

FACT SHEET
PROPOSAL TO EXEMPT CERTAIN SMALL SOURCES
FROM OPERATING PERMIT PROGRAMS

ACTION

- On March 21, 2005, the Environmental Protection Agency (EPA) proposed a rule that would permanently exempt small facilities in five industrial categories from the requirement to obtain federal operating permits.
- This proposed rule would not excuse these facilities from complying with any air emissions control requirements that apply to them such as new source performance standards or maximum achievable control technology or MACT standards.
- The facilities that would be exempted are known as “area sources” of toxic air pollution.
- Air toxics, also known as hazardous air pollutants, are known or suspected to cause cancer and other health problems. An “area source” emits less than 10 tons a year of a single toxic air pollutant, or fewer than 25 tons of a combination of pollutants. This compares to a facility that is considered a 'major source' of toxic air pollution which emits more than 10 tons a year of a single air toxic, or more than 25 tons a year of a combination of smaller air toxics
- Today’s proposal would exempt the following “area sources” from the need to obtain permits: dry cleaners; halogenated solvent degreasers; chrome electroplaters; ethylene oxide sterilizers; and secondary aluminum smelters. Only facilities that are “area sources” would receive the exemption; permits still would be required for larger (major) sources of air toxics in these industry categories. Today’s proposal would not change any requirements of air toxics standards that might apply to these facilities.
- Today’s proposal also would:
 - *Not* exempt secondary lead smelters that are area sources from the requirement to obtain operating permits, unless EPA receives information that is adequate to support exempting them. If EPA does receive that information, the Agency could exempt “area source” smelters in the final rule. Otherwise, these sources will have to apply for an operating permit. We believe that there are only three sources that will potentially need to apply for permits.
 - Prohibit states from issuing federal operating permits to these sources once we have exempted them from the national permitting program. States may continue to issue other types of air permits for such sources, if they so choose.
- EPA will take public comment for 60 days following Federal Register publication of today’s proposed rule.
- In order to exempt a category of “area sources” from operating permitting requirements, the Clean Air Act requires that EPA determine that complying with the requirements is impracticable, infeasible, or unnecessarily burdensome for the affected facilities. Based

on a review of the costs and burdens associated with requiring operating permits and an examination of whether requiring the permits would actually improve compliance, EPA has determined that these operating permits should no longer be required for: dry cleaners; halogenated solvent degreasers; chrome electroplaters; ethylene oxide sterilizers; and secondary aluminum smelters.

- In most states, these sources will be required to obtain operating permits by December 9, 2005 unless EPA issues the permanent exemption. EPA had deferred the operating permit requirements for these sources in previous rules; however, those deferrals expired in December 2004, generally leaving facilities with one year to submit permit applications.

BACKGROUND

- The Clean Air Act of 1990 requires that all states develop operating permit programs. Under these programs, known as Title V operating permit programs, every industrial facility that is a “major source” of toxic air pollution must apply for an operating permit. A major source of air toxics emits more than 10 tons a year of a single air toxic, or more than 25 tons a year of a combination of air toxics. Smaller “area sources” of pollution also must obtain operating permits unless EPA specifically exempts them from this requirement.
- An operating permit is a federally enforceable document issued by state and local permitting authorities after a facility has begun to operate. The purpose of an operating permit is to reduce violations of air pollution laws and to improve enforcement of those laws. An operating permit outlines all air pollution requirements that apply to a specific facility, requires the facility to make regular reports on how it is tracking and controlling emissions and requires the facility to certify each year whether it has met its air pollution requirements. The permit also may include monitoring, testing or recordkeeping requirements, if needed, to assure that a facility complies with its emission limits or other pollution control requirements.

FOR MORE INFORMATION

- To download the text of today’s rulemaking actions, go to EPA’s World Wide Web site at the following address: <http://www.epa.gov/ttn/oarpg/t5pfpr.html>.