

Fact Sheet

Proposed Rule: Standards for Air Curtain Incinerators that Only Burn Wood Wastes, Yard Wastes and Clean Lumber; Provision for Commercial and Industrial Solid Waste Incineration Units: Temporary Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery

Summary of Action

- On March 17, 2026, U.S. Environmental Protection Agency (EPA) issued a proposal to harmonize existing Clean Air Act (CAA) regulations and cut red tape for incinerators to help state, local, and Tribal governments prevent and respond to natural disasters.
- EPA is proposing to consolidate the air curtain incinerator (ACI) requirements spread out across four CAA section 129 rules.
 - EPA’s proposal, if finalized, will end decades of confusion surrounding CAA regulations and permits for incinerators, especially regarding when and how they can be utilized for debris cleanup following natural disasters.
 - EPA is also proposing to make permanent the temporary-use provision for Commercial and Industrial Solid Waste Incineration (CISWI) during disaster response. EPA is responding directly to states’ request for more incinerators for emergency and disaster debris cleanup, including the request for the temporary use of CISWI units.
 - EPA is taking public comment on revising the Other Solid Waste Incinerators (OSWI) definition of “municipal waste combustion unit” to remove the reference to “pyrolysis/combustion units.” Revising the definition would clarify that the OSWI rule does not regulate pyrolysis units used in advanced recycling operations.
 - Public comments received will help inform the development of a proposed rule on advanced recycling.

Proposed Revisions

Consolidating Requirements into a Single Rule

- **Earlier requirements caused confusion:** Previously, requirements for ACI that burn only wood wastes, yard wastes, and clean lumber were contained in 11 separate regulations for four categories of incinerators: Large Municipal Waste Combustors (LMWC), Small Municipal Waste Combustors (SMWC), CISWI, and OSWI. This caused confusion for owners and operators of this type of ACI, and for EPA’s state, local, and Tribal regulatory partners.
- **A single set of requirements will make things clearer:** To reduce confusion, EPA is proposing a single set of requirements for ACI that burn only wood wastes, yard wastes, and clean lumber. EPA’s proposal includes a definition for ACI and establishes a set of opacity limits that will apply to all ACI that burn only wood wastes, yard wastes, and clean lumber. The proposal also includes monitoring, recordkeeping, and reporting requirements.
- **Removing permitting burden:** To expedite the deployment of this type of ACI for managing wood wastes, yard wastes, and clean lumber after natural disasters, EPA is proposing to remove the requirement to obtain a Title V operating permit for this type of ACI that were previously covered in the CISWI and SMWC rules, as well as the LMWC Federal Plan unless the ACI is located at a facility that requires a Title V permit for other reasons.

Providing Temporary Use Provisions to Aid in Disaster Recovery

- **Accelerating natural disaster recovery and clean-up:** In August 2025, EPA issued an Interim Final Rule (IFR) to cut red tape on the temporary-use CISWI for natural disaster debris removal, providing states, local and Tribal governments with the ability to quickly and effectively clean up their

communities. The IFR was in direct response to states requests for more incinerators following disasters. EPA's August 2025 IFR has been [withdrawn](#) in light of this proposal.

- **Providing regulatory flexibility during disaster clean-up:** This proposal, if finalized, would make the temporary-use provision for CISWI permanent, making it easier for state, local, and Tribal governments to use CISWI units after a disaster. While burning disaster debris, CISWI would not be allowed to combust the waste they normally would burn during normal operations. CISWI would not have to comply with their CAA section 129 requirements while burning only non-hazardous disaster debris, but units would still be required to operate existing pollution control equipment.
- **Streamlined authorization and notification process:** Under EPA's proposal, CISWI units would be able to begin operating without any notification to EPA and operate for eight weeks, when a State of Emergency has been declared by a local or state government, or the President under the authority of the Stafford Act.
 - To use these incinerators for disaster recovery for longer, owners or operators would need notify the EPA Administrator in writing and request permission to continue to operate for an additional eight weeks.
 - Without written permission from the EPA Administrator, owners or operators would need to stop operating the incinerator or comply with all requirements in the 2019 final CISWI rule after 16 weeks.

How to Comment

- EPA will accept written comments for 45 days after the proposal is published in the *Federal Register*. EPA will hold a virtual public hearing 15 days after publication if one is requested.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2025-0068, may be submitted via one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting a comment.
 - Send an email message to a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2025-0068.
 - Mail: U.S. Environmental Protection Agency, EPA Docket Center, Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
 - Hand/Courier Delivery: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.-4:30 p.m., Monday-Friday (except federal holidays).

More Information

- ACIs force a curtain of air across an open chamber or pit that is used for burning, reducing the amount of smoke and pollution that results. They can be used to remove wood that can fuel wildfires or to quickly dispose of wood wastes, yard wastes, and clean lumber after natural disasters such as hurricanes, tornadoes, and ice storms.
- For more information on this action, please visit [EPA's website](#) to read the proposal.