

MEMORANDUM

DATE: June 5, 2001

SUBJECT: Summary of meeting held on May 21, 2001 with representatives of the Office of Solid Waste and Emergency Response (OSWER) and the American Petroleum Institute (API)
TO: File
FROM: Greg Nizich, U.S. Environmental Protection Agency (EPA)
Office of Air Quality Planning and Standards (OAQPS)
Emissions Standards Division (ESD)

I. INTRODUCTION

The EPA's Office of Solid Waste and Emergency Response organized this meeting with representatives from API to discuss specific issues for the national emission standards for hazardous air pollutants (NESHAP) for site remediation activities (40 CFR 63).

II. PLACE AND DATE

Ariel Rios Teleconference
May 21, 2001
10:00 a.m. to approximately 11:30 a.m. (EST)

III. PARTICIPANTS

The following is a list of meeting participants::

U.S. Environmental Protection Agency

Greg Nizich, OAQPS
Sonya Sasseville, OSWER
Matt Hale, OSWER
Guy Tomassoni, OSWER
Dave Eberly, OSWER
Dana Tulis, OSWER
Paul Balsarak, OSWER
Nancy Wilson, OSWER

American Petroleum Institute

Kyle Isakower
Cindy Gordon

IV. DISCUSSION

The meeting discussion began with OSWER stating that they wanted to get feedback to better understand the impact that this regulation could have on existing facilities both within and outside their programs. The following summarized the topics discussed:

Anticipated impacts to API member facilities - After I clarified that the 500 parts/million by weight (ppmw) cutoff was to be comprised of volatile organic HAP (VOHAP) from the list of compounds matching that in the Offsite Waste and Recovery Options MACT (OSWRO), Kyle Isakower stated that the 500 ppmw level would probably be triggered more often than not at refineries. He added that they generally did not put soils in units that EPA has indicated would be regulated under the Site Remediation MACT. I clarified later in the discussion that the 500 ppmw cutoff applied at each unit used in remediation.

Cutoff of 500 ppmw related to vents - A question was asked if the 500 ppmw cutoff applied to vents. I replied that it was limited to contaminated media management units only. The cutoff for vents is an emission rate cutoff of 3 lbs/hr and 3.1 ton/year.

Material returned back to the process - API asked how the rule would address the situation where a compound from the remediation process went back into the manufacturing process and was no longer part of a remediation activity. I said we would try to address that in the rule.

Overlap with other standards - API stated that some refineries pump contaminated groundwater to their process wastewater treatment plants (WWTP). These WWTP comply with the Petroleum Refinery MACT (40 CFR 63 subpart CC). It was asked how the Site Remediation rule would apply to this operation. I said that, consistent with language in other MACT standards, a facility would have to be complying with the control requirements in another MACT standard for the Site Remediation MACT not to apply. Specifically, in the case where a refinery WWTP was exempt from control requirements under subpart CC, they would not be considered compliant with a control requirement under the Site Remediation MACT. API thought that might be a problem due to the potential cost to control emissions at the WWTP, however, many of their groundwater pump and treat operations use a stripper followed by separation prior to the WWTP so the resulting media may be below the 500 ppmw cutoff and not subject to the control requirement under the Site Remediation MACT.

Handling excavated material - In a discussion about excavated soil, I stated the draft rule does

not presently regulate excavated materials unless they are placed in one of the contaminated media management units (i.e., a tank or container for soil). API asked how handling sludge would be addressed. I stated that the current scope of the rule was to control emissions from remediation of soil and water and mixtures of those media with sludge.

Exemptions - API asked about the development of an exemption based on the duration of a remediation activity, an issue I discussed during the February 15, 2001 stakeholder conference call. I stated that we had not been able to develop a duration exemption since we would need actual facility data on which to base such an exemption and we had not received any data concerning the absence of controls due to the length of a remediation activity. I said we would still consider something if relevant facility data was provided.

Staging Piles - An example scenario was described where contaminated soil was excavated and placed in a pile and then loaded into a truck. It was asked if the pile would be considered a "unit" under the Site Remediation MACT. I said the pile would not be considered a regulated unit under the current format of the proposal, however, a dump truck bed would be considered a container and a determination would have to be made to see if a cover was necessary based on the 500 ppmw cutoff.

Sampling Requirements - API asked about acceptable procedures to document the VOHAP concentration. I said we were planning to reference sections in OSWRO that allowed either direct measurement or knowledge of the material - 40 CFR 63.694(b)(2) and (3), respectively. A concern was expressed about the frequency of sampling required to demonstrate that VOHAP levels were below 500 ppmw, and therefore exempt from control requirements. API later stated they would hope that the VOHAP concentration of a soil/sludge mixture could be demonstrated through a weighted average or an overall evaluation rather than sampling each batch/truckload. I stated that the sections in OSWRO contained some guidance on sampling, but that I would ask about implementation at active sites complying with OSWRO.

Other Exemptions - API asked if facilities regulated by OSWRO were exempt from the Site Remediation MACT. I said no that it was EPA's intent to regulate those remediation operations with this rule. API also asked if the 1 Megagram (MG) HAP exemption applied to vents. I stated that the unit-specific exemption only applies to contaminated media management units (i.e. tanks, containers, surface impoundments, oil/water and organic/water separators and transfer systems). There is also a 1 MG HAP facility wide exemption that applies to the quantity of media being remediated at the facility on an annual basis that covers all remediation sources.

Air Sparging - It was asked if in situ air sparging operations would have to install controls. I said only if a vent was employed as part of the process. If no vent was utilized it would not be subject to control requirements.

Number of facilities potentially affected by the rule - We discussed the two situations where a facility could be subject to the site remediation MACT. One is where a source was major due to a manufacturing process that also has a remediation activity at the site (collocated). The other being a remediation activity that exceeded the 10 ton/25 ton/year HAP threshold by itself. It was our belief that the majority of remediation activities impacted would be the ones that were collocated with a major source. We did not know how many remediation activities were under State jurisdiction and outside of the OSWER programs.

Rulemaking Schedule - I was asked about the status of the proposal. I said we expected to complete the rule development process in late June and then submit it for Administrator signature at that time. I was not able to estimate when the proposal would be published in the Federal Register but I thought it would not be any sooner than late summer.

Economic Impact - I was asked if we had performed a small business impact analysis. I said we had just begun that process and did not have any determination on impacts yet.