

MEMORANDUM

DATE: June 11, 2001

SUBJECT: Summary of meeting held on June 6, 2001 with representatives of the Office of Solid Waste and Emergency Response (OSWER) and the American Chemistry Council (ACC)

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 ACC 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
June 6, 2001
11:00 a.m. to approximately 12:00 p.m. (EST)

III. PARTICIPANTS

The following is a list of meeting participants::

U.S. Environmental Protection Agency

Greg Nizich, OAQPS
Paul Balsarak, OSWER
Matt Hale, OSWER
Guy Tomassoni, OSWER
Dana Tulis, OSWER
Dale Ruhter, OSWER

American Chemistry Council

Tom Nilan
Laura Burrell

IV. DISCUSSION

The meeting discussion began with OSWER stating that they wanted to get thoughts from ACC about the potential impacts of the Site Remediation regulation. The following summarizes the topics discussed:

Source Category Listing - Tom Nilan asked if the reason the Site Remediation source category was listed in 1992 was due to stand-alone remediation activities. I said I didn't know for sure but the definition of major source in the Clean Air Act (CAA) includes collocated activities. Mr. Nilan said he hopes the regulation won't be an impediment to cleanups, and he recognized the source category was unusual in that the intent with remediation was to start, finish and be done, in contrast to activities regulated under other MACT standards that intend to be in operation indefinitely.

Hammer Provisions in CAA - It was mentioned that proposed amendments to the Part 63 General Provisions contained an initial notification procedure that may allow facilities an additional 6 months before having to perform a case-by-case MACT analysis if a 10-year MACT standard was not promulgated by May 15, 2002.

Referring to other rules - ACC asked if we had any legal concerns with basing the control requirements on those in other rules. I said we believe our approach is reasonable.

Title V Permitting - Title V and RCRA permits would need to be revised to address the requirements of the Site Remediation MACT. There was some discussion of having separate Title V permits for the main facility and the remediation activity.

Overlap with other standards - ACC stated that some companies send groundwater from a pump and treat operation to the process wastewater treatment plant (WWTP) and asked how Site Remediation MACT might apply. 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 requirements not to apply. I added that the 500 ppmw cutoff would apply for each management unit and that management units could also demonstrate a HAP destruction level meeting the requirements in 63.683(b)(2)(iii) of the Offsite Waste and Recovery Operations MACT. Mr. Nilan asked how a remediation stream containing 750 ppmw VOHAP entering a WWTP would be affected. I said that if the concentration was 750 ppmw entering the unit then controls would be required for that unit. If the concentration was less than 500 ppmw for downstream units then controls on those units

wouldn't be required.

Laura Burrell asked about overlap with regulations in proposed rules. She mentioned the Miscellaneous Organic NESHAP (MON) as a rule that may be proposed during the same period as Site Remediation MACT that could have WWTP units that would receive contaminated groundwater. She said the Organic Liquids Distribution MACT contained some guidance on how facilities subject to different proposed rules could determine their compliance requirements. I said I would review that rule.

Duration Exemption - ACC 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 have not developed a duration exemption since actual facility data is needed to base such an exemption and we have not received any data concerning the absence of controls due to the length of a remediation activity. I said we could still consider such an exemption if relevant facility data was provided.

CAMUs - Mr. Nilan said they did not believe the Site Remediation MACT would affect Corrective Action Management Units (CAMUs), they typically utilize the type that operate as landfills. I was not familiar with CAMU requirements but the RCRA representatives did not seem to believe that Site Remediation MACT requirements would apply.

Spill Cleanup - Mr. Nilan thought an exemption should be allowed for spills. I asked if the 1 MG HAP exemption for media management units wouldn't provide relief for spills, but Mr. Nilan said that documentation would have to be maintained, and potentially permits revised to address a spill cleanup even if the 1 MG exemption was used. I stated that the spill would have to contaminate media in order for Site Remediation MACT to apply, so not all spills would meet that criteria. I said that the term "spill" was somewhat open to interpretation and that actual data for these cleanup activities would be useful in defining a spill and establishing an exemption.

Limits for low concentration streams - ACC referred to the draft vent requirements of either 95% or 3 lb/hr and 3.1 ton/year for all vents as being difficult to meet for low concentration streams. They mentioned the HON limit of 20 ppmv as an example of a limit that addresses low concentration streams. I stated that I wasn't aware of a 20 ppmv limit other than for combustion devices.

Individual Facility Impacts - Mr. Hale asked if any ACC members had looked at their facilities to see if they might be affected by the rule. Mr. Nilan said they had not, but overall they estimated that 30 percent of the corrective action facilities may be impacted. This estimated impact was based on collocation of the remediation activity with a major source of HAP; applicability to specific cutoffs had not been evaluated. Mr. Tomassoni said he knew of an air stripper that did not require controls due to risk or State/local requirements but that would have to install controls if the draft Site Remediation MACT requirements were in effect. Mr. Nilan

said he realized this was not a risk rule, but a technology-based rule.

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 collocated with a major source. The group could not estimate 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 EPA workgroup rule development process in mid-July and 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.