



Section 112J: The "HAMMER" Clause & Title V (CAAPP)

*What has Illinois been doing about
the PART 2; May 15, 2003
Deadline????*

Hank Naour
ILLINOIS EPA





BACKGROUND

- The Clean Air Act (CAA) Section 112(d) required USEPA to promulgate all National Emission Standards for Hazardous Air Pollutants (NESHAPs) by November 15, 2000.
- In the event that USEPA failed to promulgate the scheduled standards by November 15, 2000, and beginning 18-months after the November 15, 2000 date, Section 112(j) of the CAA requires that the major sources of Hazardous Air Pollutants (HAPS) (i.e., those that emit greater than 10 tons of a single HAP or a total of 25 tons of combined HAPs) that are subject to any of the remaining, un-promulgated categories of NESHAPs, to notify the State agency that they are impacted and must submit their TITLE V, Part 1 notification to the State by May 15, 2002.

BACKGROUND (cont)

- There are (4) NESHAP (Illinois effected sources) yet to be promulgated by USEPA.
- These (4) have been proposed in the Federal Register by USEPA, and USEPA has promulgated (27) since May 15, 2003. (See the ATW Website)
- Any of the NESHAPs that became final by May 15th, 2002, May 15, 2003 & August 30, 2003 do not fall under this strategy and sources impacted by these NESHAPS fell under the standard procedures for the BOA including the Permit Section requirement for updating the TITLE V application to include the new regulations.

WHAT IS THE ILLINOIS EPA STRATEGY?

- The sources that are subject to any of the non-promulgated NESHAPs will have to inform the BOA how they will comply.
- The Permit Section would then have review a case-by-case MACT determination for these cases.

STRATEGY (cont)

- USEPA promulgated a revision on March 05, 2002 to the Part 63 General Provisions and Section 112(j) Control Technology Determination for Major Sources to address the TITLE V requirement for the non-final NESHAPs in two parts.
- Part 1 is a submittal that notifies the State that the source is impacted by that particular NESHAP, and Part 2 provides the submittal of a complete application to the State.

STRATEGY (cont)

- **The Federal final Section 112j Rule requires that the Part 1 notification would be due no later than May 15, 2002, and, as a result of a Settlement Agreement between USEPA and the Sierra Club (Sierra Club/Petitioner v. U.S. Environmental Agency, and Christine T. Whitman/ Respondents; No. 02-1135 and consolidated cases), the Part 2 application will be submitted no later than the dates required by the FR notice, if an applicability determination is desired and USEPA fails to meet the FR notice deadlines.**

STRATEGY (CONT)

- **If a source's CAAPP has not been issued by the dates published in the FR notice 68-104-32586; (May 15, 2003); (i.e., August 30, 2003, April 28, 2004.....) , any un-issued CAAPP permits must contain the appropriate NESHAP conditions before going to public notice.**

STRATEGY MECHANICS

- The following is an outlined strategy for the Bureau of Air to meet the requirements relating to Section 112(j) "hammer clause" Part 2:
- I. **TITLE V sources**
 - A. TITLE V sources were notified by the Permit Section in February 2002, that Agency records indicate that they have units that we believe would be subject to one of the NESHAPs that have not yet been finalized.

STRATEGY MECHANICS (cont)

- **B.** These TITLE V sources were told they must revise their Title V applications or notify the Bureau of their intent to revise their application by May 15, 2002.
- **C.** Copies of the notifications from the sources were sent to Compliance/Enforcement with a copy to FOS and Central File.
- **D.** When the Part 2 submittals are made, the Permit Section will then review the TITLE V application revisions.

STRATEGY MECHANOCS (cont)

- II. Sources that have non-TITLE V permits have been reviewed by Air Toxics Protection Unit (ATPU) and will not be an issue under Section 112(j).

STRATEGY MECHANICS (cont)

- **Part 2 Requirement is still alive!!**

The last of the proposed NESHAPs are the following:

- *Auto & Light Trucks, Subpart III;*
- *Industrial, Commercial, & Institutional Boilers and Pre-heaters, Subpart DDDDD;*
- *Plywood & Composite Wood Products, Subpart DDDD;*
- *Reciprocating & Internal Combustion Engines, Subpart ZZZZ.*

STRATEGY MECHANICS (cont)

NOTE:

Illinois EPA has alerted the affected sources that the Part 1 filing for their respective NESHAP will suffice for meeting the Initial Notification requirement after their respective NESHAP is promulgated. The Part 1 filing provided by the sources and will impact the appropriate TITLE V and State applications.

LATEST DEADLINE DATE SUMMARY

- No filing required by July 15, 2003;
- No filing required by October 30, 2003;
- 60 days to request applicability determination (October 30, 2003);
- If USEPA misses the April 28, 2004 date, affected sources must file c/c demonstration 60 days from that date, and the c/c MACT must be placed in CAAPP permit if not issued at this time. PART 2 REQUIREMENT IS STILL ALIVE!!!!!!!!!!!!!!!!!!!!!!!!!!!!
- If the CAAPP is issued, MACT to be placed in CAAPP at renewal, but source must begin comply with c/c MACT until respective MACT is promulgated.

GENERIC LETTER TO ALL TITLE V SOURCES

- After the August 30, 2003 Final Settlement Agreement date, Illinois EPA will send a generic letter to over 240 Title V sources that may be subject to the remaining 10-Year MACT Standards
- Illinois has provided applicability determinations requested by a small number of contacted sources.



LETTER TO TITLE V SOURCES

- DATE
- Section 112j: MACT Source Category
Promulgation for August 30, 2003 Court Ordered
Deadline
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- Dear Environmental Coordinator:

LETTER (cont)

- On May 8, 2003, the United States Environmental Protection Agency (U.S. EPA) promulgated amendments to the rule known as “Section 112(j)”. The amendments were the result of a settlement agreement (Agreement) reached between the U.S. EPA and the Sierra Club on November 26, 2002. The entire settlement agreement may be found at 67 FR 72875. This Agreement concerned the promulgation schedule of MACT standards for certain remaining Industrial Source Categories under Section 112 of the Clean Air Act (CAA).

LETTER (cont)

- The first agreed to milestone was May 15, 2003. The U.S. EPA has already promulgated MACT standards for this set of Source Categories. The second agreed to milestone was August 30, 2003. U.S. EPA has promulgated the agreed to listed MACT standards (October 30 list) by August 30, 2003. Note: The Part 2 Application is not required for MACT standards that have been promulgated in the August 30, 2003 round.

LETTER (cont)

- The purpose of this letter is to inform you that if you desire an applicability determination for any of the Section 112(j) MACT standards to which you may be subject, you should submit the attached request to the Illinois EPA in no later than November 30, 2003, as indicated in the Section 112(j), General Provisions Tables 1 & 2 (copy enclosed).
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- The enclosed Application form may be used for this purpose. Please complete item number 14 on the form by noting the appropriate MACT Subpart identification letters to which each source is subject. NOTE: The Subparts should have been listed in the Part 1 filing.

LETTER (cont)

- **ILLINOIS ENVIRONMENTAL**
- **PROTECTION AGENCY**
- **BUREAU OF AIR**
- **ATTN: DONALD SUTTON**
- **1021 NORTH GRAND AVENUE, EAST**
- **P.O. BOX 19506**
- **SPRINGFIELD, IL 62794-95076**

LETTER (cont)

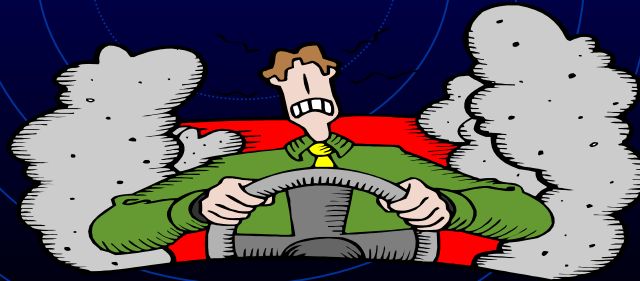
- **Finally, remember that the Part 1 filing made by each of the affected facilities required by May 15, 2002, will serve as the Initial Notification required by the General Provisions for each NESHAP/MACT Standard to which a facility is subject. The Agency recognizes the need to reduce duplication of filing and supports paperwork reduction.**
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- **If you have any questions, please call Hank Naour at 217/524-4343.**

LETTER (cont)

- **Sincerely,**
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- **Donald E. Sutton**
- **Acting Manager, Air Quality Planning Section**
- **Bureau of Air**
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- **Attachments**

GENERIC APPLICABILITY REQUEST FORM SUMMARY

- **The Applicability Request Form should be returned no later than October 31, 2003 if an applicability determination is desired.**
- **IEPA is continuing to work directly with potential 10-year MACT sources, particularly the coatings MACT sources which are typically good candidates for P2 reductions/eliminations of HAPs, e.g., compliant coatings & solvents, reformulations**

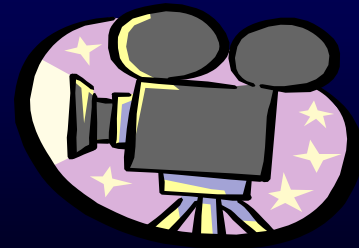


APPLICABILITY REQUEST FORM

**See available form copies on Illinois EPA
website.**

INDUSTRY OUTREACH

- *Illinois EPA will provide workshop and seminar information for the small business community that may be impacted by Section 112j;*
- *The Agency is developing CD (DVD) and web-casting access for use by the small business community*
- *Illinois EPA participated in a live web-cast on September 17, 2003;*
- *The Agency is planning at least one web-cast/quarter*
- *IEPA Web site for MACT Training:*
 - www.epa.state.il.us/air/mact



STAY Tuned!!!!!!

- ***September 17, 2003 "Live" Webcast on Section 112(f) Residual Risk and Secondary Aluminum MACT;***
- ***View Residual Risk presentation for current USEPA status on MACT standards that need additional controls.***