

Air Toxics Regulation Group Meeting March 12, 2003

Meeting Attendees: P. Daggett, S. McFadden, R. Hittinger, C. Fuller, M. Motte, J. Martiesian, Molly Clark, Glen Almquist, K. Michalik, M. Motte, J. Boehnert, G. Donnelly, J. Plummer, M. DeCelles and J. Marine

DEM: S. Majkut, B. Morin, K. Slattery, G. Friedman and T. Getz

Barbara Morin opened the meeting by reviewing the 3 issues that were discussed at the February 20th meeting; these were the list of pollutants, the minimum quantity (MQ) threshold derivations, and whether the MQs would be defined in terms of emissions or use. She explained that she had a proposal to present at this meeting for resolving this issue. She also said that the subgroup that will look at the AAL derivations had not yet met and were hoping to include Bob Vanderslice from the Department of Health.

Tom Getz stated that, when DEM had reviewed the comments on the regulations, 10 major issues had been identified for discussion in this group. He asked that if anyone had any additional issues that they let him know by Friday. He stated that Barbara Morin would walk us through the proposal on the use versus emissions issue.

Use versus Emissions

At the last meeting, Stacey McFadden suggested that the MQs be defined as emissions, rather than use, threshold quantities with the stipulation that, if a facility could not estimate emissions using accepted practices, it should assume that all of the listed substance used is emitted. At DEM's request, Stacey drafted language to implement this suggestion. Karen Slattery, the DEM staff person in charge of the OAR air emissions inventory, then pointed out that this language may cause problems since many facilities think they know how to calculate their emissions but cannot do so accurately. Karen also said that, for some processes like nickel plating that do not have emissions factors, it would not be appropriate for facilities to assume that all of the material used is emitted.

Karen suggested and Barbara proposed to the group that the Regulation 22 MQs be based upon emissions so that facilities that use listed toxics but emit limited amounts of those substances would not be required to register. However, since Regulation 14, "Recordkeeping and Reporting" requires all facilities that emit air contaminants to submit information at the request of DEM, DEM would retain the authority to inventory sources that use listed toxics in processes that may result in significant emissions. Barbara reviewed proposed changes in the regulatory language that reflect this change.

Several people wanted clarification on the registration issue as well as on the need for preconstruction permits for new/existing processes. Barbara and Steve Majkut clarified that DEM would not require a retroactive preconstruction permit for existing processes using newly listed toxics; the facility would be subject to Air Toxics Operating Permit requirements when notified.

There were several questions regarding the preconstruction permitting process, including BACT analyses. Barbara stated that Doug McVay would be more appropriate to answer any questions specific to this process and that he would be invited to our next meeting.

Exemptions to Regulation 22

Barbara reviewed DEM's response to the comments on source categories that may be exempted from Regulation 22. She presented proposed language to clarify the fuel burning exemption.

Glen Almquist asked whether landfill gas would fall under natural gas exemption. Barbara stated that landfill gas can contain toxic materials and therefore should not be exempted. There were other questions relating to electrical generation, co - generation and a megawatt exemption. Barbara felt that this discussion should include Doug McVay and it was decided that these issues would be discussed further at the next meeting when he was present.

Barbara then discussed Stacy McFadden's proposal to exempt lead and asbestos abatement. Barbara stated that since DOH and our Regulation 24 regulated these two processes we would exempt those from this regulation.

In response to comments asking that mixtures containing trace quantities of regulated materials be exempted, Barbara proposed language that would not hold a facility responsible for reporting quantities of a toxic in a mixture if that toxic was not included on a Material Safety Data Sheet. This issue raised considerable discussion, focussing on the accuracy of MSDS sheets and the claim of proprietary formulas. It also generated discussion of by products during a process as well as those materials in small quantities. Gina Friedman from DEM will look into these issues and they will be discussed further at the next meeting.

Tom Getz summarized that issues related to Regulation 9, landfill gas, BACT, the electric generator exemption, cogeneration and proprietary language for the next meeting. In addition Paul Dagget suggested that the regulation of by-products and mixtures be added to that discussion. Tom asked Paul Dagget to put his concerns in paragraph form and send them to Barbara before the next meeting.

Minimum Quantities

Barbara stated that we had removed the lbs/hr and lbs /day MQs from the regulation. However she pointed out that a facility might still be asked to provide that information during the ATOP process to determine whether the facility is in compliance with shorter averaging time AALs.

Barbara reviewed the comments on the derivation of minimum quantities. She stated that the comments from the American Chemistry Council which compared Rhode Island's calculated impacts with those done earlier by EPA were in error because the commenter compared Rhode Island's 1-hour impacts to EPA's annual impacts. In addition, the EPA modeling didn't consider impacts closer than 200 meters to sources, which is not appropriate for Rhode Island, where many sources have very little surrounding property. There were also minor differences in the flow rates modeled. Since RI used parameters taken from real sources in the State, DEM believes that our modeling is appropriate and we are not planning to change the MQs based on this comment

The next meeting is April 3rd in Conference Room A on the 4th floor.