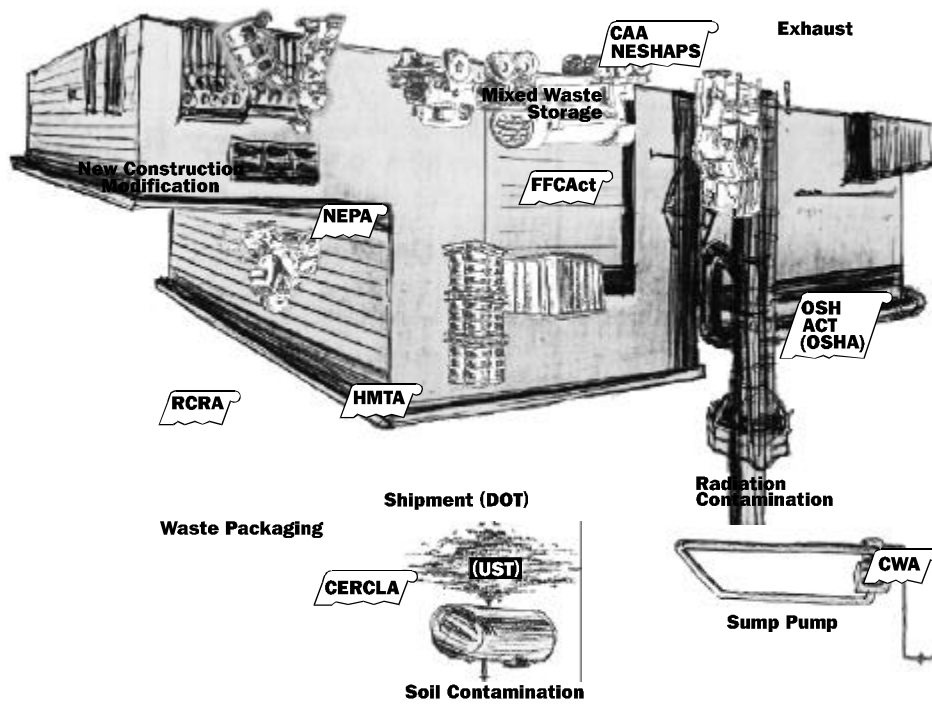





THE CLEAN AIR ACT (CAA)











TERMINAL OBJECTIVE

Given the Environmental Laws and Regulations Course Manual as a reference, you will be able to:

-  Describe the objectives of the Clean Air Act (CAA) and how the 1990 amendments affect the DOE.

ENABLING OBJECTIVES

-  Describe the sections of the CAA that are most relevant to the DOE.
-  Outline the laws that led to the 1990 CAA amendments.
-  List the major elements of the 1990 CAA amendments that are applicable to the DOE.
-  Describe the programs established to regulate the CAA.
-  List the EPA's regulatory framework of four CAA implementation mechanisms.
-  Specify how other Federal laws integrate with the CAA.






OVERVIEW

The Clean Air Act is the comprehensive Federal law that regulates air emissions from area, stationary, and mobile sources. This law authorizes the U.S. Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and the environment.

The goal of the Act was to set and achieve NAAQS in every state by 1975. The setting of maximum pollutant standards was coupled with directing the states to develop state implementation plans (SIPs) applicable to appropriate industrial sources in the state.

The objectives of the CAA are to protect and enhance the quality of national air resources and to protect public health and welfare while fostering a beneficial productive capacity. The CAA can be characterized as focused on preventing pollution, as opposed to the CERCLA, which is directed toward the cleanup of existing pollution. As discussed below, the CAA has evolved over time into a regulatory scheme that can have an impact on a variety of DOE activities. Although we will generally describe the key sections of the CAA, the sections most relevant to the DOE are requirements for obtaining permits for new or modified major stationary facilities or operations and requirements to ensure that any emissions of listed hazardous air pollutants (HAPs) (e.g., radionuclides) comply with the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) Section 112. Other important provisions of the Act include the following:

-  Ensuring that air emissions will meet State emission limitations on certain pollutants as set forth in specified State Implementation Plans (SIPs) (Section 110).
-  Ensuring that air emissions will comply with Federal New Source Performance Standards (NSPSs) (Section 111).
-  Ensuring that facility emissions do not interfere with the attainment or maintenance of the National Ambient Air Quality Standards (NAAQSs).

BACKGROUND AND LEGISLATIVE HISTORY

To understand the present regulatory scheme, it is helpful to understand its evolution. Present air pollution laws had their beginnings with the Air Pollution Control Act of 1955 (Public Law 84-145), which specifically stated that “the prevention and control of air pollution at its source is the primary responsibility of State and local governments.” The role of the Federal Government was generally limited to research, although the Surgeon General was authorized to conduct investigations into pollution problems upon request of a State or local government.



The Clean Air Act of 1963 (Public Law 88-206, as amended) signaled a departure from the Act of 1955 in a number of significant ways. The Secretary of Health, Education, and Welfare (HEW) was authorized to establish non-mandatory air quality criteria and to intervene in pollution problems of a State without a request from the State or local government only if the Secretary determined that the pollution endangered health or welfare in a second State. Even then, abatement was essentially dependent on the results of conference proceedings involving Federal, State, and local officials and representatives of various pollution sources.

The 1963 law was concerned almost exclusively with stationary sources. This situation was rectified in 1965 through the passage of the Motor Vehicle Air Pollution Control Act (Public Law 89-272) that authorized the Secretary of HEW to prescribe “practicable emissions standards” for motor vehicles. The first set of standards governed 1968 model cars.

The Air Quality Act of 1967, the next step in the development of the CAA, was prompted by a number of events, including a four-day air inversion experienced by New York City, which reportedly caused 80 deaths. The 1967 Act was Congress’s first attempt at a comprehensive regulatory scheme for air pollution. The following four steps were prescribed by the Act:

- (1) Establishment of atmospheric areas and air quality control regions.
- (2) Issuance of “air quality criterion” and “control techniques” reports.
- (3) Adoption of ambient air standards by States within the air quality regions.
- (4) Development of plans by the States to implement the ambient air standards.

Atmospheric areas were defined as generally homogeneous areas with respect to factors influencing air pollution (e.g., climate, topography, and meteorology). Air quality control regions were defined to include a group of communities that should be treated as a unit for purposes of setting and implementing air quality standards. This required that political factors and location of air pollution sources be considered in addition to the scientific factors used to define atmospheric areas. A total of 10 atmospheric and 246 air quality control regions were subsequently defined.

Under the 1967 Act, the HEW still remained responsible for developing air quality criteria documents and assumed responsibility for developing reports on pollution control techniques. These documents and reports were anticipated to be used by the States to establish ambient air standards and promulgate timetables for compliance. The Federal Government was given the authority to review State standards for consistency with the air criteria documents and control technologies and the implementation plans for consistency with the standards. Since only 21 States submitted implementation plans, (none of which were Federally approved) over the next three years, it was determined that stronger legislation was required and the CAA amendments of 1970 resulted.



When the Clean Air Act was amended in 1970, the State and Federal roles in the control of the Nation's air quality were redefined. The amendments established the NAAQSs as the criteria that State and local governments must plan to achieve. The plans for achieving the NAAQSs were to be written in an enforceable SIP. The amendments also increased Federal control of air quality management by allowing the newly created Environmental Protection Agency (EPA) to approve SIPs and take actions to remedy air pollution problems where the States failed to act. Congress directed that NESHAPs also were to be promulgated for pollutants causing serious irreversible illness. Essentially, the amendments established the basic framework of Federal air quality control in existence today.

Additional amendments to the CAA were made in 1977, imposing significant regulatory requirements on new sources in areas where air quality was cleaner than NAAQSs. The Prevention of Significant Deterioration (PSD) requirements established a complicated system of area classifications and increments of allowable pollution increases for total suspended particulates and sulfur dioxide. The non-attainment region requirements introduced the concepts of emission offsets and requirements to impose a control technology that was the lowest achievable emission rate without regard to cost or energy consideration. The amendments also set forth the concept under which the EPA later required new coal-fired power plants to achieve a percentage reduction in emissions. The regulations discouraged the use of low-sulfur coal to meet control requirements, because all coal would have to be scrubbed when used in new power plants.

The 1977 amendments allowed for special considerations for DOE-ordered fuel conversions under the Energy Supply and Environmental Coordination Act and the Powerplant and Industrial Fuel Use Act. Such considerations are encompassed by language regarding, among other things, Delayed Compliance Orders (Section 113) and NSPSs (Section 111).

CURRENT LAW

The CAA amendments of 1990 were signed into law on November 15, 1990. As a result, the DOE must be concerned with compliance with the CAA, as amended through 1990, and the current regulations implementing the statute. Through the CAA, Congress delegated administrative authority to the EPA. The EPA has established the objectives and criteria for Federal air quality policy and established the NAAQSs. To the extent that their programs are approved by the EPA, State, and local agencies administer the CAA. The EPA promulgates the CAA regulations (40 CFR 50 through 59), which are supplemented by State regulations. DOE Order 5400.1, "General Environmental Protection Program," makes CAA regulations applicable to the DOE's facilities.

The EPA has been found to be exempt from the National Environmental Policy Act (NEPA) when taking regulatory action under the CAA. The exemption is based on functional equivalence between EPA actions in carrying out statutes designed to protect the environment and the requirements of NEPA.



The 1990 amendments had a number of significant impacts. Perhaps most important to the DOE is the fact that virtually all major sources of air pollution, as defined in the CAA, are subject to a permitting process. Additionally, the number of HAPs has increased from 8 to 188, which means that greater control of these sources is required to prevent air pollution. The standards for HAPs were also changed from a health-based method to a technology-based method. The new law also imposed the following:

- | Strengthened measures for attaining air quality standards (Title I).
- | Established tighter emission standards for vehicles and fuel (Title II).
- | Expanded the regulation of HAPs (Title III).
- | Required substantial reductions in power plant emissions for control of acid rain (Title IV).
- | Established operating permits for all major sources of air pollution (Title V).
- | Established provisions for stratospheric ozone protection (Title VI).
- | Expanded enforcement powers and penalties (Title VII).

Public participation is a very important part of the 1990 Clean Air Act. Throughout the Act, the public is given opportunities to take part in determining how the law will be carried out. For instance, the public can take part in hearings on the state and local plans for cleaning up air pollution. The public can sue the government or a source's owner or operator to get action when EPA or the state has not enforced the Act. And the public can request action by the state or EPA against violators.

The 1990 Clean Air Act created features designed to clean up air pollution as efficiently and inexpensively as possible, letting businesses make choices on the best way to reach pollution cleanup goals. These new flexible programs are called market or market-based approaches. For instance, the acid rain cleanup program offers business choices as to how they reach their pollution reduction goals and includes pollution allowances that can be traded, bought, and sold.

The 1990 Clean Air Act also provides economic incentives for cleaning up pollution. For instance, gasoline refiners can get credits if they produce cleaner gasoline than required, and they can use those credits when their gasoline doesn't quite meet cleanup requirements.

Some of the more important provisions of the CAA, reflected in the 1990 amendments and relevant regulations, are discussed in the following sections.



TITLE I—AIR QUALITY AND EMISSION LIMITATIONS

The CAA authorizes the EPA to establish NAAQSs to limit levels of pollutants in the air to protect public health. The NAAQSs are national standards for ambient concentrations of the criteria pollutants established by the EPA pursuant to Section 108. The primary standards define levels that, with an adequate margin of safety, are intended to protect public health. The secondary standards are intended to protect “public welfare” (soils, vegetation, and wildlife) from the adverse effects of a pollutant. The EPA thought that if the primary standards were met, then the secondary standards would also be met. The exception is acid rain. Sulfur dioxide is more damaging to vegetation than it is to animals and humans.

When the air quality of an area is cleaner than the NAAQSs for a particular pollutant (i.e., concentration below the level of the standard), the area is said to be in “attainment” for that pollutant. An area may be in attainment for one pollutant but in non-attainment for another.

Through its regulatory authority, the EPA has promulgated NAAQSs for sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone, lead, and particulate matter (PM-10). States are permitted to establish more stringent ambient air quality standards than the Federal ones.

All areas of the United States are required to maintain ambient levels of these pollutants below the ceilings established by the NAAQSs; any area that does not meet these standards is a “non-attainment” area (NAA). Major new emission sources located in NAAs must comply with emissions offset and other restrictions designed to reduce air pollutant loading so that the area may achieve attainment by specified dates. Under previous law, the geographic units for which States were required to submit NAA data were not specified, and as a result, NAA statistics were kept largely on an individual county basis. The 1990 amendments required that Metropolitan Statistical Areas (MSAs) be used to help coordinate a response to cross-jurisdictional air pollution. Thus, the boundaries of serious, severe, or extreme ozone or carbon monoxide NAAs located within MSAs or Consolidated Metropolitan Statistical Areas (CMSAs) are to be expanded to include the entire MSA or CMSA unless the Governor makes certain findings and the EPA Administrator concurs (Section 107). This has led to an expansion of geographic areas classified as NAAs because all urban counties included in an affected MSA or CMSA, regardless of their attainment status, will now become part of the NAA.

The definitions of “major” sources are a significant aspect of the non-attainment classification scheme. Under previous law, “major” sources were those with the potential to emit over 100 tons per year (TPY) with emission controls of a criteria pollutant. Existing major sources in specified NAA industrial categories could be required to retrofit by installing “reasonably available control technology.” New major sources had to install very stringent “lowest achievable emission rate” technology and acquire 1:1 offsets to obtain construction permits. The CAA 1990 amendments reduced the size of plants subject to permitting and stringent retrofitting or offsetting requirements, bringing more facilities under regulation. For example, major sources now include those which emit 10 TPY of any single toxic air pollutant or 25 TPY of a combination of toxic air pollutants.



If an area meets the NAAQSs, it is considered an attainment area and is subject to the requirements of the Prevention of Significant Deterioration (PSD) Program, set forth in Part C of Title I. The 1977 amendments established a regulatory framework for protecting relatively pristine areas, such as national parks, located in attainment areas. Three classes of areas were defined, with certain increments of additional pollution allowed in each. Class I PSD areas (i.e., national parks) have increments of permissible deterioration so low as to effectively preclude growth. Class II PSD areas are designated to allow moderate, controlled growth. This includes virtually all non-Class I areas. Currently, there are no Class III areas that allow a large amount of degradation to the air quality. This program requires each SIP (see below) to set forth emission limits and a program for ensuring that deterioration of covered sources does not occur.

In 1992, EPA revised the definition for major stationary sources in non-attainment and attainment areas. The rule sets thresholds for new source review requirements based on the severity of the area's air pollution.

STATE IMPLEMENTATION PLANS

The CAA requires States to adopt SIPs (Section 110), which are the primary enforcement tools of the statute. The SIP is a set of State regulations through which the NAAQSs are translated to emission limits and other emission reduction measures for categories of sources or specific individual sources in that State.

In developing the SIP, the State must look to each air quality control area to see if the NAAQSs were met or exceeded for each of the criteria pollutants. The SIP must contain a description of the air quality in each area.

The SIP must include an emissions inventory of all existing sources that emit any regulated pollutant. For those areas that exceed the primary ambient standard for any of the criteria pollutants, the State must determine what types of sources within that area are responsible for the excess, and how much each type of source would have to reduce its emissions to result in a reduction of the ambient level of that pollutant down to the level of the standard.

The SIP must establish a mix of emission limits and other measures applicable to individual sources to control each criteria pollutant, together with schedules and timetables for compliance with primary and secondary standards.

The SIP must contain permit programs required under the Act. This includes permits for construction or modification of new major stationary sources. The SIP must contain various required administrative provisions, including:

- i Assurances that the State has adequate personnel, funding, and authority to carry out the plan.



- 1 Provisions, to the extent necessary and practicable, for periodic inspection and testing of motor vehicles to enforce compliance with emission standards.
- 1 A procedure for revision of the SIP, after public hearings, as may be necessary to take account of new ambient air standards and improved technology.
- 1 A requirement that the owner or operator of a stationary source pay a permit fee to cover the reasonable costs of the State program.

The SIP must be submitted to the EPA for review and approval. Once approved, it becomes Federally enforceable. The EPA will not approve an SIP unless it has been properly adopted by the State (i.e., there has been a public notice and hearing on it). If the EPA does not approve the SIP, either the State must revise it to meet the EPA's requirements, or the EPA will itself promulgate an SIP (a Federal implementation plan, or "FIP") for the State.

SIPs may have to be revised when the EPA promulgates standards for a new criteria pollutant or revises standards for an existing criteria pollutant to enable achievement of the revised NAAQSs. The EPA will review the SIP to determine if the control strategy adopted by the State is adequate to achieve attainment of the NAAQS within the period required.

NEW SOURCE PERFORMANCE STANDARDS (NSPSs) PROGRAM

The NSPSs Program, set forth in Section 111, is a nationally uniform emissions standard developed by category of industrial source and based on the pollution control technology available to that category of source. This program encompasses "new sources" only; these include any stationary source constructed or modified after enactment of the regulations implementing the program. Each source must comply with the NSPSs, set forth in the regulations, for its category. Each State must submit to the EPA a procedure for implementing and enforcing the NSPSs within its jurisdiction. The EPA must simultaneously provide the States with the criteria documents and information needed to control or eliminate particular pollutants.

The NSPSs set minimum nationwide emission limitations on classes of facilities. The NSPSs are set at levels that reflect the degree of control achievable through the application of the best system of continuous emissions reduction that has been adequately demonstrated for the category of sources. The NSPSs must take into consideration the cost of achieving such emission reductions and any non-air quality health and environmental impact and energy requirements. Categories of sources of particular relevance to the DOE are those for fossil-fuel-fired steam generators for which construction was begun after August 17, 1971 (40 CFR Part 60, Subpart D) and electric utility steam generating units for which construction was begun after September 18, 1978 (40 CFR Part 60, Subpart Da).



TITLE II—MOBILE SOURCES

Title II of the 1990 amendments attempts to reduce air pollution from mobile sources through a three-pronged approach:

- (1) Stricter emissions standards for mobile sources.
- (2) Stricter standards on gasoline and diesel fuel to reduce emissions.
- (3) Programs to encourage and force the development of vehicles designed to operate on “clean” fuels (such as methanol, ethanol, propane, natural gas, and electricity).

The burden of complying with most of the provisions falls on relatively narrow sectors of the economy (i.e., vehicle and engine manufacturers, gasoline refiners and distributors, and fleet operators in the more polluted urban areas) and should not require specific compliance efforts by the DOE.

TITLE III—HAZARDOUS AIR POLLUTANTS

NESHAPs, as defined in Section 112, are nationally uniform standards oriented toward controlling particular “hazardous” pollutants at the point of emission. A “hazardous air pollutant” or HAP is one for which no NAAQS is applicable and which may cause or contribute to air pollution reasonably anticipated to result in an increase in mortality or serious illness.

With the 1990 amendments, Congress expanded the number of HAPs from 8 to 189 (currently, 188 since caprolactam has been removed from the list), and the EPA Administrator must periodically review and revise the list and add other pollutants as appropriate. These substances include certain volatile organic chemicals, pesticides, herbicides, and radionuclides that present tangible hazard to humans and other mammals, based on scientific studies of exposure. The amendments required a major shift in approach from the regulation of HAPs using health-based, substance-specific standards to regulation under technology-based standards applicable to categories of emission sources rather than to the substances emitted. NESHAPs apply to both existing and new sources.

The emissions standards cover both major sources and area sources, as defined in Section 112. A “major source” is any stationary source or group of stationary sources located in a contiguous area and under common control that emits or has the potential to emit (with emission controls), in the aggregate, 100 TPY of any air pollutant or 10 TPY or more of any single HAP. The EPA Administrator may establish lesser quantities or, for radionuclides, different criteria for a major source on the basis of the potency of the pollutant. “Area sources” include any stationary sources of HAPs that are not major sources (excluding motor vehicles and non-road vehicles).



The EPA was required to publish a list of all categories and subcategories of major and area sources of the current 188 HAPs within one year of enactment of the 1990 amendments, along with technology-based emission standards for HAP source categories and subcategories as expeditiously as possible. The EPA is developing maximum achievable control technology (MACT) emission standards in a series of phases and is setting the year 2000 as its target date for finalizing these standards. As of 1997, EPA had identified 174 categories of industrial and commercial sources that emit HAPs. After the effective date of any standard relevant to a major or area source, absent a waiver, the owner or operator of such a source will have to obtain a permit to modify or operate it or to construct a new facility.

Section 112 makes provisions for existing sources of HAPs to be granted six-year extensions on compliance with new standards in exchange for voluntary early reductions of HAPs.

Under Section 112, no standards for radionuclide emissions for any category or subcategory of facilities licensed by the Nuclear Regulatory Commission (NRC) are required to be set because EPA has determined that the NRC's regulatory program ensures ample public safety. States retain the power to establish more stringent standards for radionuclide emissions than the EPA or the NRC. 40 CFR Section 61.90 contains standards for emissions of radionuclides other than radon from DOE facilities. In 1996, the EPA ruled that NRC rules are protective, and therefore no additional radionuclide regulations were required.

The emission standards must require the maximum degree of reduction in emissions of HAPs or "maximum achievable control technology" (MACT), for both new and existing sources. Measures to implement MACT will include pollution controls, process changes, materials substitution, and operator training and certification. MACT emissions standards may be less stringent than standards for new sources in the same category or subcategory but may not be less stringent than the average emission limitation achieved by the best performing 12 percent of existing sources in a similar source category or subcategory.

RISK MANAGEMENT PROGRAM

The CAA 1990 amendments also created a new program to prevent accidental releases of HAPs. The Risk Management Program rule was finalized in 1996. Under this program, facilities designated as stationary sources under Title III of the CAA amendments of 1990 must prepare Risk Management Plans (RMPs) if they have more than a threshold quantity of a listed regulated substance in a single process. A list of 139 regulated substances was published by EPA in 1994. RMPs must include:

- i A worst-case off-site consequence analysis;
- i A five-year history of releases;



- i An integrated prevention program;
- i An emergency response program; and
- i An overall management system to supervise the implementation of these program elements.

TITLE IV—ACID RAIN CONTROL

The new Title IV to the CAA is intended to result in a permanent 10 million ton reduction in sulfur dioxide emissions from 1980 levels. This reduction will be attained through a market-based system under which power plants have been allocated “emission allowances” that require plants to reduce their emissions or buy at auction allowances from other plants to achieve compliance. Title IV also includes specific requirements for reducing emissions of nitrogen oxides.

TITLE V—OPERATING PERMITS

Title V of the CAA 1990 amendments established a Federal permitting program, similar to the Clean Water Act permitting program, which is administered by State air pollution control agencies authorized by the EPA. The final rule was issued in December, 1996. Under these regulations it is unlawful for a major source, affected source, sources subject to air toxic provisions, and other special sources to operate unless the source is in compliance with all air quality requirements and has an operating permit.

Under previous Federal law, construction permits were required only for new sources, and existing sources were left largely unpermitted unless a State elected to require an operating permit. With the final rule, existing facilities are subject to 112(g) requirements if they add to or rebuild a new production line or process that emitted toxic air pollutants above the major source threshold. Each permit must include enforceable emission limits and standards, a schedule of compliance, and requirements for submission of monitoring data.

The new permit program is fee-based, and Federal facilities are explicitly subject to any requirement to pay a fee or charge imposed by a State or local agency to defray the costs of its air regulatory program. Fees range from \$26 - \$32 per ton of each regulated pollutant. The EPA Administrator may set other amounts to adequately reflect reasonable costs of the permit program.

The EPA finalized new regulations for the establishment of State operating permit programs for air pollution control in 1992. Regulations are in place on appropriate monitoring methods, recordkeeping and reporting requirements, and compliance certification requirements for permits. Because States are free to create a permit program that is stricter than the Federal program, DOE sites must work closely with their State regulators to ensure compliance.



TITLE VI—STRATOSPHERIC OZONE PROTECTION

Title VI of the CAA requires a complete phaseout of chlorofluorocarbons (CFCs) and halons. The EPA must ensure that Class I chemicals are phased out on a schedule similar to that specified in the Montreal Protocol—CFCs, halons, and carbon tetrachloride by the year 2000; methyl chloroform by the year 2002—but with stringent interim reductions. Class II chemicals [i.e., CFCs that have been chemically altered by the addition of hydrogen (HCFCs)] will be phased out by the year 2030. The EPA must also promulgate regulations that require reductions in use and emissions of Class I and Class II substances and that maximize recapture and recycling. In addition, a prohibition on knowingly venting refrigerant appliances, commercial refrigerators, and air conditioners took effect in 1992.

ENFORCEMENT PROVISIONS

The CAA amendments in Section 113, originally identified as Title VII of the 1990 amendment legislation, created new criminal sanctions for negligent (as opposed to “intentional”) violations and established administrative penalty mechanisms to complement the traditional civil (judicial) enforcement program. Fines and prison sentences can now be imposed against any person who negligently releases any HAP covered under the NESHAPs or included on the Superfund list of extremely hazardous substances (but not listed under the NESHAPs). More severe penalties apply to “intentional” releases of the same substances. For example, a person who negligently releases HAPs cannot be imprisoned for more than one year, while the same act intentionally performed can result in a prison sentence of up to 15 years. Criminal violations under the CAA amendments of 1990 are now felonies rather than misdemeanors.

The EPA may issue an administrative order assessing a penalty of up to \$25,000 per day of violation for a number of different violations enumerated in the CAA.

The Clean Air Act was also amended in 1997, with an emphasis on addressing air quality standards for ground-level ozone (commonly known as smog) and particulate matter. Based on new scientific evidence, EPA has made revisions to both standards. Also in response to the 1997 amendments, EPA is developing a new program to control regional haze, which is largely caused by particulate matter.

THE CAA AND OTHER LAWS

The CAA does not stand alone as the sole Federal effort to regulate air quality on a nationwide basis. Other Federal laws must be reviewed in order to see how they interrelate with the CAA.



THE RESOURCE CONSERVATION AND RECOVERY ACT

The EPA has developed hazardous waste air emissions regulations under the Resource Conservation and Recovery Act (RCRA). These air emissions requirements apply to process vents and equipment leaks at RCRA-permitted or interim status facilities that treat, store, or dispose of hazardous waste. For example, these requirements apply to certain process vents associated with distillation, fractionation, or air stripping operations. In addition, other RCRA air emission regulations apply to hazardous waste burned in incinerators, boilers, and industrial furnaces.

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT

Air quality requirements relating to remedial investigation/feasibility studies (RI/FSS) and Superfund site cleanup (especially worker safety) are regulated under CERCLA. CERCLA establishes applicable, relevant, and appropriate requirements (ARARs) for air emissions by reviewing other Federal or State environmental and facility-siting laws that may apply to a specific site to be remediated. Once established, those ARARs must be applied to all relevant site activities. The CAA amendments of 1990 and implementing regulations are an ARAR under CERCLA.

Environmental restoration activities conducted under CERCLA (or RCRA or other environmental regulations) may require an air permit under the CAA if the activity itself could result in air emissions (such as soils removal or groundwater pump-and-treat systems).

THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

SARA Title III mandates the collection of data on hazardous chemical releases by industry, but it also focuses on air emissions and accidental releases. Federal facilities are subject to the Toxic Release Inventory (TRI) recordkeeping and reporting requirements. These reportable releases include those permitted under a CAA operating permit. The RMP program is also jointly administered under SARA authorities related to accident prevention and community-right-to-know.

THE OCCUPATIONAL SAFETY AND HEALTH ACT

The Occupational Safety and Health Act enforces Occupational Safety and Health Administration requirements for State and local asbestos workers.