

## FACT SHEET

### PARTIAL WITHDRAWAL OF FINAL AMENDMENTS TO AIR TOXICS STANDARDS FOR PETROLEUM REFINERIES

#### ACTION

- On October 15, 2009 the Environmental Protection Agency proposed to withdraw a portion of the air toxics standards for petroleum refineries.
- On January 16, 2009, former Administrator Johnson signed the amendments to the national emission standards for petroleum refineries. In those amendments, EPA:
  - Addressed the risk remaining after application of the Maximum Achievable Control Technology (MACT) standards (residual risk),
  - Provided the results of EPA's 8-year review of developments in practices, processes, and control technologies that have occurred during that time (technology review), and
  - Amended the standards for petroleum refineries to add additional MACT standards for heat exchange systems.
- In the January 2009 amendments, EPA concluded that the remaining risks after implementing the 1995 technology-based emissions standards were acceptable.
- Upon further review, EPA has determined that the residual risk and technology reviews may not accurately characterize the risk posed by this source category.
- The withdrawal will allow EPA to revisit residual risk policies, to formally request more emissions information from the industry and to better characterize refinery residual risk.
- Once EPA has collected additional data and performed additional analyses, EPA will provide the public with an opportunity to comment on a new proposed rule that would be issued.
- EPA is also publishing in the Federal Register a final rule identical to that signed on January 16, 2009, for technology-based maximum achievable control technology (MACT) for heat exchanger controls and amendments to Table 6 of the existing Refinery MACT 1 rule.

#### BACKGROUND

- The Clean Air Act requires EPA to regulate toxic air pollutants from large industrial facilities in two phases.
- The first phase is "technology-based," where EPA develops standards for controlling the emissions of air toxics from sources in an industry group (or source categories). The

standards for large sources are known as Maximum Achievable Control Technology or MACT standards, and are based on emissions levels that are already being achieved by the better-controlled and lower-emitting sources in an industry.

- EPA finalized the petroleum refinery MACT standards in August of 1995. EPA estimates that the 1995 standards reduced nationwide emissions of air toxics from petroleum refineries by 53,000 tons per year.
- In the second phase, EPA must review the technology-based standards and revise them, if necessary, to account for improvements in air pollution controls and/or prevention. The law directs EPA to repeat this assessment every 8 years.
- During the second phase of the program, EPA also is required to assess the remaining health risks from each industry group for which it has set MACT standards and determine whether more health-protective standards are necessary.
- EPA initially proposed to revise the 1995 rule in August 2007. EPA issued a supplemental proposal in October 2008 based on information received since the initial proposal.

## **HOW TO COMMENT**

- EPA will accept comment on the proposal for 30 days after publication in the Federal Register. Comments, identified by Docket ID No. EPA-HQ-OAR-2003-0146, may be submitted by one of the following methods:
  - [www.regulations.gov](http://www.regulations.gov): follow the on-line instructions for submitting comments.
  - E-mail: Comments may be sent by electronic mail (e-mail) to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).
  - Fax: Fax your comments to: 202-566-1741
  - Mail: Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460.
  - Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, 1301, Constitution Ave., NW, Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

## **FOR MORE INFORMATION**

- To download a copy the final rule, go to <http://www.epa.gov/ttn/oarpg/t3pfpr.html>.
- For further information about the final rule, contact Mr. Robert Lucas of EPA's Office of Air Quality Planning and Standards at (919) 541-0884 or [lucas.bob@epa.gov](mailto:lucas.bob@epa.gov).