

## FACT SHEET

### PROPOSED AMENDMENTS TO THE NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### ACTION

- On December 2, 2011 the Environmental Protection Agency issued proposed amendments to the new source performance standards (NSPS) and emission guidelines (EG) for new and existing commercial and industrial solid waste incineration (CISWI) units.
- In March 2011, EPA issued air pollution regulations for CISWI units.
- When EPA issued the March standards, the agency also announced it intended to reconsider those standards under a Clean Air Act process that allows the agency to seek additional public review and comment to ensure full transparency.
- These proposed reconsidered rules will address technical issues that arose from public comments and give the public ample opportunity to comment on changes in the final rules that were not in the proposal.
- The proposed reconsiderations would achieve extensive public health protections through significant reductions in toxic air emissions, including mercury and soot. These standards meet important requirements laid out in the 1990 Clean Air Act Amendments
- A CISWI unit is any device that is used to burn solid waste at a commercial or industrial facility. Examples of CISWI units include:
  - units designed to discard solid waste;
  - energy recovery units designed to recover heat that combust solid waste; and
  - kilns designed to manufacture products and also combust solid waste.
- The CISWI rule covers four CISWI subcategories:
  - incinerators;
  - energy recovery units;
  - waste burning kilns; and,
  - small, remote incinerators.
- CISWI units would have to either comply with the emission limits in the proposed rule (i.e., install add-on controls to capture emissions), or use alternative waste disposal options such as diverting waste to a landfill.
- As a result of the proposed amendments, emission reductions of the nine toxic air pollutants

emitted from CISWI units are expected to decrease slightly.

- The EPA estimates that, for some units, it would be more cost-effective to use an alternative disposal option. If those units use alternative disposal options, and the remainder use add-on controls, the total nationwide cost would be approximately \$270 million. If all 95 CISWI units currently in operation use add-on controls, the total nationwide cost for complying with the rule, as amended, would be approximately \$284 million per year.
- This proposed rule would provide estimated benefits associated with reduced exposure to fine particles in the range of \$330 to \$800 million in the year 2015. Compared to the March 2011 rule, the value of the benefits would decrease by about 8% based on lower reductions of particulate matter.
- The EPA will accept comment on these proposed amendments for 60 days following publication in the Federal Register.

## **PROPOSED CHANGES TO FINAL RULE**

- EPA is proposing the following changes based on public comments, additional data provided, and adjusting the methodology used in the final rules. The Agency is proposing to:
  - Revise some monitoring requirements, which will provide facilities with more flexibility in achieving standards and lower compliance costs;
  - Revise emission limits for the waste-burning kiln and energy recovery unit (ERU) subcategories to reflect updated inventories and additional data;
  - Remove oxygen correction requirements for carbon monoxide emission limits for ERUs during periods of startup and shutdown; and,
  - Provide clarification regarding definitions and applicability regarding what units would be considered CISWI units.

## **SEPARATE BUT RELATED ACTIONS**

- EPA has proposed amendments to the rule to reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters located at *major* source facilities. A major source facility has the potential to emit more than 10 tpy of any single air toxic or more than 25 tpy of any combination of air toxics.
- EPA has proposed amendments to the rule to reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters located at *area* source facilities. An area source facility has the potential to emit less than 10 tpy of any single air toxic or less than 25 tpy of any combination of air toxics.

- EPA is proposing to revise the definition of non-hazardous secondary material (NHSM). The definition clarifies the status of particular materials and amends the process for determining whether other materials are NHSM.

## **BACKGROUND**

- On March 21, 2011, the EPA promulgated its final response to the 2001 voluntary remand of the December 1, 2000, NSPS and EG for CISWI units and the vacatur and remand of several definitions by the D.C.Circuit Court of Appeals in 2007. The March 21, 2011, action also included the 5-year technology review of the NSPS and EG required under section 129 of the Clean Air Act (CAA). That action also promulgated other amendments that the EPA believes were necessary to address air emissions from commercial and industrial solid waste incineration units.
- On March 21, 2011, the EPA published a notice initiating the reconsideration of certain aspects of the final rule for CISWI, as well as the final rules for area source industrial, commercial, and institutional boilers and major source industrial, commercial, and institutional boilers. The final rules reflect reasonable approaches consistent with the requirements of the CAA. However, some of the issues identified in comments on the 2010 proposed rules raised difficult technical issues that the agency believes would benefit from additional public involvement. In addition, the agency wants to ensure that the public has ample opportunity to comment on changes in the final rule that were not in the proposal.
- In the March 21, 2011, notice, we identified seven issues affecting CISWI for which reconsideration should be granted and additional opportunity for public review and comment should be given:
  - revision of the subcategory of ERUs;
  - establishment of limitations on fuel switching provisions;
  - revision of the definition of CISWI to exclude cyclonic burn barrels;
  - inclusion of an affirmative defense provision for malfunction events;
  - revisions to the carbon monoxide monitoring requirements;
  - establishment of a full-load stack test requirement for carbon monoxide coupled with continuous oxygen monitoring for CISWI units; and,
  - establishment of a definition of “homogeneous waste” in the CISWI rule.
- Following promulgation of the CISWI rule, the Administrator received 17 petitions for reconsideration filed by 16 industry groups and one environmental group. In response to the petitions, the EPA is reconsidering and requesting comment on several aspects of the final NSPS and EG for CISWI units. We have evaluated the issues raised and are proposing rule amendments based on our assessment of data submitted and issues raised.

## **HOW TO COMMENT**

- The EPA will accept comment on the proposal for 60 days after publication in the Federal Register. Comments, identified by Docket ID Number EPA-HQ-OAR-2003-0119, may be submitted by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): follow the on-line instructions for submitting comments.
- E-mail: Comments may be sent by electronic mail (e-mail) to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).
- Fax: Fax your comments to: (202) 566-9744.
- Mail: Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW, Washington, DC 20460.
- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

### **FOR MORE INFORMATION**

- To download this reconsideration notice from EPA's website, go to Recent Actions at <http://www.epa.gov/airquality/combustion>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located at EPA Headquarters, Room 3334, in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this action can be accessed using Docket ID Number EPA-HQ-OAR-2003-0119.
- For further information about the rule, contact Ms. Toni Jones of the EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Fuels and Incineration Group, at (919) 541-0316 or by email at [jones.toni@epa.gov](mailto:jones.toni@epa.gov).