



Clean Air Act Section 112 Program Update

NACAA AIR TOXICS MEETING
DECEMBER 2023

Key Terminology

- **HAP:** Hazardous Air Pollutants
- **NESHAP:** National Emissions Standards for Hazardous Air Pollutants
- **MACT:** Maximum Achievable Control Technology (*MACT standards generally apply to “major sources” of HAP*)
- **GACT:** Generally Available Control Technology (*GACT Standards generally apply to “area sources” of HAP*)
- **RTR:** Residual Risk and Technology Review
- **TR:** Technology Review

Program Status

RTRs required for every major source NESHAP within 8 years of promulgation of each NESHAP

TRs are required for every NESHAP (major and area) no less often than every 8 years

Finalized RTRs (residual risk review and initial TR) for about 104 of 115 major source categories

Second TRs are complete or underway for some categories with completed RTRs, as are initial TRs for area source NESHAPs (GACT)

Completed TRs for about 25 of 70 area source categories (many were completed for NESHAPs regulating major and area sources)

Program Status (cont.)

RTRs required for **11** additional major source categories

- Hazardous Waste Combustors; Primary Magnesium; Primary Copper; Coke Ovens-Pushing Quenching and Battery Stacks; Reciprocating Internal Combustion Engines; Polyvinyl Chloride; Boilers (3 categories); Brick; Clay Ceramics

RTRs also required for several area source categories: Area Source Boilers; Gold Mines; Electric Arc Furnaces

2023 to 2024

**Upcoming
CAA NESHAP
Reviews**

DATE	ACTION
January 31, 2024	Taconite Iron Ore Processing final technology review (TR) due
August 31, 2024	Perc. Dry Cleaning Major and Area Source final TR due
February 29, 2024	Gas Distribution Major Source and Gas Dist. Bulk Terminals Area Source final TR due
March 1, 2024	Commercial Sterilizers final RTR due
March 11, 2024	Integrated Iron and Steel final TR due
March 29, 2024	Hazardous Organics NESHAP (HON) RTR, Polymers & Resins I (P&R 1) RTR/TR, and Polymers and Resins II TR final rule due
April 2024	MATS (Elec. Utilities) review of RTR final rule planned
May 2, 2024	Primary Copper RTR final rule due
May 23, 2024	Coke Oven Pushing/Quenching/Battery Stacks RTR + Coke Oven Batteries TR final rule due

2024 to 2025

**Upcoming
CAA NESHP
Reviews**

DATE	ACTION
June 30, 2024	Lime Manufacturing Plants final TR due
November 13, 2024	Rubber Tire Manufacturing final TR due
November 13, 2024	Chem. Manuf. Area Sources TR proposal due (final Sept. 17, 2025, per draft CD)
December 10, 2024	Oil and Gas TR proposal due (final rule due Dec. 10, 2025)
September 30, 2025	Secondary Lead TR proposal due (final due Sept. 30, 2026, per draft CD)
December 19, 2025	Marine Tank Vessel Loading Major Source TR proposal due (final due 12/18/26)
July 31, 2026	Primary Magnesium RTR
June 30, 2026	Plywood and Composite Wood Products final TR (gap filling) due
TBD	Hazardous Waste Combustors RTR; Polyether Polyols TR (negotiating/litigating)

Key Issues in Upcoming Rules

Proposals for HON, P&R 1, Commercial Sterilizers, and Primary Copper included a finding of unacceptable risk

Commercial Sterilizers, HON, and P&R 1 proposals included EPA's first discretionary residual risk assessments for categories that already had residual risk reviews

- For all three rules, developing final approaches considering comments on statutory authority for second-time residual risk reviews and the risk assessments
- For Sterilizers, developing final approaches considering comments about supply chain, fence line monitoring, format of standards, costs, and compliance times
- For HON and P&R 1, developing final approaches considering comments on fence line monitoring

Key Issues in Upcoming Rules

Proposals for HON, P&R I, Coke Ovens, and Integrated Iron and Steel included provisions requiring fenceline monitoring and proposed action levels that, when exceeded, would require root cause analysis and reductions to meet action levels

- Developing final approaches considering comments on the need for fenceline monitoring, pollutants to be monitored, statutory authority and the specific proposed action levels

Key Issues in Upcoming Rules

- Multiple rules related to establishing new MACT standards for previously unregulated HAP as required by a recent court decision known as LEAN (*Louisiana Environmental Action Network v. EPA*)
 - Taconite proposal included new standards for mercury and acid gases
 - Integrated Iron and Steel proposal included new standards for multiple HAP including fugitive HAP metals from various sources
- The MATS proposal included tightening PM standards to levels achieved by a majority of EGUs
 - Developing final approach considering comments on costs, reductions, continuous emissions monitoring systems, and EGU retirements

Contact Information

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