

# Overdue Residual Risk and Technology Reviews/Clean Air Act NESHAP: U.S. EPA Office of Inspector General Project Notification



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a June 25th Project Notification titled:

*Overdue Residual Risk and Technology Reviews (“Notification”)*

The *Notification* is transmitted from Renee McGhee, Acting Director /s/ Chad Kincheloe for Programs, Offices, and Centers Oversight Directorate, Office of Special Review and Evaluation to Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation.

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 requires EPA 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 Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) (i.e., a “MACT” standard) is then issued for these sources.

Within eight years of setting the MACT standard the second stage 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.

OIG states in its June 25th *Notification* that the evaluation is being initiated to examine overdue residual risk and technology reviews of stationary source categories that emit air toxics. The evaluation is also

stated to address a top management challenge for EPA which was identified in the agency's FYs 2020–2021 Top Management Challenges report:

- Complying with key internal control requirements (policies and procedures)

The objective of the evaluation is stated to determine whether EPA has conducted residual risk and technology reviews in a timely manner. A cited anticipated benefit of the evaluation is stated to involve reducing public health risks in a timely manner.

A copy of the *Notification* can be downloaded [here](#).