

February 2, 2000

AR-18J

Jim Maturen, Commissioner Chair
Environment, Conservation & Solid Waste Committee
Osceola County Board of Commissioners
4111 Wild Turkey Trail, R#4
Reed City, Michigan 49677

Dear Mr. Maturen:

This letter is in response to your letter dated December 23, 1999, in which you expressed concerns regarding the air emissions from co-generation plants. Specifically, the Osceola County Board of Commissioners is requesting that the United States Environmental Protection Agency (USEPA) investigate burning tires and other chemically treated materials without controlling emissions through the use of wet scrubbers.

Currently USEPA is in the process of investigating and promulgating standards to regulate the emissions from burning solid waste. Section 129 of the Clean Air Act (CAA) requires USEPA to promulgate new source performance standards and emission guidelines for solid waste incineration units combusting commercial or industrial waste. New source performance standards regulate new sources pursuant to section 111(b) of the CAA, and emission guidelines give guidelines to states regarding regulating these same type of existing sources pursuant to section 111(d) of the CAA. Standards and emission guidelines promulgated pursuant to section 129 are required to reflect the maximum achievable degree of reduction in emissions of air pollutants listed under section 129(a)(4).

On November 30, 1999, USEPA proposed these new source performance standards and emission guidelines for commercial and industrial solid waste incineration units (enclosed). The standards and guidelines contain a definition of the term "solid waste", solely for the purpose of identifying those sources subject to the regulations (e.g., it is not a definition for use with any other regulations). USEPA is required to finalize these standards and guidelines for commercial and industrial solid waste incinerators by November 2000.

In addition to this Section 129 requirement, section 112(d) of the CAA authorizes USEPA to promulgate regulations for source

categories to limit emissions of hazardous air pollutants. These regulations, commonly referred to as Maximum Achievable Control Technology (MACT) standards, require the maximum degree of reduction in emissions deemed achievable and "to be not less stringent than the emission control that is achieved in practice by the best controlled similar source..." USEPA is in the process of gathering information and developing regulations under section 112 to limit emissions of hazardous air pollutants from industrial-commercial-institutional boilers burning fuel. Proposed MACT standards for industrial-commercial-institutional boilers burning fuel pursuant to section 112 are expected later this year.

Studies have also been done by USEPA on emissions from open tire burning and controlled tire burning. You can access general information on uses of scrap tires through the Municipal Solid Waste Management internet site (<http://www.epa.gov/epaoswer/non-hw/muncpl/topics.htm>). This website also lists publications regarding scrap tires (burning and retreading) and provides a phone number to request any of these publications. Finally, you can find federal registers with proposed and final rulemakings on the EPA internet site (<http://www.epa.gov/fedrgstr/> or <http://www.epa.gov/epahome/rules.html#proposed>).

Thank you for notifying us of your concerns with this matter. If you would like more information on the standards and emission guidelines for commercial and industrial solid waste incinerators, please contact Rick Crume at (919) 541-5294. For more information on the MACT standard for industrial-commercial-institutional boilers burning fuel, please contact Jim Eddinger at (919) 541-5426. If you have any other questions, feel free to contact Laura Hartman at (312) 353-5703.

Sincerely yours,

/s/

Robert Miller, Chief
Permits and Grants Section (MI/MN/WI)

Enclosure