



Fact Sheet:

The U.S. Environmental Protection Agency's Proposed Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration (OSWI) Units Revisions to Definitions

Background

On December 16, 2005, EPA promulgated new source performance standards (NSPS) and emissions guidelines (EG) for “other solid waste incineration” OSWI, subcategorized as institutional waste incinerators (IWI) and very small municipal waste combustors (VSMWC).

On September 14, 2018, the U.S. District Court for the District of Columbia ordered EPA to “review and revise” the OSWI standards and guidelines and publish a notice of proposed rulemaking by August 31, 2020, and promulgate a final rule by May 31, 2021 (later extended to June 30, 2025).

On August 31, 2020, the EPA proposed new source performance standards (NSPS) and emissions guidelines for OSWI. This action supplements the proposed amendments by proposing to add a definition for a rudimentary combustion device and asking for specific comment on this definition. EPA is also proposing to postpone developing standards for such devices. These changes are based on the EPA's analysis of comments received after the 2020 proposal and discussions with the state of Alaska and Tribes.

Overview

Rudimentary combustion devices are small, basic incinerators that are often not commercially designed or engineered and have limited ability to conduct emissions testing or implement controls. These devices tend to be used in remote communities with few, if any, alternatives for waste disposal.

Several Alaska Native Tribes, in particular, have expressed concerns about requiring these types of basic devices to comply with OSWI regulations at this time due to the design of the devices,

the obstacles to testing them, and the limited alternatives that remote communities have for waste disposal. Although the focus of the concern is in remote communities in Alaska, there may be other devices elsewhere that meet the definition of rudimentary combustion device.

The EPA is proposing to defer developing requirements for the rudimentary devices at this time to avoid health and safety risk from increased air pollution and fire risk that could result if remote villages return to open burning practices.

The EPA is proposing to define a rudimentary combustion device as a combustion device with a capacity less than or equal to 10 tons per day (tpd) that is designed and constructed without one or more of the following elements:

1. A stack, chimney, or pipe designed for the purpose of managing air flow and discharging flue gases from combustion;
2. Mechanical draft to provide air flow;
3. Burners designed to manage the combustion process;
4. An ancillary power supply to operate; or
5. Supplemental fuel burners or nozzles.

The EPA is interested in receiving input regarding this proposed rule, including:

- Additional data to refine the definition of “rudimentary combustion device,” including additional parameters that should be considered, capacity (tpd) of devices, the number of devices per rural community, the five design elements of devices, and any emissions test information available for devices.
- The number of individuals in rural communities that use a rudimentary combustion device.
- Comments on the rudimentary combustion device definition, including the proposed capacity threshold of less than or equal to 10 tpd for a rudimentary combustion device, and, more specifically, whether a smaller capacity threshold of less than 10 tpd would adequately capture these devices.
- Potential regulatory issues or unintended consequences from the proposed definition, including the amount of waste being burned in rudimentary combustion devices.

What does this mean for Tribes?

This proposed rule will primarily impact Alaska Native Tribes, though it may also affect Tribal communities elsewhere. Even though EPA is deferring regulation at this time and requesting more information from communities, by adding the definition of rudimentary combustion devices, EPA will need to develop regulations in the future, which communities must meet.

Additionally, the EPA must issue emissions guidelines for existing sources, which states or Tribes can adopt once the rules are developed. The guidelines will be created concurrent with EPA’s determination of “Best System of Emission Reduction,” which can be based on best practices at existing impacted sources. As a result, it may benefit Tribal Communities to share their current burning practices, Traditional Ecological Knowledge (TEK) with EPA, particularly as it relates to separation practices, reduction of material to be burned, and burning practices that minimize community impacts (based on wind direction, humidity, and more).

How to Comment

Comments are due **September 9, 2024**. Comments, identified by Docket ID EPA-HQ-OAR-2003-0156, may be submitted by one of the following methods:

- Go to <https://www.regulations.gov/> and follow the instructions for submitting comments under Docket ID EPA-HQ-OAR-2003-0156.
- Send comments by email to a-and-r-docket@epa.gov. Include Docket ID EPA-HQ-OAR-2003-0156 in the subject line.
- Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave, NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2003-0156.
- Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In-person deliveries (including courier deliveries) are only accepted during the Docket Center's normal hours of operation. Special arrangements should be made for deliveries of boxed information.