

FACT SHEET

Final Amendments to Air Toxics Standards for Site Remediation

ACTION

- On December 14, 2022, the U.S. Environmental Protection Agency finalized amendments to the Site Remediation National Emission Standards for Hazardous Air Pollutants (NESHAP).
- This action completes the reconsideration to remove exemptions from the rule for site remediation activities performed under authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a remedial action or a non-time-critical removal action, and for site remediation activities performed under a Resource Conservation and Recovery Act (RCRA) corrective action conducted at treatment, storage, and disposal facilities.
- EPA estimated two tons of reductions in hazardous air pollutant emissions from covered sources as a result of this final action.

BACKGROUND

- In October 2003, EPA promulgated the NESHAP establishing maximum achievable control technology (MACT) requirements for the Site Remediation source category.
- EPA received a petition for reconsideration on December 8, 2003, from Sierra Club, the Blue Ridge Environmental Defense League and Concerned Citizens for Nuclear Safety which requested that the Agency reconsider the exemption for site remediations performed under the authority of the Comprehensive Environmental Response and Compensation Liability Act (CERCLA) or the Resource Conservation Recovery Act (RCRA).
- In May 2016, EPA proposed amendments to remove exemptions in the Site Remediation NESHAP for sources that were regulated under RCRA and CERCLA. The proposal included removing the “co-location” requirement (which limits this NESHAP to sources that are already a regulated major source under section 112).
- In 2019 and 2020, EPA proposed and finalized, respectively, the Site Remediation NESHAP risk and technology review (RTR). In the proposal, EPA requested further comment on the exemption issue while noting this was outside the scope of the RTR.
- The RTR was challenged in 2020 by environmental petitioners led by Concerned Citizens for Nuclear Safety. These groups also filed an administrative petition for reconsideration. Their two issues included the continued exemptions (which they argue should have been removed in the RTR action); and the NESHAP’s hazardous air pollutants (HAP) coverage, which the agency intend to address in a later action.
- In agreement with these petitioners, EPA committed to take final action on the exemptions by the end of 2022.

FOR MORE INFORMATION

- Interested parties can download a copy of the final rule from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/site-remediation-national-emission-standards-hazardous-air>.
- Today's action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system.
- For further technical information about the rule, contact Matthew Witosky, EPA's Office of Air Quality Planning and Standards, at (919) 541-2865 or witosky.matthew@epa.gov.