

## FACT SHEET

### Proposed Amendments to Air Toxics Standards for Hydrochloric Acid Production

#### ACTION

- On December 21, 2018, the U.S. Environmental Protection Agency (EPA) proposed to amend the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hydrochloric Acid (HCl) Production.
- EPA is proposing minor amendments to enhance the effectiveness of the rule by improving compliance and implementation.
- EPA issued the air toxics standards for HCl Production on April 17, 2003. The rule applies to major source facilities that produce a liquid HCl product at a concentration of 30 weight percent or greater during normal operations.
- Following a residual risk and technology review (RTR) conducted under the Clean Air Act (CAA), with this action EPA is proposing to:
  - Revise requirements for periods of startup, shutdown and malfunction (SSM) to be consistent with recent court decisions; and
  - Require electronic reporting of performance test results.
- EPA will accept comment on the proposed amendments for 45 days after publication in the *Federal Register*.

#### RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after application of the final air toxics emissions standard. This is known as a residual risk assessment.
- Based on the completed risk assessment, available health information and associated uncertainties, EPA determined risks from the HCl Production source category are acceptable and provide an ample margin of safety to protect public health.
- HCl production facilities are typically located at plant sites that include various other chemical manufacturing processes such as pesticide or organic chemical manufacturing.
- EPA assessed facility-wide risks and found that the maximum facility-wide cancer risk is 600-in-1 million, caused by ethylene oxide emissions from a variety of industrial processes which are not part of the HCl Production source category. In late 2016, EPA updated a risk value for ethylene oxide which was used in this assessment.
- EPA will evaluate these facility-wide estimated emissions and risks further working with industry, and state, local and tribal air agencies in a two-pronged approach to address ethylene oxide emissions:
  1. review Clean Air Act regulations for facilities that emit ethylene oxide – starting with air toxics emissions standards for miscellaneous organic chemical manufacturing facilities and commercial sterilizers; and
  2. gather additional information on ethylene oxide emissions.

- This information will help the EPA as it evaluates opportunities to reduce ethylene oxide emissions as part of its regulations review and will help the agency determine whether more immediate emission reduction steps are necessary in any particular location.

## **TECHNOLOGY REVIEW**

- The CAA requires EPA to assess, review and revise air toxics standards, as necessary, taking into account developments in practices, processes and control technologies. The technology review of the standards for HCl production facilities did not identify any developments that would further reduce Hazardous Air Pollutant (HAP) emissions beyond the original NESHAP.

## **BACKGROUND**

- The CAA requires EPA to regulate toxic air pollutants, also known as air toxics, from categories of industrial facilities in two phases.
- The first phase is “technology-based,” where EPA develops standards for controlling the emissions of air toxics from sources in an industry group or “source category.” These maximum achievable control technology (MACT) standards are based on emissions levels that are already being achieved by the best-controlled and lower-emitting sources in an industry.
- Within 8 years of setting the MACT standards, the CAA directs EPA to assess the remaining health risks from each source category to determine whether the MACT standards protect public health with an ample margin of safety and protect against adverse environmental effects. This second phase is a “risk-based” approach called residual risk. Here, EPA must determine whether more health-protective standards are necessary.
- Also, every 8 years after setting MACT standards, the CAA requires EPA to review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.

## **HOW TO COMMENT**

- The EPA will accept comment on the proposal for 45 days after publication in the *Federal Register*. Comments, identified by Docket ID No. EPA-HQ-OAR-2018-0417, may be submitted by one of the following methods:
  - Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for submitting comments.
  - Send comments by email to: a-and-r-Docket@epa.gov, Attention Docket ID No. EPA-HQ- OAR-2018-0417.
  - Fax your comments to: (202) 566-9744, Attention Docket ID. No. EPA-HQ-OAR-2018-0417.

- Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID. No. EPA-HQ-OAR-2018-0417.
- Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

#### **FOR MORE INFORMATION**

- Interested parties can download a copy of the proposed rule notice from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/hydrochloric-acid-production-national-emission-standards-hazardous>.
- Today's action and other background information are also available either electronically at <https://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located at EPA Headquarters Library, room number 3334 in the EPA WJC West Building, 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Standard Time, Monday through Friday, excluding Federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2018-0417.
- For further technical information about the rule, contact Nathan Topham, EPA's Office of Air Quality Planning and Standards, at (919) 541-0483 or [topham.nathan@epa.gov](mailto:topham.nathan@epa.gov).