



21 August 2026

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: **Minor New Source Review Program Air Permitting Public Participation Requirements for State Implementation Plans**

Docket number: EPA-HQ-OAR-2025-1212

To EPA Administrator Lee Zeldin:

Moms Clean Air Force is writing to register our strong objection to the Environmental Protection Agency's (EPA's) proposal to [remove public participation requirements](#) from so-called "minor source" New Source Review (NSR). This highly unpopular and undemocratic plan threatens to sicken our children and jeopardize their future well-being.

1. EPA's proposal enables state and local regulators to withhold public notice about the data centers, petrochemical plants, and other polluting facilities moving into our communities

Public notice of proposed NSR permits is often the only means people have to alert them that a new air pollution source is trying to move into our communities.

The EPA proposal would enable new or expanding AI data centers, petrochemical facilities, and other heavy polluters to obtain construction permits without even notifying neighboring families. It would allow these toxic enterprises to secure their air quality permits and to begin building their injurious facilities behind the backs of residents. These so-called minor sources of air pollution can smother neighborhoods with particulates, dioxins, formaldehyde, benzene, nitrogen oxides, heavy metals, and other harmful chemicals.

The EPA seeks to delete public notice and comment requirements that have been in place for more than 50 years. The agency is proposing to replace this longstanding, critical opportunity for civic engagement with a dispensable option at the discretion of state or local officials.

Our nation's founders espoused the democratic ideals of participatory governance, public transparency, and an informed citizenry that holds its leaders accountable. **The EPA proposal is an affront to our foundational democratic principles.**

2. EPA seeks to silence communities in the expression of legitimate health concerns

The minor source New Source Review public participation process **gives people a chance to weigh in before the polluter locks us into decades of added health risk.** It lets us review draft air permits, submit written comments, and point out errors, mistakes, or missing pollution controls before authorities make their pre-construction permitting decision. **It offers an opportunity to review the projected air pollution emissions and concomitant health risks we are being asked to accept, and to advise authorities on ways to mitigate, offset, or bypass the harms.** The process offers a chance to discuss our concerns, like the trade-offs involving projected increases in air and water pollution, higher utility rates, harms to our children's health, and reduced life expectancy. Surely these matters are worth discussing.

When so-called minor-source petrochemical plants, misclassified plastics combustion units, or the diesel generators and natural gas turbines that power data centers move into communities, air quality takes a nosedive, risks to children's physical and mental health increase, noise and light pollution skyrocket, sleep disturbance becomes the norm, utility bills increase, and home values plummet. Yet it appears that the EPA deems such consequences irrelevant.

Why this official disdain for the concerns of families and children forced to breathe noxious air pollution? And why does EPA consider public input requirements a "burden" for air quality authorities – the very people whose job it is to protect us from harmful pollution? Adherence to public transparency requirements is a basic part of the job description for the public servants employed by pollution control agencies.

The real burdens – never acknowledged by this EPA – are those faced by people who live, work, and go to school in the vicinity of these toxic enterprises. This includes the pregnant moms and families who are trying to conceive amidst the thick soup of air pollution. It includes the [fetuses and babies](#) whose developing brains, hearts, lungs, and other organs are harmed by inflammation and oxidative stress from industrial chemicals that cross the placenta. It includes children with asthma and those with cancers – kids well-versed in inhalers and chemotherapy

treatments at far too young an age. It includes the millions of residents who must endure the constant noise, vibrations, and air pollution, and the bright security lights at all hours, from the massive data centers or petrochemical facilities next door, people who cannot move away because their home values have plummeted. The real burdens also extend to the ill and disfigured workers and first responders injured and sickened by toxic industrial releases, fires, and explosions, and the traumatized children and families forced to shelter in place during these incidents. The EPA proposal says nothing about the real burdens for real people. It is all about saving pennies for the polluters at the expense of communities.

3. There is nothing minor about the emissions from “minor sources”

There is nothing small or trifling about these so-called “minor sources,” and often the harms extend well beyond the immediate vicinity to affect the entire region.

Most “minor sources” are permitted to emit 250 tons per year of criteria pollutants (carbon monoxide, ground-level ozone, lead, nitrogen dioxide, particulate matter, and sulfur dioxide). That’s what is allowed in “attainment areas” – places that meet air quality standards under the Clean Air Act’s Prevention of Significant Deterioration (PSD) program, but note that such attainment designations can be misleading due to [pollution hotspots](#) within these classified-as-cleaner zones and because states may [exclude pollution from wildfire smoke](#) even when authorities fail to follow sound fire-management practices.

In “nonattainment areas” (locations with poor air quality) and for [28 specific heavily-polluting industries](#), the emissions limit for “minor source” designation is 100 tons of criteria pollutants per year.

Regardless of location, in an attainment or nonattainment area, so-called minor sources or synthetic minors are allowed to release up to 10 tons per year of any single hazardous air pollutant, or 25 tons of combined hazardous air pollutants.

Needless to say, **these are all enormous quantities of air pollution that so-called minor sources can release. And the actual amounts of pollution may be even higher** because often the criteria pollutants or hazardous air pollutions from malfunction events are not included in emissions calculations. Also not included are fugitive emissions (the gases or vapors that leak from valves, seals, cracks, pipe joints, etc., i.e., the pollution that does not pass through the exhaust stack) of criteria pollutants, except from the 28 specific source categories referenced above, in calculating whether a facility meets the minor-source thresholds. In other words, these “minor sources” may be releasing far more than the threshold limits of 250 tons per year (in attainment areas) and 100 tons per year (in non-attainment areas).

The pollution from minor sources, and the resulting illnesses, are highly consequential and can ruin lives. Children and families living in the shadow of these facilities are forced to breathe

dangerous chemicals such as the ethylene oxide and benzene from petrochemical facilities; the nitrogen oxides, formaldehyde, and PFAS from data centers; and the dioxins, cadmium, and lead from plastics pyrolysis incinerators and other heavy polluters. **It can take only tiny quantities of these pollutants to cause life-altering and sometimes life-ending conditions.** The dangers are most acute for the unborn and for infants and children, whose developing bodies are uniquely vulnerable to pollution exposures.

4. So-called “minor” and “synthetic minor” polluters:

4.1 Data Center Alley, Virginia

Even though they are colossal sources of air pollution, the vast majority of data centers are [regulated](#) as “minor sources” or as “synthetic minors” (facilities that have the potential to emit “major” amounts of pollution but agree in their permits to stay below the major source thresholds). Most notorious is the [fine particle pollution](#) (PM 2.5) released by diesel generators and fossil gas turbines. These pollutants penetrate deep into the lungs and from there into the bloodstream. PM 2.5 is linked to birth defects and other reproductive harm, cancers, cardiovascular disease, stroke, type 2 diabetes, dementia, and other conditions.

Data center power sources also release formaldehyde, nitrogen oxides, sulfur dioxides, and other air pollutants. The pollution comes both from the concentrated unfiltered sooty pollution of tier 2 [diesel generators](#) and from the fossil gas-fired turbines at [power plants](#) across Virginia and beyond. At Vantage VA2 in Loudon County these turbines are operated onsite and off grid. Other toxic chemicals are released from the data centers themselves and from their upstream (chemical manufacturing) and downstream (waste disposal) operations. These include the vast use of PFAS- and other perfluorinated hydrocarbon chemicals used in digital components and fluids in the semiconductors, coolants, and fire suppressants.

A majority of data centers – roughly 80 percent – are vulnerable to acute climate threats such as floods, fires, and extreme winds, making them an even greater risk to surrounding communities. **A [recent report](#) by the First Street Research Group placed northern Virginia in the highest climate-risk tier globally.** The study warned that not only are data centers contributing to global greenhouse gas emissions, but they are vulnerable to the extreme weather events those emissions create.

Compounding the dangers, **data centers store and use large amounts of flammable and reactive chemicals, making them a significant chemical disaster threat.** These facilities house large quantities of diesel fuel as well as other toxic chemicals such as battery electrolytes

(sulfuric acid and lithium-ion components), fluorochemical coolants and glycol mixtures, and water treatment chemicals (e.g., chlorine compounds and biocides). Despite the dangers, hardly any of these facilities are covered by the EPA Risk Management Program chemical disaster program.

The state of Virginia is an example of what happens when the public is shut out of air permitting decisions. For years Virginia communities have experienced an information blackout. City or county zoning departments have allowed data centers and other tech companies to build “by right” with only the most basic electrical and building permits. Meanwhile, Virginia has long insisted that the minor NSR public participation rules are not mandatory but rather [discretionary](#), and it’s up to the State Air Board to determine if or when the public ought to have a voice. Thus Virginia’s minor NSR permits bypass the public comment requirements unless the board identifies “[potential for public interest](#).”

In essence, **Virginia has already DONE what EPA now plans for the entire country.**

Northern Virginia is home to the world's largest concentration of data centers, and communities are suffering the consequences.

Over the past 10 years, Virginia has experienced a massive surge in data center buildout with [674 data centers](#) moving in and incrementally expanding *behind our backs, turning the region into an ugly, sleepless, and heavily polluted Data Center Alley*, primarily concentrated in Fairfax, Loudon, and Prince William counties. **2026 is projected to be the biggest year on record for new data center growth** in Virginia. The dozens more [facilities lining up for utility connections](#) have asked Dominion Energy for the equivalent to 70 nuclear plants’ worth of energy. The total energy requested by just these *planned* data centers **would power all the homes in Virginia nearly four times over.**

An [analysis of Virginia state records](#) found that **96 percent of data center air permits** (189 of the 197 permitted data centers or clusters) **are categorized as "minor" or “synthetic minor.”** The **lack of mandatory public hearings and comment periods has enabled these facilities to enter our state quickly and in secret, and to expand rapidly. Data centers now deploy [10,493 backup diesel generators](#) in Virginia.** These generators are permitted to release enough particulate matter and ozone emissions **to cause [126 to 177 premature mortalities](#) per year in the greater DC area.**

Example: Vantage VA2

There is nothing “minor” about the emissions from these data centers. Consider, for example, the minor-source-permitted Vantage VA2, a small 18-acre data center in a residential neighborhood in Sterling, Virginia (by contrast, large “hyperscale” facilities cover hundreds of acres.) The Vantage VA2 facility is powered onsite by eight bus-sized fossil-gas turbines alongside 50 backup diesel generators.

An [independent study](#) led by a Harvard scientist, Dr. Michael Cork, looked at *just one* of the pollutants released, particulate matter 2.5, from this one data center, and found it could result in **between 53 and 99 million dollars per year in health-related damages**, due to the increase in heart disease, stroke, respiratory illness, and premature death. This pollution could lead to 3.4 to 6.5 premature deaths annually.

Regulators at the Virginia Department of Environmental Quality – operating well beyond their realm of expertise – and the industry trade group (called the Data Center Coalition) tried to [downplay and dismiss](#) the Harvard findings, but the Harvard scientists have stood by their research.

Making matters worse for communities in the vicinity of these “minor sources,” unplanned, [uncontrolled heavy pollution incidents](#) have become all the more common. These events can result in extremely damaging air pollution exposures. Just last month, for example, this same facility, **Vantage VA2, experienced a critical power failure in the gas turbines at its on-site power plant, forcing the data center to use backup diesel generators for nearly 24 hours during what was already a Code Red air pollution alert** (due to smoke from the Canadian fires). Use of the “Tier 2” internal combustion diesel generators releases vast amounts of PM2.5, formaldehyde, benzene, nitrogen oxides, and other dangerous air pollutions. These air pollutants are linked to serious conditions including birth defects, cancers, cardiovascular disease, stroke, type 2 diabetes, dementia, and other conditions. Responding to public complaints about the unbearable conditions, Virginia DEQ director [Michael Rolband wrote](#) that “DEQ has no regulatory authority to stop these actions undertaken in response to the emergency that occurred and put their primary power source off line under current regulations.”

Just as “minor source” is misleading terminology for facilities that smother communities in noxious air pollution, so too is “emergency use” of backup diesel generators. Under President Trump, Department of Energy Secretary Wright has been using [Section 202\(c\) of the Federal Power Act](#) both to prop up [aging coal](#) plants **and to direct data centers to use their filthy diesel generators as their primary power source**. *So-called emergencies may be designated whenever these power-hogging data centers demand more power than they have available.* In Virginia,

[data centers already use more than 25 percent](#) of the entire state's electricity and are projected to consume **41 percent to 59 percent of Virginia's electricity by 2030**. [Federal emergency authority](#) allowing PJM (the regional grid operator) to order data centers onto backup power has already been in place many times this year, in January, May, June, and July. During the heavily polluted early-July heat wave, for example, PJM issued an "Emergency Backup Generator Warning," putting data centers on alert that they could be **ordered to switch to backup diesel generators as their primary power source to keep the grid from tipping into brownouts or blackouts**.

And Vantage VA2 is just [one of many](#). The cumulative pollution from the hundreds of "minor source" data centers is jaw-dropping.

4.2 Petrochemical Polluters

As with data centers, thousands of petrochemical facilities across the nation are designated "minor" or "synthetic minor" sources of air pollution even though they release dangerous amounts of air toxics such as dioxins, ethylene oxide, formaldehyde, and heavy metals. Even tiny exposures are linked to cancers and other serious health effects. But when each regulated unit does not officially meet the major-source thresholds, these facilities manage to evade all but the most minimal pollution controls, monitoring, and reporting requirements. The impacts on children and families can be severe.

EPA's proposal to slash public participation requirements for so-called minor sources would allow dangerous petrochemical polluters to move into communities behind our backs, spewing toxic air pollutants and bringing with them the risk of fires, leaks, and explosions. Many of these communities are already smothered by extreme pollution. **The toxic emissions from each new or expanded facility puts further out of reach life's simple joys, be it a carefree evening at the playground or an invigorating jog through the neighborhood.** For people with [asthma](#), chronic obstructive pulmonary disease, or other conditions, this pollution can [trigger](#) severe flare-ups, reduced lung function, and increased [emergency room](#) visits.

4.2.1 New Orleans and Across the Mississippi River: Marrero and Harvey, Louisiana

One example is the stinking quartet of petrochemical polluters that line the Mississippi River immediately across from New Orleans. This includes **Vertex Energy** (metal recovery, industrial processing, and used-oil re-refining operations), **Kinder Morgan** (petrochemical liquid terminal),

Buckeye Terminal (liquid petroleum storage and distribution hub), and the notorious **BWC Harvey Terminals** facility (hazardous material storage and transfer facility), all of which are [permitted](#) by the Louisiana Department of Environmental Quality [as minor](#) or synthetic minor sources of air pollution. The facilities are located in a densely populated residential area within a mile of multiple schools, one only 1/5 of a mile away, as well as many daycare centers. The facilities are barely half a mile across the Mississippi River from downtown New Orleans. Few families who send their sons and daughters to Tulane University and Loyola University are aware of what takes place just across the river.

[More than 100,000 people](#) live within two miles of these dangerous polluters. The four facilities together, each year, can emit:

358 tons of volatile organic compounds such as benzene and formaldehyde,
195 tons of nitrogen oxides,
128 tons of carbon monoxide, and
56 tons of toxic air pollution.

Example: BWC Harvey (formerly Blackwater Harvey, Agency Interest No. 2236)

Looking at BWC Harvey as an example, the petrochemical products from this one “minor source” facility emit more than 50 different toxic chemicals, including known carcinogens and reproductive toxicants such as benzo(a)pyrene for which there is no safe level of exposure.

The LDEQ air permit states that BWC Harvey transfers 860 million gallons of these chemical products annually, which is equivalent to approximately 1,300 Olympic-sized swimming pools. But the company has no system for controlling fumes released from loading its barges and railcars.

[A 2021 report](#) describes how BWC constructed its Harvey facility through “sham permitting,” also known as piecemeal permitting – constructing dozens of tanks in multiple series of “insignificant activities” to avoid major source permitting, a charge that [Louisiana DEQ](#) denies.

Thousands of homes are located less than a mile away and on both sides of the Mississippi. People living in the surrounding neighborhoods have submitted to state regulators roughly 3,000 complaints about the toxic air releases and odors. Residents describe the stench of asphalt, tar, and petroleum chemicals, and the associated health symptoms including headaches, migraines, dizziness, difficulty breathing, and burning of the eyes, nose, throat, or lungs. [Litigation](#) is ongoing in the United States District Court, Eastern District of Louisiana due to the health effects for local families.

There is nothing “minor” about these petrochemical polluters. Why should filthy industrial polluters have a right to defile the air and make people sick? Why is EPA determined to quash community voices?

5. Concluding remarks

EPA’s proposal suggests that public participation for so-called minor sources can waste regulators’ limited time and resources, which could be better spent on major/Title V sources and facilities that generate the most significant public interest. This is misleading. All of these pollution sources are harmful and deserve scrutiny.

There is nothing “minor” about so-called “minor sources,” whether they are petrochemical facilities or data centers or other toxic enterprises. They threaten the health of our children and families. They force us to breathe toxic air pollution linked to cancers, asthma, ADHD, reproductive problems and dementias. They wreck lives.

We are calling on EPA to withdraw this proposed rule and to retain [the existing federal floor](#) that guarantees public notice and a minimum 30-day comment period before minor NSR permits are issued. State and local agencies need to comply with the existing federal minimum public-notice-and-comment procedures for minor NSR permitting.

To defend the minor source NSR public participation rules is not to say that the rules – and the ways they are implemented – are perfect. There are significant opportunities for improvement. Air quality regulators need to start treating “minor” sources as the significant health threat they represent. **Robust modeling** of local and regional health impacts is essential. **Piecemeal permitting** – expanding bit-by-bit so each permit modification counts as minor – must be strictly forbidden. **Cumulative impacts** need to be carefully assessed, and must not overlook underserved and overburdened communities, and the corridors that have become a magnet for data centers, petrochemical facilities, and other toxic enterprises. Clustering dozens or hundreds of facilities in Northern Virginia or Texas or Louisiana creates massive cumulative air pollution both in the immediate vicinity and for the entire region.

Communities need more transparency, not less, and not just on an ad hoc basis. Structural reforms are needed at every step of the permitting process. Families cannot be expected to track notices on public websites or newspapers. Centralized, searchable online portals of “minor” and “synthetic minor” sources represent a good start, when available, but they are not sufficient. Physical and digital notifications should be sent to all residents, schools, daycare centers, and other vulnerable populations in the vicinity of these polluters.

The availability of **public hearings** should become the norm rather than the exception for families living at the fenceline of toxic polluters. In addition, marginalized communities deserve **technical assistance grants** as well as **extended periods of time to review** proposed permits and potential consequences. It is time to stop downplaying these so-called minor sources and belittling the legitimate concerns of those who live around them.

We are calling for **increased oversight** of state and local permitting to ensure that the “minor source” categorizations are being properly used and that toxic enterprises are not given the go-ahead to defile surrounding neighborhoods. Public participation requirements must not be ignored, as they are here in Virginia.

Families deserve a voice *before* these polluters entrap our communities and condemn us and our children to decades of added health risk. EPA’s anti-democratic proposal to silence public oversight can turn a meaningful review process into little more than a bureaucratic formality. We urge you to keep the public participation rules intact – and to give families a real voice in decisions that affect our health and that of our communities.

Sincerely,

Cynthia Palmer, JD MPH
Senior Analyst, Petrochemicals
Moms Clean Air Force