



FACT SHEET ON EPA'S PROPOSED REGULATION OF COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS (CISWI) AND THE DEFINITION OF SOLID WASTE

Overview

- June 4, 2010: The U.S. Environmental Protection Agency proposed emissions standards to control toxic air pollution from commercial and industrial solid waste incinerators (CISWIs). Burning solid waste – e.g. shredded tires, scrap plastics, and spent solvents – can produce high levels of toxic air pollution, including lead, mercury, benzene, dioxins, and formaldehyde. The Clean Air Act thus mandates highly protective control, monitoring, and reporting requirements for any facility that burns any solid waste.

But whether a facility has to meet these protective requirements depends largely on how EPA defines “solid waste.” To avoid these requirements, industry groups have pushed EPA to declare that shredded tires, scrap plastics, spent solvents and other wastes are not “solid waste” if they are burned to generate heat or electricity. Unfortunately, EPA largely bowed to industry pressure and proposed a narrow definition of “solid waste” as a companion to the incinerator rule. EPA’s proposal would likely exempt thousands of industrial incinerators operating near homes, schools, and daycare centers across the country from any control, monitoring, and reporting requirements.

In fact, under EPA’s proposal, only 175 facilities would have to control, monitor, and report their toxic emissions, leaving many communities at risk from the severe adverse health effects that exposure to toxic emissions can cause. Within these communities, children, the elderly, and people with existing health problems are most vulnerable.

- June 22, 2010: EPA will hold a public hearing in **Houston, TX** at the **Hilton Houston Hobby Airport** starting at **9 AM** (more details below). This hearing is a chance to tell the EPA to regulate all facilities that burn industrial solid waste as incinerators. Only then can we be sure that communities living near facilities that burn solid waste will be protected by the full power of the Clean Air Act.

EPA’s Dangerous Loophole

- The exact same piece of industrial machinery could be categorized as a boiler or an incinerator depending on what it burns. Boilers burn coal, oil, natural gas, or wood for heat or electricity; incinerators burn solid wastes like shredded tires or spent solvents.
- EPA proposed a definition of “solid waste” that exempts:
 - Any waste that is generated and burned on-site or at any facility controlled by the generator. (For example, the owner of a chemical plant could burn waste chemicals in an on-site boiler or a boiler at any other facility they own without controls on the toxic air pollution generated.)

- Any waste that is sufficiently “processed” after disposal regardless of where it is burned or who burns it. (A whole tire might be considered “solid waste,” for instance, but tire chips would not be.)
 - Any waste that is deemed by EPA to be non-waste via a case-by-case petition process.
- This definition would likely allow thousands of facilities to escape regulation as incinerators – and thus to avoid any meaningful control requirements. People living in communities where these facilities operate will bear the burden of this loophole: exposure to toxic emissions from uncontrolled waste burning. To make matters worse, community members will not even be able to learn the identity or quantity of the toxics to which they are being exposed. Once they are deregulated, the facilities that operate these incinerators will not have to monitor their emissions or report them to anyone.

The Takeaway

If EPA’s definition of “solid waste” is finalized, thousands of communities across America will be exposed to toxic emissions from industrial waste burning in boilers and process heaters that are not subject to any emission controls, air monitoring or reporting requirements. Making matters even worse, this exemption will encourage even more industrial facilities to burn their waste secretly in uncontrolled boilers and process heaters.

Public Hearing Location and Time

[Hilton Houston Hobby Airport](#) (click for Google map)

8181 Airport Boulevard

Houston, TX 77061

9 AM – 8 PM

The industries affected by EPA’s proposed regulations will do what they can to delay and weaken pollution controls. The EPA needs to hear that you do not want toxic pollution from uncontrolled waste burners to trash our lungs.

To Present Oral Testimony

Contact Ms. Teresa Clemons (clemons.teresa@epa.gov) on or before June 18, 2010 with the following information: [1] Time you wish to speak (morning, afternoon, evening) [2] Rule(s) you will be commenting on [3] Name [4] Affiliation [5] Address [6] Email address [7] Phone/fax number

For more info, contact:

James Pew, (202) 667-4500, ext. 214 or jpew@earthjustice.org

Emily Enderle, (202) 253-2397 or eenderle@earthjustice.org

Sam Edmondson, (510) 550-6705 or sedmondson@earthjustice.org