



Department of
**Environment &
Conservation**

NSPS and NESHAP Incorporation by Reference

NESHAP Rules

- Federal NESHAP Rules
- National Emission Standards for Hazardous Air Pollutants (NESHAP)
- 40 CFR Part 61
- 40 CFR Part 63

Incorporation of NESHAPs by Reference (IBR)

- NESHAPs (Parts 61 and 63) incorporated by reference in TAPCR 0400-30-38
 - As published in 40 CFR as of July 1, 2000
 - Effective December 28, 2022
 - Will be updated on a regular basis
 - Working on update to July 1, 2023 version of 40 CFR

NSPS Rules

- Federal NSPS Rules
- 40 CFR Part 60
- New Source Performance Standards (NSPS)

Incorporation of NSPS by Reference (IBR)

- NSPS (Part 60) incorporated by reference in TAPCR 0400-30-39
 - As published in 40 CFR as of July 1, 2022
 - Effective December 15, 2024
 - Will be updated on a regular basis
 - Working on update to July 1, 2023 version of 40 CFR

Reasons for IBR

- Previously adopted word-for-word
- Difficult to keep up-to-date when federal rule is amended
- Some NSPS are in state rules
 - Chapters 6, 16, and 39
- Fewer NESHAPs were in state rules
 - Most Part 61 rules (in Chapter 11)
 - Four Part 63 rules were in state rules (in Chapters 18, 31, & 38)
 - Two Part 63 rules were adopted by reference in Chapter 0400-30-38
- Some federal standards have been replaced by a less stringent standard
 - In some cases, EPA lost a court case
 - State rule was never updated to reflect less stringent standard
 - Thus, state standard is now more stringent than federal standard
 - TDEC did not intend to have more stringent standards

Reasons for IBR

- Before IBR, the requirements of an NSPS or NESHAP that is not reproduced through the current regulations must be placed in a permit before they can be enforced.
- TDEC examined the rules in other states in Southeast
 - All other states in Southeast (Region 4) incorporate federal NESHAP rules by reference into their state rules

What IBR Changes

- TN rules will be updated to match federal rules on a regular basis
- Unpermitted Facilities
 - Can directly enforce provisions of NSPS and NESHAPs
 - Previously could only enforce requirement to get a permit
- Citation of Federal Rules in Permits
 - May cite state rule as well as federal rule

What IBR does Not Change

- Enforcement of NESHAP and NSPS for Permitted Facilities
- Which federal rules are incorporated into permit
- Level of detail of federal rules in permits
- Process for putting new & revised federal rules into permits

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Questions?



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NESHAP Updates

Definitions

- ❑ **NESHAP** = National Emission Standards for Hazardous Air Pollutants
 - Found in 40 CFR, Part 61 and Part 63
- ❑ **MACT** = Maximum Achievable Control Technology
- ❑ **GACT** = Generally Available Control Technology
- ❑ **Area Sources** = Facilities or installations that have the potential to emit less than 10 tons per year of any single hazardous air pollutant (HAP) or 25 tons per year of a combination of all HAP.

Area Source NESHAPs

- ❑ Possibility for unpermitted sources to become subject to permitting for the first time
- ❑ Check the list of source categories scheduled for promulgation at area sources
- ❑ Entire list of area source categories and rules can be found here:
<http://www.epa.gov/ttn/atw/area/arearules.html>

Today's Topics

- **Powering The Great American Comeback Initiative 5 Pillars**
- **Rules Risk and Technology Review Items for Reconsideration**



Powering the Great American Comeback five pillars

- **Pillar 1: Clean Air, Land, and Water for Every American**
- **Pillar 2: Restore American Energy Dominance**
- **Pillar 3: Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership**
- **Pillar 4: Make the United States the Artificial Intelligence Capital of the World**
- **Pillar 5: Protecting and Bringing Back American Auto Jobs**

Powering the Great American Comeback five pillars

- **Pillar 1: Clean Air, Land, and Water for Every American**
- *“Every American should have access to clean air, land, and water. I will ensure the EPA is fulfilling its mission to protect human health and the environment. In his first term, President Trump advanced conservation, reduced toxic emissions in the air, and cleaned up hazardous sites, while fostering economic growth for families across the country. We remain committed to these priorities in this administration, as well as ensuring emergency response efforts are helping Americans get back on their feet in the quickest and safest way possible. We will do so while remaining good stewards of tax dollars and ensuring that every penny spent is going towards advancing this mission,”* **said Administrator Zeldin.**

Powering the Great American Comeback five pillars

- **Pillar 2: Restore American Energy Dominance**
- *“Pursuing energy independence and energy dominance will cut energy costs for everyday Americans who are simply trying to heat their homes and put gas in their cars. This will also allow our nation to stop relying on energy sources from adversaries, while lowering costs for hardworking middle-income families, farmers, and small business owners. I look forward to working with the greatest minds driving American innovation, to ensure we are producing and developing the cleanest energy on the planet,”* **said Administrator Zeldin.**

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National Emission Standards for Hazardous Air Pollutants (NESHAP)

Source Category	Subpart	Proposed Rule Publication Date (or Signature Date)	Final Rule Publication Date (or Consent Decree or Court Ordered Date for Signature of Final Rule)	Action		
Polyether Polyols Production	PPP	12/27/2024	(12/10/2025)			
Hazardous Waste Combustors	EEE	(Spring 2025)	(12/31/2025)			
Perchloroethylene Dry Cleaning Technology Review (Major and Area Sources)	M	12/27/2021	1/7/2025			
Gasoline Distribution Major Source and Gas Distribution Bulk Terminals Area Source Technology Review	R BBBBBB	6/10/2022	5/8/2024			
Chemical Manufacturing Area Sources Technology Review	VVVVVV	01/22/2025	(01/15/2026)			
Oil and Gas NESHAP and Natural Gas Transmission and Storage NESHAP Technology Review	HH	(05/19/2026)	(5/19/2027)			
Secondary Lead Technology Review	X	(09/30/2025)	(09/30/2026)			
Marine Tank Vessel Loading Technology Review	Y	(12/19/2025)	(12/18/2026)			
Lime Manufacturing Plants Technology Review	AAAAA	Supplemental proposal: 02/09/2024	07/16/2024	Under Reconsideration		
		Proposal: 01/05/2023				
Integrated Iron and Steel Technology Review	FFFFF	7/31/2023	4/3/2024	Under Reconsideration		

National Emission Standards for Hazardous Air Pollutants (NESHAP) Cont.

Plywood and Composite Wood Products Technology Review	DDDD	5/18/2023	(06/30/2026)		
Taconite Iron Ore Processing Technology Review	RRRRR	5/15/2023	3/6/2024	Under Reconsideration	
Rubber Tire Manufacturing Technology Review	XXXX	11/16/2023	11/29/2024	Under Reconsideration	
Epoxy Resins Production and Non-Nylon Polyamides: National Emission Standards for Hazardous Air Pollutants (NESHAP)	W	4/25/2023	5/16/2024		
Group I Polymers and Resins: National Emission Standards for Hazardous Air Pollutants (NESHAP)	U	4/25/2023	5/16/2024		
Synthetic Organic Chemical Manufacturing Industry: Organic National Emission Standards for Hazardous Air Pollutants	F, G, H, and I	4/25/2023	5/16/2024	Under Reconsideration	
Ethylene Oxide Emissions Standards for Sterilization Facilities: National Emission Standards for Hazardous Air Pollutants	O	4/11/2023	4/5/2024	Under Reconsideration	
Mercury and Air Toxics Standards	UUUUU	4/24/2023	5/7/2024	Under Reconsideration	
Coke Ovens: Pushing, Quenching and Battery Stacks and Coke Oven Batteries Technology Review	CCCCC	8/16/2023	7/5/2024	Under Reconsideration	
Primary Copper Smelting	QQQ	Supplemental Proposal: 07/24/2023	5/13/2024	Under Reconsideration	
		Proposal: 01/11/2022)			

Clean Air Act Section 112 Presidential Exemption (Due Date was March 31, 2025)



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Clean Air Act Section 112 Presidential Exemption Information

To advance President Trump's Executive Orders and Power the Great American Comeback, EPA set up an electronic mailbox to allow the regulated community to request a Presidential Exemption under section 112(i)(4) of the Clean Air Act. Submissions to request a Presidential Exemption were due by March 31, 2025.

The Clean Air Act allows the President to exempt stationary sources of air pollution from compliance with any standard or limitation under section 112 for up to two years if the technology to implement the standard is not available and it is in the national security interests of the United States to do so. Submitting a request does not entitle the submitter to an exemption. The President will make a decision on the merits.

An exemption may be extended for up to two additional years and can be renewed, if appropriate. On March 12, 2025, EPA requested that facilities and/or affected sources subject to the regulations below submit information about why their facility and/or affected source meets the requirements under Clean Air Act Section 112(i)(4) for a Presidential exemption while EPA reconsiders these rules:

- ["National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review"](#) (89 FR 38508; May 7, 2024) (MATS Rule)
- ["New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins"](#) (89 FR 42932; May 16, 2024) (HON rule);
- ["National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review"](#) (89 FR 24090; April 5, 2024) (Sterilizer Rule);
- ["National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing"](#) (89 FR 94886; November 29, 2024) (Rubber Tire Rule);
- ["National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review"](#) (89 FR 41648; May 13, 2024) (Copper Rule);
- ["National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review"](#) (89 FR 23294; April 3, 2024) (Iron and Steel Rule);
- ["National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Technology Review"](#) (89 FR 57738; July 16, 2024) (Lime Rule);
- ["National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries: Residual Risk and Technology Review, and Periodic Technology Review"](#) (89 FR 55684; July 5, 2024) (Coke Ovens Rule); and
- ["National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing"](#) (89 FR 16408; March 6, 2024) (Taconite Rule).

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Questions?