# EPA Amendments to the Other Solid Waste Incinerators Rule
# FACT SHEET

## Summary

- On June 17, 2025, the U.S. Environmental Protection Agency issued several final changes to its Clean Air Act rule for new and existing Other Solid Waste Incinerators (OSWI) that are expected to improve compliance and reduce regulatory burden and costs to industry.
- EPA's final rule addresses the recurring review that is required under Clean Air Act section 129. While that review found there are no new cost-effective controls available that mandate revisions to the rule, the Agency made several revisions after considering comments on two proposals, additional data the Agency received, discussions with industry, and discussions with the Agency's state and Tribal regulatory partners, including the state of Alaska and Alaska Native Tribes.
- These revisions include changes to the units the rule covers and new emissions limits for units that burn 10 or fewer tons of solid waste per day – limits that better reflect actual emissions data than the limits in the previous rule. The Agency did not change the standards for units that burn more than 10 tons of solid waste per day.
- The changes to the OSWI standards apply to:
    - Very small municipal waste combustors, which are owned by states, local governments and tribes.
    - Institutional waste incinerators, which combust waste at institutional facilities such as residential care facilities, universities or prisons. These incinerators generally burn solid waste that is generated on site.
- EPA is not updating requirements for air curtain incinerators as part of this action. The Agency removed Title V permitting requirements in the OSWI standards for air curtain incinerators that burn only wood waste, clean lumber, yard waste (or a mixture of the three) in 2024.
- The Economic Impact Analysis for the final rule estimates that it will reduce costs to the industry by an estimated $140 million from 2025 to 2039 (3% discount rate), the equivalent of $12 million a year.
- Sections 111 and 129 of the Clean Air Act require EPA to issue New Source Performance Standards to limit emissions of nine pollutants from new, modified, and reconstructed solid waste incinerators, and Emissions Guidelines for states to follow as they develop plans for

limiting emissions of the pollutants from existing incinerator units. The pollutants are particulate matter, sulfur dioxide, hydrogen chloride, nitrogen oxides, carbon monoxide, lead, cadmium, mercury and dioxins/furans. OSWI units are not covered under other incinerator regulations because of their small size or other characteristics.

## Key Changes in the Final Rule

### *Changes to the units the rule covers*

- EPA is amending the definition of "**municipal solid waste**" to focus on the source and type or nature of waste rather than where it was collected. This change means that small incinerators located at commercial businesses and industrial sites will be considered "very small municipal waste combustors," provided they combust at least 30% municipal solid waste.
- The change also means that **small remote incinerators** combusting at least 30% municipal solid waste would be considered very small municipal waste combustors and would be subject to OSWI rather than the Commercial and Industrial Solid Waste Incineration Units rule. These small remote incinerators are primarily owned by oil and gas companies and burn municipal-type solid waste that is generated by the oil and gas workers and is not associated with oil and gas activities.
- In addition, the final rule defines "**rudimentary combustion devices**" to address the unique issues associated with small, primitive incinerators that are often not commercially designed or engineered and have limited ability to conduct emissions testing or implement controls. These devices tend to be used in remote or difficult-to-access communities with limited alternatives for waste disposal. EPA is not setting standards for rudimentary combustion units as part of the final rule.

### *New emissions limits and compliance options for units with a capacity to burn 10 or fewer tons of waste per day*

- The final rule establishes new subcategories of units based on their waste-combusting capacity. The categories apply to both new and existing units:

| Type of Unit | Combustion Capacity |
|---|---|
| Very Small Municipal Waste Combustor | 10 tons per day (TPD) or less of municipal solid waste or refuse-derived fuel |
| Very Small Municipal Waste Combustor | More than 10 TPD but less than 35 TPD of municipal solid waste or refuse-derived fuel |
| Institutional Waste Incinerator | 10 TPD or less of institutional waste |

| | |
|---|---|
| Institutional Waste Incinerator | More than 10 TPD of institutional waste |

- After considering public comment on the proposals and examining data provided by industry, EPA has set new emissions limits for units that burn 10 or fewer tons of solid waste per day. These new limits better reflect actual emissions data, which EPA must use in determining emissions limitations that reflect the maximum achievable control technology (MACT) for toxic air pollutants. The Agency did not change the emissions limits for units that burn more than 10 tons of solid waste per day.
- Recognizing the financial burden and technical challenges that can be associated with emissions testing and monitoring, EPA is providing an alternative compliance option for units with a combustion capacity of 10 or fewer tons per day. Owners and operators who have not previously submitted testing to meet requirements of the final standards, may submit detailed information about the units and identify a representative performance test in EPA's WebFIRE database. The rule also provides owners of these units with options for initial performance tests.

### *Other changes in the final rule*

- The final rule includes other minor amendments to the 2005 requirements, including revised regulatory provisions related to emissions during periods of startup, shutdown and malfunction; and provisions for electronic reporting of certain notifications and reports.

## For More Information

- Visit EPA's OSWI rule website to read the final rule and the Economic Impact Analysis.