

PLEASE NOTE: This outline represents the Air Quality Division's (AQD) understanding of the regulatory requirements. It is for informational purposes only. This document is subject to revision.

Section 112(j) – The MACT ‘Hammer’

Responsibilities of the Air Quality Division

Upon receipt of a Part 1 MACT Application

- Accept the application and incorporate it into source file.
- If the application is a request for a determination of applicability, make a determination and notify the applicant of the determination.
- If an application is submitted for a source that is not subject to Section 112(j), notify the source of this determination.

Upon receipt of a Part 2 MACT Application

- Determine administrative completeness.
- Send notification of completeness, or citing deficiencies, to the applicant within 60 days. If no notification is sent to the applicant within 60 days, completeness is assumed.
- Review and take action on the application.

Processing the Part 2 MACT Application

- Consider all information submitted by the applicant.
- Consider all information developed by U.S. EPA.
- Consider all information developed by other states.
- Determine MACT floor (existing sources).
- Draft a MACT determination.
- Provide for public comment on draft determination (30 days minimum)*.
- Provide for US EPA review and affected state review of draft determination (45 days minimum)*.
*note that the regulation is only explicit on these requirements for new sources, and defers to Title V permitting procedures in the state for existing sources. In Michigan, these are also the requirements for Renewable Operating Permits (ROPs) and certain modifications to an ROP.
- Address all comments and issue final determination.
- Incorporate the determination into the ROP.

Additional requirements

- Issue all permits within 18 months of the submittal of a complete application.
- Revisit all Section 112(g) determinations for ‘substantial equivalence to’ what is required under Section 112(j).

Optional activities

- Notify a source to submit a Part 1 Application if it is subject to Section 112(j), but has not submitted this application. This does not relieve the source of its responsibility.
- If U.S. EPA has developed a proposed standard, the state may default to this for the MACT determination, or it may independently develop a MACT floor and other limitations.