

EPA Ordered to Review Hazardous Air Pollutant Rules

A federal court in the District of Columbia has ordered the U.S. EPA to complete its review of air toxics emission standards for 13 source categories by June 30, 2020.

Under the 1990 Clean Air Act Amendments, EPA must set maximum achievable control technology ("MACT") standards for stationary sources of hazardous air pollutants. The agency must review and, if necessary, revise those standards every eight years. 42 U.S.C. §§ 7412(d)(6), 7412(f)(2).

In February 2016, the Sierra Club and local environmental groups in Wisconsin and North Carolina filed a lawsuit seeking to compel EPA to review and update MACT standards for 13 source categories. On summary judgment, the environmental groups sought to require EPA to complete rulemaking for seven of the overdue source categories within one year of the court's order and finalize rules for the remaining six categories within two years.

EPA conceded that it had missed the deadline for reviewing the MACT standards but requested more time to meet its statutory obligations, proposing a schedule that would complete rulemaking for all 13 source categories by October 2021.

U.S. District Judge Christopher Cooper took the middle ground, and concluded that the appropriate compliance schedule "is more relaxed than that proposed by plaintiffs, but more expedited than that sought by the EPA." The court therefore ordered EPA to complete rulemaking for at least seven overdue source categories by December 31, 2018, and to finalize rules for the remaining six categories by June 30, 2020.

The source categories affected by the order are:

- Printing, Coating, and Dyeing of Fabrics and Other Textiles
- Surface Coating of Metal Furniture
- Surface Coating of Large Appliances
- Leather Finishing Operations
- Surface Coating of Wood Building Products
- Friction Materials Manufacturing Facilities
- Rubber Tire Manufacturing
- Wet-Formed Fiberglass Mat Production

- Taconite Iron Ore Processing
- Lime Manufacturing Plants
- Iron and Steel Foundries
- Plywood and Composite Wood Products
- Miscellaneous Coating

The [Memorandum Opinion](#) setting out Judge Cooper's reasoning for his order issued in *Blue Ridge Environmental Defense League et al. v. Scott Pruitt*, D.D.C. Case No. 16-cv-00364.

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