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Testimony of Arturo Blanco
on behalf of the National Association of Clean Air Agencies
on the U.S. Environmental Protection Agency's
Proposed National Emission Standards for
Hazardous Air Pollutants from Petroleum Refineries
(Docket ID No. EPA-HQ-OAR-2003-0146)
Houston, Texas
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Good Morning. My name is Arturo Blanco and I am the Co-Vice-President of the National Association of Clean Air Agencies (NACAA) and Chief of the Bureau of Air Quality Control in the Houston Department of Health and Human Services. On behalf of NACAA, an association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country, I am testifying today on EPA's Proposed National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries, which was published in the *Federal Register* on September 4, 2007. Today, I will share some of NACAA's preliminary thoughts and concerns about the proposed rule. NACAA will provide more complete written comments by the December 28, 2007 deadline. The City of Houston is providing similar comments today.

NACAA is very concerned about emissions of hazardous air pollutants (HAPs) from refineries. According to EPA, emissions from refineries contain pollutants that are associated with a variety of adverse health effects including, among other things, cancer, pernicious anemia, lung structural changes, difficulty breathing, conjunctivitis, delirium, coma, and convulsions. NACAA believes these sources should be well controlled and that the public should be afforded the maximum protection possible from the threats to its health associated with these emissions, as provided by law.

EPA's proposed rule calls for work practice standards for leaks from cooling towers. Additionally, the proposal outlines two options for addressing emissions from storage vessels and wastewater streams. The first option for storage vessels and wastewater streams calls for no additional controls, which NACAA believes is unacceptable.

The Clean Air Act requires EPA to establish residual risk standards if the Maximum Achievable Control Technology (MACT) standard has not reduced the lifetime excess cancer risk to the individual most exposed to less than 1 in 1 million. Yet, EPA estimates that emissions from refineries result in risks of 70 in 1 million, which are significant and warrant additional controls. NACAA, and the professional clean air agencies it represents, are surprised and concerned that EPA seems to have reinterpreted the Clean Air Act, proposing that risks as high as 100 in 1 million do not

need to be minimized with readily available measures already in use by some refineries. NACAA believes this is contrary to the intent of the Act and is clearly not acceptable.

Thus, on the basis of EPA's risk estimates alone, Option 1 is inconsistent with the mandates of the Clean Air Act because it does nothing to address significant risks above 1 in 1 million. Moreover, EPA's methodology for calculating the risks from refineries is flawed; even the risk of 70 in 1 million is underestimated. To improve its risk analysis for this source category, EPA should calculate risks to fenceline communities, as there are many neighborhoods adjacent to refineries. Consequently, EPA must improve its risk assessment, basing its estimates on more robust and complete data, rather than on information that the agency admits is the result of underreporting. The analysis should certainly include information on emissions from startup, shutdown, and malfunctions, which are the cause of significant HAP emissions. Exempting startup, shutdown, and malfunction emissions underestimates the true risks and does not provide an incentive to refineries to control these emissions.

With respect to EPA's proposed controls for cooling towers and Option 2 strategies for storage vessels and wastewater streams, NACAA is encouraged that EPA is acknowledging the need for additional controls. However, the proposed controls do not go far enough. For one thing, EPA is allowing three years for the adoption of the modest Option 2 requirements, which is too long. We recommend a more expeditious compliance schedule for those measures.

More importantly, there are state and local programs that include measures more stringent than those in the proposal, such as limiting flaring to an emergency procedure, recovering and recycling vent gases, imposing limits on floating roof tank landings, calling for lower leak limits, requiring domes or internal floating roof tanks, and monitoring emissions at the fenceline. EPA's rule should at least reflect what the best-controlled sources at refineries have accomplished. The costs associated with these measures are reasonable, especially considering the toxic nature of the emissions.

As part of this proposal EPA has included its required eight-year review of the MACT standard. EPA has determined it is not required to conduct a reevaluation of the MACT floor and that there have been no technological advances warranting controls beyond the same options proposed for the residual risk standards. As stated earlier, state and local agencies have already required more rigorous programs to control emissions of HAPs from refineries. Therefore, even if NACAA agreed with EPA's interpretation of the requirements of the eight-year review of MACT, the standards the agency has proposed are inadequate because the controls do not reflect the advances that have been made in the last eight years.

I thank you for this opportunity to testify. As I stated at the outset, these are NACAA's preliminary comments and NACAA will submit additional recommendations and analysis in its written comments by the December deadline. I'm happy to answer any questions you have.