

## **FACT SHEET**

### **Proposed Amendments to Air Toxics Standards for Organic Liquids Distribution (Non-Gasoline)**

#### **ACTION**

- On September 26, 2019, the U.S. Environmental Protection Agency (EPA) proposed to amend the 2004 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Organic Liquids Distribution (Non-Gasoline).
- The Organic Liquids Distribution air toxics standards apply to major source facilities engaged in the storage and distribution of organic liquids other than gasoline. The source category includes, for example, bulk storage terminals, organic chemical production facilities, and other manufacturing sites.
- Specifically, the NESHAP limits organic hazardous air pollutant (HAP) emissions from storage tanks, transfer operations, and equipment leaks.
- In this action, EPA is proposing the results of its residual risk and technology review, as required by the Clean Air Act (CAA), as well as additional amendments to enhance the effectiveness of the rule.
- EPA will accept comment on the proposed amendments for 60 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 organic liquids distribution (non-gasoline) source category to be 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. The technology review of the standards for organic liquids distribution (non-gasoline) facilities did identify cost-effective developments that would further reduce HAP emissions beyond the original NESHAP.
- In this action, EPA proposes:
  - To amend the requirements for storage tanks and equipment leaks; and
  - To offer facility owners and operators the option of implementing a fenceline monitoring program in lieu of the proposed new requirements for storage tanks and equipment leaks.

## ADDITIONAL ACTIONS

- Separate from the findings of the residual risk and technology review, EPA is proposing additional amendments to improve the compliance and implementation of the rule. These proposals include:
  - Revisions to requirements for periods of startup, shutdown, and malfunction (SSM) to be consistent with recent court decisions, including an exemption for transfer operations during periods of planned, routine maintenance of a control device;
  - A requirement for electronic reporting of performance test results;
  - New operational requirements for flares used as control devices;
  - The retention of a standard, the removal of an exemption, and the solicitation of comment on an issue for pressure relief devices; and
  - Several rule clarifications.

## 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 MACT standards are based on emission levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within eight 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 eight 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

- EPA will accept comment on the proposal for 60 days after publication in the *Federal Register*. Comments, identified by Docket ID No. EPA-HQ-OAR-2018-0074, 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-2018-0074.

- Fax your comments to: (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2018-0074.
- 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-2018-0074.
- 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/organic-liquids-distribution-national-emission-standards-hazardous>.
- 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 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-2018-0074.
- For further technical information about the rule, contact Art Diem, EPA's Office of Air Quality Planning and Standards, at (919) 541-1185 or [diem.art@epa.gov](mailto:diem.art@epa.gov).