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MEMO # 8.24

Additional Entry for
New Source Review, Prevention of Significant Deterioration,
and Nonattainment Area Guidance Notebook

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Date: June 26, 1987

To: Director, Air Management Division
Regions I-X

From: Gerald A. Emison, Director
OAQPS

Subject: Operational Guidance on Control Technology for
New and Modified MWC's

CFR:

Discussion: Requires reviewing authorities, in considering the range of potential control options during the BACT determination process for MWC's, to consider a dry scrubber and a fabric filter or electrostatic precipitator as BACT for SO₂ and PM, and combustion controls as BACT for CO.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

26 JUN 1987

MEMORANDUM

SUBJECT: Operational Guidance on Control Technology for New and
Modified Municipal Waste Combustors (MWCs)

FROM: Gerald A. Emison, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Air Management Division Directors
Regions I, III, V and IX

Air and Waste Management Division Director
Region II

Air, Pesticides, and Toxics Management Division Directors
Regions IV and VI

Air and Toxics Division Directors
Regions VII, VIII and X

As you know, numerous questions regarding the selection of appropriate pollution control requirements for MWCs have arisen during recent years in

major source permitting proceedings under the prevention of significant determination (PSD) provisions of Part C of the Clean Air Act and the nonattainment new source review (NSR) provisions of Part D of the Act. Accordingly, the attached operational guidance is being issued to promote consistency in making best available control technology (BACT) determinations under PSD and lowest achievable emission rate (LAER) determinations under nonattainment NSR, and to reduce delay and confusion in the permitting process. This guidance requires reviewing authorities, in considering the range of potential control options during the BACT determination process for MWCs, to consider a dry scrubber and a fabric filter or electrostatic precipitator as BACT for sulfur dioxide (SO₂) and particulate matter (PM), and combustion controls as BACT for carbon monoxide (CO).

The Administrator remanded to Region IX on June 22, 1987, their previous concurrence on a PSD permit for the H-Power MWC to be constructed in Honolulu, Hawaii. Petitioners had argued that, (a) BACT for this facility did not adequately justify the failure to require the use of an acid gas scrubber, and (b) the permitting authority did not evaluate the effectiveness of acid gas scrubbers in reducing emissions of unregulated pollutants, as required

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by the June 1986 North County Resource Recovery Associates PSD Appeal decision (or North County remand). In remanding the H-Power permit application to Region IX for further proceedings, the Administrator made it clear that the Agency considers acid gas scrubbers to be an available technology for excess air MWC's that fire refuse-derived fuel (RDF) such as the H-power facility. The attached operational guidance states that this type of post-combustion control is one component of available technology for modular, starved air MWCs and massburn, excess air MWCs, in addition to RDF-fired, excess air MWCs.

As stated above, the operational guidance includes a second component of available technology, which is combustion control for the criteria pollutant CO. Since the effectiveness of the two components of available technology in controlling unregulated pollutants is an important consideration in individual BACT determinations (per the North County remand), the attached guidance states that (a) acid gas scrubbers followed by fabric filters or electrostatic precipitators are effective in controlling potentially toxic organic and metal pollutants, as well as acid gases other than sulfur dioxide, and (b) combustion controls are effective in controlling potentially toxic organic pollutants.

The technical basis for the operational guidance is documented in five reports which are a part of the Agency's comprehensive study of MWC. These volumes are listed in the References section of the guidance. You will note that the guidance indicates "specified values" should be selected on a site specific basis for several design and operating parameters of the facility and for emissions of criteria pollutants. A thorough discussion of the factors to be considered in choosing the "selected values" is included in the five reports from the comprehensive MWC study.

As noted under Section V, this guidance should be transmitted to all State and local agencies to which PSD permitting authority has been delegated under 40 CFR Section 52.21 (u). The transmittal letter should specify that the delegation agreement is amended to include this guidance. States which have received SIP approval of a PSD program under 40 CFR Section 51.166 (formerly Section 51.24) should also be informed of this guidance and of EPA's expectation that it be followed.

Attachment

cc: James DeMocker (ANR-443)
Gregory Foote (LE-132A)
Steve Greene (WH-565)
Joseph E. Lees (ANR-443)
J. Craig Potter (ANR-443)
John C. Ulfelder (A-101)
Marcia Williams (WH-562)

6/26/87

OPERATIONAL GUIDANCE ON CONTROL
TECHNOLOGY FOR NEW AND MODIFIED
MUNICIPAL WASTE COMBUSTORS

I. The Need for Guidance.

The combustion of municipal waste represents an increasingly important element of the solid waste disposal problem in the U.S. However, the operation of municipal waste combustors (MWCs) releases potentially harmful pollutants to the air. Human exposure can occur directly or indirectly, and there is also concern that the environment could be vulnerable to long-term accumulation of emitted pollutants. EPA is addressing these issues in a comprehensive, integrated Municipal Waste Combustion Study and with this operational guidance.

Numerous questions regarding the selection of appropriate pollution control requirements have arisen during recent years in major source permitting proceedings under the prevention of significant deterioration (PSD) provisions of Part C of the Act and the nonattainment new source review (NSR) provisions of Part D of the Act. Uncertainty over these questions has led to conflict over minimum legal requirements and consequent delay in the permitting and construction of MWCs. Hence, there is a need for guidance to resolve controversies which may arise as to facilities seeking permits. Accordingly, EPA is issuing this operational guidance for use in making best available control technology (BACT) determinations under PSD and lowest achievable emission rate (LAER) determinations under nonattainment NSR. EPA believes that this guidance will promote consistency in control requirements, and reduce delay and confusion in the permitting

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process. At the same time it will allow permitting authorities to give appropriate consideration to local factors in making case-by-case BACT determinations as required under law.

II. Administrative History.

Section 169 (3) of the Act provides that BACT determinations in PSD permits must be "based on the maximum degree of reduction of each pollutant subject to regulation under this [Act] . . . which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable." EPA's regulations track this language. See 40 C.F.R. 52.21 (b) (12), 40 C.F.R. 51.166 (b) (12). In addition, in two administrative appeals involving resource recovery facilities, EPA has further refined the analysis which permitting authorities must conduct in making BACT determinations.

In North County Resource Recovery Associates, PSD Appeal No. 85-2 (June 3, 1986), the Administrator issued a Remand Order which held that, in making BACT determinations for a regulated air pollutant, the permitting authority must consider the effect of that decision on emissions of pollutants not regulated under the Clean Air Act. North County provided that the final BACT decision should address these environmental impacts, and that the permitting authority may ultimately choose more stringent emissions limitations for the regulated pollutant than it would otherwise have chosen if it would have the collateral benefit of restricting emissions of the unregulated pollutant. In the North County case, the permitting authority had required the use of a dry scrubber and fabric filter as BACT for sulfur dioxide, but had failed to consider the effect of that decision on emissions

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of certain unregulated pollutants -- dioxins and furans, heavy metals, and acid gases -- on the grounds that it lacked authority to do so. Various persons petitioned the Administrator under 40 C.F.R. Part 124. In response to the Administrator's subsequent remand order, the permitting authority analyzed the effect of various control options on these three classes of pollutants, and found that no other controls on regulated pollutants would be more effective in reducing emissions of the unregulated pollutants. The Administrator then ruled that the permitting authority had satisfied the

requirements of the remand order, and denied the petitions. See North County Resource Recovery Associates, PSD Appeal No. 85-2, Order Denying Review (September 4, 1986).

The Administrator ruled in Honolulu Resource Recovery Facility H-Power), PSD Appeal No. 86-6, Remand Order (June 22, 1987), that a PSD permitting authority has the burden of demonstrating that adverse economic impacts justify the failure to require as BACT the most effective control technology which is available. He also found that acid gas scrubbers are an available control technology for sulfur dioxide (SO₂). The H-Power decision also provided that the economic impacts must be specific to the source in question and substantial. Thus, because the Administrator agreed with EPA Region IX that Hawaii had not adequately demonstrated the basis for its conclusion that economic factors justified the absence of flue gas treatment as BACT for SO₂, he remanded the matter for further proceedings.

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EPA today also draws upon the technical data referenced below, and its experience in issuing, reviewing, and enforcing PSD permits for MWCs. Recent emission test data have demonstrated that particulate matter (PM), SO₂, and other air pollutants (including organics, heavy metals, and acid gases) can be controlled effectively by acid gas scrubbing devices (dry scrubbers) equipped with efficient particulate collectors. Over 20 MWC facilities in Europe are known to be operating with dry scrubbers and particulate collectors, and at least 37 such facilities are known to exist in Japan. In the United States, three facilities currently are in operation and at least 15 have been permitted to construct with dry scrubbing and particulate control devices as the specified technology. Thirteen of these facilities are expected to be operating by December 1988.

Based on this information, it is clear that a dry scrubber followed by either a fabric filter or electrostatic precipitator are "available" technologies for effective control of the SO₂ and PM emitted by MWCs, and that these technologies also are effective in controlling emissions of potentially toxic organic and heavy metal pollutants, and acid gases other than SO₂. In addition, the data show that these technologies are reliable and reasonably affordable. Similarly, combustion controls are an available technology for the control of carbon monoxide (CO) emitted by MWCs, and are effective in controlling that criteria pollutant and potentially toxic organic pollutants. EPA's information indicates that this technology also is reliable and reasonably affordable.

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III. BACT Guidance for SO₂, PM, and CO.

Accordingly, in considering the range of potential control options during the BACT determination process for MWCs, the reviewing authority must consider a dry scrubber and a fabric filter or electrostatic precipitator as BACT for SO₂ and PM, and combustion controls as BACT for CO. In order to justify a BACT determination calling for a lesser degree of emissions control than can be achieved using these technologies, the permitting authority must demonstrate, based on information contained in the permit file, that significant technical defects, or substantial adverse economic, energy, or environmental impacts or other costs would arise that are specific to the MWC in question. Permitting authorities remain free to make case-by-case judgments in accordance with today's guidance. However, based on the above-referenced information regarding legal requirements and the availability, effectiveness, and cost of these technologies, EPA expects that proper application of this guidance will result in few, if any, BACT determinations entailing application of pollution control technologies less effective than those called for herein.

Today's guidance is general; it is limited to describing types of post-combustion control equipment and to establishing general criteria for combustor design, combustor operating practices, emission monitoring, and operator training. It does not set specific emission limits. Detailed information regarding the maximum degree of emissions control achievable with these technologies is available in the referenced technical documents, the BACT/LAER Clearinghouse, or from EPA. Such information should be used by applicants and permitting authorities setting specific emissions

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limits for PSD permits. In addition, today's guidance only addresses control technologies currently in widespread use for MWC's, and establishes minimum criteria for BACT determinations. Permitting authorities are not relieved of their responsibility to consider, on a case-by-case basis, whatever available technologies may be anticipated to provide a greater degree of control than those addressed today. Similarly, because control technologies and the other factors in forming BACT determinations are constantly evolving, the technology providing the greatest degree of emissions control taking economic, energy, and environmental impacts into account may likewise change over time. As one example, flue gas treatment technology for the criteria pollutant nitrogen oxides (NOx) is in operation at one MWC in the U.S., and this technology should be considered by permitting authorities in making BACT determination. In addition, emerging technologies in flue gas cleaning may develop which can attain the level of multipollutant control currently demonstrated by dry scrubbing/particulate matter controls, and technologies such as these should be considered in future BACT determinations. Permitting authorities and applicants must keep abreast of new developments. Of course, EPA will assist in this endeavor.

IV. LAER Guidance for Nonattainment Areas.

The technologies discussed herein for control of SO₂, PM, CO, and NO_x have all been successfully implemented, and thus have been "achieved in practice" by MWCs within the meaning of section 171 (3) of the ACT. Hence, in nonattainment areas where NSR requirements apply and major new sources and modifications must apply LAER, no less effective pollution control technologies may be imposed as LAER.

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V. Implementation.

Today's guidance applies to all ongoing PSD and NSR proceedings, as well as to all new permit applications. In consideration of the needs for program stability and equity to sources which have in good faith relied on pre-existing permitting guidelines, this guidance does not apply to PSD and NSR permit proceedings for which, as of June 26, 1987, final permits have already been issued and, with respect to PSD permits issued by EPA, agency review procedures under 40 C.F.R. Part 124 have been exhausted.

This operational guidance applies to PSD permits issued by EPA directly through its Regional offices and indirectly through State and local agencies pursuant to delegation agreements made under 40 C.F.R. 52.21 (u). Such agencies will be notified by letter of this guidance. It will constitute an amendment to the pre-existing delegation agreements. EPA Regional offices will review all draft permits for MWCs issued by delegate agencies during the public comment period to insure proper application. Further program evaluation will take place under the National Air Audit System (NAAS). If delegate agencies should fail to adhere to this guidance, EPA staff may initiate administrative appeal proceedings under 40 C.F.R. Part 124 in appropriate cases. Such action would be appropriate where, for example, failure to follow the guidance results in a finding of fact or conclusion of law which is clearly erroneous, or involves an exercise of discretion or an important policy consideration which the Administrator should review. See 40 C.F.R. 124.19 (a). Action would also be appropriate where failure to follow the guidance resulted in an inability to determine,

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based on the record, whether a clear error occurred. If necessary, EPA may also revoke the delegation of PSD authority to the State or local agency.

With respect to State PSD permits issued pursuant to a State implementation plan (SIP) program approved by EPA under 40 C.F.R. 51.166 (formerly 51.24), and State NSR programs approved under Part D of the Act and 40 C.F.R. 51.165 (formerly 51.18 (j)), EPA expects States to follow today's guidance in generally the same fashion as delegate agencies. EPA will use the guidance as a reference point in its oversight of State MWC permit actions. As with delegated permits EPA will participate in permit proceedings and conduct NAAS evaluations. If agencies processing NSR permits or PSD permits under approved State programs should fail to adhere to this guidance, EPA may initiate administrative and/or judicial action

under sections 113 and/or 167 of the Act in appropriate cases. Such action would be appropriate where, for example, failure to follow the guidance results in a finding of fact or conclusion of law which is clearly erroneous, or in an inability to determine whether a clear error occurred. If necessary, EPA may also call for SIP revisions under section 110 (a) (2) (H).

Insofar as today's guidance addresses minimum legal requirements for BACT determinations, it simply implements existing regulations and policy, including Agency actions already made by the Administrator in the North County and H-Power cases. To the extent the guidance addresses the technical issues of availability, effectiveness, and cost of control technologies for MWCs, it expresses EPA's view regarding the proper usage, in permit proceedings under existing EPA regulations and SIP programs, of the factual data contained

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in the five documents referenced below. Those documents present information on the alternative controls available for MWCs, the performance capabilities and costs of those controls, and the methods for monitoring and measuring emissions from MWCs. Factors to be considered in choosing the "specified values" to be included in permits, as noted in the guidance, such as maximum concentration of CO in emissions and minimum value of furnace temperature, are contained in these references. Thus, the guidance does not constitute rulemaking within the meaning of section 307 (d) of the Act or under the Administrative Procedure Act. Accordingly, it is not necessary to implement this guidance, through changes in the PSD regulations at 40 C.F.R. 52.21. Likewise, regarding approved State PSD programs, it is not necessary to revise 40 C.F.R. Section 51.166 and require corresponding SIP revisions.

V. Technical Guidance.

Today's operational guidance applies to three types of MWCs: massburn, excess air MWCs; excess air MWCs that fire refuse-derived fuel; and modular, starved air MWCs. It applies to those MWCs that operate with energy recovery and those that operate without energy recovery. It applies to both major new and major modified facilities of these types. The guidance requires that values for emission limits and operating parameters be specified in MWC permitting decisions.

One component of control technology for MWCs is the application of the appropriate post-combustion control equipment. The EPA has identified this equipment as a dry scrubber with fabric filter or with electrostatic

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precipitator. The concentration of particulate emissions in the exhaust gases from the post-combustion control equipment shall not exceed a specified maximum value; and the SO₂ emissions in the exhaust gases shall not exceed a specified maximum concentration value or the percent reduction in SO₂ emissions across the post-combustion control equipment shall not be less than a specified value. Performance of the dry scrubber and fabric filter or electrostatic precipitator in controlling acid gases, potentially toxic metals, and potentially toxic organic pollutants is affected significantly by the reduction in flue gas temperature which occurs in the dry scrubber. The control system shall be designed and operated such that the flue gas temperature at the outlet from the dry scrubber does not exceed a specified value.

A second component of control technology for MWCs is proper design and operation of the combustion system, which controls CO and potentially toxic organic pollutants. Minimum concentrations of CO in emissions from MWCs are associated with the implementation of several good combustion practices. These practices are also related to the effective destruction of potential emissions of toxic organic pollutants, including dioxins and furans. Concentrations of CO in furnace exhaust gases shall not exceed a specific maximum value, and CO and O₂ concentrations in the exhaust gases shall be monitored continuously. In addition, furnace operating temperatures shall be no lower than a specified minimum value, and a procedure for continuous monitoring shall be established to ensure that the specified temperature is maintained.

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The capabilities to control flow rates and distributions of underfire (primary) and overfire (secondary) air, to monitor continuously CO concentration and furnace temperature, to maintain thermal load within a specified range, and to control the process to maintain CO and temperature of the furnace at appropriate levels are all important to good combustion. Detailed information regarding the numerical values to be assigned to the emission levels and equipment design and operating parameters associated with good combustion are provided in the documents cited under References.

References:

Municipal Waste Combustion Study: Emission Data Base for Municipal Waste Combustors.
EPA 530-SW-87-021B

Municipal Waste Combustion Study: Combustion Control of Organic Emissions.
EPA 530-SW-87-021C

Municipal Waste Combustion Study: Flue Gas Cleaning Technology.
EPA 530-SW-87-021D

Municipal Waste Combustion Study: Cost of Flue Gas Cleaning Technologies.
EPA 530-SW-87-021E

Municipal Waste Combustion Study: Sampling and Analysis.
EPA 530-SW-87-021F