

FACT SHEET

Advance Notice of Proposed Rulemaking on Pyrolysis and Gasification Units

ACTION

- The Environmental Protection Agency is issuing an advance notice of proposed rulemaking (ANPRM) to assist in the potential development of regulations for pyrolysis and gasification units. These units are used to convert solid or semi-solid feedstocks – including solid waste (e.g., municipal solid waste, commercial and industrial waste, hospital/medical/infectious waste, sewage sludge, other solid waste), biomass, plastics, tires, and organic contaminants in soils and oily sludges – to useful products such as energy, fuels and chemical commodities.
 - Pyrolysis and gasification are often described as heat-induced thermal decomposition processes. However, through recent interactions with stakeholders, EPA has learned that pyrolysis and gasification processes are more widely being used to convert waste into useful products or energy.
- An ANPRM will provide an opportunity for a large and diverse group of stakeholders, including potentially impacted facilities, small businesses, and state, local, and tribal governments, to participate in the data and information gathering process and provide information on the details of pyrolysis and gasification units and processes.
- Based on data and information received through this ANPRM, the Agency will evaluate how best to address pyrolysis and gasification units.
- EPA will accept comment on the ANPRM for 60 days after publication in the *Federal Register*.

BACKGROUND

- As a result of recent market trends, especially with respect to plastics recycling, EPA has received several inquiries about regulations under Clean Air Act (CAA) section 129 for solid waste incineration units, including the applicability to pyrolysis and gasification units for a variety of process and feedstock types. Based on these requests and the differences in language pertaining to pyrolysis among the CAA section 129 rules, the Agency determined that there is considerable confusion in the regulated community regarding the applicability of these regulations to pyrolysis and gasification units.
- On August 31, 2020, EPA proposed amendments to the Other Solid Waste Incineration (OSWI) New Source Performance Standards (NSPS) and Emissions Guidelines (EG) rule. The proposal provided technical clarifications on pyrolysis units and stated that pyrolysis is not combustion and thus, pyrolysis units are not regulated under the OSWI rule. Environmental groups submitted adverse comments on EPA's proposed clarifications regarding pyrolysis. They argued that pyrolysis and gasification are combustion technologies; therefore, units using such technologies should be regulated under CAA section 129.

- In light of these comments and what appear to be on-going questions about the regulation of pyrolysis and gasification units, EPA has determined that issuance of this ANPRM is an efficient means for gaining a comprehensive understanding of these units to aid in potential development of future regulations or changes to existing CAA section 129 regulations pertaining to pyrolysis and gasification units.

HOW TO COMMENT

- EPA will accept comments for 60 days after the ANPRM is published in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2021-0382 may be submitted by one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the on-line instructions for submitting comments.
 - Send comments by email to a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2021-0382.
- Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone and webform.
 - We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only.
 - For further information on EPA Docket Center services and their current status, please visit us online at <https://www.epa.gov/dockets>.

FOR MORE INFORMATION

- Interested parties can download a copy of the proposed rule notice from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management>.
- Today's action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system.