

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 regulated community

For an existing source

- Determine if your facility is subject to Section 112(j)
 - Check the list of source categories to see if you have a source (“affected source”) in one or more categories
 - Your facility is subject if your facility (i.e. stationary source) is a major source of HAPs and there is an affected source in one or more categories at your facility. An affected source does not have to be major by itself.
 - If you aren't sure of applicability, you may request a determination of applicability using the Part 1 MACT application.
- Submit a Part 1 MACT Application by May 15, 2002, to the appropriate AQD District Office and to the U.S. EPA. An application form is available for download. **NOTE:** This is not the ‘date of first compliance’ for MACT in any category. This date is established in the 112(j) MACT determination, or by the Section 112(d) standard upon promulgation.
- Submit a complete Part 2 MACT application by May 15, 2004. Two options are available; see the document on the Part 2 MACT application for more information. An application is required for each affected source category at your facility. Documentation submitted with the Part 2 MACT application includes any information you want the AQD to consider for establishing the MACT floor and subsequent MACT for your affected source. “Available information’ for this submittal is defined in § 63.51.
 - Information you must submit includes:
 - For new affected sources, the anticipated date of startup of operation.
 - The HAP(s) emitted by each affected source in the source category, and estimated total HAP emissions from the affected source.
 - Any existing Federal, State, or local limitations or requirements applicable to the affected source.
 - For each affected emission point or group of affected emissions points, the control technology in place.
 - Information relevant to establishing the MACT floor, and if you wish, a recommended MACT floor
 - Any other information the State reasonably needs to process your application.
 - Information you may submit includes:
 - Recommended emission limitations and/or requirements for the affected source, and supporting information.
 - A description of any additional control technology you plan to use.
 - A proposed compliance demonstration method, including identification of specific parameters and appropriate monitoring, recordkeeping and reporting

For a new source

- Submit a complete application complying with Section 112(g) prior to construction. Within 30 days after you receive your Section 112(g) Notice of MACT Approval, submit a Part 1 MACT application under Section 112(j)
- In the rare instance a new source is not subject to Section 112(g), you will need to submit a standard new source review application prior to construction. You may request that this permit serve as a Notice of MACT Approval for Section 112(j). Alternatively, you may submit a Part 1 MACT Application within 30 days following start-up of the source.

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After issuance of the Section 112(j) MACT determination, submit the form(s) required for the Renewable Operating Permit (ROP) Program

- For existing sources using the NSR option for the Part 2 MACT Application this will almost always be the ROP application forms required for an administrative amendment to the existing ROP. Sources electing to use the ROP option for the Part 2 MACT Application will have already submitted the appropriate forms.
- For new sources this will be an application for an ROP within 12 months

For a source that has already undergone a Section 112(g) determination

- Submit a Part 1 MACT application. This application includes a request to determine if the Section 112(g) determination is "substantially equivalent to" what would otherwise be required under Section 112(j).

For a source that becomes subject after the Section 112(j) deadline

- Submit a Part 1 MACT Application within 30 days after –
 - startup, for new major installations or modifications that make an existing source major, and are not subject to Section 112(g)
 - receiving a Notice of MACT Approval under Section 112(g), for new major installations or modifications that make an existing source major
 - an area source becomes a major source

For all sources:

- A copy any Section 112(j) application, and all materials supplementing any Section 112(j) application, must be submitted to US EPA at the same time that an application and materials are submitted to AQD.
- *It is not clear if a Part 2 MACT application is required for new sources, or sources that become subject to Section 112(j) after the Section 112(j) deadline, especially when Section 112(g) is involved. AQD will provide more information on this issue when it is available.*