

FACT SHEET
Proposed Amendments to Air Toxics Standards for Site Remediation

ACTION

- On August 5, 2019, the U.S. Environmental Protection Agency (EPA) proposed to amend the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Site Remediation.
- The Site Remediation NESHAP applies to major sources where remediation technologies and practices are used to clean up contaminated environmental media (*e.g.*, soils, groundwaters, surface waters) or certain stored or disposed materials that pose a reasonable potential threat of contamination.
- The regulated units include storage vessels, containers, surface impoundments, process vents, leaks and “remediation material management units” (*e.g.*, tanks, separators, containers).
- The types of facilities most likely to be subject to the rule include, but are not limited to, organic liquid storage terminals, petroleum refineries, chemical manufacturing facilities, manufacturing facilities using organic materials and government facilities such as military installations.
- Following a residual risk and technology review (RTR) conducted under the Clean Air Act (CAA), with this action EPA is proposing to:
 - Lower leak thresholds for pumps and valves under leak detection programs;
 - Implement work practice standards for pressure relief devices (PRD);
 - Revise requirements for periods of startup, shutdown and malfunction to be consistent with recent court decisions;
 - Require electronic submittal of compliance reports, including performance test results;
 - Make no changes to covered pollutants, as EPA’s review of available data did not find metal or other inorganic hazardous air pollutant (HAP) emissions from remediation; and
 - Seek comment on the potential to develop subcategories and supporting information that would facilitate removing the exemptions for Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) facilities in a later action.
- We project that the proposed rule, if adopted as proposed, would reduce HAP emissions by 4.7 tons per year.
- EPA will accept comment on the proposed amendments for 45 days after publication in the *Federal Register*.

RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after application of the final air toxics emissions standard. This is known as a residual risk assessment.
- Based on the completed risk assessment, available health information and associated uncertainties, EPA determined risks from the Site Remediation source category are acceptable and provide an ample margin of safety to protect public health.

TECHNOLOGY REVIEW

- The CAA requires EPA to assess, review and revise air toxics standards, as necessary, taking into account developments in practices, processes and control technologies.

- Based on the technology review, EPA is proposing to lower leak thresholds for pumps and valves under leak detection programs and implement work practice standards for PRDs.

BACKGROUND

- The CAA requires EPA to regulate toxic air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is “technology-based,” where EPA develops standards for controlling the emissions of air toxics from sources in an industry group or “source category.” These maximum achievable control technology (MACT) standards are based on emissions levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within 8 years of setting the MACT standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. This second phase is a “risk-based” approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary.
- Also, every 8 years after setting MACT standards, the CAA requires EPA to review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.

HOW TO COMMENT

- The 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-2018-0833, may be submitted by one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments.
 - Send comments by email to: a-and-r-Docket@epa.gov, Attention Docket ID No. EPA-HQ- OAR-2018-0833.
 - Fax your comments to: (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2018-0833.
 - Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2018-0833.
 - Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In person deliveries (including courier deliveries) are only accepted during the Docket’s normal hours of operation. Special arrangements should be made for deliveries of boxed information.

FOR MORE INFORMATION

- Interested parties can download a copy of the proposed rule notice from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/site-remediation-national-emission-standards-hazardous-air>.
- Today’s action and other background information are also available either electronically at <https://www.regulations.gov/>, EPA’s electronic public docket and comment system, or in hardcopy at the EPA Docket Center’s Public Reading Room.

- The Public Reading Room is located at EPA Headquarters Library, room number 3334 in the EPA WJC West Building, 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, excluding federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
- Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2018-0833.
- For further technical information about the rule, contact Matt Witosky, EPA's Office of Air Quality Planning and Standards, at (919) 541-2865 or witosky.matthew@epa.gov.