

**Kimberly D. Coy**  
**Air/Compliance Consultants, Inc. (ACCI)**  
**www.air-comp.com**

## **PA DEP: Part 1 and 2 MACT Applications for Boilers and Process Heaters Required**

The U.S. Court of Appeals for the District of Columbia Circuit vacated the U.S. Environmental Protection Agency's (EPA) National emission standards for hazardous air pollutants (NESHAPs), also referred to as maximum achievable control technology (MACT) standards for Industrial, Commercial, and Institutional Boilers (ICI) and Process Heaters (Boiler MACT, Subpart DDDDD), on July 30, 2007.

With the vacatur of EPA's Boiler MACT Rule, the Department of Environmental Protection (Department or PA DEP) is required under section 112(j) of the CAA, section 6.6(b) of the Pennsylvania Air Pollution Control Act and 25 Pa. Code§ 127.35(c) to make MACT determinations on a case-by-case basis for all affected ICI boilers and process heaters. The resulting MACT determinations shall be incorporated into the Title V permits issued to the owners and operators of the affected facilities according to procedures established under Title V. Any stationary air contamination source or group of sources located on contiguous or adjacent properties and under common control that emits or has the potential to emit 10 tons per year or more of a single HAP including fugitive emissions or 25 tons per year or more of a combination of HAPs including fugitive emissions, is considered a major source.

The owners and operators of affected existing sources must submit a Part 1 MACT Application to the appropriate Department of Environmental Protection's Regional Office and to the EPA Region III Office no later than 30 days from August 29, 2009 (the date of publication of this notice in the Pennsylvania Bulletin). Part 2 MACT Applications must be submitted to the Department of Environmental Protection and the EPA within 60 days after submission of the Part 1 MACT Applications. The Part 2 MACT Applications must include the relevant process, pollutant and control information to allow permitting authorities to establish MACT standards for the facility equivalent to what EPA would have established for the source category.

The EPA submittals should be sent to the attention of Kathleen Anderson, Chief of the Permits and Technical Assessment Branch, Air Protection Division (3AP11), U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-3029.

The Department's Part 1 and Part 2 MACT Applications and instructions are available on Department the web site at <http://www.dep.state.pa.us>. Applications and instructions can also be obtained by contacting any of the Department's Regional Offices. Contact Krishnan Ramamurthy for additional information at (717) 787-4325 or [kramamurth@state.pa.us](mailto:kramamurth@state.pa.us).