



March 25, 2024

U.S. Environmental Protection Agency
William J. Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-Year Review (Docket #: EPA-HQ-OAR-2017-0183)¹

Dear Administrator Regan:

The American Lung Association appreciates the opportunity to share our comments on this proposal to update standards for large municipal waste combustors. We strongly support this proposal and urge the agency to finalize it without further delay. These standards will better protect health from harmful emissions.

The Lung Association is the oldest voluntary health organization in the United States, representing the more than 34 million individuals living with lung disease. The Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease through research, education and advocacy.

In this notice, EPA is proposing to amend the current Standards of Performance for New Large Municipal Waste Combustors (LMWCs) and Emission Guidelines for Existing LMWCs per the Clean Air Act section 129(a)(5)'s five-year review requirement. This review is long overdue; the standards were last revised eighteen years ago.

The American Lung Association supports the strengthening of the numerical emission limits for the nine pollutants including persistent organic toxics (dioxin/furans), poisonous heavy metals (lead, cadmium, mercury), corrosive acid gases (HCl, SO₂), and criteria pollutants (particulate matter, NO_x, CO). These emissions cause a host of health harms, including to the lungs. We also support removing exemptions and exclusions for startup, shutdown, and malfunction of the units and applying the proposed emission limits to all covered facilities at all times.

The Lung Association strongly urges EPA to extend the requirement of continuous emissions monitoring (CEM) to all particulate matter pollutants from LMWCs. This should include heavy metals such as lead, cadmium and mercury in addition to gases that react in the atmosphere to form acid droplets like SO₂ and NO₂. Exposure to toxic heavy metals,² persistent organic pollutants,³ and acid gases⁴ has been shown to have numerous adverse impacts to public health. The composition of waste being incinerated by an LMWC can vary widely on an hourly/daily basis. State laws and local regulations on waste disposal and recycling add to this variation across the country. Consequently, the profile of resulting pollutant emissions with their

¹ <https://www.federalregister.gov/documents/2024/01/23/2024-00747/standards-of-performance-for-new-stationary-sources-and-emission-guidelines-for-existing-sources#h-9>

² <https://my.clevelandclinic.org/health/diseases/23424-heavy-metal-poisoning-toxicity>

³ <https://www.epa.gov/international-cooperation/persistent-organic-pollutants-global-issue-global-response>

⁴ <https://www.ncbi.nlm.nih.gov/books/NBK596165/>; <https://www.epa.gov/sites/default/files/2016-09/documents/hydrochloric-acid.pdf>

different dispersal and deposition patterns could be expected to show temporal and spatial variation. CEM is needed to capture the variations and patterns of toxic particulate matter releases into the atmosphere to protect the health and environment of fence-line communities located in the proximity of an LMWC.

The proposed updates to emissions from LMWCs are predicated upon the incinerated waste being only solid municipal waste and not mixed with medical or industrial process waste. EPA must require operators of LMWCs covered under this proposal to ensure that this is so. This point is also relevant in EPA's proposed removal of Title V permitting requirements for air curtain incinerators that burn only wood waste, clean lumber and yard waste. Ensuring that an LMWC is incinerating only what it is permitted to do, with strict implementation and enforcement requirements, is essential to reap the long-delayed benefits of the proposed amendments.

Because revisions to State Plans are due 1 year after promulgation of the proposed standards, we ask that compliance deadlines for existing LMWC units be moved up from 3 years to 1 year after State Plan revision OR from 5 years to 3 years after promulgation of the revised standards, whichever comes first. The control technologies are not only feasible but have been successfully implemented, e.g. in the control of NOx emissions (using Advanced Selective Non-Catalytic Reduction and Low NOx technology) in some LMWCs in the ozone transport region as part of state RACT requirements.⁵ As such, there is no reason to delay the implementation of the proposed standards, which themselves have been delayed for nearly two decades.

Going forward, we expect EPA to adhere to the 5-year review of maximum achievable control technology (MACT) floor levels required by the Clean Air Act and set increasingly stringent emission standards as supported by emerging control technologies.

Emergency planning must also be required to inform local communities of any accidental releases of pollutants from the LMWCs. With continued increases in US population⁶ and continued upward trend in urban populations,⁷ more robust strategies for integrated solid waste management need to be developed to prevent pollution of the three media from incineration and/or landfill of the ever-growing municipal waste. Federal agencies should work with state and local authorities to reduce waste generation in the first place and to improve⁸ the current paradigm of the three Rs (Reduce, Reuse, Recycle)⁹ to significantly reduce pollution from municipal waste – it is a human health and human welfare imperative.

We also urge EPA to address the additional health harms of so-called “advanced recycling” or “chemical recycling” in future agency actions. These facilities are also sources of harmful emissions, including hazardous air pollutants, and we urge EPA to ensure that human health is protected from air pollution from these and other facilities that process municipal waste.

Thank you.

⁵ https://otcair.org/upload/Documents/Reports/MWC%20Report_revised%2020220425.pdf

⁶ U.S. Population Trends Return to Pre-Pandemic Norms <https://www.census.gov/newsroom/press-releases/2023/population-trends-return-to-pre-pandemic-norms.html>

⁷ Nation's Urban and Rural Populations Shift Following 2020 Census <https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html>

⁸ <https://news.climate.columbia.edu/2020/03/13/fix-recycling-america/>

⁹ <https://www.epa.gov/recycle>