

Proposed Guidance Revisions: Compliance Assurance Policies for Incinerators

Bureau of Air Quality
February 5, 2026





Pennsylvania
Department of
Environmental Protection

Overview

- Introduction & Authority
- Compliance Assurance Policies for Industries using Continuous Emission Monitoring Systems
- Proposed Changes to the Policies
- Next Steps



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Introduction

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Air Quality

DOCUMENT NUMBER: 273-4000-003

TITLE: AQ Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions

AUTHORITY: 35 P.S. Sec. 4001-4005 (Air Pollution Control Act) and Act 95 (75 PA C.S. Section 4706())

POLICY: Actions for violations of monitoring requirements for municipal waste incinerators. Includes changes adopted to accommodate changes caused by revision to other documents.

PURPOSE:

The purpose of this policy is to establish uniform criteria for assessing monetary penalties for exceedances of emission standards and data availability requirements through agreements rather than criminal citations or civil penalty actions. The Department has found agreements to be effective in resolving violations without resorting to litigation. The benefit of this policy to the source owner is certainty in determining liabilities should violations occur.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Air Quality

DOCUMENT NUMBER: 273-4000-002

TITLE: Compliance Assurance Policy for Hospital Waste Incinerators

AUTHORITY: 35 P.S. Sec. 4001-4005 (Air Pollution Control Act) and Act 95 (75 PA C.S. Section 4706())

POLICY: Minimum actions for violations of monitoring requirements for new hospital waste incinerators.

PURPOSE:

The purpose of this policy is to establish uniform criteria for assessing monetary penalties for exceedances of emission standards and data availability requirements through agreements rather than criminal citations or civil penalty actions. The Department has found agreements to be effective in resolving violations without resorting to litigation. The benefit of this policy to the source owner is certainty in determining liabilities should violations occur.

DISCLAIMER:

There are 5 different Compliance Assurance Policies (CAPs) with varying updates 1996-2009.



Document #	Title	Page Length	Last Revision
273-4000-002	Compliance Assurance Policy for Hospital Waste Incinerators	49	5/24/1996
273-4000-003	AQ Compliance Assurance Policy for Municipal Waste Incinerators, including Revisions	72	5/24/1996



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Introduction- Compliance Assurance Policies

- Guidance used by all 6 regional offices
- Establishes uniform criteria for penalties
- Only applicable when facilities are out of compliance
- Primary update to account for past inflation and future inflation adjustments using the Consumer Price Index for All-Urban Consumers (CPI-U)



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Authority: Section 9.1 PA Air Pollution Control Act

- Willfulness of violation
- Damage to air, water, soil or natural resources
- Financial benefit
- Deterrence of future violations
- Cost to the Department
- Size of the source
- Compliance history
- Severity and duration
- Voluntary reporting
- Degree of cooperation and speed of compliance
- Other relevant factors

CAP – Hospital Waste Incinerator

- Last updated 5/24/1996
- Major formatting overhaul
- Penalty adjustment due to inflation 2.0X
- Late Penalty adjusted from \$100/day to \$250/day
- Regional Managers do not have forgiveness discretion expressed as part of this CAP
- Biennial (every 2 years) inflation adjustment tied to CPI-U begins 1/1/2028

CAP – Municipal Waste Incinerator

- Last updated 5/26/1996
- Major formatting overhaul
- Penalty Adjustment due to Inflation 2.0X
- Late Penalty adjusted from \$100/day to \$250/day
- Regional Managers do not have forgiveness discretion expressed as part of this CAP
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- **Next Steps**

- Consider Advisory Committee Comments
- DEP Internal review
- Publish in *PA Bulletin* for public comment
- Consider public comments
- Advisory Committees review of final guidance documents
- DEP Internal review
- Publish final Guidance



Get In Touch

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The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution).