

This document is not legally enforceable and is not a rule or regulation, does not change or substitute for any law, regulation, or any other legally binding requirement. The answers and examples provided in this document are not site-specific and may not apply in all circumstances. EPA recommends that facilities work with their state, local, or Tribal air regulatory programs as necessary to evaluate any potential regulatory impacts.

EPA's 2021 Listing of 1-Bromopropane as a CAA Section 112 Hazardous Air Pollutant Questions and Answers

U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
January 5, 2022

On December 22, 2021, the U.S. Environmental Protection Agency (EPA) Administrator Michael S. Regan signed the final rule to add 1-bromopropane (1-BP) to the Clean Air Act (CAA) list of hazardous air pollutants (HAP). This action was published in the Federal Register on January 5, 2022 [87 FR 393]. The HAP list is provided in section 112(b) of the CAA, with amendments codified in 40 CFR part 63, subpart C. The addition of 1-BP is the first time the EPA has added a new compound to the HAP list since Congress provided the original HAP list in the 1990 CAA.

This document is intended to provide initial guidance to stakeholders in the form of questions and answers about some of the potential impacts of the addition of 1-BP to the HAP list.

The EPA expects to develop a rule in the near term that will address impacts, implications, and requirements associated with the addition of a new HAP to the HAP list. This regulatory infrastructure will be proposed for public notice and comment in 2022 and is expected to be finalized in early 2023.

This document provides guidance to the EPA regional and state/local/tribal permitting authorities as well as to potentially impacted industries and the general public on how the EPA intends to exercise its discretion in implementing the statutory and regulatory provisions that concern the addition of 1-BP to the list of HAP under CAA section 112. The guidance is designed to implement national policy on these issues.

The statutory provisions and the EPA regulations described in this document contain legally binding requirements. This document does not substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally binding requirements on the EPA, air permitting authorities, or the regulated community, and may not apply to a particular situation based upon the circumstances. The EPA and those agencies with delegated authority or approved programs retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance, where appropriate. Any decisions regarding a particular facility will be made based on the statute and regulations. Therefore, interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation.

The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied upon, to create any rights enforceable by any party in litigation with the United States. The EPA may decide to follow the guidance provided in this document, or to act at variance with the guidance based on its analysis of the specific facts presented.

1-BP Usage

A wide variety of industries may potentially be impacted by the listing of 1-BP as a CAA section 112 HAP due to potentially broad and widespread applications of this solvent. The primary use of 1-BP is as a cleaning solvent, both in solvent cleaning machines and as an applied solvent (e.g., wipe cleaning). In addition, 1-BP has reported uses in both the manufacturing process and the final cleaning of metal and plastic rods and tubes. There may also be additional uses of 1-BP that are not specified in this document.

Questions and Answers

Throughout the rulemaking process to review and ultimately grant the petitions to add 1-BP to the list of HAP under section 112 of the CAA, the EPA has received questions from stakeholders potentially impacted by this novel action. The most common questions and the EPA's answers are provided in this document as initial guidance.

Emissions Calculations

1. When does 1-BP become a listed HAP?

The effective date for the listing is 30 days after the publication of the final rule in the *Federal Register*. [Effective date: February 4, 2022]

2. When does a facility include 1-BP in a facility's potential to emit (PTE)?

A facility must include 1-BP in its PTE beginning on the effective date of the final rule. [February 4, 2022]

3. What happens if including 1-BP in a facility's PTE causes the facility to become a major source of HAP?

The facility will need to follow the title V requirements for major sources (see Title V Permitting below). In addition, as a major source, the facility may need to comply with other National Emission Standards for Hazardous Air Pollutants (NESHAP) (See Part 63 NESHAP Applicability below).

Title V Permitting

4. When is a title V operating permit application or permit revision required?

A major source of HAP is a "part 70 source" subject to the permitting requirements for major sources and must submit a timely permit application within 12 months after the source becomes subject to the permit program, or on such earlier date as the title V permit authority may establish. 40 C.F.R. 70.5(a)(1)

For example, a facility that was not previously subject to title V permitting because its PTE HAP was below the major source threshold (i.e., less than 10 tons for any single HAP and less than 25 tons per year for all HAP) before the addition of 1-BP to the HAP list may become a major source of HAP emissions once 1-BP is included in its PTE HAP calculations.

5. Can a source that would otherwise become a major source because of 1-BP take action to reduce its PTE to remain an area source?

Yes. A facility that would become a major source because of the inclusion of 1-BP as a HAP can take action to reduce its PTE below major source thresholds.

For example, the facility could eliminate 1-BP use altogether or obtain a permit containing enforceable restrictions to reduce its HAP PTE below the major source threshold. A source should consult the appropriate regulations and confer with its state, local, or tribal permitting authority regarding the procedures applicable to its situation.

Part 63 NESHAP Applicability

6. Is 1-BP regulated by any current NESHAP?

No. All current NESHAP were promulgated prior to the listing of 1-BP as a HAP. When the Agency promulgated those NESHAP, 1-BP emissions were not considered in the standard-setting process.

7. If a facility's classification has changed from area source to major source, due to the inclusion of 1-BP in the facility's PTE, are there NESHAP rules that could be applicable to the facility?

Yes. If a facility becomes a major source because of the inclusion of 1-BP in the facility's PTE, the facility should review all major source NESHAP standards for potential applicability.

All major sources must comply with all applicable NESHAP for major sources. This could include broad source categories, such as the NESHAP for boilers or reciprocating internal combustion engines.

8. If there is no change in a facility's classification due to the inclusion of 1-BP in the facility's PTE, are there any new requirements that apply to the facility due to the 1-BP listing (i.e., for any area source or for a major source that remains a major source)?

No. If the facility's classification does not change, there are no new requirements under any NESHAP because the EPA has not yet set standards for 1-BP. As discussed elsewhere in this document, there may be other applicable requirements.

Enforcement

9. Will the EPA take enforcement against sources that fail to comply with the CAA obligations resulting from the listing of 1-BP?

Facilities subject to the CAA requirements because of the addition of 1-BP have an obligation to comply, and failure to comply could result in enforcement. As described in Question and Answer 3, the EPA believes that the inclusion of 1-BP in a facility's PTE could result in a change to the major source status of the facility. The EPA is aware of the circumstances and equities created by the listing of 1-BP as a HAP and will consider such circumstances and

This document is not legally enforceable and is not a rule or regulation, does not change or substitute for any law, regulation, or any other legally binding requirement. The answers and examples provided in this document are not site-specific and may not apply in all circumstances. EPA recommends that facilities work with their state, local, or Tribal air regulatory programs as necessary to evaluate any potential regulatory impacts.

equities on a case-by-case basis when determining the nature and extent of any potential noncompliance with the CAA requirements.