

# Clean Air Act/Applicability Determination Index: U.S. Environmental Protection Agency Publishes Notice of Additions



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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.

This compendium is known as an Applicability Determination Index (“ADI”).

EPA in a May 16th Notice announced that it had added 54 documents to the ADI. See 83 Fed. Reg. 22668.

The ADI includes responses from EPA from source owners or operators as to 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 and the National Emission Standards for Hazardous Air Pollutants (“NESHAP”).

The EPA also responds to written inquiries regarding other topics such as alternative monitoring/recordkeeping. The agency has also noted that inquiries may pertain, for example, to the type of sources to which the regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements contained in the regulation.

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

The May 16 Notice lists the various documents by identifying:

- Control number
- Clean Air Act category
- Subpart
- Descriptive title

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

- Applicability Determination for Sewage Sludge Gasifier
- Applicability Determination for Gasification Unit
- Regulatory Interpretation for Emissions Reporting at Combustion Turbine
- Applicability Determination for Vermiculite Material in Building Demolition
- Applicability Determination for Surface Coating Facility
- Eligibility to Pursue Low Emitting Electric Generating Unit Status under the Mercury Air Toxics Rule
- Applicability Determination for Wood-Burning Sauna Heaters

- Alternative Test and Monitoring Methods for Sulfur Compound Emissions in Process Vents at a Cellulose Manufacturing Facility

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