

BOARD OF DIRECTORS

**Co-Presidents**

David J. Shaw  
New York

Bruce S. Andersen  
Kansas City, KS

**Co-Vice Presidents**

George S. Aburn, Jr.  
Maryland

Barry R. Wallerstein  
Los Angeles, CA

**Co-Treasurers**

Stuart A. Clark  
Washington

Merlyn Hough  
Springfield, OR

**Past Co-Presidents**

G. Vinson Hellwig  
Michigan

Lynne A. Liddington  
Knoxville, TN

**Directors**

Mike Bates  
Arkansas

Rick Brunetti  
Kansas

Anne Gobin  
Connecticut

James N. Goldstene  
California

James D. Hodina  
Cedar Rapids, IA

Thomas Huynh  
Philadelphia, PA

David Klemp  
Montana

Richard A. Stedman  
Monterey, CA

Barry R. Stephens  
Tennessee

**Executive Director**

S. William Becker

February 27, 2012

EPA Docket Center  
EPA West (Air Docket)  
Attention Docket ID Number EPA-HQ-OAR-2007-0544  
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 from the Pulp and Paper Industry, which were published in the *Federal Register* on December 27, 2011 (76 *Federal Register* 81328). 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. NACAA supports EPA's decision to require additional emission reductions and monitoring requirements beyond the original MACT standard for the Pulp and Paper Industry. We are also pleased with some aspects of EPA's residual risk assessment for this source category and we believe they respond to longstanding concerns and issues NACAA has identified in previous comment letters. We offer the following comments about specific elements contained in the proposal.

Additional Requirements – Due to advancements in control technologies, EPA has recognized the need for additional control requirements in this action.<sup>1</sup> We applaud the steps EPA is proposing to reduce emissions and urge the agency to consider others that may be identified during the rulemaking process as well. However, because of the adverse health effects associated with exposure to the substances

---

<sup>1</sup> 76 *Federal Register* 81344.

emitted by Pulp and Paper facilities, NACAA is concerned about some of the risks that EPA has identified as remaining after the implementation of MACT and its decision to not reduce them. For example, EPA is not proposing to require additional measures to address an acute noncancer hazard quotient (HQ) of 20 (where 1 is the threshold EPA considers acceptable).<sup>2</sup> We recommend that EPA reexamine these findings and take any necessary steps to ensure that the public is protected in accordance with the intent of the Clean Air Act.

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.<sup>3</sup> 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 source categories in the past, EPA used long-term concentrations affecting the most highly exposed census block for each facility. This analysis diluted 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. Since census blocks can be large geographically, depending on the population density, the maximum point of impact can be far from the centroid, including at or near the property line where people may live or work. In this assessment, however, when identifying the maximum individual risk receptor, EPA reviewed each individual facility and checked that the offsite concentration represents not just the closest census block centroid, but also the closest populated receptor.<sup>4</sup>

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 accidental 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

---

<sup>2</sup> 76 *Federal Register* 81342.

<sup>3</sup> 76 *Federal Register* 81334.

<sup>4</sup> EPA OAQPS Draft Residual Risk Assessment of the Pulp and Paper Source Category, December 2011, Appendix 7.

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<sup>5</sup> and we continue to urge EPA to use the RELs for these assessments. We also appreciate EPA's recognition that guidelines for acute exposures in a community should never exceed short-term occupational guidelines that are used to protect healthy adult workers.<sup>6</sup>

Environmental Justice – We commend EPA for considering environmental justice (EJ) issues by expressing concern about the disproportionate impacts of HAP emissions on certain social, demographic and economic groups.<sup>7</sup> 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 Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks source category.<sup>8</sup> Therefore, we commend EPA for focusing on those populations within three miles (approximately five kilometers) of the affected sources.<sup>9</sup> Additionally, we support EPA's use of a demographic analysis for each individual facility, rather than a combined analysis. Also, we commend EPA for using a threshold factor to determine whether the demographic evaluations are substantially different from the national values and therefore representative of disproportionate impacts.

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. 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.<sup>10</sup>

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

Sincerely,



G. Vinson Hellwig  
Michigan  
Co-Chair  
NACAA Air Toxics Committee



Robert H. Colby  
Chattanooga, Tennessee  
Co-Chair  
NACAA Air Toxics Committee

<sup>5</sup> 76 *Federal Register* 81336.

<sup>6</sup> 76 *Federal Register* 81342.

<sup>7</sup> 76 *Federal Register* 81353.

<sup>8</sup> 75 *Federal Register* 65089.

<sup>9</sup> 76 *Federal Register* 81353.

<sup>10</sup> 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>.