

Other Solid Waste Incinerators (OSWI) Review- Proposed Rule

Small Business Environmental Assistance Program (SBEAP)
Annual Virtual Training

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Overview

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CAA Section 129 Requirements

- ▶ OSWI is regulated under the federal law - Clean Air Act (CAA) section 129, which covers all non-hazardous solid waste combustion
- ▶ CAA section 129 rules:
 - ▶ Must set numerical emissions standards for organics (dioxin/furans), metals (lead, cadmium, mercury), acid gases (HCl, SO₂), PM, and NOx (opacity is regulated as appropriate)
 - ▶ Do not allow work practice standards
 - An example of a work practice would be monitoring temperature and separating the waste stream in lieu of meeting certain numerical emission limits
 - ▶ Require federal operating permits for all sources/units
- ▶ CAA 129(a)(5) requires that EPA “review and...revise” the OSWI rule every five years.

Which incinerators are covered under the OSWI rule?

- ▶ The current OSWI rule covers two subcategories: very small municipal waste combustors (VSMWC) and institutional waste incinerators (IWI)
- ▶ *VSMWC*
 - ▶ Capacity of less than 35 tons of municipal solid waste per day (tpd)
 - ▶ Burns more than 30 percent municipal solid waste
 - Municipal solid waste means refuse (and refuse-derived fuel) collected from the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustible materials and non-combustible materials.
- ▶ *IWI*
 - ▶ Any combustion unit that combusts institutional waste and is a distinct operating unit of the institutional facility that generated the waste

Which incinerators are covered under the OSWI rule?

- ▶ OSWI covers incinerators that range in sophistication from “burn barrels” to state-of-the-art units.
- ▶ OSWI also covers air curtain incinerators that burns municipal solid waste, institutional waste, wood waste, clean lumber, yard waste and mixture of wood, clean lumber, and yard waste.
- ▶ We have developed a limited inventory based on extensive internet searches and state permit databases, if available. Our inventory indicates most OSWI units are owned by tribes and small businesses.

Regulatory History

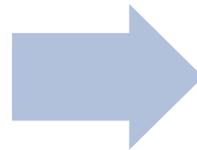
- ▶ On December 16, 2005, EPA set federal regulations, new source performance standards (NSPS) and emissions guidelines (EG), for OSWI
 - ▶ NSPS is implemented mostly through state delegation
 - ▶ An EPA approved Federal plan or state plan is required to implement and enforce the EG
 - ▶ EPA has not issued a federal plan
 - A federal plan was proposed on December 18, 2006, but never finalized
 - There is only one approved state plan (IN)
- ▶ In 2006, Sierra Club, an environmental group, petitioned for judicial review of the OSWI rule
- ▶ On April 21, 2016, the court granted EPA's request to voluntarily take back the OSWI rule
- ▶ On September 14, 2018, the court ordered the EPA to “review and revise” the OSWI standards and guidelines

Court-Ordered Deadlines

- ▶ The court has ordered the following deadlines for proposed and final rules:

August 31, 2020

- Publish a notice of proposed rulemaking



May 31, 2021

- Promulgate a final rule action

OSWI Review Proposal Highlights

- ▶ The agency has conducted a periodic review focusing on:
 - ▶ The identification of OSWI units to develop an inventory of units, and
 - ▶ Evaluation of developments in processes and control technologies that have occurred since the OSWI standards were promulgated in 2005.
- ▶ From the limited data available, EPA did not identify any new developments in practices, processes, or control technologies for any OSWI units.
- ▶ Based strictly on our 5-year review analysis, we do not believe that any changes to the OSWI standards are appropriate, and accordingly, the EPA has not proposed any revisions pursuant to CAA section 129(a)(5).
- ▶ However, the agency has proposed various changes to the OSWI standards, including some changes that were specified by the 2016 voluntary remand of the OSWI standards

OSWI Review - Proposed Changes

- ▶ Further subcategorization of very small municipal waste combustors and institutional waste incinerators – 1) OSWI units with capacities larger than 10 TPD and 2) OSWI units with capacities smaller than or equal to 10 TPD.
- ▶ MACT Floor redetermination for OSWI units with capacities smaller than or equal to 10 TPD .
- ▶ Increased testing and monitoring flexibilities so that units with rudimentary designs can demonstrate compliance with the rule.
- ▶ Increased recordkeeping and reporting flexibilities consistent with the revised testing and monitoring

OSWI Review - Proposed Changes Continued...

- ▶ Revised applicability provisions, based on (1) the type of waste being combusted and (2) unit capacity. Some units previously subject to the Commercial and Industrial Solid Waste Incineration (CISWI) rule will be considered as OSWI units after the OSWI review rule becomes effective.
- ▶ Revised regulatory provisions related to emissions during periods of startup, shutdown, and malfunction (SSM).
- ▶ Provisions for electronic reporting of certain notifications and reports.
- ▶ Changes to federal operating permit (i.e., title V) requirements for certain air curtain incinerators burning only wood waste, clean lumber, yard waste and mixture of these three types of waste.
- ▶ Other technical edits, clarifications, and revisions intended to improve the understanding of the rule and improve consistency with other CAA section 129 rules.

Stakeholder Engagement

- ▶ Based on the limited information we have gathered, we believe most OSWI units are owned by small businesses and tribes.
- ▶ We also believe most of these units operate in batch mode, have basic designs, and could be very small (perhaps with capacities less than 10 tons per day).
- ▶ Due to the short court-ordered deadline, the agency did not have sufficient time to conduct an information collection request (ICR). We would like stakeholders to be engaged during this rulemaking process and provide comments and information during the comment period that will help us develop a fully informed final rule.

Comment Period

- ▶ OSWI review proposal was published in *Federal Register* on Aug 31st, 2020
- ▶ The public comment period ends on October 15th, 2020
- ▶ If requested by September 8th, a public hearing will be held on September 15th
- ▶ For updates on rulemaking and more information:
<https://www.epa.gov/stationary-sources-air-pollution/other-solid-waste-incinerators-oswi-new-source-performance>

Questions?

Technical Contact: Nabanita Modak Fischer
(modak.nabanita@epa.gov)

SBAP Contact: Rhonda Wright
(wright.rhonda@epa.gov)