

# BOILER MACT LITIGATION

## CIBO December 14, 2022

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Bracewell LLP

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# BMACT 2022 *US Sugar Corp v. EPA* (DC Cir 22-1271)

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National Emission Standards for Hazardous Air Pollutants for Major Sources:  
Industrial, Commercial, and Institutional Boilers and Process Heaters

87 Fed. Reg. 60,816 (Oct. 6, 2022)

# BMACT 2022 *US Sugar Corp v. EPA* (DC Cir 22-1271)

Petitioners	v.	RESPONDENT			
<p>US Sugar Corp 22-1271</p> <p>22-1302 American Forest &amp; Paper Assn American Wood Council CIBO</p> <p>22-1303 California Communities Against Toxics Coalition For A Safe Environment Sierra Club Utah Physicians for a Healthy Environment</p>		<p>EPA</p> <tr> <td colspan="3" data-bbox="997 730 1980 799"><b>INTERVENOR FOR RESPONDENT</b></td> </tr> <p>Sierra Club (pending motion opposed)</p> <p>Others?</p>	<b>INTERVENOR FOR RESPONDENT</b>		
<b>INTERVENOR FOR RESPONDENT</b>					

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## ISSUES

### US SUGAR CORP

1. “New” source definition should be 08.24.20 (date this rule proposed) not 08.2010 (date prior rule proposed) [Boiler No. 9, construction began 12.2016 and commenced operation 03.2019]
2. Whether the HCl limit for new solid fuel units violates the Administrative Procedure Act

### AFPA / AWC / CIBO (pending)

1. Multi-fuel boilers maximum operating load during stack testing

### ENVS (pending)

1. CO as surrogate and CO 130 ppm threshold
2. PCBs emission limits required, no record for control by dioxin/furan work practice standards
3. Other issues?

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## NEXT STEPS

- Statement of Issues AFPA/CIBO 1.03.23
- Procedural motions 1.04.23
  - Intervention motions
- Statement of Issues ENVS 1.05.23
- Dispositive motions 1.19.23
- Certified Index to the Record 1.19.23

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