

# ADMINISTRATIVE WATCH

ADMINISTRATIVE WATCH ADDRESSES ENVIRONMENTAL, HEALTH AND SAFETY ISSUES



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## **Pennsylvania Boiler Owners Required to Submit MACT Applications**

Owners and operators of industrial, commercial, and institutional (“ICI”) boilers and process heaters located at Title III major sources in Pennsylvania are required to submit applications for case-by-case maximum achievable control technology (“MACT”) standards.

In the August 29, 2009 *Pennsylvania Bulletin*, the Pennsylvania Department of Environmental Protection (“PADEP”) published notice that owners and operators of ICI boilers and process heaters located at major sources of hazardous air pollutants must submit a Part 1 MACT application within 30 days of the August 29 notice, and a Part 2 MACT application 60 days after submission of the Part 1 MACT application. The Part 1 MACT application for affected existing ICI boilers and process heaters is due on or before September 28, 2009. PADEP indicated that the Part 1 and 2 MACT applications are available on the agency’s website.

PADEP’s notice follows the July 30, 2007 vacatur by the U.S. Court of Appeals for the District of Columbia of the U.S. EPA’s national emission standards for hazardous air pollutants (“NESHAP”) for ICI boilers and process heaters under 40 CFR Part 63, Subpart DDDDD, also known as the Boiler MACT. According to PADEP’s notice, as a result of the vacatur, under section 112(j) of the federal Clean Air Act (“CAA”) and section 6.6(b) of the Pennsylvania Air Pollution Control Act, PADEP is required to make case-by-case MACT determinations for ICI boilers and process heaters that were formerly subject to the Boiler MACT standards. Meanwhile, the U.S. EPA is currently working on a revised Boiler MACT standard, slated for final issuance sometime in 2010.

BCCZ’s Environmental Health and Safety Group actively tracks state and federal air regulatory and policy developments, and advises clients as to the impacts of those developments. For more information regarding the development discussed above, please contact Michael H. Winek at (412) 394-6538 or [mwinek@bccz.com](mailto:mwinek@bccz.com) or Seth A. Rice at (412) 394-5490 or [srice@bccz.com](mailto:srice@bccz.com).