



February 14, 2005

Mr. Art Williams  
Director  
Louisville Metro Air Pollution Control District  
850 Barret Avenue  
Louisville, Kentucky 40204-1745

Re: Comments on Proposed STAR Program Regulations  
GE Consumer & Industrial, Appliance Park, Louisville, Kentucky

Dear Mr. Williams:

The efforts by you, and your staff, to develop the Strategic Toxic Air Reduction (STAR) program have been prodigious – we can appreciate the difficulty of not only drafting such an ambitious set of rules, but also considering the comments and perspectives of all stakeholders in that process. We applaud your commitment to this effort. Our employees and their families are members of the community and have the same need as others for programs that protects us from harmful air pollutants. As we seek to attract new employees to live and work here, we want them to see Louisville as a safe community. Clean air is as important to GE as it is to any other stakeholder in the community.

At the same time, we all understand that the science of air pollution control and public health risk assessment continues to evolve and is still far from perfect. Regardless, real progress in reducing air pollution risks has been achieved by targeting large risks and easy-to-eliminate emissions, and using advances in control technology to reduce smaller risks; not by model driven individual source limits. As is the case for other air pollutants, many substances the STAR program regulates are in our air because of activities very important to the community, such as operating motor vehicles, manufacturing employment, heating and providing electrical power to our homes and businesses. Mandating immediate elimination of all theoretical risks from STAR regulated substances may cause more harm than good

In our original comments on the draft rules, we pointed out that it is important for your regulations to include exemptions for *de minimis* emission amounts or activities that can be expected to create no significant risk. We do not want to spend money that could otherwise go to plant improvements and job creation to prepare unnecessary and costly computer modeling demonstrations, and you do not want to spend your scarce human resources reviewing submissions for which there is no need to require emission reductions. The new rules contain new activity exemptions that respond to several of these comments. We are grateful for your revision of the program in this regard. While

we continue to have reservations about a number of elements of the currently proposed program,<sup>1</sup> there are three major deficiencies on which we want to provide comment today, and which, in our view based on experience with other similar regulatory programs in other communities, will prove harmful to the community or the effectiveness of your program if not addressed.

The first of these is the scope of the program. As you well know, the creation and operation of an air toxics regulatory program is complex and difficult. The District has spent much time and money to identify and measure the pollutants present in the air at significant levels. We believe it is a mistake to attempt to regulate more pollutants than the ones being detected at significant levels in our air. Spending our resources and yours on complex computer demonstrations of pollutants we already know are not public health risks is a waste for both of us.

Secondly, the program needs to recognize that current science does not support the assumption that the public is at risk any time a model predicts that a substance will be present in a concentration calculated to produce a theoretical  $1.0 \times 10^{-6}$  (one in a million) or  $7.5 \times 10^{-6}$  risk of cancer. Neither the science of risk assessment or nor of air modeling is precise enough to draw those conclusions. As recently as January 26, 2005, EPA toxicologists testified before the Kentucky EPPC task force that while a worst-case risk level of  $1.0 \times 10^{-6}$  (i.e., calculated with very conservative exposure assumptions) is an appropriate **goal** for public risk, the EPA considers a risk level of  $100 \times 10^{-6}$  (or one in a thousand) to be the upper level of acceptable risk, if certain other conditions are met. I have attached a simple graphic used in that presentation for your consideration. While there are circumstances when even this may be too conservative, it is instructive that even US EPA has not found the Star assumptions appropriate. Recognition of this concept in your regulations would go a long way toward focusing efforts where real benefits may be achieved without forcing wasteful activity and unnecessary disruptions. As stated in regard to the issue of scope, the rigid application of a bright line standard will create unnecessary conflict and perhaps unwise regulatory and business decisions.

Thirdly, is that the regulations should not require submittal of data on activities that occurred before the effective date of the regulations. In our oral and written comments we stated that it is inappropriate to require a permittee to submit information that it was never required to collect and maintain. In particular, the original and current drafts of the STAR program require the submission of “enhanced emissions reporting data” from operations in 2004, knowing that the obligations of this new rule will initiate in 2005. In response to our comments, and that of others, the District said that these data were “likely to be calculated by summing the [data from] individual emission points.” Obviously, if the data exists, we have no problem with summing it. However, many permits, such as ours, do not require the collection of individual emission point data, and therefore, the holders of those permits do not have an associated set of data to generate the proposed 2004 enhanced emissions summary. Our permit, like others, requires the management of emissions by the control and reporting of inventories of materials and components. At best we will be able to provide very rough estimates based on assumptions regarding

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<sup>1</sup> GE endorses and supports the comments submitted by Greater Louisville, Inc.

operating levels and hours and inventory results from time periods much longer than those specified in the rules and applying to an entire building or the plant as a whole. Any submittal provided would be conditioned on the quality of the data that was actually available to make calculations.

We thank you for this opportunity to comment on the proposed regulations. We remain committed to working with you to improve these regulations and provide a healthy environment to all of us.

Cordially,

Steven Marks  
Global Air Leader

## **Residual Risk: Mandate From Congress**

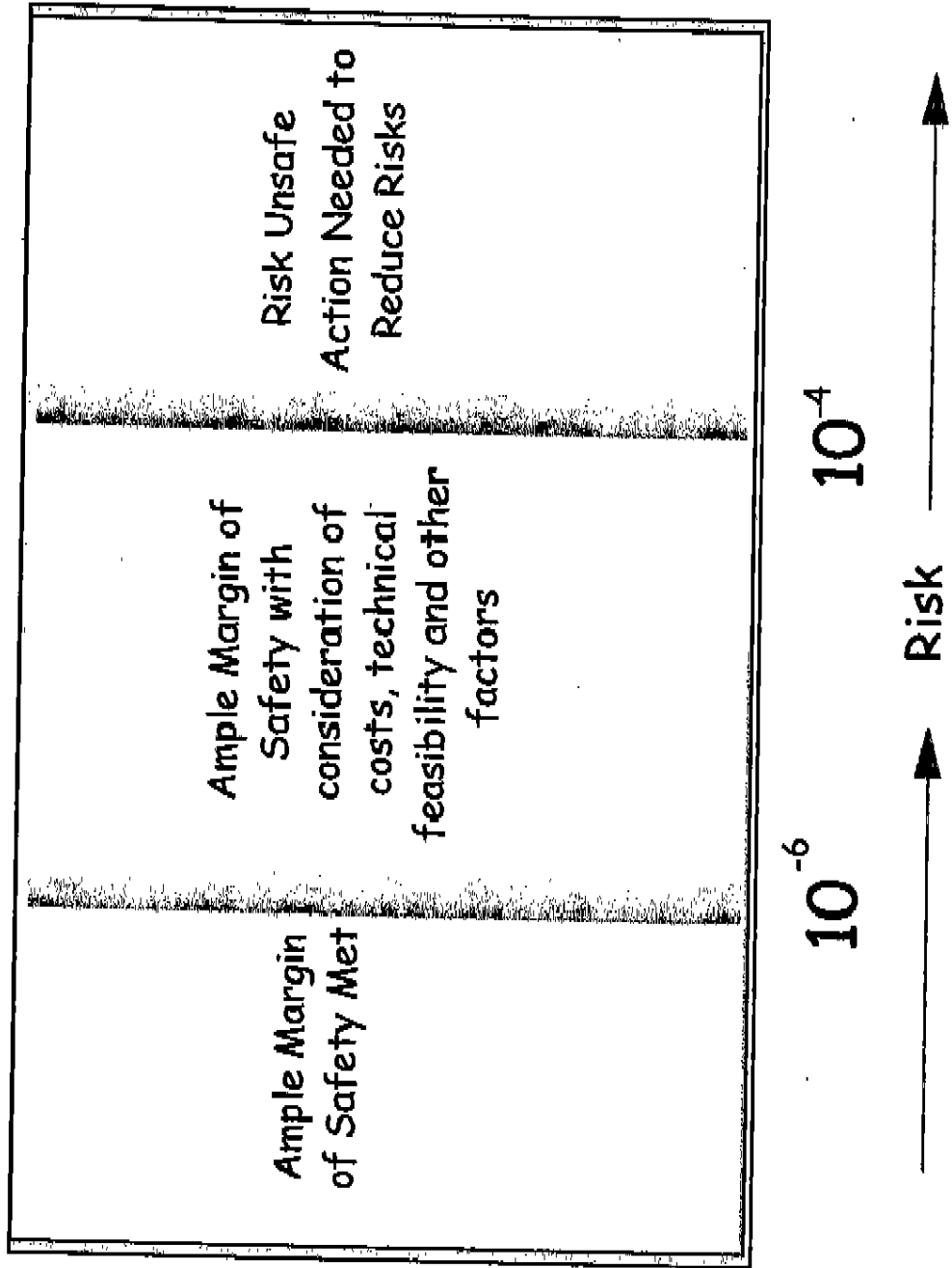
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Assess risks from stationary sources that emit air toxics after technology-based (MACT) standards are in place

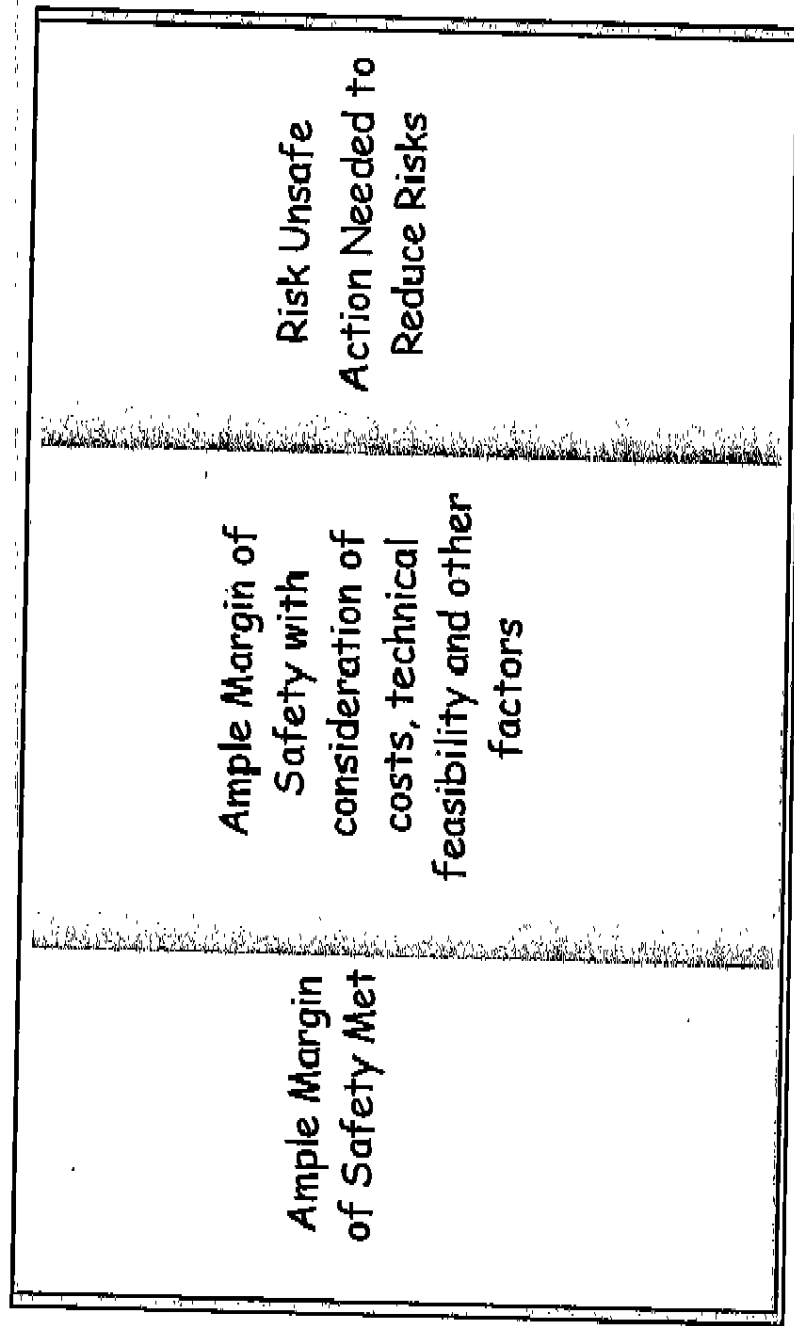
Set additional standards if MACT does not protect public health with an "ample margin of safety"

Set additional standards if necessary to prevent adverse environmental effects

# Relevant Cancer Risk Ranges



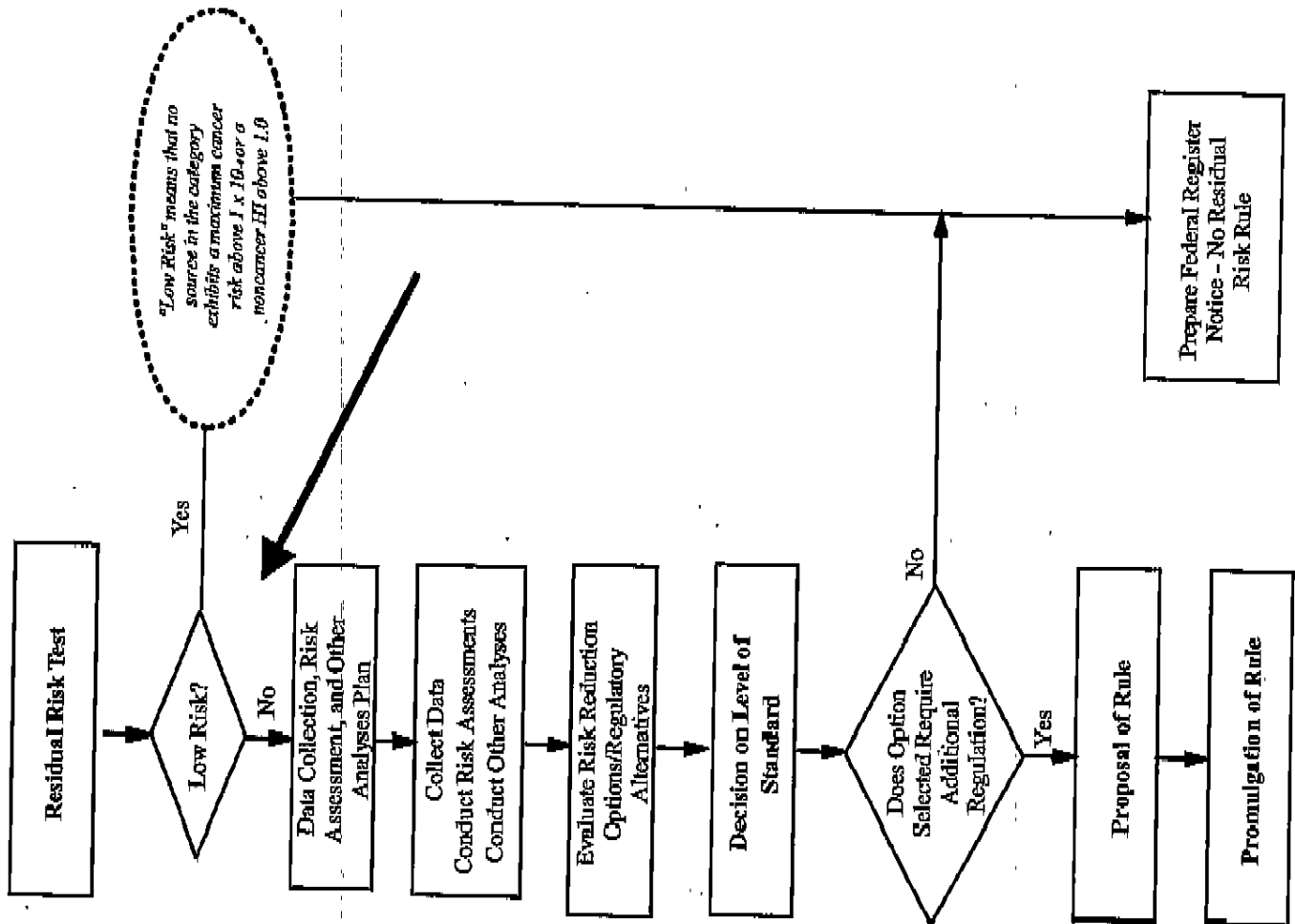
# Relevant Noncancer Hazard Ranges



1.0 case-by-case



# Residual Risk Standards Development Process



Data Collection, Risk Assessments and Other Analyses

"Low Risk" means that no source in the category exhibits a maximum cancer risk above  $1 \times 10^{-4}$  or a noncancer HI above 1.0

## **Current Activities**

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**Volumes I and II of Risk Assessment Library  
(Risk assessment overview and Site-specific  
air toxics risk assessment guidance) published  
spring 2004**

[http://www.epa.gov/ttn/fera/risk\\_atra\\_main.html](http://www.epa.gov/ttn/fera/risk_atra_main.html)

**Volume III currently being developed  
(Community-wide risk assessment guidance)  
Risk assessment training courses developed  
and being offered nationwide**

# Current Activities (Continued)

Complete current standards with court-ordered deadlines

• Coke ovens - final 2005 (March)

• Dry cleaning - final 2006 (May)

• HON - final late 2006\* (Dec?)

• Halogenated Solvents - final late 2006\* (Dec?)

*will likely propose  
add'l labels  
beyond MACT stds*

Complete 4 proposals of no further controls by middle of 2006\*

• Industrial cooling towers

• Magnetic tape

• Ethylene oxide sterilizers

• Gasoline distribution

\* dates under negotiation

*EPA is looking to  
Propose this  
rule this  
Summer.*

# **Total Facility Low-Risk Demonstration Rule (TFLRD)**

Voluntary option available to facilities with at least one MACT source

Source conducts total facility HAP risk assessment

Sources submit risk assessment to permitting authority

Sources certify accuracy of assessment

Review/ approval process being developed

Parameters included in low risk demonstration incorporated into Title V permit

Parameters become enforceable permit limits

Facilities that demonstrate their low risk status (e.g. maximum cancer risk < 1E-06 and noncancer HI < 1.0) automatically satisfy the 112f requirements for all their MACT sources

EPA workgroup currently developing draft rule