

FACT SHEET

Withdrawal of Proposed Provision Removing Pyrolysis/Combustion Units From the Other Solid Waste Incineration Standards - Notice

ACTION

- On May 24, 2023, the U.S. Environmental Protection Agency (EPA) withdrew a proposed provision that would have removed pyrolysis/combustion units from the other solid waste incineration (OSWI) standards under the Clean Air Act.
- The OSWI definition of “municipal waste combustion unit” will continue to include pyrolysis/combustion units.
- Pyrolysis and gasification units are used to convert solid or semi-solid feedstocks – including solid waste (*e.g.*, municipal solid waste, commercial and industrial waste, hospital/medical/infectious waste, sewage sludge, other solid waste), biomass, plastics, tires, and organic contaminants in soils and oily sludges – to useful products such as energy, fuels and chemical commodities.
- On August 31, 2020, as a part of the 5-year review of the new source performance standards (NSPS) and emissions guidelines (EG) for OSWI units, the EPA proposed to modify the OSWI definition of “municipal waste combustion unit” effectively removing pyrolysis/combustion units from the definition. The EPA received significant adverse comments on the proposed provision.
- This notice taking final action to withdraw this proposed change to the definition of “municipal waste combustion unit” will prevent any regulatory gaps and ensure that public health protections are maintained.

BACKGROUND

- OSWI standards are promulgated under Clean Air Act (CAA) section 129.
- On December 16, 2005, EPA promulgated the OSWI new source performance standards (NSPS) and emissions guidelines (EG). The OSWI rule is subcategorized into very small municipal waste combustors (VSMWC) and institutional waste incinerators (IWI).
- In 2005, the EPA stated that “pyrolysis/combustion units (two chamber incinerators with a starved air primary chamber followed by an afterburner to complete combustion) within the VSMWC and IWI subcategories are considered OSWI units.”
- Due to several inquiries regarding pyrolysis/combustion units and the absence of a statutory definition of pyrolysis in the CAA, the Agency believed that there was considerable confusion in the regulated community regarding the applicability of OSWI to pyrolysis/combustion units.
- On August 31, 2020, the EPA proposed to modify the definition of MWC units by removing the reference to pyrolysis/combustion unit.
- The EPA received significant adverse comments on the proposed provision.

- In response to the adverse comments and ongoing questions about the regulation of pyrolysis/combustion units, the EPA issued an advance notice of proposed rulemaking (ANPRM) on September 9, 2021.
- The EPA has received 170 comments on the ANPRM. The Agency is currently reviewing the comments and evaluating all current information to gain a better technical and regulatory understanding of these complex processes.

FOR MORE INFORMATION

- Interested parties can download a copy of the notice from the EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/other-solid-waste-incinerators-oswi-new-source-performance>.
- This action and other background information are also available electronically at <https://www.regulations.gov/>, the EPA's electronic public docket and comment system.