

40 CFR Part 60

Proposed rule for the standards of New and Existing sources of Commercial and Industrial Solid Waste Incineration units

Background

In 2000, the EPA adopted new source performance standards and emission guidelines for **Commercial and Industrial Solid Waste Incineration (CISWI)** units that were established under sections 111 and 129 of the Clean Air Act (CAA).

In 2001, United States Court of Appeals remanded the 2000 rule.

In 2001, the EPA granted a petition to reconsider the definitions for

- “Commercial and industrial waste”
- “Commercial and industrial solid waste incineration unit”

In 2005, the EPA proposed and finalized the commercial and industrial solid waste incineration definition rule.

In 2007, the United States Court of Appeals remanded the 2005 definition rule.

This current action provides the EPA’s response to the 2001 decision that remanded the 2000 rule. It also responds to the voiding and remanding of the 2005 definition by the 2007 decision.

Additionally, it includes the 5-year technology review of the new source performance standards and emission guidelines required under section 129.

What does it do?

This action is **proposing to define** a CISWI unit as any combustion unit at a commercial or industrial facility that is used to combust solid waste – solid waste as defined under the RCRA.

In this proposed rule, this definition will include (but not limited to):

1. Incinerators designed to discard waste materials.
2. Energy recovery units (e.g. units that would be boilers if they did not burn solid waste).
3. Kilns and other industrial units that combust solid waste in the manufacture of a product.
4. Burn off ovens that combust residual material from items so that they can be re-used.
5. Small remote incinerators that combust less than one combust less than 1 ton of waste/day.

The rule also proposes to **subcategorize CISWI units into these 5 groups**.

Each of these 5 categories will then have its own **specific emission limits**, rather than having one broad emission limit for ‘Incinerators’.

Who is affected?

Categories and entities potentially affected by the proposed action are those which operate **Commercial and Industrial Solid Waste Incineration** units.

Examples include (but not limited to):

- Mining, oil and gas exploration operations
- Utility providers
- Manufacturers of wood products ; pulp and paper ; paperboard ; furniture and related products
- Manufacturers of chemicals and allied products ; plastics and rubber products
- Manufacturers of cement
- Manufacturers of machinery ; transportation equipment

What should those affected do?

Due to the changes set out in this rule, states would then have to submit revised plans to the EPA one year after the date upon which the EPA adopts these revised standards.

Existing CISWI then have to demonstrate compliance with the amended standards as much as possible after the approval of the state plan, but no later than:

1. Three years from the date of approval of the a state plan

OR

2. Five years after passing of the revised standards.

This is to allow for the retrofitting of control equipment upon existing sources.

Disclaimer: All information contained in this fact sheet is accurate as of the date specified in the header of this document. ERA accepts no liability for the content of this fact sheet, or for the consequences of any actions taken on the basis of the information provided. To ensure the accuracy of the information provided, please contact the [Environmental Protection Agency](#). For a more recent revision of this document, please contact ERA at (514) 684-6408.