

MACT Emissions Standards Become Final

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Operating under a court mandate, the U.S. Environmental Protection Agency recently issued final rules under Section 112 of the Clean Air Act establishing maximum achievable control technology (MACT) emission standards for industrial boilers and process heaters. All owners and operators of these affected units will need to assess their status as major or minor sources of hazardous air pollutants (HAPs) and develop a compliance strategy.

Accompanying these rules were new emission standards that apply to sources deemed subject to the Commercial and Industrial Solid Waste Incinerator (CISWI) rules, implementing the requirements of Section 129 of the Clean Air Act. In addition, the new waste rules under the Resource Conservation and Recovery Act (RCRA) seek to identify alternative fuels and process materials that could be designated as solid waste. Facilities that use non-traditional fuels or by-products will need to carefully review the solid waste rules to determine if their continued use will result in the facility being subject to the CISWI requirements.

The major source MACT rules for boilers and process heaters establish emission limitations for particulates, hydrogen chloride, mercury, carbon monoxide and dioxin/furans from new and existing coal, biomass, liquid fired units and certain gas fired units. The area or minor source rules establish varying emission limitations for new coal, biomass and oil fired units and for existing coal fired units. The CISWI rules establish emission limitations for hydrogen chloride, carbon monoxide, lead, cadmium, mercury, particulates, dioxin/furans, NOx and SO2. The rules also establish emission testing, monitoring, recordkeeping and reporting requirements.

If you need additional information on the new requirements, which were released by the EPA on February 23, or have other questions pertaining to the Clean Air Act, contact Steve Kohl (skohl@wnj.com or 248.784.5141) or another member of the Environmental Law Group at Warner Norcross & Judd.