Aaron P. Avila, Mary Kay Lynch, and Ammie Roseman-Orr.

**CERTIFICATE OF SERVICE**

I certify that copies of the foregoing *Order Dismissing Petition for Lack of Jurisdiction* in the matter of Ultramar Inc., CAA Appeal No. 24-11, were sent to the following persons in the manner indicated:

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Dated: Nov 07, 2024

Annette Duncan  
Annette Duncan  
Administrative Specialist