

EPA Utility MACT Delayed Until December

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On October 21, 2011, the United States District Court for the District of Columbia granted a one-month extension of EPA's initial November 16, 2011, deadline for releasing the final utility MACT rule. EPA officials had expected to meet the November 16 deadline, but requested a one-month extension in order to review more than 900,000 public comments on the proposed version of the rule. The Utility Air Regulatory Group (UARG) filed a [motion](#) requesting that the deadline for a final MACT rule be extended further, to November 16, 2012. Twenty-five states filed an [amicus brief](#) in support of UARG's motion. UARG and the states asserted that the agency needs this additional extension to address major flaws in the proposed MACT. They request that the EPA take a step back to fix technical problems in the proposed rule and respond to voluminous comments, particularly because the rule will have far-reaching consequences. In order to win its request for a further extension, UARG would have to demonstrate that it is impossible for the EPA to issue the final rule by December 16, 2011. EPA officials strongly oppose the further delay, and note that UARG's criticism of the final rule is premature. EPA air chief Gina McCarthy stated that the agency "has made substantial progress," and is on track to meet the new December 16 deadline.

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