

January 30, 1997

Checklist for Certifying that a State's Preconstruction
Review Program for Toxics Conforms with 112(g)

Applicability

__Does the program apply to construction of all major sources of HAP's at greenfield sites and to the construction or reconstruction of major sources of HAP's that meet the definition of process or production unit at existing sites?[63.43(a)]

Note 1: The program need not apply to major sources that meet the exclusion for electric utility steam generating units, stationary sources in deleted source categories, or research and development activities, as defined at 40 CFR 43.40(c), (e), and (f), respectively.

__Does the program apply, at a minimum, to all major sources as defined at 40 CFR 63.2?

__Does the program define HAP's to include, at a minimum, all air pollutants listed in or pursuant to section 112(b) of the Act?

__Does the program define a Greenfield Site to be no less inclusive in meaning than as defined at 40 CFR 63.41?

Public Notice

__Has a notice been published stating that this program has been adopted? {63.42(a)}

__Was the notice given to the public by prominent advertisement in the area affected?*

__Was the notice advertised with an effective date of at least 30 days from date of advertisement?*

__Does the notice contain an effective date no later than June 29, 1998?

__Has a written description of the program been sent to the EPA Regional office?

Administrative Procedures

__Is the program a preconstruction review program?

__Does the program require applicable sources to be controlled to a level no less stringent than the maximum achievable control technology (MACT) emission limitation for new sources? [63.42(c)(2)]

__Does the program have administrative procedures in place to receive Applications for MACT Determinations and to approve and issue those MACT determinations?

__Which of the three following administrative procedures does the preconstruction review program use? [63.43(c)]

- 1) Obtain or revise an operating permit issued pursuant to Title V before beginning construction.
- 2) The Administrative Procedures for Review of the Notice of MACT Approval at 63.43(f).
- 3) Existing preconstruction review program that allows for public participation in the MACT determination.

__ Do the administrative procedures set forth in the program follow the principles of MACT determination under 63.43(d) when reviewing applications?

i.e., the principles in a nutshell are: 1) emission control which is achieved in practice by the best controlled similar source, 2) shall achieve the maximum degree of reduction in emissions of HAP which can be achieved . . . taking into consideration the costs of achieving such emission reduction . . ., 3) may recommend a specific design, equipment, work practice, or operational standard..., and 4) shall have considered those MACT emission limitation and requirements of the proposed standard or presumptive MACT determination.

__Does the program require that an application for a MACT determination require that the owner/operator specify a control technology that will meet MACT according to the principles of MACT determination under 63.43(d)?

[63.43(e)(1)]

__Does the program require that an application for a MACT determination contain all the information under 63.43(e)?

__Does the program require compliance with the requirements of the MACT determination upon startup?[63.43(k)]

__Does the program require the State to submit to EPA within 60 days a copy of the MACT determination as well as a summary of the determination in a compatible electronic format for inclusion in the MACT data base? [63.43 (m)]

__For States with no air toxics preconstruction review program and wish to adopt the administrative procedures for Notice of MACT Approval, does the program contain all the requirements of 63.43 (f - h)?

* This is a recommendation and not a requirement of the rule.