06/05/01

FACT SHEET

PROPOSED FEDERAL PLAN TO IMPLEMENT EMISSION GUIDELINES FOR SMALL EXISTING MUNICIPAL WASTE COMBUSTORS

TODAY'S ACTION

C The Environmental Protection Agency (EPA) is proposing a federal plan to reduce emissions of toxic air pollutants from small municipal waste combustors (MWC). This regulation would implement the small MWC emission guidelines that EPA established for these facilities on December 6, 2000. Toxic air pollutants, also known as air toxics, are the pollutants known, or suspected, to cause cancer and other serious health problems.

- The small MWC federal plan would apply to existing small units that began construction on or before August 30, 1999 and are not covered by an EPA approved state implementation plan. Small MWC units have a combustion capacity of 35 to 250 tons per day of municipal solid waste.

- The proposed MWC federal plan would implement these regulations in those cases where a state agency has not submitted an acceptable implementation plan to EPA. The federal plan would no longer apply when a state or tribal plan is approved.

- Affected small MWCs must comply with the emission guidelines by November 6, 2005. For most states, the federal plan is a gap filling measure to ensure that small MWCs make progress toward compliance with the emission guidelines while States get their plans approved by EPA. However, for the majority of small MWCs located in Indian Country and U.S. Territories, the federal plan will likely be the sole implementing authority requiring these sources to meet this deadline.

- The proposed federal plan applies to the burning of municipal waste or trash, from residential housing, apartments, restaurants, shopping centers, office buildings and other similar waste. The proposed plan does not apply to units that burn hazardous waste, industrial manufacturing waste, or medical waste. Those facilities are regulated under other standards.

HEALTH AND ENVIRONMENTAL BENEFITS

- EPA's December 6, 2000 emission guidelines will significantly reduce emissions of toxic air pollutants, including dioxins and mercury, from small waste-to-energy plants and incinerators.

- When fully implemented in 2005, the emission guidelines will reduce nationwide emissions of a number of air pollutants including dioxins/furans, metals and acid gases by approximately 5,700 tons per year.

- By 2005, the emission guidelines will reduce dioxin emissions from small MWC units by more than 99 percent over 1990 levels. Together, the emission guidelines and EPA's 1995 rule for large MWC units would reduce dioxin emissions from both large and small municipal waste combustors to less than 1 percent of 1990 levels.

- Dioxin is a pollutant of particular concern because it persists in the environment and bioaccumulates. Those characteristics cause dioxin to move through the food chain and biomagnify. When a pollutant *biomagnifies*, it increases in concentration in tissues as it moves through the food chain, from algae or sediments to shellfish to fish to fish-eating birds and mammals. Dioxin exposure has been associated with reproductive and developmental effects in humans.

- By 2005, the emission guidelines would reduce mercury emissions from small MWC units by more than 90 percent over 1990 levels. Together, the emission guidelines and EPA's 1995 regulations for large MWC units, would reduce mercury emissions from large and small municipal waste combustors by 92 percent. Mercury is highly toxic, persistent in the environment and bioaccumulates, particularly in fish. Human exposure to mercury occurs primarily through the food chain. Mercury exposure can cause health problems in humans and animals, including birth and developmental effects.

PROPOSED RULE REQUIREMENTS

- The proposed Federal plan incorporates emission limits from the emission guidelines for organics (dioxin/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). The emission limits are based on the application of pollution controls known as maximum achievable control technology.

BACKGROUND

C EPA promulgated guidelines to reduce air pollution from small MWC units on December 6, 2000. One year from that date states with small MWC units subject to theses regulations must submit implementation plans to EPA. The plans should describe how the state will implement and enforce the MWC regulations.

C If a state with existing small MWC units does not submit an approvable plan to EPA within 2 years of the final MWC regulations (i.e. by December 6, 2002), EPA is required under the

Clean Air Act to develop, implement, and enforce a federal plan for small MWC units in that state.

- By proposing this MWC federal plan, EPA is proposing to implement and enforce emission limits and other requirements for small MWC units in states that do not have approved plans.

- The proposed federal plan for small MWCs contains the same requirements as would be required in a state plan, including a list of sources, an emission inventory, testing and monitoring, as well as generic or site-specific compliance schedules.

- The federal plan ensures that small MWC units would complete the installation of pollution control devices in time to meet the November 6, 2005 compliance date.

- To make the transition as smooth as possible between the federal plan and subsequently approved state plans, the federal plan will be automatically rescinded when a state plan is approved by EPA. Rather than develop and submit their own plan, a state may request delegation of, or the authority to manage, the federal plan to save resources.

• Air emissions from small MWC units built after August 30, 1999 are regulated by the federal new source performance standards. Under the Clean Air Act, EPA is required to set "new source performance standards" to ensure that emissions from newly built or reconstructed facilities meet strict limits. These limits are generally more stringent than emission limits set for existing facilities already in operation.

• As required by the section 129 of the CAA, regulations for large and small MWC units were adopted in 1995. Two petitions were filed with the court challenging the combined regulation and asking that two separate regulations to be established: one for large MWC units, and one for small MWC units. The EPA filed a petition for rehearing, and the court reconsidered its initial opinion and issued a revised opinion in March 1997 leaving in place the regulations for large MWC units and vacating the regulations as they applied to small MWC units. Then, in response, EPA published the small MWC guidelines separately in December 2000. The large MWC guidelines applied to MWC units with capacities to combust greater than 250 tons per day of municipal solid waste.

FOR FURTHER INFORMATION

• To download a copy of the proposed federal plan, go the EPA's World Wide Web site at http://www.epa.gov/ttn/oarpg/ . Look under recent actions.

• Visit EPA's web site for small MWC units at: http://www.epa.gov/ttn/atw/129/mwc/rimwc2.html. For further information about the proposed small MWC Federal Plan, contact Lalit Banker of EPA's Office of Air Quality Planning and

Standards at (919) 541-5420. For further information about the small MWC final emission guidelines, contact Mr. Walt Stevenson of EPA's Office of Air Quality Planning and Standards at (919) 541-5264.

- EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on the air pollution programs including air toxics issues. The Office of Air and Radiation's home page address is: http://www.epa.gov/oar/.