

3/15/03

## FACT SHEET

### AMENDMENTS TO THE FINAL TOXICS RULES FOR PUBLICLY OWNED TREATMENT WORKS

#### Today's action

- ! The Environmental Protection Agency (EPA) is proposing to amend its final rules to reduce emissions of toxic air pollutants from wastewater treatment units at publicly owned treatment works (POTW). Toxic air pollutants, or air toxics, are those pollutants known or suspected of causing cancer or other serious health effects such as birth defects or reproductive problems.
- ! The proposed amendments reflect the litigation settlement agreement for Pharmaceutical Research and Manufacturers of America (PhRMA) v. United States Environmental Protection Agency.

#### Background

- ! Under the Clean Air Act, EPA is required to regulate sources of 188 listed toxic air pollutants.
- ! For categories of “major” sources (those that emit 10 tons/year or more of a listed pollutant or 25 tons/year or more of a combination of pollutants), EPA must develop standards that require the application of stringent air pollution reduction controls known as “maximum achievable control technology.”
- ! EPA developed and maintains a list of industry groups to be regulated for air toxics. This list includes publicly owned treatment works. POTW facilities emit air toxics during the treatment of wastewater received from residential and commercial sources and industrial sources.
- ! EPA issued the POTW rule on October 26, 1999. POTW covered by this rule can be owned by any level of government, including federal, state, county, or city.
- ! In developing these standards, EPA established two source “subcategories”: (1) the industrial POTW treatment plants subcategory, which comprises the wastewater treatment portion of POTW used by industry to treat their specific industrial waste streams to meet other regulations under the Clean Air Act (e.g., benzene waste operations air toxics rule, hazardous organic air toxics rule); and (2) the non-industrial POTW treatment plants subcategory, which comprises the wastewater treatment portion of all other POTW that are major sources.
- ! The standards require new or reconstructed non-industrial POTW to: (1) include covers and controls on the primary treatment processes, or (2) demonstrate that the fraction of hazardous

air pollutants emitted is 0.014 or less from those primary treatment processes.

- ! A very small number of POTW fall under the industrial subcategory. For existing industrial POTW treatment plants, EPA is not requiring additional controls. These facilities, which accept and treat regulated wastewater, should already be in compliance with treatment and control requirements specified by the appropriate industrial air toxics rule. However, the POTW standards clarify that these industrial POTW are legally responsible under the Clean Air Act.
- ! The standards require that new or reconstructed industrial POTW meet the more stringent of either the non-industrial standard or the appropriate industrial air toxics rule.

### **How is EPA amending the rule?**

- ! Today's amendments reflect the litigation settlement agreement with PhRMA and only affect the industrial POTW subcategory. EPA is proposing to remove the requirement that all industrial POTW be considered to be major sources. The Agency will still enforce air pollution control requirements for industrial POTW that do not meet the criteria to be a major source, but these facilities will be exempt from permit requirements.

### **What are the health and environmental benefits of this action?**

- ! The health and environmental benefits of the final rule will not change after the proposed amendments.
- ! The air toxics emitted from POTW vary from facility to facility but may include xylenes, methylene chloride, toluene, ethylbenzene, chloroform, tetrachloroethylene, benzene, and naphthalene.

### **Who will be affected by the amendments?**

- ! These proposed amendments would apply to the same facilities that the existing rule regulates.
- ! EPA estimates that fewer than fifteen POTW currently meet the definition of industrial POTW. This number may increase only slightly as more industrial air toxics rules are promulgated.

### **How will POTW be affected by the amendments?**

- ! These amendments would not affect non-industrial POTW.
- ! These amendments would reduce the burden for industrial POTW which are area sources. These facilities would no longer need to obtain an air permit.

## **FOR FURTHER INFORMATION**

- ! Interested parties can download the rules from EPA's web site under recent actions at the following address: <http://www.epa.gov/ttn/oarpg>. For further information about the proposed amendments, contact Mr. Robert Lucas of EPA's Office of Air Quality Planning and Standards at (919) 541-0884.
  
- ! EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's home page address is: (<http://www.epa.gov/oar/>).