



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

AIR & RADIATION
DIVISION

May 26, 2022

Mr. Ben Bridwell
Operations Manager
Taiga Ventures
2700 South Cushman Street
Fairbanks, Alaska 99701

Re: Incinerator Regulations applicable to a Small Portable Incinerator

Dear Mr. Bridwell:

This is a response to your letter dated April 6, 2022, on behalf of Taiga Industries, inquiring about the applicability of incinerator rules to a small, portable incineration unit to be located at a temporary camp near Kobuk Alaska. Based on the information provided, the unit will be subject to 40 CFR part 60, subpart CCCC: *Standards of Performance for Commercial and Industrial Solid Waste Incinerators* (the CISWI Rule).

Background

According to your letter, Taiga Industries has been subcontracted by NANA Construction (a subsidiary of the Alaska Native Regional Corporation created under the Alaska Native Claims Settlement Act of 1971) to help establish and operate a temporary work camp supporting environmental, geotechnical, and cultural resources, and other field activities at or near Dahl Creek, Alaska, north of the Village of Kobuk, in Northwest Arctic Borough. The camp will house about 40 people during the summer field season in 2022 (June through August or September). The ultimate purpose of the field work is to support construction of a 211-mile controlled industrial access road leading to the Ambler Mining District, an area with significant deposits of copper, zinc, and other minerals.¹

Kobuk is a Native Alaska village with a population of about 144, nearly all of whom are Native Alaskans.² The village has a Class III landfill. However, you report that the prime contractor has specified that the project cannot burden the landfill.

The proposed incinerations unit is an R&K Burn Easy Model 34, a skid mounted batch process incinerator that uses diesel as a supplemental fuel. According to the manufacturer's specification sheet, the Model 34 has a load capacity of 200 pounds and a burn capacity of 75 to 100 pounds per hour.³ Taiga intends to use it to combust garbage produced at the work camp (e.g., cardboard and wood waste) as well as food waste and human waste.

¹ <https://ambleraccess.org/>

² <https://www.nwabor.org/village/kobuk/>

³ <https://burnez.com/>

In your request, you cite a letter dated March 1, 2019, from the EPA's Office of Air Quality Planning and Standards (OAQPS) to Ms. Suzan Simonds of SA Exploration (the Simonds letter), which advised that a small, skid-mounted incinerator operated to support seismic studies in North Slope Borough, Alaska may represent a different subcategory that was not contemplated during the development of CISWI Rule and that the EPA, Region 10 was responsible for determining the applicability of the federal incinerator rules in Alaska.

Regulatory Basis

When the EPA promulgated standards for Other Solid Waste Incinerator (the OSWI Rule)⁴ units under 40 CFR part 60, subpart EEEE, the EPA addressed the issue of small incinerators in remote parts of Alaska that burn "municipal-type" waste, such as those used at camps associated with oil and gas exploration and other industrial activities. The EPA determined at that time that small incinerators associated with industrial or commercial sites should be regulated under the CISWI Rule. See 70 FR 74870, 74878, December 16, 2005.

The CISWI Rule defines a commercial and industrial solid waste incinerator as "any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR part 241." See 40 CFR 60.2265. Under 40 CFR Part 241, solid waste is as defined under 40 CFR 258.2, which states that solid waste means "any garbage, or refuse, ...and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities".

The CISWI Rule includes several exemptions in 40 CFR 60.2015 that apply to combustion units that burn certain types of solid waste (e.g., pathological waste). In addition, the CISWI rule provides that certain types of combustion devices are not considered incineration units in 40 CFR 60.2265. For example, a cyclonic burn barrel, consisting of a 55-gallon drum with a blower that forces cyclonic flow, is not an incinerator as defined under 40 CFR 60.2265. Also, as defined under 40 CFR 60.2215, there are special requirements that apply to small, remote incinerators, that combust less than 3 tons per day of solid waste and are located more than 25 miles driving distance from a municipal solid waste landfill.

Determination

Based on the information provided, the proposed combustion unit will burn solid waste and will be located at a temporary industrial facility. In addition, this proposed unit does not meet any of the exemptions in 40 CFR 60.2015 or the definition of a cyclonic burn barrel in 40 CFR 60.2265. Furthermore, the proposed unit does not meet the definition as a small, remote incinerator because it will be located less than 25 miles from a municipal solid waste landfill even though the unit is designed to combust less than 3 tons per day of solid waste.

For these reasons, the EPA, Region 10 determines that the CISWI Rule is applicable to the proposed Model 34 incineration unit, including, but not limited to, the requirements to submit a siting plan and waste management plan before commencing operations, to conduct an initial performance test as

⁴ OSWI units are defined in this rule as being either institutional waste incinerators or very small municipal waste combustors.

described in 40 CFR 60.2140, to conduct operator training within six months of startup, and to submit an application for a part 70 permit to the state permitting authority within 12 months of startup.

With respect to the Simonds letter, the EPA advised that the company consult “with the EPA, Region 10 if you still have site specific questions regarding the applicability of either rule” referring to the CISWI and OSWI rules applicable to their specific incinerator. In addition, the EPA advised that the incinerator at issue “may represent a different subcategory that was not contemplated during the development of CISWI rule” based on the information provided by SA Exploration. Finally, the Simonds letter is an EPA regulatory interpretation which is not binding, does not constitute final agency action, and does not directly resolve questions of applicability for a specific source. Contrary to the Simonds letter, your letter provides the information necessary for the EPA, Region 10 to determine whether the CISWI Rule is applicable to your proposed incineration unit.

If you have any questions about this matter, please contact Mr. Bryan Holtrop of my staff at (206) 553-4473 or holtrop.bryan@epa.gov.

Sincerely,

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Geoffrey Glass, Acting Chief
Air Permits and Toxics Branch

cc: Mr. James Plosay
Alaska Department of Environmental Conservation