

FACT SHEET

Final Amendments to Air Toxics Standards for Stationary Combustion Turbines to Remove a Stay of the Formaldehyde Standards in Two Subcategories

ACTION

- On February 28, 2022, the U.S. Environmental Protection Agency (EPA) removed a stay of formaldehyde standards in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines.
- This stay applied to certain subcategories of gas-fired turbines at major sources of hazardous air pollutant (HAP) emissions and has been in place since 2004.
- EPA has evaluated the authority for the stay, in light of recent caselaw concerning Clean Air Act (CAA) and Administrative Procedure Act (APA) stays, and has been unable to identify any authority for the stay in either the APA or the CAA.
- HAP, also known as toxic air pollutants or air toxics, are known or suspected to cause cancer or other serious health effects or adverse environmental effects.
- Formaldehyde can cause irritation of the skin, eyes, nose, and throat. High levels of exposure may cause some types of cancers.
- The stay applied to formaldehyde limits for two subcategories of stationary combustion turbines located at major sources of HAP emissions. The subcategories are new lean premix gas-fired turbines and new diffusion flame gas-fired turbines.
- EPA estimates there are about 250 units in these two subcategories, mostly at sources such as compressor stations, power plants and chemical plants.
- Lean premix gas-fired turbines and diffusion flame gas-fired turbines at major sources of HAP that have been installed since January 2003 will now have to comply with the requirements of the NESHAP.
- Compliance for turbines installed between 2003 and the effective date of this action that were subject to the stay will be required upon the effective date of the final amendments. Owners and operators will have 180 days to perform the initial compliance demonstration for their turbine(s).

BACKGROUND

- EPA promulgated the NESHAP for Stationary Combustion Turbines on March 5, 2004.
- During the 2004 rulemaking, EPA received a petition to delist gas-fired and low-risk turbine subcategories under CAA section 112.
- In April 2004, EPA proposed to delist gas-fired turbines and stay the effective date of their standards.
- In August 2004, EPA finalized the stay for two categories of gas-fired turbines, pending the outcome of the proposed subcategory delisting.

- The 2004 proposal to delist was never finalized in light of a 2007 court decision which addressed limits on EPA's ability to delist subcategories under CAA section 112.

FOR MORE INFORMATION

- Interested parties can download a copy of the final rule from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards>.
- Today's action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system.
- For further technical information about the rule, contact Melanie King, EPA's Office of Air Quality Planning and Standards, at (919) 541-2469 or king.melanie@epa.gov.