

memorandum

DATE: March 28, 2002

REPLY TO: Office of Environmental Policy and Guidance:Koss:6-7964
ATTN OF:

SUBJECT: Clean Air Act Proposed Amendments to National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works (POTW), for Review and Comment

TO: Distribution

On March 22, 2002, the Environmental Protection Agency (EPA) proposed to amend the national emission standards for hazardous air pollutants (NESHAP) for new and existing POTW, pursuant to a settlement agreement with the Pharmaceutical Research and Manufacturers of America concerning its petition for judicial review of the NESHAP. The proposed amendments (67 *FR* 13496) are available at the Office of Environmental Policy and Guidance (EH-41) Web Site at: <http://www.eh.doe.gov/oepa/rules/67/67fr13496.pdf>.

These amendments to 40 *CFR* Part 63, Subpart VVV ("National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works") make the following changes: (1) they rescind the applicability provision of §63.1580(c) by which a POTW is determined to be a "major source"; (2) they adopt for all industrial POTW which are area sources of hazardous air pollutants (HAP) the same NESHAP requirements that apply to POTW that are major sources of HAP; and (3) they exempt industrial POTW area sources of HAP from the permitting requirements of Section 502(a) of the Clean Air Act. The amendments do not appear to be significant in that no additional sources are expected to be subject to the standards.

However, to verify whether the proposed amendments and Subpart VVV apply to Department of Energy (DOE) Federally owned treatment works (FOTW), we recommend that DOE sites review POTW/FOTW applicability requirements. Subpart VVV affects new, reconstructed and existing industrial FOTW (see the definition of "industrial POTW" at §63.1595 and a description of, and requirements for, these sources at §63.1582 - §63.1585.) Subpart VVV affects new and reconstructed non-industrial FOTW (*i.e.*, those treatment works that do not meet the definition of an industrial POTW; see §63.1586 - §63.1590 for requirements for these sources), but does not affect existing non-industrial FOTW.

We request that you review the proposed amendments and submit any comments you may have to Emile Boulos of my staff (e-mail: emile.boulos@eh.doe.gov; fax: 202-586-0955) by April 12, 2002. Also, to assist us in our regulatory tracking activities, we ask that you notify Mr. Boulos if a DOE FOTW under your

responsibility is subject to the POTW NESHAP. Mr. Boulos can be reached at 202-586-1306.

A handwritten signature in black ink that reads "Andy Lawrence". The signature is written in a cursive style with a large, looped initial "A".

Andy Lawrence
Director
Office of Environmental Policy and
Guidance