

## FACT SHEET

### Final Amendments to Air Toxics Standards for Taconite Iron Ore Processing

#### ACTION

- On June 17, 2020, the U.S. Environmental Protection Agency (EPA) finalized amendments to the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing.
- The rule applies to major source facilities engaged in separating and concentrating iron ore from taconite (a low-grade iron ore) to produce taconite pellets. These taconite pellets are then used as feed in blast furnaces to produce steel.
- Following a residual risk and technology review (RTR) conducted under the Clean Air Act (CAA), EPA determined that risks from the source category are acceptable and that no new cost-effective controls are available. The agency is not making any changes to the standards based on the results of the RTR.
- EPA is also finalizing amendments to enhance the effectiveness and efficiency of the rule, including:
  - removing requirements for internal inspections of baghouses that are equipped with leak detection systems;
  - reducing the minimum required compliance test run duration;
  - revising requirements for periods of startup, shutdown and malfunction to be consistent with recent court decisions; and
  - adding electronic reporting requirements.
- To address a voluntary remand in the legal challenge by the National Wildlife Federation to the 2003 NESHAP, EPA is finalizing a determination that non-asbestiform amphibole elongated mineral particulate (EMP), which is emitted by one facility in the source category, does not meet the definition of any air toxic listed in section 112 of the CAA and EPA does not have authority to directly regulate the substance under the NESHAP program. However, we note that the particulate matter (PM) standard, which is a surrogate for other HAP emissions, also limits emissions of EMP which are a form of PM.

#### RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after implementation of the original technology-based air toxics emissions standards. This is known as a residual risk assessment.
- The maximum individual cancer risk for inhalation based on allowable emissions for the source category is estimated to be less than 5-in-1 million.
- Chronic inhalation noncancer 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 Taconite Iron Ore Processing source

category to be acceptable and that the NESHAP provides an ample margin of safety to protect public health and prevents, considering relevant factors, an adverse environmental effect.

## **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 the Taconite Iron Ore Processing source category did not identify any developments that would further reduce air toxics emissions beyond the original NESHAP.
- On April 21, 2020, as the agency was preparing the final rule for signature, a decision was issued in *LEAN v. EPA*, 955 F. 3d. 1088 (D.C. Cir. 2020) in which the Court held that EPA has an obligation to set standards for unregulated pollutants as part of technology reviews under CAA section 112(d)(6). At the time of signature, the mandate in that case had not been issued and EPA is continuing to evaluate the decision.

## **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 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 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 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/taconite-iron-ore-processing-national-emission-standards-hazardous>.
- Today's action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system.

- For further technical information about the rule, contact David Putney at the EPA's Office of Air Quality Planning and Standards, at (919) 541-2016 or at [putney.david@epa.gov](mailto:putney.david@epa.gov).