

EPA's Actions for Off-Site Waste and Recovery Operations: National Emissions Standards for Hazardous Air Pollutants (NESHAP)

Actions

- On July 27, 2017, the US. Environmental Protection Agency (EPA) proposed to amend the March 18, 2015, Off-Site Waste and Recovery Operations (OSWRO) National Emission Standards for Hazardous Air Pollutants (NESHAP) to remove the continuous monitoring requirements for pressure relief devices (PRDs) on containers.
- This proposed rule would save the industry \$28 million in capital costs and an additional \$4.2 million annually.
- EPA will accept comment on the proposal for 45 days after publication in the Federal Register.

Background

- On March 18, 2015, the EPA finalized the residual risk and technology review (RTR) for the OSWRO NESHAP.
- On May 18, 2015, Eastman Chemical Company and American Chemistry Council (ACC) filed a joint petition for reconsideration regarding equipment leak provisions for connectors and the requirement to monitor PRDs on containers.
 - On February 8, 2016, the EPA granted reconsideration of the requirement to monitor PRDs on containers.
 - On May 5, 2016, the EPA denied the petition for reconsideration regarding equipment leak provisions for connectors.
- On May 18, 2015, ACC and Eastman Chemical also both filed petitions for judicial review of the OSWRO NESHAP RTR challenging numerous provisions in the final rule, including the issues identified in the petition for administrative reconsideration.
 - On September 26, 2016, Eastman filed an unopposed motion for voluntary dismissal from this action.
- In October 2016, ACC and Environmental Technology Council (ETC) provided the EPA with data related to their stationary, process PRDs and PRDs on containers for 17 facilities owned by eight companies. The data covered calendar years 2013 – 2015 and included PRD release information, such as the number of relief events and the quantity of emissions from those events, as well as PRD release monitoring methods, control methods and the perceived effectiveness of these methods. Other data were also provided about the costs to control PRD releases, impacts of major storms or other force majeure events, types of root cause analyses, inspection frequency, average length of time containers remain on-site and regulations that currently apply to PRDs. The data provided to the EPA by ACC and ETC are

available to view publicly in the docket at <https://www.regulations.gov/docket?D=EPA-HQ-OAR-2012-0360>.

- On December 19, 2016, the EPA issued a Federal Register notice of proposed settlement agreement, resolving the judicial petition litigation. On June 15, 2017, the EPA and ACC finalized the settlement agreement. This agreement specifies that if EPA signs a proposal reconsidering certain PRD requirements by July 27, 2017, and signs a final rule by January 18, 2018, then ACC will dismiss their judicial petition for review.
- The OSWRO NESHAP already includes monitoring and inspection requirements for containers and their closure devices (which include PRDs) by incorporating the requirements of the Container NESHAP (40 CFR part 63, subpart PP). These container monitoring and inspection requirements remain in effect. Furthermore, the data provided by ACC and ETC show that releases from containers are rare and the emissions potential from PRDs on these containers is low. For these reasons, the EPA is proposing to remove the additional continuous monitoring requirements for PRDs on containers in the March 2015 OSWRO NESHAP because they are unnecessary.

How to Comment

- EPA will accept comment on the proposal for 45 days after publication in the Federal Register. Comments, identified by Docket ID No. EPA-HQ-OAR-2012-0360, may be submitted by one of the following methods:
 - Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
 - Email: A-and-R-Docket@epa.gov. Include docket ID No. EPA-HQ-OAR-2012-0360 in the subject line of the message.
 - Fax: (202) 566–9744.
 - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID EPA-HQ-OAR-2012-0360, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
 - Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket’s normal hours of operation, and special arrangements should be made for deliveries of boxed information.

For More Information

- To read the rules, including additional fact sheets, visit: <https://www.epa.gov/stationary-sources-air-pollution/site-waste-and-recovery-operations-oswro-national-emission>.