

**Congress of the United States**  
**Washington, DC 20515**

March 4, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy,

Recent reports of growing petroleum coke (petcoke) piles in several communities across our country have sparked local concern over the impact that petcoke is having on their health and the environment. Communities struggle with the black dust of petcoke covering their homes and businesses, causing upper respiratory ailments and concern over the safety of their drinking water. Petcoke is posing problems for communities across our country, especially in the Great Lakes region.

According to Energy Information Administration (EIA), the domestic production of petcoke will increase as U.S. refineries continue to add coking capacity. Given this potential for the increased prevalence of petcoke, we are concerned about the public health and environmental hazards from, transportation, storage, and handling of petcoke.

The United States Environmental Protection Agency (EPA) has surveyed the potential human health and environmental impacts of petcoke through its High Production Volume (HPV) Challenge Program. EPA's Office of Pollution Prevention and Toxics (OPPT) hazard characterization found petcoke to have a low health hazard potential in humans.

We urge EPA to conduct a more up-to-date analysis on the human health and environmental impacts of petcoke. In particular, we want to know if the chemical and physical composition of petcoke is still consistent with the data reported in the HPV Challenge Program. We urge EPA to analyze whether the observed respiratory inflammation effects in laboratory tests after repeated-dose and chronic inhalation of fugitive dust, including exposures from inhalation, oral ingestion (including waterborne secondary contaminants), and environmental toxicity of pet coke both in isolation and in combination with other contaminants that may reasonably be co-located, are still consistent with the data reported.

In light of EPA's authority to regulate petcoke, we have a few questions about the current scope of EPA's engagement with petcoke:

- What federal statutory and regulatory controls does EPA regard as relevant to air and water emissions from petcoke handling, storage, and transportation facilities, including controls relevant to stormwater runoff and fugitive dust emissions?

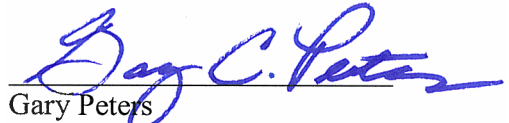
- To what extent have petcoke handling, storage, and transportation facilities submitted their respective notices of intent for permit coverage, developed written stormwater pollution prevention plans, and/or submitted annual reports, under the National Pollutant Discharge Elimination System (NPDES) permit program, as authorized by the Clean Water Act (CWA)?
- What types of controls on petcoke handling and storage are states generally requiring in the Clean Air Act (CAA) permitting context? Does any jurisdiction other than the South Coast Air Quality Management District in California require total enclosure at petcoke handling, storage, and transportation facilities, at either existing sources or new/expanded sources? What types of opacity limitations, if any, are generally being applied?
- What sorts of controls on petcoke fugitive dust emissions are generally contained in refinery permits? Do the requirements differ significantly in new/expanded source permits? How many refinery permits to your knowledge require total enclosure of petcoke operations?
- In EPA's estimation, to what extent do fugitive dust emissions from petcoke handling, storage, and transportation facilities contribute to particulate matter (PM) pollution? To what extent have state and local agencies included provisions for managing fugitive dust emissions from petcoke handling, storage, and transportation facilities as part of their State Implementation Plans for PM National Ambient Air Quality Standards?
- Is the monitoring network to evaluate attainment of the PM NAAQS sufficient, in EPA's view, to capture the impacts of increasing petcoke piles on such attainment? Has EPA exercised its authority under CAA § 114, or any other provision, to require additional PM monitoring near petcoke storage or handling sites? If so, where and when was additional monitoring required?
- What type of monitoring (i.e., method, location, and frequency) would EPA consider sufficient to assess compliance with opacity limitations associated with petcoke fugitive dust?
- Has EPA evaluated whether the requirements for fugitive dust plans under CAA § 111 New Source Performance Standard (NSPS) are sufficient to minimize the hazards of fugitive dust from the increasing petcoke storage and handling operations? Has EPA evaluated whether the rules (Rule 1158) regulating petcoke storage and handling promulgated by California's South Coast Air Quality Management District represent the current Best System of Emissions Reductions for fugitive dust from petcoke storage and handling operations?
- Has EPA developed or evaluated best practices for minimization of fugitive dust emissions at facilities that are not totally enclosed? What health concerns is EPA aware of that are associated with use of chemical dust suppression agents?
- Have there been instances in the past of industry operators and/or state or local agencies seeking guidance from EPA regarding management practices for air and water emissions from petcoke handling, storage, and transportation facilities?

We stand ready to work with you and EPA to help protect our communities from public health hazards. Thank you for your support and leadership.

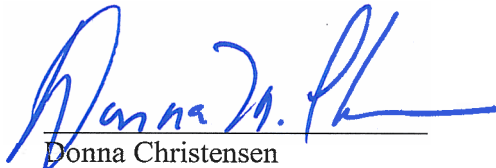
Sincerely,



Mike Quigley  
Member of Congress



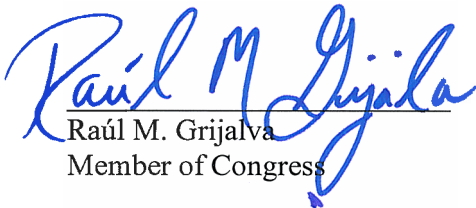
Gary Peters  
Member of Congress



Donna Christensen  
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John Conyers, Jr.  
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Raúl M. Grijalva  
Member of Congress



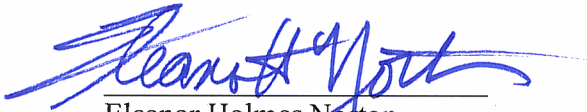
Robin Kelly  
Member of Congress



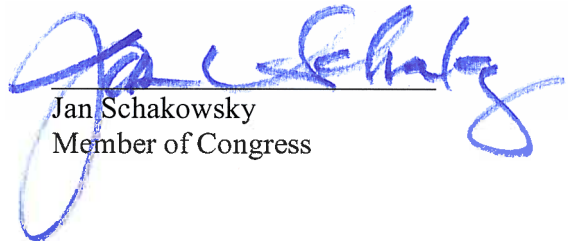
Dan Kildee  
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Alan Lowenthal  
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Carol Shea-Porter  
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