

## FACT SHEET

### RECONSIDERATION OF FINAL NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

#### ACTION

- On December 1, 2014, the U.S. Environmental Protection Agency (EPA) issued a proposal announcing reconsideration of, and requesting public comment on, specific issues in the agency's 2013 final amendments to its standards limiting air pollutant emissions from commercial and industrial solid waste incineration (CISWI) units. EPA is also proposing a limited number of amendments to the final rule.
- EPA is seeking public comment on four issues the agency has agreed to reconsider. The four issues are:
  - the definition of continuous emissions monitoring system (CEMS) data usage during startup and shutdown periods;
  - the reduced particulate matter (PM) limit for the waste-burning kilns subcategory;
  - establishing a fuel variability factor for the coal-burning energy recovery units subcategory; and
  - revising the definition of kiln to clarify the boundaries of the waste-burning kiln and to remain consistent with similar revisions made in the Portland Cement NESHAP.
- EPA is proposing several clarifying changes and corrections to the final rule and is soliciting comment only on whether the proposed changes provide the intended accuracy, clarity and consistency.
- EPA is proposing to remove the affirmative defense provisions from the final rule in light of the recent Court decision vacating the affirmative defense provisions in the Clean Air Act section 112 rule establishing emission standards for Portland cement kilns.
- This proposed action does not impose any new requirements or costs, or change the compliance deadlines. Existing CISWI units will need to comply with the CISWI rule no later than three years after EPA approves a state plan or five years after promulgation of the February 7, 2013 final amendments, whichever is earlier.
- EPA will accept public comment for 45 days after the proposal is published in the Federal Register.

#### BACKGROUND

- 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 (ERUs) designed to recover heat that combust solid waste; and
  - Waste burning kilns that combust solid waste in the manufacture of a product.
- The CISWI rule covers four CISWI subcategories:
    - Incinerators;
    - Energy recovery units;
    - Waste-burning kilns; and,
    - Small, remote incinerators (SRIs).
- CISWI units must either comply with the emission limits in the final rule (i.e., install add-on controls to capture emissions) or use alternative waste disposal options, such as diverting waste to a landfill.
- On March 21, 2011, EPA promulgated new source performance standards and emission guidelines for CISWI units. On February 7, 2013, EPA issued a final rule that amended the agency's 2011 standards for CISWI units.
- EPA received 7 petitions for reconsideration of the 2013 amendments. The petitions were submitted by:
    - American Forest and Paper Association, American Wood Council, National Association of Manufacturers, Biomass Power Association, Corn Refiners Association, National Oilseed Processors Association, Rubber Manufacturers Association, Southeastern Lumber Manufacturers Association, and U.S. Chamber of Commerce
    - Alaska Oil and Gas Association (AOGA), Alaska Miners Association (AMA), and Conoco Phillips Alaska, Inc.
    - American Petroleum Institute
    - Eastman Chemical Company
    - Portland Cement Association (PCA)
    - Energy Recovery Council
    - Waste Management

## HOW TO COMMENT

EPA will accept comment on the notice for 45 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:

- Go to [www.regulations.gov](http://www.regulations.gov) and follow the on-line instructions for submitting comments.
- Send comments by e-mail to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov).
- Fax your comments to: (202) 566-9744.
- Mail your comments to:

Air and Radiation Docket and Information Center,  
Environmental Protection Agency, Mail Code: 2822T

1200 Pennsylvania Ave., NW  
Washington, DC 20460

- Deliver your comments in person or via courier 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**

- The notice of reconsideration is posted at:  
<http://www.epa.gov/airquality/combustion/actions.html>.
- 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 EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located in EPA Headquarters Library, Room Number 3334 in EPA West Building, located at 1301 Constitution Ave., 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 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 No. EPA-HQ-OAR-2003-0119.
- For further information about the action, contact Ms. Toni Jones of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-0316 or by e-mail at [jones.toni@epa.gov](mailto:jones.toni@epa.gov).