

## **FACT SHEET**

### **Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Oklahoma; Control of Emissions From Existing Commercial and Industrial Solid Waste Incineration Units; Proposed Rule; Regulations.gov Docket No. EPA-R06-OAR-2020-0610**

#### **SUMMARY**

##### **What is EPA proposing here?**

- The EPA is proposing approval of the Oklahoma Clean Air Act (CAA) section 111(d)/129 plan submitted on November 16, 2020, for existing incinerators located at commercial and industrial facilities that incinerate solid waste (Oklahoma CISWI plan).
- CAA section 111(d)/129 state plans are submitted to EPA for review and approval to implement and enforce the applicable emission guidelines for the specified existing facilities. EPA is proposing to find that the Oklahoma plan is at least as protective as the Federal requirements.

##### **What is the impact of this action?**

- We expect that this action will generally have positive environmental and health impacts on populations in Oklahoma that are located near an existing incinerator subject to the CISWI EG. This action would not worsen any existing air quality and is expected to ensure the area is meeting requirements to attain air quality standards.
- Once approved by EPA, the Oklahoma plan will become federally enforceable.

##### **What incinerators are affected by the plan?**

- There is one incinerator identified by Oklahoma as subject to the Oklahoma CISWI plan. This facility is Henryetta Pallet Co., and the incinerator identified is an air curtain incinerator that burns untreated lumber.

##### **What else does this rule contain?**

- This proposed rule also contains more information regarding EPA's review and evaluation of the state submittal and EPA's proposed approval of the Oklahoma CISWI plan. The proposal also discusses how the submittal meets federal requirements for EPA's approval as Oklahoma closely followed EPA's emissions guidelines. Additional supporting materials, including the Technical Support Document for this proposed rule can be found at Regulations.gov Docket No. EPA-R06-OAR-2020-0610.

### **Where can I find information on how to submit comments on the EPA’s proposal?**

- The EPA will publish a *Federal Register* notice with instruction on how to submit comments. See Docket No. EPA-R06-OAR-2020-0610 at <https://www.regulations.gov>.

### **How many days do I have to comment on the EPA’s proposal?**

- This proposed action will be published in the *Federal Register* after it is signed by the EPA Region 6 Regional Administrator. The public comment period will be 30 days from the date the proposed *Federal Register* notice is published in the *Federal Register*.

## **BACKGROUND**

### **What is Clean Air Act section 111(d)/129?**

- Section 111 of the CAA, “Standards of Performance for New Stationary Sources,” directs the EPA to establish emission standards for stationary sources of air pollution that could potentially endanger the public health or welfare. These standards are referred to as New Source Performance Standards (NSPS).
- Section 111(d) addresses the process by which the EPA and states regulate standards of performance for existing sources. When NSPS are promulgated for new sources, section 111(d) and EPA regulations require that the EPA publish an Emission Guideline (EG) to regulate the same pollutants from existing facilities.
- CAA section 129 directs the EPA to establish NSPS and EG for existing sources for each category of solid waste incinerator specified in CAA section 129.
- While NSPS are directly applicable to new sources, EG for existing sources (designated facilities) are intended for states to use to develop a state plan to submit to the EPA.

### **What criteria must state plan submittals under Clean Air Act section 111(d)/129 meet?**

- State plan submittal and revisions under CAA section 111(d)/129 must be consistent with the applicable EG and the requirements of 40 CFR part 60, subpart B, and part 62, subpart A.
- The EG contains provisions for emission limits, operating limits, reporting and recordkeeping requirements as well as other requirements for applicable sources.
- The regulations at 40 CFR part 60, subpart B, contain general provisions applicable to the adoption and submittal of state plans under CAA section 111(d).
- Additionally, 40 CFR part 62, subpart A, provides the procedural framework by which the EPA will approve or disapprove such plans submitted by a state.

**When were the relevant Emission Guidelines (EG) promulgated?**

- The CISWI EG was most recently revised on March 21, 2011, and amended on April 16, 2019. This EG affects existing incinerators located at commercial and industrial facilities for which construction commenced on or before June 4, 2010, or for which modification or reconstruction was commenced on or before August 7, 2013.

**What are Oklahoma's past actions on these EGs?**

- On October 4, 2005, Oklahoma's section 111(d)/129 plan for the control of emissions for incinerators located at commercial and industrial facilities addressing 2000 CISWI EG requirements was approved by EPA (70 FR 57764).