

EPA Air Toxics Strategy for 2005-2007



STAPPA/ALAPCO Enforcement
and Compliance Workshop

June 9-10, 2004



Air Toxics as an OECA Enforcement Priority

- Air Toxics has been an EPA Enforcement Priority since FY 2000
 - Focus of Priority has been on "Adopt-a-MACT" program and tool development
 - EPA Regions adopted MACT Standards and developed compliance monitoring /assistance tools
 - In FY 2004, focus of Air Toxics Priority shifted to compliance evaluations and enforcement



Adopt-a-MACT Tools for 2003

- Inspection Checklists and Flowcharts available on the Air Toxics Website [<www.epa.gov/ttn/atw/eparules.html>](http://www.epa.gov/ttn/atw/eparules.html)
 - Wool Fiberglass
 - Portland Cement MACT
 - Secondary Aluminum
 - Oil and Natural Gas
 - Nutritional Yeast
- CD-ROM available for:
 - Shipbuilding MACT Inspection Tool



Federal MACT Compliance Evaluations

- Federal Air Toxic Inspections/Compliance Evaluations
 - FY 2000 – 209 Inspections
 - FY 2001 – 199 Inspections
 - FY 2002 - 175 FCEs at facilities subject to MACT
 - FY 2003 - 142 FCEs at facilities subject to MACT
- Majority of Federal Compliance Evaluations on: Dry-cleaning, Chrome Electroplating, HON



Federal MACT Compliance and Enforcement Strategy

- In April 2003, EPA issued the MACT Compliance and Enforcement Strategy
 - Objective is to identify and address areas of substantive noncompliance at major sources

<u>Region</u>	<u>MACT Selection - 2004</u>
Region 1	Wood Furniture, Printing and Publishing
Region 2	Gasoline Distribution, Petroleum Refinery
Region 3	Mineral Wool, Flexible Foam
Region 4	Secondary Aluminum, Ship Building/Repair
Region 5	Secondary Aluminum, Pharmaceuticals
Region 6	Petroleum Refinery, Natural Gas Transmission
Region 7	Secondary Aluminum, Pharmaceuticals
Region 8	Oil and Gas Production, Natural Gas Transmission
Region 9	Secondary Aluminum, Printing and Publishing
Region 10	Oil and Gas Production, Pulp and Paper



MACT Compliance Evaluations and Enforcement

- The federal compliance and enforcement effort will complement the efforts of the state and local agencies
- Important to coordinate and communicate!



State MACT Compliance Evaluations

- In FY 2003, States reported:
 - 3114 Full Compliance Evaluations at sources subject to MACT
 - 4354 MACT Partial Compliance Evaluations



Focus of State MACT Compliance Evaluations (Based on SIC Codes)

■ State FCEs

- Drycleaners
- Wood Furniture
- Electroplaters
- Bulk Terminals
- Cement Manufacturing
- Petroleum Refining

■ State PCEs

- Drycleaners
- Petroleum Refining
- Cement Manufacturing
- Industrial Organic Chemicals
- Bulk Terminals
- Wood Furniture
- Pharmaceuticals



EPA Performance Based Air Toxics Strategy for 2005-2007


- Air Toxics will continue to be an EPA enforcement priority for FY 2005-2007
- Focus is on:
 - Compliance evaluations and enforcement
 - Quantitative goals and measures



Air Toxics Enforcement Strategy Goals for FY 2005-2007

- Achieve an annual reduction of approx. 12,000 lbs of air toxics for a total of 36,000 lbs
- By the end of FY 2007:
 - each region will investigate at least 3 MACT source categories in total
 - all regions will investigate at least 20 different MACTs
 - Regions and OECA will undertake one national MACT investigation

Air Toxics Area Source Program Implementation and Enforcement Issues



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Proposed Exemption of Area Sources from Title V

- Six categories of MACT area sources currently deferred from Title V
 - Dry cleaners
 - Degreasers
 - Chrome Electroplaters
 - EO Sterilizers
 - Secondary Aluminum Production Facilities
 - Secondary Lead Smelters



Proposed Exemption of Area Sources from Title V

- Deferral ends on December 9, 2004, with Title V applications due by December 9, 2005



Proposed Exemption of Area Sources from Title V

- EPA's Proposed Rulemaking:

- EPA intends to propose that five of the area source categories be exempt from Title V permitting
- The exception: Secondary Lead Smelters



Proposed Exemption of Area Sources from Title V

- Schedule for Rulemaking:
 - Proposal: Summer 2004
 - Final: Winter 2004-2005



Development of Area Source Standards Under Section 112(k)

- Section 112(k) of the CAA requires EPA to:
 - Reduce air toxics from area sources in urban areas
 - Identify HAPs presenting the greatest threat and source categories emitting those HAPs
 - Develop standards for identified source categories



Development of Area Source Standards Under Section 112(k)

- OAQPS identified 30 HAPs and 70 area source categories
- Standards for 15 area source categories are complete; 55 additional area source standards to be developed
- Area source standards can be based on MACT or GACT
- Most of the 55 new standards expected to be based on GACT



Development of Area Source Standards Under Section 112(k):

- Source Characteristics:
 - There are numerous facilities (many small businesses)
 - Most sources have not been regulated before
 - There are smaller amounts of emissions per facility
 - Most sources are difficult to locate
 - Most are not included in existing inventories
 - Most are not required to report under SARA Title III
 - Many are not represented by trade associations



Development of Area Source Standards Under Section 112(k):

■ Rulemaking Schedule:

– **55 source categories remain to be addressed**

- Work has been initiated on 25 source categories
- The remaining 30 will be initiated by October 2006

Table 1: Area Sources HAP List

acetaldehyde	hexachlorobenzene
acrolein	hydrazine
acrylonitrile	lead compounds
arsenic compounds	manganese compounds
benzene	mercury compounds
beryllium compounds	methylene chloride (dichloromethane)
1,3-butadiene	nickel compounds
cadmium compounds	polychlorinated biphenyls (PCBs)
chloroform	polycyclic organic matter (POM)
chromium compounds	quinoline
1,2-dichloropropane (propylene dichloride)	2,3,7,8-tetrachlorodibenzo-p-dioxin
1,3-dichloropropene	1,1,2,2-tetrachloroethane
ethylene dichloride (1,2-dichloroethane)	tetrachloroethylene (perchloroethylene)
ethylene oxide	trichloroethylene
formaldehyde	vinyl chloride

TABLE 2: SECTION 112(k) AREA SOURCE STANDARDS

STANDARDS COMPLETED [15]	Propose	Promulgate
Chromic Acid Anodizing		01/95
Decorative Chromium Electroplating		01/95
Hard Chromium Electroplating		01/95
Commercial Sterilization Facilities		12/98
Dry Cleaning Facilities		09/93
Halogenated Solvent Cleaners		12/94
Hazardous Waste Incineration		09/99
Medical Waste Incinerators		09/97
Municipal Waste Combustors (small)		12/00
Municipal Landfills		01/03
Portland Cement		06/99
Publicly Owned Treatment Works		10/99
Secondary Aluminum Production		03/00
Secondary Lead Smelting		06/97
Mercury Cell Chlor-Alkali Plants		12/03

TABLE 2: SECTION 112(k) AREA SOURCE STANDARDS cont.

STANDARDS WITH CONSENT DECREE COMPLETION DATES [5]	Propose	Promulgate
Oil and Natural Gas Production	06/05	12/06
Stationary Internal Combustion Engines	10/06	12/07
Hospital Sterilizers	10/06	12/07
Other Solid Waste Incineration	11/04	11/05
Gasoline Distribution Stage I	10/06	12/07

TABLE 2: SECTION 112(k) AREA SOURCE STANDARDS cont.

STANDARDS TO BE STARTED BY OCTOBER 2003	
Steel Foundries	Plating and Polishing
Stainless and Nonstainless Steel Manufacturing EAF	Agricultural Chemicals & Pesticides Manufacturing
Flexible Polyurethane Foam Production	Industrial Inorganic Chemicals Manufacturing
Industrial Boilers	Fabricated Plate Work
Secondary Nonferrous Metals	Clay Ceramics Manufacturing
Iron Foundries	Cyclic Crude and Intermediate Production
Primary Nonferrous Metals - Zn, Cd, Be	Chemical Preparations
Paint and Allied Products	Paint Stripping Operations
Plastic Parts and Products (Surface Coating)	Auto Body Refinishing
Pressed & Blown Glass & Glassware Manufacturing	Institutional/Commercial Heaters

TABLE 2: SECTION 112(k) AREA SOURCE STANDARDS cont.

STANDARDS TO BE STARTED BY OCTOBER 2004 [9]	STANDARDS TO BE STARTED BY OCTOBER 2005 [5]
Lead Acid Battery Manufacturing	Pharmaceutical Production
Secondary Copper Smelting	Copper Foundries
Ferroalloys Production: Ferromanganese & Silicomanganese	Iron and Steel Forging
Primary Copper (not subject to Primary Copper Smelting MACT)	Valves and Pipe Fittings
Acrylic Fibers / Modacrylic Fibers Production	Flexible Polyurethane Foam Fabrication
Miscellaneous Organic Chemical Manufacturing (MON)	
Industrial Organic Chemicals Manufacturing	
Plastic Materials and Resins Manufacturing	
Synthetic Rubber Manufacturing	

TABLE 2: SECTION 112(k) AREA SOURCE STANDARDS cont.

STANDARDS TO BE STARTED BY OCTOBER 2006	
Sewage Sludge Incineration	Heating Equipment, Except Electric
Wood Preserving	Inorganic Pigments Manufacturing
Asphalt Processing and Asphalt Roofing Manufacturing	Nonferrous Foundries
Carbon Black Production	Prepared Feeds Manufacturing
Industrial Machinery and Equipment: Finishing Operations	Primary Metals Products Manufacturing
Electrical and Electronic Equipment: Finishing Operations	Brick and Structural Clay Products Manufacturing
Fabricated Metal Products	Chemical Manufacturing: Chromium Compounds
Fabricated Structural Metal Manufacturing	Polyvinyl Chloride and Copolymers Production



Implementation Issues with Title V Exemption of Area Sources

- Thousands of area sources; small-to-medium sized facilities
- Compliance assistance beneficial for these types of facilities
- In spite of assistance, generally have high rates on non-compliance



Implementation Issues for Title V

Exemption of Area Sources

- States primary implementers of area source program
 - No access to Title V fees for compliance assistance or compliance monitoring activities
 - Unable to use comp. certs. as cost effective means of evaluating compliance
 - Currently, Sec. 105 grant funds not used for compliance/enforcement; few states receive state-appropriated funds for non-Title V programs
 - May undercut state programs currently using general permits
 - May serve as a precedent for 55 additional area source standards
 - As a result, states may be unwilling to accept delegation



Implementation Issues for Title V Exemption of Area Sources

- Regions do not have resources to implement the area source program
 - Regional resources already strained to implement major source MACT Standards
 - In FY 2003, regions conducted only 142 compliance evaluations at MACT sources
 - Federal resources must focus on major sources with substantive non-compliance