

# **Testimony of Jorge Madrid, Environmental Defense Fund, Delivered to the U.S. Environmental Protection Agency in Wilmington, California for the Proposed Petroleum Refinery Sector Risk and Technology Review and New Source Performance Standards**

**July 16, 2014**

My name is Jorge Madrid and I am a Senior Partnerships and Alliances Coordinator with Environmental Defense Fund (EDF), a non-partisan environmental organization with more than 750,000 members nationwide and over 40,000 in California. EDF is dedicated to working towards innovative, cost-effective solutions to address the most serious public health and environmental problems, building on a foundation of rigorous science, economics, and law.

Thank you for this opportunity to comment on the U.S. Environmental Protection Agency's proposal to strengthen refinery air toxics emission limits and monitoring requirements to protect public health.

EDF supports the efforts of the agency to reduce the emissions of carcinogens, neurotoxins, and hazardous metals from some of California's highest polluting facilities. According to the recently released Cal Enviro Screen – most, if not all of these facilities are located within disadvantaged communities.<sup>i</sup>

Every day, millions of Californians, just like Americans across our country, are exposed to toxic air emissions that pose a cancer risk, degrade air quality, cause illness and premature death. The facilities vastly responsible for this pollution are petroleum refineries, and EPA's proposal to change the status quo cannot come soon enough.<sup>ii</sup>

First, the movement toward better fence line monitoring is important for making sure we have a better understanding of the amount of benzene entering local communities and, importantly, to begin the urgent and vitally important work of holding these facilities accountable for their toxic emissions. Second, incorporation of monitoring and combustion efficiency requirements for flaring, including a hard limit on flaring is critical. Third, closing loopholes for things like startups, shutdowns, malfunctions, pressure relieve valves and bypasses have to remain a key focus. Finally, tighter limits on refinery equipment and units like cokers, storage tanks and wastewater plants are a must.

Although we recognize that EPA is proposing to take important steps in many areas, there remain many open items. For example, we urge EPA and California officials alike to carry out an up-to-date health risk and impact assessment to account for cumulative impacts of these and other nearby industrial facilities on children and overburdened communities. EPA should also look at safety investigations for additional insights and preventive actions and the use of inherently safer systems. Further, EPA must look to set limits on all pollutants, like hydrogen cyanide, and ensure that all facilities meet the same standards of performance.

Finally, looking to the future, California refineries, like many other across the U.S., are being modified to receive different, and often times, lower quality crude oil. EPA must not allow air emissions, upsets and accident threats to increase because of this new crude, and this rulemaking is an important part of making sure that won't occur. Indeed, EPA must vigorously strengthen safeguards for the communities and neighborhoods afflicted by this pollution.

The US EPA and President Obama have a stated commitment to put environmental justice into action. This rulemaking provides a concrete opportunity to make that happen. We look forward to continuing to work together to develop the protections that all Californians, and Americans need and deserve.

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<sup>i</sup> California Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California Environmental Protection Agency (CalEPA), draft Communities Environmental Health Screening Tool: CalEnviroScreen Version 2.0 (CalEnviroScreen 2.0), available at <http://oehha.ca.gov/ej/ces2.html> (April 2014)

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<sup>ii</sup> US Environmental Protection Agency, 2012 Toxic Release Inventory Data Report for California showing NAICS code 324 (Petroleum refining sector) has the second highest emission rate in California for compounds reported within the TRI program, available at [http://iaspub.epa.gov/triexplorer/tri\\_release.chemical](http://iaspub.epa.gov/triexplorer/tri_release.chemical)