

**EPA AGREES TO REVIEW OUTDATED AND INACCURATE FORMULAS FOR ESTIMATING TOXIC EMISSIONS AT REFINERIES AND CHEMICAL PLANTS BY THE END OF 2014.**

***Settlement of a lawsuit filed against EPA by Community Groups in Texas and Louisiana Requires EPA to Take Action by the end of 2014 to Review Outdated Formulas and Require More Accurate Reporting of Toxic Emissions from US Refineries and Chemical Plants.***

**HOUSTON, TX & WASHINGTON, D.C.**///Community groups in Texas and Louisiana and the U.S. Environmental Protection Agency (EPA) have settled a lawsuit filed in May 2013 to compel EPA to review outdated and inaccurate formulas that are used to report the levels of toxic emissions from refineries and chemical plants. The settlement was reached between EPA and the Washington, D.C. based Environmental Integrity Project (EIP), on behalf of its clients, Air Alliance Houston, Community In-Power and Development Association (CIDA), Louisiana Bucket Brigade, and Texas Environmental Justice Advocacy Services (TEJAS).

The lawsuit called for EPA to review the methodologies used to measure emissions of volatile organic compounds (VOCs) from liquid storage tanks, industrial flares, and wastewater treatment systems. The federal Clean Air Act requires EPA to review, and if necessary revise, these “emission factors” at least once every three years. Despite this requirement, EPA has not reviewed some of these factors in over 20 years.

U.S. refineries reported releasing 37,895 tons of volatile compounds from flares, tanks, and wastewater treatment plants in 2010 alone. However, recent EPA studies have measured actual emissions of volatile and toxic compounds from US refineries at levels 10 to 100 times higher than estimates based on emission factors. EPA’s failure to revise these factors has resulted in significant underestimation of reported emissions from US refineries and petrochemical plants, allowing hundreds of thousands of tons of pollutants to go unreported each year and posing significant health risks by potentially exposing nearby communities to higher levels of pollution than the law allows.

The settlement announced today was reached through a consent decree that was lodged with the United States District Court for the District of Columbia on February 11, 2014. Notice of the proposed consent decree was published in the Federal Register on February 25, 2014 and is available online at <http://www.gpo.gov/fdsys/pkg/FR-2014-02-25/pdf/2014-04112.pdf>. The proposed consent decree requires the following:

- No later than August 19, 2014, EPA must review and either propose revisions to the emission factors for flares, tanks, and wastewater treatment systems under Section 130 of the Clean Air Act, or propose a determination that revision of these emission factors is not necessary.
- No later than December 19, 2014, EPA must issue final revisions to the emission factors for flares, tanks, and wastewater treatment systems under Section 130 of the Clean Air Act, or issue a final determination that revision of these emission factors is not necessary.
- EPA will publish each proposed and final revision or determination (or combination thereof) on the dates indicated above to its AP-42 website located at <http://www.epa.gov/ttn/chief/ap42/>.

The text of the consent decree is available online at [http://www.environmentalintegrity.org/news\\_reports/02\\_25\\_2014.php](http://www.environmentalintegrity.org/news_reports/02_25_2014.php)

The text of the original lawsuit filing is available online at [http://www.environmentalintegrity.org/news\\_reports/05\\_02\\_2013.php](http://www.environmentalintegrity.org/news_reports/05_02_2013.php)

Eric Schaeffer, executive director of the Environmental Integrity Project said: "EPA's own studies show that emissions of carcinogens and smog forming chemicals from flares, tanks, and industrial wastewater treatment may be as much as ten times higher than what gets reported today. The Agency's willingness to review and revise inaccurate methods that lowball emissions will close that gap, make sure that regulators and industry are playing with a full deck, and help communities better understand where the pollution in their neighborhood comes from."

Environmental Integrity Project Attorney Whitney Ferrell said: "The use of inaccurate emission factors has resulted in underreporting of actual emissions from US refineries and chemical plants for years, hiding the true toxic exposure levels in nearby communities. EPA's agreement to review the emission factors for tanks, flares and wastewater treatment systems is an essential first step to obtaining accurate emissions data, which is necessary to protect public health."

Adrian Shelley, executive director, Air Alliance Houston said: "To think that some sources may be emitting one hundred times the pollution they report is frightening. How can we hope to protect our health if we don't know what's out there? Let's get the number right, then we'll work on reducing them."

Anna Hrybyk, program manager, Louisiana Bucket Brigade said: "This consent decree is the first step for protecting communities from exposure to toxic emissions by making sure that what refineries emit is accurate. The next step will be to work with EPA to ensure compliance with these new factors by installing state of the art fence-line monitoring at all refineries."

Hilton Kelly, executive director, Community In-Power and Development, said "We feel that it is time that the EPA did more to help protect the citizens that live on the fence-line of big polluters. A disproportionate amount of people have been harmed by toxic emissions and fumes that leak from these refineries and chemical plants and are unaccounted for every year. More stringent rules are necessary to help protect the health of innocent folks living in the shadow of refineries, chemical plants, and incinerator facilities, and this settlement is a good first step in the right direction."

## **ABOUT THE GROUPS**

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

Air Alliance Houston (<http://www.airalliancehouston.org>) wants clean air so our economy, quality of life, and children can thrive. Our mission is to reduce air pollution in the Houston region to protect public health and environmental integrity through research, education, and advocacy. We are the Houston region's leading environmental health and air quality nonprofit.

Community In-Power and Development Associates (<http://www.mycida.org>) is a non-profit organization that advocates for its members environmental justice, social, and economic rights. CIDA works to help protect underserved communities from big polluters like refineries and chemical plants by monitoring toxic emissions, revitalize communities, and educate citizens on the importance of voting and taking part in decisions that impact their communities.

The Louisiana Bucket Brigade (<http://www.labucketbrigade.org>) is a 501(c)(3) environmental health and justice organization working with communities that neighbor the state's oil refineries and chemical plants. Our mission is to support communities' use of grassroots action to create informed, sustainable neighborhoods free from industrial pollution.

Texas Environmental Justice Advocacy Services (<http://www.tejasbarrios.org>) is dedicated to providing community members with the tools necessary to create sustainable, environmentally healthy communities by educating individuals on health concerns and implications arising from environmental pollution, empowering individuals with an understanding of applicable environmental laws and regulations and promoting their enforcement, and offering community building skills and resources for effective community action and greater public participation.

**MEDIA CONTACTS:** Patrick Mitchell, for EIP, at (703) 276-3266 or [pmitchell@hastingsgroup.com](mailto:pmitchell@hastingsgroup.com); Adrian Shelley, for Air Alliance Houston, at (713) 528-3779; Anna Hrybyk, for Louisiana Bucket Brigade, at (504) 312-1737; Hilton Kelley, for Community In-Power and Development Association, at (409) 498-1088; and Juan Parras, for Texas Environmental Justice Advocacy Services, at (281) 513-7799.