

**Testimony of Arturo Blanco  
on behalf of the National Association of Clean Air Agencies  
on the U.S. Environmental Protection Agency's  
Proposed Risk and Technology Review Standards for  
Hazardous Air Pollutants from Petroleum Refineries  
(Docket ID No. EPA-HQ-OAR-2010-0682)  
Galena Park, Texas  
August 5, 2014**

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Good Afternoon. My name is Arturo Blanco and I am the Chief of the Bureau of Pollution Control and Prevention in the Houston Department of Health and Human Services. I am here today on behalf of the National Association of Clean Air Agencies – or NACAA – of which I am a Past President. NACAA members include 42 state and 116 local air pollution control agencies that partner with EPA to implement and enforce the Clean Air Act. I am pleased to have the opportunity to testify and to provide some initial reactions to EPA's recently proposed Risk and Technology Review Standards for the Petroleum Refinery Sector.

NACAA has long been concerned about emissions of hazardous air pollutants from refineries. According to EPA, refinery emissions include benzene, 1-3-Butadiene, naphthalene and other compounds, which are associated with a variety of adverse health effects, including cancer, neurological effects, blood disorders, damage to the liver, skin illnesses, depression of the immune system and other serious disorders. Additionally, because of their locations, many petroleum refineries pose special environmental justice concerns. NACAA believes these sources should be well controlled and that public health should be afforded the maximum protection the law provides.

In light of the serious public health concerns, and because the current standards for this source category are outdated, NACAA fully supports EPA's efforts to address emissions from petroleum refineries. We are pleased that EPA has proposed a rule that calls for additional measures for these sources, which include requirements related to fenceline monitoring; flaring; start-up, shutdown and malfunction; storage tanks; and delayed coking units.

During the comment period, NACAA will continue to review the proposed rule and submit more complete written comments by the deadline. However, based on our preliminary review, today I would like to raise issues for further consideration and offer some suggestions to ensure that the proposed rule is successful.

## Fenceline Monitoring

EPA's proposal would require fenceline monitoring. Specifically, it includes an annual average benzene concentration to be measured using two-week passive samples placed at the refinery's perimeter.

NACAA fully supports a fenceline monitoring requirement. However, our member agencies have concerns about the use of passive monitoring over a two-week period, rather than using real-time monitoring. For example, it could be difficult to determine when a spike in emissions actually occurred or, worse, emissions spikes may not be flagged at all if they are averaged within two weeks' worth of data. Additionally, there would be a lag time in the availability of the data to regulatory authorities and the public. We recommend EPA more thoroughly analyze the benefits and costs of real-time versus passive monitoring before issuing a final rule. NACAA urges EPA to opt for the strategy that provides the best information that is most accessible for the public, the regulators, and for the facilities themselves, and provide a means to approve alternative equivalent fenceline monitoring

While NACAA supports a benzene action level, we have concerns about the action level of  $9 \mu\text{g}/\text{m}^3$  that EPA proposed. Benzene is a carcinogen associated with serious health effects. Houston conducted a study that concluded that average benzene concentrations at all monitors, including those in industrial areas near petroleum refineries, are considerably below the proposed action level (even before the background adjustment). So, NACAA members are concerned that the proposed action level is too high and will not provide any significant health protection to the public. We encourage EPA to examine all available data and reconsider what the best action level should be.

## Risk Assessment

NAACA shares EPA's goal of protecting public health. However, the proposal states that, using MACT-allowable emissions, the estimated maximum individual lifetime cancer risks are up to 100 in one-million and that the risks are "acceptable." We have serious concerns with this level of risk. Moreover, NACAA has repeatedly recommended improvements to EPA's risk assessment methodology during numerous rulemakings. If conducted properly, an improved risk assessment could show that the risks are even *higher* than the already unacceptable levels EPA has estimated. We strongly recommend that EPA reevaluate the risks related to petroleum refinery emissions, based on our recommended parameters, and ensure that the final rule adequately protects public health consistent with the mandates of Section 112 of the Clean Air Act.

I thank you for this opportunity to testify. As I stated earlier, these are NACAA's preliminary reactions and the association will submit additional comments by the deadline. I am happy to answer any questions you have.