

**Air Toxics Regulation Group Meeting
April 24, 2003**

Meeting Attendees: P. Daggett, S. McFadden, R. Hittinger, G. Almquist, G. Donnelly, J. Plummer, J. Martiesian

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

Tom Getz began the meeting by asking if there were any comments on the April 3, 2003 Meeting Notes. There were none.

Review of Proposed Amendments to the Air Toxics Regulation

Barbara Morin began with a review each of the new amendments to the Air Toxics regulation that resulted from this stakeholder process. The following are a summary of those amendments that raised questions or comments.

Definition of construction

A question was asked whether we wanted the definition of “construction” to include any physical change, including changes that would result in a decrease of emissions. Barbara pointed out that the definition was taken from APC Regulation No. 9 and that the use of the term in section 22.3.1 limits the permit requirement to construction that has the potential to increase emissions.

Definition of Acceptable Ambient Level

A question was asked if there should be some consideration of the averaging period in the definition of “Acceptable Ambient Level”. Barbara responded that the next draft would include a reference to the averaging period for an AAL.

Exemption for fuel burning equipment

A question was raised regarding if the exemption as currently worded now requires major sources that burn fuel to produce heat to comply with Regulation 22, when they were previously exempted. After some discussion it was concluded that was the case. Barbara will look into who may be affected and determine metals emissions at the major source threshold for a fuel burner and discuss this issue further with interested members of the group.

The use of Material Data Safety Sheets

Our proposal reflected the group’s desire to require sources to report the use of substances at their facility that were listed on a Material Data Safety Sheet. There was a concern raised regarding certain facilities that were not required to use these sheets. Paul Daggett agreed to provide additional language concerning what substances a

source would be required to report if the materials used at the facility weren't required to have a MSDS.

Compliance with Acceptable Ambient Levels at the property line

An issue was raised about the point of compliance with Acceptable Ambient Levels. The regulation currently requires compliance at the property line and beyond. However, in practice we sometimes look at impacts on a facility's property if the public has access to that property, as we have with the hospitals. Regulation 9 allows for such considerations in preconstruction permit reviews by referring to the "Guideline for Assessing Health Risks from Proposed Air Pollution Sources" but there is no similar flexibility in the current Regulation 22 language. DEM agreed to look at this issue in more depth and to try to craft language reflecting current practices.

Acetone Discussion

There was discussion of whether acetone should remain on the list because it is not considered to be either a VOC or a HAP by the EPA. DEM pointed out that, since the threshold was high, including acetone on the list would affect only very large emitters. There was some discussion on whether odor should be considered in the AAL, but it was decided to leave odor considerations to the odor regulation, because of the number of factors that affect odor perception. It was decided to leave this alone for now.

Other Issues

A question was asked whether we would extend this regulation to retail facilities such as a Home Depot which might have formaldehyde emissions. Barbara indicated DEM probably would not inventory retail facilities. DEM will look into this issue further.

Barbara indicated that Cynthia Fuller from ESS is working on recommendations for how to account for the persistent bioaccumulative properties of certain substances (mercury, PCBs and dioxins) in the AALs. Barbara is going to check to ensure that the AAL for hydrogen fluoride is protective for phytotoxicity.

Tom Getz then asked what the next steps would be regarding the regulations.

Barbara said that we had agreed to provide some kind of an economic analysis with the next proposal, and got some ideas for how that could be accomplished. She also said that these changes would have to be reviewed internally by legal and other affected offices prior to proposal. She agreed to distribute a new draft proposal to stakeholders before going to public notice again. She indicated that a tentative proposal date of sometime in June with a hearing sometime in July was likely.