

Final National Emission Standards for Hazardous Air Pollutants (NESHAP): Publicly Owned Treatment Works (POTW) Risk and Technology Review (RTR): Fact Sheet

ACTION

- On October 16, 2017, the U.S. Environmental Protection Agency (EPA) finalized amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Publicly Owned Treatment Works (POTW) to address the results of the residual risk and technology review (RTR) conducted under section 112 of the Clean Air Act (CAA).
- The EPA issued the POTW standards in 1999 and final rule amendments were issued on October 21, 2002. Emissions of hazardous air pollutants (HAP) from POTW facilities occur during the treatment of wastewater received from residential, commercial and industrial sources.
- The EPA has determined that the risks resulting from emissions from this source category are acceptable and there are no new developments in processes, practices, or procedures. This action finalizes the results of the residual risk and technology reviews.
- To provide clarity regarding the original intent of the standards, the EPA is finalizing the following revisions to the standards:
 - **Clarification of the applicability criteria** – Revises the third applicability criterion to clarify that any major source POTW that meets the general requirements for development and implementation of a pretreatment program under the Clean Water Act is subject to the rule.
 - **Changes to the names and definitions of the subcategories** – Revises the names of the subcategories from industrial and non-industrial to Group 1 and Group 2, respectively, to clear up confusion in the naming convention.
 - **Initial notification requirements for existing POTW** – Excluded from the 2002 NESHAP, facilities must now comply with initial notification requirements.
 - **Requirements for electronic reporting** – New POTW must electronically submit all annual reports and certain performance test reports.

RESIDUAL RISK ASSESSMENT

- The CAA requires EPA to assess the risk remaining after application of the final air toxics standards. This is known as a residual risk assessment.

- After assessing the risk from exposure to toxic air emissions from POTW facilities, the EPA determined that the emission standards provide an acceptable level of risk with an ample margin of safety to protect public health.
- The maximum individual cancer risk for the source category is estimated to be less than 0.8-in-1 million. The risks are low and well within what is considered acceptable.

TECHNOLOGY REVIEW

- The CAA also requires EPA to assess the rule and revise air toxics standards, as necessary, taking into account developments in practices, processes and control technologies since the EPA issued the standards.
- No new developments in practices, processes, and control technologies were identified for this source category.

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 the 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 the 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, the EPA must determine whether more health-protective standards are necessary.
- Also, every 8 years after setting the MACT standards, the CAA requires that the EPA review and revise the standards, if necessary, to account for improvements in air pollution controls and/or prevention.
- The previously-issued air toxic standards for this source category is one of 96 air toxic standards (MACT) that require 174 industry sectors to eliminate 1.7 million tons of 187 toxic air pollutants. Congress listed these toxic air pollutants in the CAA.

FOR MORE INFORMATION

- To download a copy of the final rule, go to EPA's World Wide Web site at <https://www.epa.gov/stationary-sources-air-pollution/publicly-owned-treatment-works-potw-national-emission-standards>.

- Today's action and other background information are also available electronically at <http://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, room number 3334 in the EPA WJC West Building, 1301 Constitution Avenue, 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 action can be accessed using Docket ID No. EPA-HQ-OAR-2016-0490.
- For further technical information about the rule contact Karen Marsh, EPA's Office of Air Quality Planning and Standards, at (919) 541-1065 or marsh.karen@epa.gov.