

# **CAA Air Toxics and §129 Combustion Program Update**

**Spring Air Directors' Meeting**  
*Atlanta, GA*  
**6/7/17**

**Lee Page and Jason Dressler**  
**U.S. Environmental Protection Agency**  
**Atlanta, GA**



# APTMD Stationary Source Team

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## Team Focus

- Program Implementation of CAA §§111, 112, and 129

## Team Organization

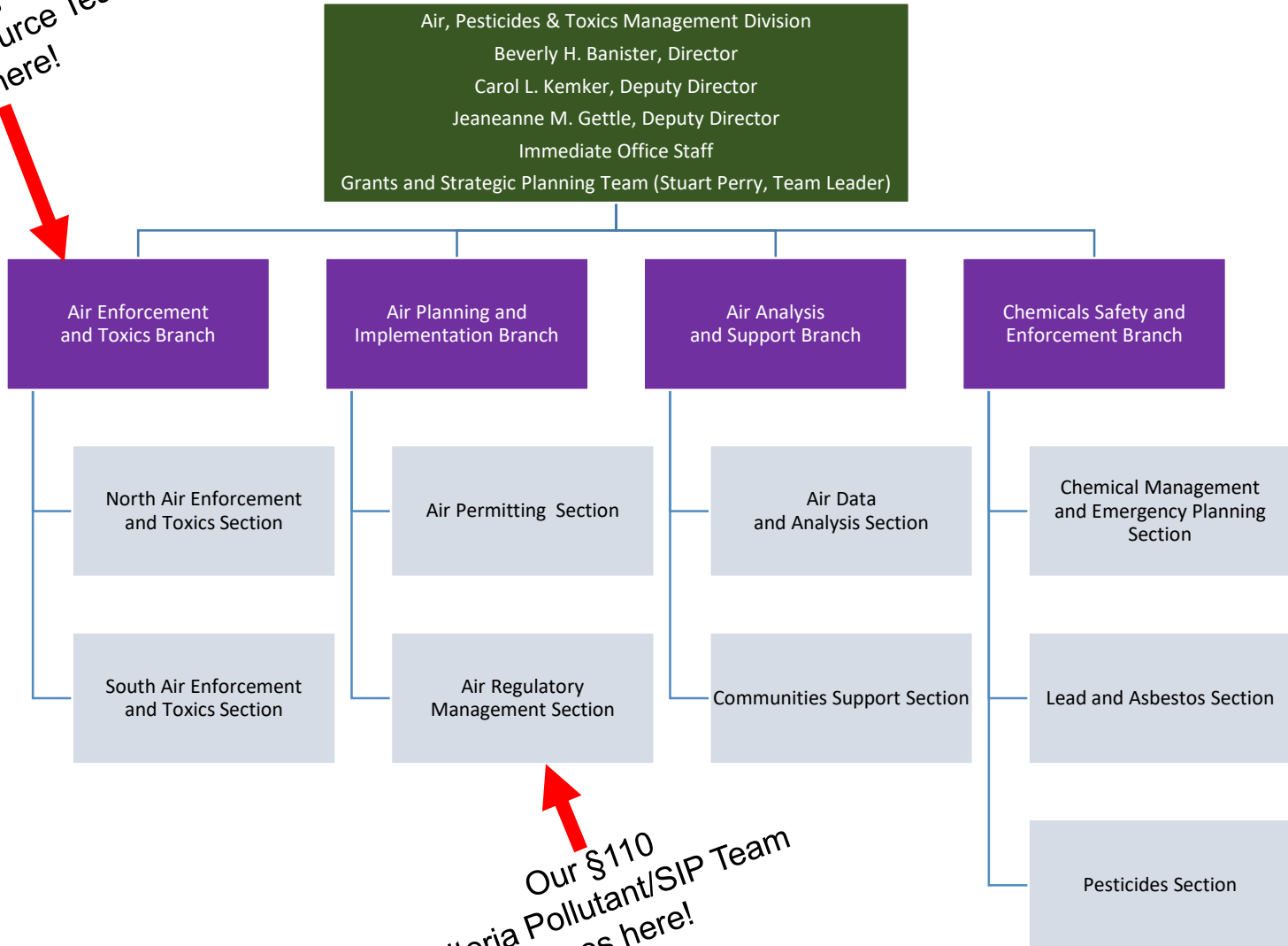
- Located in the Air Enforcement and Toxics Branch (AETB)
- Team Management
  - Beverly Spagg, Branch Chief
  - Todd Russo and Dick DuBose, Section Chiefs
- Team Staff
  - Ken Mitchell, Stationary Source Team Lead
  - David McNeal – **Landfills** (new and existing), Acid Rain, Monitoring and Testing
  - Keith Goff, Carrie Griffith, Megan Arias - **§111** (NSPS, New and Existing Sources)
  - Lee Page, Jake Carpenter, Seneca Anderson - **§112** (NESHAPs/MACT)
  - Mark Bloeth, Jason Dressler, Carrie Griffith, Megan Arias - **§129** (Combustion Standards; new and existing)





# Air, Pesticides and Toxics Management Division

Our §§111, 112, and 129  
“Stationary Source Team”  
Lives here!



Our §110  
Criteria Pollutant/SIP Team  
Lives here!



## Where do I send §§ 111, 112, and 129 Information?

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- If possible, please do **not** bundle §§111, 112, and 129 submittals with criteria pollutant SIP submittals
- If possible, please **do** send §§111, 112, and 129 information separately to the attention of:

Beverly Spagg, Chief  
Air Enforcement and Toxics Branch  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303



# §129/111(d) State Plans\*

**For each Emission Guideline  
the State Submits One Comprehensive State Plan for the Entire State**

- **§60.24 Emission standards and compliance schedules**

(b)(3) Emission standards shall apply to all designated facilities within the State. A plan may contain emission standards adopted by local jurisdictions provided that the standards are enforceable by the State.

- **§60.26 Legal authority**

(d) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out that portion of the plan.

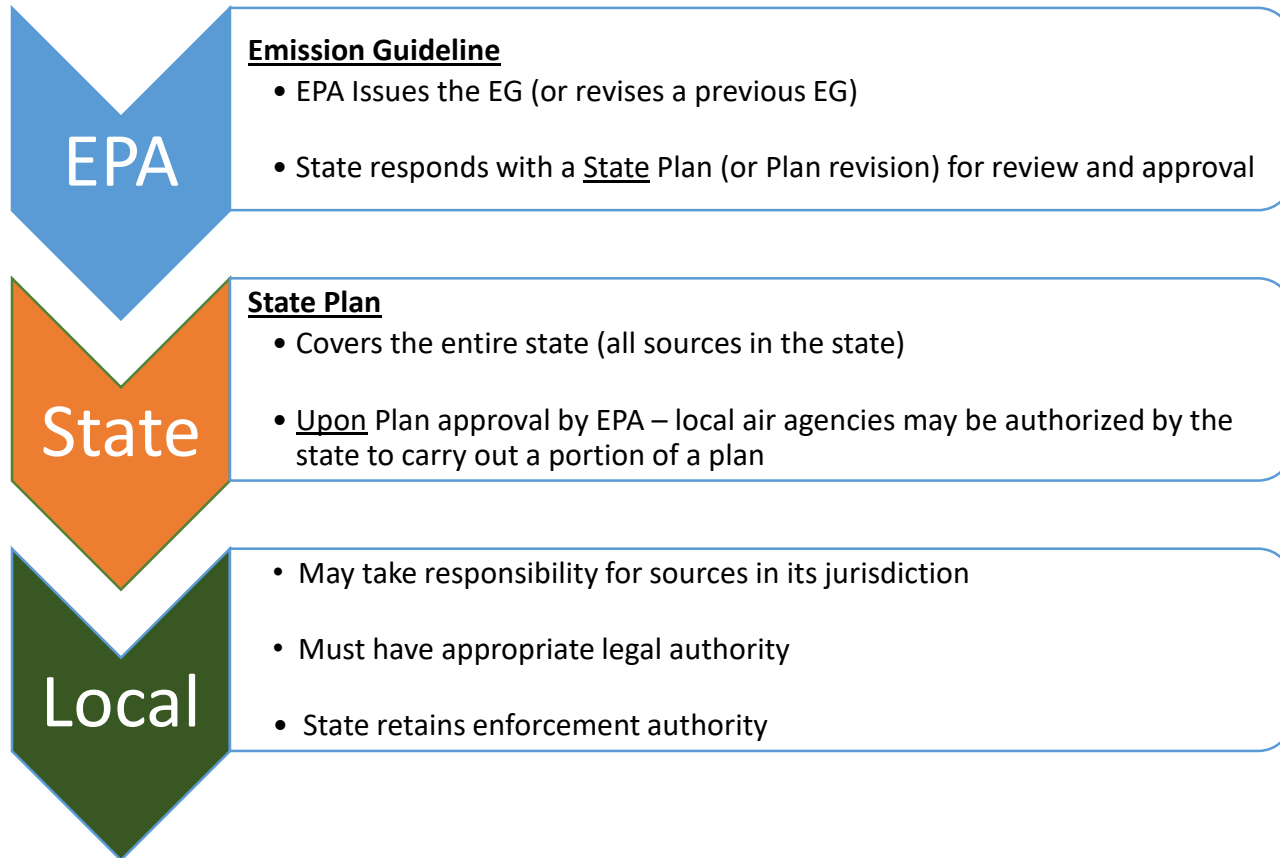
(e) The State may authorize a local agency to carry out a plan, or portion thereof, within the local agency's jurisdiction if the plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion thereof, and that the authorization does not relieve the State of responsibility under the Act for carrying out the plan or portion thereof.

\*Also applies to non-combustion 111(d) State Plans (e.g., Landfills)



# State Plan Submittal vs Federal Plan Delegation

## State Plan Approach

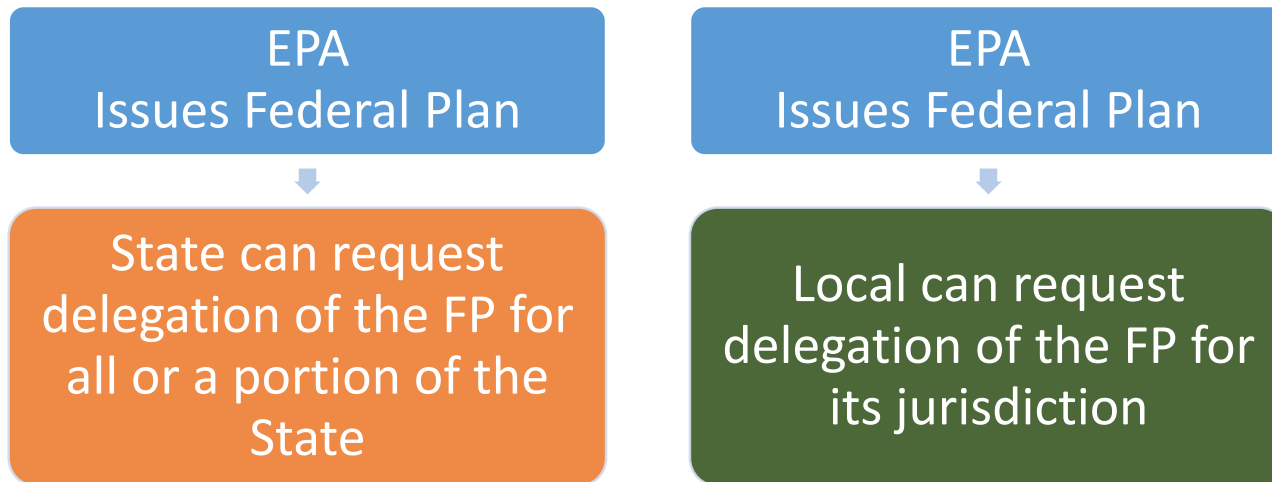




# State Plan Submittal vs Federal Plan Delegation

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## Federal Plan Delegation Approach



Unlike the “State Plan” approach, a local can request delegation of the Federal Plan directly from EPA.

(See discussion in the final Sewage Sludge Incineration Federal Plan; 81 FR 26059, 4/29/16)



# Landfill NSPS and Emission Guideline

- In a May 5, 2017 letter, EPA informed petitioners that it intends to reconsider certain aspects of the 2016 NSPS for the municipal solid waste landfills
- On May 31, 2017, the agency published a 90-day stay (until August 29, 2017) of the effectiveness of both the NSPS (subpart XXX) and the emission guidelines (subpart Cf)







# Air Planning Agreement

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- Prepare and submit CAA sections 111(d) and 129 state plans and letters of certification in accordance with regulatory timeframes.
- In addition, collect and submit reports on progress of sections 111(d) and 129 plans annually, pursuant to 40 CFR 60.25(e) and (f).



# Air Toxics Topics

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- **NESHAP Updates**
- **n-Propyl Bromide**
- **Risk and Technology Reviews**
- **Boiler MACT**





# Part 63 (MACT) Rule Updates

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- **Mercury and Air Toxics Standard (MATS)**

- Promulgated on Feb. 16, 2012 – Compliance date April 16, 2015
- Technical corrections amendment published on April 6, 2016
- Rule amendment published on April 6, 2017
  - Allows electronic reporting in PDF format
- Court grants indefinite delay to May 18th oral arguments on:
  - Cost assessment and denial of petitions to reconsider certain aspects
  - EPA to file status updates every 90 days

- **Ferroalloys Production**

- Promulgated on May 20, 1999 – RTR on June 30, 2015
- Published amendments on January 18, 2017
  - Addresses reconsideration issues from July 12, 2016

- **Publicly Owned Treatment Works**

- Promulgated on Oct. 26, 1999 - RTR proposed on Dec. 8, 2016
- Extended comment period for proposed RTR until 3/29/17
  - Published on February 22, 2017



# Part 63 (MACT) Rule Updates

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- **Brick and Clay MACT – Promulgated October 26, 2015**
  - Litigation followed promulgation
  - House Bills introduced to delay implementation until after legal action completed
- **Once-In-Always-In**
- **Military MACT**
- **Rules with Electronic Data Reporting Requirements**
  - **Part 63: 39      Part 60: 14**
- **Questions on MACT Rules**
  - Start with your Permitting Authority
  - Regional EPA contact
  - No longer a HQ contact list on EPA website
    - Go to relevant standard in website and Submit under “Contact Us”



## Air Toxics – A New HAP?

- Section 112(b)(3) of the CAA provides authority to add or delete Hazardous Air Pollutants (HAPs)
- EPA was petitioned to add n-propyl bromide (n-PB) as a HAP by the Halogenated Solvents Industry Alliance and New York State Department of Environmental Conservation
- EPA proposed to grant the petition on January 9, 2017
- EPA has extended the comment period until June 8, 2017
- Final notice expected sometime next year
- What happens If granted?
  - Identification of major and area source categories
  - Regulations pursuant to Section 112 (d) of the CAA

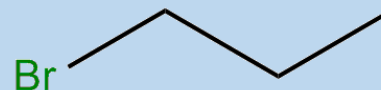
### n-Propyl Bromide

n-PB is a brominated organic liquid used as an intermediate chemical in the manufacture of pharmaceuticals and agricultural products, as well as a carrier solvent

Specific applications of n-PB include:

- in aerosol solvents, adhesives, dry cleaning
- open vapor degreasing of electronic, metal and precision cleaning operations

n-PB is reasonably anticipated to cause cancer in humans and can cause non-cancer effects (e.g., reproductive toxicity and neurotoxicity)





# Risk and Technology Reviews (RTRs)

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## Statutory Requirements

### Risk: Section 112(f) of the CAA

- Review remaining risk 8 years after MACT is applied
- Major source categories only
- Revise rule as necessary

### Technology: Section 112(d) of the CAA

- Review technology used for MACT every 8 years
- Revise rule as necessary



# RTR Litigation

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- **Case 16-cv-01074; filed June 8, 2016 – 9 source categories**
  - Primary Copper Smelting; Subpart QQQ (2002)
  - Generic MACT – Carbon Black Production; Subpart YY (2002)
  - Generic MACT – Cyanide Chemicals Manufacturing; Subpart YY (2002)
  - Generic MACT – Spandex Production; Subpart YY (2002)
  - Flexible Polyurethane Foam Fabrication; Subpart MMMMM (2003)
  - Refractory Products Manufacturing; Subpart SSSSS (2003)
  - Semiconductor Manufacturing; Subpart BBBBB (2003)
  - Primary Magnesium Refining; Subpart TTTTT (2003)
  - Mercury Cell Chlor-Alkali Plants; Subpart IIIII (2003)
- **EPA to propose rulemaking schedule in early June**
- **Ongoing source identification for each category**

<https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html>



## RTR Litigation (cont.)

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### Case 15-cv-512 (TSC); March 13, 2017 – 20 source categories

- Solvent Extraction
- Boat Manufacturing
- Surface Coating of Metal Coil
- Cellulose Products Manufacturing
- Ethylene Production
- Paper and Other Web Coating
- Municipal Solid Waste Landfills
- Hydrochloric Acid Production
- Reinforced Plastic Composites
- Asphalt Processing & Roofing Materials
- \* Integrated Iron & Steel
- \* Engine Test Cells
- \* Site Remediation
- \* Misc. Organic Chemicals
- \* Coating of Metal Cans
- \* Coating of Misc. Metal parts
- \* Organic Liquids Distribution
- \* Stationary Combustion Turbines
- \* Coating of Plastic Parts
- \* Coating of Autos and Trucks

**EPA ordered to complete rulemaking within 3 years**

**No order of rulemaking stipulated**





## RTR Litigation (Cont.)

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### **Case 16-cv-00364 (CRC); March 22, 2017 - 13 Source Categories**

- Leather Finishing
- Wet Formed Fiberglass Matt
- Rubber Tire Mfg.
- Coating of large Appliances
- Friction Materials Mfg.
- Coating of Metal Furniture
- Coating of Wood Building Products
- \* Printing, Coating, Dying of Fabrics
- \* Taconite Iron Ore Processing
- \* Miscellaneous Coatings
- \* Lime Manufacturing
- \* Iron and Steel Foundries
- \* Plywood and Composite Wood Prod.

**7 categories must be completed by December 31, 2018**

**6 categories must be completed by June 20, 2020**

**EPA will determine which standards to address first**



# Boiler MACT, Subpart DDDDD

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- **Final rule promulgated in March 2011, amended in January 2013**
- **Rule amendments again on November 2015**
- **Compliance date - January 31, 2016**
- **Based on US Sugar petition, DC Court vacates portion of rule - July 29, 2016**
  - Court did not specify which subcategories to vacate
  - EPA petitioned for re-hearing - remand without vacatur
  - Court grants EPA's petition in December 2016
  - Rule remains in effect
- **Industry recently asks Supreme Court to take up EPA malfunction limits**
  - Court ruling in 2008 concluded that CAA requires continuous emission standards



Questions?