

B. Technical Basis of Standards and Guidelines

Section 129(a)(2) of the Clean Air Act requires the revised standards for new MWC's and revised guidelines for existing MWC's to reflect the maximum degree of reduction in emissions of designated air pollutants, taking into consideration the cost of achieving such emission reduction, and any non-air-quality health and environmental impacts and energy requirements that the Administrator determines are achievable for a particular category of sources. (This control level is commonly referred to as the "maximum achievable control technology, or "MACT".) Section 129 also provides that standards for new sources may not be less stringent than the emissions control achieved in practice by the best controlled similar unit. This is commonly referred to as the "MACT floor" for new MWC units. Additionally, section 129 provides that the emission limitations in the guidelines for existing MWC's may not be less stringent than the average emission limitations achieved by the best performing 12 percent of units in the category. This is commonly referred to as the "MACT floor" for existing MWC units. Emission control options less stringent than the MACT floor can not be considered in developing section 129 standards and guidelines.

Technical data on the number and size of MWC's, control technologies in use, permit emission limits, and emission test data were used to determine the MACT floor for new and existing MWC's and to define control alternatives. The types of data EPA considered in selecting final standards and guidelines included the following: (1) Over 100 MWC plant-specific questionnaires; (2) emissions information from literature, and State and local agencies; and (3) EPA and industry test reports. Overall, the EPA used performance test data from over 60 MWC plants to develop the standards and guidelines. After proposal, the EPA reviewed additional data submitted with public comments on the proposal and data that EPA gathered from States and industry. Based on the new information, the EPA reviewed both the proposed MACT determinations for new and existing MWC's and the regulatory alternatives. The reassessment of the standards and guidelines in light of the new data resulted in the EPA revising the MACT emission rates for some pollutants.

The most significant changes to the standards and guidelines since proposal are summarized in sections IV.B and

V.B., respectively, of this preamble. The rationales for these changes as well as other changes are summarized in the preamble and discussed in more detail in the BID. In keeping with the Administrator's "reinventing government" initiative, several of the changes to the guidelines and standards were made to streamline the regulations and provide increased flexibility while optimizing environmental control by using common sense initiatives. Examples of these changes include the following: (1) Reduced dioxin/furan testing for MWC plants with low dioxin/furan emission levels; (2) NO_x guidelines for large MWC plants that allow plants to use an emissions averaging plan to demonstrate compliance for two or more existing MWC units located at the same facility; (3) clarification of siting requirements for new MWC's; (4) providing additional time for MWC operators to obtain operator training and certification; (5) replacing quarterly reporting with annual reporting (semiannual reporting if noncompliance); (6) revised text to clarify that the regulations do not apply to MWC plants with combustion capacity less than 35 Mg/day; (7) exemption for plants firing small amounts of MSW (10 Mg/day or less); (8) exemption for combustion of clean wood; and (9) allowing certain records to be maintained in either electronic or paper format without duplication. All of these changes are discussed further in sections IV and V of this preamble, and represent changes that improve the effectiveness and efficiency of the standards and guidelines without any reduction in environmental protection.

C. Stakeholders and Public Involvement

Prior to proposal, in accordance with section 117 of the Clean Air Act, the EPA consulted with advisory committees, independent experts, Federal departments and agencies, and owners, operators, and manufacturers of MWC's. Numerous discussions were held with governmental entities, industry representatives, and environmental groups including, but not limited to, the following groups: the U.S. Conference of Majors, the National League of Cities, the National Association of Counties, the Municipal Waste Management Association, the Solid Waste Association of North America, the Integrated Waste Services Association, the Sierra Club, and the Natural Resources Defense Council.

The standards and guidelines being adopted today were proposed in the Federal Register on September 20, 1994 (59 FR 48198 and 59 FR 48228, respectively). The preambles for the

proposed standards and guidelines describe the rationale for the proposed standards and guidelines. After proposal, the EPA provided interested persons the opportunity to comment through a written comment period. The public comment period was from September 20, 1994 to November 21, 1994. Comments were received from private citizens, industry representatives, environmental groups, and governmental entities. The comments have been carefully considered, and changes have been made in the standards and guidelines where appropriate. Sections IV and V of this preamble discuss the major revisions to the standards and guidelines to address the commenters' concerns.

IV. Standards of Performance for New Sources (1995)—Summary of the Standards, Impacts of the Standards, and Significant Issues and Changes to the Proposed Standards

This section presents a summary of the final standards, including identification of the source category and pollutants being regulated, and presentation of the final emission limits and their associated performance testing, monitoring, recordkeeping and reporting requirements. This section also discusses the most significant changes to the proposed standards. Also discussed are the impacts of the final standards.

A. Summary of the Standards

The final standards (subpart Eb) apply to each new MWC unit located at an MWC facility that has an aggregate plant capacity to combust over 35 Mg/day of MSW, for which construction commenced after September 20, 1994 or modification or reconstruction commenced after June 19, 1996. Municipal waste combustors that commenced construction on or before September 20, 1994 are not covered under the subpart Eb standards. Municipal waste combustors constructed on or before September 20, 1994 are considered existing sources and are subject to the guidelines that are addressed in section V of this notice.

An MWC is defined as any setting or equipment that combusts MSW including air curtain incinerators. Municipal solid waste combustion includes the direct combustion of MSW or the combustion of MSW gases from pyrolysis or gasification. The MWC unit includes any type of setting or equipment including combustion equipment with or without heat recovery.