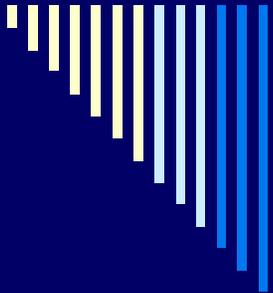


EPA's Information Collection Request (ICR) Programs

**Lessons learned from a Brick up
side the head**

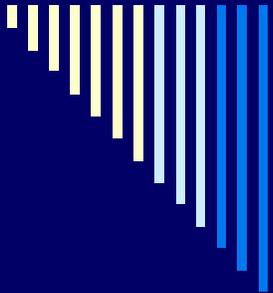




Topics

- ❑ Background about the Brick MACT decision
- ❑ What is EPA's 114 authority?
- ❑ What ICRs were issued in 2009/10?
- ❑ Issues arising from complex and broadly applicable testing program
- ❑ What is in store?

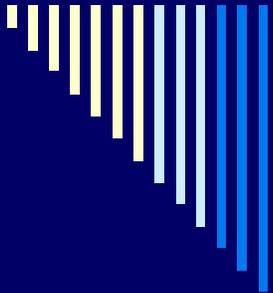




Historic March 13 events

- 1733 - Joseph Priestley born (remember chemistry class?)
- 1781 - Uranus discovered
- 1894 - first public strip tease (Paris, of course)
- 1930 - Pluto discovered (odd, that)
- 1939 - Neil Sedaka born (The Dreamer)
- 2007 – Court strikes down Brick MACT



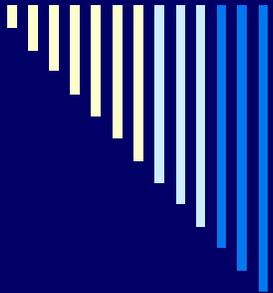


What did EPA try to do with the Brick MACT rule?

EPA published final rule for brick and structural clay products in May 2003:

- ❑ Based on control technology considered more broadly achievable (but less stringent) than that used by best controlled sources
- ❑ Allowed leeway for variability among similar sources regardless of performance
- ❑ Included *no emissions reductions* for some sources in defining the floor
- ❑ Prescribed work practice standards (clean coals) instead of emissions limits



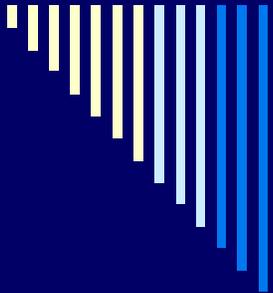


What was not to like?

Sierra Club said that Agency had not conformed with the Act and the Court agreed that EPA:

- ❑ Must consider controls achieved by best performing facilities
- ❑ Must look only at range of emissions achieved by the best performers
- ❑ Can not avoid setting limits for HAPs not controlled with technology
- ❑ Can consider work practice standards only if testing technologically and economically impracticable

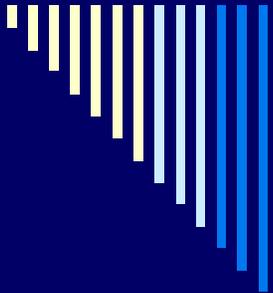




How does Brick decision affect other rules?

- Some re-proposals to address Brick issues
 - Medical waste incinerators
 - Stationary engines
 - Portland cement plants
- Some remands in 2009
 - Plywood and composite wood products man.
 - Large municipal waste combustors
 - Boilers and CISWI (actually before Brick decision)
- Sierra Club petition to revise 34 existing MACT rules (more on the list later)

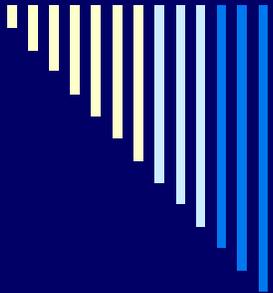




What to do?

- EPA must collect more emissions data to:
 - Define the MACT floors
 - Set numerical emissions limits
- EPA must address all HAPs
 - 187 toxic air pollutants on CAA list
 - Look for lowest emissions levels
 - Need data for surrogates, if to be used

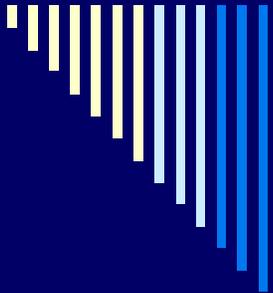




How do we do that?

- ❑ Use Clean Air Act section 114 authority:
To assist in developing rules, EPA may require sources on a one-time or continuous basis to sample emissions and collect operational data in manner prescribed by the agency and make reports.
- ❑ Thus, we issue Information Collection Requests, ICRs

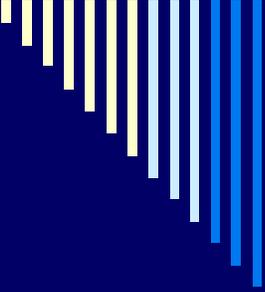




What do ICRs include?

- Survey - background information
 - Facility size, location, ownership, permit
 - Operations design, fuel and feed stock, control measures
 - Reported emissions and reductions
- Testing requirements (for some ICRs)
 - Pollutants and surrogates
 - Stack exhaust, fuel, and raw materials
 - Methods and procedures
 - Reporting requirements (ERT required)
- Deadline dates



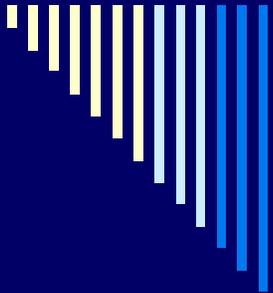


Testing for what?

How do we determine which 187 HAPs to measure?

- ❑ Some apply to specific industry (e.g., coke oven emissions, pesticides)
- ❑ Survey information can eliminate some
- ❑ Some can be grouped and represented by manageable number of related components (e.g., select PAHs, POMs, D/Fs)

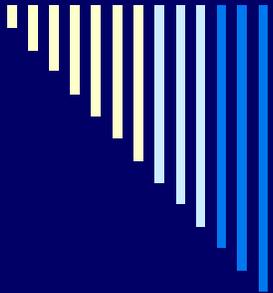




How low can you go?

- Emissions levels needed for decision making
 - Act points to lowest emitting 12 percent as MACT, but also points to HAP list in entirety
 - Not easily determined by policy
 - Experiences with industry
- Most methods are designed for compliance testing, not for measuring last molecule
 - Equipment design (instrumental methods)
 - Sample size related (test run number and duration)
 - Calibration standards

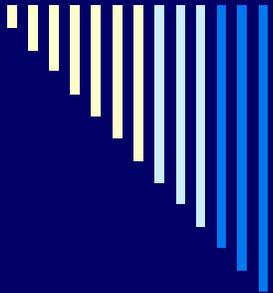




Recently issued ICRs with testing – some examples

- ❑ Electric Utility Steam Generating Units
- ❑ Nitric Acid plants
- ❑ Brick and Tile manufacturing
- ❑ Phosphate fertilizer, phosphoric acid, and elemental phosphorous
- ❑ Primary and Secondary aluminum
- ❑ Other solid waste incinerators

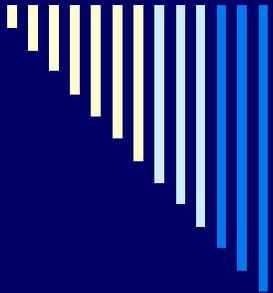




So, how have those ICRs worked out for you, EPA?

- Had to provide some clarifications to address technical issues in some areas
 - Multiple organic HAPs measurements and analytical issues
 - Handling method detection level reporting issues
- Short list of approved test methods led to requests for alternatives
 - Produced numerous FAQ documents (e.g., GD 51, 51A-G), and
 - countless e-mails for each ICR issued

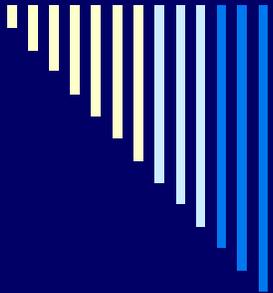




What are the major testing issues?

- VOST and Semi-VOST sampling and analyses
- Grouping methods for simultaneous testing (often site-specific limitations)
 - PM/PM_{2.5}, Hg and other metals
 - Organic – PAHs, POMs, THC, CH₄, CO, CH₂O, D/F
 - Acid gases – HCl, HF, SO₂, NO
- Using the ERT





How is this work playing out in EPA?

OAQPS and ORD resource concerns

□ Stretched staff

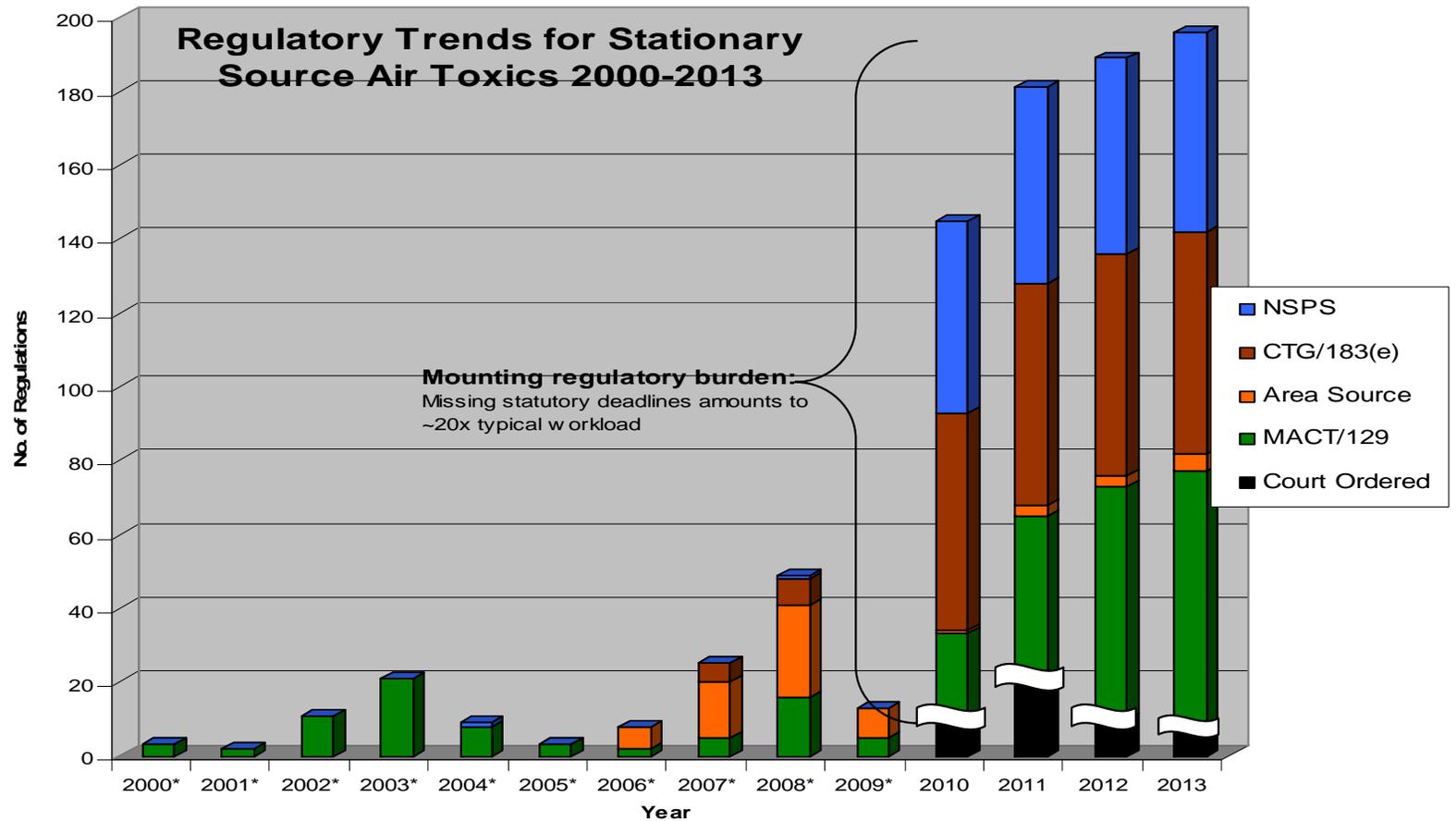
- 1970-85: 30+ source testing staff and multiple testing contractors
- Today: <12 source testing staff and practically no testing contractors

□ Sharp learning curve

- OAQPS staff less familiar with some methods, detection capabilities, alternatives
- ICRs are coming very quickly each with specific and varied needs

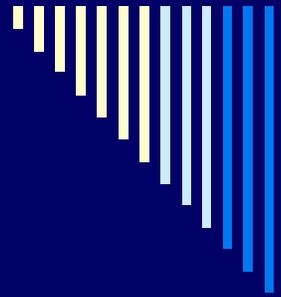


What to expect for next few years?



*Years 2000-2009 show promulgated rules only, where years 2010-2013 also illustrate overdue regulatory





What big hitters with ICRs should you expect to see?

- Petroleum refineries
- Polymers and Resins
- Iron and steel, ferroalloys
- Chemical production and distribution
- Other sources to-be-named-later