

**FACT SHEET**  
**Other Solid Waste Incinerators – Supplemental Notice of Proposed Rulemaking**  
**to Add a Definition for Rudimentary Combustion Device**

**ACTION**

- On July 23, 2024, the U.S. Environmental Protection Agency (EPA) issued a proposal to add a definition for rudimentary combustion device to the Clean Air Act regulations for Other Solid Waste Incinerators (OSWI) and to postpone issuing standards for such devices. 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.
- The Agency is issuing this supplemental proposal based on our analysis of comments on the August 2020 OSWI proposal and post-proposal discussions with partners, including the state of Alaska and Alaska Native Tribes.
- 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.
- If rudimentary combustion devices were to be regulated under OSWI at this time, remote villages may return to burning practices that pose risks to human health and safety, such as open burning of waste on the ground.
- EPA has determined that such open burning would worsen air quality and significantly increase the risk of wildfires caused by sparks or flames escaping burning areas.,
- 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.
- EPA is aware of rudimentary combustion devices in Alaska, but there may be devices that meet the definition of rudimentary combustion device elsewhere.
- The rudimentary combustion devices used in remote Alaskan villages are often basic and not commercially constructed or engineered, with capacities lower than 10 tpd. EPA is proposing to add a definition of rudimentary combustion device to address the unique issues associated with these basic devices.
- EPA is interested in additional data to refine the definition of “rudimentary combustion device,” including additional parameters that should be considered, capacity (tpd) and

location of specific units, the number of devices per rural community, the five design elements, and any emissions test information available for them.

- We are also requesting information on the number of individuals in rural communities that use a rudimentary combustion device.
- Additionally, we request 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 rudimentary combustion devices.
- We would also like to hear from the public, including states, tribes, and local governments, if this proposed definition, including the amount of waste being burned in rudimentary combustion devices, presents regulatory issues or unintended consequences.
- EPA will accept comments for 45 days after the supplemental proposal is published in the Federal Register.

## **BACKGROUND**

- OSWI standards are promulgated under Clean Air Act (CAA) section 129.
- On December 16, 2005, EPA promulgated new source performance standards (NSPS) and emissions guidelines (EG) for 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 changes to subcategorize IWI and VSMWC units based on size and recalculated maximum achievable control technology (MACT) floor redeterminations for small OSWI units. It also proposed applicability-related revisions including removing the term “collected from” from the “municipal solid waste” definition and provided flexibility in testing and monitoring requirements for small OSWI units, among other proposed changes.
- This proposed action supplements the proposed amendments in the new source performance standards and emission guidelines for OSWI units subcategory published August 31, 2020.

## **HOW TO COMMENT**

- EPA will accept comments for 45 days after the supplemental proposal is published in the Federal Register and hold a public hearing if requested.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2003-0156, may be submitted by one of the following methods:
  - Go to <https://www.regulations.gov/> and follow the on-line instructions for submitting comments.
  - Send comments by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), Attention Docket ID No. EPA-HQ-OAR-2003-0156.

- 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.

#### **FOR MORE INFORMATION**

- Interested parties can download a copy of the supplemental proposed rule notice from the EPA's website at [Other Solid Waste Incinerators \(OSWI\): New Source Performance Standards \(NSPS\) and Emission Guidelines \(EG\) for Existing Sources](#).
- Today's action and other background information are also available electronically at <https://www.regulations.gov/docket/EPA-HQ-OAR-2003-0156>, the EPA's electronic public docket and comment system.
- For further technical information about the supplemental proposed rule, contact Noel Cope, EPA's Office of Air Quality Planning and Standards, at [cope.noel@epa.gov](mailto:cope.noel@epa.gov) or (919) 541-2128.