

**EPA Proposes Amendments to the MACT Hammer Rule:** Section 112(j) of the Clean Air Act, commonly referred to as "MACT Hammer," requires a case-by-case MACT determination if US EPA fails to promulgate a MACT standard within 18 months after the scheduled date. On December 9, 2002 (67 FR 72875), US EPA has proposed amendments to the Section 112(j) rule that will obviate the need for the state and local agencies to establish case-by-case MACT under the "Hammer" provisions. Specifically the proposed rule establishes a timetable for sources to submit their detailed Section 112(j) Part 2 MACT applications, which, according to the proposed schedule, will be due 60 days after the date by which EPA has agreed to establish the MACT standard for each affected source category.

The proposed amendments to the Section 112(j) rule would tie submittal of the Part 2 MACT application to EPA's schedule for issuing MACT Standards: For standards scheduled to be issued before May 15, 2003, the Part 2 MACT application would be due on May 15, 2003. For those standards scheduled to be issued after May 15, 2003, the Part 2 MACT application would be due 60 days after EPA's missed deadline. Four Part 2 MACT application due dates have been proposed for twenty-nine MACT standards covering fifty-eight source categories. (See attached table).

The Department is in the process of development of the Part 2 MACT application form. EPA intends to promulgate all the remaining MACT standards prior to the Part 2 MACT application due dates. Contact Krish Ramamurthy at 717-772-3369.