

The Brick MACT- What are we doing about it?

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What we will cover

- Activities before final rule
- Current activities
- Where do we go from here?

MACT Promulgated

- Published on October 26, 2015
- Effective date: December 25, 2015
- Compliance (existing sources):
December 26, 2018

The Brick MACT

- **M**aximum **A**chievable **C**ontrol **T**echnology standard
- Air toxics rule published by US EPA
- Applies to major sources of **HAP** (HF or HCl)
 - 10 tons per year of either HAP, calculated at full capacity and operating 8760 hours per year
 - Summed for entire facility, not individual kiln or just kilns
- No requirements for brick dryers or raw material processing

Brick and Structural Clay

(“includes but is not limited to:”)

- Brick pavers
- Clay pipe
- Roof pile
- Extruded floor and wall tile
- Other extruded, dimensional clay products

What Pollutants are Covered?

- Emission limits/limitations for **HAP** only:

- Hydrogen Fluoride

- Hydrogen Chloride

- Chlorine

- Mercury

- Other Metal HAP (PM as surrogate)

- Dioxin/furan

99+% of emissions
from brick kilns

- Does NOT regulate SO_2 , NO_x , CO_2 , CO , $\text{PM}_{2.5}$

What we did during development

- Mirrored technical work of EPA
- Met with EPA
- Participated in Small Business Panel
- Worked with: SBA, US Chamber, Capitol Hill

What is happening now?

- Reconsideration
- Litigation
- Compliance
 - 3 year clock is virtually unstoppable
 - Preliminary assessment and planning

Post Promulgation Activities

- Working with EPA on reconsideration and compliance
- Capitol Hill
- US Chamber of Commerce report
- Small Business Administration

Lawsuits and Petitions

- **Lawsuits**

- BIA
- TCNA
- Kohler
- Sierra Club/NRDC

- **Reconsideration Petitions**

- BIA, TCNA, and Kohler
- SC/NRDC decided not to

“Unstoppable”

Three ways to stop compliance clock

- EPA issues stay



- Courts issue stay



- Act of Congress

Typical Result

- EPA never agrees to these

- Took Supreme Court to stall Clean Power Plan

- Well.... Okaaaaayyyyyy



“Unstoppable” without an act of Congress

- House Energy and Commerce Committee
- Blocking Regulatory Interference from Closing Kilns (BRICK Act)
- Visits with Congress
- Testified at Hearings
- Pushed with visits and letters...lots of letters



Next Steps

- Looking for sponsors in the Senate
- Targeting specific plants/states to call into Senate Energy and Public Works Committee
- If identical bill passes Senate, goes straight to White House; if not, joint Committee

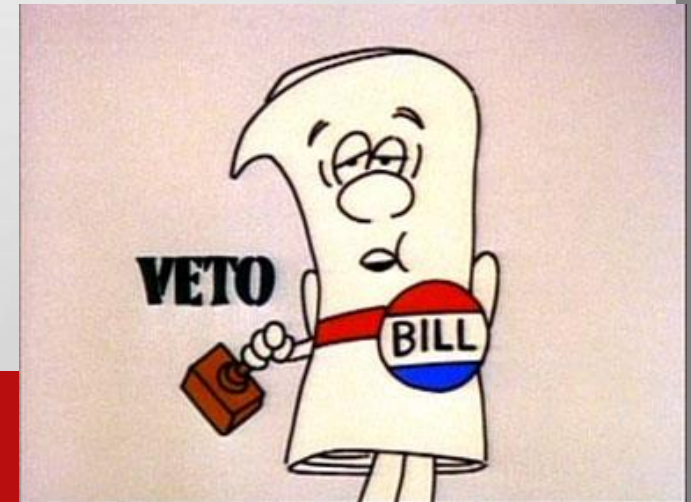
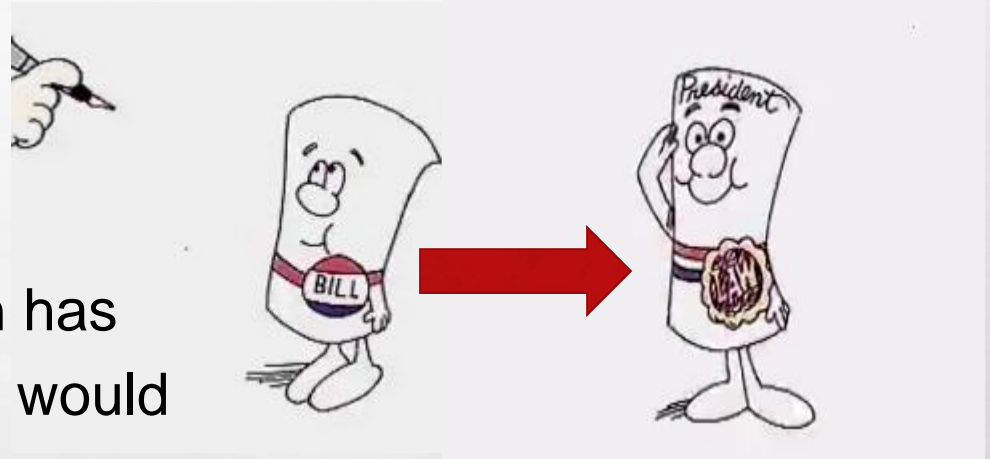


SENATE →



Two Things could happen

- Signed = Law
- Veto
 - Obama Administration has already indicated they would “have to veto”
 - Can we stop that?
 - Can it be overridden?
 - Will Congress undertake the effort?



Success with VETO?

- ✓ Build our profile in House and Senate
- ✓ Shows EPA we are in it for the long haul- could help with negotiations on Reconsideration
- ✓ Highest levels of EPA know who we are
- ✓ Adds pressure to EPA to act (i.e., could push them to offer stay)
- ✓ Shows court we have tried every option- could push them to act

Compliance

- Industry developed guidance
- Quality Assurance Project Plan
- EPA developed guidance

Industry's Role

- Know where you are now
- Help with Reconsideration
- Send raw material or green brick to NBRC
- Send your letters (we will get to that!)

Questions?

- (add contact info)