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Executive Director
Milwaukee Metropolitan
Sewerage District
Milwaukee, WI

EXECUTIVE DIRECTOR

Ken Kirk

June 27, 2011

Honorable Lisa P. Jackson
Administrator

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Ms. Gina McCarthy

Assistant Administrator, Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Mr. Peter Tsirigotis

Director, Sector Policies and Programs Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

Richard Ossias, Esq.

Associate General Counsel for the Air and Radiation Law Office
Office of General Counsel (Mail Code 2344A)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Supplement to May 24, 2011 Petition for Reconsideration and Stay of
the Standards of Performance for New Stationary Sources and Emission
Guidelines for Existing Sources: Sewage Sludge Incineration Units; Final
Rule, 76 *Fed. Reg.* 15372-15454 (March 21, 2011)

Dear Administrator Jackson:

On May 24, 2011, the National Association of Clean Water Agencies (NACWA) submitted a petition for reconsideration and stay of the EPA action titled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units," 76 *Fed. Reg.* 15372 (Mar. 21, 2011) (the "SSI Rule"). The SSI Rule establishes various emission limitations and other requirements under CAA section 129 applicable to sewage sludge incinerators (SSI).

June 27, 2011

Page 2 of 2

This letter supplements our May 24 petition in order to inform you of recent events which increase the urgency for EPA to grant immediate reconsideration and stay of the SSI Rule.

Enclosed are copies of information requests from the New York State Department of Environmental Conservation (NYSDEC) as received by the sanitation districts serving Albany County, the City of Buffalo, and the Town of Tonawanda, New York. Each of these sanitation districts is a member of NACWA and owns and operates at least one SSI that is subject to the SSI Rule.

In the information requests, NYSDEC is seeking a certification committing each sanitation district either (1) to "cease operation" and "render[] inoperable" each facility's SSIs by no later than *March 21, 2012*, or (2) to upgrade each SSI as necessary to comply with the regulations NYSDEC will promulgate in order to implement the SSI Rule. NYSDEC asks the districts to submit these certifications by *June 30, 2011* or justify why a later due date is necessary.

The steps that NYSDEC is taking to begin implementing the SSI Rule strongly illustrate the imminent impact of the SSI Rule on the municipalities and local clean water agencies who incinerate biosolids. As we presented in our petition for reconsideration and stay, several of the SSI emission limitations are overly stringent, in part because EPA failed to account for the inherent variability of biosolids feed characteristics. Some municipalities predict that no viable control technologies exist that will allow them to incinerate in compliance with the rule. Other municipalities have indicated that they do not have the space at their treatment works to accommodate additional pollution control equipment. Without immediate action by EPA to stay the SSI Rule, even more municipalities like the three sanitation districts in upper New York State will be forced to choose now whether to abandon incineration or to commit to the uncertain path of trying to find the means and methods for complying with these legally flawed requirements.

NACWA requests a meeting to discuss our concerns with the SSI Rule and EPA's action on our petition for reconsideration and stay. We emphasize again the urgency with which EPA needs to take action on NACWA's petition. Unless a stay of the SSI Rule is granted in the very near future, we believe that permanent environmental harm and significant economic injury to a large number of municipalities will follow as communities are forced to make practically irreversible decisions regarding the future of biosolids management.

We will be in touch with your office in the next few days to follow up on this request. Please contact me or Mr. Chris Hornback at (202) 833-9106 or chornback@nacwa.org to discuss any questions regarding NACWA's petition or this request.

Sincerely,



Ken Kirk
Executive Director

Encl.

cc: Nancy Stoner, U.S. Environmental Protection Agency

New York State Department of Environmental Conservation

Division of Air Resources

Bureau of Stationary Sources, 2nd Floor

625 Broadway, Albany, New York 12233-3254

Phone: (518) 402-8403 • FAX: (518) 402-9035

Website: www.dec.ny.gov



Joe Martens
Commissioner

May 31, 2011

Mr. Glen Absolom
Southtowns STP
S-3690 Lakeshore Road
Buffalo, NY 14219

Southtowns STP

9144800012

Existing Incinerator / Federal Sewage Sludge Incinerator (SSI) Unit Regulation 40 CFR Part 60, Subpart Mmmm

Dear Mr. Absolom:

As mentioned in Steve Johnson's May 21, 2011 phone call to you, the Environmental Protection Agency (EPA) published as a final Rule, 40 CFR Part 60, Subpart Mmmm – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (Guidelines). You can view the final Rule, Fact Sheets and other technical support information (cost information for typical upgrades, etc to meet the Guidelines) at EPA's TTN website:

www.epa.gov/ttn/atw/129/ssi/ssipg.html.

For your reference, I have enclosed a copy of the EPA Fact Sheet which provides a general overview of the new SSI requirements.

The new Guidelines establish mandatory limits for nine air pollutants: particulate matter (PM), sulfur dioxide (SO₂), hydrogen chloride (HCl), nitrogen oxides (NO_x), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins/furans. The Guidelines also establish an opacity limit as well as very specific requirements for initial and annual performance testing, operator training, recordkeeping and reporting, and compliance monitoring.

In accordance with the federal Clean Air Act, New York State, through the Department of Environmental Conservation (DEC) is required to implement the requirements of the Guidelines, and we are now trying to establish if any existing SSI units in New York State intend to continue operation under the new Guideline requirements.


Any facility that plans to continue operation of an SSI unit will be required to:

- meet a retrofit compliance schedule that would be incorporated into a future State regulation,
- obtain a Title V permit,
- be in compliance with the new Guidelines within three (3) years of EPA's approval of a New York SSI State Plan (which is due to EPA by March 21, 2012), or by March 21, 2016 whichever is earlier.

To assist the DEC in planning on how to address EPA's new SSI Guidelines, it is requested that you advise the DEC by June 30, 2011 of your plan to either upgrade your existing SSI unit(s) to meet the new Guidelines, or shutdown and render inoperable your SSI unit(s) no later than March 21, 2012. It is imperative that the DEC receive a firm commitment regarding your future SSI operational plans. To assist you in this regard, I have enclosed a one page certification form (Sewage Sludge Incinerator Unit(s) – Notice of Operational Intent) for your use in notifying the DEC of your intended plans. If you need additional time (for investigation, analysis, etc.) and cannot respond by June 30, 2011, indicate on the form your reason and a projected response date.

Thank you for your attention to this matter. If you have any questions, please contact Steve Johnson at (518) 402-8403, or your NYSDEC Regional office.

Sincerely,



Robert J. Stanton, P.E.
Director, Bureau of Stationary Sources
Division of Air Resources

Enclosures

cc: Regional Air Pollution Control Engineers
Steve Johnson
John Henkes

New York State Department of Environmental Conservation

Division of Air Resources

Bureau of Stationary Sources, 2nd Floor

625 Broadway, Albany, New York 12233-3254

Phone: (518) 402-8403 • FAX: (518) 402-9035

Website: www.dec.ny.gov



Sewage Sludge Incinerator (SSI) Unit(s) Notice of Operational Intent DEC ID#: 9144800012

Mr. Glen Absolom
Southtowns STP
S-3690 Lakeshore Road
Buffalo, NY 14219

(Please report facility information as it exists on NYSDEC permit)

SSI Unit Manufacturer Model Name/Number Type (MH or FB)	
Emission Point ID#	

In response to NYSDEC's May 27, 2011 letter, be advised as follows:

(Check one)

☐ I _____, authorized representative for Southtowns STP do hereby certify that the SSI unit(s) currently permitted at the above referenced facility will cease operation and be rendered inoperable no later than March 21, 2012.

☐ I _____, authorized representative for Southtowns STP do hereby certify that the SSI unit(s) currently permitted at the above referenced facility will be upgraded in accordance with the regulations to be promulgated by NYSDEC to comply with the requirements of federal 40 CFR Part 60, Subpart Mmmm.

☐ I _____, authorized representative for Southtowns STP

cannot respond by June 30th, 2011 because of the following:

I can advise you by (mm/dd/yy) _____

Authorized Representative:	
Title:	
Signature:	Date:

Note: Please send the original of this completed form, **CERTIFIED MAIL** to: Robert Stanton P.E., Director, Bureau of Stationary Sources, NYSDEC, 625 Broadway, Albany, NY, 12233, and a copy to your local NYSDEC office, Regional Air Pollution Control Engineer, Division of Air Resources.

FACT SHEET

FINAL STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES: SEWAGE SLUDGE INCINERATORS

ACTION

- On February 21, 2011, the Environmental Protection Agency (EPA) finalized new source performance standards (NSPS) and emission guidelines (EG) for new and existing sewage sludge incineration (SSI) units. The rule will reduce emissions of air toxics and several of the common pollutants called criteria pollutants. The rules are expected to impact 204 units.
- The final rule will reduce emissions of a number of toxic air pollutants, including mercury, other metals and organic air toxics, which include dioxins/furans. Toxic air pollutants, also known as hazardous air pollutants or air toxics, are those pollutants known or suspected of causing cancer and other serious health effects
- A SSI unit is an incinerator or combustion device that is used to burn dewatered sewage sludge. SSI units are typically located at wastewater treatment facilities.

FINAL REQUIREMENTS

- The final rules cover two SSI subcategories based on the type of incinerator: multiple hearth (MH) and fluidized bed (FB).
- Units incinerating sewage sludge at other types of facilities (e.g., commercial, industrial, and institutional) will be covered under different air pollution incineration standards.
- The rules establishes emission limits for nine pollutants emitted from the regulated SSI units:
 - mercury
 - lead
 - cadmium
 - hydrogen chloride
 - particulate matter
 - carbon monoxide
 - dioxins/furans
 - nitrogen oxides
 - sulfur dioxide
- The rules also require provisions for testing, monitoring, recordkeeping, reporting and operator training.

BENEFITS AND COSTS

- EPA estimates that there are approximately 204 SSI units operating in the United States. The Agency expects that 155 of these units are currently meeting the emissions limits. Forty will need to install one or more air pollution control device. In the next five years, EPA estimates that there could be two new SSI unit constructed.

- These emissions reductions will lead to significant annual health benefits. In 2015, this rule will protect public health from exposure to fine particles by avoiding:
 - 2 to 6 premature deaths,
 - 2 cases of chronic bronchitis,
 - 4 nonfatal heart attacks,
 - 4 hospital and emergency room visits,
 - 4 cases of acute bronchitis,
 - 81 cases of respiratory symptoms
 - 320 days when people miss work,
 - 42 cases of aggravated asthma, and
 - 1,900 days when people must restrict their activities.
- EPA expects this rule will reduce nationwide emissions from SSI by:
 - 4 pounds per year of mercury,
 - 450 tons per year (tpy) of acid gases (i.e., hydrogen chloride and sulfur dioxide),
 - 58 tpy of particulate matter, and
 - 1.7 tpy of cadmium and lead.
- EPA estimates that the value of the benefits associated with reduced exposure to fine particles are \$21 million to \$52 million in the year 2015.
- EPA did not provide a monetary estimate of the benefits associated with reducing exposure to air toxics or other air pollutants, ecosystem effects, or visibility impairment. However, the rule would cut emissions of pollutants that are of particular concern for children. Mercury and lead can adversely affect developing brains – including effects on IQ, learning, and memory.
- EPA estimates that all facilities will choose to continue to incinerate as a method of disposal. EPA recognizes that should a facility choose an alternative method of disposal, that decision is based on local needs.
- Installing and maintaining controls for this rule is estimated to cost \$18 million per year.

KEY CHANGES FROM PROPOSAL

- Key changes based on information and comments received on the proposal include:
 - clarifying the applicability to state that this rule applies only to sources that combust sewage sludge at wastewater treatment facilities treating domestic sewage sludge;
 - revising the subcategories for new multiple hearths (MH) to be consistent with the subcategory for existing MH;
 - revising the baseline emissions, costs, and impacts based on new information received. This revision resulted in a determination that the beyond-the-floor emission limits for mercury for the MH subcategory were no longer cost-effective; and
 - revising the requirements for opacity to no longer require opacity for sources subject to parametric monitoring and annual testing.

ADDITIONAL ANALYSES

- The Clean Air Act (the Act) requires EPA to set a minimum emission standard for each regulated pollutant. The Act allows EPA to adopt emissions limitations and requirements that are more stringent than the minimum requirement. When considering more stringent standards, EPA must consider costs, non-air quality health and environmental impacts and energy requirements.
- EPA conducted an analysis to determine whether it was appropriate to finalize more stringent standards for pollutants (mercury and carbon monoxide) emitted from this industry as proposed. Based on information received from public comments and results of EPA's final analysis, the Agency determined that a standard that is more stringent for certain pollutants emitted from multiple hearth incineration units would not be appropriate to finalize as indicated in the proposed standards.

SEPARATE BUT RELATED ACTIONS

- EPA has finalized a rule that would reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters located at *major* source facilities. A major source facility emits or has the potential to emit 10 or more tons per year (tpy) of any single air toxic or 25 tpy or more of any combination of air toxics.
- EPA has finalized a rule to reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters located at *area* source facilities. An area source facility has the potential to emit less than 10 tpy of any single air toxic or less than 25 tpy of any combination of air toxics.
- EPA has also finalized a rule to reduce air toxics from Commercial and Industrial Solid Waste Incinerators (CISWI). This final rule reflects the Agency's final definition of *non-hazardous solid waste*.
- EPA has finalized a definition of non-hazardous solid waste to include sewage sludge. This determination establishes that facilities that burn sewage sludge will be regulated as incinerators under CAA section 129 rather than CAA section 112.
- EPA also will issue a notice announcing that it will "reconsider" certain aspects of the boiler and CISWI rules. The SSI rule is not part of the reconsideration. The final boiler and CISWI rules reflect reasonable approaches consistent with the requirements of the Clean Air Act. However, some of the issues identified in the comments on our April 2010 proposals raised difficult technical issues that the Agency believes would benefit from additional public involvement. EPA is in the process of developing a proposed rule that will request additional comment on:
 - specific elements of the final rules that would benefit from additional public review and comment, and
 - any provisions that EPA proposes to modify or add after more fully evaluating the data and comments already received.

EPA will fully evaluate any petitions submitted to the Agency requesting that we reconsider specific aspects of these rules. Additional issues may be added for reconsideration as appropriate. Through the reconsideration process, EPA intends to ensure that the standards will protect the health of all Americans and be practical to implement.

BACKGROUND

- Section 129 of the Clean Air Act requires EPA to develop and adopt NSPS and EG for solid waste incineration units including SSI. This is the first time EPA has regulated SSI units under section 129 of the CAA.
- EPA issued standards for other solid waste incineration (OSWI) units on December 16, 2005. The OSWI rule established numerical emission limits for very small municipal waste combustion and institutional waste incineration units.
- Following the finalization of the OSWI rule, EPA received a petition for reconsideration asking that SSI and other units be covered under the OSWI rule. In January 2007, EPA took final action on the reconsideration and concluded that no changes to OSWI were necessary.
- In 2007, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded the 2005 Commercial and Industrial Solid Waste Incineration (CISWI) definition rule.
- On June 4, 2010, EPA's Office of Solid Waste and Emergency Response (OSWER) proposed a new definition of solid waste. OSWER determined that sewage sludge is a solid waste. This determination established that sewage sludge incineration will be regulated under CAA section 129 rather than CAA section 112. This final rule reflects the Agency's final definition of *non-hazardous solid waste*.

FOR MORE INFORMATION

- To download this final rule from EPA's website, go to:
<http://www.epa.gov/airquality/combustion/actions.html>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located at EPA Headquarters, Room Number 3334 in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2009-0559.

- For further information about the proposed rule, contact Ms. Amy Hambrick of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Natural Resources and Commerce Group at (919) 541-0964 or by e-mail at hambrick.amy@epa.gov.

New York State Department of Environmental Conservation

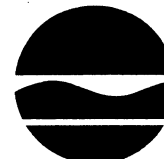
Division of Air Resources

Bureau of Stationary Sources, 2nd Floor

625 Broadway, Albany, New York 12233-3254

Phone: (518) 402-8403 • FAX: (518) 402-9035

Website: www.dec.ny.gov



Joe Martens
Commissioner

May 31, 2011

ALBANY COUNTY
SEWER DISTRICT

JUN 01 2011

Mr. Richard Lyons
Albany County Sewer District - North Plant
P. O. Box 4187
Albany, NY 12207

P.O. BOX 4187
ALBANY, NY 12204

Albany County Sewer District - North Plant

4012600138

Existing Incinerator / Federal Sewage Sludge Incinerator (SSI) Unit Regulation 40 CFR Part 60, Subpart M

Dear Mr. Lyons:

As mentioned in Steve Johnson's May 21, 2011 phone call to you, the Environmental Protection Agency (EPA) published as a final Rule, 40 CFR Part 60, Subpart M – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (Guidelines). You can view the final Rule, Fact Sheets and other technical support information (cost information for typical upgrades, etc to meet the Guidelines) at EPA's TTN website:

www.epa.gov/ttn/atw/129/ssi/ssipg.html.

For your reference, I have enclosed a copy of the EPA Fact Sheet which provides a general overview of the new SSI requirements.

The new Guidelines establish mandatory limits for nine air pollutants: particulate matter (PM), sulfur dioxide (SO₂), hydrogen chloride (HCl), nitrogen oxides (NO_x), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins/furans. The Guidelines also establish an opacity limit as well as very specific requirements for initial and annual performance testing, operator training, recordkeeping and reporting, and compliance monitoring.

In accordance with the federal Clean Air Act, New York State, through the Department of Environmental Conservation (DEC) is required to implement the requirements of the Guidelines, and we are now trying to establish if any existing SSI units in New York State intend to continue operation under the new Guideline requirements.

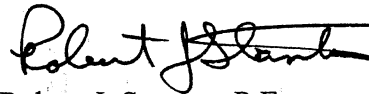
Any facility that plans to continue operation of an SSI unit will be required to:

- meet a retrofit compliance schedule that would be incorporated into a future State regulation,
- obtain a Title V permit,
- be in compliance with the new Guidelines within three (3) years of EPA's approval of a New York SSI State Plan (which is due to EPA by March 21, 2012), or by March 21, 2016 whichever is earlier.

To assist the DEC in planning on how to address EPA's new SSI Guidelines, it is requested that you advise the DEC by June 30, 2011 of your plan to either upgrade your existing SSI unit(s) to meet the new Guidelines, or shutdown and render inoperable your SSI unit(s) no later than March 21, 2012. It is imperative that the DEC receive a firm commitment regarding your future SSI operational plans. To assist you in this regard, I have enclosed a one page certification form (Sewage Sludge Incinerator Unit(s) – Notice of Operational Intent) for your use in notifying the DEC of your intended plans. If you need additional time (for investigation, analysis, etc.) and cannot respond by June 30, 2011, indicate on the form your reason and a projected response date.

Thank you for your attention to this matter. If you have any questions, please contact Steve Johnson at (518) 402-8403, or your NYSDEC Regional office.

Sincerely,



Robert J. Stanton, P.E.
Director, Bureau of Stationary Sources
Division of Air Resources

Enclosures

cc: Regional Air Pollution Control Engineers
Steve Johnson
John Henkes

New York State Department of Environmental Conservation

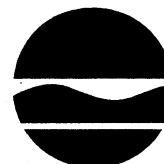
Division of Air Resources

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Joe Martens
Commissioner

Sewage Sludge Incinerator (SSI) Unit(s)

Notice of Operational Intent

DEC ID#: 4012600138

Mr. Richard Lyons
Albany County Sewer District – North Plant
P. O. Box 4187
Albany, NY 12207

(Please report facility information as it exists on NYSDEC permit)

SSI Unit Manufacturer Model Name/Number Type (MH or FB)	
Emission Point ID#	

In response to NYSDEC's May 27, 2011 letter, be advised as follows:

(Check one)

☐ I _____, authorized representative for Albany County Sewer District - North Plant do hereby certify that the SSI unit(s) currently permitted at the above referenced facility will cease operation and be rendered inoperable no later than March 21, 2012.

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☐ I _____, authorized representative for Albany County

Sewer District - North Plant cannot respond by June 30th, 2011 because of the following:

I can advise you by (mm/dd/yy) _____

Authorized Representative:	
Title:	
Signature:	Date:

Note: Please send the original of this completed form, CERTIFIED MAIL to: Robert Stanton P.E., Director, Bureau of Stationary Sources, NYSDEC, 625 Broadway, Albany, NY, 12233, and a copy to your local NYSDEC office, Regional Air Pollution Control Engineer, Division of Air Resources.

FACT SHEET

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ACTION

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FINAL REQUIREMENTS

- The final rules cover two SSI subcategories based on the type of incinerator: multiple hearth (MH) and fluidized bed (FB).
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BENEFITS AND COSTS

- EPA estimates that there are approximately 204 SSI units operating in the United States. The Agency expects that 155 of these units are currently meeting the emissions limits. Forty will need to install one or more air pollution control device. In the next five years, EPA estimates that there could be two new SSI unit constructed.

- These emissions reductions will lead to significant annual health benefits. In 2015, this rule will protect public health from exposure to fine particles by avoiding:
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KEY CHANGES FROM PROPOSAL

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 - clarifying the applicability to state that this rule applies only to sources that combust sewage sludge at wastewater treatment facilities treating domestic sewage sludge;
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ADDITIONAL ANALYSES

- The Clean Air Act (the Act) requires EPA to set a minimum emission standard for each regulated pollutant. The Act allows EPA to adopt emissions limitations and requirements that are more stringent than the minimum requirement. When considering more stringent standards, EPA must consider costs, non-air quality health and environmental impacts and energy requirements.
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- EPA has finalized a rule to reduce emissions of toxic air pollutants from new and existing industrial, commercial, and institutional boilers and process heaters located at *area* source facilities. An area source facility has the potential to emit less than 10 tpy of any single air toxic or less than 25 tpy of any combination of air toxics.
- EPA has also finalized a rule to reduce air toxics from Commercial and Industrial Solid Waste Incinerators (CISWI). This final rule reflects the Agency's final definition of *non-hazardous solid waste*.
- EPA has finalized a definition of non-hazardous solid waste to include sewage sludge. This determination establishes that facilities that burn sewage sludge will be regulated as incinerators under CAA section 129 rather than CAA section 112.
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EPA will fully evaluate any petitions submitted to the Agency requesting that we reconsider specific aspects of these rules. Additional issues may be added for reconsideration as appropriate. Through the reconsideration process, EPA intends to ensure that the standards will protect the health of all Americans and be practical to implement.

BACKGROUND

- Section 129 of the Clean Air Act requires EPA to develop and adopt NSPS and EG for solid waste incineration units including SSI. This is the first time EPA has regulated SSI units under section 129 of the CAA.
- EPA issued standards for other solid waste incineration (OSWI) units on December 16, 2005. The OSWI rule established numerical emission limits for very small municipal waste combustion and institutional waste incineration units.
- Following the finalization of the OSWI rule, EPA received a petition for reconsideration asking that SSI and other units be covered under the OSWI rule. In January 2007, EPA took final action on the reconsideration and concluded that no changes to OSWI were necessary.
- In 2007, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded the 2005 Commercial and Industrial Solid Waste Incineration (CISWI) definition rule.
- On June 4, 2010, EPA's Office of Solid Waste and Emergency Response (OSWER) proposed a new definition of solid waste. OSWER determined that sewage sludge is a solid waste. This determination established that sewage sludge incineration will be regulated under CAA section 129 rather than CAA section 112. This final rule reflects the Agency's final definition of *non-hazardous solid waste*.

FOR MORE INFORMATION

- To download this final rule from EPA's website, go to:
<http://www.epa.gov/airquality/combustion/actions.html>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located at EPA Headquarters, Room Number 3334 in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2009-0559.

- For further information about the proposed rule, contact Ms. Amy Hambrick of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Natural Resources and Commerce Group at (919) 541-0964 or by e-mail at hambrick.amy@epa.gov.

New York State Department of Environmental Conservation

Division of Air Resources

Bureau of Stationary Sources, 2nd Floor

625 Broadway, Albany, New York 12233-3254

Phone: (518) 402-8403 • **FAX:** (518) 402-9035

Website: www.dec.ny.gov



May 31, 2011

Mr. Kenneth Maving
Town of Tonawanda Sewer District #2 STP
779 Two Mile Creek Road

Tonawanda, NY 14150

Town of Tonawanda Sewer District #2 STP

9146400116

Existing Incinerator / Federal Sewage Sludge Incinerator (SSI) Unit Regulation 40 CFR Part 60, Subpart Mmmm

Dear Mr. Maving:

As mentioned in Steve Johnson's May 21, 2011 phone call to you, the Environmental Protection Agency (EPA) published as a final Rule, 40 CFR Part 60, Subpart Mmmm – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (Guidelines). You can view the final Rule, Fact Sheets and other technical support information (cost information for typical upgrades, etc to meet the Guidelines) at EPA's TTN website:

www.epa.gov/ttn/atw/129/ssi/ssipg.html.

For your reference, I have enclosed a copy of the EPA Fact Sheet which provides a general overview of the new SSI requirements.

The new Guidelines establish mandatory limits for nine air pollutants: particulate matter (PM), sulfur dioxide (SO₂), hydrogen chloride (HCl), nitrogen oxides (NO_x), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), and dioxins/furans. The Guidelines also establish an opacity limit as well as very specific requirements for initial and annual performance testing, operator training, recordkeeping and reporting, and compliance monitoring.

In accordance with the federal Clean Air Act, New York State, through the Department of Environmental Conservation (DEC) is required to implement the requirements of the Guidelines, and we are now trying to establish if any existing SSI units in New York State intend to continue operation under the new Guideline requirements.

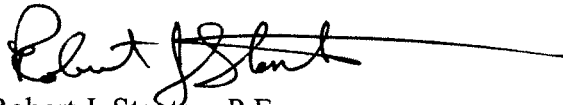
Any facility that plans to continue operation of an SSI unit will be required to:

- meet a retrofit compliance schedule that would be incorporated into a future State regulation,
- obtain a Title V permit,
- be in compliance with the new Guidelines within three (3) years of EPA's approval of a New York SSI State Plan (which is due to EPA by March 21, 2012), or by March 21, 2016 whichever is earlier.

To assist the DEC in planning on how to address EPA's new SSI Guidelines, it is requested that you advise the DEC by June 30, 2011 of your plan to either upgrade your existing SSI unit(s) to meet the new Guidelines, or shutdown and render inoperable your SSI unit(s) no later than March 21, 2012. It is imperative that the DEC receive a firm commitment regarding your future SSI operational plans. To assist you in this regard, I have enclosed a one page certification form (Sewage Sludge Incinerator Unit(s) – Notice of Operational Intent) for your use in notifying the DEC of your intended plans. If you need additional time (for investigation, analysis, etc.) and cannot respond by June 30, 2011, indicate on the form your reason and a projected response date.

Thank you for your attention to this matter. If you have any questions, please contact Steve Johnson at (518) 402-8403, or your NYSDEC Regional office.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Stanton", with a long horizontal line extending to the right.

Robert J. Stanton, P.E.
Director, Bureau of Stationary Sources
Division of Air Resources

Enclosures

cc: Regional Air Pollution Control Engineers
Steve Johnson
John Henkes

New York State Department of Environmental Conservation

Division of Air Resources

Bureau of Stationary Sources, 2nd Floor

625 Broadway, Albany, New York 12233-3254

Phone: (518) 402-8403 • FAX: (518) 402-9035

Website: www.dec.ny.gov



Joe Martens
Commissioner

Sewage Sludge Incinerator (SSI) Unit(s)

Notice of Operational Intent

DEC ID#: 9146400116

Mr. Kenneth Maving
Town of Tonawanda Sewer District #2 STP
779 Two Mile Creek Road
Tonawanda, NY 14150

(Please report facility information as it exists on NYSDEC permit)

SSI Unit Manufacturer Model Name/Number Type (MH or FB)	
Emission Point ID#	

In response to NYSDEC's May 27, 2011 letter, be advised as follows:

(Check one)

☐ I _____, authorized representative for Town of Tonawanda Sewer District #2 STP do hereby certify that the SSI unit(s) currently permitted at the above referenced facility will cease operation and be rendered inoperable no later than March 21, 2012.

☐ I _____, authorized representative for Town of Tonawanda Sewer District #2 STP do hereby certify that the SSI unit(s) currently permitted at the above referenced facility will be upgraded in accordance with the regulations to be promulgated by NYSDEC to comply with the requirements of federal 40 CFR Part 60, Subpart Mmmm.

☐ I _____, authorized representative for Town of

Tonawanda Sewer District #2 STP cannot respond by June 30th, 2011 because of the following:

I can advise you by (mm/dd/yy) _____

Authorized Representative:	
Title:	
Signature:	Date:

Note: Please send the original of this completed form, CERTIFIED MAIL to: Robert Stanton P.E., Director, Bureau of Stationary Sources, NYSDEC, 625 Broadway, Albany, NY, 12233, and a copy to your local NYSDEC office, Regional Air Pollution Control Engineer, Division of Air Resources.