



EPA Sends Air Emissions Information Request to Hundreds of Finishing Facilities



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New Area Source Regulations

Government Relations has engaged in discussions with EPA officials for the past two years regarding the Agency's development of a new air emissions standard for minor or area sources of potential pollutants in the metal finishing industry. Under section 112 of the Clean Air Act EPA is required to develop hazardous air pollutant (HAP) emission standards for area sources that include the plating and polishing source category. According to EPA, this source category includes "establishments primarily engaged in all types of electroplating, electroless plating, polishing, thermal or metal spraying, anodizing, coloring and finishing of metals and formed products for the trade."

EPA is also under a court order to promulgate over 50 new area source category HAP standards by June 15, 2009. The Agency has targeted a final rule for the plating and polishing source category by either December 2007 or June 2008. In May at the industry's SFIC Washington Forum, Dr. Donna Lee Jones of EPA provided a brief summary of the latest developments on this rulemaking. A copy of her presentation is posted at www.sficwashingtonforum.com

Information Request for Plating and Polishing Source Category

As part of its effort to develop new air emissions standards for the plating and polishing source category, EPA has sent out an information request questionnaire to

hundreds of metal finishing facilities, under the statutory authority of section 114 of the Clean Air Act. Through the questionnaire, EPA seeks to collect information about air emissions and finishing operations to evaluate the types of provisions that may be needed to limit HAP emissions for the plating and polishing source category.

Data Request Is Limited to Available Data—Companies Should Not Make Guesses or Estimates Without a Reasonable Basis for Doing So

EPA is looking for the best information available so that it can make an informed decision about developing an appropriate regulation for the plating and polishing source category. While the survey specifically requests air emissions data, most facilities are unlikely to have much, if any, actual facility data with complete air emissions test reports. If such data is not available, the facility should simply state that it is not available. No additional testing or monitoring is required to respond to the information request. Similarly, facilities should not provide emissions estimates without a reasonable basis to substantiate the estimate and an explanation as to how the estimate was derived.

Data collection is critical in shaping a standard. Government Relations has informed the Agency that the industry does not wish to commit extensive Agency or industry resources to assessing the legitimacy of unfounded emission estimates

from facilities. In response, EPA has acknowledged it does not expect to receive a significant amount of emissions data, as it recognizes that outside of chromium emission testing for the 1990's chromium rule there is very little test data in existence for the industry.

Focus on Process Information

Again, because EPA has indicated that it recognizes that not many facilities will have any available emissions data or estimates, the focus of the information request is on the type of plating and polishing processes at the facility, the HAP-containing materials used at the facility, and the pollution prevention and control practices that are used at the facility. The survey also requests some limited annual sales information for the company. This information will serve as the basis for the Agency's evaluation of the regulatory options needed to limit HAP emissions and the potential impacts of these regulatory options.

Information Needed for HAPs Not Currently Regulated

The questionnaire is requesting information about HAPs. If a material is not listed as a HAP (e.g., zinc, tin or silver), then a facility does not need to provide information about that material or process. Some HAP emissions that EPA has already determined to be insignificant, such as hydrochloric acid emissions from pickling and cleaning tanks, do not need to be included in the facility's survey response. In addi-

tion, EPA states in the questionnaire that chromium emissions from electroplating and anodizing tanks regulated under the Chromium MACT standard (40 C.F.R. 63, subpart N) will not be addressed under the plating and polishing source category. The questionnaire does request information about facility chromium emissions from those operations, but no further information is requested about these regulated chromium operations. EPA is, however, seeking information about chromium emissions from unregulated processes such as chromate conversion for the plating and polishing source category.

Administrative Deadlines and Survey Assistance

EPA asked that the completed questionnaires be submitted to the Agency by July 15, 2006. EPA officials have indicated that the Agency would consider an extension of the deadline to August 1, 2006 on a case-by-case basis.

The industry's Government Relations office is working on providing some more detailed guidance for facilities responding to the information request. If facilities have questions about the questionnaire, they can contact EPA's Dr. Donna Lee Jones at Jones.DonnaLee@epa.gov, the EPA contractor's help line at epa-platingsurvey-help@rti.org, or the industry Government Relations office at jhannapel@thepolicygroup.com.

Broader Chemical Plant Security Legislation Pushed in Senate

Two bills have been introduced in the United States Senate to govern chemical plant security. The bill, S.2145, co-sponsored by Susan Collins (R-ME) and Joseph Lieberman (D-CT) would require chemical facilities to complete a vulnerability assessment, security plan and emergency response plan. The Department of Homeland Security (DHS) would be required to classify each chemical plant according to the risk it poses and to review the security plans for the highest-risk plants. A broader chemical plant security bill, S.2486, introduced by Frank Lautenberg (D-NJ) and Barack Obama (D-IL) would require facility vulnerability assessments and the use of "inherently safer technology," such as less dangerous chemicals or manufacturing processes, to the maximum extent possible.

In response to criticism leveled against the Collins-Lieberman bill, Senator Lieberman announced that he will offer an amendment to S.2145 that will include an "inherently safer technology" provi-

sion. Industry trade groups, including the American Chemistry Council and the Synthetic Organic Chemical Manufacturers Association, have expressed their support for legislation giving DHS the authority to require chemical companies to conduct vulnerability assessments and to close security gaps. These groups have, however, opposed "inherently safer technology" requirements. The amended bill will be submitted to the Senate Committee on Homeland Security and Governmental Affairs for deliberations before it can be considered by the full Senate.

Recent Manufacturing Trends Are Encouraging

Economic indicators suggest that recent trends in U.S. manufacturing are encouraging. The U.S. Census Bureau recently announced that manufacturing sales for April 2006 were estimated at \$395 billion. This represented an increase of one percent from February 2006 and an increase of six percent from April 2005. While companies are still facing challenges with respect to rising costs for energy, raw materials and health insurance, these manufacturing trends are indicators of economic growth for at least some industry sectors.



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