

ADVISORY: Does the "MACT Hammer" affect you?

The Clean Air Act Amendments of 1990 ("Amendments") include provisions to address emissions of hazardous air pollutants ("HAPs"). One of these provisions, Section 112(d), requires the United States Environmental Protection Agency ("US EPA") to promulgate standards to reduce emissions of HAPs from sources that have HAPs emissions above a specified level. These standards require the use of Maximum Achievable Control Technology ("MACT"), as defined in the Amendments.

Affected sources were identified by category, and standards for a certain number of categories were to be completed by specified deadlines. US EPA was given a total of 10 years to complete all of the required standards. Congress included a provision that requires the states to develop these standards if US EPA misses any of the specified deadlines. This provision is Section 112(j) of the Amendments, and is known as the "MACT Hammer".

The final deadline for promulgating MACT standards was November 15, 2000. Section 112(j) allows US EPA an additional 18 months past this deadline to complete standards, moving the final completion date to May 15, 2002. US EPA has indicated that it will not complete standards for at least 31 categories of sources by this date. A complete list of categories is available through US EPA's Air Toxics Website [<http://www.epa.gov/ttn/atw>].

You are receiving this notice because your facility is subject to the Renewable Operating Permit ("ROP") program. This is Michigan's program for implementing Title V of the Amendments. The Air Quality Division ("AQD") believes many sources covered by the ROP program will have one or more sources affected by Section 112(j). You are encouraged to review the Section 112(j) regulations to determine if you have an affected source.

The complete Section 112(j) regulations can be found at 40 CFR §§63.50 through 63.56. On March 23, 2001, US EPA published proposed modifications to these regulations. The Federal Register notice for the proposed modifications can be found at 66 FR 16318 ff (regulatory text starts at 16354). US EPA's website, mentioned earlier in this article, is also a good source of information on Section 112(j). The AQD will post available information and updates on its website [<http://www.deq.state.mi.us/aqd>].

If you have any questions on Section 112(j), or its implementation by the AQD, please contact Gregory M. Edwards, Chemical Process Unit Supervisor, Permit Section, at 517-335-3693, or edwardgm@michigan.gov.