

## **FACT SHEET**

### **AMENDMENTS TO THE GENERAL PROVISIONS FOR AIR TOXICS STANDARDS**

#### **ACTION**

- On April 12, 2007, the U.S. Environmental Protection Agency (EPA) denied a petition to reconsider its April 2006 amendments to the rule known as the General Provisions.
- The General Provisions establish a common set of requirements for developing rules or standards to regulate emissions of toxic air pollution. These requirements apply to the national emission standards for hazardous air pollutants (NESHAP).
- Control and process equipment can fail during operation. In addition, operating conditions vary during startup and shutdown of a unit. The General Provisions require a facility to establish specific procedures to minimize emissions during these periods and to outline these procedures in a startup, shutdown, and malfunction (SSM) plan.
- The April 2006 amendments allow a source to deviate from its SSM plan but did not change the General Provisions requirements to minimize emissions at all times during SSM periods.
- The amendments call for actions taken during SSMs to be reported if the emission limit in the Maximum Achievable Control Technology (MACT) standard is exceeded (or could have been in the case of a malfunction) during the SSM period. This requirement allows the public an opportunity to determine if sources met their general duty to minimize emissions.
- Following that final action, the Administrator received a petition for reconsideration from the Coalition for a Safe Environment (CFASE). CFASE claimed that it did not receive adequate notice of certain changes to the SSM recordkeeping and reporting requirements. EPA made these changes in response to comments received on the proposed amendments, and believes they are appropriate.
- After carefully considering the petition and information in the rulemaking docket, EPA is denying CFASE's petition for reconsideration.

#### **BACKGROUND**

- Under the Clean Air Act, EPA is required to regulate sources of 187 listed toxic air pollutants. On July 16, 1992, EPA published a list of industrial source categories that emit one or more of these air toxics. For the listed categories of sources, the Clean Air Act requires EPA to develop emission standards for air toxics. Most of these standards require the source to develop and implement SSM plans that describe how a source will minimize emissions during periods of SSM.
- Air toxics, also called hazardous air pollutants, are those pollutants known or suspected to cause cancer or other serious health problems in humans.

- Industrial facilities subject to EPA's technology based air toxics standards have a duty to minimize emissions at all times.
- EPA originally promulgated General Provisions for air toxics rules in 1994. The General Provisions contain general requirements regarding applicability, compliance, testing, monitoring, reporting, recordkeeping that apply to most or all of the Maximum Achievable Control Technology (MACT) Standards. The General Provisions also require an affected facility to develop a SSM plan.
- The General Provisions require a source owner or operator to report to the state or local permitting authority whether or not the SSM plan was followed and what actions were taken to minimize emissions.
- On May 30, 2003, EPA amended the General Provisions for air toxics standards to clarify that a member of the public may request a copy of a source's SSM plan as long as the request was specific and reasonable.
- The NRDC objected to the "specific and reasonable" criteria and maintained that the public had the right to unrestricted access to SSM plans. On July 29, 2003, NRDC petitioned EPA to reconsider the May 30, 2003, amendment with respect to the public's ability to access SSM plans.
- On July 29, 2005, EPA proposed amendments in response to the NRDC's petition. These amendments emphasized that the public has access to the plans already available to EPA and that the General Provisions' requirement to minimize emissions during SSM must be followed in place of the emissions standard during these times.

## **FOR MORE INFORMATION**

- To download a copy of the final amendments, go to "Recent Actions" at the following address: <http://www.epa.gov/ttn/oarpg/t3pfpr.html>.
- Today's amendments and other background information are also available either electronically at [www.regulations.gov](http://www.regulations.gov) or in hard copy at EPA's Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2004-0094). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.