TIMELINE FOR MAJOR SOURCE AND AREA SOURCE RULES

1990
Amendments to the Clean Air Act established the Maximum Achievable Control Technology ("MACT") program. Section 112 of the Clean Air Act mandated that the EPA develop National Emission Standards for Hazardous Air Pollutants (NESHAP) for both major and area sources. A Major Source is a facility that emits or has the potential to emit 10 tons or more per year of a single hazardous air pollutant (HAP) or 25 tons or more per year of total HAP. An Area Source is any facility that is not a major source.

SEPTEMBER 2004
EPA issued NESHAPs for new and existing industrial, commercial, and institutional boilers and process heaters.

JUNE 2007
U.S. Court of Appeals vacated and remanded the 2004 standards because it vacated in the same decision an EPA definitional rule that included units combusting solid waste for energy recovery as boilers instead of as incinerators.

JUNE 2010
EPA proposed a new version of the Major Source (Boiler MACT) and Area Source Rules.

DECEMBER 2010
EPA received more than 4,800 comments on the proposed rules and asked the court to extend the deadline for the promulgation of the final rules until April 2012. The court denied EPA's request.

FEBRUARY 21, 2011
EPA finalized the Major Source and Area Source Rules on the court-ordered date.

MAY 18, 2011
EPA announced a stay of compliance dates for the Major Source Rule (Boiler MACT) and solicited additional information and data on these rules.

MARCH 21, 2011
EPA published final Major Source and Area Source Rules in the Federal Register and initiated a reconsideration process to address technical issues with the rules and changes to the final rules that were not in the proposal.

MAY 20, 2011
Area Source Rule went into effect.

JULY 2011
Sierra Club petitioned the appellate court for review of the EPA's delay notice, contending that the original rules will help reduce illnesses such as lung cancer and asthma.

DECEMBER 2, 2011
EPA administrator signed reconsideration proposals.

DECEMBER 23, 2011
Reconsideration proposals were published in the Federal Register. EPA said these rules are less costly for affected boiler owners than the original rules but still meet the necessary requirement laid out in the 1990 Clean Air Act Amendments. EPA announced it would accept comments on the reconsidered proposals until February 21, 2012.

JANUARY 9, 2012
U.S. Court of Appeals reinstated the original compliance dates for the Major Source Rule (Boiler MACT) on the grounds that a stay of the rules was "arbitrary and capricious." The Boiler MACT compliance criteria and dates published on March 21, 2011, are in effect.

FEBRUARY 7, 2012
EPA provided a "No Action Assurance" (NAA) to operators of boilers at Major Source facilities with regard to notification deadlines that have passed. The NAA establishes that the EPA will use its discretion in enforcing the Major Source Rule (Boiler MACT). The NAA remains in effect for Major Source boilers until December 31, 2012, or until the effective date of a final rule, whichever comes first.

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