UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 12, 2016

Alan Abbs
Executive Director
California Air Pollution Control Officers Association
1107 Ninth Street, Suite 1005
Sacramento, CA 95814

Re: Temporary Air Curtain Incinerators

Dear Mr. Abbs:

Per your request, we are writing this letter regarding the requirements of Section 129 of the Clean Air Act (CAA) and 40 CFR Part 60 Subpart EEEE – Standards of Performance for Other Solid Waste Incineration (OSWI) Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006 – with respect to air curtain incinerators, as well as the timing for such operations to obtain a title V permit.

On October 30, 2015, California Governor Edmund G. Brown, Jr. declared a State of Emergency throughout the State of California to direct state agencies to take certain actions to protect the people of California from the dangers posed by dead and dying trees as a result of record drought conditions. Among the measures ordered by the Governor were directives to the California Air Resources Board (CARB) and the California Department of Forestry and Fire Protection (Cal Fire) to work with federal land managers and the United States Environmental Protection Agency (EPA) "to expand the practice of prescribed burns, which reduce fire risk and avoid significant pollution from major wildfires, and increase the number of allowable days on a temporary basis to burn tree waste that has been removed in high hazard areas."

As an alternative to prescribed burning, Cal Fire, California State Parks, and the United States Forest Service (USFS) have proposed the use of air curtain incinerators for the destruction of dead and dying vegetation. Air curtain incinerators located at institutional facilities, such as a state or national forest or park, that burn less than 35 tons of fuel per day are regulated under 40 CFR Part 60 Subpart EEEE. Subpart EEEE requires air curtain incinerators that burn only wood waste, clean lumber, yard waste, or a mixture of only wood waste, clean lumber, and/or yard waste to meet opacity limits and comply with associated monitoring, reporting and recordkeeping requirements. *See* 40 CFR 60.2970 through 60.2974; *see also*, 40 CFR 60.2977, and 60.2888(b).

Subpart EEEE provides a temporary exclusion, set forth at 40 CFR 60.2887(o), for air curtain incinerators used in disaster recovery operations. In addition, 40 CFR 60.2969(o) specifies the requirements for units that are used to combust debris in an area declared a state of emergency by a local or State government, or the President. Additional information regarding temporary-use air curtain

incinerators may be found in the preamble to EPA's final rulemaking for Subpart EEEE. See 70 FR 74879-74880 (Dec. 16, 2005).

As a result of Governor Brown's October 30, 2015 emergency declaration, air curtain incinerators operating in California qualify for Subpart EEEE's temporary exclusion provided they comply with the requirements in 40 CFR 60.2969. Any notifications or requests required to qualify for this exclusion must be sent to EPA Region 9 Enforcement Division, Air Enforcement Office at AEO_R9@epa.gov. Following the conclusion of a temporary disaster exclusion, the unit must comply with all applicable requirements, including the requirement to submit a complete title V permit application to the permitting authority within 12 months of becoming subject to the requirements under 40 CFR 60.2970 through 60.2974.

Title V permits are generally required for all air curtain incinerators that are subject to Subpart EEEE, even if the unit combusts only wood waste, clean lumber, yard waste, or a mixture of only wood waste, clean lumber, and/or yard waste, or are used by the same owner or operator at multiple temporary locations. *See* 70 Fed. Reg. 74884-85 (Dec. 16, 2005). Title V permits for air curtain incinerators provide a basis to exclude air curtain incinerators from the other requirements applicable to solid waste incineration units under CAA Section 129. *See* 70 FR 74885.

Permitting authorities have the option of developing general permits pursuant to 40 CFR 70.6(d) to ease the administrative burden of issuing source-specific title V permits to air curtain incinerators. Pursuant to the requirements in 40 CFR 70.6(e), permitting authorities may issue a single permit to a source owner or operator for multiple temporary locations within any one jurisdiction. My staff are available to work with the California air districts to develop general permits for air curtain incinerators that would meet federal requirements.

If you have any questions concerning this matter, please contact me at 415-972-3974 or Rios.Gerardo@epa.gov, or Larry Maurin of my staff at 415-972-3943 or Maurin.Lawrence@epa.gov.

Sincerely,

Gerardo C. Rios
Chief, Permits Office

cc: Karen Magliano, CARB
Rob Griffith, USFS
Stephen Bakken, California State Parks