



## WITHDRAWN: EPA's "Once In, Always In" Policy

In a memorandum signed January 25, 2018, the EPA has **officially withdrawn** the 22-year standing "**Once In, Always In**" policy established in a 1995 memo.

### History of the EPA's Stance on Reclassification of Major Sources as Area Sources:

**1995:** EPA issues "Potential to Emit for MACT Standards - Guidance on Timing Issues" memorandum establishing the "Once In, Always In" policy requiring facilities that are considered as major sources<sup>1</sup> to comply with applicable maximum achievable control technology (MACT) standards in perpetuity, regardless of any emissions reductions below major source thresholds<sup>2</sup>.

**2003:** EPA proposes a reduction or elimination of MACT applicability for facilities that reduce or eliminate hazardous air pollutant (HAP) emissions<sup>3</sup> below major source thresholds. The EPA opened this proposed rulemaking for public comment, but the proposal was not finalized.

**2007:** EPA proposes rulemaking to allow a major source to become an area source, and thus, not be subject to or required to comply with any MACT standards, by limiting its potential to emit (PTE) HAPs below major source thresholds. No final action was taken.

**2018:** EPA issues "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" memorandum clarifying that the Clean Air Act definitions of "major source" and "area source" allow facilities that reduce their PTE below major source thresholds to be relieved from the burden of complying with any previously applicable MACT standards or other major source requirements.

The full memo can be found [HERE](#).

## What does this mean for your facility? Contact us, WE CAN HELP!

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<sup>1</sup> Major Source – emitting 10 tons per year or more of any single hazardous air pollutant (HAP) or 25 tons per year or more of any combination of HAPs.

<sup>2</sup> Unless emissions reduction were achieved before the first compliance date in an applicable MACT standard.

<sup>3</sup> Under certain circumstances [ref. 68 FR 26249; 69 FR 21737]