

Section 129 Rules for Solid Waste Combustion

Congress added [Section 129](#) to the Clean Air Act (CAA) in 1990 specifically to address emissions from solid waste combustion. Sections 111 and 129 require EPA to establish new source performance standards (NSPS) for *new* units, while sections 111(d) and 129 require the Agency to establish Emission Guidelines for *existing* units. Both the NSPS and the Emission Guidelines under section 129 use a MACT type approach as used under section 112.

NSPS are direct Federal regulations that apply to *new* sources. Emission Guidelines do not directly regulate solid waste combustion units, but rather, establish requirements for States Plans which are the vehicle by which States implement the Guidelines. Once approved, these State Plans become Federally enforceable.

Section 111(d), added to the CAA in the 1970's, established general requirements and procedures for States to follow when submitting State Plans. Subsequently, the EPA provided more detail on State Plan requirements through a series of amendments which are found in Subpart B of 40 CFR Part 60.

Section 129 overrides some otherwise applicable aspects of Section 111(d) for solid waste combustion. The December 19, 1995 amendments to Subpart B (60 FR 65414) address the differences between Sections 129 and 111(d). In particular, Section 129 requires that Section 111(d)/129 State Plans be submitted to EPA within 1 year after promulgation of the Guidelines, whereas Section 111(d) Plans have a different schedule. Also, Section 129 requires that Section 111(d)/129 State plans be "at least as protective as" the Guidelines, whereas Section 111(d) allows States flexibility to consider other factors.

EPA has already promulgated NSPS and Emission Guidelines for [Large Municipal Waste Combustors \(MWC\)](#), [Hospital/Medical/Infectious Waste Incinerators \(HMIWI\)](#), [Small Municipal Waste Combustors \(MWC\)](#), and [Commercial and Industrial Solid Waste Incinerators \(CISWI\)](#). The Agency plans to promulgate NSPS and Emission Guidelines for ["Other" Solid Waste Incinerators \(OSWI\)](#) as soon as possible.

Note that while the regulations described above are being developed by EPA's Office of Air and Radiation under Section 129 of the Clean Air Act, regulations for [Hazardous Waste Combustors](#) are being developed by EPA's Office of Solid Waste under Section 112 of the Clean Air Act.