

FACT SHEET

Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units Final Rule

ACTION

- On September 16, 2024, EPA finalized a Federal Plan to implement Clean Air Act emission guidelines for Commercial and Industrial Solid Waste Incineration Units (CISWI).
- The CISWI emission guidelines, which were issued in 2013 and amended on June 23, 2016, and April 16, 2019, address air pollutants including cadmium, hydrogen chloride, lead, mercury, carbon monoxide, nitrogen oxides, particulate matter, and sulfur dioxide.
- The federal plan will not result in any additional control requirements or impose any additional costs but will ensure that emissions reductions are demonstrated in states where no state plans exist.
- In addition, EPA is revising the definition of “small, remote incinerator” to reflect statutory prohibitions on the implementation of CISWI standards to units in the state of Alaska.
- The federal plan will ensure that emission reductions are demonstrated at CISWI in 10 states and three territories where no state plans are in place.
 - Alaska, California, Hawaii, Illinois, Michigan, North Carolina, Ohio, Oregon, Washington, and Wisconsin.
 - American Samoa, Guam, and Northern Mariana Islands
- The federal plan applies to CISWI that commenced construction on or before June 4, 2010, and have not been modified or reconstructed since August 7, 2013.
- EPA proposed the federal plan in 2017, and this final rule fulfills EPA’s obligation under Clean Air Act sections 111 and 129 to develop, implement and enforce a federal plan for existing CISWI in any state without an approvable state plan.
- State plans must include:
 - Inventory of affected CISWI;
 - Inventory of emissions from affected CISWI;
 - Compliance schedules for each affected CISWI;
 - Emission limitations, operator training and qualification requirements, waste management plan, and operating limits for affected CISWI that are at least as protective as the emission guidelines;
 - Performance testing, recordkeeping, and reporting requirements;

- Certification that the hearing on the state plan was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission;
 - Provision for state progress reports to EPA;
 - Identification of enforceable state mechanisms that the state selected for implementing the emission guidelines of this subpart; and
 - Demonstration of state's legal authority to carry out the sections 111(d) and 129 state plan.
- CISWI should already be complying with the emission guidelines – even in states without an approved state plan. The final compliance date for CISWI subject to the final federal plan will be the effective date of this final action, which is 30 days after date of publication in the federal register.

BACKGROUND

- On February 7, 2013, EPA promulgated EG for existing CISWI that were later amended on June 23, 2016, and March 18, 2019.
- The EG defines four subcategories for existing CISWI based on fundamental differences in the types and sizes of units: incinerators; SRIs; energy recovery units (ERU); and waste burning kilns.
- On January 11, 2017, EPA published the proposed FP for existing CISWI implementing the EG.
- On March 9, 2024, the President signed into law H.R. 4366 (Consolidated Appropriations Act for Fiscal Year 2024) that included a provision prohibiting EPA from implementing or enforcing the regulation on SRIs in the State of Alaska. Therefore, the applicability of the final CISWI FP has been modified to exclude SRIs located in Alaska.
- In response to an unreasonable delay suit filed by Sierra Club we have a consent decree deadline, which was approved by the Court on June 18, 2024, to finalize the federal plan no later than September 16, 2024.

FOR MORE INFORMATION

- Interested parties can download a copy of the final federal plan notice at [Commercial and Industrial Solid Waste Incineration Units \(CISWI\): New Source Performance Standards \(NSPS\) and Emission Guidelines \(EG\) for Existing Sources](#)
- This action and other background information are also available electronically at <https://www.regulations.gov/docket/EPA-HQ-OAR-2016-0664>, the EPA's electronic public docket and comment system.