

## FACT SHEET

### STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES: LARGE MUNICIPAL WASTE COMBUSTORS– *RECONSIDERATION NOTICE*

#### ACTION

- On March 14, 2007, the Environmental Protection Agency (EPA) proposed conclusions from reconsidering three issues related to its May 10, 2006, rule updating emission limits for the new source performance standards (NSPS) and emissions guidelines for large municipal waste combustors (MWC). Large MWC units are those that fire more than 250 tons per day of municipal solid waste (about 25 garbage trucks).
- The May 2006 final rule required emission control levels achieved by MWC as a result of year 2000 retrofit of maximum achievable control technology.
- On July 7, 2006, Earthjustice petitioned EPA to reconsider four specific issues from the final standards of performance and emission guidelines. In November of 2006, EPA agreed to reconsider three of the four issues.
- The three issues reconsidered are: (1) provisions to allow provisionally-certified control room operators to perform the duties of a certified chief facility operator or certified shift operator; (2) data availability requirements for continuous emissions monitoring systems; and (3) application of operating parameters during the two weeks prior to mercury and dioxin/furan testing. The fourth issue, which was not reconsidered, is the lead emission limit.
- In the notice, EPA explains in details its rationale for actions taken in the May 10, 2006 rule for the three issues being reconsidered. EPA is not reconsidering the fourth issue (lead emission limit) and concludes the current record is appropriate.
- This proposal would not amend the May 2006 rule and would not impact large MWC operations, costs, or emissions.
- EPA will accept comment on this proposed reconsideration for 30 days after publication in the *Federal Register*. EPA intends to complete this reconsideration by July 2007.

#### BACKGROUND

- EPA adopted NSPS and emission guidelines for large MWC on December 19, 1995, and the rules were fully implemented by December 19, 2000.
- The Clean Air Act requires EPA to conduct a 5-year review of the rules for large MWC and, if appropriate, revise the rules.

- EPA completed the 5-yr review and concluded revisions were appropriate.
- EPA adopted revised rules on May 10, 2006.
- On July 7, 2006, Earthjustice petitioned EPA to reconsider four issues related to the May 10, 2006 rules. Additionally, on August 16, 2006, Earthjustice filed notice with the court to litigate the May 10, 2006 rules.
- On November 10, 2006, EPA notified Earthjustice that EPA had accepted their request and would initiate the reconsideration.
- On October 31, 2006, the court issued an order placing the litigation on hold for six months (July 2007) to allow EPA to complete the reconsideration action.

### **FOR MORE INFORMATION**

- To download the proposed amendments from EPA's web site, go to "Recent Actions" at the following address: *<http://www.epa.gov/ttn/oarpg>*.
- For further information about the final rules, contact Mr. Walt Stevenson at EPA's Office of Air Quality Planning and Standards at 919-541-5264.
- For information regarding large MWC, visit EPA's web site at: *<http://www.epa.gov/ttn/atw/129/mwc/rimwc.html>*. For other combustion-related regulations, visit EPA's Combustion Related Rules page at: *<http://www.epa.gov/ttn/atw/combust/list.html>*.
- Today's proposed rule 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 proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2005-0117.