Internal Notes by Michelle Lusk, CKRC

September 2018

DOING ONE RISK ASSESSMENT

There was preamble language that clearly stated that EPA anticipated that most facilities would likely only do RAs once.  It left the door open to redo if site specific variables at a facility changed significantly or there was an important change in the risk science that, for instance, required collection of data not collected before. This was preamble language not regulatory language.  So it was not binding on the regions.  And, delegated states can be more stringent if state laws and regulations allow it. It still provides a basis to challenge the logic of a redo.

Read below with bolded language (bolded by MGL) and much more in the section that begins at:  59504 Federal Register / Vol. 70, No. 196 / Wednesday, October 12, 2005 / Rules and Regulations. This language is from column 3 of that initial page.  Later in that discussion of SSRAs are specific responses to the CKRC comments.

"Before discussing factors that may lead permit authorities to consider whether or not to conduct an SSRA, **it should be noted that the Agency generally does not expect that facilities that have conducted risk assessments will have to repeat them.** As we explained in the 1999 final rule preamble, changes to comply with the MACT standards should not cause an increase in risk for the vast majority of facilities given that the changes will likely be the addition of pollution control equipment or a reduction in the hazardous waste being burned (see 64 FR 52842). Instances where a facility may need to repeat a risk assessment would be related to changes in conditions that would likely lead to increased risk. For example, if the only changes at a facility relate to the exposed population (a new housing development is constructed within a few square miles of the source), what was once determined to be protective under a previous risk assessment may now be beyond acceptable levels. Another example would be where a hazardous waste burning cement kiln that previously monitored hydrocarbons in the main stack elects to install a midkiln sampling port for carbon monoxide or hydrocarbon monitoring to avoid restrictions on hydrocarbon levels in the main stack. Thus, the stack hydrocarbon emissions may increase (64 FR 52843, footnote 29). In such situations, we would anticipate that the risk assessment would not have to be entirely redone. "