Memorandum

TO: Docket for rulemaking, "Air Curtain Incinerators and Temporary Use Incinerators During Post-Disaster or Emergency Debris Cleanup" (EPA-HQ-OAR-2025-0068)

DATE: March 2026

SUBJECT: Economic Impact and Small Business Analysis for the Consolidated Air Curtain Incinerators (ACI) and Temporary Use of Commercial Industrial Solid Waste Incinerators (CISWI) Proposed Rule

As stated in the preamble for the proposed rule, the EPA is proposing to consolidate the opacity limits and associated monitoring, recordkeeping and reporting requirements for air curtain incinerators (ACI) that only burn wood wastes, yard wastes, and clean lumber that currently exist across the Other Solid Waste Incinerators (OSWI), Commercial, Institutional, and Solid Waste Incinerators (CISWI), Large Municipal Waste Combustors (LMWC) and Small Municipal Waste Combustors (SMWC) rules. The EPA anticipates no additional cost to owners and operators other than the possible minimal cost of the initial notification requirement for ACI that burn wood wastes, yard wastes, and clean lumber.

Consistent with the current OSWI rule and the January 2026 final LMWC rulemaking, the EPA proposes to remove title V requirements for CISWI and SMWC ACI units that only burn wood waste, yard waste, and clean lumber. We anticipate that the removal of the title V requirements would result in cost savings for ACI that only burn wood waste, yard waste, and clean lumber that are co-located at facilities with CISWI and SMWC units currently required to obtain a title V permit for these types of ACI, which we anticipate will outweigh any costs associated with the initial notification requirement. We are not able to quantify the overall cost savings nationwide associated with this action, for we are not able to determine how many ACI will be subject to this proposed action. For more information on the ACI provisions, please refer to section III.A of the preamble for the proposed rule.

The EPA does not anticipate emissions changes as a consequence of these provisions, as no new standards are being set. However, with the removal of title V permitting requirements for permanent ACI, and the likelihood that there will be associated net cost savings (that is, the magnitude of title V permitting costs minus the initial notification costs), there could be an increase in ACI use by State, localities, and Tribes based on the lower costs for entities that seek to reduce wood waste, yard waste, and clean lumber. With this potential increase in ACI use, there could be the potential for a possible emissions increase from additional ACI operations even with no changes to and continued emissions control at each ACI, particularly if additional ACIs become operative. Thus, while there may be uncertainty about the magnitude of increase in permanent ACI usage, and there are no changes to the emissions standards for ACI, there is the potential that emissions from the ACI category, as a whole, could increase as a result of the rule. We are unable to quantify any emissions change of this nature for this action.

At the same time, and as stated in the preamble for the proposed rule, this action will allow for the temporary use of CISWI units and ACI during a declared disaster. Rather than abiding by CAA section 129 standards, temporary use units will only be required to submit notification of operation after eight weeks of operation. These notification requirements are expected to cost approximately $1,400 across the source category for each declared instance of emergency. Facilities with incinerators and ACI that use the disaster recovery temporary-use provisions are not subject to additional control requirements so we anticipate there will not be any additional compliance costs.

Given that emission controls for units subject to CISWI will be required to run while operating on a temporary basis, and with no changes to emissions standards in the rule, the Agency does not anticipate emissions increases associated with this change. However, if the disaster makes the operation emission controls technically infeasible, this may result in emissions increases that we are unable to quantify due to the uncertainty in volume and composition of waste. We are not able to quantify the overall cost savings nationwide associated with this rulemaking as we are not able to determine how many units will be subject to this temporary use characterization.

For more information on these provisions, please refer to section VII.A of the preamble for the proposed rule.

This action is intended to make the use of CISWI units and ACI easier for States and localities to clean-up non-hazardous debris from declared disasters such as a tornado, hurricane, flood, ice storm, high winds, act of bioterrorism, or from wildfires in order to allow for faster recovery. While there may be uncertainty about the magnitude of potential increases in the temporary usage of CISWI units and ACI given uncertainties in the number of declared disasters for which a CISWI units or ACI use is warranted, and there are no changes to the emissions standards, there is the potential that emissions from CISWI units and ACI could increase as a result.

We certify that there will be no significant impact on a substantial number of small entities (SISNOSE) for this proposed action, a certification that is done pursuant to the Regulatory Flexibility Act (RFA) as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA). This certification follows from the lack of adjustment of standards for the regulated facilities from this regulatory action, ensuring that this results in no increased ongoing costs. The removal of the title V permitting requirements is actually anticipated to yield a cost savings for owners/operators. With this proposed rule anticipated to have net cost savings, and this being expected for all affected entities, no affected small entity is anticipated to incur an adverse impact. In addition, there are no impacts sufficiently significant to warrant analysis or action as required by the Unfunded Mandates Reform Act (UMRA). Finally, in adherence to section 321(a) of the Clean Air Act, we have determined that no impacts on employment are anticipated given the likely net cost savings for the affected entities.