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**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AIR DIVISION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Environmental Management

**RULE NO. & TITLE:** Rule 335-3-3-.05 - Incineration of Commercial and Industrial Solid Waste (Amend)

**INTENDED ACTION:** Revise Division 3 of the ADEM Administrative Code with the amendment of Rule 335-3-3-.05 (Incineration of Commercial and Industrial Solid Waste).

**SUBSTANCE OF PROPOSED ACTION:**

Revisions will incorporate the Emission Guideline for Existing Commercial and Industrial Solid Waste Incineration Units in Rule 335-3-3-.05.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

Comments may be submitted in writing or orally at a public hearing to be held 10:00 a.m., January 9, 2014, in the ADEM Hearing Room, 1400 Coliseum Blvd., Montgomery, Alabama 36110.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:** January 10, 2014

**CONTACT PERSON AT AGENCY:** Chris Howard (334) 271-7878

  
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Lance R. LeFleur  
Director

**335-3-3-.05 Incineration of Commercial and Industrial Solid Waste.**

(1) Terms used but not defined in this rule are defined in 40 CFR 60, Subparts A and B, and are incorporated by reference in ADEM Admin. Code chapter 335-3-10. For the purposes of this rule only, the following definitions apply:

(a) "30-day rolling average" means the arithmetic mean of the previous 720 hours of valid operating data. Valid data excludes periods when this unit is not operating. The 720 hours should be consecutive, but not necessarily continuous if operations are intermittent.

(a)(b) "Administrator" means the Administrator of the U.S. Environmental Protection Agency or his/her authorized representative.

(c) "Affirmative defense" means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

(b)(d) "Agricultural waste" means vegetative agricultural materials such as nut and grain hulls and chaff (e.g., almond, walnut, peanut, rice, and wheat), bagasse, orchard prunings, corn stalks, coffee bean hulls and grounds, and other vegetative waste materials generated as a result of agricultural operations.

(e)(e) "Air curtain incinerator" means an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(f) "Annual heat input" means the heat input for the 12 months preceding the compliance demonstration.

(d)(g) "Auxiliary fuel" means natural gas, liquified petroleum gas, fuel oil, or diesel fuel.

(h) "Average annual heat input rate" means annual heat input divided by the hours of operation for the 12 months preceding the compliance demonstration.

(e)(i) "Bag leak detection system" means an instrument that is capable of monitoring particulate matter loadings in the exhaust of a fabric filter (i.e., baghouse) in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light

scattering, light transmittance, or other principle to monitor relative particulate matter loadings.

(j) "Burn-off oven" means any rack reclamation unit, part reclamation unit, or drum reclamation unit. A burn-off oven is not an incinerator, waste-burning kiln, an energy recover unit or a small, remote incinerator under this rule.

(k) "Bypass stack" means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

(f)(l) "Calendar quarter" means three consecutive months (nonoverlapping) beginning on: January 1, April 1, July 1, or October 1.

(g)(m) "Calendar year" means 365 consecutive days starting on January 1 and ending on December 31.

(n) "CEMS data during startup and shutdown" means the following:

1. For incinerators, small remote incinerators, and energy recovery units: CEMS data collected during the first hours of operation of a CISWI unit startup from a cold start until waste is fed into the unit and the hours of operation following the cessation of waste material being fed to the CISWI unit during a unit shutdown. For each startup event, the length of time that CEMS data may be claimed as being CEMS data during startup must be 48 operating hours or less. For each shutdown event, the length of time that CEMS data may be claimed as being CEMS data during shutdown must be 24 operating hours or less.

2. For waste-burning kilns: CEMS data collected during the periods of kiln operation that do not include normal operations. Startup begins when the kiln's induced fan is turned on and continues until continuous feed is introduced into the kiln, at which time the kiln is in normal operating mode. Shutdown begins when feed to the kiln is halted.

(o) "Chemical recovery unit" means combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. A chemical recovery unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule. The following seven types of units are considered chemical recovery units:

1. Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

2. Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

3. Units burning only wood or coal feedstock for the production of charcoal.

4. Units burning only manufacturing byproduct streams/residue containing catalyst metals that are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

5. Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

6. Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

7. Units burning only photographic film to recover silver.

(h)(p) "Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

(i)(q) "Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

(j)(r) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion unit that combusts commercial or industrial waste, (as defined in this rule), that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), and any air curtain incinerator that is a distinct operating unit of any commercial or industrial facility that does not comply with the opacity limits under this rule applicable to air curtain incinerators burning commercial or industrial waste. any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR part 241. If the operating unit burns material other than traditional fuels as defined in §241.2 that have been discarded, and the owner or operator does not keep and produce records as required by subparagraph (ll)(u) of this rule, the operating unit is a CISWI unit. While not all CISWI units will include all of the following components, a CISWI unit includes, but is not limited to, the ~~commercial or industrial~~ solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the ~~commercial or industrial~~ solid waste hopper (if applicable) and extends through two areas:

1. The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and

2. The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI unit includes all ash handling systems connected to the bottom ash handling system.

3. A CISWI unit does not include any of the ~~fifteen~~ types of units described in subparagraph (2)(d) of this rule, nor does it include any combustion turbine or reciprocating internal combustion engine.

~~(k)~~ "Commercial or industrial waste" means solid waste (as defined in this rule) that is combusted at any commercial or industrial facility using controlled flame combustion in an enclosed, distinct operating unit: whose design does not provide for energy recovery (as defined in this rule); or operated without energy recovery (as defined in this rule). Commercial or industrial waste also means solid waste (as defined in this rule) combusted in an air curtain incinerator that is a distinct operating unit of any commercial or industrial facility.

~~(h)~~(s) "Contained gaseous material" means gases that are in a container when that container is combusted.

(t) "Continuous emission monitoring system (CEMS)" means the total equipment that may be required to meet the data acquisition and availability requirements of this rule, used to sample, condition (if applicable), analyze, and provide a record of emissions.

(u) "Continuous monitoring system (CMS)" means the total equipment, required under the emission monitoring sections in applicable rules, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters. A particulate matter continuous parameter monitoring system (PM CPMS) is a type of CMS.

~~(m)~~(v) "Cyclonic barrel burn burnerbarrel" means a combustion device for waste materials that is attached to a 55 gallon, open-head drum. The device consists of a lid, which fits onto and encloses the drum, and a blower that forces combustion air into the drum in a cyclonic manner to enhance the mixing of waste material and air. A cyclonic burn barrel is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule.

~~(n)~~(w) "Deviation" means any instance in which an affected source subject to this rule, or an owner or operator of such a source:

1. Fails to meet any requirement or obligation established by this rule, including but not limited to any emission limitation, operating limit, or operator qualification and accessibility requirements;

2. Fails to meet any term or condition that is adopted to implement an applicable requirement in this rule and that is included in the operating permit for any affected source required to obtain such a permit; or,

~~3. Fails to meet any emission limitation, operating limit, or operator qualification and accessibility requirement in this rule during startup, shutdown, or malfunction, regardless of whether or not such failure is permitted by this rule.~~

~~(x)~~ "Dioxins/furans" means tetra-through octachlorinated dibenzo-p-dioxins and dibenzofurans.

~~(y)~~ "Discard" means, for purposes of this rule and 40 CFR 60, Subpart CCCC [ADEM Admin. Code r. 335-3-10-.02(81)], only, burned in an incineration unit without energy recovery.

~~(z)~~ "Drum reclamation unit" means a unit that burns residues out of drums (e.g., 55 gallon drums) so that the drums can be reused.

(aa) "Dry scrubber" means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gas in the exhaust stream forming a dry powder material. Sorbent injection systems in fluidized bed boilers and process heaters are included in this definition. A dry scrubber is a dry control system.

~~(bb)~~ "Energy recovery" means the process of recovering thermal energy from combustion for useful purposes such as steam generation or process heating.

(cc) "Energy recovery unit" means a combustion unit combusting solid waste (as that term is defined by the Administrator in 40 CFR part 241) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.

(dd) "Energy recovery unit designed to burn biomass (Biomass)" means an energy recovery unit that burns solid waste, biomass, and non-coal solid materials but less than 10 percent coal, on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

(ee) "Energy recovery unit designed to burn coal (Coal)" means an energy recovery unit that burns solid waste and at least 10 percent coal on a heat input basis on an annual average, either alone or in combination with liquid waste, liquid fuel or gaseous fuels.

(ff) "Energy recovery unit designed to burn liquid waste materials and gas (Liquid/gas)" means an energy recovery unit that burns a liquid waste with liquid or gaseous fuels not combined with any solid fuel or waste materials.

(gg) "Energy recovery unit designed to burn solid materials (Solids)" includes energy recovery units designed to burn coal and energy recovery units designed to burn biomass.

~~(hh)~~ "Fabric filter" means an add-on air pollution control device used to capture particulate matter by filtering gas streams through filter media, also known as a baghouse.

(ii) "Foundry sand thermal reclamation unit" means a type of part reclamation unit that removes coatings that are on foundry sand. A foundry sand thermal reclamation unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule.

(jj) "Incinerator" means any furnace used in the process of combusting solid waste (as that term is defined by the Administrator under Resource Conservation and Recovery Act in 40 CFR part 241) for the purpose of reducing the volume of the waste by removing combustible matter. Incinerator designs include single chamber and two-chamber.

(kk) "Kiln" means an oven or furnace, including any associated preheater or precalciner devices, used for processing a substance by burning, firing or drying. Kilns include cement kilns that produce clinker by heating limestone and other materials for subsequent production of Portland Cement.

(ll) "Laboratory analysis unit" means units that burn samples of materials for the purpose of chemical or physical analysis. A laboratory analysis unit is not an incinerator, waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule.

(mm) "Load fraction" means the actual heat input of an energy recovery unit divided by heat input during the performance test that established the minimum sorbent injection rate or minimum activated carbon injection rate, expressed as a fraction (e.g., for 50 percent load the load fraction is 0.5).

(+)(nn) "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable Federal or State standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 [42 U.S.C. 2014(e)(2)].

(+)(oo) "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

(pp) "Minimum voltage or amperage" means 90 percent of the lowest test-run average voltage or amperage to the electrostatic precipitator measured during the most recent particulate matter or mercury performance test demonstrating compliance with the applicable emission limits.

(+)(qq) "Modification or modified CISWI unit" means a CISWI unit that has been changed ~~on or after~~ later than June 1, 2001 August 7, 2013, and that meets one of two criteria:

1. The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including the cost of land) updated to current costs (current dollars). To



determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

2. Any physical change in the CISWI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

(rr) "Municipal solid waste or municipal-type solid waste" means household, commercial/retail, or institutional waste. Household waste includes material discarded by residential dwellings, hotels, motels, and other similar permanent or temporary housing. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes materials discarded by schools, by hospitals (nonmedical), by nonmanufacturing activities at prisons and government facilities, and other similar establishments or facilities. Household, commercial/retail, and institutional waste does include yard waste and refuse-derived fuel. Household, commercial/retail, and institutional waste does not include used oil; sewage sludge; wood pallets; construction, renovation, and demolition wastes (which include railroad ties and telephone poles); clean wood; industrial process or manufacturing wastes; medical waste; or motor vehicles (including motor vehicle parts or vehicle fluff).

(ss) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(tt) "Operating day" means a 24-hour period between 12:00 midnight and the following midnight during which any amount of solid waste is combusted at any time in the CISWI unit.

(uu) "Oxygen analyzer system" means all equipment required to determine the oxygen content of a gas stream and used to monitor oxygen in the boiler or process heater flue gas, boiler/process heater, firebox, or other appropriate location. This definition includes oxygen trim systems and certified oxygen CEMS. The source owner or operator is responsible to install, calibrate, maintain, and operate the oxygen analyzer system in accordance with the manufacturer's recommendations.

(vv) "Oxygen trim system" means a system of monitors that is used to maintain excess air at the desired level in a combustion device. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller.

(w)(ww) "Part reclamation unit" means a unit that burns coatings off parts (e.g., tools, equipment) so that the parts can be reconditioned and reused.

(x)(xx) "Particulate matter" means total particulate matter emitted from CISWI units as measured by Method 5 or Method 29 of 40 CFR 60, Appendix A.

(y)(yy) "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the

bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

(zz) "Performance evaluation" means the conduct of relative accuracy testing, calibration error testing, and other measurements used in validating the continuous monitoring system data.

(aaa) "Performance test" means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

(bbb) "Process change" means any of the following physical or operational changes:

1. A physical change (maintenance activities excluded) to the CISWI unit which may increase the emission rate of any air pollutant to which a standard applies;

2. An operational change to the CISWI unit where a new type of non-hazardous secondary material is being combusted;

3. A physical change (maintenance activities excluded) to the air pollution control devices used to comply with the emission limits for the CISWI unit (e.g., replacing an electrostatic precipitator with a fabric filter);

4. An operational change to the air pollution control devices used to comply with the emission limits for the affected CISWI unit (e.g., change in the sorbent injection rate used for activated carbon injection).

(z)(ccc) "Rack reclamation unit" means a unit that burns the coatings off racks used to hold small items for application of a coating. The unit burns the coating overspray off the rack so the rack can be reused.

(ddd) Raw mill means a ball or tube mill, vertical roller mill or other size reduction equipment, that is not part of an in-line kiln/raw mill, used to grind feed to the appropriate size. Moisture may be added or removed from the feed during the grinding operation. If the raw mill is used to remove moisture from feed materials, it is also, by definition, a raw material dryer. The raw mill also includes the air separator associated with the raw mill.

(aa)(eee) "Reconstruction" means rebuilding a CISWI unit and meeting two criteria:

1. The reconstruction begins on or after ~~June 1, 2001~~ August 7, 2013.

2. The cumulative cost of the construction over the life of the incineration unit exceeds 50 percent of the original cost of building and installing the CISWI unit (not including land) updated to current costs (current dollars). To determine what systems are within the boundary of the CISWI unit used to calculate these costs, see the definition of CISWI unit.

~~(bb)~~(fff) "Refuse-derived fuel" means a type of municipal solid waste produced by processing municipal solid waste through shredding and size classification. This includes all classes of refuse-derived fuel including two fuels:

1. Low-density fluff refuse-derived fuel through densified refuse-derived fuel.
2. Pelletized refuse-derived fuel.

~~(ee)~~(ggg) "Responsible Official" means one of the following:

1. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - (ii) The delegation of authority to such representatives is approved in advance by the Department;

2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

3. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

4. For affected ~~sources~~facilities: ~~the designated representative for any other purposes under this rule.~~

- (i) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated there under are concerned; or

- (ii) The designated representative for any other purposes under 40 CFR Part 60.

~~(dd)~~(hhh) "Shutdown" means the period of time after all waste has been combusted in the primary chamber.

(iii) "Small, remote incinerator" means an incinerator that combusts solid waste (as that term is defined by the Administrator in 40 CFR part 241)

and combusts 3 tons per day or less solid waste and is more than 25 miles driving distance to the nearest municipal solid waste landfill.

(jjj) "Soil treatment unit" means a unit that thermally treats petroleum-contaminated soils for the sole purpose of site remediation. A soil treatment unit may be direct-fired or indirect fired. A soil treatment unit is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule.

(ee)(kkk) "Solid waste" (as defined in 40 CFR 241.2) means any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 201468 Stat. 923).

(lll) "Solid waste incineration unit" means a distinct operating unit of any facility which combusts any solid waste (as that term is defined by the Administrator in 40 CFR part 241) material from commercial or industrial establishments or the general public (including single and multiple residences, hotels and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term "solid waste incineration unit" does not include:

1. Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;

2. Qualifying small power production facilities, as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. 769(17)(C)), or qualifying cogeneration facilities, as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating or cooling purposes; or

3. Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Director by rule.

(mmm) "Space heater" means a unit that meets the requirements of 40 CFR 279.23. A space heater is not an incinerator, a waste-burning kiln, an energy recovery unit or a small, remote incinerator under this rule.

~~(ff)~~(nnn) "Standard conditions, when referring to units of measure", means a temperature of 68 deg. F (20 deg. C) and a pressure of 1 atmosphere (101.3 kilopascals).

~~(gg)~~(ooo) "Startup period" means the period of time between the activation of the system and the first charge to the unit.

~~(ppp)~~ "Waste-burning kiln" means a kiln that is heated, in whole or in part, by combusting solid waste (as the term is defined by the Administrator in 40 CFR part 241). Secondary materials used in Portland cement kilns shall not be deemed to be combusted unless they are introduced into the flame zone in the hot end of the kiln or mixed with the precalciner fuel.

~~(hh)~~(qqq) "Wet scrubber" means an add-on air pollution control device that ~~utilizes~~uses an aqueous or alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

~~(ii)~~(rrr) "Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

2. Construction, renovation, or demolition wastes.

3. Clean lumber.

(2) Applicability.

(a) Except as provided in subparagraph (b) of this paragraph below, the designated facility to which this rule applies is each individual CISWI that commenced construction on or before ~~November 30, 1999~~June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013.

(b) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after ~~June 1, 2004~~August 7, 2013, the CISWI unit becomes subject to 40 CFR 60, Subpart CCCC [ADEM Admin. Code r. 335-3-10-.02(81)] and this rule no longer applies to that unit.

(c) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply this rule, 40 CFR 60, Subpart CCCC [ADEM Admin. Code r. 335-3-10-.02(81)] does not apply to that unit. Such changes do not qualify as modifications or reconstructions under Subpart CCCC.

(d) The following fifteen combustion types of units are exempt from this rule, but some units are required to provide notification. Air curtain

incinerators are exempt from the requirements in this rule except for the provisions in paragraph (12), subparagraphs (13)(j) and (13)(l) of this rule:

1. Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in paragraph (1) are not subject to this rule if the two requirements specified in subparagraphs (d)1.(i) and (ii) of this paragraph below are met.

(i) Notify the Director that the unit meets these criteria.

(ii) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

~~2. Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in paragraph (1) are not subject to this rule if the two requirements specified in subparagraphs (d)2.(i) and (ii) of this paragraph below are met.~~Reserved.

~~(i) Notify the Director that the unit meets these criteria.~~

~~(ii) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.~~

3. Municipal waste combustion units. Incineration units that meet either of the two criteria specified in subparagraphs (d)3.(i) or (ii) of this paragraph below, are subject to 40 CFR 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); 40 CFR 60, Subpart Eb (Standards of Performance for Large Municipal Waste Combustors); 40 CFR 60, Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors); 40 CFR 60, Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units); or 40 CFR 60, Subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units)

~~(i) Are regulated under 40 CFR 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); 40 CFR 60, Subpart Eb (Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994); 40 CFR 60, Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors that are Constructed on or Before September 20, 1994); 40 CFR 60, Subpart AAAA (Standards of Performance for New Stationary Sources: Small Municipal Waste Combustion Units); or 40 CFR 60, Subpart BBBB (Emission Guidelines for Existing Stationary Sources: Small Municipal Waste Combustion Units).~~

~~(ii) Burn greater than 30 percent municipal solid waste or refuse derived fuel, as defined in Subpart Ea, Subpart Eb, Subpart AAAA, and Subpart BBBB, and that have the capacity to burn less than 35 tons (32 megagrams) per day of~~

~~municipal solid waste or refuse derived fuel, if the two requirements in subparagraphs (d)3.(ii)(I) and (II) of this paragraph below are met.~~

~~(I) Notify the Director that the unit meets these criteria.~~

~~(II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.~~

4. Medical waste incineration units. Incineration units regulated under 40 CFR 60, Subpart Ec incorporated by reference in rule 335-3-10-.02(3)(c) (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or rule 335-3-3-.04 [Incineration of Hospital/Medical/Infectious Waste].

5. Small power production facilities. Units that meet the three requirements specified in subparagraphs (d)5.(i) through (iii) of this paragraph below.

(i) The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(ii) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

~~(iii) The owner or operator notifies the Director that the unit meets all of these criteria~~submit a request to the Director for a determination that the qualifying small power production facility is combusting homogenous waste.

~~(iii)(iv) The owner or operator maintains records specified in subparagraph (II)(v) of this rule.~~

6. Cogeneration facilities. Units that meet the three requirements specified in subparagraphs (d)6.(i) through (iii) of this paragraph below.

(i) The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(ii) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

~~(iii) The owner or operator notifies the Director that the unit meets all of these criteria~~submits a request to the Director for a determination that the qualifying cogeneration facility is combusting homogenous waste.

~~(iii)(iv) The owner or operator maintains records specified in subparagraph (II)(w) of this rule.~~

~~(iii) The owner or operator notifies the Director that the unit meets all of these criteria~~

7. Hazardous waste combustion units. Units that meet either of the two criteria specified in subparagraphs (d)7.(i) or (ii) of this paragraph below that are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(i) ~~Units for which are required to obtain a permit under Section 3005 of the Solid Waste Disposal Act.~~

(ii) ~~Units regulated under 40 CFR 63, Subpart EEE as incorporated in rule 335 3 11 .06(56) (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).~~

8. Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

9. Air curtain incinerators. Air curtain incinerators that burn only the materials listed in subparagraphs (d)9.(i) through (iii) of this paragraph below are only required to meet the requirements under "Air Curtain Incinerators" (paragraph (13) of this rule).

(i) 100 percent wood waste.

(ii) 100 percent clean lumber.

(iii) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

10. Cyclonic barrel burnersReserved.

11. Rack, part, and drum reclamation unitsReserved.

12. Cement kilns. Kilns regulated under 40 CFR 63, Subpart LLL as incorporated in rule 335 3 11 .06(63) (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry)Reserved.

13. Sewage sludge treatment incineratorsplants. Incineration units regulated under 40 CFR 60, Subpart O as incorporated in rule 335-3-10-.02(15) (Standards of Performance for Sewage Treatment Plants).

14. Chemical recovery unitsReserved. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in subparagraphs (d)14.(i) through (vii) of this paragraph below are considered chemical recovery units.

(i) ~~Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.~~

(ii) ~~Units burning only spent sulfuric acid used to produce virgin sulfuric acid.~~



~~(iii) Units burning only wood or coal feedstock for the production of charcoal.~~

~~(iv) Units burning only manufacturing byproduct streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.~~

~~(v) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds~~

~~(vi) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.~~

~~(vii) Units burning only photographic film to recover silver.~~

~~15. Laboratory analysis unitsReserved. Units that burn samples of materials for the purpose of chemical or physical analysis.~~

~~(e) Chemical Recovery Units not Listed. If a chemical recovery unit is not listed in subparagraph (d)14. of this paragraph above, the owner or operator of the unit can petition the Administrator of EPA to add the unit to the list. Until the Administrator approves the petition, the incineration unit is covered by this rule. If a petition is approved, the Administrator will amend 40 CFR 60, § 60.2555(n) to add the unit to the list of chemical recovery units. The petition shall contain the six items in subparagraphs (e)1. through 6. of this paragraph below.~~

~~1. A description of the source of the materials being burned.~~

~~2. A description of the composition of the materials being burned, highlighting the chemical constituents in these materials that are recovered.~~

~~3. A description (including a process flow diagram) of the process in which the materials are burned, highlighting the type, design, and operation of the equipment used in this process.~~

~~4. A description (including a process flow diagram) of the chemical constituent recovery process, highlighting the type, design, and operation of the equipment used in this process.~~

~~5. A description of the commercial markets for the recovered chemical constituents and their use.~~

~~6. The composition of the recovered chemical constituents and the composition of these chemical constituents as they are bought and sold in commercial markets.~~

16. Sewage sludge incineration units. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to subpart LLLL of 40 CFR 60 as incorporated in rule 335-3-10-.02(90) (Standards of Performance for Sewage

Sludge Incineration Units) or subpart MMMM of 40 CFR 60 (Emission Guidelines for Sewage Sludge Incineration Units).

17. Other solid waste incineration units. Incineration units that are subject to subpart EEEE of 40 CFR 60 (Standards of Performance for Other Solid Waste Incineration Units) or subpart FFFF of 40 CFR 60 (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

(3) Increments of Progress.

(a) For owners or operators planning to achieve compliance more than one year following the effective date of EPA's approval of these rules, the two increments of progress specified in subparagraphs (a)1. and 2. of this paragraph below shall be met.

1. Submit a final control plan to the Director no later than one year after the effective date of EPA's approval of these rules.

2. Achieve final compliance no later than December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010.

(b) The owner or operator shall submit to the Director, notifications for achieving increments of progress. The notifications shall be postmarked no later than 10 business days after the compliance date for the increment. These notifications shall include the three items specified in subparagraphs (b)1. through 3. of this paragraph below:

1. Notification that the increment of progress has been achieved.
2. Any items required to be submitted with each increment of progress.
3. Signature of the owner or operator of the CISWI unit.

(c) If an owner or operator fails to meet an increment of progress, a notification to the Director shall be submitted and postmarked within 10 business days after the date for that increment of progress in subparagraph (3)(a) above. The owner or operator shall inform the Director that the increment was not met, and reports shall be submitted each subsequent calendar month until the increment of progress is met.

(d) For the control plan increment of progress, the owner or operator shall satisfy the two requirements specified in subparagraphs (d)1. and 2. of this paragraph below.

1. Submit the final control plan that includes the five items described in subparagraphs (d)1.(i) through (v). of this paragraph below.

(i) A description of the devices for air pollution control and process changes that will be used to comply with the emission limitations and other requirements of this rule.

(ii) The type(s) of waste to be burned.

(iii) The maximum design waste burning capacity.

(iv) The anticipated maximum charge rate.

(v) If applicable, the petition for site-specific operating limits under paragraph (6)(c) of this rule.

2. Maintain an onsite copy of the final control plan.

(e) For the final compliance increment of progress, the owner or operator shall complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

(f) Closing and restarting a CISWI unit.

1. If the CISWI unit is closed but will be restarted prior to the final compliance date of December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010, the owner or operator shall meet the increments of progress specified in subparagraph (a) of this paragraph.

2. If the CISWI unit is closed but will be restarted after the final compliance date of December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010, the owner or operator shall complete emission control retrofits and meet the emission limitations and operating limits on the date the unit restarts operation.

(g) Permanent closure of a CISWI unit. If the owner or operator plans to close the CISWI unit rather than comply with this rule, submit a closure notification, including the date of closure, to the Director within 90 days after EPA approval of these rules.

(4) Waste Management Plan.

(a) A waste management plan is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

(b) A waste management plan shall be submitted no later than the date specified in subparagraph (3)(a)1. of this rule for submittal of the final control plan.

(c) A waste management plan shall include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan shall identify any additional waste management measures, and the source shall implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

(5) Operator Training and Qualification.

(a) No CISWI unit can be operated unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, the procedures in subparagraph (h) of this paragraph below shall be followed.

(b) Operator training and qualification shall be obtained through a State-approved program that meets the requirements included in subparagraph (c) of this paragraph below. Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under subparagraph (c)2. of this paragraph below.

(c) Training shall be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in subparagraphs (c)1. through 3. of this paragraph below.

1. Training on the eleven subjects listed in subparagraphs (c)1.(i) through (xi) of this paragraph below.

(i) Environmental concerns, including types of emissions.

(ii) Basic combustion principles, including products of combustion.

(iii) Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

(iv) Combustion controls and monitoring.

(v) Operation of air pollution control equipment and factors affecting performance (if applicable).

(vi) Inspection and maintenance of the incinerator and air pollution control devices.

(vii) Actions to prevent and correct malfunctions or to prevent conditions that may lead to malfunction.

(viii) Bottom and fly ash characteristics and handling procedures.

(ix) Applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards.

(x) Pollution prevention.

(xi) Waste management practices.

2. An examination designed and administered by the instructor.

3. Written material covering the training course topics that can serve as reference material following completion of the course.

(d) The operator training course shall be completed by the later of the three dates specified in subparagraphs (d)1. through 3. of this paragraph below.

1. The final compliance date of December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010.

2. Six months after CISWI unit startup.

3. Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

(e) To maintain qualification, the operator shall complete an annual review or refresher course covering, at a minimum, the five topics described in subparagraphs (e)1. through 5. of this paragraph below.

1. Update of regulations.

2. Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

3. Inspection and maintenance.

4. Responses to Prevention and correction of malfunctions or conditions that may lead to malfunction.

5. Discussion of operating problems encountered by attendees.

(f) A lapsed operator qualification shall be renewed by one of the two methods specified in subparagraphs (f)1. and 2. of this paragraph below.

1. For a lapse of less than 3 years, the operator shall complete a standard annual refresher course described in subparagraph (e) of this paragraph above.

2. For a lapse of 3 years or more, the operator shall repeat the initial qualification requirements in subparagraphs (b) and (c) of this paragraph above.

(g) Requirements for site specific documentation.

1. Site specific documentation shall be available at the facility and readily accessible for all CISWI unit operators that addresses the ten topics described in subparagraphs (g)1.(i) through (x) of this paragraph below. The owner or operator shall maintain this information and the training records required by subparagraph (g)3. of this paragraph below in a manner that they can be readily accessed and are suitable for inspection upon request.

- (i) Summary of the applicable standards under this rule.
- (ii) Procedures for receiving, handling, and charging waste.
- (iii) Incinerator startup, shutdown, and malfunction procedures.
- (iv) Procedures for maintaining proper combustion air supply levels.

(v) Procedures for operating the incinerator and associated air pollution control systems within the standards established under this rule.

(vi) Monitoring procedures for demonstrating compliance with the incinerator operating limits.

(vii) Reporting and recordkeeping procedures.

(viii) The waste management plan required under paragraph (4) of this rule.

(ix) Procedures for handling ash.

(x) A list of the wastes burned during the performance test.

2. The owner or operator shall establish a program for reviewing the information listed in subparagraph (g)1. of this paragraph above with each incinerator operator.

(i) The initial review of the information listed in subparagraph (g)1. of this paragraph shall be conducted by the later of the three dates specified in subparagraphs (g)2.(i)(I) through (III) of this paragraph below.

(I) The final compliance date of December 1, 2005, for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010.

(II) Six months after CISWI unit startup.

(III) Six months after being assigned to operate the CISWI unit.

(ii) Subsequent annual reviews of the information listed in subparagraph (g)1. of this paragraph shall be conducted no later than 12 months following the previous review.

3. The owner or operator shall also maintain the information specified in subparagraphs (g)3.(i) through (iii) below.

(i) Records showing the names of CISWI unit operators who have completed review of the information in subparagraph (g)1. of this paragraph above as required by subparagraph (g)2. of this paragraph, including the date of the initial review and all subsequent annual reviews.

(ii) Records showing the names of the CISWI operators who have completed the operator training requirements under this paragraph, met the criteria for qualification under subparagraphs (a), (b) and (c) of this paragraph, and maintained or renewed their qualification under subparagraphs (e) or (f) of this paragraph, respectively. Records shall include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(iii) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(h) If all qualified operators are temporarily not accessible (i.e., not at the facility and not able to be at the facility within 1 hour), the owner or operator shall meet one of the two criteria specified in subparagraphs (h)1. and 2. of this paragraph below, depending on the length of time that a qualified operator is not accessible.

1. When all qualified operators are not accessible for more than 8 hours, but less than 2 weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in subparagraph (g)1. of this paragraph within the past 12 months. However, the period when all qualified operators were not accessible shall be recorded and this deviation included in the annual report as specified under paragraph (11) of this rule.

2. When all qualified operators are not accessible for 2 weeks or more, the two actions that are described in subparagraphs (h)2.(i) and (ii) of this paragraph below shall be taken.

(i) Notify the Director of this deviation in writing within 10 days. In the notice, state what caused this deviation, what actions are being taken to ensure that a qualified operator is accessible, and when it is expected that a qualified operator will be accessible.

(ii) Submit a status report to the Administrator every 4 weeks outlining what actions are being taken to ensure that a qualified operator is accessible, stating when it is expected that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI unit. The first status report shall be submitted 4 weeks after notification to the Director of the deviation under subparagraph (h)2.(i). If the Administrator notifies the owner or operator that the request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then shall cease operation. Operation of the unit may resume if the two requirements in subparagraphs (h)2.(ii)(I) and (II) of this paragraph below are met.

(I) A qualified operator is accessible as required under subparagraph (a) of this paragraph.

(II) The owner or operator notifies the Administrator that a qualified operator is accessible and operation is resuming.

(6) Emission Limitations and Operating Limits.

(a) The owner or operator shall meet the emission limitations specified for each CISWI unit, including bypass stack or vent, specified in Table 1 of this rule or tables 5 through 8 of this rule by the final compliance date of December 1, 2005 for CISWI units that commenced construction on or before November 30, 1999, or February 7, 2018 for CISWI units that commenced construction on or before June 4, 2010, as applicable, ~~on the date the initial performance test is required or completed (whichever is earlier).~~ The emission limitations apply at all times the unit is operating including and not limited to startup, shutdown, or malfunction.

1. Units that do not use wet scrubbers shall maintain opacity to less than equal to the percent opacity (three 1-hour blocks consisting of ten 6-minute average opacity values) specified in table 1 of this rule, as applicable.

(b) Timelines for Operating Limits.

1. If a wet scrubber(s) is used to comply with the emission limitations, the owner or operator shall establish operating limits for up to four operating parameters (as specified in Table 2 of this rule) as described in subparagraphs (b)1.(i) through (iv) of this paragraph during the initial performance test.

(i) Maximum charge rate, calculated using one of the two different procedures in subparagraph (b)1.(i)(I) or (II) of this paragraph, as appropriate.

(I) For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(II) For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(ii) Minimum pressure drop across the wet particulate matter scrubber, which is calculated as ~~90 percent of the~~lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as ~~90 percent of the~~the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

(iii) Minimum scrubber ~~liquid~~liquid flow rate, which is calculated as 90 percent of ~~the~~the lowest 1-hour average ~~liquid~~liquid flow rate at the inlet to



the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

(iv) Minimum scrubber liquor pH, which is calculated as ~~90 percent of~~ the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the HCl emission limitation.

2. The owner or operator shall meet the operating limits established during the initial performance test on the date the initial performance test is required or completed (whichever is earlier). The owner or operator shall conduct an initial performance evaluation of each continuous monitoring system and continuous parameter monitoring system within 60 days of installation of the monitoring system.

3. If the owner or operator uses a fabric filter to comply with the emission limitations, each fabric filter system shall be operated such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If the owner or operator takes longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by the owner or operator to initiate corrective action.

4. If the owner or operator uses an electrostatic precipitator to comply with the emission limitations, the owner or operator shall measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage x secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

5. If the owner or operator uses an activated carbon sorbent injection to comply with the emission limitations, the owner or operator shall measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations. For energy recovery units, when the unit operates at lower loads, multiply the sorbent injection rate by the load fraction, as defined in this rule, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

6. If the owner or operator uses selective noncatalytic reduction to comply with the emission limitations, the owner or operator shall measure the charge rate, the secondary chamber temperature (if applicable to the CISWI unit), and the reagent flow rate during the nitrogen oxides performance testing.

The operating limits for the selective noncatalytic reduction are calculated as the highest 1-hour average charge rate, lowest secondary chamber temperature, and lowest reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

7. If the owner or operator uses a dry scrubber to comply with the emission limitations, the owner or operator shall measure the injection rate of each sorbent during the performance testing. The operating limit for the injection rate of each sorbent is calculated as the lowest 1-hour average injection rate of each sorbent measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitations. For energy recovery units, when the unit operates at lower loads, multiply the sorbent injection rate by the load fraction, as defined in this rule, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

8. If the owner or operator does not use a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitation, and if the owner or operator does not determine compliance with the particulate matter emission limitation with a particulate matter CEMS, the owner or operator shall maintain opacity to less than or equal to ten percent opacity (1-hour block average).

9. If the owner or operator uses a PM CPMS to demonstrate compliance, the owner or operator shall establish a PM CPMS operating limit and determine compliance with it according to subparagraphs (b)9.(i) through (v) of this paragraph below.

(i) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record all hourly average output values (milliamps) from the PM CPMS for the periods corresponding to the test runs (e.g., three 1-hour average PM CPMS output values for three 1-hour test runs).

(I) The owner or operator's PM CPMS shall provide a 4-20 milliamp output and the establishment of its relationship to manual reference method measurements shall be determined in units of milliamps.

(II) The owner or operator's PM CPMS operating range shall be capable of reading PM concentrations from zero to a level equivalent to at least two times the allowable emission limit. If the owner or operator's PM CPMS is an auto ranging instrument capable of multiple scales, the primary range of the instrument shall be capable of reading PM concentrations from zero to a level equivalent to two times the allowable emission limit.

(III) During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp output values from the PM CPMS for the periods corresponding to the compliance test runs (e.g., average all the PM CPMS output values for three corresponding 2-hour Method 51 test runs).

(ii) If the average of the three PM performance test runs are below 75% of the PM emission limit, the owner or operator shall calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or performance test with the procedures in subparagraphs (b)9.(i) through (v) of this paragraph.

(I) Determine the instrument zero output with one of the following procedures:

I. Zero point data for *in-situ* instruments shall be obtained by removing the instrument from the stack and monitoring ambient air on a test bench.

II. Zero point data for extractive instruments shall be obtained by removing the extractive probe from the stack and drawing in clean ambient air.

III. The zero point can also be obtained by performing manual reference method measurements when the flue gas is free of PM emissions or contains very low PM concentrations (e.g., when the process is not operating, but the fans are operating or the source is combusting only natural gas) and plotting these with the compliance data to find the zero intercept.

IV. If none of the steps in subparagraphs (b)9.(ii)(I) through (IV) of this paragraph are possible, the owner or operator shall use a zero output value provided by the manufacturer.

(II) Determine the PM CPMS instrument average in milliamps, and the average of the corresponding three PM compliance test runs, using Equation 1 of this rule:

$$\text{(Eq. 1) } \bar{x} = \frac{1}{n} \sum_{i=1}^n X_i, \quad \bar{y} = \frac{1}{n} \sum_{i=1}^n Y_i$$

Where:

$X_i$  = the PM CPMS data points for the three runs constituting the performance test;

$Y_i$  = the PM concentration value for the three runs constituting the performance test; and

$n$  = the number of data points.

(III) With the instrument zero expressed in milliamps, the three run average PM CPMS milliamp value, and the three run average PM concentration from the three compliance tests, determine a relationship of lb/Mmbtu per milliamp with Equation 2 of this rule:

$$\text{(Eq. 2)} \quad R = \frac{Y_1}{(X_1 - z)}$$

Where:

R = the relative mg/dscm per milliamp for the PM CPMS;

Y<sub>1</sub> = the three run average mg/dscm PM concentration;

X<sub>1</sub> = the three run average milliamp output from the PM CPMS;

and

z = the milliamp equivalent of the instrument zero determined from subparagraph (b)9.(ii)(I) of this paragraph.

(IV) Determine the source specific 30-day rolling average operating limit using the mg/dscm per milliamp value from Equation 2 in Equation 3, below. This sets the operating limit at the PM CPMS output value corresponding to 75% of the emission limit.

$$\text{(Eq. 3)} \quad O_1 = z + \frac{0.75(L)}{R}$$

Where:

O<sub>1</sub> = the operating limit for the PM CPMS on a 30-day rolling average, in milliamps;

L = the source emission limit expressed in lb/Mmbtu;

z = the instrument zero in milliamps, determined from subparagraph (b)9.(ii)(I) of this paragraph; and

R = the relative mg/dscm per milliamp for the PM CPMS, from Equation 2 of this rule..

(iii) If the average of the three PM compliance test runs is at or above 75% of the PM emission limit the owner or operator shall determine the operating limit by averaging the PM CPMS milliamp output corresponding to the three PM performance test runs that demonstrate compliance with the emission limit using Equation 4 and shall submit all compliance test and PM CPMS data according to the reporting requirements in subparagraph (b)9.(v) of this paragraph.

$$\text{(Eq. 4)} \quad O_h = \frac{1}{n} \sum_{i=1}^n X_i$$

Where:

X<sub>i</sub> = the PM CPMS data points for all runs i;

n = the number of data points; and

O<sub>h</sub> = the site specific operating limit, in milliamps.

(iv) To determine continuous compliance, the owner or operator shall record the PM CPMS output data for all periods when the process is operating and the PM CPMS is not out-of-control. The owner or operator shall demonstrate continuous compliance by using all quality-assured hourly average data collected by the PM CPMS for all operating hours to calculate the arithmetic average operating parameter in units of the operating limit (e.g., milliamps, PM concentration, raw data signal) on a 30-day rolling average basis.

(v) For PM performance test reports used to set a PM CPMS operating limit, the electronic submission of the test report shall also include the make and model of the PM CPMS instrument, serial number of the instrument, analytical principle of the instrument (e.g., beta attenuation), span of the instruments primary analytical range, milliamp value equivalent to the instrument zero output, technique by which this zero value was determined, and the average milliamp signals corresponding to each PM compliance test run.

(c) If the owner or operator uses an air pollution control device other than a wet scrubber, activated carbon injection, selective noncatalytic reduction, fabric filter, an electrostatic precipitator, or a dry scrubber or limit emissions in some other manner, including mass balances, to comply with the emission limitations under subparagraph (a) of this paragraph, the owner or operator shall petition the Administrator for specific operating limits to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall ~~not conduct the initial performance test until after the petition has been approved by the Administrator~~ submit the petition at least sixty days before the performance test is scheduled to begin. The petition shall include the five items listed in subparagraphs (c)1. through 5. of this paragraph below.

1. Identification of the specific parameters the owner or operator proposes to use as additional operating limits.

2. A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters, and how limits on these parameters will serve to limit emissions of regulated pollutants.

3. A discussion of how the owner or operator will establish the upper and/or lower values for these parameters which will establish the operating limits on these parameters.

4. A discussion identifying the methods the owner or operator will use to measure and the instruments that will be used to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.

5. A discussion identifying the frequency and methods for recalibrating the instruments that will be used for monitoring these parameters.

(d) ~~Periods of Startup, Shutdown, and Malfunction~~ Affirmative defense for violation of emission standards during malfunction.

~~1. The emission limitations and operating limits apply at all times except during CISWI unit startups, shutdowns, or malfunctions.~~

~~2. Each malfunction shall last no longer than 3 hours.~~

1. In response to an action to enforce the standards set forth in subparagraph (6)(a) of this paragraph, the owner or operator may assert an affirmative defense to a claim for civil penalties for violations of such standards that are caused by malfunction, as defined at 40 CFR 60.2. Appropriate penalties may be assessed if the burden of proving all of the requirements in the affirmative defense are not met. The affirmative defense shall not be available for claims for injunctive relief.

(i) Assertion of affirmative defense. To establish the affirmative defense in any action to enforce such a standard, the owner or operator shall timely meet the reporting requirements in subparagraph (d)1.(ii) of this paragraph below, and shall prove by a preponderance of evidence that:

(I) The violation:

I. Was caused by a sudden, infrequent, and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner; and

II. Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

III. Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

IV. Was not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(II) Repairs were made as expeditiously as possible when a violation occurred. Off-shift and overtime labor were used, to the extent practicable to make these repairs; and

(III) The frequency, amount and duration of the violation (including any bypass) were minimized to the maximum extent practicable; and

(IV) If the violation resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(V) All possible steps were taken to minimize the impact of the violation on ambient air quality, the environment, and human health; and

(VI) All emissions monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices; and

(VII) All of the actions in response to the violation were documented by properly signed, contemporaneous operating logs; and

(VIII) At all times, the affected CISWI unit was operated in a manner consistent with good practices for minimizing emissions; and

(IX) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the violation resulting from the malfunction event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of any emissions that were the result of the malfunction.

(ii) Report. The owner or operator seeking to assert an affirmative defense shall submit a written report to the Administrator with all necessary supporting documentation, that it has met the requirements set forth in subparagraph (6)(d)1.(i) of this paragraph. This affirmative defense report shall be included in the first periodic compliance, deviation report or excess emission report otherwise required after the initial occurrence of the violation of the relevant standard (which may be the end of any applicable averaging period). If such compliance, deviation report or excess emission report is due less than 45 days after the initial occurrence of the violation, the affirmative defense report may be included in the second compliance, deviation report or excess emission report due after the initial occurrence of the violation of the relevant standard.

(7) Performance Testing.

(a) All performance tests shall consist of a minimum of three test runs conducted under conditions representative of normal operations.

(b) The owner or operator shall document that the waste burned during the performance test is representative of the waste burned under normal operating conditions by maintaining a log of the quantity of waste burned (as required in paragraph (11) of this rule) and the types of waste burned during the performance test.

(c) All performance tests shall be conducted using the minimum run duration specified in Table 1 and Tables 5 through 8 of this rule.

(d) Method 1 of Appendix A, 40 CFR 60 shall be used to select the sampling location and number of traverse points.

(e) Method 3A or 3B of Appendix A, 40 CFR 60 shall be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B of Appendix A, 40 CFR 60 shall be used simultaneously with each method.

(f) All pollutant concentrations, except for opacity, shall be adjusted to 7 percent oxygen using Equation 4-5 of this rule:

$$(Eq. 45) C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2)$$

Where:

$C_{adj}$  = pollutant concentration adjusted to 7 percent oxygen;

$C_{meas}$  = pollutant concentration measured on a dry basis;  $(20.9 - 7) = 20.9$  percent oxygen - 7 percent oxygen (defined oxygen correction basis);

20.9 = oxygen concentration in air, percent; and

$\%O_2$  = oxygen concentration measured on a dry basis, percent.

(g) The owner or operator shall determine dioxins/furans toxic equivalency by following the procedures in subparagraphs (g)1. through 34. of this paragraph below.

1. Measure the concentration of each dioxin/furan tetra- through octa-congener isomer emitted using EPA Method 23 at 40 CFR part 60, Appendix A.

1.2. Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. The owner or operator shall quantify the isomers per Section 9.0 of Method 23. (Note: the owner or operator may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5)

2.3. For each dioxin/furan congener (tetra- through octa-chlorinated) isomer measured in accordance with subparagraph (g)1. and 2. of this paragraph above, multiply the congener-isomer concentration by its corresponding toxic equivalency factor specified in Table 3 of this rule.

3.4. Sum the products calculated in accordance with subparagraph (g)23. of this paragraph above to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

(h) Method 22 at 40 CFR part 60, appendix A-7 shall be used to determine compliance with the fugitive ash emission limit in table 1 of this rule or tables 5 through 8 of this rule.

(i) If the owner or operator has an applicable opacity operating limit, the owner or operator shall determine compliance with the opacity limit using Method 9 at 40 CFR part 60, appendix A-4, based on three 1-hour blocks consisting of ten 6-minute average opacity values, unless the owner or operator is required to install a continuous opacity monitoring system, consistent with paragraphs (9) and (10).

(j) The owner or operator shall determine dioxins/furans total mass basis by following the procedures in subparagraphs (j)1. through 3. of this paragraph below.

1. Measure the concentration of each dioxin/furan tetra- through octa-chlorinated isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A-7.



2. Quantify isomers meeting identification criteria 2, 3, 4, and 5 in Section 5.3.2.5 of Method 23, regardless of whether the isomers meet identification criteria 1 and 7. The owner or operator shall quantify the isomers per Section 9.0 of Method 23. (Note: The owner or operator may reanalyze the sample aliquot or split to reduce the number of isomers not meeting identification criteria 1 or 7 of Section 5.3.2.5).

3. Sum the quantities measured in accordance with subparagraphs (j)1. and 2. of this paragraph to obtain the total concentration of dioxins/furans emitted in terms of total mass basis.

~~(h)~~(k) The results of performance tests are used to demonstrate compliance with the emission limitations in Table 1 or tables 5 through 8 of this rule.

(8) Initial Compliance Requirements.

(a) The owner or operator shall conduct ~~an initial~~ a performance test, as required under ~~40 CFR, § 60.8 [incorporated by reference under ADEM Admin. Code r. 335-3-10-.02(1)]~~ paragraphs (6) and (7) of this rule, to determine compliance with the emission limitations in Table 1 and tables 5 through 8 of this rule, ~~and to establish compliance with any opacity operating limits in subparagraph (6)(b) of this rule, and to establish operating limits using the procedures in subparagraphs (6)(b) or (6)(c) of this rule.~~ The ~~initial~~ performance test shall be conducted using the test methods listed in Table 1 and table 5 through 8 of this rule and the procedures in paragraph (7) of this rule. The use of the bypass stack during a performance test shall invalidate the performance test. The owner or operator shall conduct a performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system.

(b) The initial performance test shall be conducted no later than 180 days after the final compliance date. The final compliance date is specified in subparagraph (3)(a)2. of this rule.

(c) If the owner or operator commences or recommences combusting a solid waste at an existing combustion unit at any commercial or industrial facility and conducted a test consistent with the provisions of this rule while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, retesting is not needed until 6 months from the date the solid waste is reintroduced.

(d) If the owner or operator commences combusting or recommences combusting a solid waste at an existing combustion unit at any commercial or industrial facility and has not conducted a performance test consistent with the provisions of this rule while combusting the given solid waste within the 6 months preceding the reintroduction of that solid waste in the combustion chamber, the owner or operator shall conduct a performance test within 60 days commencing or recommencing solid waste combustion.

(e) The initial air pollution control device inspection shall be conducted within 60 days after installation of the control device and the associated CISWI unit reaches the charge rate at which it will operate, but no later than 180 days after the final compliance date for meeting the amended emission limitations.

(f) Within 10 operating days following an air pollution control device inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Director establishing a date whereby all necessary repairs of the designated facility shall be completed.

(9) Continuous Compliance Requirements.

(a) Compliance with standards.

1. The emission standards and operating requirements set forth in this rule apply at all times.

2. If the combusting of solid waste is ceased the owner or operator may opt to remain subject to the provisions of this rule. Consistent with the definition of CISWI unit, the owner or operator is subject to the requirements of this rule at least 6 months following the last date of solid waste combustion. Solid waste combustion is ceased when solid waste is not in the combustion chamber (i.e., the solid waste feed to the combustor has been cut off for a period of time not less than the solid waste residence time).

3. If the combusting of solid waste is ceased the owner or operator shall be in compliance with any newly applicable standards on the effective date of the waste-to-fuel switch. The effective date of the waste-to-fuel switch is a date selected by the owner or operator, that shall be at least 6 months from the date that combusting solid waste is ceased, consistent with subparagraph (9)(a)2. of this paragraph above. The source shall remain in compliance with this rule until the effective date of the waste-to-fuel switch.

4. Any owner or operator of an existing commercial or industrial combustion unit that combusted a fuel or no-waste material, and commences or recommences combustion of solid waste, the owner or operator is subject to the provisions of this rule as of the first day solid waste is introduced or reintroduced to the combustion chamber, and this date constitutes the effective date of the fuel-to-waste switch. The owner or operator shall complete all initial compliance demonstrations for any Section 112 standards that are applicable to the facility before commencing or recommencing combustion of solid waste. The owner or operator shall provide 30 days prior notice of the effective date of the waste-to-fuel switch. The notification shall identify:

(i) The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

(ii) The currently applicable subcategory under this rule, and any 40 CFR part 63 subpart and subcategory that will be applicable after the combusting of solid waste is ceased;

(iii) The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

(iv) The date on which the unit became subject to the currently applicable emission limits;

(v) The date upon which combusting solid waste is ceased, and the date (if different) that any new requirements to become applicable (i.e., the effective date of the waste-to-fuel switch), consistent with subparagraphs (9)(a)2. and 3. of this paragraph.

5. All air pollution control equipment necessary for compliance with any newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of combusting solid waste shall be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch.

6. All monitoring systems necessary for compliance with any newly applicable monitoring requirements which apply as a result of the cessation or commencement or recommencement of combusting solid waste shall be installed and operational as of the effective date of the waste-to-fuel, or fuel-to-waste switch. All calibration and drift checks shall be performed as of the effective date of the waste-to-fuel, or fuel-to waste switch. Relative accuracy tests shall be performed as of the performance test deadline for PM CEMS (if PM CEMS are elected to demonstrate continuous compliance with the particulate matter emission limits). Relative accuracy testing for other CEMS need not be repeated if that testing was previously performed consistent with section 112 monitoring requirements or monitoring requirements under this rule.

(a)(b) The owner or operator shall conduct an annual performance test for ~~particulate matter, hydrogen chloride,~~the pollutants listed in table 1 or tables 5 through 8 of this rule and opacity for each CISWI unit as required under 40 CFR, ~~§ 60.8~~ to determine compliance with the emission ~~limitations~~paragraph (7) of this rule. The annual performance test shall be conducted using the test methods listed in Table 1 or table 5 through 8 of this rule and the procedures in paragraph (7) of this rule. Opacity shall be measured using EPA Reference Method 9 at 40 CFR part 60. Annual performance tests are not required if the owner or operator uses CEMS or continuous opacity monitoring systems to determine compliance.

(b)(c) The owner or operator shall continuously monitor the operating parameters specified in subparagraph (6)(b) or established under subparagraph (6)(c) of this rule and as specified in subparagraph (10)(d) of this rule. Operation above the established maximum or below the established minimum operating limits constitutes a deviation from the established operating limits. Three-hour ~~rolling-block~~ average values are used to determine compliance (except for baghouse leak detection system alarms) unless a different averaging period is established under subparagraph (6)(c) of this rule or, for energy recovery units, where the averaging time for each operating parameter is a 30-day rolling,

calculated each hour as the average of the previous 720 operating hours. Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in subparagraph (9)(a) of this paragraph constitutes a deviation from the operating limits established under this rule, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. Operating limits do not apply are confirmed or reestablished during performance tests.

(e)(d) The owner or operator shall only burn burn only the same types of waste and fuels used to establish subcategory applicability (for ERUs) and operating limits during the performance test.

(e) For energy recovery units, incinerators, and small remote units, the owner or operator shall perform annual visual emissions test for ash handling.

(f) For energy recovery units, the owner or operator shall conduct an annual performance test for opacity using EPA Reference Method 9 at 40 CFR part 60 (except where particulate matter continuous monitoring system or continuous parameter monitoring systems are used) and the pollutants listed in table 6 of this rule.

(g) For facilities using a CEMS to demonstrate compliance with the carbon monoxide emission limit, compliance with the carbon monoxide emission limit may be demonstrated by using the CEMS according to the following requirements:

1. The owner or operator shall measure emissions according to §60.13 to calculate 1-hour arithmetic averages corrected to 7 percent oxygen. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The owner or operator shall demonstrate initial compliance with the carbon monoxide emissions limit using a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this rule, calculated using equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7.

2. Operate the carbon monoxide continuous emissions monitoring system in accordance with the applicable requirements of performance specification 4A of appendix B and the quality assurance procedures of appendix F of 40 CFR part 60.

(h) Coal and liquid/gas energy recovery units with annual average heat input rates greater than 250 MMBtu/hr may elect to demonstrate continuous compliance with the particulate matter emissions limit using a particulate matter CEMS according to the procedures in subparagraph (10)(n) of this rule, instead of the continuous parameter monitoring system specified in subparagraph (9)(i) of this paragraph. Coal and liquid/gas energy recovery units with annual average heat input rates less than 250 MMBtu/hr, incinerators, and small remote incinerators may also elect to demonstrate compliance using a particulate matter CEMS according to the procedures in

subparagraph (10)(n) of this rule, instead of particulate matter testing with EPA Method 5 at 40 CFR part 60, appendix A-3 and, if applicable, the continuous opacity monitoring requirements in subparagraph (9)(i) of this paragraph.

(i) For energy recovery units with annual average heat input rates greater than or equal to 10 MMBTU/hour but less than 250 MMBtu/hr the owner or operator shall install, operate, certify and maintain a continuous opacity monitoring system (COMS) according to the procedures in paragraph (10) in this rule.

(j) For waste-burning kilns, the owner or operator shall conduct an annual performance test for the pollutants (except mercury and particulate matter, and hydrogen chloride if no acid gas wet scrubber is used) listed in table 7 of this rule. If the waste-burning kiln is not equipped with a wet scrubber or dry scrubber, the owner or operator shall determine compliance with the hydrogen chloride emission limit using a CEMS as specified in paragraph (10) of this rule. The owner or operator shall determine compliance with particulate matter using CPMS. The owner or operator shall determine compliance with the mercury emissions limit using a mercury CEMS according to the following requirements:

1. Operate a CEMS in accordance with performance specification 12A at 40 CFR part 60, appendix B or a sorbent trap based integrated monitor in accordance with performance specification 12B at 40 CFR part 60, appendix B. The duration of the performance test shall be a calendar month. For each calendar month in which the waste-burning kiln operates, hourly mercury concentration data and stack gas volumetric flow rate data shall be obtained. The owner or operator shall demonstrate compliance with the mercury emissions limit using a 30-day rolling average of these 1-hour mercury concentrations, including CEMS data during startup and shutdown as defined in this rule, calculated using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

2. Owners or operators using a mercury continuous emissions monitoring systems shall install, operate, calibrate and maintain an instrument for continuously measuring and recording the mercury mass emissions rate to the atmosphere according to the requirements of performance specifications 6 and 12A at 40 CFR part 60, appendix B and quality assurance procedure 5 at 40 CFR part 60, appendix F.

3. The owner or operator of a waste-burning kiln shall demonstrate initial compliance by operating a mercury CEMS while the raw mill of the in-line kiln/raw mill is operating under normal conditions and including at least one period when the raw mill is off.

(k) If the owner or operators uses an air pollution control device to meet the emission limitations in this rule, an initial and annual inspection of the air pollution control device shall be conducted. The inspection shall include, at a minimum, the following:

1. Inspect air pollution control device(s) for proper operation.

2. Develop a site-specific monitoring plan according to the requirements in subparagraph (9)(l) of this paragraph. This requirement also applies if the owner or operator petition the Administrator for alternative monitoring parameters under §60.13(i) of 40 CFR part 60.

(l) For each CMS required in this paragraph, the owner or operator shall develop and submit to the Administrator for approval a site-specific monitoring plan according to the requirements of this subparagraph (l) that addresses subparagraphs (9)(l)1.(i) through (vi) of this paragraph.

1. The owner or operator shall submit this site-specific monitoring plan at least 60 days before the initial performance evaluation of the continuous monitoring system.

(i) Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device).

(ii) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.

(iii) Performance evaluation procedures and acceptance criteria (e.g., calibrations).

(iv) Ongoing operation and maintenance procedures in accordance with the general requirements of §60.11(d).

(v) Ongoing data quality assurance procedures in accordance with the general requirements of §60.13.

(vi) Ongoing recordkeeping and reporting procedures in accordance with the general requirements of §60.7(b), (c), (c)(1), (c)(4), (d), (e), (f) and (g).

2. The owner or operator shall conduct a performance evaluation of each continuous monitoring system in accordance with the site-specific monitoring plan.

3. The owner or operator shall operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.

(m) If the owner or operator has an operating limit that requires the use of a flow monitoring system, the owner or operator shall meet the requirements in subparagraphs (9)(l) and (9)(m)1. through 4. of this paragraph.

1. Install the flow sensor and other necessary equipment in a position that provides a representative flow.

2. Use a flow sensor with a measurement sensitivity at full scale of no greater than 2 percent.

3. Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.

4. Conduct a flow monitoring system performance evaluation in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(n) If the owner or operator has an operating limit that requires the use of a pressure monitoring system, the owner or operator shall meet the requirements in subparagraphs (9)(l) and (9)(n)1. through 6. Of this paragraph.

1. Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (e.g., PM scrubber pressure drop).

2. Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.

3. Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.

4. Perform checks at the frequency outlined in the site-specific monitoring plan to ensure pressure measurements are not obstructed (e.g., check for pressure tap pluggage daily).

5. Conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

6. If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with the monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in the monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.

(o) If the owner or operator has an operating limit that requires a pH monitoring system, the owner or operator shall meet the requirements in subparagraphs (9)(l) and (9)(o)1. through 4. of this paragraph.

1. Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.

2. Ensure the sample is properly mixed and representative of the fluid to be measured.

3. Conduct a performance evaluation of the pH monitoring system in accordance with the monitoring plan at least once each process operating day.

4. Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the pH of the operating limit) of the pH monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than quarterly.

(p) If the owner or operator has an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, the owner or operator shall meet the requirements in subparagraphs (9)(l) and (9)(p)1. through 2. of this paragraph.

1. Install sensors to measure (secondary) voltage and current to the precipitator collection plates.

2. Conduct a performance evaluation of the electric power monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequently than annually.

(q) If the owner or operator has an operating limit that requires the use of a monitoring system to measure sorbent injection rate (e.g., weigh belt, weigh hopper, or hopper flow measurement device), the owner or operator shall meet the requirements in subparagraphs (9)(l) and (9)(q)1. through 2. of this paragraph.

1. Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.

2. Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with the monitoring plan at the time of each performance test but no less frequent than annually.

(r) If the owner or operator elect to use a fabric filter bag leak detection system to comply with the requirements of this rule, the owner or operator shall install, calibrate, maintain, and continuously operate a bag leak detection system as specified in subparagraphs (9)(l) and (9)(r)1. through 5. of this paragraph.

1. Install a bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment (e.g., for a positive pressure fabric filter) of the fabric filter.

2. Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

3. Conduct a performance evaluation of the bag leak detection system in accordance with the monitoring plan and consistent with the guidance provided in EPA-454/R-98-015 (incorporated by reference, see §60.17).

4. Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.



5. Use a bag leak detection system equipped with a system that will sound an alarm when an increase in relative particulate matter emissions over a preset level is detected. The alarm shall be located where it is observed readily by plant operating personnel.

(s) For facilities using a CEMS to demonstrate compliance with the sulfur dioxide emission limit, compliance with the sulfur dioxide emission limit may be demonstrated by using the CEMS specified in paragraph (10) of this rule to measure sulfur dioxide. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The owner or operator shall calculate a 30-day rolling average of the 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this rule, using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7. The sulfur dioxide CEMS shall be operated according to performance specification 2 in appendix B of 40 CFR part 60 and shall follow the procedures and methods specified in this subparagraph. For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for inlet sulfur dioxide CEMS should be no greater than 20 percent of the mean value of the reference method test data in terms of the units of the emission standard, or 5 parts per million dry volume absolute value of the mean difference between the reference method and the CEMS, whichever is greater.

1. During each relative accuracy test run of the CEMS required by performance specification 2 in appendix B of 40 CFR part 60, collect sulfur dioxide and oxygen (or carbon dioxide) data concurrently (or within a 30- to 60-minute period) with both the CEMS and the test methods specified in subparagraphs (9)(s)1.(i) and (ii) of this paragraph.

(i) For sulfur dioxide, EPA Reference Method 6 or 6C, or as an alternative ANSI/ASME PTC 19.10-1981 (incorporated by reference, see §60.17) shall be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10-1981 (incorporated by reference, see §60.17), as applicable, shall be used.

2. The span value of the CEMS at the inlet to the sulfur dioxide control device shall be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule. The span value of the CEMS at the outlet of the sulfur dioxide control device shall be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the unit subject to this rule.

3. Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of 40 CFR part 60.

(t) For facilities using a CEMS to demonstrate continuous compliance with the nitrogen oxides emission limit, compliance with the nitrogen oxides emission limit may be demonstrated by using the CEMS specified in paragraph

(10) to measure nitrogen oxides. CEMS data during startup and shutdown as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The owner or operator shall calculate a 30-day rolling average of the 1-hour arithmetic average emission concentration using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7. The nitrogen oxides CEMS shall be operated according to performance specification 2 in appendix B of 40 CFR part 60 and shall follow the procedures and methods specified in subparagraphs (9)(t)1. though 5. of this paragraph.

1. During each relative accuracy test run of the CEMS required by performance specification 2 of appendix B of 40 CFR part 60, collect nitrogen oxides and oxygen (or carbon dioxide) data concurrently (or with in a 30- to 60-minute period) with both the CEMS and the test methods specified in subparagraphs (9)(t)1.(i) and (ii) of this paragraph.

(i) For nitrogen oxides, EPA Reference Method 7 or 7E at 40 CFR part 60, appendix A-4 shall be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B, or as an alternative ANSI/ASME PTC 19.10-1981 (incorporated by reference, see §60.17), as applicable, shall be used.

2. The span value of the CEMS shall be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of unit.

3. Conduct accuracy determinations quarterly and calibration drift tests daily in accordance with procedure 1 in appendix F of 40 CFR part 60.

4. The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If carbon dioxide is selected for use in diluents corrections, the relationship between oxygen and carbon dioxide levels shall be established during the initial performance test according to the procedures and methods specified in subparagraphs (9)(t)4.(i) though (iv) of this paragraph below. This relationship may be reestablished during performance compliance tests.

(i) The fuel factor equation in Method 3B shall be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A, 3B, or as an alternative ANSI/ASME PTC 19.10-1981 (incorporated by reference, see §60.17), as applicable, shall be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.

(ii) Samples shall be taken for at least 30 minutes in each hour.

(iii) Each sample shall represent a 1-hour average.

(iv) A minimum of 3 runs shall be performed.

(u) For facilities using a continuous emissions monitoring system to demonstrate continuous compliance with any of the emission limits of this rule, the owner or operator shall complete the following:

1. Demonstrate compliance with the appropriate emission limit(s) using a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this rule, calculated using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content.

2. Operate all CEMS in accordance with the applicable procedures under appendices B and F of 40 CFR part 60.

(v) Use of the bypass stack at any time is an emissions standards deviation for particulate matter, HCl, Pb, Cd, Hg, NO<sub>x</sub>, SO<sub>2</sub>, and dioxin/furans.

(w) For energy recovery units with a design heat input capacity of 100MMBtu per hour or greater that do not use a carbon monoxide CEMS, the owner or operator shall install, operate, and maintain an oxygen analyzer system as defined in paragraph (1) of this rule according to the procedures in subparagraph (9)(w)1. through 4. below.

1. The oxygen analyzer system shall be installed by the initial performance test date specified in subparagraph (6)(b) of this rule.

2. The owner or operator shall operate the oxygen trim system within compliance with subparagraph (9)(w)3. of this paragraph below at all times.

3. The owner or operator shall maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test.

4. The owner or operator shall calculate and record a 30-day rolling average oxygen concentration using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 of Appendix A-7 of 40 CFR part 60.

(x) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, the owner or operator shall install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in subparagraphs (9)(x)1. through 8. of this paragraph below. For other energy recovery units, the owner or operator may elect to use PM CPMS operated in accordance with this paragraph. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (e.g., bag leak detectors, ESP secondary power, PM scrubber pressure).

1. Install, calibrate, operate, and maintain the PM CPMS according to the procedures in the approved site-specific monitoring plan developed in

accordance with subparagraphs (9)(l) and (9)(x)1.(i) through (iii) of this paragraph.

(i) The operating principle of the PM CPMS shall be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS shall be expressed as milliamps.

(ii) The PM CPMS shall have a cycle time (i.e., period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS shall be capable of detecting and responding to particulate matter concentrations of no greater than 0.5 mg/actual cubic meter.

2. During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, the owner or operator shall adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in subparagraph (6)(b) of this rule.

3. Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps.

4. Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps).

5. The owner or operator shall collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in subparagraph (9)(x)1.(ii) of this paragraph, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in the site-specific monitoring plan.

6. The owner or operator shall use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with the operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in the annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in your site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted

during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in the annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this rule.

7. The owner or operator shall record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with the site-specific monitoring plan.

8. For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, the owner or operator shall:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify. Within 45 days of the deviation, the owner or operator shall re-establish the CPMS operating limit. Conducting of additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this subparagraph is not required.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this rule.

~~(d)(y) The owner or operator shall conduct annual performance tests for particulate matter, hydrogen chloride, and opacity within 12 months following the initial performance test. Subsequent annual performance tests shall be conducted within 12 months following the previous one between 11 and 13 months of the previous performance test.~~

(z) On an annual basis (no more than 12 months following the previous annual air pollution control device inspection), the owner or operator shall complete the air pollution control device inspection as described in subparagraphs (8)(e) and (f) of this rule.

~~(e) The owner or operator can test less often for a given pollutant if the test data for at least 3 years, and all performance tests for the pollutant (particulate matter, hydrogen chloride, or opacity) over 3 consecutive years show that the CISWI unit comply with the emission limitation. In this case, a performance test would not need to be conducted for that pollutant for the next 2 years. A performance test shall be conducted during the third year and no more than 36 months following the previous performance test.~~

~~(f) If the CISWI unit continues to meet the emission limitation for particulate matter, hydrogen chloride, or opacity, the owner or operator may choose to conduct performance tests for these pollutants every third year, but each test shall be within 36 months of the previous performance test.~~

~~(g) If a performance test shows a deviation from an emission limitation for particulate matter, hydrogen chloride, or opacity, the owner or operator shall conduct annual performance tests for that pollutant until all performance tests over a 3 year period show compliance.~~

(aa) The owner or operator shall conduct annual performance tests according to the schedule specified in subparagraph (9)(y) in this paragraph, with the following exceptions:

1. The owner or operator may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward, as specified in subparagraphs (9)(bb) and (cc) of this paragraph. The Director may request a repeat performance test at any time.

2. The owner or operator shall repeat the performance test within 60 days of a process change, as defined in paragraph (1) of this rule.

3. If the initial or any subsequent performance test for any pollutant in table 1 or tables 5 through 8 of this rule, as applicable, demonstrates that the emission level for the pollutant is no greater than the emission level specified in subparagraph (9)(aa)3.(i) or (aa)3.(ii) of this paragraph, as applicable, and the owner or operator is not required to conduct a performance test for the pollutant in response to a request by the Director in subparagraph (9)(aa)1. of this paragraph or a process change in subparagraph (9)(aa)2. of this paragraph, the owner or operator may elect to skip conducting a performance test for the pollutant for the next 2 years. The owner or operator shall conduct a performance test for the pollutant during the third year and no more than 37 months following the previous performance test for the pollutant. For cadmium and lead, both cadmium and lead shall be emitted at emission levels no greater than their respective emission levels specified in subparagraph (9)(aa)3.(i) of this paragraph to qualify for less frequent testing under this paragraph.

(i) For particulate matter, hydrogen chloride, mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, cadmium, lead, and dioxins/furans, the emission level equal to 75 percent of the applicable emission limit in table 1 or tables 5 through 8 of this rule, as applicable, to this rule.

(ii) For fugitive emissions, visible emissions (of combustion ash from the ash conveying system) for 2 percent of the time during each of the three 1-hour observation periods.

4. If the owner or operator is conducting less frequent testing for a pollutant as provided in subparagraph (9)(aa)3. of this paragraph and a subsequent performance test for the pollutant indicates that the CISWI unit does not meet the emission level specified in subparagraph (9)(aa)3.(i) or (9)(aa)3.(ii) of this paragraph, as applicable, the owner or operator shall conduct

annual performance tests for the pollutant according to the schedule specified in subparagraph (9)(aa) of this paragraph until qualification for less frequent testing for the pollutant as specified in subparagraph (9)(aa)3. of this paragraph.

~~(h)~~(bb) The owner or operator may conduct a repeat performance test at any time to establish new values for the operating limits. The Director may request a repeat performance test at any time.

~~(i)~~(cc) The owner or operator shall repeat the performance test if the feed stream is different than the feed streams used during any performance test used to demonstrate compliance.

(10) Monitoring.

(a) If a wet scrubber is used to comply with the emission limitation under subparagraph (6)(a) of this rule, the owner or operator shall install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the value of the operating parameters used to determine compliance with the operating limits listed in Table 2 of this rule. These devices (or methods) must measure and record the values for these operating parameters at the frequencies indicated in Table 2 of this rule at all times except as specified in subparagraph ~~(d)~~1.(i) of this paragraph.

(b) If a fabric filter is used to comply with the requirements of this rule, the owner or operator shall install, calibrate, maintain, and continuously operate a bag leak detection system as specified in subparagraphs (b)1. through 8. of this rule.

1. The owner or operator shall install and operate a bag leak detection system for each exhaust stack of the fabric filter.

2. Each bag leak detection system shall be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

3. The bag leak detection system shall be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.

4. The bag leak detection system sensor shall provide output of relative or absolute particulate matter loadings.

5. The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor.

6. The bag leak detection system shall be equipped with an alarm system that will ~~sound~~alert automatically an operator when an increase in relative particulate matter emissions over a preset level is detected. The alarm shall be located where it is observed ~~easily heard~~ by plant operating personnel.

7. For positive pressure fabric filter systems, a bag leak detection system shall be installed in each baghouse compartment or cell. For negative pressure or induced air fabric filters, the bag leak detector shall be installed downstream of the fabric filter.

8. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(c) If a device other than a wet scrubber, activated carbon, selective non-catalytic reduction, an electrostatic precipitator, or a dry scrubber is used to comply with the emission limitations under subparagraph (6)(a) of this rule, the owner or operator shall install, calibrate (to the manufacturers' specifications), maintain, and operate the equipment necessary to monitor compliance with the site-specific operating limits established using the procedures in subparagraph (6)(c) of this rule.

(d) If activated carbon injection is used to comply with the emission limitations in this rule, the owner or operator shall measure the minimum sorbent flow rate once per hour.

(e) If selective noncatalytic reduction is used to comply with the emission limitations, the owner or operator shall complete the following:

1. Following the date on which the initial performance test is completed or is required to be completed under paragraph (7) of this rule, whichever date comes first, ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature (if applicable to your CISWI unit) or the minimum reagent flow rate measured as 3-hour block averages at all times.

2. Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature and below the minimum reagent flow rate simultaneously constitute a violation of the nitrogen oxides emissions limit.

(f) If an electrostatic precipitator is used to comply with the emission limits of this rule, the owner or operator shall monitor the secondary power to the electrostatic precipitator collection plates and maintain the 3-hour block averages at or above the operating limits established during the mercury or particulate matter performance test.

(g) For waste-burning kilns not equipped with a wet scrubber or dry scrubber, in place of hydrogen chloride testing with EPA Method 321 at 40 CFR part 63, appendix A, an owner or operator shall install, calibrate, maintain, and operate a CEMS for monitoring hydrogen chloride emissions discharged to the atmosphere and record the output of the system. To demonstrate continuous compliance with the hydrogen chloride emissions limit for units other than waste-burning kilns not equipped with a wet scrubber or dry scrubber, a facility may substitute use of a hydrogen chloride CEMS for conducting the hydrogen chloride annual performance test, monitoring the minimum hydrogen chloride sorbent flow rate, monitoring the minimum scrubber liquor pH.



(h) To demonstrate continuous compliance with the particulate matter emissions limit, a facility may substitute use of a particulate matter CEMS for conducting the particulate matter annual performance test and other CMS monitoring for PM compliance (e.g., bag leak detectors, ESP secondary power, PM scrubber pressure).

(i) To demonstrate continuous compliance with the dioxin/furan emissions limit, a facility may substitute use of a continuous automated sampling system for the dioxin/furan annual performance test. The owner or operator shall record the output of the system and analyze the sample according to EPA Method 23 at 40 CFR part 60, appendix A-7. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from continuous monitors is published in the Federal Register. The owner or operator who elects to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Method 23 at 40 CFR part 60, appendix A-7 shall install, calibrate, maintain and operate a continuous automated sampling system and shall comply with the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous dioxin/furan monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the dioxin/furan emission limit.

(j) To demonstrate continuous compliance with the mercury emissions limit, a facility may substitute use of a continuous automated sampling system for the mercury annual performance test. The owner or operator shall record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet performance specification 12B criteria. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to mercury from monitors is published in the Federal Register. The owner or operator who elects to continuously sample mercury emissions instead of sampling and testing using EPA Method 29 or 30B at 40 CFR part 60, appendix A-8, ASTM D6784-02 (Reapproved 2008) (incorporated by reference, see § 60.17), or an approved alternative method for measuring mercury emissions, shall install, calibrate, maintain and operate a continuous automated sampling system and shall comply with the requirements specified in § 60.58b(p) and (q). A facility may substitute continuous mercury monitoring for the minimum sorbent flow rate, if activated carbon sorbent injection is used solely for compliance with the mercury emission limit.

(k) To demonstrate continuous compliance with the nitrogen oxides emissions limit, a facility may substitute use of a CEMS for the nitrogen oxides annual performance test to demonstrate compliance with the nitrogen oxides emissions limits.

1. Install, calibrate, maintain and operate a CEMS for measuring nitrogen oxides emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of 40 CFR part 60, the quality assurance procedure 1 of appendix F of 40 CFR part 60 and the procedures under § 60.13 shall be followed for installation, evaluation and operation of the CEMS.

2. Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed under paragraph (7) of this rule, compliance with the emission limit for nitrogen oxides required under § 60.52b(d) shall be determined based on the 30-day rolling average of the hourly emission concentrations using CEMS outlet data. The 1-hour arithmetic averages shall be expressed in parts per million by volume corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average concentrations. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2).

(l) To demonstrate continuous compliance with the sulfur dioxide emissions limit, a facility may substitute use of a continuous automated sampling system for the sulfur dioxide annual performance test to demonstrate compliance with the sulfur dioxide emissions limits.

1. Install, calibrate, maintain and operate a CEMS for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 2 of appendix B of 40 CFR part 60, the quality assurance requirements of procedure 1 of appendix F of 40 CFR part 60 and the procedures under § 60.13 must be followed for installation, evaluation and operation of the CEMS.

2. Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed under paragraph (7) of this rule, compliance with the sulfur dioxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations using CEMS outlet data. The 1-hour arithmetic averages shall be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2).

(m) For energy recovery units that do not use a wet scrubber, fabric filter with bag leak detection system, or particulate matter CEMS, the owner or operator shall install, operate, certify and maintain a continuous opacity monitoring system according to the procedures in subparagraphs (10)(m)1. through 5. of this paragraph by the compliance date specified in paragraph (6) of this rule. Energy recovery units that use a particulate matter CEMS to demonstrate initial and continuing compliance according to the procedures in subparagraph (10)(n) are not required to install a continuous opacity monitoring system and shall perform the annual performance tests for opacity consistent with subparagraph (9)(f) of this rule.

1. Install, operate and maintain each continuous opacity monitoring system according to performance specification 1 at 40 CFR part 60, appendix B.

2. Conduct a performance evaluation of each continuous opacity monitoring system according to the requirements in § 60.13 and according to performance specification 1 at 40 CFR part 60, appendix B.

3. As specified in § 60.13(e)(1), each continuous opacity monitoring system shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

4. Reduce the continuous opacity monitoring system data as specified in § 60.13(h)(1).

5. Determine and record all the 6-minute averages (and 1-hour block averages as applicable) collected.

(n) For coal and liquid/gas energy recovery units, incinerators, and small remote incinerators, an owner or operator may elect to install, calibrate, maintain and operate a CEMS for monitoring particulate matter emissions discharged to the atmosphere and record the output of the system. The owner or operator of an affected facility who continuously monitors particulate matter emissions instead of conducting performance testing using EPA Method 5 at 40 CFR part 60, appendix A-3 or, as applicable, monitor with a particulate matter CPMS according to subparagraph (10)(r) of this paragraph, shall install, calibrate, maintain and operate a CEMS and shall comply with the requirements specified in subparagraphs (10)(n)1. through 13. of this paragraph below.

1. Notify the Director 1 month before starting use of the system.

2. Notify the Director 1 month before stopping use of the system.

3. The monitor shall be installed, evaluated and operated in accordance with the requirements of performance specification 11 of appendix B of 40 CFR part 60 and quality assurance requirements of procedure 2 of appendix F of 40 CFR part 60 and § 60.13.

4. The initial performance evaluation shall be completed no later than 180 days after the final compliance date for meeting the amended emission limitations, as specified under paragraph (7) of this rule or within 180 days of notification to the Director of use of the continuous monitoring system if the owner or operator was previously determining compliance by Method 5 at 40 CFR part 60, appendix A-3 performance tests, whichever is later.

5. The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established according to the procedures and methods specified in subparagraphs (9)(s)5.(i) through (iv).

6. The owner or operator of an affected facility shall conduct an initial performance test for particulate matter emissions as required under paragraph

(7) of this rule. Compliance with the particulate matter emission limit, if PM CEMS are elected for demonstrating compliance, shall be determined by using the CEMS specified in subparagraph (10)(n) of this paragraph to measure particulate matter. The owner or operator shall calculate a 30-day rolling average of 1-hour arithmetic average emission concentrations, including CEMS data during startup and shutdown, as defined in this rule, using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, appendix A-7.

7. Compliance with the particulate matter emission limit shall be determined based on the 30-day rolling average calculated using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 at 40 CFR part 60, Appendix A-7 from the 1-hour arithmetic average of the CEMS outlet data.

8. At a minimum, valid continuous monitoring system hourly averages shall be obtained as specified subparagraph (10)(t) of this paragraph.

9. The 1-hour arithmetic averages required under subparagraph (10)(n)7. of this paragraph shall be expressed in milligrams per dry standard cubic meter corrected to 7 percent oxygen (or carbon dioxide)(dry basis) and shall be used to calculate the 30-day rolling average emission concentrations. CEMS data during startup and shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2).

10. All valid CEMS data shall be used in calculating average emission concentrations even if the minimum CEMS data requirements of subparagraph (10)(n)8. of this paragraph are not met.

11. The CEMS shall be operated according to performance specification 11 in appendix B of 40 CFR part 60.

12. During each relative accuracy test run of the CEMS required by performance specification 11 in appendix B of 40 CFR part 60, particulate matter and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30-to 60-minute period) by both the CEMS and the following test methods.

(i) For particulate matter, EPA Reference Method 5 at 40 CFR part 60, appendix A-3 shall be used.

(ii) For oxygen (or carbon dioxide), EPA Reference Method 3A or 3B at 40 CFR part 60, appendix A-2, as applicable, shall be used.

13. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 2 in appendix F of 40 CFR part 60.

(o) To demonstrate continuous compliance with the carbon monoxide emissions limit, a facility may substitute use of a continuous automated

sampling system for the carbon monoxide annual performance test to demonstrate compliance with the carbon monoxide emissions limits.

1. Install, calibrate, maintain, and operate a CEMS for measuring carbon monoxide emissions discharged to the atmosphere and record the output of the system. The requirements under performance specification 4B of appendix B of 40 CFR part 60, the quality assurance procedure 1 of appendix F of 40 CFR part 60 and the procedures under § 60.13 shall be followed for installation, evaluation, and operation of the CEMS.

2. Following the date that the initial performance test for carbon monoxide is completed or is required to be completed under paragraph (7) of this rule, compliance with the carbon monoxide emission limit may be determined based on the 30-day rolling average of the hourly arithmetic average emission concentrations, including CEMS data during startup and shutdown as defined in this rule, using CEMS outlet data. Except for CEMS data during startup and shutdown, as defined in this rule, the 1-hour arithmetic averages shall be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 30-day rolling average emission concentrations. CEMS data collected during startup or shutdown, as defined in this rule, are not corrected to 7 percent oxygen, and are measured at stack oxygen content. The 1-hour arithmetic averages shall be calculated using the data points required under § 60.13(e)(2).

(p) The owner/operator of an affected source with a bypass stack shall install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time and duration.

(q) For energy recovery units with a design heat input capacity of 100 MMBtu per hour or greater that do not use a carbon monoxide CEMS, the owner or operator shall install, operate and maintain an oxygen analyzer system as defined in paragraph (1) of this rule according to the procedures in subparagraphs (10)(q)1. through 4. of this paragraph below.

1. The oxygen analyzer system shall be operated by the initial performance test date specified in subparagraph (6)(b) of this rule.

2. The owner or operator shall operate the oxygen trim system within compliance with subparagraph (q)3. below at all times.

3. The owner or operator shall maintain the oxygen level such that the 30-day rolling average that is established as the operating limit for oxygen according to subparagraph (q)4. below is not below the lowest hourly average oxygen concentration measured during the most recent CO performance test..

4. The owner or operator shall calculate and record a 30-day rolling average oxygen concentration using Equation 19-19 in section 12.4.1 of EPA Reference Method 19 of Appendix A-7 of 40 CFR part 60.

(r) For energy recovery units with annual average heat input rates greater than or equal to 250 MMBtu/hour and waste-burning kilns, the owner or operator shall install, calibrate, maintain, and operate a PM CPMS and record the output of the system as specified in subparagraphs (10)(r)1. through 8. of this paragraph below. For other energy recovery units, the owner or operator may elect to use PM CPMS operated in accordance with this paragraph. PM CPMS are suitable in lieu of using other CMS for monitoring PM compliance (e.g., bag leak detectors, ESP secondary power, PM scrubber pressure).

1. Install, calibrate, operate, and maintain the PM CPMS according to the procedures in the approved site-specific monitoring plan developed in accordance with paragraph (9)(l) and subparagraphs (10)(r)1.(i) through (iii) of this rule.

(i) The operating principle of the PM CPMS shall be based on in-stack or extractive light scatter, light scintillation, beta attenuation, or mass accumulation of the exhaust gas or representative sample. The reportable measurement output from the PM CPMS shall be expressed as milliamps.

(ii) The PM CPMS shall have a cycle time (i.e., period required to complete sampling, measurement, and reporting for each measurement) no longer than 60 minutes.

(iii) The PM CPMS shall be capable of detecting and responding to particulate matter concentrations of no greater than 0.5 mg/actual cubic meter.

2. During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, the owner or operator shall adjust the site-specific operating limit in accordance with the results of the performance test according to the procedures specified in subparagraph (6)(b) of this rule.

3. Collect PM CPMS hourly average output data for all energy recovery unit or waste-burning kiln operating hours. Express the PM CPMS output as milliamps.

4. Calculate the arithmetic 30-day rolling average of all of the hourly average PM CPMS output collected during all energy recovery unit or waste-burning kiln operating hours data (milliamps).

5. The owner or operator shall collect data using the PM CPMS at all times the energy recovery unit or waste-burning kiln is operating and at the intervals specified in subparagraph (10)(r)1.(ii) of this paragraph, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments), and any scheduled maintenance as defined in the site-specific monitoring plan.

6. The owner or operator shall use all the data collected during all energy recovery unit or waste-burning kiln operating hours in assessing the compliance with the operating limit except:

(i) Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or quality control activities conducted during monitoring system malfunctions are not used in calculations (report any such periods in the annual deviation report);

(ii) Any data collected during periods when the monitoring system is out of control as specified in the site-specific monitoring plan, repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or quality control activities conducted during out-of-control periods are not used in calculations (report emissions or operating levels and report any such periods in the annual deviation report);

(iii) Any PM CPMS data recorded during periods of CEMS data during startup and shutdown, as defined in this rule.

7. The owner or operator shall record and make available upon request results of PM CPMS system performance audits, as well as the dates and duration of periods from when the PM CPMS is out of control until completion of the corrective actions necessary to return the PM CPMS to operation consistent with the site-specific monitoring plan.

8. For any deviation of the 30-day rolling average PM CPMS average value from the established operating parameter limit, the owner or operator shall:

(i) Within 48 hours of the deviation, visually inspect the air pollution control device;

(ii) If inspection of the air pollution control device identifies the cause of the deviation, take corrective action as soon as possible and return the PM CPMS measurement to within the established value; and

(iii) Within 30 days of the deviation or at the time of the annual compliance test, whichever comes first, conduct a PM emissions compliance test to determine compliance with the PM emissions limit and to verify. Within 45 days of the deviation, the owner or operator shall re-establish the CPMS operating limit. It is not required to conduct additional testing for any deviations that occur between the time of the original deviation and the PM emissions compliance test required under this subparagraph.

(iv) PM CPMS deviations leading to more than four required performance tests in a 12-month process operating period (rolling monthly) constitute a violation of this rule.

(s) If a dry scrubber is used to comply with the emission limits of this rule, the owner or operator shall monitor the injection rate of each sorbent and maintain the 3-hour block averages at or above the operating limits established during the hydrogen chloride performance test.

(d)(t) The minimum amount of monitoring data obtained is determined as follows:

~~1. Except for monitoring malfunctions, associated repairs, and required quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments of the monitoring system), all monitoring shall be conducted at all times the CISWI unit is operating.~~

~~2. Do not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or quality control activities for meeting the requirements of this rule, including data averages and calculations. All the data collected during all other periods in assessing compliance with the operating limits shall be used.~~

1. For each continuous monitoring system required or optionally allowed under paragraph (10) of this rule, the owner or operator shall monitor and collect data according to subparagraphs (10)(t)1.(i) through (iii) below:

(i) The owner or operator shall operate the monitoring system and collect data at all required intervals at all times compliance is required except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods (as specified in subparagraph (11)(cc)15. of this rule), and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. The owner or operator is required to effect monitoring system repairs in response to monitoring system malfunctions or out-of-control periods and to return the monitoring system to operation as expeditiously as practicable.

(ii) The owner or operator may not use data recorded during the monitoring system malfunctions, repairs associated with monitoring system malfunctions or out-of control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating levels. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system.

(iii) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments, failure to collect required data is a deviation of the monitoring requirements.



(11) Recordkeeping and Reporting. The following ~~13~~ items shall be maintained (as applicable) as specified in subparagraphs (a), (b), and (e) through (mw) of this paragraph for a period of at least 5 years:

(a) Calendar date of each record.

(b) Records of the data described in subparagraphs (b)1. through 6. of this paragraph:

1. The CISWI unit charge dates, times, weights, and hourly charge rates.

2. Liquor flow rate to the wet scrubber inlet every 15 minutes of operation, as applicable.

3. Pressure drop across the wet scrubber system every 15 minutes of operation or amperage to the wet scrubber every 15 minutes of operation, as applicable.

4. Liquor pH as introduced to the wet scrubber every 15 minutes of operation, as applicable.

5. For affected CISWI units that establish operating limits for controls other than wet scrubbers under subparagraph (6)(eb)4. though 7. or (6)(c) of this rule, the owner or operator shall maintain data collected for all operating parameters used to determine compliance with the operating limits. For energy recovery units using activated carbon injection or a dry scrubber, the owner or operator shall also maintain records of the load fraction and corresponding sorbent injection rate records.

6. If a fabric filter is used to comply with the emission limitations, the owner or operator shall record the date, time, and duration of each alarm and the time corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. The owner or operator shall also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in subparagraph (6)(b)3. of this rule.

~~(e) Identification of calendar dates and times for which monitoring systems used to monitor operating limits were inoperative, inactive, malfunctioning, or out of control (except for downtime associated with zero and span and other routine calibration checks). Identify the operating parameters not measured, the duration, reasons for not obtaining the data, and a description of corrective actions taken.~~

~~(d) Identification of calendar dates, times, and duration of malfunctions, and a description of the malfunction and the corrective action taken.~~

(c) Reserved.

(d) Reserved.

(e) Identification of calendar dates and times for which data show a deviation from the operating limits in Table 2 of this rule or a deviation from other operating limits established under subparagraph (6)(e)4. through 7. or (6)(c) of this rule with a description of the deviations, reasons for such deviations, and a description of corrective actions taken.

(f) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating limits, as applicable. Retain a copy of the complete test report including calculations.

(g) Records showing the names of CISWI unit operators who have completed review of the information in subparagraph (5)(g)1. as required by subparagraph (5)(g)2. of this rule, including the date of the initial review and all subsequent annual reviews.

(h) Records showing the names of the CISWI operators who have completed the operator training requirements, met the criteria for qualification, and maintained or renewed their qualification under paragraph (5) of this rule. Records shall include documentation of training, the dates of the initial and refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

(i) For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

(j) Records of calibration of any monitoring devices as required under paragraph (10) of this rule.

(k) Equipment vendor specifications and related operation and maintenance requirements for the incinerator, emission controls, and monitoring equipment.

(l) The information listed in subparagraph (5)(g) of this rule.

(m) On a daily basis, keep a log of the quantity of waste burned and the types of waste burned (always required).

(n) Maintain records of the annual air pollution control device inspections that are required for each CISWI unit subject to the emissions limits in table 1 of this rule or tables 5 through 8 of this rule, any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Director.

(o) For continuously monitored pollutants or parameters, the owner or operator shall document and keep a record of the following parameters measured using continuous monitoring systems.

1. All 6-minute average levels of opacity.

2. All 1-hour average concentrations of sulfur dioxide emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

3. All 1-hour average concentrations of nitrogen oxides emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

4. All 1-hour average concentrations of carbon monoxide emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

5. All 1-hour average concentrations of particulate matter emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

6. All 1-hour average concentrations of mercury emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

7. All 1-hour average concentrations of hydrogen chloride emissions. The owner or operator shall indicate which data are CEMS data during startup and shutdown.

8. All 1-hour average percent oxygen concentrations.

9. All 1-hour average PM CPMS readings or particulate matter CEMS outputs.

(p) Records indicating use of the bypass stack, including dates, times and durations.

(q) If choosing to stack test less frequently than annually, consistent with subparagraph (9)(aa) of this rule, the owner or operator shall keep annual records that document that the emissions in the previous stack test(s) were less than 75 percent of the applicable emission limit and document that there was no change in source operations including fuel composition and operation of air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past year.

(r) Records of the occurrence and duration of each malfunction of operation ( i.e. , process equipment) or the air pollution control and monitoring equipment.

(s) Records of all required maintenance performed on the air pollution control and monitoring equipment.

(t) Records of actions taken during periods of malfunction to minimize emissions in accordance with § 60.11(d) of 40 CFR part 60, including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

(u) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to § 241.3(b)(1), the owner or operator shall keep a record which documents how the secondary material meets each of the legitimacy criteria under § 241.3(d)(1). If the owner or operator combusts a fuel that has been processed from a discarded non-hazardous secondary material pursuant to § 241.3(b)(4), the owner or operator shall keep records as to how the operations that produced the fuel satisfies the definition of processing in § 241.2 and each of the legitimacy criteria in § 241.3(d)(1). If the fuel received a non-waste determination pursuant to the petition process submitted under § 241.3(c), the owner or operator shall keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust non-hazardous secondary materials as fuel per § 241.4, the owner or operator shall keep records documenting that the material is a listed non-waste under § 241.4(a).

(v) Records of the criteria used to establish that the unit qualifies as a small power production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) and that the waste material the unit is proposed to burn is homogeneous.

(w) Records of the criteria used to establish that the unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) and that the waste material the unit is proposed to burn is homogeneous.

~~(n)~~(x) All records shall be available onsite in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Director.

~~(o)~~(y) A summary of the reporting requirements can be found in Table 4 of this rule.

~~(p)~~(z) The waste management plan shall be submitted no later than the date specified in subparagraph (3)(a)1. of this rule for submittal of the final control plan.

~~(q)~~(aa) The information specified in subparagraphs ~~(qaa)~~1. through 3. of this paragraph below shall be submitted no later than 60 days following the initial performance test. All reports shall be signed by the responsible official.

1. The complete test report for the initial performance test results obtained under paragraph (8) of this rule, as applicable.

2. The values for the site-specific operating limits established in subparagraphs (6)(b) or (c) of this rule.

3. If a fabric filter is being used to comply with the emission limitations, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by subparagraph (10)(b) of this rule.

~~(#)(bb)~~ An annual report shall be submitted no later than 12 months following the submission of the information in subparagraph ~~(#aa)~~ of this paragraph above. Subsequent reports shall be submitted no more than 12 months following the previous report. (If the unit is subject to permitting requirements under title V of the Clean Air Act, the owner or operator may be required by the permit to submit these reports more frequently.)

~~(s)(cc)~~ The annual report required under subparagraph ~~(#bb)~~ of this paragraph above shall include the ten items listed in subparagraphs ~~(scc)~~ 1. through 10. of this paragraph below. If there is a deviation from the operating limits or the emission limitations, deviation reports shall also be submitted as specified in subparagraph ~~(#dd)~~ of this paragraph below.

1. Company name and address.
2. Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.
3. Date of report and beginning and ending dates of the reporting period.
4. The values for the operating limits established pursuant to subparagraphs (6)(b) or (6)(c) of this rule.
5. If no deviation from any emission limitation or operating limit that applies has been reported, a statement that there was no deviation from the emission limitations or operating limits during the reporting period, ~~and that no monitoring system used to determine compliance with the operating limits was inoperative, inactive, malfunctioning or out of control.~~
6. The highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.
7. Information recorded under subparagraphs (b)6. and ~~(ee)~~ through ~~(e)~~ of this paragraph for the calendar year being reported.
8. If a performance test was conducted during the reporting period, the results of that test.
9. If the requirements of subparagraphs ~~(9)(eaa)~~ ~~or~~ ~~(9)(f)~~ were met, and did not conduct a performance test during the reporting period, the owner or operator shall state that the requirements of subparagraphs ~~(9)(eaa)~~ ~~or~~ ~~(9)(f)~~ were met, and, therefore, were not required to conduct a performance test during the reporting period.
10. Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours, but less than 2 weeks.
11. If there was a malfunction during the reporting period, the compliance report shall include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that

caused or may have caused any applicable emission limitation to be exceeded. The report shall also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 60.11(d), including actions taken to correct a malfunction.

12. For each deviation from an emission or operating limitation that occurs for a CISWI unit for which a CMS is not being used to comply with the emission or operating limitations in this rule, the annual report shall contain the following information.

(i) The total operating time of the CISWI unit at which the deviation occurred during the reporting period.

(ii) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.

13. If there were periods during which the continuous monitoring system, including the CEMS, was out of control as specified in subparagraph (11)(cc)15. of this paragraph, the annual report shall contain the following information for each deviation from an emission or operating limitation occurring for a CISWI unit for which a continuous monitoring system is being used to comply with the emission and operating limitations in this rule.

(i) The date and time that each malfunction started and stopped.

(ii) The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.

(iii) The date, time, and duration that each continuous monitoring system was out-of-control, including start and end dates and hours and descriptions of corrective actions taken.

(iv) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.

(v) A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(vi) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.

(vii) A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the CISWI unit at which the continuous monitoring system downtime occurred during that reporting period.

(viii) An identification of each parameter and pollutant that was monitored at the CISWI unit.

(ix) A brief description of the CISWI unit.

(x) A brief description of the continuous monitoring system.

(xi) The date of the latest continuous monitoring system certification or audit.

(xii) A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.

14. If there were periods during which the continuous monitoring system, including the CEMS, was not out of control as specified in subparagraph (l)(cc)15. of this paragraph, a statement that there were not periods during which the continuous monitoring system was out of control during the reporting period.

15. A continuous monitoring system is out of control if any of the following occur.

(i) The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard.

(ii) The continuous monitoring system fails a performance test audit ( e.g. , cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.

(iii) The continuous opacity monitoring system calibration drift exceeds two times the limit in the applicable performance specification in the relevant standard.

16. For energy recovery units, include the annual heat input and average annual heat input rate of all fuels being burned in the unit to verify which subcategory of energy recovery unit applies.

(#)(dd) Reporting of deviations from the operating limits or the emission limitations.

1. A deviation report shall be submitted if any recorded 3-hour average parameter level is above the maximum operating limit or below the minimum operating limit established under this rule, if the bag leak detection system alarm sounds for more than 5 percent of the operating time for the 6-month reporting period, or if a performance test was conducted that deviated from any emission limitation.

2. The deviation report shall be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30),

and by February 1 of the following year for data collected during the second half of the calendar year (July 1 to December 31).

3. In each report required under this subparagraph, for any pollutant or parameter that deviated from the emission limitations or operating limits specified in this rule, include the ~~six~~ items described in subparagraphs ~~(ddd)~~3.(i) through ~~(viiv)~~ of this paragraph below.

(i) The calendar dates and times the CISWI unit deviated from the emission limitations or operating limit requirements.

(ii) The averaged and recorded data for those dates.

~~(iii)~~ Duration and causes of the following:

~~(I) -e~~Each deviation from the emission limitations or operating limits and corrective actions taken.

~~(iii)~~ (II) Bypass events and corrective actions taken.

(iv) A copy of the operating limit monitoring data during each deviation and any test report that documents the emission levels.

~~(v) The dates, times, number, duration, and causes for monitoring downtime incidents (other than downtime associated with zero, span, and other routine calibration checks).~~

~~(vi) Whether each deviation occurred during a period of startup, shutdown, or malfunction, or during another period.~~

4. If all qualified operators are not accessible for 2 weeks or more, the two actions in subparagraphs ~~(ddd)~~4.(i) and (ii) of this paragraph below shall be taken.

(i) Submit a notification of the deviation within 10 days that includes the three items in subparagraphs ~~(ddd)~~4.(i)(I) through (III) of this paragraph below.

(I) A statement of what caused the deviation.

(II) A description of what actions are being taken to ensure that a qualified operator is accessible.

(III) The date when it is anticipated that a qualified operator will be available.

(ii) Submit a status report to the Director every 4 weeks that includes the three items in subparagraphs ~~(ddd)~~4.(ii)(I) through (III) of this paragraph below.

(I) A description of what actions are being taken to ensure that a qualified operator is accessible.



(II) The date when it is anticipated that a qualified operator will be accessible.

(III) Request approval from the Director to continue operation of the CISWI unit.

(iii) If the CISWI unit was shut down by the Administrator, under the provisions of subparagraph (5)(h)2.(ii) of this rule, due to a failure to provide an accessible qualified operator, the owner or operator shall notify the Administrator that operations will resume once a qualified operator is accessible.

~~(tt)~~(ee) Notifications provided by 40 CFR, § 60.7 [as incorporated by reference under ADEM Admin. Code r. 335-3-10-.02(1)] shall be submitted.

(ff) If the owner or operator cease combusting solid waste but continue to operate, the owner or operator shall provide 30 days prior notice of the effective date of the waste-to-fuel switch, consistent with paragraph (9)(a) of this rule. The notification must identify:

1. The name of the owner or operator of the CISWI unit, the location of the source, the emissions unit(s) that will cease burning solid waste, and the date of the notice;

2. The currently applicable subcategory under this rule, and any 40 CFR part 63 subpart and subcategory that will be applicable after combusting solid waste is ceased;

3. The fuel(s), non-waste material(s) and solid waste(s) the CISWI unit is currently combusting and has combusted over the past 6 months, and the fuel(s) or non-waste materials the unit will commence combusting;

4. The date on which the unit became subject to the currently applicable emission limits;

5. The date upon which the unit will cease combusting solid waste, and the date (if different) that the owner or operator intend for any new requirements to become applicable (i.e., the effective date of the waste-to-fuel switch), consistent with subparagraphs (ff)2. and 3. of this paragraph.

~~(v)~~(gg) Initial, annual, and deviation reports shall be submitted electronically or in paper format, postmarked on or before the submittal due dates.

(hh)–Submit results of performance tests and CEMS performance evaluation tests as follows.

1. Within 60 days after the date of completing each performance test as required by this rule, the owner or operator shall submit the results of the performance tests required by this rule to EPA's WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX)( [www.epa.gov/cdx](http://www.epa.gov/cdx) ).

Performance test data must be submitted in the file format generated through use of EPA's Electronic Reporting Tool (ERT) (see <http://www.epa.gov/ttn/chief/ert/index.html> ). Only data collected using test methods on the ERT Web site are subject to this requirement for submitting reports electronically to WebFIRE. Owners or operators who claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk, flash drive, or other commonly used electronic storage media to EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPOS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to EPA via CDX as described earlier in this subparagraph. At the discretion of the delegated authority, the owner or operator shall also submit these reports, including the confidential business information, to the Director in the format specified by the Director. For any performance test conducted using test methods that are not listed on the ERT Web site, the owner or operator shall submit the results of the performance test in paper submissions to the Administrator.

2. Within 60 days after the date of completing each CEMS performance evaluation test, as defined in this rule and required by this rule, the owner or operator shall submit the relative accuracy test audit (RATA) data electronically into EPA's Central Data Exchange by using CEDRI as mentioned in paragraph (b)(1) of this section. Only RATA pollutants that can be documented with the ERT (as listed on the ERT Web site) are subject to this requirement. For any performance evaluations with no corresponding RATA pollutants listed on the ERT Web site, the owner or operator shall submit the results of the performance evaluation in paper submissions to the Administrator.

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~~(w)~~(ii) The Director may change the semiannual or annual reporting dates. Procedures for seeking approval to change reporting dates are found in 40 CFR, § 60.19(c) [as incorporated by reference under ADEM Admin. Code r. 335-3-10-.02(1)].

(12) Major Source Operating Permits. Each CISWI unit and air curtain incinerator subject to standards under this rule (excluding rules in paragraph (13) below) shall operate pursuant to the requirements of chapter 335-3-16 by December 1, 2003.

(13) Air Curtain Incinerators.

(a) An air curtain incinerator operates by forcefully projecting a curtain of air across an open chamber or open pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and

controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(b) Air curtain incinerators that burn only the materials listed in subparagraphs (b)1. through 3. of this paragraph below are only required to meet the requirements under this paragraph.

1. 100 percent wood waste.
2. 100 percent clean lumber.
3. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(c) For owners or operators planning to achieve compliance more than one year following the effective date of EPA's approval of these rules, the two increments of progress specified in subparagraphs (c)1. and 2. of this paragraph below shall be met.

1. Submit a final control plan no later than one year following the effective date of EPA's approval of these rules.

2. Achieve final compliance no later than December 1, 2005.

(d) The owner or operator shall submit to the Director, notifications for achieving increments of progress. The notifications shall be postmarked no later than 10 business days after the compliance date for the increment. These notifications shall include the three items specified in subparagraphs (d)1. through 3. of this paragraph below:

1. Notification that the increment of progress has been achieved.
2. Any items required to be submitted with each increment of progress.
3. Signature of the owner or operator of the incinerator unit.

(e) If an owner or operator fails to meet an increment of progress, a notification to the Director shall be submitted and postmarked within 10 business days after the date for that increment of progress in subparagraph (c) of this paragraph above. The owner or operator shall inform the Director that the increment was not met, and reports shall be submitted each subsequent calendar month until the increment of progress is met.

(f) For the control plan increment of progress, the owner or operator shall satisfy the two requirements specified in subparagraphs (f)1. and 2. of this paragraph below.

1. Submit the final control plan, including a description of any devices for air pollution control and any process changes that will be used to comply with the emission limitations and other requirements of this paragraph.

2. Maintain an onsite copy of the final control plan.

(g) For the final compliance increment of progress, the owner or operator shall complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected incinerator is brought online, all necessary process changes and air pollution control devices would operate as designed.

(h) Closing and restarting an air curtain incinerator.

1. If the incinerator is closed but will be restarted prior to the final compliance date of December 1, 2005, the increments of progress specified in subparagraph (c) of this paragraph shall be met.

2. If the incinerator is to restart after the final compliance date, the owner or operator shall complete emission control retrofits and meet the emission limitations on the date the incinerator restarts operation.

(i) Permanent closure of an air curtain incinerator. If the owner or operator plans to close the incinerator rather than comply with this rule, submit a closure notification, including the date of closure, to the Director within 90 days after EPA approval of these rules.

(j) Emission limitations for air curtain incinerators.

1. After the date the initial stack test is required or completed (whichever is earlier), the owner or operator shall meet the limitations in subparagraphs (j) 1.(i) and (ii) of this paragraph below.

(i) Maintain opacity to less than or equal to 10 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values), except as described in subparagraph (j) 1.(ii) of this paragraph below.

(ii) Maintain opacity to less than or equal to 35 percent opacity (as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) during the startup period that is within the first 30 minutes of operation.

~~(i) The opacity limitation is 10 percent (6 minute average), except as described in subparagraph (j) 1.(ii) of this paragraph below.~~

~~(ii) The opacity limitation is 35 percent (6 minute average) during the startup period that is within the first 30 minutes of operation.~~

~~2. Except during malfunctions, the requirements of this paragraph apply at all times, and each malfunction shall not exceed 3 hours.~~

(k) Monitoring opacity for air curtain incinerators.

1. Use Method 9 of 40 CFR 60, Appendix A to determine compliance with the opacity limitation.

2. Conduct an initial test for opacity as specified in 40 CFR, § 60.8 no later than 180 days after the final compliance date.

3. After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of the previous test.

(l) Recordkeeping and reporting requirements for air curtain incinerators.

1. Keep records of results of all initial and annual opacity tests onsite in either paper copy or electronic format, unless the Director approves another format, for at least 5 years.

2. Make all records available for submittal to the Director or for an inspector's onsite review.

3. Submit an initial report no later than 60 days following the initial opacity test that includes the information specified in subparagraphs (l) 3.(i) and (ii) of this paragraph below.

(i) The types of materials planned to be combusted in the air curtain incinerator.

(ii) The results (~~each 6-minute averages~~ as determined by the average of three 1-hour blocks consisting of ten 6-minute average opacity values) of the initial opacity tests.

4. Submit annual opacity test results within 12 months following the previous report.

5. Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy onsite for a period of 5 years.

**TABLE 1. EMISSION LIMITS FOR CISWINCINERATORS THAT  
COMMENCED CONSTRUCTION ON OR BEFORE NOVEMBER 30, 1999, AND  
WERE NOT MODIFIED OR RECONSTRUCTED AFTER JUNE 1, 2001**

<b>Pollutant</b>	<b>Units (7 percent oxygen, dry basis, except opacity)</b>	<b>Averaging Time</b>	<b>Compliance Method 40 CFR 60 Appendix A</b>
Cadmium	0.004 Milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29
Carbon Monoxide	157 Parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Methods 10, 10A, or 10B
Dioxins/furans (toxic equivalency basis)	0.41 Nanograms per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 23
Hydrogen Chloride	62 Parts per million by dry volume	3-run average ( <u>For Method 26, collect a minimum volume of 120 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run</u> 1-hour minimum sample time per run)	Method <u>26 or 26A</u>
Lead	0.04 Milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29
Mercury	0.47 Milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29 or 30B or <u>ASTM D6784-02</u> (Reapproved 2008)
Nitrogen Oxides	388 Parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Methods 7, 7A, 7C, 7D, or 7E
Particulate Matter	70 Milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 5 or 29
Sulfur Dioxide	20 Parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Method 6 or 6c

Opacity	10 Percent	<u>Three 1-hour blocks</u> <u>consisting of ten 6-minute</u> <u>averages opacity values</u>	Method 9
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**TABLE 2. OPERATING LIMITS FOR WET SCRUBBERS**

<b>For these operating parameters</b>	<b>Establish these operating limits</b>	<b>And Monitor Using These Minimum Frequencies</b>		
		<b>Data Measurement</b>	<b>Data Recording</b>	<b>Averaging Time (Calculated each hour as the average of the previous 3 operating hours.)</b>
Charge rate.	Maximum charge rate.	Continuous	Every hour	Daily (batch units). 3-hour rolling (continuous and intermittent units).
Pressure drop across the wet scrubber or amperage to wet scrubber.	Minimum pressure drop or amperage.	Continuous	Every 15 minutes	3-hour rolling.
Scrubber liquor flow rate.	Minimum flow rate.	Continuous	Every 15 minutes	3-hour rolling.
Scrubber liquor pH.	Minimum pH.	Continuous	Every 15 minutes	3-hour rolling.

**TABLE 3. TOXIC EQUIVALENCY FACTORS**

<b>Dioxin/Furan Congener/Isomer</b>	<b>Toxic Equivalency Factor</b>
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8- pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.001

**TABLE 4. REPORTING REQUIREMENTS**

Report	Due Date	Contents	Reference <b>335-3-.05</b>
Waste Management Plan	No later than the date specified for submittal of the final control plan.	<ul style="list-style-type: none"> <li>•Waste Management Plan.....</li> </ul>	(11)(p <del>z</del> )
Initial Test Report	No later than 60 days following the initial performance test.	<ul style="list-style-type: none"> <li>•Complete test report for the initial performance test.</li> <li>•The values for the site-specific operating limits.</li> <li>•Installation of bag leak detection systems for fabric filters.</li> </ul>	(11)(q <del>aa</del> )
Annual Report	<p>No later than 12 months following the submission of the initial test report.</p> <p>Subsequent reports are to be submitted no more than 12 months following the previous report.</p>	<ul style="list-style-type: none"> <li>•Name and address.....</li> <li>•Statement and signature by responsible official.</li> <li>•Date of report.</li> <li>•Values for the operating limits.</li> <li>•<del>If no deviations or malfunctions were reported, a statement that no deviations occurred during the reporting period.</del></li> <li>•Highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable, for each operating parameter recorded for the calendar year being reported.</li> <li>•<del>Information for deviations or malfunctions recorded under (11)(b)6. &amp; (11)(c) through (e).</del></li> <li>•If a performance test was conducted during the reporting period, the results of the test.</li> <li>•If a performance test was not conducted during the reporting period, a statement that the requirements of (9)(e) <del>or (9)(f)</del> were met.</li> <li>•Documentation of periods when all qualified CISWI unit operators were unavailable for more than 8 hours but less than 2 weeks.</li> <li>•<u>If performance tests are being conducted once every 3 years consistent with (9)(aa), the date of the last 2 performance tests, a comparison of the emission level achieved in the last 2 performance tests to the 75 percent emission limit threshold required in (9)(aa) and a statement as to whether there have been any operational changes since the last performance test that could increase emissions</u></li> </ul>	(11)(r <del>bb</del> ) & (s <del>cc</del> )
Emission Limitation or Operating Limit Deviation Report	By August 1 of that year for data collected during the first half of the calendar	<ul style="list-style-type: none"> <li>•Dates and times of deviations.....</li> <li>•Averaged and recorded data for these dates.</li> </ul>	(11)(t)1. - 3.

	<p>year.</p> <p>By February 1 of the following year for data collected during the second half of the calendar year.</p>	<ul style="list-style-type: none"> <li>•Duration and causes for each deviation and the corrective actions taken.</li> <li>•Copy of operating limit monitoring data and any test reports.</li> <li>•Dates, times, and causes for monitor downtime incidents.</li> <li>•Whether each deviation occurred during a period of startup, shutdown, or malfunction.</li> </ul>	
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**TABLE 4. REPORTING REQUIREMENTS CONT'D**

<b>Report</b>	<b>Due Date</b>	<b>Contents</b>	<b>Reference 335-3-.05</b>
Qualified Operator Deviation Notification.	Within 10 days of deviation.	<ul style="list-style-type: none"> <li>•Statement of cause of deviation.</li> <li>•Description of efforts to have an accessible qualified operator.</li> <li>•The date a qualified operator will be accessible.</li> </ul>	(11)( <del>td</del> )4.(i)
Qualified Operator Deviation Status Report.	Every 4 weeks following deviation.	<ul style="list-style-type: none"> <li>•Description of efforts to have an accessible qualified operator.</li> <li>•The date a qualified operator will be accessible.</li> <li>•Request for approval to continue operation.</li> </ul>	(11)( <del>td</del> )4.(ii)
Qualified Operator Deviation Notification of Resumed Operation.	Prior to resuming operation.	<ul style="list-style-type: none"> <li>•Notification that operation will resume.</li> </ul>	(11)( <del>td</del> )4.(iii)

**TABLE 5. EMISSION LIMITS FOR INCINERATORS THAT COMMENCED CONSTRUCTION AFTER NOVEMBER 30, 1999, BUT NO LATER THAN JUNE 4, 2010, OR COMMENCED MODIFICATION OR RECONSTRUCTION AFTER JUNE 1, 2001 BUT NO LATER THAN AUGUST 7, 2013**

<b>Pollutant</b>	<b>Emission Limitation</b>	<b>Averaging Time</b>	<b>Compliance Method 40 CFR 60 Appendix A</b>
<u>Cadmium</u>	<u>0.0026 Milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29 (Use ICPMS for the analytical finish.</u>
<u>Carbon Monoxide</u>	<u>17 Parts per million dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Methods 10</u>

<u>Dioxins/furans (toxic mass basis)</u>	<u>4.6 Nanograms per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Dioxins/furans (toxic equivalency basis)</u>	<u>0.13 Nanograms per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Hydrogen Chloride</u>	<u>29 Parts per million dry volume</u>	<u>3-run average (For Method 26, collect a minimum volume of 60 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run)</u>	<u>Method 26 or 26A</u>
<u>Lead</u>	<u>0.015 Milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29 (Use ICPMS for the analytical finish.)</u>
<u>Mercury</u>	<u>0.0048 Milligrams per dry standard cubic meter</u>	<u>3-run average (For Method 29 an ASTM D6784-02 (Reapproved 2008), collect a minimum volume of 2 dry standard cubic meters. For Method 30B, collect a minimum sample as specified in Method 30B)</u>	<u>Method 29 or 30B or ASTM D6784-02 (Reapproved 2008)</u>
<u>Nitrogen Oxides</u>	<u>53 Parts per million dry volume</u>	<u>3-run average (for Method 7E, 1 hour minimum sample time per run)</u>	<u>Methods 7 or 7E</u>
<u>Particulate Matter</u>	<u>34 Milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meter)</u>	<u>Method 5 or 29</u>
<u>Sulfur Dioxide</u>	<u>11 Parts per million by dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Method 6 or 6c</u>
<u>Fugitive ash</u>	<u>Visible emissions for no more than 5% of the hourly observation period</u>	<u>Three 1-hour observation periods</u>	<u>Method 22 (Visible emission test)</u>

**TABLE 6. EMISSION LIMITS FOR ENERGY RECOVERY UNITS THAT COMMENCED CONSTRUCTION ON OR BEFORE JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER JUNE 4, 2010 BUT NO LATER THAN AUGUST 7, 2013**

<u>Pollutant</u>	<u>Emission Limit (Liquid/Gas)</u>	<u>Emission Limit (Solids)</u>	<u>Averaging Time</u>	<u>Compliance Method 40 CFR 60 Appendix A</u>
<u>Cadmium</u>	<u>0.023 Milligrams per dry standard cubic meter</u>	<u>Biomass—0.0014 milligrams per dry standard cubic meter. Coal—0.0095 milligrams per dry standard cubic meter.</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29 (Use ICPMS for the analytical finish.)</u>
<u>Carbon Monoxide</u>	<u>35 Parts per million dry volume</u>	<u>Biomass—260 parts per million dry volume Coal—95 parts per million dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Methods 10</u>
<u>Dioxins/furans (total mass basis)</u>	<u>2.9 nanograms per dry standard cubic meter</u>	<u>Biomass—0.52 nanograms per dry standard cubic meter. Coal—5.1 nanograms per dry standard cubic meter. c</u>	<u>3-run average (collect a minimum volume of 4 dry standard cubic meter)</u>	<u>Method 23</u>
<u>Dioxins/furans (toxic equivalency basis)</u>	<u>0.32 Nanograms per dry standard cubic meter</u>	<u>Biomass—0.12 nanograms per dry standard cubic meter Coal—0.075 nanograms per dry standard cubic meter.</u>	<u>3-run average (collect a minimum volume of 4 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Hydrogen Chloride</u>	<u>14 Parts per million by dry volume</u>	<u>Biomass—0.20 parts per million dry volume Coal—13 parts per million dry volume</u>	<u>3-run average (for Method 26, collect a minimum of 120 liters; for Method 26A, collect a minimum volume of 1 dry standard cubic meter)</u>	<u>Method 26 or 26A</u>

<u>Lead</u>	<u>0.096 Milligrams per dry standard cubic meter</u>	<u>Biomass—0.014 milligrams per dry standard cubic meter. Coal—0.14 milligrams per dry standard cubic meter.</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29 (Use ICPMS for the analytical finish.</u>
<u>Mercury</u>	<u>0.0024 Milligrams per dry standard cubic meter</u>	<u>Biomass—0.0022 milligrams per dry standard cubic meter Coal—0.016 milligrams per dry standard cubic meter</u>	<u>3-run average (For Method 29 and ASTM D6784-02 (Reapproved 2008) d, collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B.</u>	<u>Method 29 or 30B or ASTM D6784- 02 (Reapproved 2008)</u>
<u>Nitrogen Oxides</u>	<u>76 Parts per million dry volume</u>	<u>Biomass—290 parts per million dry volume Coal—340 parts per million dry volume</u>	<u>3-run average (for Method 7E, 1 hour minimum sample time per run)</u>	<u>Methods 7 or 7E</u>
<u>Particulate Matter Filterable</u>	<u>110 milligrams per dry standard cubic meter</u>	<u>Biomass—11 milligrams per dry standard cubic meter Coal—160 milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meter)</u>	<u>Method 5 or 29 if the unit has an annual average heat input rate less than or equal to 250 MMBtu/hr; or PM CPMS (as specified in § 60.2710(x)) if the unit has an annual average heat input rate greater than 250 MMBtu/hr.</u>
<u>Sulfur Dioxide</u>	<u>720 Parts per million dry volume</u>	<u>Biomass—7.3 parts per million dry volume Coal—650 parts per million dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Method 6 or 6c</u>

<u>Fugitive ash</u>	<u>Visible emissions for no more than 5 percent of the hourly observation period</u>	<u>Visible emissions for no more than 5 percent of the hourly observation period</u>	<u>Three 1-hour observation periods</u>	<u>Method 22 (Visible emission test)</u>
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**TABLE 7. EMISSION LIMITS FOR WASTE-BURNING KILNS THAT COMMENCED CONSTRUCTION ON OR BEFORE JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER JUNE 4, 2010 BUT NO LATER THAN AUGUST 7, 2013**

<b><u>Pollutant</u></b>	<b><u>Emission Limitation</u></b>	<b><u>Averaging Time</u></b>	<b><u>Compliance Method 40 CFR 60 Appendix A</u></b>
<u>Cadmium</u>	<u>0.0014 Milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29</u>
<u>Carbon Monoxide</u>	<u>110 (long kilns)/790 (preheater/precalciner) parts per million dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Methods 10</u>
<u>Dioxins/furans (total mass basis)</u>	<u>1.3 Nanograms per dry standard cubic meter.</u>	<u>3-run average (collect a minimum volume of 4 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Dioxins/furans (toxic equivalency basis)</u>	<u>0.075 Nanograms per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 4 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Hydrogen Chloride</u>	<u>3.0 Parts per million by dry volume</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meter) or 30-day rolling average if HCl CEMS is being used</u>	<u>Performance test (Method 321 at 40 CFR part 63, appendix A of this part) or HCl CEMS if a wet scrubber is not used.</u>
<u>Lead</u>	<u>0.014 Milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 2 dry standard cubic meters)</u>	<u>Method 29</u>



<u>Mercury</u>	<u>0.011 Milligrams per dry standard cubic meter</u>	<u>30-day rolling average</u>	<u>Mercury CEMS or sorbent trap monitoring system (performance specification 12A or 12B, respectively, of appendix B of 40 CFR 60.)</u>
<u>Nitrogen Oxides</u>	<u>630 Parts per million by dry volume</u>	<u>3-run average (for Method 7E, 1 hour minimum sample time per run)</u>	<u>Methods 7 or 7E</u>
<u>Particulate Matter Filterable</u>	<u>4.6 Milligrams per dry standard cubic meter</u>	<u>30-day rolling average</u>	<u>PM CPMS (as specified in 60.2710(x))</u>
<u>Sulfur Dioxide</u>	<u>600 Parts per million by dry volume</u>	<u>3-run average (for Method 6, collect a minimum of 20 liters; for Method 6C, 1 hour minimum sample time per run)</u>	<u>Method 6 or 6c</u>

**TABLE 8. EMISSION LIMITS FOR SMALL, REMOTE INCINERATORS THAT COMMENCED CONSTRUCTION ON OR BEFORE JUNE 4, 2010, OR THAT COMMENCED RECONSTRUCTION OR MODIFICATION AFTER JUNE 4, 2010 BUT NO LATER THAN AUGUST 7, 2013**

<b><u>Pollutant</u></b>	<b><u>Units (7 percent oxygen, dry basis, except opacity)</u></b>	<b><u>Averaging Time</u></b>	<b><u>Compliance Method 40 CFR 60 Appendix A</u></b>
<u>Cadmium</u>	<u>0.95 milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meters per run)</u>	<u>Method 29</u>
<u>Carbon Monoxide</u>	<u>64 parts per million dry volume</u>	<u>3-run average (1 hour minimum sample time per run)</u>	<u>Methods 10</u>
<u>Dioxins/furans (total mass basis)</u>	<u>4,400 nanograms per dry standard cubic meter b</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meters per run)</u>	<u>Method 23</u>

<u>Dioxins/furans (toxic equivalency basis)</u>	<u>180 nanograms per dry standard cubic meter b</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meters)</u>	<u>Method 23</u>
<u>Hydrogen Chloride</u>	<u>300 parts per million dry volume</u>	<u>3-run average (For Method 26, collect a minimum volume of 120 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meter per run)</u>	<u>Method 26 or 26A</u>
<u>Lead</u>	<u>2.1 milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meters)</u>	<u>Method 29 (Use ICPMS for the analytical finish.</u>
<u>Mercury</u>	<u>0.0053 milligrams per dry standard cubic meter</u>	<u>3-run average (For Method 29 and ASTM D6784-02 (Reapproved 2008), collect a minimum volume of 2 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A)</u>	<u>Method 29 or 30B or ASTM D6784-02 (Reapproved 2008)</u>
<u>Nitrogen Oxides</u>	<u>190 parts per million dry volume</u>	<u>3-run average (for Method 7E, 1 hour minimum sample time per run)</u>	<u>Methods 7 or 7E</u>
<u>Particulate Matter (Filterable)</u>	<u>270 milligrams per dry standard cubic meter</u>	<u>3-run average (collect a minimum volume of 1 dry standard cubic meters)</u>	<u>Method 5 or 29</u>
<u>Sulfur Dioxide</u>	<u>150 parts per million dry volume</u>	<u>3-run average (for Method 6, collect a minimum of 20 liters per run; for Method 6C, 1 hour minimum sample time per run)</u>	<u>Method 6 or 6c</u>
<u>Fugitive Ash</u>	<u>Visible emissions for no more than 5 percent of the hourly observation period</u>	<u>Three 1-hour observation periods</u>	<u>Method 22 (Visible emissions test)</u>

**Author:** Ronald W. Gore.

**Statutory Authority:** Code of Alabama 1975, §§22-28-14, 22-22A-5, 22-22A-6, and 22-22A-8.

**History:** Effective Date: March 14, 2002.

**Amended:** October 2, 2003; July 11, 2006.; XXXXXX, 2014.

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23 (f))**

Control No. 335 Department or Agency Environmental Management

Rule No: 335-3-3-.05

Rule Title: Incineration of Commercial and Industrial Solid Waste

         New        X   Amend               Repeal               Adopt by Reference

         This rule has no economic impact.

  X   These rules have an economic impact, as explained below:

**Impact of Revisions to Chapter 335-3-3**

Chapter 335-3-3-.05 of the ADEM Administrative Code will incorporate the federal emission guidelines for existing sources of Commercial and Industrial Solid Waste Incinerator Units. Through this adoption, the Alabama Department of Environmental Management is given primacy to enforce these regulations at the state level. In the event that these regulations are not adopted and implemented by the state, the EPA will implement the requirements on the federal level.

The Federal Register which requires the state to adopt these rules is submitted as an attachment to this package.

1. **NEED/EXPECTED BENEFIT OF RULE:**

The adoption of these revisions to Chapter 335-3-3-.05 by the State of Alabama will allow the regulations to be implemented and enforced by the Alabama Department of Environment Management. As discussed above, adoption of these regulations will allow the Department to retain State primacy of the federal program.

2. **COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

There will be no additional cost incurred by the residents of or companies operating in the State of Alabama if the revisions to the federal regulations are incorporated and adopted

by the State. The costs are equivalent to the cost of compliance with the same regulations implemented by the federal government. Sources of air pollution will be subject to the same requirements for the installation of controls to prevent the emission of air pollution regardless of which agency (state or federal) implements these regulations.

3. EFFECT OF THIS RULE ON COMPETITION:

Adoption of these federally required regulations is not expected to have any effect on competition. As stated above, if the regulations are not adopted by the state of Alabama, they will be implemented on the federal level and Alabama companies will be required to comply with the federal regulations and answer directly to the federal Environmental Protection Agency.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the cost of living and doing business in the geographical area of implementation (State of Alabama). As stated above, if the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Therefore, Alabama companies still would be required to comply with the federal regulations and answer directly to the federal Environmental Protection Agency.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

Adoption of these federally required regulations is not expected to have any effect on the employment in the geographical area in which the regulation would be implemented (State of Alabama).

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Moneys from the Federal Grant, fines and fees collected by the Department will fund the adoption of this regulation. For sources subject to Title V of the Clean Air Act, as amended, fees are collected based on the amount of air pollution emitted annually.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The adoption of the proposed regulation is not expected to have any short-term or long-term economic impact. As stated above, if the regulations are not adopted by the State of

Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal Environmental Protection Agency.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

No additional burdens are expected as a result of the adoption of these regulations. If the regulations are not adopted by the State of Alabama, they will be implemented on the federal level. Alabama companies would still be required to comply with the federal regulations and answer directly to the federal Environmental Protection Agency.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The effect of the regulation on the environment and public health is addressed in the accompanying Federal Registers.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

The benefits of the proposed regulations have been discussed in the above paragraphs as well as the Federal Register. Alabama is required to adopt these regulations by the EPA in order to continue to have primacy in implementing an air pollution control program. In the event that the regulations are not adopted at the State level, the requirements will still exist at the federal level. However, it is generally acknowledged that regulations are implemented and enforced in a more effective and efficient manner at the State level than at the federal level.