Regulatory Update

Toxic Use Reduction Planners Annual Mtg.
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Assistance & Pollution Prevention Office

Update Overview

- Waste
  - New definition of solid waste
  - Generator Improvement Rule
  - Update on Solvent Wipes rule
- Water
  - Stormwater General Permits
- Toxics – Renovation, Repair & Painting Lead rule
- Air – summary information on
  - Reciprocating Internal Combustion Engine (RICE) rule
  - Area Source Boiler Rule
  - Chrome MACT (Maximum Achievable Control Technology)

Definition of Solid Waste

- **Spotlight: http://www.epa.gov/epawaste/hazard/dsw/index.htm**
- 2011 Proposed Rulemaking – EPA is requesting public input on proposed new safeguards for hazardous secondary materials recycling to protect public health and the environment.
- State-by-State Map of DSW Regulations - A map illustrating which states have become authorized for the Definition of Solid Waste final rule.
- Final Definition of Solid Waste (DSW) Rule - Information about the October 7, 2008 final rule that would streamline the regulation of hazardous secondary materials to encourage beneficial recycling and help conserve resources.

Background on Generator Improvements Proposal

- Three themes drive the Generator Improvements Proposal under the umbrella of “good government”:
  1. Improve program efficiency by making clarifications
  2. Improve program effectiveness by closing regulatory gaps
  3. Improve program flexibility by offering regulatory alternatives

Haz/Waste Generator Improvement Rule

- EPA and the States have long history of implementing hazardous waste rules
- Rules have seen little change in 30 years
- Objective for changes:
- Reorganization of CESQG, SQG and LQG regulations
  - Clarify & update
  - Improve program by eliminate loopholes in existing regs
  - Satellite Accumulation Area clarifications
  - Waste determinations
- Projected Milestones:
  - OMB Review: April 2013
  - Publication in FR –September 2013

Waste: Solvent Wipes Rule

- Rule would create an exclusion from hazardous waste regulations
- Allow both reusable textile and disposable solvent wipes
- Each type of wipe has separate management requirements
- Common factors:
  - No free liquids – paint filter test or whatever test used by a delegated state in which you operate
  - Exclusion depends on use of common solvents

Solvent Wipes - Timeline

1985, 1987	Industry petitions received
November 20, 2003	Proposed rule published
March 9, 2004	Public hearing held
April 27, 2006	Early Guidance held; OSWER determines a more robust risk analysis is needed
May 20, 2008	Revised risk analysis completed
October 27, 2009	NODA published requested comment on risk analysis
October 12, 2011	Options Selection held
February 29, 2012	FAR Meeting
April 2012	Rule sent to OMB for review
June 2012	Planned signature date

Water: Stormwater

- Hurricane Sandy should remove any doubts about the importance of stormwater management.
- Stormwater runoff occurs when water flows over impervious surfaces (paved streets, parking lots, and building rooftops), and accumulates debris, chemicals, sediment or other pollutants .
- Primary method to control stormwater discharges: best management practices (BMPs). Most stormwater discharges are considered point sources and require coverage under an NPDES permit. For more information about the Stormwater program, visit the Stormwater Basic Information page.
- Most states are authorized to implement the Stormwater NPDES permitting program. EPA remains the permitting authority in New England, in Massachusetts and New Hampshire, and on most land in Indian Country.

Stormwater Management

- The NPDES Stormwater Program covers the following stormwater discharges:
- MS4s (Municipal Separate Storm Sewer Systems) - Operators of large, medium and regulated small MS4s may be required to obtain authorization to discharge stormwater.
  - Polluted stormwater is transported through MS4s and often discharged untreated into local water bodies. To prevent this contamination, system operators must obtain a NPDES permit and develop a stormwater management plan.
    - Phase 1 – begun in 1990– medium & large cities and counties of >100,000 to obtain NPDES stormwater permit (individual permits)
    - Phase 2 – begun in 1999 – small MS4s in urban areas (and some designated non-urban area MS4s) need stormwater general permits
  - Most urbanized communities in New England fall into the Phase II category, and must meet certain provisions of the general permit, including annual reporting.

Stormwater Management

- Construction Activities - Operators of construction sites that are one acre or larger (including smaller sites that are part of a larger common plan of development) may be required to obtain a NPDES construction stormwater permit. Where EPA is the permitting authority, operators must meet the requirements of EPA's Construction General Permit (CGP).

- Industrial Activities - Industrial sectors may require authorization under an NPDES industrial stormwater permit for stormwater discharges. Where EPA is the permitting authority, operators must meet the requirements of EPA's Multi-Sector General Permit (MSGP).

- For Information: http://cfpub.epa.gov/npdes/stormwater/swbasicinfo.cfm

Toxics: RRP Rule - Awareness Level

- **EPA Requirements:**
- Common renovation activities like sanding, cutting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint, which can be harmful to adults and children.

- To protect against this risk, on April 22, 2008, EPA issued the Renovation, Repair and Painting Rule. It requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in pre-1978 homes, child care facilities and schools be certified by EPA and that they use certified renovators who are trained by EPA-approved training providers to follow lead-safe work practices. Individuals can become certified renovators by taking an eight-hour training course from an EPA-approved training provider.

- Contractors must use lead-safe work practices and follow these three simple procedures:
  - Contain the work area.
  - Minimize dust.
  - Clean up thoroughly.
- **For information**: **http://www.epa.gov/lead/pubs/renovation.htm**

EPA's RRP Rule – Renovation, Repair and Painting

- When renovation, repair, and painting projects
  - Disturb painted surfaces and
  - Are performed in homes, child care facilities, and schools built before 1978

Firm

- Must be certified by EPA

- Must have at least one certified renovator at each job site

Renovator

- Must be trained by EPA-approved training provider
- Must be certified
- Must use lead-safe work practices

To whom does the rule apply?

Workers

- Renovation contractors
- Maintenance workers
- Painters
- Plumbers
- Electricians
- Other specialty trades
- Landlords working on own rental properties

Who are:

- Renovating, repairing, or painting
- Replacing windows
- Demolishing most painted surfaces

In buildings before 1978

- Homes
- Facilities where children under 6 years visit regularly, such as
  - Schools
  - Childcare facilities
  - Daycare centers

CAA Regulations

- RICE NESHAP *(National Emission Standard for Hazardous Air Pollutants)*- http://www.epa.gov/region1/rice/
  - 40 Code of Federal Regulations 63, Subpart ZZZZ ("Rice rule")
- RICE rule Applies to:
  - All types & sizes of stationary engines – except:
- Existing emergency engines located at residential, institutional, or commercial area sources. Engine must meet Subpart ZZZZ definition of emergency engine.
- The RICE rule *Does Not* apply to:
- Motor vehicles or to non-road engines

Emergency Engine Requirements (Area Sources)

- No limits on hours of operation for emergency service
- Maintenance checks & readiness testing limited to 100 hrs/yr
- 50 hrs/yr allowed for non-emergencies
  - Counts as part of the 100 hr/yr maintenance & testing limit
- Engine cannot be used for peak shaving or as part of financial arrangement with another entity, except 15 of the 50 non-emergency hrs/yr can be used for demand response in emergency situations (e.g., imminent blackout)
- On June 7, 2012 EPA proposed amendments to the RICE NESHAP including proposed changes to the definition of emergency. Stay tuned…

CAA Regs: Actions Affecting Boilers

- **On March 21, 2011, EPA issued three separate but related rules**:
  - Boilers at large ("major") sources of HAP ("Boiler MACT")
    - NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters (Subpart DDDDD of Part 63)
  - Boilers at small sources of HAP ("Boiler Area Source Rule")
    - NESHAP for Area Sources: Industrial, Commercial, and Institutional Boilers (Subpart JJJJJJ of Part 63)
  - Boilers that burn solid waste at industrial and commercial facilities
    - New Source Performance Standards (NSPS) and Emission Guidelines for Commercial and Industrial Solid Waste Incinerators (CISWI) Amendments (Subparts CCCC and DDDD of Part 60)
    - Definition of non-hazardous secondary materials that are solid waste: (RCRA rule) not waste when burned in combustion units. See website http://www.epa.gov/epawaste/nonhaz/define/index.htm

Boiler Requirements

- **Existing large boilers** (>=10mm/BTU)
  - **Coal**
    - Numeric emission limits for *mercury, carbon monoxide (CO)*
    - 1-time energy assessment
  - **Biomass, Oil**
    - Tune-up every other year
    - 1-time energy assessment
    - No numeric emission limits
- **Existing small boilers** (<10mm/BTU)
  - **Coal, Biomass, Oil**
    - Tune-up every other year
    - No numeric emission limits

Energy Conservation Rqmts

- EPA has established pollution prevention as one of its highest priorities. One opportunity for pollution prevention is using energy efficient technologies to minimize emissions.
- **Tune-ups**
  - Applicable to small coal-fired boilers, all biomass-fired boilers, and all oil-fired boilers.
  - Rationale: by improving combustion efficiency, fuel usage is reduced which results in decreased emissions.
- **Energy Assessment**
  - Applicable to existing large boilers > = 10 mm/BTU
  - Provides valuable information on improving energy efficiency
  - Leads to reductions in emissions through process changes and other efficiency modifications (i.e. pollution prevention)
  - Energy conservation measures identified are <u>not required</u> to be implemented

Compliance Dates

- Existing Sources (commenced construction before June 4, 2010)
  - Tune-up required by March 21, 2012
    - December 23, 2011 proposed rule proposes to extend initial tune-up date until March 21, 2013.
  - Compliance with emission limits and energy assessment by March 21, 2014
- New Sources (commenced construction on or after June 4, 2010)
  - Must comply by May 20, 2011, or upon startup, whichever is later

Changes to Area Source Boiler Rule

- **March 21, 2011, EPA announced it would initiate reconsideration of certain aspects of boiler and CISWI rules**
  - Some of the comments raised technical issues that would benefit from additional public involvement.
  - Stakeholders petitioned for reconsideration of other issues
- **Stay**
  - May 18, 2011, EPA delayed the effective date of the major source Boiler MACT only and CISWI amendments
    - On January 9, 2012, Court vacated EPA's delay of these rules
  - Stay did not affect final area source boiler rule
- Boiler rules are in effect

Schedule for Changes to Boiler Rules

- December 23, 2011, EPA proposed rule changes to the boiler MACT, the boiler area source rule and CISWI rule
  - Comments due by February 21, 2012
- Expected to Finalize Rule Changes by Spring 2012, but…
- **No Action Assurance letters**
- March 13, 2012: EPA issued a No Action Assurance Letter (PDF) (4pp, 1.2 MB) for initial tune-up deadlines. While the rule states that initial tune-ups must be completed by March 21, 2012, using our enforcement discretion, EPA will not pursue enforcement action for violations of initial tune-up deadlines in the Area Source Boiler rule. EPA proposed to extend the compliance date for initial tune-ups from March 21, 2012 until March 21, 2013, however, EPA has not yet finalized this change.
- July 18, 2012: extended the March 13, 2012 No Action Assurance until the final reconsideration rule is issued, or December 31, 2012, whichever date comes first. For details, see Area Source NAA EXTENSION MEMO (PDF). (7pp, 2.0 MB)

  - Current Status –
    - Pending final review by Office of Management & Budget

Chromium Electroplating Rule Updates

- Chromium Electroplating and Chromium Anodizing Maximum Achievable Control Technology (MACT) standards, 40 CFR Part 63, Subpart N
  - September 19, 2012 amendments published in the Federal Register
  - Amendments issued under EPA's residual risk and technology review program

- For more information
  - www.epa.gov/ttn/atw/chrome/chromepg.html

Chromium MACT Updates

- More stringent emission limits for new and existing sources
- In lieu of meeting emission limits, the current rule allows facilities to meet alternative surface tension limits. Amendments include more stringent surface tension limits as well
  - 2 years to comply with the emission limits or surface tension limits
- No need to retest if previous test met the new emission limits and the facility is using the same controls

Chromium MACT Updates

- Amendments add new housekeeping practices – storage, drip trays splash guards, cleanup, buffing and grinding
  - 6 months to comply with the housekeeping requirements
- Amendments eliminate bio-accumulating perflourooctane sulfonic acid (PFOS) fume suppressants in 3 years
- Added electronic reporting requirements for performance testing
- Specify emission limits apply during startup, shutdown, malfunction (SSM) – added requirements for affirmative defense

Feedback…

- 1) How many of you have learned something new after listening to this info?
- 2) How might you use any of the info you heard today?
- 3) Consider calling us for targeted outreach assistance.
- To provide feedback on training or on needed training: R1assist@epa.gov

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