NACAA
national association of clean air agencies

March 26, 2012

EPA Docket Center
EPA West (Air Docket)
Attention Docket ID Number EPA-HQ-OAR-2010-0600
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 Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; and Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants, which were published in the *Federal Register* on February 8, 2012 (77 *Federal Register* 6628). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 45 states, the District of Columbia, four 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. Because of the adverse health effects associated with exposure to the substances emitted by the source categories covered by the proposal, NACAA is pleased that EPA is proposing additional control requirements in this action.[1]

Additionally, in our comments on the earlier proposal for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks,[2] NACAA expressed concern about the inadequate data set on which EPA based its risk

[1] 77 *Federal Register* 6638.
[2] See http://www.4cleanair.org/Documents/16sourcecategories1206100.pdf.

assessment. We commend EPA for gathering additional information from state and local agencies and industry for this subsequent proposal.[3]

Notwithstanding these positive elements of the proposal, NACAA is troubled by deficiencies in the risk assessment methodology upon which EPA bases its proposed decisions and recommends that EPA address them prior to issuing a final standard. These are discussed further in the following points.

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 hazardous air pollutant (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 continues to use actual emissions in other parts of its assessment.[4] NACAA encourages the agency to use allowable emissions in this rule and in the future.

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.[5] 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.[6] 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 (EJ) issues by expressing concern about the disproportionate impacts of HAP emissions on certain social,

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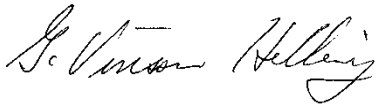
[3] 77 *Federal Register* 6631.
[4] 77 *Federal Register* 6631 and 6633.
[5] 77 *Federal Register* 6635.
[6] 77 *Federal Register* 6637.

demographic and economic groups.[7] NACAA has recommended in the past 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 earlier proposal for the Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category.[8] Therefore, we were disconcerted to note that in this more recent proposal, it seems EPA did not focus its demographic analysis on individuals living within five kilometers of the facilities as it had in the previous proposal. When the analysis encompasses a larger area, it 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. NACAA recommends that an analysis at the five-kilometer distance be conducted to assess facility impacts to nearby environmental justice communities.

NACAA continues to recommend that the rule writers work with the EPA Office of Environmental Justice to develop criteria and specific guidance on how to interpret and apply the outcome of EJ analyses in the rulemaking process.

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

Sincerely,



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[7] 77 *Federal Register* 6636.
[8] 75 *Federal Register* 65089.