

Clean Air Act/Applicability Determination Index: U.S. Environmental Protection Agency Publishes Supplement



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The United States Environmental Protection Agency (“EPA”) maintains a compendium of written responses to certain Clean Air Act inquiries from owners or operators of sources.

The compendium is known as the Applicability Determination Index (“ADI”).

EPA in a February 25th Federal Register Notice announced that it had added 78 documents to the ADI. See 85 Fed. Reg. 10671.

The ADI includes responses from EPA from source owners or operators as a determination of whether certain intended actions constitute the commencement of construction, reconstruction or modification under Clean Air Act programs such as the General Provisions of the New Source Performance Standards (“NSPS”) and the National Emission Standards for Hazardous Air Pollutants (“NESHAP”). EPA also responds to written inquiries regarding other topics such as alternative monitoring/recordkeeping.

EPA also notes that it responds to:

... written inquiries about the broad range of regulatory requirements in 40 CFR parts 60 through 63 as they pertain to a whole source category.

The written responses to inquiries are described as “regulatory interpretations.”

State regulators and the regulated community often refer to ADI for guidance even in states that have been delegated the relevant programs.

The Federal Register Notice lists:

- Subject and header of each letter and memorandum
- Brief abstract of the content

The additions to the ADI address a variety of topics such as:

- Alternative Monitoring Plan Modifications for Two Wet Gas Scrubbers at a Refinery
- Alternative Sulfur Dioxide Emissions Limitations for Cogeneration Broilers at a Wet Milling Facility
- Economic Feasibility Exemption Determination for Brown Stock Washers at Pulp Mill
- Regulatory Interpretation for Nitrogen Oxide Limit for Stationary Gas Turbine
- Operating Parameter Limits and Oxygen Monitoring Waiver for Three Energy Recovery Units
- Performance Test Waiver for Dioxin/Furan on 7 Boilers at a Chemical Plant

A copy of the Federal Register Notice can be downloaded [here](#).