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Plywood/Composite Wood Products Residual Risk/Technology Review: U.S. Environmental Protection Agency Final Rule

08/14/2020

The United States Environmental Protection Agency ("EPA") published a rule in the August 13th Federal Register finalizing the residual risk and technology review ("RTR") that it conducted for the plywood and composite wood product ("PCWP") source category regulated under the Clean Air Act National Emission Standards for Hazardous Air Pollutants ("NESHAP"). See 85 Fed. Reg. 49434.

The agency also addressed in the final rule:

- Startup, shutdown, and malfunction
- Addition of electronic Reporting
- Addition of repeat emissions testing
- Technical/editorial changes

Section 112 of the Clean Air Act establishes a two-stage regulatory process to address emissions of hazardous air pollutants ("HAP") from stationary sources.

The first stage is required to identify categories of sources emitting one or more of the HAPs listed in Section 112(b) of the Clean Air Act. A technology-based NESHAP (i.e., a "MACT" standard) is then issued for those sources.

Within eight years of setting the MACT standard the second stage should be undertaken. It requires EPA to undertake two different analyses. They include:

1. Technology Review
2. Residual Risk Review

The technology review requires that EPA review the technology-based MACT standards and revise them:

... as necessary (taking into account developments and practices, processes, and control technologies) no less frequently than every eight years, pursuant to Section 112(d)(6) of the Clean Air Act.

As to the residual risk review, EPA is required to evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide an ample margin of safety to protect public health or to prevent, taking into consideration costs, energy, safety, and other relevant factors, an adverse environmental effect.

EPA originally promulgated the PCWP NESHAP on July 30, 2004. The standards are codified at 40 C.F.R. Part 63 Subpart DDD. This NESHAP encompasses facilities engaged in the production of PCWP and/or kiln-dried lumber.

Affected sources under the PCWP include:

- Dryers
- Refiners
- Blenders
- Formers
- Presses
- Board coolers
- Other process units

EPA concluded that no revisions to the numerical emission limits in the rule are required based on the RTR. The federal agency states that regardless of the fact that emission reductions will not be required, that the final rule results in “improved monitoring, compliance, and implementation of the rule.”

A copy of the Federal Register Notice can be downloaded [here](#).