

March 8, 2002

**Attention:** All Existing Major Sources of Hazardous Air Pollutants

**Subject:** Clean Air Act Section 112(j) MACT Hammer

Our records indicate that your facility may be a “major source” for the emissions of Hazardous Air Pollutants (HAPs) and therefore you may be subject to 15A NCAC 2D .1109 “112(j) Case-by-Case Maximum Achievable Control Technology (MACT).” This requirement is commonly referred to as the “112(j) MACT Hammer” regulation. The regulation fulfills the requirements of the federal Clean Air Act Section 112(j) and requires you to submit an application to the North Carolina Division of Air Quality requesting that the State issue a MACT determination if you meet both the following criteria:

- Your facility is a major stationary source for the emission of hazardous air pollutants (HAPs) (i.e. facility-wide potential to emit of greater than 10 tons per year of any single HAP or greater than 25 tons per year of all HAPs combined), AND
- You can reasonably determine that your facility has one or more stationary sources included in a source category for which the federal Environmental Protection Agency (EPA) has failed to issue a MACT standard. A list of the source categories for which EPA failed to issue a MACT standard can be found on the EPA’s Air Toxics Website at <http://www.epa.gov/ttn/atw/eparules.html>.

**If your facility meets the above criteria you are required to submit a Part 1 application to the NCDAQ no later than May 15, 2002.** Please see the attachment for a summary of the information that must be included in the application package.

Please note that on March 5, 2002 the federal EPA changed the 112(j) regulations. The most significant change to the rule created a two-part application process. Under the new rule, a Part 1 application is due on May 15, 2002 and a Part 2 application is due 24 months later on May 15, 2004. The details concerning what information must be included in the Part 1 and part 2 applications can be found in the new rule at 40 CFR 63.53 and has been summarized in the enclosed attachment. The EPA maintains a website with 112(j) related rulemaking at <http://www.epa.gov/ttn/atw/112j> and they have stated that the new rule will be available on this site in the near future. Affected facilities that fail to submit a timely and complete application will be considered in violation and such violations may be subject to enforcement action, including a civil penalty of up to \$10,000 per violation and/or injunctive relief, pursuant to NCGS 143-215.114A.

In order to assist you in determining whether your facility is subject to this regulation the NCDAQ has prepared the enclosed information package. Please review the information provided and if you need further assistance contact your Regional Office or John C. Evans at (919) 715-6252 or [john.c.evans@ncmail.net](mailto:john.c.evans@ncmail.net).

Also included in the attached packet is a blue insert, "Air Quality News Flash," that describes the technical services of the Division of Pollution Prevention and Environmental Assistance (DPPEA). This division has assisted many generators in lowering their air quality regulatory status using pollution prevention techniques. We encourage you to contact DPPEA for free, non-regulatory assistance to help your facility reduce air emissions and relieve regulatory burden. DPPEA can be reached at (800) 763-0136.

Sincerely,

Laura S. Butler, P.E.  
Chief, Permits Section

Enclosures (3 page 112(j) Q&A and 1 page pollution prevention insert)

cc: Regional Supervisors