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January 31, 2012

EPA Docket Center
EPA West (Air Docket)
Attention Docket ID Number EPA-HQ-OAR-2010-1041 and 1042
U.S. Environmental Protection Agency
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the proposed National Emissions Standards for Hazardous Air Pollutants: Mineral Wool Production and Wool Fiberglass Manufacturing, which were published in the *Federal Register* on November 25, 2011 (76 *Federal Register* 72770). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 45 states, the District of Columbia, 4 territories and over 165 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The comments we offer are based upon that experience. The views expressed in these comments do not necessarily represent the positions of every state and local air pollution control agency in the country.

Eight years after the establishment of the Maximum Achievable Control Technology (MACT) standard for a source category, EPA is required to assess the residual risk that remains from emissions from the source category, as well as examine whether advancements in control technology warrant additional requirements. NACAA supports EPA's decision to require additional emission reductions and monitoring requirements beyond the original MACT standard for the Mineral Wool and Wool Fiberglass source categories. We offer the following comments about specific elements contained in the proposal.

Additional Requirements – Because of the adverse health effects associated with exposure to the substances emitted by Mineral Wool Production and Wool Fiberglass Manufacturing, NACAA is pleased that EPA is proposing additional measures in this action, including the following, and encourage the agency to include these additional provisions in the final rule:

- requiring sources to submit additional information so that EPA can fully understand the magnitude of the emissions of hexavalent chromium from Wool Fiberglass facilities;¹
- announcing that the agency will list Wool Fiberglass area sources to be regulated and establish limits for chromium compounds emitted by Wool Fiberglass area sources;²
- establishing a chromium compound emission limit for major Wool Fiberglass sources;³
- strengthening the particulate matter emission limit for Wool Fiberglass sources;⁴
- identifying sodium hydroxide scrubbers as a technology that is currently in use to address emissions from chrome electroplating that can be adapted to reduce emissions of hexavalent chromium from Wool Fiberglass manufacturing;⁵ and
- addressing previously unregulated emissions and emission points in Mineral Wool⁶ and previously unregulated emissions from Wool Fiberglass facilities⁷ and proposing emission limits to address them.

With respect to the proposed actions, several things concern us, however. EPA indicates that for Wool Fiberglass, the maximum screening acute non-cancer hazard quotient after the proposed rules related to chromium are final could be as high as 30, as compared to 1, which is the current threshold EPA considers acceptable.⁸ If this is correct, that is unacceptable and should be addressed in the final rule. Additionally, EPA describes a scenario under which Wool Fiberglass sources could be reconstructed using high chrome refractories, resulting in a potential Maximum Individual Risk of 900 in a million, which is excessive. EPA needs to ensure that those risks are reduced to acceptable levels.

Allowable Emissions – NACAA recommends that EPA consider potential or allowable emissions, rather than actual emissions, as much as possible in evaluating residual risk. Since facility emissions could increase over time for a variety of reasons, and with them the associated impacts, the use of potential or allowable emissions is more appropriate. We believe an analysis based on actual emissions from a single point in time could underestimate the residual risk from a source category. Further, the major source HAP thresholds are based on maximum potential-to-emit, as opposed to actual emissions, and air agencies issue permits based on potential emissions. Limiting the scope of a risk evaluation to actual emissions would be inconsistent with the applicability section of Part 63 rules. We were pleased to see that EPA used allowable emissions in parts of the rulemaking but were concerned about the fact that EPA used actual

¹ 76 *Federal Register* 72793.

² 76 *Federal Register* 72793.

³ 76 *Federal Register* 72792.

⁴ 76 *Federal Register* 72792.

⁵ 76 *Federal Register* 72804.

⁶ 76 *Federal Register* 72788.

⁷ 76 *Federal Register* 72791.

⁸ 76 *Federal Register* 72802.

emissions in conducting its post-control risk assessment.⁹ NACAA encourages the agency to use allowable emissions in the future, including in assessing acute health risks.

Property-line Concentrations – In assessing the cancer risks related to the source category, EPA used long-term concentrations affecting the most highly exposed census block for each facility.¹⁰ This analysis dilutes the effect of sources' emissions by estimating the impact at the centroid of the census block instead of at the property line or wherever the maximum exposed individual is. Census blocks can be large geographically, depending on the population density, so the maximum point of impact can be far from the centroid, including at or near the property line where people may live or work. EPA itself alludes to this problem in the preamble to the proposed rule.¹¹ Further, even if the area near the property line is not developed, over time homes and businesses could locate closer to the facility. While it is possible that population distribution is homogenous over a census block, this assumption is not necessarily accurate in considering the predicted impacts from the location of a source. Using HEM-3, EPA can identify the maximum individual risk at any point in a census block that is within a 50-kilometer radius from the center of the modeled facility. Based on HEM-3's power and ability, NACAA suggests that EPA abandon its use of the predicted chronic exposures at the census block centroid as surrogates for the exposure concentrations for all people living in that block. Rather, we recommend that EPA use the truly maximum individual risk, irrespective of its location in the census block, in its section 112(f)(2) risk assessments.

Environmental Justice – We commend EPA for considering environmental justice issues by expressing concern about the disproportionate impacts of HAP emissions on certain social, demographic and economic groups.¹² However, we believe improvements are needed in EPA's methods of evaluating environmental justice and encourage EPA to continue to consider these factors in developing the final rule and subsequent regulations.

NACAA recommends that EPA conduct the demographic analysis on individuals projected to experience a risk greater than 1-in-1-million and *also* on individuals living within five kilometers of the facility, regardless of projected risk, consistent with the approach used for the Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category.¹³ The socio-economic analysis for this rule did not evaluate potential disparities within five kilometers for cancer risk at maximum allowable emission levels. This type of analysis is especially important in instances where a facility is located in a minority and low-income community. Unfortunately, in the proposal, EPA *only* evaluated the risk to the population within a 50-kilometer radius, which could dilute the results by including populations not in the demographic groups most at risk. This is especially the case if the source is located in or next to a minority or low-income population. Therefore, we recommend an analysis at the five-kilometer distance be conducted to assess facility impacts to nearby environmental justice communities. NACAA also recommends that the rule writers work with the EPA Office of

⁹ 76 *Federal Register* 72779.

¹⁰ 76 *Federal Register* 72780.

¹¹ 76 *Federal Register* 72784.

¹² 76 *Federal Register* 72807.

¹³ 75 *Federal Register* 65089.

Environmental Justice to develop criteria and specific guidance on how to interpret and apply the outcome of these types of analyses in the rulemaking process.

Additionally, poverty statistics used to identify low-income communities should be updated to include 2010 census data, rather than relying on older information. The number of people in poverty in 2010 is the largest number in the 52 years for which poverty estimates have been published.¹⁴

Acute Exposure – We have expressed our concerns in the past with EPA’s use of Acute Exposure Guideline Levels (AEGLs) or Emergency Response Planning Guidelines (ERPGs) values to address acute exposures in the residual risk assessments. These limits were developed for accident release emergency planning and are not appropriate for assessing daily human exposure scenarios. In the December 2002 EPA document, "A Review of the Reference Dose and Reference Concentration Processes," EPA stated that the primary purpose of the AEGL program is to develop guidelines for once-in-a-lifetime short-term exposures to airborne concentrations of acutely toxic chemicals. They are not meant to evaluate the acute impacts from routine emissions that occur over the life of a facility. Unlike the reference concentrations (RfCs) for chronic exposures, the AEGLs and ERPGs do not include adequate safety and uncertainty factors and cannot be relied upon to protect the public from the adverse effects of exposure to toxic air pollutants. The use of AEGLs or ERPGs in residual risk assessments is not appropriate and does not ensure that public health is adequately protected from the acute impacts of HAP exposure. We are gratified to see that EPA has increased its reliance on the California Reference Exposure Levels (RELs) to address acute exposures in the residual risk assessments and we continue to urge EPA to use the RELs for these assessments.¹⁵

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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NACAA Air Toxics Committee



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¹⁴ US Census 2011. *Income, Poverty, and Health Insurance Coverage in the United States: 2010*. Available at <http://www.census.gov/prod/2011pubs/p60-239.pdf>.

¹⁵ 76 *Federal Register* 72781-72782.