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Sent: Saturday, June 22, 2019 12:47 AM

To: COB <COB@aqmd.gov>

Cc: Jacob Allen <jallen2@aqmd.gov>; Denise Garzaro <dgarzaro@aqmd.gov>

Subject: Coalition Recommendations to AQMD Refinery Committee of Board for Jun 22nd hearing

Dear Clerks of the Board / AQMD Representatives – We are submitting the attachment to the Refinery Committee of the AQMD Board, this 1-page set of recommendations regarding Rule 1410 and the public hearing tomorrow, Saturday, Jun 22nd in Diamond Bar. This document will be described by Alicia Rivera, CBE, during the Community presentation section of the agenda.

This comes from our coalition including CBE, Ban Toxic MHF, CBD (Center for Biological Diversity), CFASE (Communities for a Safe Environment), Earthjustice, EDF (Environmental Defense Fund), NRDC (Natural Resources Defense Council), Sierra Club, and TRAA (Torrance Refinery Action Alliance). We have also emailed it this evening to other AQMD staff including Lisa Tanaka, and separately to Dr. Fine, Susan Nakamura, Heather Farr, and Michael Krause.

I had intended to be there early tomorrow to submit hard copies, but my flight had problems and I cannot attend. However, Katherine Hoff from CBE will submit hard copies to you just before 10am when she arrives.

Apologies for our inability to provide this earlier. We would very much appreciate if someone is able to provide this to the Boardmembers. Thank you.

Julia May
Senior Scientist
Communities for a Better Environment (CBE)





SIERRA CLUB



EARTHJUSTICE



Communities Urge MHF Actions by Refinery Committee Board Members -- 6/22/19

- 1) Please don't foreclose the full Board's ability to consider a direct MHF phaseout regulation later.
- 2) **FOREMOST, please forward to the full Board this option** (even if forwarding other options too):
 - **A regulation for direct phaseout of MHF within 4 years, without a Performance Standard test that would allow continued use of MHF.** For example, we have submitted to staff AQMD's own adopted 1991 regulation, with dates updated and with the original Performance Standard removed.
- 3) **Please reject the proposal for trying *only* an MOU first, and also reject solely forwarding options that include the currently proposed weak Performance Standard concept:**
 - a. Reject trying an MOU-only as a first step. This is not the action the full Board directed at the Feb. 1st hearing. (Full Board asked staff to develop both an MOU and a regulation.) An MOU is the weakest option--it is not a path to MHF phaseout, because refiners would have to *voluntarily* sign, and are on record opposing phaseout. MOUs or consent decrees have been tried and failed for 30 years and led to a near-miss for a catastrophic release. AQMD needs to continue developing a *regulation* for MHF phaseout, to ensure basic public safety.
 - b. Also reject proposals to only develop options that include weak Performance Standards within either a regulation or MOU--these allow continued use of MHF if the refineries pass an easy computer modeling test. The AQMD proposal allows use of computer models chosen by the refiners to estimate a future release. This theoretical test allows modeling a smaller release into communities, rather than a large credible release which almost happened in Torrance in 2015 (according to the U.S. Chemical Safety Board). This exercise assumes a lower-emission release due to credit for mitigation measures (such as water sprays or MHF evacuation out of breached tanks), even though staff acknowledged mitigation effectiveness is uncertain. EPA does *not* allow such mitigation credits in its risk assessments, because mitigation equipment can be damaged during accidents or otherwise fail. Further, this model would allow exposure of people up to 95 ppm of MHF for 10 minutes, a level staff considers not to cause *permanent* harm, but which can cause significant harm. But this unrealistic exercise grossly underestimates the true impacts of a credible large release, especially given imminent earthquake dangers.

FACTS -- Many refineries are economically building new alkylation units that do not use MHF outside of California – This is feasible and economical, would create large numbers of jobs to build these units, and would only shut down a small portion of the refinery for a limited time. This would prevent widespread harm including thousands of deaths and shutdown of the Ports which could occur during a credible major release.

From: Ban Toxic MHF, CBD, CBE, CFASE, Earthjustice, EDF, NRDC, Sierra Club, TRAA