



North Carolina Department of Environment and Natural Resources  
Division of Air Quality

Beverly Eaves Perdue  
Governor

B. Keith Overcash, P.E.  
Director

Dee Freeman  
Secretary

August 21, 2009

**ADDRESS**

**SUBJECT:** Request for Part 1 MACT “Hammer” Applications for Affected Brick Manufacturers

**ADDRESSEE:**

On March 13, 2007, the D.C. Circuit Court vacated the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Brick and Structural Clay Product Manufacturing, which had been promulgated under 40 CFR 63, Subpart JJJJJ. The North Carolina Attorney General’s office has determined that the NESHAP vacatur equates to the failure of the U.S. EPA to promulgate a valid standard as required under Section 112(d) of the Clean Air Act (CAA). As a result, the site-specific Maximum Achievable Control Technology (MACT) standards required under CAA §112(j), commonly referred to as the MACT “hammer” provisions, have been triggered. North Carolina regulations implementing the MACT hammer are found at 15A NCAC 2D .1109.

Your facility may be affected by the MACT “hammer” requirements if both of the following criteria are met:

- Your facility has a facility-wide potential to emit of 10 tons per year (tpy) or more of any individual hazardous air pollutant (HAP) or 25 tpy or more of total, combined HAP; and,
- Your facility is a brick and structural clay product manufacturing facility, defined as a plant site that manufactures brick, clay pipe, roof tile, extruded floor and wall tile, and/or other extruded, dimensional clay products. Brick and structural clay products manufacturing facilities typically process raw clay and shale, form the processed materials into bricks or shapes, and dry and fire the bricks or shapes.

If you are not an affected source as described above, no further action is required.

**If your facility is an affected source, you must submit a Part 1 MACT “Hammer” Application, postmarked no later than Friday, September 11, 2009.** The Part 1 application is intended to notify the North Carolina Division of Air Quality (NC DAQ) that your facility is an affected source. If you have already submitted a Part 1 application for your facility, the prior submittal is sufficient to fulfill this application requirement. All Part 1 applications shall include the following information:

- The name and address of the facility;
- A brief description of the facility (identification of the SIC Code would be sufficient);
- Identification of the affected sources (i.e, tunnel kilns) at the facility; and,
- Identification of any affected sources that have been through a “Case-By-Case MACT” determination as provided in CAA § 112(g).

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**Permitting Section**

1641 Mail Service Center, Raleigh, North Carolina 27699-1641  
2728 Capital Blvd., Raleigh, North Carolina 27604  
Phone: 919-715-6235 / FAX 919-733-5317 / Internet: [www.ncair.org](http://www.ncair.org)

One  
North Carolina  
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**ADDRESSEE**

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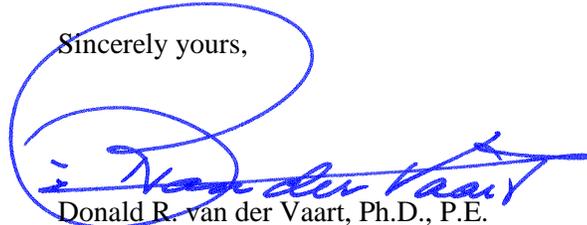
No permit application fee is required. NC DAQ is not providing Part 1 application forms, and required information may be submitted to NC DAQ in the form of a succinct letter. All Part 1 applications should be submitted to:

Donald R. van der Vaart, Ph.D., P.E.  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

**In addition, if your facility is an affected source you must submit a Part 2 MACT “Hammer” Application, postmarked no later than Tuesday, November 10, 2009.** The Part 2 application is a more substantial submittal that must include sufficient information for the NC DAQ to establish site-specific standards for each affected source at your facility. To assist affected facilities with the Part 2 application submittals, the NC DAQ will provide application guidance and forms on its website (<http://www.ncair.org/>). The application guidance will include proposed MACT emissions limitations that the NC DAQ has developed based on currently available emissions information. Proposed testing, monitoring, and reporting requirements will also be included.

You may either base your Part 2 applications on the NC DAQ’s application guidance or prepare and submit a facility-specific “case-by-case” MACT that is consistent with the § 112(j) requirements. The NC DAQ application guidance will be made available on the website no later than September 4, 2009 along with Part 2 application forms. Should you have any questions concerning this matter, please contact Ms. Fern Paterson, P.E. at (919) 715-6242.

Sincerely yours,



Donald R. van der Vaart, Ph.D., P.E.  
Chief

Enclosure

cc: **Regional Office**  
Central Files