

FACT SHEET

EPA'S NEXT STEP FOR THE RECONSIDERATION OF THE FINAL AIR TOXICS STANDARDS FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS AT MAJOR SOURCE FACILITIES AND COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

ACTION

- On May 16, 2011, EPA announced its next step in allowing time to seek and review additional public input on the final standards for boilers and certain solid waste incinerators issued in February 2011.
- Following the April 2010 proposals, the agency received more than 4,800 comments from businesses and communities, including a significant amount of information that industry had not provided prior to the proposals.
- Based on this input, EPA made extensive revisions to the standards. For example, EPA made revisions to the proposed subcategories and to some of the proposed emissions limits.
- In December 2010, EPA requested additional time for review to ensure the public's input was fully addressed. However, the court granted EPA only an additional 30 days, resulting in the February 2011 final rules.
- The agency is reconsidering the standards because the public did not have sufficient opportunity to comment on these changes, and, as a result, further public review and feedback is required to meet the legal obligations under the Clean Air Act.
- EPA is also issuing a stay to delay the effective date of the standards for major source boilers and commercial and industrial solid waste incinerators. The stay will allow the agency to seek additional public comment before requiring thousands of facilities across multiple, diverse industries to make investments that may not be reversible if the standards are revised following reconsideration and a full evaluation of all relevant data.
- The stay will remain in place until the proceedings for judicial review of these rules are completed or EPA completes its reconsideration of the standards, whichever is earlier.
- EPA understands that members of the public may wish to submit additional data. Any additional data and information related to affected sources and their emissions that the public would like the agency to consider should be submitted by e-mail to combustionsurvey@erg.com by July 15, 2011.
- This approach will help ensure that the final standards are protective, cost-effective, practical to implement and consistent with the requirements of the Clean Air Act.

BACKGROUND

- In response to federal court orders, on February 21, 2011, EPA issued final standards for major and area source boilers and commercial and industrial solid waste incinerators.
- On the same day, EPA issued a reconsideration notice for certain aspects of the standards on which the agency believes the public did not have a sufficient opportunity to provide comment. While the final standards reflect reasonable approaches consistent with the requirements of the Clean Air Act, some of the issues identified in the comments raised difficult technical issues that the agency believes would benefit from additional public involvement.
- The Agency also stated in the reconsideration notice that it would fully evaluate any petitions submitted to the agency on these rules.
- Multiple industry groups have petitioned the agency to delay the effective date of the major source boiler and commercial and industrial solid waste incinerator standards.
- EPA has also received petitions to reconsider certain aspects of the standards. EPA received no requests to stay the standards for boilers located at area sources of air toxic emissions.

MAJOR SOURCE BOILER RULE

- On February 21, 2011, the Environmental Protection Agency (EPA) finalized a rule that will reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters at major source facilities. A major source facility emits or has the potential to emit 10 or more tons per year (tpy) of any single air toxic or 25 tpy or more of any combination of air toxics.
- The final rule will reduce emissions of a number of toxic air pollutants including mercury, other metals, and organic air toxics, which include polycyclic organic matter (POM) and dioxins. Toxic air pollutants, also known as hazardous air pollutants or air toxics, are those pollutants known or suspected of causing cancer and other serious health effects.
- Boilers burn fuels, including natural gas, fuel oil, coal, biomass (e.g., wood), refinery gas, or other gas to produce steam. The steam is used to produce electricity or provide heat. Process heaters heat raw or intermediate materials during an industrial process. The boilers and process heaters that would be covered by these standards do not burn solid waste unless they are exempt under the Clean Air Act from standards for incinerators.
- Boilers and process heaters are used at industrial facilities and may stand alone to provide heat for commercial facilities. The majority of major source boilers and process heaters are located at industrial facilities.

COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

- On February 21, 2011, the Environmental Protection Agency (EPA) finalized revisions to the December 2000 new source performance standards (NSPS) and emission guidelines (EG) for new and existing commercial and industrial solid waste incineration (CISWI) units. This rule is expected to impact 88 units.
- The final rule will reduce emissions of a number of toxic air pollutants, including mercury, other metals and organic air toxics, which include dioxins. Toxic air pollutants, also known as hazardous air pollutants or air toxics, are those pollutants known or suspected of causing cancer and other serious health effects.
- A CISWI unit is any device that is used to burn solid waste at a commercial or industrial facility. Examples of CISWI units include:
 - units designed to discard solid waste;
 - energy recovery units designed to recover heat that combust solid waste; and
 - waste burning kiln that combust solid waste in the manufacture of a product.
- The final rule covers four CISWI subcategories:
 - incinerators
 - energy recovery units
 - waste burning kilns; and
 - small incinerators in very remote locations.
- The rule will establish emission limits for nine pollutants emitted from CISWI units: mercury

○ lead	○ carbon monoxide
○ cadmium	○ dioxins/furans
○ hydrogen chloride	○ nitrogen oxides
○ particulate matter	○ sulfur dioxide

FOR MORE INFORMATION

- The notice, and all final rules related to it are posted at: <http://www.epa.gov/air-quality/combustion/actions.html>.
- Today’s notice and other background information are also available either electronically at <http://www.regulations.gov>, EPA’s electronic public docket and comment system, or in hardcopy at the EPA Docket Center’s Public Reading Room.
 - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this final action can be accessed using Docket ID No. EPA-HQ-OAR-

2002-0058.

- For further information about the:
 - Major source boiler reconsideration, contact Mr. Brian Shrager of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division at (919) 541-7689 or by e-mail at shrager.brian@epa.gov.
 - CISWI reconsideration, contact Ms. Toni Jones of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division at (919) 541-0316.