# Commercial and Industrial Solid Waste Incineration Units/Disaster Recovery: U.S. Environmental Protection Agency Interim Final Rule Addressing Temporary-Use/Air Curtain Incinerators



**Walter Wright, Jr.**
wwright@mwlaw.com
(501) 688.8839

08/26/2025

The United States Environmental Protection Agency ("EPA") published on August 22nd an Interim Final Rule/Request for Comment providing for the temporary use of incineration units subject to commercial and industrial solid waste incinerator ("CISWI") regulations during disaster recovery. See EPA-HQ-OAR-2003-0119; FRL-12232-03-OAR].

The stated objective of the interim final rule in the EPA news release is to:

…cut red tape on the temporary-use of Commercial and Industrial Solid Waste Incinerators (CISWI) for natural disaster debris removal, providing state, local and Tribal governments with the ability to quickly and effectively clean up their communities.

EPA states that only Other Solid Waste Incinerators ("OWSI") are authorized to combust debris from a disaster or emergency on a temporary basis without having to comply with applicable Clean Air Act Section 129 requirements. The interim final rule would authorize such temporary use for incinerators subject to CISWI regulations by adding temporary-use provisions that are described as essentially mirroring those in the OSWI regulations to existing federal CISWI rule subparts.

Air curtain incinerators would be included.

EPA states in the pre-publication rule that CIWSI units may only be used to combust debris in an area that has been declared as in a State of Emergency by a local or state government or whether the President (under the Stafford Act) has declared that an emergency or a major disaster exists in the area.

Debris combusted must be non-hazardous materials that must be the remains of something that was destroyed, broken, or discarded as a result of a disaster or emergency such as a tornado, hurricane, flood, ice storm, high winds, or act of bioterrorism.

During the disaster recovery period, the CISWI cannot burn waste from normal operations at their facilities. In addition, certain notification requirements are specified.

A copy of the pre-publication rule can be downloaded here.