NACAA
national association of clean air agencies

March 10, 2014



EPA Docket Center
EPA West (Air Docket)
Attention Docket ID Number EPA-HQ-OAR-2012-0133
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: Generic Maximum Achievable Control Technology Standards; and Manufacture of Amino/Phenolic Resins, which were published in the *Federal Register* on January 9, 2014 (79 *Federal Register* 1676). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 42 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These comments are based upon that experience. The views expressed in this document 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 source categories included in this proposal. 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 Acrylic and Modacrylic Fibers Production, Polycarbonate Production and Amino/Phenolic Resins Production, 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:[1]

[1] 79 *Federal Register* 1678, 1700, 1702, 1709 and 1710.

- more stringent leak detection and repair programs for the Acrylic and Modacrylic Fiber and Polycarbonate Production source categories;

- more stringent thresholds for storage vessel size and vapor pressure for new sources in the Amino/Phenolic Resins source category; and

- amendments to decrease emissions from previously unregulated emission points in the Acrylic and Modacrylic Fibers Production and the Amino/Phenolic Resins Production source categories.

With respect to the proposed actions, we are concerned that for the Amino/Phenolic Resins source category, EPA indicates that the worst-case acute non-cancer hazard quotient (HQ) related to formaldehyde could be as high as 10, as compared to 1, which is the current threshold EPA considers acceptable.[2] If this is correct, that is unacceptable and should be addressed in the final rule.

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 emissions in other elements of the risk assessment.[3] 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.[4] 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.[5] 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

[2] 79 *Federal Register* 1705.
[3] 79 *Federal Register* 1685.
[4] 79 *Federal Register* 1685.
[5] 79 *Federal Register* 1692.

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.[6] 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 for cancer or an HQ above one and *also* on individuals living within five kilometers (rather than three miles) 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.[7] The socio-economic analysis for this rule did not evaluate potential disparities within five kilometers for maximum allowable emission levels.[8] This type of analysis is especially important in instances where a facility is located in a minority and low-income community. As stated earlier, for the Amino/Phenolic Resins source category, EPA indicates that the worst-case HQ for formaldehyde could be as high as 10. This is a concern, especially if there are disproportionate exposures for certain demographic groups, as there may be for this source category.[9]

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 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.[10]

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

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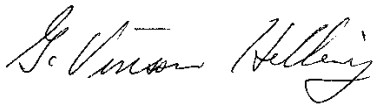
[6] 79 *Federal Register* 1699, 1705, 1708 and 1719.
[7] 75 *Federal Register* 65089.
[8] 79 *Federal Register* 1720.
[9] 79 *Federal Register* 1720.
[10] US Census 2011. *Income, Poverty, and Health Insurance Coverage in the United States: 2010*. Available at http://www.census.gov/prod/2011pubs/p60-239.pdf.

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.[11]

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

Sincerely,



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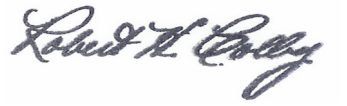

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[11] 79 *Federal Register* 1687, 1698, 1704 and 1707.