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# New Source Performance Standards/Steel Plants: U.S. Environmental Protection Agency Final Rule Addressing Electric Arc Furnaces/Argon-Oxygen Decarburization Vessels

08/29/2023

The United States Environmental Protection Agency (“EPA”) published an August 25th Federal Register Notice promulgating a final rule for the Clean Air Act New Source Performance Standards (“NSPS”) for electric arc furnaces (“EAF”) and argon-oxygen decarburization (“AOD”) vessels in the steel industry. See 88 Fed. Reg. 58442.

The 2022 North American Industry Classification System Code for this source category is 331110 denominated:

- Iron and Steel Mills and Ferroalloy Manufacturing

Section 111 of the Clean Air Act addresses NSPS. These are applicable to new, modified, or reconstructed stationary sources for which EPA has promulgated NSPS regulations. This section of the Clean Air Act authorizes EPA to develop technology-based standards which apply to specific categories of stationary sources. They are developed and implemented by EPA and are delegated to the states.

Sources subject to NSPS are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, certain NSPS categories require sources to utilize continuous emission monitors. They may also be required to monitor control device operating parameters to demonstrate continuous compliance.

The NSPS are applicable to criteria pollutant emissions. However, some NSPS also target non-criteria pollutants, such as acid mist, landfill gas, and fluorides. Minimum control requirements are established that are denominated “Best Demonstrated Technology” for all facilities within a specified category.

Section 111(b)(1)(B) requires that EPA “at least every eight years review and, if appropriate, revise” NSPS.

Key changes discussed in the August 25th Federal Register preamble addressing steel plants involve revisions for EAF and AOD vessels.

A copy of the August 25th Federal Register Notice can be downloaded [here](#).