

## *Court Actions to Vacate MACTs*

<b>MACT ( Subpart ) compliance date</b>	<b>Date of Court Decision</b>	<b>Type of Decision</b>	<b>Date and type of Court Mandate</b>	<b>Date of 112(j) applicability</b>
<i>Brick</i> ( JJJJ ) May 2006	3/13/07	Full Vacatur	6/18/07 Full Vacatur	6/18/07
<i>Clay Ceramics</i> ( KKKKK ) May 2006	3/13/07	Full Vacatur	6/18/07 Full Vacatur	6/18/07
<i>Boiler *</i> ( DDDDD ) Sept. 2007	6/08/07	Full Vacatur		
<i>Com/Industrial Solid Waste Incineration Definition Rule</i> ( NSPS )	6/8/07	Full Vacatur of 9/22/2005 definition – the 12/1/2000 rule remains effective		Not applicable for Part 60 NSPS rules
<i>Plywood</i> ( DDDD ) July 2007	6/19/07	Partial (low risk subcategory & compliance extension)		Not applicable on partial vacaturs

\* A federal court has issued an order that could make the Boiler MACT inapplicable in the near future, but the court's order has not yet taken effect. The parties to the case are allowed 45 days to seek rehearing or to request that the rule remain enforceable pending EPA's action to revise it. If no parties file a request of this nature, the court should issue the formal mandate vacating the Boiler MACT rule on or about July 30. Once the court issues the mandate, the rule would no longer be enforceable. However, if any party to the case files a motion before July 30 asking the court to let the rule remain in effect pending EPA's revision of the rule, the rule will remain in effect until the court resolves those requests. EPA is evaluating its options and has not reached any decision whether to request that the Boiler MACT rule remain enforceable pending revision. If the mandate vacating the Boiler MACT is issued sources that were subject to the rule will need to file applications for permits containing MACT limits derived on a case-by-case basis within a time specified by EPA or state permitting authorities.