

Section 112(j) – The MACT Hammer

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. Some of the more significant categories for Michigan sources are:

- Auto and Light Duty Truck Manufacturing
- Foundries
- Institution, Industrial and Commercial Boilers
- Engine Test Stands
- Reciprocating Internal Combustion Engines ("RICE")
- Miscellaneous Metal Parts & Products (Coating)
- Plastic Parts Manufacturing (Coating)
- Combustion Turbines
- Metal Furniture Manufacturing (Coating)
- Miscellaneous Organic NESHAP ("MON")*

*The MON covers 23 source categories including paint and adhesive manufacturing.

A complete list of categories is available through US EPA's Air Toxics Website [<http://www.epa.gov/ttn/atw>]. It is estimated that over 500 facilities in Michigan are potentially subject to Section 112(j). Any source that knows it is in one of the source categories for which US EPA has not completed a standard, and knows it is a major source of HAPs, is currently required to submit a complete application for a Section 112(j) MACT determination to the Air Quality Division ("AQD") by May 15, 2002. This application would be submitted using AQD's standard new source review application. However, this may change.

On March 23, 2001, US EPA proposed to modify this part of the rules to require only a simple notification ("Part 1 application") by May 15, 2002. The complete application ("Part 2 application") would be due November 15, 2002. This proposal generated a large number of comments, several relating to when the Part 2 application should be due. US EPA is currently evaluating these comments, and expects that a final rule will be issued in early 2002. AQD anticipates that Section 112(j) reviews will still be processed through the new source review program, using the standard application form. However, AQD is waiting until issuance of a final rule before issuing any additional guidance.

For those interested in more information on Section 112(j), the complete regulations can be found at 40 CFR §§63.50 through 63.56. The Federal Register notice for the proposed amendments can be found at 66 FR 16318 ff, March 23, 2001 (regulatory text starts at 16354). US EPA's website, mentioned earlier in this article, is also a good source of information. Additionally, AQD will post available information and updates on its website [<http://www.michigan.gov/deq/aps>].

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.