**HOUSTON EPA HEARING: EIP DATA SHOWS AIR POLLUTION WORSENING AT MANY TEXAS AND LOUISIANA REFINERIES**

***EPA Urged to Get Tougher on Refinery Pollution, Not Turn a Blind Eye to Problem.***

**HOUSTON, TX.///November 27, 2007**///The following statement was issued today by Environmental Integrity Project (EIP) Counsel Ilan Levin and Galveston-Houston Association for Smog Prevention ("GHASP") Executive Director Matthew Tejada:

"The U.S. Environmental Protection Agency has scheduled a public hearing in Houston on November 27, to hear public testimony on the Agency's recent proposal to require no further reduction in hazardous air pollution from refineries. This proposal assumes that regulations already on the books have reduced emissions to a level that poses no real risk to the public. But data reported by the industry to the EPA's Toxics Release Inventory shows that hazardous air pollutants(HAPs) from some refineries has actually ***increased*** since EPA began regulating such emissions in 1995.

Three decades after the Clean Air Act became law, refinery communities ought to know how much they are being exposed to pollutants that contribute to such alarming diseases. The Agency ought to concede that its own data does not support a 'finding' that refinery hazardous air pollution (HAP) emissions cause no significant risks. Instead, EPA should act now to require the industry to stop leaks that endanger the public while costing refineries money. And 30 years after the Clean Air Act, it's time to stop guessing and start actually measuring emissions that are so dangerous to human health.

The EPA's own data shows that HAP from some refineries has increased significantly:

- Exxon's Baytown refinery reported 814,598 pounds of HAPs in 1995, and 1,331,105 pounds in 2005, for an increase of 63%.

- HAP emissions from BP's Texas City refinery rose from 570,140 pounds in 1995 to 880,345 pounds ten years later, an increase of 54%.

- HAP emissions from the Chalmette refinery in Louisiana increased 37%, from 454,209 pounds in 1995 to 621,914 in 2005.

- Emissions from some smaller refineries have also gone up. For example, Citgo's Corpus Christi's east and west refineries more than doubled their emissions over the ten year period, from 124,345 pounds in 2000 to 273,555 pounds in 2005.

The stakes are high, since hazardous air pollutants are by definition so harmful to human health. EPA advises that in addition to cancer, hazardous air pollutants are associated with chronic health effects like aplastic anemia and lung structural changes, and that acute exposure can cause difficulty breathing, tremors, delirium, and even coma and convulsions.

Preliminary data for some refineries show an upward trend in emissions that is starting to reverse earlier gains. For example, HAP emissions from the Houston refinery (formerly Lyondell-Citgo declined almost 50% between 1995 and 2000, but jumped from 460,007 to 665,733 pounds per year between 2004 and 2006. Emissions from the Citgo Lake Charles plant in Louisiana increased more than 50% over the same two year period, from 607,994 to 937,573 pounds annually.

There are several possible explanations for this troubling trend, including production increases and better accounting of emissions that escaped detection in the past. TRI data suggests that annual HAP emissions from all refineries combined have declined about 48 percent between 1995 and 2005. Those industry-wide trends will offer small comfort to communities living on the fenceline of refineries where emissions have actually gone up.

But there is reason to fear that the reported decline in industry-wide emissions is overstated, for several reasons First, over three quarters of the reported reductions are in 'fugitive' emissions (e.g., leaks from valves, tanks, wastewater treatment plants, gasoline loading racks, etc.), rather than 'stack' emissions. These fugitive emissions are notoriously difficult to measure. Second, pollutant releases are often estimated using 'emission factors' that are outdated, and which do not take into account variations in day-to-day operations that can dramatically effect results. Plant upsets can release enormous amounts of pollution over short periods of time, for example:

- Motiva reported only 42,647 pounds in HAP emissions in 2005; in 2006, that number jumped to 386,136, thanks in part to a cooling tower leak.

- Total reported 122,396 pounds in 2005, but 461,041 pounds the next year; again, a leaking cooling tower appears to explain much of the increase.

EPA has recognized that additional regulation of cooling towers may be needed, and pointed out that better leak prevention programs actually pay for themselves by recovering lost product.

Third, the Agency has also conceded that reported emissions are likely underestimated, and that, 'the data from several processes and operations are not included in the reported emissions from many facilities,' including a total exclusion of emissions from 'upset, malfunction, startup, and shutdown events.' [EPA's Proposed Rule, 72 Fed. Reg. 50716, 50725 (Sept. 4, 2007)] In addition to emissions from upsets and cooling tower leaks, EPA reports that wastewater systems, delayed cokers, and storage tanks are likely sources of unreported releases of hazardous air pollutants.

Instead of relying on outdated emission factors and industry reports that it knows to be inaccurate, EPA should take advantage of emerging optical remote sensing technologies that allow more accurate actual measurements of the hazardous air pollutants streaming off so many units. For example, the Alberta Research Council used a laser-based method (Differential Absorption Lidar) to track emissions from storage tanks, and determined

that annual emissions of benzene, a known human carcinogen, could be ***100 times*** greater than emissions based on current estimation factors."

For a detailed chart of the EIP findings set out above, go to http://www.environmentalintegrity.org/pub471.cfm on the Web.

Levin will testify today at the Environmental Protection Agency (EPA) hearing on National Emissions Standard for Hazardous Air Pollutants (NESHAP) in Houston, Texas.

**ABOUT EIP**

The Environmental Integrity Project (http://www.environmentalintegrity.org) is a nonpartisan and nonprofit organization established in March 2002 to advocate for more effective enforcement of environmental laws. EIP was founded by Eric Schaeffer, who was director of the U.S. Environmental Protection Agency's Office of Regulatory Enforcement. He resigned in 2002 after publicly expressing his frustration with efforts of the Bush Administration to weaken enforcement of the Clean Air Act and other laws.

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