



Revised MACT Standards Coming for 13 HAP Sources

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The United States District Court for the District of Columbia recently ordered EPA to update the maximum achievable control technology (MACT) emission standards for 13 sources of hazardous air pollutants (HAPs). The order was issued after the agency failed to meet deadlines required by the Clean Air Act (CAA).

Under the CAA, EPA must promulgate MACT standards for certain sources of HAPs. Because pollution control technology improves over time, EPA is required to review and, if appropriate, revise those standards every eight years. The CAA also requires EPA to consider residual risks to public health after technology-based emission standards are implemented and then, if necessary, create additional standards to protect the public. This review is typically referred to as a Risk and Technology Review (RTR).

The source categories targeted by the suit include rubber tire manufacturing; surface coating of metal furniture, large appliances and wood building products; iron and steel foundries; and printing, coating and dyeing of fabrics and other textiles. Plaintiffs alleged the MACT standards for these sources should have been updated between 2010 and 2012. Because EPA conceded it missed those deadlines, the court ruled in plaintiffs' favor and asked the parties for proposed schedules of implementation. Plaintiffs asked the court to order that the revised standards be finalized over two years. EPA claimed that would be impossible and proposed a plan for promulgation of revised rules over the next four and a half years. EPA explained RTRs consider many technical nuances that take longer to develop than the underlying emissions standard.

Agreeing in part with EPA, the court found a middle ground and ordered the agency to complete the revisions for at least seven of the overdue source categories by the end of 2018, and to complete the remaining six by June, 2020. Bottom line: If your facility falls within the 13 source categories identified in the suit, revised MACT standards are on the way.

Blue Ridge Environmental Defense League et al. v. Pruitt, No. 1:16-cv-00364-CRC (D.D.C. 2016).

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