

Subpart DDDD—Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units

- 4. Amend § 60.2555 by adding paragraph (k) to read as follows:

§ 60.2555 What combustion units are exempt from my state plan?

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(k) *Small, remote incinerators.* Incineration units located in the State of Alaska are not subject to this subpart as specified in the Consolidated Appropriations Act of 2024, H.R. 4366, section 432. For small, remote incinerators that met the requirements of 40 CFR 60.2550(a) as of December 29, 2025, the unit remains subject to this subpart until the unit becomes subject to the requirements of an approved state plan or Federal plan that implements subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

Subpart EEEE—Standards of Performance for Other Solid Waste Incineration Units

- 5. Revise the heading of subpart EEEE of part 60 to read as set out above.

- 6. Revise and republish § 60.2881 to read as follows:

§ 60.2881 When does this subpart become effective?

This subpart takes effect December 29, 2025. Some of the requirements in this subpart apply to planning the incineration unit and must be completed even before construction is initiated on the unit (*i.e.*, the preconstruction requirements in §§ 60.2894 and 60.2895). Other requirements such as the emission limitations and operating limits apply when the unit begins operation.

- 7. Amend § 60.2885 by revising paragraphs (a) and (b), and adding paragraph (d) to read as follows:

§ 60.2885 Does this subpart apply to my incineration unit?

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(a) Your incineration unit is a new incineration unit as defined in § 60.2886, except as specified in paragraph (d) of this section.

(b) Your incineration unit is an OSWI unit as defined in § 60.2977 or an air curtain incinerator subject to this subpart as described in § 60.2888. Other solid waste incineration units are very small municipal waste combustion units and institutional waste incineration units as defined in § 60.2977.

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(d) This subpart does not apply to your incineration unit if it is a rudimentary combustion device as defined in § 60.2977.

- 8. In § 60.2886 revise and republish paragraph (a) to read as follows:

§ 60.2886 What is a new incineration unit?

(a) A new incineration unit is an incineration unit subject to this subpart that meets any of the criteria specified in paragraphs (a)(1) or (2) of this section, except as specified in paragraph (a)(3) of this section.

(1) Commenced construction after August 31, 2020.

(2) Commenced reconstruction or modification on or after December 29, 2025.

(3) If your incineration unit is a very small municipal waste combustion unit or institutional waste incineration unit and commenced construction, reconstruction, or modification on or before August 31, 2020, or reconstruction or modification on or before December 29, 2025, and you must meet one of the following:

(i) If your incineration unit commenced construction after December 9, 2004, or commenced reconstruction or modification after June 16, 2006, and met the applicability of paragraph (a)(1) or (a)(2) of this section before December 29, 2025, your unit is considered a new incineration unit and remains subject to the emission limitations of table 1 and applicable requirements of this subpart until the unit becomes subject to the requirements of an approved state plan or federal plan that implements subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units), except as provided in paragraph (a)(3)(iii) of this section.

(ii) If your incineration unit commenced construction on or before December 9, 2004, or commenced reconstruction or modification on or before June 16, 2006, and did not meet the applicability of paragraph (a)(1) or (a)(2) of this section as of December 29, 2025, then your unit is considered an existing incineration unit and is subject to the requirements of an approved state plan or federal plan that implements subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units), except as provided in paragraph (a)(3)(iii) of this section.

(iii) If you met the applicability of § 60.2015(a)(3) or § 40 CFR 60.2550(a) as of December 29, 2025, then your unit is considered a commercial and industrial solid waste incineration unit and remains subject to the applicable

requirements, until the unit becomes subject to the requirements of an approved state plan or federal plan that implements subpart FFFF of this part (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

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- 9. Amend § 60.2887 by revising paragraphs (b)(1), (b)(3), and paragraph (q) introductory text to read as follows:

§ 60.2887 What combustion units are excluded from this subpart?

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(b) * * *

(1) The unit has a federally enforceable permit limiting the combustion of municipal solid waste to 30 percent of the total fuel input by weight.

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(3) You provide the Administrator with a copy of the federally enforceable permit.

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(q) *Incinerators used for national security.* Your incineration unit is excluded if it meets the requirements specified in either paragraph (q)(1) or (2) of this section.

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- 10. Amend § 60.2888 by revising paragraph (a) and paragraph (b) introductory text to read as follows:

§ 60.2888 Are air curtain incinerators regulated under this subpart?

(a) Air curtain incinerators that burn less than 35 tons per day of municipal solid waste or air curtain incinerators located at institutional facilities burning any amount of institutional waste generated at that facility are incineration units subject to all requirements of this subpart, including the emission limitations specified in tables 1, 1a, and 1b to this subpart.

(b) Air curtain incinerators that burn less than 35 tons per day and burn only the materials listed in paragraphs (b)(1) through (4) of this section collected from the general public and from residential, commercial, institutional, and industrial sources; or, air curtain incinerators located at institutional facilities that burn only the materials listed in paragraphs (b)(1) through (4) of this section generated at that facility, are required to meet only the requirements in §§ 60.2970 through 60.2973 and are exempt from all other requirements of this subpart.

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- 11. Revise § 60.2889 to read as follows: