

Proposed National Emission Standards for Hazardous Air Pollutants (NESHAP): Publicly Owned Treatment Works (POTW) Risk and Technology Review (RTR): Fact Sheet

ACTION

- On December 8, 2016, the U.S. Environmental Protection Agency (EPA) proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Publicly Owned Treatment Works (POTW) to address the results of the residual risk and technology review (RTR) conducted under section 112 of the Clean Air Act (CAA).
- Originally, the EPA promulgated NESHAP for POTW on October 26, 1999 and final rule corrections were issued on February 23, 2001.
- This rule would further reduce emissions of hazardous air pollutants (HAP), also known as air toxics, which are known or suspected to cause cancer and other serious health and environmental effects.
- Emissions of HAP from POTW facilities occur during the treatment of wastewater received from residential, commercial and industrial sources.
- Following a RTR, the EPA is proposing to:
 - Change the names of the subcategories from industrial and non-industrial to Group 1 and Group 2, respectively, to clear up confusion in the naming convention;
 - Require all POTWs to develop and implement a pretreatment program to limit emissions from collection systems and the POTW treatment plant, as specified in 40 CFR 403.8, under the Clean Water Act;
 - Require that Group 1 POTWs meet the requirements of both this proposed rule and NESHAPs that apply to the waste stream they treat., and;
 - Require existing Group 2 POTWs to meet an emission limit that is expressed as a fraction of the hazardous air pollutants emitted during the treatment of wastewater.
- EPA is proposing these amendments to improve the effectiveness of the rule. Because risks were found to be acceptable, EPA is not proposing any specific amendment to reduce residual risk.
- EPA will accept comment on these proposed amendments for 60 days after the rule is published in the *Federal Register*.
- To meet the requirements of a consent decree, EPA must propose this action by December 8, 2016 and issue the final rule by October 16, 2017.

RESIDUAL RISK ASSESSMENT

- The Clean Air Act requires the EPA to assess the risk remaining after application of the final air toxics standards. This is known as a residual risk assessment.

- After assessing the risk from exposure to toxic air emissions from POTW facilities, the EPA proposes that the emission standards provide an acceptable level of risk with an ample margin of safety to protect public health.
- The maximum individual cancer risk (MIR) for the source category is estimated to be less than 0.8-in-1 million.
- The risks are low and well within acceptable limits.

TECHNOLOGY REVIEW

- The CAA requires the EPA to assess and revise air toxics standards, as necessary, taking into account developments in practices, processes and control technologies since the EPA issued the standards.
- The technology assessment identified that all POTWs subject to the standards had developed and implemented pretreatment programs. These programs set limits on what the POTW will accept for treatment. The EPA identified pretreatment as a control practice for the control of HAP throughout the source category because if the concentrations of HAP in the wastewater are limited, then the potential for air emissions is also limited.
- The EPA identified that Group 1 POTWs should comply with both the NESHAP for POTWs and the other industrial NESHAP for which they treat a regulated wastewater stream.
- The EPA also identified a HAP fraction emission limit of 0.08 for existing Group 2 POTWs that were previously not subject to emission limits.

BACKGROUND

- The Clean Air Act requires the EPA to regulate toxic air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is “technology-based,” where the EPA develops standards for controlling the emissions of air toxics from sources in an industry group (or “source category”). These Maximum Achievable Control Technology or 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 Clean Air Act directs the 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, the EPA must determine whether more health-protective standards are necessary.
- Also, every eight years after setting the MACT standards, the Clean Air Act requires that the EPA review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.

- The previously-issued air toxic standards for this source category is one of 96 air toxic standards (MACT) that require 174 industry sectors to eliminate 1.7 million tons of 187 toxic air pollutants. Congress listed these toxic air pollutants in the Clean Air Act.

HOW TO COMMENT

- The EPA will accept comment on the proposal for 60 days after it is published in the *Federal Register*. Comments, identified by Docket ID Number EPA-HQ-OAR-2016-0490 may be submitted by one of the following methods:
 - Go to www.regulations.gov and follow the on-line instructions for submitting comments.
 - Send comments by email to a-and-r- Docket@epa.gov, Attention Docket ID No. EPA-HQ- OAR-2016-0490.
 - Fax your comments to: 202-566-9744, Attention Docket ID. No. EPA-HQ-OAR-2016- 0490.
 - Mail your comments to: Air and Radiation Docket and Information Center,
 - Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460, Attention Docket ID. No. EPA-HQ-OAR-2016-0490.
 - Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, D.C. Note: In person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

FOR MORE INFORMATION

- To download a copy of the proposed rule notice, go to EPA's Worldwide Web site at <https://www.epa.gov/stationary-sources-air-pollution/publicly-owned-treatment-works-potw-national-emission-standards>
- Today's action and other background information are also available either electronically at <http://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 EPA Headquarters, room number 3334 in the EPA WJC West Building, 1301 Constitution Avenue, 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 proposed action can be accessed using Docket ID No. EPA-HQ-OAR- 2016-0490.
- For further technical information about the rule contact Karen Marsh, EPA's Office of Air Quality Planning and Standards, at (919) 541-1065 or marsh.karen@epa.gov.