

12/10/2018

California Air Resources Board (CARB)



Re: Criteria & Air Toxics Reporting—Oil Refineries need special attention beyond standardizing to improve standard methods grossly underestimating emissions, exacerbating Environmental Racism

Dear Chair Nichols and Members of the Board:

This letter focuses on one concern regarding oil refinery toxics reporting within the context of your Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants under AB617.

CBE is a community-based Environmental Justice organization which has discussed many other issues with your staff and submitted written comments with other clean air advocates in support of CARB's work to improve criteria and toxics reporting. CEJA (the California Environmental Justice Alliance), the Environmental Health Coalition, the Coalition for Clean Air, Californians for Pesticide Reform, and many other clean air advocates have submitted written comments on a longer list of concerns, regarding the need to beef up requirements.

One focus of your staff is on standardizing methods throughout the state, which is important, but assumes that standard methods used will be accurate. We want to call your attention to the problem that some standard methods also grossly underestimate oil refinery emissions.

By example, the South Coast Air Quality Management District (AQMD) carried out a special joint study of oil refinery emissions with Swedish scientists, published last year. **The Fluxsense study¹ found that on average, oil refinery benzene emissions were 34 times what was reported to the AQMD inventory** This specialized and intensive optical sensing study found what many of us have said for a long time, that the standard methods used to estimate refinery emissions paint much too-rosy pictures. The Fluxsense study also reported that the higher benzene and VOC emissions found were likely due to refinery storage tanks.

Ignoring these shocking results completely, AQMD approved a massive expansion of storage tanks at the Tesoro Wilmington / Carson refinery (by far the largest on the West Coast) shortly after this study was published, without including the much higher benzene and VOC emissions estimate. Tesoro was thus approved by the AQMD EIR to build an additional whopping 3.4 million barrels of storage, using the same faulty but standard EPA Tanks modelling to estimate future emissions increases. This community already has 5 oil refineries, 2 massive ports, and the largest urban oil drilling.

¹ CBE Factsheet at: <http://www.cbecal.org/wp-content/uploads/2017/05/CBE-Decoder-Social-Refinery-Study-Emissions-Underreported.pdf> ;

Full Fluxsense joint study with SCAQMD at: <https://www.courthousenews.com/wp-content/uploads/2017/06/FluxSense-Study.pdf>

This failure to respond to new data by an Air District demonstrates the need for CARB to step in and direct Air Districts to update methods, even if they are considered standard, when better information is available. **As a minimal first step, Districts should be required to identify and publish such important new results alongside the standard method results, while new methods are in the process of being updated.** The Districts tend to hide behind the fact that such methods are EPA's standard methods (frequently heavily influenced by the oil industry). However, there is no reason the Districts can't be required to include new and better information, and at least report it alongside existing methods. Strong state intervention is needed to protect public health.

The Board has stated that AB617 will right many EJ wrongs – but this is another example where standard emissions reporting is hiding the true impacts, justifying permitting even higher concentration of toxic sources in EJ communities.

CBE has asked your staff to incorporate a more formal process enabling the public to challenge faulty methods. Your staff has been helpful, but the response on this issue was that we should just email them. We ask the Board to ensure that while standards are set, they are accurate, and can be challenged through a clear process, and that CARB will support EJ communities in such efforts. We can provide more detail, with citations to many experts who agree, at the appropriate time.

Thanks much for your consideration.

Julia May
Senior Scientist
Communities for a Better Environment

A handwritten signature in blue ink, appearing to be 'Julia May', written in a cursive style.