

8-15-97

FACT SHEET

AMENDED AIR EMISSION REGULATIONS FOR MUNICIPAL WASTE COMBUSTION (MWC) UNITS

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is amending the 1995 emission guidelines and the new source performance standards for MWCs. The guidelines apply to existing MWC units and the standards apply to new MWC units.
- EPA is publishing two different amendment packages. One includes court-mandated changes and the other includes technical changes made for clarification.
- The primary purpose of the amendments is to exempt small MWC units and cement kilns firing municipal solid waste from coverage under the 1995 regulations. Consequently, the 1995 regulations would apply only to MWC units with the capacity to combust more than 250 tons per day of municipal solid waste (these are known as large MWC units). The amendments are consistent with the April 8, 1997 remand and vacatur order issued by the Federal Appeals Court.
- EPA will address small MWC units in a separate rulemaking in the near future.

WHAT ARE THE HEALTH AND ENVIRONMENTAL EFFECTS?

- This rulemaking leaves in place the stringent 1995 MWC regulations for a majority of the MWC units. On a national basis, the amended regulations apply to 87% of the municipal solid waste combustion capacity.
- The compliance schedules promulgated in the 1995 rules are not affected by the amendments. The 1995 rule requires compliance within three years of approval of a State plan or by December 19, 2000, whichever is first.

BACKGROUND

- Under the Clean Air Act Amendments of 1990, EPA is required to revise the 1991 MWC regulations to regulate additional pollutants and to regulate both large and small MWC units based on maximum achievable control technology (MACT). EPA proposed the revised regulations in September 1994 and promulgated them December 1995. Shortly after promulgation, the owners of the Davis County, Utah, MWC and others challenged the 1995 MWC regulations.

- In December 1996 the court issued a preliminary opinion. Then, as a result of an application by EPA for a rehearing, the court issued a revised opinion in March 1997, and issued an order on April 8, 1997 to implement the final opinion. The order vacated the regulations for units less than 250 tons per day capacity and required EPA to make minor revisions to the emission limits for large MWC units.
- Today's action implements the order by amending the applicability of the regulations to exempt small MWC units and all cement kilns. Additionally, the court order requires EPA to amend the emission limits for four pollutants. This action establishes no new requirements.
- Both the 1995 regulations and the amended regulations require control of the following criteria and toxic pollutants: mercury, particulate matter, cadmium, lead, carbon monoxide, dioxins, nitrogen oxides, sulfur dioxide, and hydrogen chloride. In implementing today's amendments, sources will use the same type of control technology and achieve the same environmental performance levels as when implementing the 1995 regulations.

FOR FURTHER INFORMATION

- Interested parties can download the amendments from EPA's web site on the Internet under recently signed rules (filename mwc6.zip) at the following address: (<http://www.epa.gov/ttn/oarpg/rules.html>). Also at this address, interested parties can download the 1995 MWC regulations (filename mwc2.zip) and the implementation guidance document (filename mwc5.zip). For further information about the amendments, contact Mr. Walt Stevenson of EPA's Office of Air Quality Planning and Standards at (919) 541-5264.
- For more information on other air pollution programs and issues, the Office of Air and Radiation's homepage can be accessed at the following address: (<http://www.epa.gov/oar/>).