

FACT SHEET
Proposed Amendments to Air Toxics Standards for
Hazardous Waste Combustors

ACTION

- On July 12th, 2024, the U.S. Environmental Protection Agency (EPA) proposed to amend emission standards for hazardous air pollutants (NESHAP) from hazardous waste combustors (40 CFR 60 subpart EEE).
- Hazardous waste combustors are incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers, and hydrochloric acid production furnaces that burn hazardous waste as defined under the Resource Conservation and Recovery Act (RCRA).
- Key pollutants regulated by these Clean Air Act standards include polychlorinated dibenzodioxins and furans (PCDD/PCDF), mercury, cadmium, lead, arsenic, beryllium, chromium, hydrogen chloride, chlorine, other hydrocarbon hazardous air pollutants (HAP), and other metal HAPs.
- This proposed action would provide for simplified reporting by owners and operators of hazardous waste combustors and enhance the availability of data to EPA and the public.
- Proposed amendments to the hazardous waste combustor NESHAP would:
 - Remove emission standard exemptions for periods of malfunction and revise associated recordkeeping, reporting, and general provisions applicability provisions; and
 - Add electronic reporting provisions for certain reports and notifications.
- In addition, EPA is proposing some minor revisions to streamline recordkeeping requirements by removing the requirement for an emergency safety vent opening plan; and to make a technical correction related to the use of Method 23 to determine compliance with the dioxin and furan standards.
- EPA will accept comment on the proposed amendments for 45 days after publication in the *Federal Register*.

BACKGROUND

- Hazardous waste combustors are incinerators, cement kilns, lightweight aggregate kilns, boilers, or hydrochloric acid production furnaces that combust hazardous waste for the purpose of waste reduction, thermal energy recovery, and/or production of a product. EPA has identified 173 hazardous waste combustors at 94 facilities subject to this proposal.
- In a 2008 decision (*Sierra Club v. EPA*), the United States Court of Appeals for the District of Columbia Circuit vacated portions of two provisions in the NESHAP General Provisions governing the emissions of HAP during periods of startup, shutdown, and malfunction (SSM). The court held that under section 302(k) of the Clean Air Act, emissions standards or limitations must be continuous in nature and that “the SSM

exemption violates the CAA's requirement that some section 112 standards apply continuously.”

- EPA is in the process of gathering data and evaluating what emission limits should apply during periods of startup and shutdown and will revise emissions limits for periods of startup and shutdown in a later rulemaking action.

HOW TO COMMENT

- Comments, identified by Docket ID No. EPA-HQ-OAR-2004-0022, may be submitted by one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments.
 - Send comments by email to: a-and-r-docket@epa.gov, Attention Docket ID Nos. EPA-HQ-OAR-2004-0022.
- 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-2004-0022.
- 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 proposed rule notice from [EPA's website](#).
- This action and other background information are also available electronically at [EPA's electronic public docket and comment system](#).
 - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2004-0022).