



National Tribal Air Association's Fact Sheet on EPA's Proposed Amendments to Air Toxics Standards for Taconite Iron Ore Processing

What is the Taconite Risk and Technology Review?

In 2003, the EPA issued a National Emission Standards for Hazardous Air Pollutants (NESHAP) for Taconite Iron Ore Processing, which is a type of facility that engages in separating and concentrating iron ore from taconite (a low-grade iron ore) to produce taconite pellets, which are then used as feed in blast furnaces to produce steel. Every eight years, the EPA is required to perform a Risk and Technology Review on these standards to see if any residual risk remains after the Maximum Achievable Control Technology has been applied to these sources and to see if any new control technologies exist that should be evaluated.

On August 28, 2019, the EPA proposed to amend the 2003 NESHAP. The EPA is not proposing any changes to the existing standards because the Agency determined the risks to be acceptable, with an ample margin of safety to protect public health and the environment. Further, the EPA did not find any new cost-effective emission controls for these facilities.

EPA did propose a number of changes to the rule, including:

- Revise requirements for periods of start-up, shutdown, and malfunction (SSM) to be consistent with recent court decisions;
- Require electronic reporting of performance test results;
- Reduce the duration of compliance test runs from two hours to one hour; and
- Remove a requirement of quarterly internal baghouse inspections because bathhouses are continuously monitored with bag leak detection systems.
- EPA also proposes to find that emissions of amphibole cleavage fragments, called elongated mineral particles (EMP), do not fit the definition of any listed hazardous air pollutant in Section 112 of the Clean Air Act and, therefore, should not be directly regulated by this rule. EPA also proposes that EMP are a component of particulate matter and are already appropriately controlled at the affected facility. This proposal is in response to a petition for review filed by the National Wildlife Federation in 2004.

How does this affect my Tribe?

If your Tribe has Reservation or Ceded lands in the states of Minnesota, Michigan, or Wisconsin, you may be impacted by this rule due to the potential for mercury emissions to be deposited in water bodies, where the mercury is methylated. Methyl mercury is taken up into the bodies of fish and their food sources and bioaccumulates until it reaches levels that are harmful to humans.

Mercury is a neurotoxin that is especially dangerous for fetuses and young children and can impede their brain development. Even though the EPA has determined that residual risks are not a concern, these states and their Tribal counterparts continue to issue fish consumption advisories for their citizens due to levels of mercury in fish tissue that exceed health-based standards. Additionally, Tribal people in these states tend to rely on fish consumption for subsistence and for reasons of cultural identity.

Tribes are also concerned about emissions of EMP. Rates of mesothelioma among mine workers are significantly higher than the general public. Although some research has been done, the role of EMP in causing mesothelioma has not been proved or disproved.

In a 2004 remand of this rule, the EPA promised to set specific emissions standards for both mercury and EMP. This proposal does not address the remand and does not propose standards for either pollutant.

The State of Minnesota has a Statewide Mercury Total Maximum Daily Loading (TMDL) standard. It is unclear whether this proposal adequately considered information gathered by the state in support of this TMDL and its implementation in Minnesota.

Comments and Further Information

This item was published in the Federal Register on September 25, 2019, and comments are due on November 12, 2019. All information for submitting comments can be found on www.regulations.gov, using Docket No. EPA-HQ-OAR-2017-0664. The NTAA will be producing a template letter that your Tribe can use to help with commenting. EPA has posted information on their website at <http://www.epa.gov/stationary-sources-air-pollution/taconite-iron-ore-processing-national-standards-hazardous>. Any questions can be directed to the NTAA's Project Director, Andy Bessler, at Andy.Bessler@nau.edu or 928-523-0526, or David Putney, EPA's Office of Air Quality Planning and Standards, at (919) 541-2016 or Putney.david@epa.gov.

Comments can be uploaded at www.regulations.gov, sent by email to: a-and-r-Docket@pea.gov, Attention Docket ID No. EPA-HQ-OAR-2017-0664, or faxed to (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2017-0664. Comments can also be mailed to: EPA Docket Center, EPA, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2017-0664.