



Air Program Fact Sheet EPA's Once-In-Always-In Policy

April 2018

This fact sheet provides a summary of the U.S. Environmental Protection Agency's (EPA) "Once-In-Always-In" policy and EPA's recent memo reversing the policy.

EPA's "Once-In-Always-In" policy

The EPA developed National Emissions Standards for Hazardous Air Pollutants (NESHAP) for 174 industrial source categories, per a requirement in the 1990 Clean Air Act Amendments. Each of the industry-specific NESHAPs establishes the level of emissions control that is defined as "Maximum Achievable Control Technology" or MACT for that industry. Major sources of HAPs in the industry categories with a NESHAP are required to implement MACT standards. Major sources of hazardous air pollutant (HAPs) are defined as having the potential to emit (PTE) at least one federal HAP over 10 tons per year (TPY), or a combination of multiple federal HAPs over 25 TPY.

In 1995, EPA issued an interpretative memorandum stating facilities that are major sources of hazardous air pollutants as of the first compliance date included in a NESHAP/MACT standard, are required to comply permanently with the MACT standard. "Once" the source is "in" the MACT standard, it is "always in" the MACT standard, hence, the "Once-In-Always-In" title for the policy.

EPA's memorandum dated January 25, 2018

On January 25, 2018, EPA issue a memorandum titled, [Reclassification of Major Sources as Area Sources under Section 112 of the Clean Air Act](#).

The memo ultimately reverses the Once-In-Always-In policy, so that a source that emits more than 10 tons per year of a single HAP or 25 tons per year of a combination of HAPS will not be subject to MACT standards if the source takes federally enforceable limits below the thresholds.

What does this mean for sources impacted by this policy change?

At the time of this fact sheet, EPA has publicly indicated that the agency intends to provide additional information in the form of regulatory text, which will help guide sources in understanding how they will be affected and the options sources have available to them related to permitting changes that may be requested

Sources that have emissions below the major source levels may request new permit limits and removal of the MACT requirements for controlling HAP emissions. Before MACT requirements can be removed from a permit, a source needs to work with DNR to determine how to keep emissions below major source levels. Some permitting options that sources may want to consider are included on the following page.

Air permitting options

Below are some example scenarios of permitting options sources could consider for the future, as more information becomes available related to the withdrawal of the Once-In-Always-In policy.

- **Modify existing conditions in a construction permit:** Removing limits or controls would require modifying existing permit conditions in a construction permit pertaining to HAP emissions. However, sources will need to continue to meet all applicable air pollution requirements. Removing pollution controls originally installed to meet a MACT standard without implementing other emission reduction methods at the same time could result in PTE increasing above major source thresholds. In order to remove controls and not be categorized as a major source, a facility would need to propose new conditions limiting the PTE of HAPs below major source thresholds.
- **Apply for a new construction permit to increase thresholds:** Future HAP emission increases above major source thresholds will require a facility to apply for a new construction permit. If the increase above major source thresholds brings the facility back under MACT standard applicability, the new construction and operation permits would include those MACT requirements and require ongoing compliance with the standard.
- **Apply for a Registration Permit:** Some facilities may have actual emissions of HAPs and other pollutants below the Registration Permit thresholds, but were previously found to be ineligible for coverage due to applicability of a MACT standard. Without the Once-In-Always-In policy, these sources will be able to apply for a Registration Permit. The application would initiate a process to revoke all previously issued permits, including those containing MACT standard requirements. Coverage under a Registration Permit would result in a new PTE limit on the facility ensuring that HAP emissions remain below major source status. More information on Registration Permits is available on the Air permit options webpage, Registration tab: <https://dnr.wi.gov/topic/airpermits/options.html>.

For more information

Contact Kristin Hart at 608-266-6876 or kristin.hart@wisconsin.gov.

Refer to the EPA webpage for updates <https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean>

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