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# NESHAP/Clean Air Act: U.S. Environmental Protection Agency Proposes Refractory Products Manufacturing Residual Risk/Technology Review

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The United States Environmental Protection Agency (“EPA”) issued a January 14th Federal Register Notice proposing a rule addressing Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for refractory products manufacturing. See 86 Fed. Reg. 3079.

The proposal constitutes the residual risk and technology review (“RTR”) for the Refractory Products Manufacturing NESHAP source category.

Section 112 of the Clean Air Act establishes a two-stage regulatory process to address emissions of hazardous air pollutants (“HAPs”) 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 required to be undertaken. Two different analyses must be conducted. 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) but 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’s proposal determines that the Refractory Products Manufacturing category risks from related emissions of air toxics under the current standards are acceptable. Further, the agency finds that the standards provide an ample margin of safety to protect public health.

EPA is also proposing no revisions to the existing numerical emission limits. However, the agency is proposing new provisions for certain HAPs.

The proposal also would:

- Amend provisions addressing emissions during periods of startup, shutdown, and malfunction
- Address emissions during periods of scheduled maintenance
- Amend provisions regarding electronic reporting of performance test results
- Make clarifying and technical corrections

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