

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management

Rule No. 335-14-8-.06

Rule Title: Special Forms of Permits-Treatment, Storage and Disposal Facilities

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date September 20, 2011

APA-2
11/96

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. & TITLE:</u>	335-14-8-.01	<u>General Information</u> (Amend)
	335-14-8-.02	<u>Permit Application-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.03	<u>Permit Conditions-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.04	<u>Changes to Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.06	<u>Special Forms of Permits-Treatment, Storage and Disposal Facilities</u> (Amend)
	335-14-8-.08	<u>Procedures for Decisionmaking-Treatment, Storage and Disposal Facility Permits</u> (Amend)
	335-14-8-.09	<u>Permit Application-Transporters</u> (Amend)
	335-14-8-.10	<u>Permit Conditions-Transporters</u> (Amend)
	335-14-8-.15	<u>Integration with Maximum Achievable Control Technology (MACT) Standards</u> (Amend)


INTENDED ACTION: Revise Division 14 of the ADEM Administrative Code.

SUBSTANCE OR PROPOSED ACTION: Revise portions of Division 14 Regulations to incorporate changes to ensure consistency with State and Federal Statutes; to adopt certain State specific requirements; and to provide clarification of State requirements for the management of hazardous waste.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be submitted in writing or orally at a public hearing to be held Monday, December 5, 2011 at 10:00 a.m. in the Main Hearing Room at the ADEM Central Office located at 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, December 5, 2011 at 5:00 p.m.

CONTACT PERSON AT AGENCY: James L. Bryant, Chief of the Environmental Services Branch, ADEM Land Division (334/271-7771)



Lance R. LeFleur
Director

335-14-8-.06 Special Forms of Permits - Treatment, Storage, and Disposal Facilities.

(1) Emergency permits.

(a) Notwithstanding any other provision of 335-14-8, in the event the Department finds an imminent and substantial endangerment to human health or the environment, the Department may issue a temporary emergency permit:

1. To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or,

2. To a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

1. May be oral or written. If oral, it shall be followed in five days by a written emergency permit;

2. Shall not exceed 90 days in duration;

3. Shall clearly specify the hazardous wastes to be received, and the manner and location of their treatment, storage, or disposal;

4. May be terminated by the Department at any time without process if it determines that termination is appropriate to protect human health and the environment;

5. Shall be accompanied by a public notice published under 335-14-8-.08(6)(b) including:

(i) Name and address of the office granting the emergency authorization;

(ii) Name and location of the permitted HWM facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) Duration of the emergency permit; and

6. Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of 335-14-8 and Chapters 335-14-5 and 335-14-7.

(2) Hazardous waste incinerator permits.

When an owner or operator demonstrates compliance with the air emission standards and limitations of 335-3-11-.06(56) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance),

the requirements of 335-14-8-.06 do not apply, except those provisions the Director determines are necessary to ensure compliance with 335-14-5-.15(6)(a) and (6)(c) if the facility elects to comply with 335-14-8-.15(1)(a)1.(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Department may apply the provisions of 335-14-8-.06, on a case-by-case basis, for the purposes of information collection in accordance with 335-14-8-.02(1)(k) and 335-14-8-.03(3)(b)2.

(a) For the purposes of determining operational readiness following completion of physical construction, the Department must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Department may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to 335-14-8-.04(3) (minor modifications of permits).

1. Applicants must submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 335-14-5-.15(4) during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 335-14-5-.15(6).

2. The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 335-14-5-.15(4) based on its engineering judgment.

(b) For the purposes of determining feasibility of compliance with the performance standards of 335-14-5-.15(4) and of determining adequate operating conditions under 335-14-5-.15(6), the Department must establish conditions in the permit for a new hazardous waste incinerator to be effective during the trial burn.

1. Applicants must propose a trial burn plan, prepared under 335-14-8-.06(2)(b)2. with a Part B of the permit application.

2. The trial burn plan must include the following information:

(i) An analysis of each waste or mixture of wastes to be burned which includes:

(I) Heat value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of the physical form of the waste;

(III) An identification of any hazardous organic constituents listed in 335-14-2-Appendix VIII, which are present in the waste to be burned, except

that the applicant need not analyze for constituents listed in 335-14-2-Appendix VIII which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for the exclusion stated. The waste analysis must rely on appropriate analytical techniques; and

(IV) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by appropriate analytical methods;

(ii) A detailed engineering description of the incinerator for which the permit is sought including:

(I) Manufacturer's name and model number of incinerator (if available);

(II) Type of incinerator;

(III) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber;

(IV) Description of the auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cut-off system(s);

(VII) Stack gas monitoring and pollution control equipment;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating and control devices;

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the Department's decision under 335-14-8-.06(2)(b)5.;

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used;

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(viii) Such other information as the Department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of 335-14-8-.06(2)(b) and the criteria in 335-14-8-.06(2)(b)5.

3. The Department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of 335-14-8-.06(2)(b).

4. Based on the waste analysis data in the trial burn plan, the Department will specify as trial Principal Organic Hazardous Constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and, for wastes listed in rule 335-14-2-.04, the hazardous waste organic constituent or constituents identified in 335-14-2-Appendix VII as the basis for listing.

5. The Department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by 335-14-5-.15(4) can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the Department to determine operating requirements to be specified under 335-14-5-.15(6); and

(iv) The information sought in 335-14-8-.06(2)(b)5.(i) and (b)5.(ii) cannot reasonably be developed through other means.

6. The Department must send a notice to all persons on the facility mailing list as set forth in 335-14-8-.08(6)(c)1.(iv) and to the appropriate units of State of Alabama and local government as set forth in 335-14-8-.08(6)(c)1.(v) announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Department has issued such notice.

(i) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Department.

- (ii) This notice must contain:
 - (I) The name and telephone number of the applicant's contact person;
 - (II) The name and telephone number of the Department's contact office;
 - (III) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
 - (IV) An expected time period for commencement and completion of the trial burn.

7. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

- (i) A quantitative analysis of the trial POHCs in the waste feed to the incinerator.
- (ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O₂) and hydrogen chloride (HCl).
- (iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs.
- (iv) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 335-14-5-.15(4)(a).
- (v) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with 335-14-5-.15(4)(b).
- (vi) A computation of particulate emissions, in accordance with 335-14-5-.15(4)(c).
- (vii) An identification of sources of fugitive emissions and their means of control.
- (viii) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.
- (ix) A continuous measurement of carbon monoxide (CO) in the exhaust gas.
- (x) Such other information as the Department may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in 335-14-5-.15(4) and to establish the operating

conditions required by 335-14-5-.15(6) as necessary to meet that performance standard.

8. The applicant must submit to the Department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in 335-14-8-.06(2)(b)6. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Department.

9. All data collected during any trial burn must be submitted to the Department following the completion of the trial burn.

10. All submissions required by 335-14-8-.06(2)(b) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 335-14-8-.02(2).

11. Based on the results of the trial burn, the Department shall set the operating requirements in the final permit according to 335-14-5-.15(6). The permit modification shall proceed according to the requirements of rule 335-14-8-.04.

(c) For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Department may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of 335-14-5-.15(6), in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant, and modification of the facility permit by the Department.

1. Applicants must submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of 335-14-5-.15(4) during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters in 335-14-5-.15(6).

2. The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 335-14-5-.15(4) and of determining adequate operating conditions under 335-14-5-.15(6), the applicant for a permit to an existing hazardous waste incinerator may prepare and submit a trial burn plan and perform a trial burn in accordance with 335-14-8-.06(2)(b)2. through (b)9. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in 335-14-8-.06(2)(b)6., with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Department to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a

trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period to be specified by the Department.

(d) For the purpose of determining feasibility of compliance with the performance standards of 335-14-5-.15(4) and of determining adequate operating conditions under 335-14-5-.15(6), the applicant for a permit for an existing hazardous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with 335-14-8-.02(10)(b) and 335-14-8-.06(2)(b)2. through (b)5. and 335-14-8-.06(2)(b)7. through (b)9. or, instead, submit other information as specified in 335-14-8-.02(10)(c). The Department must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of 335-14-8-.06(2)(b)6. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Department; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Department approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under 335-14-8-.02(10)(a) are exempt from compliance with 335-14-5-.15(4) and 335-14-5-.15(6) and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in 335-14-8-.06(2)(b)7. with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Department to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the Department will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

(3) Permits for land treatment demonstrations using field test or laboratory analyses.

(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of 335-14-5-.13(3), the Department may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in 335-14-5-.13(3)(c). The permit may be issued either as a treatment or disposal permit covering only the field test or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction, operation and maintenance of the land treatment unit.

1. The Department may issue a two-phase facility permit if it finds that, based on information submitted in Part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.

2. If the Department finds that not enough information exists upon which it can establish permit conditions to attempt to provide for compliance with all of the requirements of rule 335-14-5-.13, it must issue a treatment demonstration permit covering only the field test or laboratory analyses.

(b) If the Department finds that a phased permit may be issued, it will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Department finds may be necessary under 335-14-5-.13(3)(c). The Department will include conditions in the second phase of the facility permit to attempt to meet all rule 335-14-5-.13 requirements pertaining to unit design, construction, operation and maintenance. The Department will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the Part B application.

1. The first phase of the permit will be effective upon issuance unless stayed by the Department, the Commission or a court of competent jurisdiction.

2. The second phase of the permit will be effective as provided in 335-14-8-.06(3)(d).

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the Department a certification, signed by a person authorized to sign a permit application or report under 335-14-8-.02(2), that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Department approves a later date.

(d) If the Department determines that the results of the field test or laboratory analyses meet the requirements of 335-14-5-.13(3), it will modify the second phase of the permit to incorporate any requirements necessary for operation of the facility in compliance with rule 335-14-5-.13, based upon the results of the field tests or laboratory analyses.

1. This permit modification will proceed as a major modification under 335-14-8-.04(2), unless a determination is made under 335-14-8-.04(3)(b) that the modification is a minor modification and, thus, should be processed under 335-14-8-.04(3). If modifications under 335-14-8-.04(2) are necessary, the second phase of the permit will become effective only after those modifications have been made.

2. If no modifications of the second phase of the permit are necessary, or if only minor modifications are necessary and have been made,

the Department will give notice of its final decision to the permit applicant and to each person who submitted written comments on the phased permit or who requested notice of the final decision of the second phase of the permit. The second phase of the permit then will become effective as specified in the permit or as otherwise directed by the Department unless stayed by the Commission or a court of competent jurisdiction.

(4) Research, development, and demonstration permits.

(a) The Department may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under 335-14-5 or 335-14-7. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

1. Shall provide for the construction of such facilities as necessary, and for operation of the facility for not longer than one year unless renewed as provided in 335-14-8-.06(4)(d), and

2. Shall provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the Department deems necessary for purposes of determining the efficacy and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment, and

3. Shall include such requirements as the Department deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, financial responsibility, closure, and remedial action), and such requirements as the Department deems necessary regarding testing and providing of information to the Department with respect to the operation of the facility.

(b) For the purpose of expediting review and issuance of permits under 335-14-8-.06(4), the Department may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements in 335-14-8 except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of procedures regarding public participation.

(c) The Department may order an immediate termination of all operations at the facility at any time it determines that termination is necessary to protect human health and the environment.

(d) Any permit issued under 335-14-8-.06(4) may be renewed not more than three times. Each such renewal shall be for a period of not more than 1 year.

(5) Permits for boilers and industrial furnaces burning hazardous waste. When an owner or operator of a cement or lightweight aggregate kiln demonstrates compliance with the air emission standards and limitations of

335-3-11-.06(56) (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of 335-14-8-.06 do not apply, except those provisions the Director determines are necessary to ensure compliance with 335-14-7-.08 if the facility elects to comply with 335-14-8-.15(1)(a)1.(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Department may apply the provisions of 335-14-8-.06, on a case-by-case basis, for the purposes of information collection in accordance with 335-14-8-.02(1)(k) and 335-14-8-.03(3)(b)2.

(a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 335-14-7-.08(4)) are subject to 335-14-8-.06(5)(b) through (f). Boilers and industrial furnaces operating under the interim status standards of 335-14-7-.08(4) are subject to 335-14-8-.06(5)(g).

(b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:

1. Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Department must establish in the Pretrial Burn Period of the permit conditions, including but not limited to, allowable hazardous waste feed rates and operating conditions. The Department may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to 335-14-8-.04(3).

(i) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 335-14-7-.08(5) through 335-14-7-.08(8) during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 335-14-7-.08(3)(e).

(ii) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8) based on his/her engineering judgment.

2. Trial burn period. For the duration of the trial burn, the Department must establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards 335-14-7-.08(5) through 335-14-7-.08(8) and determining adequate operating conditions under 335-14-7-.08(3)(e). Applicants must propose a trial burn

plan, prepared under 335-14-8-.06(5)(c), to be submitted with Part B of the permit application.

3. Post-trial burn period.

(i) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Department to reflect the trial burn results, the Department will establish the operating requirements most likely to ensure compliance with the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8) based on his/her engineering judgment.

(ii) Applicants must submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8). This statement should include, at a minimum, restrictions on the operating requirements provided by 335-14-7-.08(3)(e).

(iii) The Department will review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8) based on his/her engineering judgment.

4. Final permit period. For the final period of operation, the Department will develop operating requirements in conformance with 335-14-7-.08(3)(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8). Based on the trial burn results, the Department shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification shall proceed according to 335-14-8-.04(3).

(c) Requirements for trial burn plans. The trial burn plan must include the following information. The Department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of 335-14-8-.06(5):

1. An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

(i) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash;

(ii) Viscosity or description of the physical form of the feed stream;

2. An analysis of each hazardous waste, as fired, including:

(i) An identification of any hazardous organic constituents listed in 335-14-2-Appendix VIII that are present in the feed stream, except that the applicant need not analyze for constituents listed in 335-14-2-Appendix VIII that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The waste analysis must be conducted in accordance with appropriate analytical techniques.

(ii) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by appropriate analytical methods.

(iii) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.

3. A detailed engineering description of the boiler or industrial furnace, including:

(i) Manufacturer's name and model number of the boiler or industrial furnace;

(ii) Type of boiler or industrial furnace;

(iii) Maximum design capacity in appropriate units;

(iv) Description of the feed system for the hazardous waste, and, as appropriate, other fuels and industrial furnace feedstocks;

(v) Capacity of hazardous waste feed system;

(vi) Description of automatic hazardous waste feed cutoff system(s);

(vii) Description of any air pollution control system; and

(viii) Description of stack gas monitoring and any pollution control monitoring systems.

4. A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

5. A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Department's decision under 335-14-8-.06(5)(b)2.

6. A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the

feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 335-14-7-.08(5) through 335-14-7-.08(8).

7. A description of, and planned operating conditions for, any emission control equipment that will be used.

8. Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.

9. Such other information as the Department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of 335-14-8-.06(5)(c) and the criteria in 335-14-8-.06(5)(b)2.

(d) Trial burn procedures.

1. A trial burn must be conducted to demonstrate conformance with the standards of 335-14-7-.08(5) through 335-14-7-.08(8) under an approved trial burn plan.

2. The Department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8);

(ii) The trial burn itself will not present an imminent hazard to human health and the environment;

(iii) The trial burn will help the Department to determine operating requirements to be specified under 335-14-7-.08(3)(e); and

(iv) The information sought in the trial burn cannot reasonably be developed through other means.

3. The Department must send a notice to all persons on the facility mailing list as set forth in 335-14-8-.08(6)(c)1.(iv) and to the appropriate units of State of Alabama and local government as set forth in 335-14-8-.08(6)(c)1.(v) announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Department has issued such notice.

(i) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Department.

(ii) This notice must contain:

(I) The name and telephone number of applicant's contact person;

(II) The name and telephone number of the Department contact office;

(III) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

(IV) An expected time period for commencement and completion of the trial burn.

4. The applicant must submit to the Department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in 335-14-8-.06(5)(c). This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Department.

5. All data collected during any trial burn must be submitted to the Department following completion of the trial burn.

6. All submissions required by 335-14-8-.06(5)(d) must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 335-14-8-.02(2).

(e) Special procedures for DRE trial burns. When a DRE trial burn is required under 335-14-7-.08(5)(a), the Department will specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Department based on information including its estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in rule 335-14-2-.04, the hazardous waste organic constituents(s) identified in 335-14-2-Appendix VII as the basis for listing.

(f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

1. A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);

2. When a DRE trial burn is required under 335-14-7-.08(5)(a):

(i) A quantitative analysis of the trial POHCs in the hazardous waste feed;

(ii) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and

(iii) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 335-14-7-.08(5)(a);

3. When a trial burn for chlorinated dioxins and furans is required under 335-14-7-.08(5)(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard;

4. When a trial burn for particulate matter, metals, or HCl/Cl₂ is required under 335-14-7-.08(6), 335-14-7-.08(7)(c) or (d), or 335-14-7-.08(8)(b)2. or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of particulate matter, metals, or hydrogen chloride (HCl) and chlorine (Cl₂), and computations showing conformance with the applicable emission performance standards;

5. When a trial burn for DRE, metals, or HCl/Cl₂ is required under 335-14-7-.08(5)(a), 335-14-7-.08(7)(c) or (d), or 335-14-7-.08(8)(b)2. or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals and chlorine/chloride;

6. An identification of sources of fugitive emissions and their means of control;

7. A continuous measurement of carbon monoxide (CO), oxygen, and where required, hydrocarbons (HC), in the stack gas; and

8. Such other information as the Department may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in 335-14-7-.08(5) through 335-14-7-.08(8) and to establish the operating conditions required by 335-14-7-.08(3)(e) as necessary to meet those performance standards.

(g) Interim status boilers and industrial furnaces. For the purposes of determining feasibility of compliance with the performance standards of 335-14-7-.08(5) through 335-14-7-.08(8) and of determining adequate operating conditions under 335-14-7-.08(4), applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 335-14-7-.08(4) must either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of 335-14-8-.06(5) or submit other information as specified in 335-14-8-.02(13)(a)6. The Department must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of 335-14-8-.06(5)(d)3. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the Department; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for Department approval of the plan and the time

periods during which the trial burn would be conducted. Applicants who submit a trial burn plan and receive approval before submission of the Part B permit application must complete the trial burn and submit the results specified in 335-14-8-.06(5)(f) with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the Department to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Department.

- (6) [Reserved]
- (7) [Reserved]
- (8) Alternative Post-closure Permits.

Alternative post-closure permits are special forms of permits that are regulated under 335-14-8-.02(19)(b) and 335-14-8-.08.

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