

**SUPPORTING STATEMENT**  
**ENVIRONMENTAL PROTECTION AGENCY**

Standards of Performance for New Stationary Sources:  
Commercial and Industrial Solid Waste Incineration (CISWI)  
Units (40 CFR Part 60, Subpart CCCC)

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title of the Information Collection.**

“Standards of Performance for New Stationary Sources:  
Commercial and Industrial Solid Waste Incineration (CISWI)  
Units (40 CFR Part 60, Subpart CCCC).”

**1(b) Short Characterization/Abstract.**

This supporting statement addresses information collection activities that would be imposed by the proposed “Standards of Performance for New Stationary Sources: Commercial and Industrial Solid Waste Incineration (CISWI) Units,” 40 CFR Part 60, subpart CCCC. The new source performance standards (NSPS) fulfill the requirements of sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate NSPS for solid waste incineration units. This proposed rule will re-propose the 2000 CISWI NSPS currently in affect.

The information collection activities required by the NSPS include: siting requirements, operator training and qualification requirements, testing, monitoring and reporting requirements, one-time and periodic reports, and the maintenance of records. These activities will enable EPA to determine initial compliance with the emission limits for the regulated pollutants, monitor compliance with operating parameters, and ensure that facilities conduct the proper planning and operator training.

No new CISWI units are expected to be constructed or operated, so there will be no annual burden. The population of CISWI units has been declining for several years. No new CISWI units are being constructed, even in the absence of regulations, because other waste disposal alternatives, such as landfilling, are more economical. The cost of complying with the proposed NSPS makes it even more likely that sources will select an alternative method of waste disposal and no new CISWI units will be constructed.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection.**

The EPA is required under sections 111 and 129 of the CAA to establish standards of performance for new stationary sources that reflect the maximum achievable control technology (MACT) for achieving continuous emission reductions:

CAA section 129(a)(1) states:

Standards applicable to solid waste incinerator units promulgated under section 111 and this section shall reflect the maximum degree of reduction in emissions of air pollutants listed under section (a)(4) that the Administrator, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable for new or existing units in each category.

CAA section 111(e) further states:

After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standards of performance applicable to such source.

### **2(b) Practical Utility Users of the Data.**

Although no new CISWI units are expected, the NSPS must include information collection requirements necessary for enforcement. In the unlikely event that any new CISWI units are constructed, this information will be used by EPA to: (1) identify new, modified, and reconstructed sources subject to the NSPS; (2) ensure that the NSPS are being properly applied; (3) ensure that the emission limits are being complied with; and (4) ensure, on a continuous basis, that the operating limits established during the initial performance test are not exceeded.

In addition, records and reports are necessary to enable EPA to identify facilities that may not be in compliance with the NSPS. Based on reported information, EPA will decide which facilities should be inspected and what records or units should be inspected at the facilities. The records that facilities maintain will indicate to EPA whether facility personnel are properly operating and maintaining the incinerator and control equipment and whether facility personnel have met the qualification requirements.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Nonduplication.**

The information collected pursuant to the NSPS consists primarily of a siting analysis, operator training, emissions testing, and monitoring of operating parameters. This information collection amends the information collection requirements currently collected for CISWI units by EPA or any other Federal agency.

In more than 95 percent of the cases, the enforcement of NSPS has been delegated to State air pollution control agencies. In such cases, the actual emission data reports required by the NSPS will be submitted to the appropriate State agency, and not directly to EPA. Thus, there is minimal possibility for the submittal of duplicate information to State agencies and EPA. In the few cases where State agencies have not requested delegation of NSPS enforcement, yet still require information from the facility, the facility owner or operator may submit a copy of the State or local reports to EPA in lieu of the report required by the NSPS, as specified in the General Provisions of 40 CFR part 60.

**3(b) Public notice prior to ICR submission to OMB.**

A public notice of this collection will be provided in the notice of proposed rulemaking for the NSPS.

**3(c) Consultations.**

The public will have the opportunity to review and comment on the proposed NSPS and the ICR during the specified comment period.

### **3(d) Effects of Less Frequent Data Collection.**

The NSPS require initial and annual performance tests for nine pollutants and opacity, continuous emission monitoring for carbon monoxide (CO), continuous operating parameter monitoring, annual operator training, annual control device inspections, and annual reporting (semiannual deviation reports are required if any of the emission limits or operating limits are exceeded). The frequency of these activities was chosen by EPA as the period that will provide an adequate margin of assurance that affected facilities will not operate for extended periods in violation of the NSPS.

The annual performance testing will ensure that, on an ongoing basis, the air pollution control device is operating properly and its performance has not deteriorated. The NSPS allows the owner or operator to skip two annual tests for a pollutant if all performance tests over the previous three years show compliance with the emission limit.

During the initial performance test for particulate matter (PM), dioxins/furans, opacity, hydrochloric acid (HCl), cadmium (Cd), lead (Pb), mercury (Hg), CO, nitrogen oxides (NOx) and sulfur dioxide (SO<sub>2</sub>), the owner or operator must establish maximum or minimum values for each operating parameter. Thereafter, the owner or operator must conduct annual performance tests for the nine previously listed pollutants and opacity, and continuously monitor CO emissions and the operating parameters. Some of the subcategories also require additional continuous emissions monitoring (CEMS), such as PM CEMS for energy recovery units above 250 MMBtu/hr, and Hg CEMS for cement kilns.

Although continuous monitoring of operating parameters cannot provide a direct measurement of emissions, it is less expensive than (CEMS), and the information provided can be used to ensure that the incinerator and associated air pollution control equipment are operating properly. This information assures EPA and the public that the reductions envisioned by the regulations are being achieved. Less frequent monitoring would not ensure continuous compliance.

The proposed NSPS include initial and annual operator training requirements for CISWI unit operators. (The NSPS requires at least one qualified operator or supervisor per facility.) The annual training requirements include annual refresher training to maintain operator qualification and an annual review of site-specific documentation. The way in which an incinerator is operated has a significant impact on the emissions from that incinerator. The annual operator training is essential to ensure that the incinerator is being operated properly. The NSPS contains flexibility in the operator training by allowing the use of State-approved training and qualification programs.

Annual reporting allows the submittal of required information and data parameters so that any potential problems can be identified in a timely fashion. A semiannual deviation report is required for deviations from the operating limits and the emission limits so that EPA can ensure that rapid corrective action is being taken.

### **3(e) General Guidelines.**

With the exception of requiring records to be maintained for more than 3 years, none of the guidelines in 5 CFR 1320.5 are being exceeded. The NSPS requires all records to be maintained by the source for a period of 5 years. In 40 CFR part 63, subpart A, "General Provisions for National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories," owners or operators of facilities are required to keep and maintain records for a period of 5 years. Records must be kept on file for use, if needed, by the regulating authority to ensure that the plant personnel are operating and maintaining control equipment properly. Under section 129 of the CAA, OSWI facilities are subject to regulation under similar maximum achievable control technology (MACT)-based regulations; therefore, this 5-year record retention requirement was adopted for CISWI facilities. Furthermore, CAA section 129 requires all CISWI units to obtain title V operating permits under 40 CFR part 70 or 71 permit programs. The title V permit programs also require records to be retained for 5 years. To minimize the burden, the NSPS allows files to be kept in paper or electronic format. Files must be kept on site for 2 years but may be kept off site for the remaining 3 years.

### **3(f) Confidentiality and Sensitive Questions.**

(i) Confidentiality. All information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to EPA policies set forth in title 40, chapter 1, part 2, subpart B, Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976, amended by 43 FR 39999, September 28, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

(ii) Sensitive Questions. The ICR for the NSPS does not involve matters of a sensitive nature.

#### **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

##### **4(a) Respondents/NAICS Codes.**

As stated previously in section 1(b) of this supporting statement, EPA does not expect any new CISWI units to be constructed or operated in the future; however, respondents (if any) would be owners or operators of CISWI units for which construction commences after the date of proposal publication in the Federal Register or for which reconstruction or modification commences 6 months (or later) after promulgation of the final NSPS. These standards affect any industry using a solid waste incinerator as defined in the regulation. This includes North American Industry Classification System (NAICS) Codes 325 (Chemical Manufacturing), 421 (Wholesale Trade, Durable Goods), 321 (Wood Product Manufacturing), and 337 (Furniture and Related Product Manufacturing), among others.

##### **4(b) Information Requested.**

(i) Data items. The recordkeeping and reporting requirements of the proposed NSPS are described in section 4(b)(iii) and include the following:

- pre-construction notification;
- siting analysis;
- waste management plan;
- records of operator training and qualification;
- performance test reports;
- records of CO and operating parameter monitoring;

- records of annual control device inspections;
- annual compliance reports; and
- semiannual deviation reports.

(ii) Respondent activities. No respondent activities are estimated since no growth of the source category is expected.

(iii) Summary of Requirements. The information collection activities in this ICR include the following: performance tests, CO emissions monitoring (for all subcategories), PM CEMS and Hg CEMS (for energy recovery units and cement kilns, respectively), operating parameter monitoring, bag leak detection systems (for units equipped with fabric filters), preparation of a siting analysis, preparation of a waste management plan, operator training, one-time and periodic reports, and the maintenance of records.

Testing and Monitoring: The NSPS requires an initial performance test for PM, dioxins/furans, opacity, HCl, Cd, Pb, Hg, CO, NOx, and SO<sub>2</sub>. During the initial performance test, the owner or operator must establish limits for each operating parameter. Thereafter, the owner or operator must conduct annual performance tests for the nine pollutants and opacity, and must continuously monitor CO and the operating parameters. The NSPS allows the owner or operator to skip two annual performance tests for a pollutant if all performance tests over the three previous years show compliance with the emission limit.

Operating Training: To ensure the proper operation of the incinerator, the NSPS requires that each facility establish and maintain at least one qualified CISWI unit

operator or supervisor. The operator qualification process includes training, an exam, and review of site-specific materials. The operator qualification requirements allow the flexibility to use State-approved training and qualification programs. To maintain qualification the operators or supervisors must attend an annual refresher course and review site-specific materials annually.

Reporting: Prior to commencing construction, the owner or operator must submit a report that includes a statement of intent to construct, the anticipated date of commencement of construction, the siting analysis, the waste management plan, and the anticipated date of initial start-up. The siting analysis considers air pollution control alternatives that minimize, on a site-specific basis, potential risks to public health or the environment. The waste management plan identifies both the feasibility and the approach to separate certain components of solid waste from the waste stream to reduce the amount of toxic emissions from incinerated waste.

Prior to initial startup, the owner or operator must submit a report that documents the types of wastes burned, the maximum design waste burning capacity, the anticipated maximum charge rate, and any petitions for site-specific operating parameters.

Following the initial performance test, the owner or operator must submit a report that documents the results of the performance test for the nine pollutants and opacity and the values for the facility's operating limits.

An annual compliance report is required that documents the values for the operating limits, performance test results and any deviations from the emission limits, operating limits or other requirements.

If there is a deviation from the operating limits or emission limits, the owner or operator must submit a deviation report that provides details on the deviation. These reports are submitted semiannually if a deviation occurs during the 6-month period.

Recordkeeping: As specified in the NSPS, owners or operators of CISWI units are required to keep records of certain parameters and information for a period of 5 years. Owners or operators are required to maintain records of the initial performance test, annual performance tests, and any subsequent performance tests. Owners or operators must also maintain records of the monitoring data for CO, PM and Hg (as applicable) and the operating parameters, and records of monitoring device calibration.

Records must be maintained for any deviations from the operating limits, and days for which CEMS or operating parameter monitoring data were not obtained.

Owners or operators must maintain the names of persons who have completed the review of site-specific information and who have met the operator qualification requirements. Records must also be maintained of all documentation for the siting analysis and the waste management plan.

## **5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION, METHODOLOGY, AND INFORMATION MANAGEMENT**

### **5(a) Agency Activities.**

No agency activities are expected because no respondents are likely. As previously explained in section 1(b), no new CISWI units are expected to be constructed during the three years after promulgation of the NSPS.

**5(b) Collection Methodology and Management.**

This collection of information does not require the use of automated collection techniques because no respondents are expected.

**5(c) Small Entity Flexibility.**

Because no CISWI units are expected to be affected by the NSPS, no small businesses or small entities will be affected. Therefore, the NSPS will not have a significant impact on small entities.

The NSPS does not contain any provisions reserved exclusively for the benefit of small entities. However, the NSPS does contain provisions that reduce the impact on all regulated entities, which would include any small entities (in the unlikely event that any new CISWI units are built). The owner or operator is allowed to skip two annual performance tests for a pollutant if all performance tests over the previous three years show compliance. Deviation reports are required only if there is a deviation, otherwise reporting is annual.

**5(d) Collection Schedule.**

Although no respondents are expected, typical information collected includes the following one-time-only activities: reading the NSPS, initial performance tests (PM, dioxins/furans, opacity, HCl, Cd, Pb, Hg, CO, NOx, and SO<sub>2</sub>), initial operator training and qualification, notification of intent to construct (includes a study addressing siting requirements), waste management plan, report prior to initial start-up, and report following initial performance test (includes operating parameter values). The data will be entered into the Aerometric Information Retrieval System (AIRS), operated and maintained by EPA's Office of Air Quality Planning and Standards.

Annual performance tests are required for the nine pollutants and opacity. Continuous parameter monitoring and continuous emission monitoring of CO is required for all subcategories, and PM CEMS and Hg CEMS for energy recovery units and cement kiln subcategories. An annual operator training refresher course and site-specific information review is required. An annual control device inspection is required.

An annual report is required that includes compliance data on the operating limits, performance test results, identification of deviations from emission limits, operating limits or other requirements.

Additionally, if the operating limits or emission limits are exceeded, the owner or operator must submit a deviation report that provides details on the deviation. Information obtained from annual compliance reports will be published and distributed through the EPA compliance data system (CDS). Data obtained during periodic visits by EPA

personnel from records maintained by the respondents will be tabulated and published for internal EPA use in compliance and enforcement programs.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

No new growth is anticipated for the CISWI source category. It is assumed that potential respondents would use alternative waste disposal options rather than replacing existing CISWI units. The population of CISWI units has been declining for several years. No new CISWI units are being constructed, even in the absence of regulations, because other waste disposal alternatives, such as landfilling, are more economical. Likewise, energy recovery units and cement kilns are expected to segregate or process their waste materials in such a way that they would not be subject to the CISWI regulations. The cost of complying with the proposed NSPS makes it even more likely that sources will select an alternative method of waste disposal and no new CISWI units will be constructed. As a result, no respondent or agency burdens or costs have been estimated. We expect that there will be no annual burden.

To comment on the need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. OAR-2003-0119, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301 Constitution Ave., NW, Washington, DC 20460. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday

through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air Docket is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov) or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17<sup>th</sup> Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA ICR number and OMB control number in any correspondence.

## PART B OF THE SUPPORTING STATEMENT

This section is not applicable because statistical methods are not used in data collection associated with this regulation.

