

## **FACT SHEET**

### **Final Amendments to Air Toxics Standards for Site Remediation**

#### **ACTION**

- On March 12, 2020, the US. Environmental Protection Agency (EPA) finalized amendments to the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Site Remediation.
- The Site Remediation NESHAP applies only to active remediation operations at sites that are major sources with affected facilities subject to another maximum available control technology (MACT) standard.
- The NESHAP also exempts site remediations subject to Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) from the rule's requirements.
- Following a residual risk and technology review conducted under the Clean Air Act (CAA), EPA is lowering the leak threshold for valves and pumps.
- EPA is also finalizing minor amendments to enhance the effectiveness of the standards by improving compliance and implementation. Specifically, EPA is:
  - revising requirements for periods of startup, shutdown and malfunction (SSM) and maintenance periods to be consistent with recent court decisions; and
  - requiring electronic reporting of performance test results and compliance reports.

#### **RESIDUAL RISK ASSESSMENT**

- The CAA requires EPA to assess the risk remaining after application of the final air toxics standards. This is known as a residual risk assessment.
- The maximum individual cancer risk (MIR) for inhalation based on allowable emissions for the source category is estimated to be 1-in-1 million.
- An MIR of 1-in-1 million implies that up to one person out of one million equally exposed people could contract cancer if exposed continuously (24 hours per day) to the specific concentration over 70 years (an assumed lifetime). This would be in addition to cancer cases that would normally occur in one million unexposed people.
- Chronic inhalation cancer risks for actual and allowable emissions were below a hazard index of one. A hazard index of one or lower means air toxics are unlikely to cause adverse noncancer health effects over a lifetime of exposure.
- Based on the completed risk assessment, available health information and associated uncertainties, EPA determined risks from the site remediation sector to be acceptable and that the standards provide an ample margin of safety to protect public health.

#### **TECHNOLOGY REVIEW**

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

- The technology review of the standards for facilities with site remediation operations identified a lower leak threshold for valves and pumps as a cost-effective technology improvement. EPA is amending the NESHAP with the lower leak threshold.

#### **OTHER AMENDMENTS**

- EPA is removing the exemption from meeting the standards during periods of SSM to be consistent with a 2008 court decision and clarifying that the standards are applicable at all times. To ensure sources can comply with standards after the removal of the SSM exemptions, the amendments add monitoring and work practices for pressures relief devices and retain a maintenance period for storage vessel control devices that also requires a work practice.
- EPA is requiring electronic submittal of required performance tests and compliance reports through EPA's Central Data Exchange using the Compliance and Emissions Data Reporting Interface.

#### **BACKGROUND**

- The CAA requires EPA to regulate hazardous 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 emissions levels that are already being achieved by the best-controlled and lower emitting sources in an industry.
- The CAA directs EPA to, within eight years of setting the MACT standards, 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 prevention practices and technologies.

#### **FOR MORE INFORMATION**

- Interested parties can download a copy of the final 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 the EPA Headquarters library, WJC West Building, Room Number 3334, 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 action can be accessed using Docket ID No. EPA-HQ-OAR-2018-0833.
- For further technical information about the rule, contact Matthew Witosky, EPA's Office of Air Quality Planning and Standards, at (919) 541-2865 or [witosky.matthew@epa.gov](mailto:witosky.matthew@epa.gov).