

FACT SHEET

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

ACTION

- On April 29, 2010, the Environmental Protection Agency (EPA) proposed revisions to the December 2000 new source performance standards (NSPS) and emission guidelines (EG) for new and existing commercial and industrial solid waste incineration (CISWI) units.
- The proposed rule would reduce emissions of a number of toxic air pollutants, including mercury, other metals, and organic air toxics, which include dioxins. Toxic air pollutants, also known as hazardous air pollutants or air toxics, are those pollutants known or suspected of causing cancer and other serious health effects.
- The proposed rule would establish emission limits for nine pollutants emitted from CISWI units:
 - mercury
 - lead
 - cadmium
 - hydrogen chloride
 - particulate matter
 - carbon monoxide
 - dioxins/furans
 - nitrogen oxides
 - sulfur dioxide
- The proposed limits would keep an estimated 30,000 tons of these pollutants from being emitted into the air. Specifically, EPA expects to reduce 3,218 tons of hydrogen chloride and sulfur dioxide, 1,760 tons of particulate matter, 23,570 tons of carbon monoxide, 1,260 tons of nitrogen oxides, and 12 tons of metals (i.e., lead, cadmium, and mercury) and dioxins/furans.
- A CISWI unit is any device used to burn solid waste at a commercial or industrial facility. This does not include municipal solid waste incinerators, which are covered under separate rules. Examples of CISWI units include:
 - units designed to discard solid waste;
 - energy recovery units designed to recover heat that combust solid waste;
 - waste burning kiln that combust solid waste in the manufacture of a product; and
 - burn-off ovens that combust residual material off racks, parts, drums, or hooks so those items can be re-used in various production processes.
- Incinerators were the only subcategory covered in the 2000 rule. This proposed rule would cover five CISWI subcategories:
 - incinerators
 - energy recovery units
 - waste burning kilns
 - burn-off ovens; and
 - small, remote incinerators.

PROPOSED REQUIREMENTS

- The proposed emission limits would require reductions at 172 of the 176 currently operating CISWI units. Four units are currently meeting the proposed emission limits.
- In addition to the emission limits, the proposal would also require:
 - Stack testing for newly regulated subcategories
 - Monitoring for newly regulated subcategories
 - Additional monitoring for new sources
 - Annual inspections of emission control devices
 - Annual visible emissions test of ash handling operations
 - That the owner/operator follow certain procedures for test data submittal
- CISWI units must 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.
- EPA estimates that for some units, it would be more cost-effective to use an alternative disposal option. If those units used alternative disposal options, and the remainder used add-on controls, the total nationwide costs would be approximately \$216 million. If all 176 currently operating CISWI used add-on controls, the total nationwide cost for complying with the rule would be approximately \$244 million per year.
- We estimated the monetized benefits of this proposed regulatory action to be \$240 million to \$580 million (2008\$, 3 percent discount rate) in the implementation year (2015).
- EPA does not anticipate any new units to come online, and therefore, does not expect any emission reduction or cost impacts to result from the revised NSPS for new units.
- EPA will accept comment on the proposal for 45 days after publication in the Federal Register. Also, EPA will hold a public hearing on this rule. Details will be posted at www.epa.gov/airquality/combustion as they become available.

BACKGROUND

- The Clean Air Act requires EPA to develop and adopt New Source Performance Standards (NSPS) and Emissions Guidelines (EG) for solid waste incineration units including CISWI. In 2000, when EPA issued NSPS and EG for CISWI units, there were approximately 140 CISWI units operating in the United States. Only 20 of those 140 CISWI units currently remain in operation.
- The 2000 NSPS and EG require new and existing incinerators to control emissions of the following nine pollutants: hydrogen chloride, carbon monoxide, lead, cadmium, mercury, particulate matter, dioxins/furans, nitrogen oxides, and sulfur dioxide to levels that reflect the degree of emission reduction based on the maximum achievable control technology (MACT).

- After promulgation of the final CISWI standards, EPA received and granted a request for reconsideration, pursuant to CAA Section 307(d)(7)(B) of the CAA, related to the definition of “commercial and industrial solid waste incineration unit” and “commercial or industrial waste” in EPA’s CISWI rulemaking. In granting the petition for reconsideration, EPA agreed to undertake further notice and comment proceedings related to these definitions.
- In addition, the United States Court of Appeals for the District of Columbia Circuit granted EPA’s request for a voluntary remand of the 2000 rule. The remand allowed the agency to address concerns related to the EPA’s procedures for establishing MACT standards for CISWI units in light of the U.S. Court of Appeals for the District of Columbia Circuit’s decision in *Cement Kiln Recycling Coalition v. EPA*, 255 F.3d 855 (D.C. Cir. 2001). The rule was not vacated and remains in effect. The rule requirements were fully implemented in December 2005.
- In 2005, EPA proposed and finalized the commercial and industrial solid waste incineration definitions rule which revised the definition of “solid waste”, “commercial and industrial waste”, and “commercial and industrial waste incineration unit”.
- In 2007, the United States Court of Appeals for the District of Columbia Circuit vacated and remanded the 2005 commercial and industrial solid waste incineration definitions rule.
- Section 129(a)(5) of the Clean Air Act directs EPA to review standards of performance and revise them as necessary every five years.
- Today’s action proposes revisions to the CISWI NSPS and EG in response to the Court’s remand of the 2000 CISWI and responds to the remand and vacatur of the commercial and industrial solid waste incineration definitions rule in 2007. In addition, this action includes the five-year technology review of the NSPS and EG required under Section 129. EPA considered the proposed non-hazardous solid waste definition (which is proposed in a separate notice (<http://www.epa.gov/wastes/nonhaz/definition.htm>) when determining the units that should be considered CISWI units for purposes of establishing the proposed NSPS and EG.

THREE SEPARATE BUT RELATED ACTIONS

- EPA has proposed a rule that would 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 emits or has the potential to emit 10 or more tons per year (tpy) of any single air toxic or 25 tpy or more of any combination of air toxics. (<http://epa.gov/airquality/combustion/actions.html>)
- EPA has proposed a rule that would 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 emits or has the potential to emit less than 10 tons per year (tpy) of any single air toxic or less than 25 tpy of any combination of air toxics. (<http://epa.gov/airquality/combustion/actions.html>)

- EPA has proposed a definition of solid waste for non-hazardous secondary material under Subtitle D of RCRA. The definition would define some non-hazardous secondary materials that are combusted as waste (the burning of which would make a combustion unit a solid waste incineration unit) and others as secondary materials (the burning of which would not cause a combustion unit to be considered a solid waste incineration unit). One potential implication of the proposed definition of solid waste is that some combustion units currently considered boilers would be subject to the proposed CISWI standards in the energy recovery unit subcategory if they continued to combust solid waste.

HOW TO COMMENT

- EPA will accept comment on the proposal for 45 days after publication in the Federal Register. Comments, identified by Docket ID No. EPA-HQ-OAR-2003-0119, may be submitted by one of the following methods:
 - 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.
 - Fax: Fax your comments to: 202-566-1741.
 - 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, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. 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 proposed rule from EPA's Web site, 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 number 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 proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2003-0119.

- For further information about the proposed rule, contact Ms. Charlene Spells of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Natural Resources and Commerce Group at (919) 541-5255 or by e-mail at spells.charlene@epa.gov.