

## **EPA Signs 13 Final NESHAPs**

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On February 28, 2003, the Administrator of the U.S. Environmental Protection Agency (“EPA”), Christine Whitman, signed thirteen final rules establishing Maximum Achievable Control Technology (“MACT”) standards to reduce emissions of hazardous air pollutants from a broad range of industrial sources under the Clean Air Act (“CAA”). See <http://www.epa.gov/airlinks/airlinks3.html>. These final rules, referred to as National Emission Standards for Hazardous Air Pollutants (“NESHAPs”), apply to the following sources:

- asphalt processing;
- brick and structural clay products manufacturing;
- coke oven batteries;
- engine test cells/stands;
- fabric and other textile coating, printing, and dyeing;
- flexible foam fabrication operations;
- hydrochloric acid production;
- integrated iron and steel manufacturing;
- surface coating of metal furniture;
- reinforced plastics manufacturing;
- refractories manufacturing;
- semiconductor production; and
- surface coating of wood building products.

Each of these final rules poses unique applicability and compliance issues for individual facilities. Nonetheless, one overarching issue resolved by these rules is the “MACT Hammer” deadline for affected sources. Where EPA fails to develop NESHAPs on a timely basis, Section 112(j) of the CAA -- known as the MACT Hammer -- requires state permitting authorities to establish emission limits for facilities that would be “equivalent to” the MACT standards that would have been imposed in NESHAPs. As a result of a 2002 settlement agreement among EPA, industry, and environmentalists, the deadline for “Part 2” MACT Hammer permit applications varies by NESHAP, but begins no earlier than May 2003. Thus, EPA’s finalization of the thirteen NESHAPs means that the affected sources will avoid the MACT Hammer as to those final NESHAPs.

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