



# Air Toxics National Compliance and Enforcement Priority

FY 2008 – 2010

EPA/NACAA Enforcement Workshop June 2008



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# Air Toxics as a National Compliance and Enforcement Priority



- Since FY 2005, focus of Air Toxics Priority on compliance monitoring and enforcement
- Goal was to address significant non-compliance and achieve HAP reductions across MACT program
- Regions had flexibility to select any major source MACT

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# Air Toxics as a National Compliance and Enforcement Priority (continued)



- In FY 05-07, regions conducted evaluations at facilities subject to over 40 different MACTs
  - Evaluations and enforcement actions resulted in HAP reductions of ~1.4 million pounds
  - Significantly exceeded three year HAP reduction goal of 750,000 pounds
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# Changes to Air Toxics Strategy for FY 2008-2010



- Focus now on “problem solving” approach, unique federal role, point of exit
    - Identifying national problem vs. collection of regional problems
    - Establish a measurable goal that demonstrates progress in addressing specific problem (e.g., percent universe coverage vs. emission reduction goal)
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# Strategy Approaches Evaluated



- Process-Based (e.g., LDAR, Flares, Surface Coating)
  - Environmental Justice
  - Urban/geographic hot spots
  - Single pollutant (e.g., Benzene)
  - Industry sector (e.g., SOCMI)
  - Specific MACT (e.g., HON/MON)
  - HAP emitters w/ greatest risk
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# Air Toxics Strategy for FY 2008-2010



- Final Strategy: March 2008
  - Selected Process-Based Approach
  - National Problem Areas: **LDAR, Flares, Surface Coating**
    - Provides national approach
    - Narrows universe
    - History of non-compliance and opportunity for emission reductions
    - Regions have developed capacity in at least one of identified areas (LDAR)
    - Enables all regions to participate
    - Provides flexibility
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# LDAR



- LDAR selected for national initiative in FY 2006 due to widespread noncompliance and the potential for significant emission reductions, non-compliance persists
- Leaking equipment the largest source of emissions of HAPs from petroleum refineries and chemical manufacturing facilities
- Compliance evaluations conducted by EPA found significantly higher numbers of leaking components than were reported by regulated entities
  - EPA found 5% vs. 1% reported

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# Flares



- Part 60 and 63 general provisions require flares used as control devices to combust gases with heat content of 300 Btu or greater; also must follow design specifications
- Evaluations have found facilities combusting gases with low Btu content, resulting in incomplete combustion and significant HAP emissions
- Facilities with steam assisted flares found to be over-steaming (in excess of design specifications) resulting in incomplete combustion and significant HAP emissions



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# Surface Coating



- EPA has promulgated 16 surface coating MACT standards; regulated HAPs have high toxicity
- Many coating facilities in urban areas and non-attainment areas for ozone
- EPA and state experience shows many facilities out of compliance due to failure to operate controls correctly (e.g., not operating controls within parameters established during performance test)

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# General Approach of Strategy



- Regions select universe consisting of MACT category(s) or a MACT requirement(s) within National Problem Areas
- Selections generally based on greatest potential for noncompliance and environmental harm
- Can subdivide MACT category and focus on specific provision (e.g., elevated flares at petroleum refineries)



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## General Approach of Strategy (continued)

- Regions required to address identified percentage of selected universe
  - “Address” defined as one of the following actions:
    - Determine through a compliance evaluation that facility is not subject to selected MACT
    - Determine through a compliance evaluation that no further action is needed at this time
    - Issue an administrative order/administrative penalty order
    - Refer case to DOJ



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## General Approach of Strategy (continued)

- **Off-Ramp:** If widespread compliance found after evaluating a portion of selected universe(s), region can disinvest and select another universe(s)
- **Compliance Assistance:** Generally to be focused on MACT categories outside of selected MACT categories for which regions conducting compliance evaluations as part of Air Toxics Priority

# Available Tools



- *LDAR*: LDAR Best Practices Guide; posted on OECA website and Compliance Assistance Centers:  
<http://epa.gov/compliance/resources/publications/assistance/ldarguide.pdf>
- *Flares*: OECA/Region 5 developed draft Flare Best Practices document which includes information on regulation of flares and best operation and monitoring practices; also developed a draft Flare Toolkit which includes inspection checklist and example information request
- *Surface Coating*: Tools such as plain language brochures, inspection checklists, compliance timelines available for 13 surface coating MACTs. Available on EPA's Air Toxics Website
- MACT Prioritization Tool: [www.epa-otis.gov/mact/](http://www.epa-otis.gov/mact/)

<b><u>Region</u></b>	<b><u>Proposed Selected Universe(s) for FY 2008-2010</u></b>
<b>1</b>	<b>Surface Coating: Fabric Coating</b>
<b>2</b>	<b>LDAR: MON Surface Coating: Misc. Metal Parts, Paper and Other Web Flares: Petroleum Refineries</b>
<b>3</b>	<b>LDAR/Flares: HON</b>
<b>4</b>	<b>LDAR/Flares: Oil and Gas, HON Surface Coating: Misc Metal Parts</b>
<b>5</b>	<b>LDAR: MON Surface Coating: Fabric Coating (polymeric coating) Flares: Polymer and Resins IV, Petroleum Refineries</b>
<b>6</b>	<b>LDAR: Gas Distribution (Bulk Terminals), Oil and Gas Flares: Polymers and Resins IV, Oil and Gas</b>
<b>7</b>	<b>Surface Coating: Plastic Parts</b>
<b>8</b>	<b>LDAR: Municipal Landfills, Gasoline Distribution Surface Coating: Wood Furniture</b>
<b>9</b>	<b>Surface Coating: Can Coating</b>
<b>10</b>	<b>Surface Coating: Misc. Metal Parts</b>