

**Notice of Availability**  
**Part 1 and Part 2 MACT Applications for Industrial, Commercial, and Institutional Boilers and Process Heaters**

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. As a result of this vacatur, the provisions of Section 112(j) of the Clean Air Act (CAA) require state/local agencies to make case-by-case MACT determinations for existing affected sources. The Court has extended the deadline for the proposed "Boiler MACT" rule until September 15, 2009; the final rule is still due on July 15, 2010.

Under Section 112(j) of the CAA, the owners and operators of any affected major source in a source category for which the EPA has failed to promulgate a MACT standard must submit a permit application to the state permitting authority within 18 months of the missed deadline, 42 U.S.C. 7412(j)(2). The permitting authority is then required to issue case-by-case MACT determinations for each affected source. With the vacatur of EPA's Boiler MACT Rule, the Pennsylvania 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.

On April 5, 2002, the EPA promulgated "Section 112(j) Rule" amendments (See 67 FR 16582-16611). These amendments revised the Section 112(j) rule to create a two-part MACT application process. The owners and operators of affected existing sources must submit a Part 1 MACT Application to the appropriate PA DEP Regional Office and to the EPA Region III Office no later than 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Part 2 MACT Applications must be submitted to the PA DEP 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 the PA DEP Website at <http://www.depweb.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 by e-mail at [kramamurth@state.pa.us](mailto:kramamurth@state.pa.us)).

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