

EPA Announces Timeline for Proposing MACT Standards for Boilers and Certain Incinerators

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On June 24, 2011, EPA announced that it plans to propose new MACT standards for boilers and certain incinerators by October 31, 2011 and to issue a final rule by April 31, 2012. EPA initially proposed air toxics standards for boilers and certain incinerators in April 2010. After considering new information received in over 4,800 comments from business and communities during the comment period, EPA made significant changes to its final standards, which were published in February 2011 pursuant to a court order. EPA did not have enough time to consider all of the comments, and announced in the Federal Register on March 21, 2011 that it planned to reconsider the final standards. Several industry groups petitioned EPA to delay the effective date of the final standards, and on May 16, 2011, EPA announced that it would stay the effective date of the standards. Additionally, industry groups and environmental groups petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the final standard. EPA has moved to hold the case in abeyance while it develops new air toxics standards for boilers and certain incinerators. The D.C. Circuit is expected to rule on EPA's motion in the coming weeks.

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