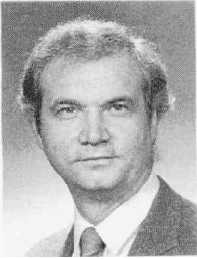


The Clean Air Act Amendments And Their Impact On Metal Finishers

By Frank Altmayer, CEF



On November 15, 1990, the Clean Air Act Amendments became law. The Act itself has been with us since 1970, but these amendments have drastically altered it. Instead of seven regulated pollutants, we now have at least 189 to keep us on our toes. The amendments consist of 11 titles, but these four will be of most concern to metal finishers:

Title I Non-Attainment Areas
Title III Hazardous Air Pollutants
Title V Permits
Title VII Enforcement

It is important to realize that regulations under the amendments are still being formulated and will be subject to normal "rule-making" procedures. In other words, the Environmental Protection Agency (EPA) will propose a regulation, then ask for public comment. *That is* the time for us to respond, loud and clear, regarding the effect of a proposed regulation upon our industry. After due consideration of public responses to proposed regulations, the EPA will finalize them. *Then* it will be too late! We must, therefore, be aware of the regulatory agenda the EPA intends to follow, and be ready to comment. We will provide a peek at this agenda shortly; but first, a brief explanation of the above "Titles."

Title I—Non-Attainment Areas
The amendments require each state to designate its "non-attainment areas"—geographical locations that are presently incapable of meeting emission standards for volatile organic compounds (VOC), carbon monoxide (CO), ozone (O₃), and particulate (PM-10). If your plant is in a non-attainment area, and is emitting VOCs, CO, O₃, PM-10, oxides of nitrogen, or lead, you can expect very strict control requirements over the next five to 20 years—especially if you are considered

a "major" source. "Major" sources are companies emitting 10 to 100 tons of VOC per year, gauged according to whether they are in areas of "extreme" non-attainment, or in areas of "moderate" non-attainment. Companies that emit less than 10 tons per year are considered to be "area" sources (i.e., small lacquering/painting operations).

The difference between "major" and "area" sources is that major sources will be required to employ "Maximum Achievable Control Technology" (MACT), while Area Sources will be required only to employ "Generally Achievable Control Technology" (GACT). What constitutes MACT vs GACT will be determined, through surveys of industries employing emission control technology. It is *assumed* that GACT is going to be easier and less expensive than MACT.

Title III—Hazardous Air Pollutants (HAP)

This part of the amendments requires that the EPA set up a program that identifies Hazardous Air Pollutants and regulates them. Congress started the EPA off with 189 HAPs. The general public can petition the EPA to add or delete from the list, based on criteria to be determined by the EPA. The list of

189 HAPs that Congress included in the amendments contains at least 26 that are commonly used in the metal finishing industry. (See Table.)

This section of the amendments to the Clean Air Act is the one with the most potential for causing our industry the most damage, and must be carefully monitored, as the EPA proposes regulations on HAPs and calls for public comment. For example, the EPA intends to propose MACT standards for chromium emissions from electroplating by February 1992. The public will be asked to comment. According to comments and its own evaluations, EPA intends to finalize this standard in early 1993.

High on the "target" list are solvent, chromium, cadmium and lead emissions. A petition to remove trivalent chromium from the HAP listing has been filed, but there has been no ruling as yet.

Under Title III, you will need to develop and implement an "Accidental Release Prevention Program" if you

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Table Of
Hazardous Air Pollutants
Commonly Used By
Metal Finishers

Chlorine
Formaldehyde
Hexane
Hydrochloric Acid
Hydrofluoric Acid
Methanol
1,1,1, Trichloroethane
Methyl Ethyl Ketone
Methylene Chloride
Toluene
Trichloroethylene
Xylene
Antimony and its compounds

Arsenic and its compounds
Beryllium and its compounds
Cadmium and its compounds
Chromium and its compounds
Cyanide and its compounds
Lead and its compounds
Manganese and its compounds
Mercury and its compounds
Nickel and its compounds
Selenium and its compounds
Phenol
Perchloroethylene

produce, process, store or otherwise handle any of approximately 100 substances designated "Extremely Hazardous" by the EPA. (This list is still being compiled.)

Title III will also create the Chemical Safety and Hazard Investigation Board. This board will act independently from the EPA and will investigate and report to Congress on any accidental releases of HAPs that result in a fatality or in substantial property damage.

Companies that can prove 90-95 percent reduction of HAP emissions, during any year since and including 1987, may be eligible for an extension—beyond the normal three years, up to six years—on any compliance deadline for a regulated HAP.

Title V—Permits

The EPA intends to have the individual states grant and enforce provisions in air permits required under the Act. The permitting program may feature some new provisions:

- Permits shall be for a fixed term, not to exceed five (5) years.

- The public may be invited to comment on permit applications.

- Provisions under which permits may be rescinded may be included in the permit.

- The permit may include requirements for monitoring and periodic reporting of emissions,

- The EPA may review permit applications made to any state, and may in turn, involve any contiguous states, affected by your emissions, in the permitting-approval process.

Ž Both major and area sources will need to have valid permits.

Title VII—Enforcement

The EPA is committed to strong enforcement of the provisions of the Clean Air Act Amendments. Provisions for felony prosecution of those who knowingly violate the provisions of the Act, and misdemeanor penalties for negligent releases, are provided. The EPA will also have the power to issue administrative penalties up to \$200,000, along with ordered compliance schedules to 12 months. A "field citation" program, with penalties to \$5,000 per day of violation, is to be established. The amendments grant

citizens authority to enforce the provisions of the Act, and those who provide information leading to criminal conviction or a civil penalty could receive up to \$10,000 as a reward.

Regulatory Calendar

To provide ample notice of what is forthcoming, the EPA has posted a schedule (see below), which has been edited to contain, primarily, the issues of concern to metal finishers.

For more detailed information on the Clean Air Act, as it applies to metal finishing, ask for the new video on this topic, produced by the Environmental Committee of the AESF. The tape is available from AESF Publications Sales: 1-800/334-2052. Ž