www.NTAATribalAir.org
928.523.0526 office
928.523.1266 fax

National Tribal Air Association
P.O. Box 15004
Flagstaff, AZ 86011-5004

National Tribal Air Association

FACT SHEET
on

U.S. Environmental Protection Agency's Proposed *Amendments to Large Municipal Waste Combustor Standards*

Comments on the proposed regulation: *Standards of Performance for New Stationary Sources and Emissions Guidelines (EG) for Large Municipal Waste Combustors* are due **March 25, 2024**.

Background

Municipal solid wastes generated in the United States are reused, recycled, or disposed of principally in solid waste landfills. In some metropolitan areas, these waste materials are burned in incinerators or used as fuel in combustors designed for steam or electricity generation as "refuse-derived fuel". These various types of combustion units have been classified as "Municipal Waste Combustors". Pursuant to the Clean Air Act, they are "large" municipal waste combustors (LMWC) if they have a combustion capacity of 250 tons per day or greater. There are currently 152 LMWCs in the U.S. located at 57 different facilities. Most LMWCs are in or near large metropolitan areas in the eastern portion of the country. Twenty-two facilities are municipally owned. No LMWCs are located on Tribal lands.

EPA first promulgated emissions standards for LMWCs pursuant to the Clean Air Act – Maximum Achievable Technology Standards (MACT) – in 1995. Emissions limits applied to nine air pollutants: cadmium, mercury, lead, particulate matter, hydrogen chloride, sulfur dioxide, dioxins/furans, carbon monoxide, and nitrogen oxides. With the exception of nitrogen oxides (NOx), EPA determined that a greater than 90 percent reduction of all air pollutant emissions from LMWCs was achieved by 2000. Emissions standards were revised and strengthened in 2006. The current proposal seeks to modify and strengthen current emissions standards and practices once again, pursuant to the Clean Air Act, for both new and existing LMWCs to reflect technology advancements and concurrently to mitigate air pollutant impacts on public health.

Overview

On December 2023 USEPA proposed to amend its *Standards of Performance for New Stationary Sources and Emissions Guidelines (EG) for Large Municipal Waste Combustors.* The current proposal constitutes a "re-evaluation" of maximum achievable control technology (MACT) standards for LMWCs. Written comments on the proposed revisions are due by March 25, 2024.

www.NTAATribalAir.org
928.523.0526 office
928.523.1266 fax

National Tribal Air Association
P.O. Box 15004
Flagstaff, AZ 86011-5004

This proposal applies to proposed new LMWCs pursuant to Clean Air Act Section 111 (NSPS) and existing facilities per Clean Air Act Section 129 (MACT) guidelines. Assuming final rule adoption in 2024, EPA estimates a reduction in public health costs of $14 billion during the period 2025 – 2044 from reduced emissions of particulate matter and ozone plus additional benefits from the reductions of hazardous air pollutants, i.e. metals, dioxins/furans, sulfur dioxide, etc.

Particulate Matter and Ozone

When fully implemented the proposed LMWC rules will reduce emissions of each of the nine identified air pollutants. Greatest benefits will be from reductions in particulate matter (including $PM_{2.5}$ precursors) and atmospheric ozone through reductions in precursors. Air quality improvements with associated benefits to public health will be experienced in areas of the United States that exceed National Ambient Air Quality Standards (NAAQS) for one or both of these "criteria air pollutants." It is noteworthy that the proposed reductions in emissions of nitrogen oxides (NOx) will reduce atmospheric formation of both ozone and $PM_{2.5}$.

Reduced emissions of particulate matter and ozone precursors will also be beneficial because, albeit in different ways, both pollutants contribute to global warming and reduced emissions will be beneficial in mitigating climate change.

Ozone is a powerful oxidizing agent that causes damage to multiple plant species. Agriculture and forest health will benefit from lower concentrations of atmospheric ozone.

Hazardous Air Pollutants

EPA provides the following estimates of reduction in emissions of hazardous air pollutants (HAPs) once the proposed rule is implemented: Hydrogen Chloride = 334 tons per year (tpy); Mercury = 0.0285 tpy; all other HAPs = 0.225 tpy. Projected benefits of these reduced emissions are noted, but not monetized.

Importance to Tribes

The proposed "strengthening" of emissions rules for LMWCs is important to Native American Tribes and Alaska Native Villages in multiple ways. Perhaps most importantly, populations that suffer from unhealthful and harmful levels of ozone, including the vast "Ozone Transport Region" in the eastern U.S., will welcome associated reductions in emissions of ozone-causing pollutants. Most LMWCs are located within or upwind from this area. Similarly, Tribes that experience unhealthful levels of $PM_{2.5}$ will benefit from enhanced emissions controls of particulate matter and fine particle precursors, particularly to communities that are nearest one or more LMWC. As noted above, LMWC contribute to global climate change through emissions of pollutants that cause atmospheric warming and reducing emissions will also mitigate climate change.

www.NTAATribalAir.org
928.523.0526 office
928.523.1266 fax

National Tribal Air Association
P.O. Box 15004
Flagstaff, AZ 86011-5004

For a small number of Tribes that (a) rely on a LMWC for waste disposal or (b) purchase electricity from LMWC generation, it is conceivable that direct costs may increase due to additional costs of compliance with the proposed rule changes.

How to Comment on EPA's Proposed Rule

- Comments on the proposed regulation: *Standards of Performance for New Stationary Sources and Emissions Guidelines (EG) for Large Municipal Waste Combustors* are due **March 25, 2024.**
- Comments should cite **Docket ID No. EPA-HQ-OAR-2017-0183** and be submitted via either: Federal eRulemaking Portal: https://www.regulations.gov/ OR email to a-r-Docket@epa.gov.
- NTAA has prepared a Policy Resource Kit for Tribes to use or comment.

Additional Resources

Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-Year Review, Federal Register: Tuesday, January 23, 2024

FACT SHEET: **Proposed Amendments to Large Municipal Waste Combustor Standards** by EPA Office of Air & Radiation

Regulatory Impact Analysis for the Proposed Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Lare Municipal Waste Combustors, EPA-HQ-OAR-2017-0183-0016, January 22, 2024