

NESHAP/Clean Air Act: U.S. Environmental Protection Agency Finalizes Lime Manufacturing Plant Residual Risk/Technology Review



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The United States Environmental Protection Agency (“EPA”) issued a July 24th Federal Register notice promulgating the final rule addressing Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for Lime Manufacturing Plants. See 85 Fed. Reg. 44960.

The EPA final rule provides the residual risk and technology review (“RTR”) for the Lime Manufacturing NESHAP source category.

Section 112 of the Clean Air Act establishes a two-stage regulatory process to address emissions of hazardous air pollutants (“HAP”) from stationary sources.

The first stage is required to identify categories of sources emitting one or more of the HAPs listed in Section 112(b) of the Clean Air Act. A technology-based NESHAP (i.e., a “MACT” standard) is then issued for those sources.

Within eight years of setting the MACT standard the second stage is undertaken. It requires EPA to undertake two different analyses. They include:

1. Technology Review
2. Residual Risk Review

The technology review requires that EPA review the technology-based MACT standards and revise them: . . . as necessary (taking into account developments and practices, processes, and control technologies) no less frequently than every eight years, pursuant to Section 112(d)(6) of the Clean Air Act.

As to the residual risk review, EPA is required to evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

EPA originally promulgated the lime manufacturing plants’ NESHAP in 2004. This NESHAP is codified at 40 C.F.R. Part 63 Subpart AAAAA. The lime manufacturing industry consists of facilities that use a lime kiln to produce lime product from limestone by calcination.

EPA in the final rule determined from the residual risk review that the risks associated with the current NESHAP are acceptable. The federal agency has also determined that it provides an ample margin of safety to protect public health. Further, it determined that there are no developments in practices, processes, or control technologies that necessitate revisions to the MACT standards.

The final rule does contain amendments which include new provisions requiring electronic reporting.

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