

FACT SHEET

Final Amendments to Air Toxics Standards for Lime Manufacturing Plants

ACTION

- On June 4, 2020, the US. Environmental Protection Agency (EPA) finalized amendments to the 2004 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Lime Manufacturing Plants.
- 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 finalizing 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) 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 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 Lime Manufacturing source category are acceptable and provide an ample margin of safety to protect public health.
- The maximum individual cancer risk for inhalation for the source category is estimated to be 1-in-1 million.
- Chronic inhalation cancer risks for actual and allowable emissions were all below a hazard index of 0.4.

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 lime manufacturing plants did not identify any technological developments that would further reduce HAP 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.

OTHER AMENDMENTS

- EPA is removing the exemption from meeting the standards during periods of SSM to be consistent with a 2008 court decision and finalizing alternate standards that are applicable during periods of startup and shutdown.
- 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 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 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.

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/lime-manufacturing-plants-national-emission-standards-hazardous-air>.
- Today's final 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 final rule, contact Jim Eddinger, EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, at (919) 541-5426 or eddinger.jim@epa.gov.