Draft Do not cite or quote November 9, 2000

MEMORANDUM

DATE: November 9, 2000

SUBJECT: Summary of November 7, 2000, telephone conference meeting with representatives of the stakeholders for the Site Remediation MACT Project

TO: Greg Nizich, EPA/WCPG

FROM: Robert Zerbonia, RTI
Paul Peterson, RTI

I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) organized this meeting with representatives of the stakeholders Site Remediation MACT work team as a kickoff of discussions related to developing the requirements for the national emission standards for hazardous air pollutants (NESHAP) for site remediation activities (40 CFR 63).

II PLACE AND DATE

U.S. Environmental Protection Agency
North Carolina Mutual Building
8th Floor Conference Room and Teleconference Hookup
Durham, North Carolina

November 7, 2000
10:30 a.m. to 12:00 p.m. (EST)

III PARTICIPANTS

The following is a list of meeting participants::

For EPA,

Greg Nizich, US EPA
Robert Zerbonia, RTI Paul Peterson, RTI

For Stakeholders,

Norbert Dee, National Petroleum Refiners Association
Kyle Isakower, American Petroleum Institute
Tom Nilan, American Chemical Council
John Soice, Union Carbide
Emile Boulos, Department of Defense
Susan Miller, Clayton Group Services
Todd Wiederhold, EarthTech
Chuck Feerick, Exxon-Mobil
Mark Summers, Robins Air Force Base
Cindy Phillips, Florida Department of Environmental Quality
Maria Bayon, NASA

IV DISCUSSION

Mr. Nizich of the EPA opened the meeting with a brief introduction of meeting participants and review of the meeting's agenda; see Attachment 1 for the agenda sent out by Mr. Nizich previous to the meeting. Mr. Nizich went over the background on why the air emission from site remediation have been targeted for regulation under the MACT program and what regulation under the program would involve in terms of requirements for rule development. He also reviewed the schedule established for this rulemaking. Key dates include the source category listing in the 10-year MACT bin having a statutory promulgation date of November 15, 2000. The site specific hammer date for this rule is May 15, 2002, i.e., 18 months after promulgation deadline. The Agency currently plans to propose the rule in the Spring of 2001 with a final rule published approximately one year later, thus meeting the 2002 statutory deadline. Mr. Nizich also noted that it is possible that as a result of legal action regarding the EPA's failure to meet the November 15, 2000 date for many of the 10-year MACT source categories, these dates may change. There could eventually be a court ordered date that might include a revised schedule for this and other source categories.

Mr. Nizich next discussed the role he sees for the stakeholders and their representatives during the standard setting process. This would generally consist of providing related information and reviewing data and decisions relevant to any standards being developed.

A summary of the project approach was presented and discussed. The basic approach to be followed by EPA in this rule development involves identifying sources that are involved in site remediation activities and technologies; Mr. Nizich pointed out that this would likely not follow the conventional approach used by EPA since facilities with remediation activities are not easily classified by conventional means such as SIC codes. Another part of the effort would be centered around identifying existing regulations (to reduce air emissions) that cover sources similar to site remediation activities in order to

establish potential requirements for a proposed rule. Following this, EPA requested comments from the participants on the draft rule outline that was distributed prior to the meeting.

Mr. Tom Nilan asked if the references cited in the draft outline were intended to be provided merely as examples or were they included as the actual rules or standards that units subject to the site remediation rule would be expected to meet. Mr Nizich responded that these rule references were included both as examples and as possible controls that might be required under a site remediation MACT.

Ms. Susan Miller had a question regarding the triggering of any new source requirements under a NESHAP and expressed concern regarding this point if/when existing source requirements are different from any new source requirements. She commented on the burden imposed when a facility is required to meet different standards for similar units. Mr. Nizich stated that he recognized the basis for her concern and it would be considered in developing and establishing the levels of control for new and existing sources under the rule.

Mr. Chuck Feerick had a question regarding the scope of the rule; he asked if EPA would ensure that this MACT does not overlap with other MACT standards that cover the same type of units, e.g., the "off-site waste rule" or the "HON". He provided an example where a refinery that is remediating groundwater using pump and treat with the groundwater being sent to the existing wastewater treatment system that is already regulated under the refinery MACT I rule. He noted that once the groundwater enters the treatment system there would be double coverage unless some action is taken in the site remediation rule. Mr. Nizich commented that it is not EPA's intent to regulate activities under this rule that are otherwise regulated under other standards. The EPA will make every effort to accommodate other regulations in drafting the site remediation NESHAP, as is the case in other rules covering sources that have the potential for double coverage.

Mr. Nizich asked if there was any concern on the part of the stakeholders regarding co-location of a site remediation activity at a facility that is a "major source" because of other emission sources as a trigger to the rule applicability.

Ms. Miller stated that "small" remediation activities could be subject to the rule at facilities that are major HAP sources for reasons other than the remediation activities. This point could be of concern. Mr. Nizich asked if she had a feel for what would be considered a "small" remediation activity. She responded that she was not sure at this time but felt that a criteria definition could be developed in terms of a mass loading or some other format.

Chuck Feerick asked if EPA was planning to send out an official information collection request (ICR) under Section 114 authority. Mr. Nizich responded that at this time the Agency was not planning to do a formal Section 114 information collection. He stated that information gathering will be more targeted to specific situations as the rule development process gets underway. He also invited the stakeholders to provide any information they would like considered by EPA regarding their particular site remediation

activities, HAP emissions from these activities, and any air pollution controls used to reduce emissions.

Tom Nilan commented that, from a stakeholder's point of view, it would be most useful to have EPA provide to the stakeholders as early as possible in the rule development process any information regarding applicability criteria or threshold quantities that would cause a facility or unit to subject to coverage under a site remediation MACT standard. Mr. Nizich stated that he would be willing to share such information with the stakeholders as the various options are being considered.

Also on the subject of applicability, Mr. Todd Wiederhold asked if any consideration would be given to the duration of the remediation activity as a trigger or criteria for rule applicability. Ms. Miller added that both duration and size (in one form or another) should be major considerations in applicability and/or compliance determinations.

Mr. Nizich responded that he is aware of these concerns and these factors will be taken into consideration in developing any cut-off or exemption criteria for the standards. He also emphasized that in developing a MACT standard for this source category, as is the case with any source category, that the various rule requirements could and likely will change from proposal to promulgation, when consideration is given to public comment and the information submitted as part of the public review process.

Mr. Nilan asked if any consideration would be given to voluntary remedial actions as a limiting criteria for MACT applicability; i.e., limiting rule coverage in these cases so as not to discourage voluntary remediation by significantly increasing their costs by imposing installation of air emission controls. Mr. Nizich responded that, from the limited data he has seen to date on emission control costs versus overall clean-up cost, it appears unlikely that air emission control costs would be a limiting factor in the general decision to clean a site. He did however note that these limited data were for superfund sites where the overall cost are generally quite large overall. He also requested that the stakeholders provide any information they have available on cost of either large or small scale cleanups.

Mr. John Soice commented that the consideration of short-term versus long term duration of the remedial activity also comes in to play for those clean-ups that are near completion at the rule's compliance date. For example, a remediation project may have just a few months of activity remaining that overlaps the compliance date of the rule and thus installation of controls for this short period may not be cost-effective in these circumstances, regardless of the size of the project.

Mr. Nizich explained that a 3-year compliance date is planned for this MACT standard. He commented that this time frame would in all likelihood provide adequate time for the owner or operator to plan for meeting a compliance deadline in one way or another, e.g., installing controls or accelerating the clean-up activities.

V. ACTION ITEMS

- EPA will compile a set of meeting minutes and make them available to the stakeholders.
- Stakeholders will provide any information and data that they feel is relevant to EPA in this rule development.
- EPA will continue to share its technical analysis with the stakeholders to get their review and comment as the development effort continues.

Attachment 1

Site Remediation MACT
Stakeholders' Meeting Agenda
November 7, 2000

Site Remediation MACT
Stakeholders' Meeting Agenda
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- Introductions
- Background
- Project Scope
- Schedule
- Workgroup's Function
- Summary of Project Approach
- Comments/questions

Background

Why are air emissions from site remediation activities being targeted for regulation?

- Clean Air Act Amendments of 1990 (CAA) requires EPA to list industry categories of major sources of hazardous air pollutants (HAP).

- Major source: potential to emit 10 tons/year of a single HAP or 25 tons/year of a combination of HAP.

- The Site Remediation source category was listed as a major source of HAP in 1992.

What requirements must EPA meet to regulate site remediation activities?

- Establish emission reduction requirements representing the better control-technology in use. Referred to as maximum achievable control technology, or MACT.

- Require application of MACT at major sources of HAP.

Scope

What sources does EPA believe could be subject to this standard?

- Major HAP (and collocated) sources where cleanup of contaminated media is performed.

Schedule

What is the timing for this regulation?

- The site remediation source category was listed for promulgation by November 15, 2000.

- The CAA specifies that for any standard not promulgated within 18 months of its deadline (May 15, 2002 in this case), site-specific MACT determinations must be done for each facility that is a major source.

- Current plan is to have a proposed rule signed by Spring of 2001.

- Final rule signed one year following a Spring 2001 proposal would meet the May 15, 2002 statutory deadline.

Workgroup's Function

What activities does the workgroup perform?

- Work with EPA during the rule development process.
- Discuss agency decisions and information used in rulemaking .
- Voluntarily provide information to inform EPA about activities within this source category.

Summary of Project Approach

What does EPA expect to base the proposed standards on?

- Use information from existing regulations, regulatory programs and specific sites to establish rule requirements.
- Related standards in other rules for following emission sources:
  - Vents
  - Tanks, containers, surface impoundments, oil/water and organic water separators
  - Equipment leaks
- Refer to outline (distributed previously) listing regulatory requirements from other rules that deal with waste treatment.

Attachment 2

Site Remediation Outline

October 17, 2000

Site Remediation Outline -

Applicability - *Who would these standards apply to?*

The owner/operator of a site that meets the following three conditions:

a) The site is a major source of Hazardous Air Pollutants (HAP).

b) One or more remediation activities are conducted at the site.

c) The site contains one or more affected sources associated with site remediation activities

Affected Sources - *What sources are subject to the rule?*

For sites that meet the applicability criteria, the affected sources are:

- Vents used in either in situ or ex situ processes
- Tanks, containers, surface impoundments, oil/water or organic/water separators
- Leaks from equipment (pumps, valves, connectors) used in either in situ or ex situ processes where the equipment contains or contacts material having an organic HAP concentration $ 10%

Standards - *What are the control requirements?*

Vents -

63 Subpart DD (Offsite Waste and Recovery Operations) - 95% emission control or flare

Tanks

Level 1 - 63 Subpart OO - Fixed roof, all openings sealed or vented to control device (CD).

Level 2 - 63 Subpart WW - Floating roof (internal or external)

Containers

Level 1 - 63 Subpart PP - Meet DOT Std, vapor-suppression barrier

Level 2 - 63 Subpart PP - Meet DOT Std; no detect. emiss.; vapor-tight

Level 3 - 63 Subpart PP - Closed vent system (CVS) to 95% CD; complete enclosure & CVS to 95% efficient CD

Surface Impoundments -

63 Subpart QQ -floating membrane or cover vented to 95% control device

Oil/Water Separators or Organic/Water Separators -

63 Subpart VV - Fixed or floating roof

Equipment Leaks

Level 1 - 63 Subpart TT - Leak detection and repair (LDAR)

Level 2 - 63 Subpart UU - LDAR