- 3. Present a rationale for each of the decisions made regarding the proposed standards and guidelines;
- 4. Request public comment on specific issues; and
- 5. Discuss administrative requirements relevant to this action.

## B. New Source Performance Standards—General

The proposed new source performance standards (NSPS, or standard(s)) for MWI's would implement section 111(b) of the Act. The NSPS are issued for categories of sources that cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. They apply to new stationary sources of emissions (i.e., sources whose construction or modification begins after a standard is proposed). An NSPS requires these sources to control emissions to the level achievable by the best system of continuous emission reduction, considering costs and other impacts.

## C. NSPS Decision Scheme

An NSPS is the end product of a series of decisions related to certain key elements for the source category being considered for regulation. The elements in this decision are generally the following:

1. Source category to be regulated—usually an emission source category, but can be a process or group of processes within an industry.

2. Affected facility—the pieces or groups of equipment that comprise the sources to which the standards will

- 3. Pollutants to be regulated—the particular substances emitted by the affected facility that the standards control.
- 4. Best system of continuous emission reduction—the technology on which the standards will be based, i.e., application of the best system of continuous emission reduction that (taking into consideration the cost of achieving such emission reduction and any nonairquality health and environmental impacts and energy requirements) the Administrator determines has been adequately demonstrated (section 111(a)(1)).
- 5. Format for the standards—the form in which the standards are expressed, i.e., as pollutant concentration emission limits, as a percent reduction in emissions, or as equipment or work practice standards.
- 6. Actual standards—generally, emission limits based on the level of reduction that the best demonstrated technology (BDT) can achieve. Only in

- unusual cases do standards require that a specific technology be used. In general, the source owner or operator may select any method for complying with the standards.
- 7. Other considerations—(in addition to emission limits) NSPS usually include: standards for visible emissions, modification provisions, monitoring requirements, performance test methods and compliance procedures, and reporting and recordkeeping requirements.

## D. Emission Guidelines—General Goals

The Act requires the promulgation of standards of performance under section 111(b) for categories of new sources that may contribute to the endangerment of public health or welfare. When standards of performance are promulgated under section 111(b) for a designated pollutant, the Act requires States under section 111(d) to submit plans that: (1) establish emission standards for this designated pollutant from existing sources and (2) provide for implementation and enforcement of these emission standards. In most cases, this means that control under section 111(d) is appropriate when the pollutant may cause or contribute to endangerment of public health or welfare but is not known to be "hazardous" within the meaning of section 112 and is not controlled under sections 108 through 110 because, for example, it is not emitted from "numerous or diverse" sources as required by section 108.

As specified in 40 CFR part 60.23, States are required to adopt and submit to the Administrator a plan implementing the section 111(d) guidelines within 1 year after the promulgation of the guidelines. The Act further requires that the procedure for State submission of a plan shall be similar to the procedure for submission of State implementation plans (SIP's) under section 110. The Act also provides that the EPA shall prescribe a plan according to procedures similar to those in section 110(c) if a State fails to submit a "satisfactory plan."

## E. Additional Requirements Under Section 129

The Amendments of 1990 added section 129, which includes specific requirements for solid waste combustion units. Section 129 requires the EPA, under § 111(b), to establish new source performance standards (NSPS) for new MWI's and, under § 111(d), to establish emission guidelines for existing MWI's.

1. New Sources The NSPS must specify numerical emission limitations

for the following: Particulate matter (PM), opacity, sulfur dioxide ( $SO_2$ ), hydrogen chloride (HCl), oxides of nitrogen (NO $_{\rm X}$ ), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins/furans (CDD/CDF). Section 129 also includes requirements for operator training as well as siting requirements for new MWI's.

Section 129 requires that emission standards reflect the maximum degree of reduction in air emissions that the Administrator, taking into consideration the cost of achieving such emission reduction, and any nonair-quality health and environmental impacts and energy requirements, determines is achievable. This requirement is referred to as maximum achievable control technology (MACT). The degree of reduction in emissions that is deemed achievable for new MWI's may not be less stringent than the emissions control that is achieved in practice by the best controlled similar unit. This requirement that the standards must be no less stringent than certain levels of emission control currently achieved is referred to as the "MACT floor" for new MWI's.

For NSPS, the control technology used to achieve the standards is not specified. Only the emission limits achievable by MACT are included in the standards. Any control technology that can comply with these emission limits may be used.

2. Existing Sources Notwithstanding the limitations of setting guidelines for existing sources under section 111(d), section 129 directs EPA to issue guidelines for existing MWI's that specify numerical emission limitations for the same pollutants listed above for new MWI's. Section 129 also includes requirements for operator training.

Section 129 provides that the State plan for existing MWI's be at least as protective as the guidelines.

Section 129 also provides that emission guidelines for existing MWI's reflect MACT, as described above. However, while the guidelines for existing MWI's may be less stringent than the standards for new MWI's, the guidelines may be no less stringent than the average emission limitation achieved by the best performing 12 percent of units in the category. This requirement that the guidelines must be no less stringent than certain levels of emission control currently achieved is referred to as the "MACT floor" for existing MWI's.

For emission guidelines (EG), the control technology used for compliance is not specified. Only the emission limits achievable by MACT are included in the guidelines. Any control