County of Forsyth

PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT
FORSYTH COUNTY OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION
WINSTON-SALEM, NC

The Forsyth County Environmental Assistance and Protection Advisory Board will hold virtual public hearings on Tuesday, January 18 at 10:00 a.m. concerning the proposed adoption of, and amendment to, air quality rules. The hearings are for the adoption of revisions to Chapter 3 of the Forsyth County Air Quality Control Ordinance to make changes to Forsyth County's Local Implementation Plan and Title V permitting program.

Hearing 1 is for the adoption of revised rules regarding startup, shutdown, and malfunction (SSM) to address the SSM State Implementation Plan (SIP) call issued by EPA. Hearing 2 is for the adoption of amendments to Sec. 3Q-0902 to remove the applicability of Sec. 3Q-0958 Work Practices for Sources for Volatile Organic Compounds consistent with North Carolina's SIP. Hearing 3 is for the adoption of changes to the permit and application fees for Title V sources to ensure collected fees are sufficient to cover costs required to develop and implement the Title V program consistent with the NC Division of Air Quality.

Any person may appear before the Environmental Assistance and Protection Advisory Board and bring representatives, consultants, and witnesses to be heard relative to the matters for which action by the Board is sought, provided advance notice is given to the Office Director of such matter to be considered. Persons wishing to attend may call this Office at 336-703-2440 or visit our website for more information.

The proposed rule changes are available at http://www.forsyth.cc/EAP/public_notices.aspx and at the Forsyth County Office of Environmental Assistance and Protection on the fifth floor of the Forsyth County Government Center at 201 North Chestnut Street in Winston-Salem, North Carolina. The public comment period begins today and ends on January 19, 2021. Date: December 18, 2021

Minor Barnette, Director

PROPOSED REVISIONS TO CHAPTER 3 OF THE FORSYTH COUNTY CODE AND AIR QUALITY CONTROL TECHNICAL CODE

PUBLIC HEARING TIME & DATES
10 AM, January 18, 2022

Telephone Number: (336) 703-2440
Fax Number: (336) 703- 2777
Proposed rule revision are available on our website at:
http://www.forsyth.cc/EAP/public_notices.aspx

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RULE CHANGES BEING CONSIDERED

The Environmental Assistance and Protection Advisory Board is conducting a series of three public hearings for the adoption of revisions to Chapter 3 of the Forsyth County Air Quality Control Ordinance (FCAQTC) to make changes to Forsyth County's Local Implementation Plan and Title V permitting program. The Forsyth County Local Implementation Plan is included as an appendix to the North Carolina State Implementation (SIP). The Title V permitting program is the federal operating permit program set out in 40 CFR Part 70 that has been delegated to the Office of Environmental Assistance and Protection by the Environmental Protection Agency.

Hearing 1 is for the adoption of revised rules regarding startup, shutdown, and malfunction (SSM) to address the SSM State Implementation Plan (SIP) call issued by EPA. The current rules governing SSM in the FCAQTC were adopted to in response to EPA's June 12, 2015 SIP call and finding of substantial inadequacy with respect to the treatment of excess emissions during startup, shutdown and malfunction consistent with the North Carolina Division of Air Quality (NCDAQ). These rules have not been submitted for inclusion in the Forsyth County LIP due the subsequent litigation and uncertainty around this issue. EPA is now requesting the OEAP comply with the SIP call and has indicated that the current rules are not approvable. The rules in Hearing1 propose amendments to address approvability concerns identified by EPA in earlier comments to the NCDAQ.

Hearing 2 is for the adoption of amendments to Sec. 3Q-0902 to narrow the applicability of Sec. 3Q-0958 Work Practices for Sources of Volatile Organic Compounds consistent with North Carolina's State Implementation Plan (SIP). The NCDAQ prepared a noninterference demonstration according to Section 110(l) of the Clean Air Act (CAA) that was submitted to EPA by North Carolina on May 19, 2019. This demonstration showed that narrowing the applicability of Rule 15A NCAC 02D .0902 would result in minimal increases in VOC emissions throughout North Carolina and would not interfere with the attainment or maintenance of any of the National Ambient Air Quality Standards (NAAQS).

Hearing 3 is for the adoption of changes to the permit and application fees for Title V sources to ensure collected fees are sufficient to cover costs required to develop and implement the Title V program consistent with the NC Division of Air Quality. The NCDAQ initiated a stakeholder process in 2019 to modernize the Title V fee structure to meet the CAA Section 502(b)(3) requirement to collect fees "sufficient to cover all reasonable (direct and Indirect) costs required to develop and administer the Title V program. The OEAP has taken management steps to lower Title V administration costs as the collected fees have declined. These fees have declined somewhat steadily since the program was first implemented as industrial source emissions have declined. The revised fee structure is less reliant on emissions and does a better job assessing higher fees for facilities that require greater resources for administering the Program. The OEAP believes the revised fee structure will prevent unstainable fee reductions in the future and allow the Office's Title V program to continue in an efficient and effective manner.

INSTRUCTIONS FOR UNDERSTANDING CHANGES

Additions: Words, sentences, or entire paragraphs to be added are underlined. For example:

Area sources mean all sources other than point sources.

~~Deletions~~: Words, sentences, or entire paragraphs to be deleted are struck through. For example:

~~Area sources mean all sources other than point sources.~~

Additions/~~Deletions~~: Words, sentences, or entire paragraphs that have been changed as a result of comments received prior to, or during, the public comment period or during the public hearing. For example:

July ~~1, 2009~~10, 2009

HEARING 1: Adoption of revised rules regarding startup, shutdown, and malfunction (SSM)

SUBCHAPTER 3D AIR POLLUTION CONTROL REQUIREMENTS

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SECTION 3D-0500. EMISSION CONTROL STANDARDS

Sec. 3D-0521. Control of visible emissions

(a)# Purpose. The intent of this Rule is to prevent, abate and control emissions generated from fuel burning operations and industrial processes where an emission can reasonably be expected to occur, except during startup, shutdowns and malfunctions approved according to procedures set out in Sec. ~~3D-0535~~3D-0545.

(b) Scope. This Rule shall apply to all fuel burning sources and to other processes that may have a visible emission. However, sources subject to a visible emission standard in Sec. 3D-0506, 0508, 0524, 0543, 0544, 1110, 1111, 1205, 1206, 1210, 1211 or 1212 shall meet that standard instead of the standard contained in this Rule. This rule does not apply to engine maintenance, rebuild, and testing activities where controls are infeasible, except it does apply to the testing of peak shaving and emergency generators. (In deciding if controls are infeasible, the Director shall consider emissions, capital cost of compliance, annual incremental compliance cost, and environmental and health impacts.)

(c) For sources manufactured as of July 1, 1971, visible emissions shall not be more than 40 percent opacity when averaged over a six-minute period. However, except for sources required to comply with Paragraph (g) of this Rule, six-minute averaging periods may exceed 40 percent opacity if:

(1) No six-minute period exceeds 90 percent opacity;

(2) No more than one six-minute period exceeds 40 percent opacity in any hour; and

(3) No more than four six-minute periods exceed 40 percent opacity in any 24-hour period.

(d) For sources manufactured after July 1, 1971, visible emissions shall not be more than 20 percent opacity when averaged over a six-minute period. However, except for sources required to comply with Paragraph (g) of this Rule, six-minute averaging periods may exceed 20 percent opacity if:

(1) No six-minute period exceeds 87 percent opacity;

(2) No more than one six-minute period exceeds 20 percent opacity in any hour; and

(3) No more than four six-minute periods exceed 20 percent opacity in any 24-hour period.

(e) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations of Paragraph (c) or (d) of this Rule, those requirements shall not apply.

(f) Exception from Opacity Standard in Paragraph (d) of this Rule. Sources subject to Paragraph (d) of this Rule shall be allowed to comply with Paragraph (c) of this Rule if:

(1) The owner or operator of the source demonstrates compliance with applicable particulate mass emissions standards; and

(2) The owner or operator of the source submits data necessary to show that emissions up to those allowed by Paragraph (c) of this Rule will not violate any national ambient air quality standard.

The burden of proving these conditions shall be on the owner or operator of the source and shall be approached in the following manner. The owner or operator of a source seeking an exception shall apply to the Director requesting this modification in its permit. The applicant shall submit the results of a source test within 90 days of application. Source testing shall be by the appropriate procedure as designated by rules in this Subchapter. During this 90-day period the applicant shall submit data necessary to show that emissions up to those allowed by Paragraph (c) of this Rule will not contravene ambient air quality standards. This evidence shall include an inventory of past and projected emissions from the facility. In its review of ambient air quality, the Office of Environmental Assistance and Protection may require additional information that it considers necessary to assess the resulting ambient air quality. If the applicant can thus show that it will be in compliance both with particulate mass emissions standards and ambient air quality standards, the Director shall modify the permit to allow emissions up to those allowed by Paragraph (c) of this Rule.

(g) For sources required to install, operate, and maintain continuous opacity monitoring systems (COMS), compliance with the numerical opacity limits in this Rule shall be determined as follows excluding startups, shutdowns, maintenance periods when fuel is not being combusted and malfunctions approved as such according to procedures approved under Sec. 3D-0535:

(1) No more than four six-minute periods shall exceed the opacity standards in any one day; and

(2) The percent of excess emissions (defined as the percentage of monitored operating time in a calendar quarter above the opacity limit) shall not exceed 0.8 percent of the total operating hours. If a source operates less than 500 hours during a calendar quarter, the percent of excess emissions shall be calculated by including hours operated immediately previous to this quarter until 500 operational hours are obtained.

In no instance shall excess emissions exempted under this Paragraph cause or contribute to a violation of any emission standard in this Subchapter or 40 CFR Part 60, 61, or 63 or any ambient air quality standard in Section 3D-0400 or 40 CFR Part 50. (Ord. No. 9-94, 12-19-94, 11-11-96, 9-14-98, 5-14-01, 7-28-03)

Sec. 3D-0535. Excess emissions reporting and malfunctions

~~(a) Applicability: 15A NCAC 02D .0535 shall not be in effect if 15A NCAC 02D .0545 is valid. This Rule shall not 4 apply to sources to which Rule .0524, .1110, or .1111 of this Subchapter applies. In the event that United States Environmental Protection Agency's regulation, State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, published in the Code of Federal Regulations (CFR) at 40 CFR 52 on June 12, 2015, is:~~

~~(1) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Fourth Circuit, by the District of Columbia Circuit, or by the United States Supreme Court; or~~

(2) withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order;

such action shall render Rule .0545 of this Subchapter as invalid, void, stayed, or otherwise without force and effect upon the date such action becomes final and effective. At the time of such action, sources that were subject to Rule .0545 of this Subchapter shall be subject to this Rule.

(b) For the purposes of this Rule, the following definitions apply:

(1) "Excess Emissions" means an emission rate that exceeds any applicable emission limitation or standard allowed by any Rule in Sections 3D-0500, 0900, 1200 or 1400; by a permit condition; or that exceeds an emission limit established in a permit issued under Forsyth County Code, Section 3Q-0700.

(2) "Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excess emissions. Excess emissions during periods of routine start-up and shut-down of process equipment shall not be considered a malfunction. Failures caused entirely or in part by poor maintenance, careless operations, or any other upset condition within the control of the emission source are not considered a malfunction.

(3) "Start-up" means the initial commencement or subsequent commencement of operation of operation of any source that has shut-down or ceased operation for a period of time sufficient to cause temperature, pressure, process, chemical, or pollution control device imbalance that would result in excess emission.

(4) "Shut-down" means the cessation of the operation of any source for any purpose.

(c) Any excess emissions that do not occur during start-up or shut-down are considered a violation of the applicable rule unless the owner or operator of the source of excess emissions demonstrates to the Director, that the excess emissions are the result of a malfunction. To determine if the excess emissions are the result of a malfunction, the Director shall consider, along with any other pertinent information, the following:

(1) the air cleaning device, process equipment, or process has been maintained and operated, to the maximum extent practicable, consistent with good practice for minimizing emissions;

(2) repairs have been made expeditiously when the emission limits have been exceeded;

(3) the amount and duration of the excess emissions, including any bypass, have been minimized to the maximum extent practicable;

(4) all practical steps have been taken to minimize the impact of the excess emissions on ambient air quality;

(5) the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(6) the requirements of Paragraph (f) of this Rule have been met; and

(7) if the source is required to have a malfunction abatement plan, it has followed that plan.

All malfunctions shall be repaired as expeditiously as practicable. The Director shall not excuse excess emissions caused by malfunctions from a source for more than 15 percent of the operating time during each calendar year. The Director may require the owner or operator of a facility to maintain records of the time that a source operates when it or its air pollution control equipment is malfunctioning or otherwise has excess emissions.

(d) All electric utility boiler units shall have a malfunction abatement plan approved by the Director satisfying the requirements of Subparagraphs (d)(1) through (d)(3) of this Rule. In addition, the Director may require any other source to have a malfunction abatement plan approved by the Director satisfying the requirements of Subparagraphs (d)(1) through (d)(3) of this Rule. If the Director requires a malfunction abatement plan for a source other than an electric utility boiler, the owner or operator of that source shall submit a malfunction abatement plan within 60 days after receipt of the Director's request. The malfunction plans of electric utility boiler units and of other sources required to have them shall be implemented at all times. The purpose of the malfunction abatement plan is to prevent, detect, and correct malfunctions or equipment failures that could result in excess emissions. A malfunction abatement plan shall contain:

(1) a preventive maintenance program including:

(A) the identification of individuals or positions responsible for inspecting, maintaining, and repairing air cleaning devices;

(B) a description of the items or conditions that will be inspected and maintained;

(C) the frequency of the inspection, maintenance services, and repairs; and

(D) an identification and quantities of the replacement parts that shall be maintained in inventory for quick replacement;

(2) an identification of the source and air cleaning operating variables and outlet variables, such as opacity, grain loading, and pollutant concentration, that may be monitored to detect a malfunction or failure; the normal operating range of these variables and a description of the method of monitoring or surveillance procedures and of informing operating personnel of any malfunctions, including alarm systems, lights, or other indicators; and

(3) a description of the corrective procedures that the owner or operator will take in case of a malfunction or failure to achieve compliance with the applicable rule as expeditiously as practicable, but no longer than the next boiler or process outage that would provide for an orderly repair or correction of the malfunction or 15 days, whichever is shorter. If the owner or operator anticipates that the malfunction would continue for more than 15 days, a case-by-case repair schedule shall be established by the Director with the source.

The owner or operator shall maintain logs to show that the operation and maintenance parts of the malfunction abatement plan are implemented. These logs are subject to inspection by the Director upon request during business hours.

(e) The owner or operator of any source required by the Director to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within 60 days after it has been

~~required by the Director. The malfunction abatement plan and any amendment to it shall be reviewed by the Director. If the plan includes the objectives described by Paragraph (d) of this Rule, the Director shall approve it. If the plan does not carry out the objectives described by Paragraph (d) of this Rule, the Director shall disapprove the plan. The Director shall state the reasons for the disapproval. The person who submits the plan shall submit an amendment to the plan to satisfy the reasons for the Director's disapproval within 30 days of receipt of the Director's notification of disapproval. Any person having an approved malfunction abatement plan shall submit to the Director for approval amendments reflecting changes in any element of the plan required by Paragraph (d) of this Rule or amendments when requested by the Director. The malfunction abatement plan and amendments to it shall be implemented within 90 days upon receipt of written notice of approval.~~

~~(f) The owner or operator of a source of excess emissions that last for more than four hours and that results from a malfunction, a breakdown of process or control equipment, or any other abnormal conditions, shall:~~

~~(1) notify the Director of any such occurrence by 9:00 a.m. Eastern time of the Office's next business day of becoming aware of the occurrence and describe:~~

~~(A) name and location of the facility;~~

~~(B) the nature and cause of the malfunction or breakdown;~~

~~(C) the time when the malfunction or breakdown is first observed;~~

~~(D) the expected duration; and~~

~~(E) an estimated rate of emissions;~~

~~(2) notify the Director by 9:00 a.m. Eastern time of the Office's next business day when the corrective measures have been accomplished;~~

~~(3) submit to the Director within 15 days after the notification in Subparagraph (f)(1) of this Rule, a written report that includes:~~

~~(A) name and location of the facility;~~

~~(B) identification or description of the processes and control devices involved in the malfunction or breakdown;~~

~~(C) the cause and nature of the event;~~

~~(D) time and duration of the violation or the expected duration of the excess emission if the malfunction or breakdown has not been fixed;~~

~~(E) estimated quantity of pollutant emitted;~~

~~(F) steps taken to control the emissions and to prevent recurrences and if the malfunction or breakdown has not been fixed, steps planned to be taken; and~~

~~(G) any other pertinent information requested by the Director.~~

~~After the malfunction or breakdown has been corrected, the Director may require the owner or operator of the source to test the source in accordance with Section 3D.2600 to demonstrate compliance.~~

~~(g) Start-up and shut-down. Excess emissions during start-up and shut-down are considered a violation of the appropriate rule if the owner or operator cannot demonstrate that the excess emissions are unavoidable. To determine if excess emissions are unavoidable during start-up or shut-down the Director shall consider the items listed in Subparagraphs (c)(1), (c)(3), (c)(4), (c)(5), and (c)(7) of this~~

~~Rule along with any other pertinent information. The Director may specify for a particular source the amount, time, and duration of emissions allowed during start-up or shut-down. The owner or operator shall, to the extent practicable, operate the source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down. (Ord. No. 9-94, 12-19-94, 11-11-96, 9-14-98, 5-14-01)~~

Sec. 3D-0545. Treatment for malfunction events and work practices for start-up and shut-down operations

(a) Applicability. ~~In the event that United States Environmental Protection Agency's regulation, State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction, published in the Code of Federal Regulations (CFR) at 40 CFR 52 on June 12, 2015, is:~~

~~(1) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Fourth Circuit, by the District of Columbia Circuit, or by the United States Supreme Court; or~~

~~(2) withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order;~~

~~such action shall render this Rule as invalid, void, stayed, or otherwise without force and effect upon the date such action becomes final and effective. At the time of such action, sources that were subject to this Rule shall be subject to Sec 3D-0535 of this Subchapter.~~ This Rule shall not apply to sources to which Sec 3D-0524, 1110, or 1111 of this Subchapter applies.

(b) For the purposes of this Rule, the following definitions apply:

(1) "Excess Emissions" means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections 0500, 0900, 1200, or 1400 of this Subchapter; by a permit condition; or that exceeds an emission limit established in a permit issued pursuant to Section 3Q-0700 of Subchapter 3Q.

(2) "Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition within the control of the emission source shall not be considered a malfunction.

(3) "Start-up" means the initial commencement of operation or subsequent commencement of operation of any source that has shut-down or ceased operation for a period sufficient to cause temperature, pressure, process, chemical, or a pollution control device imbalance that would result in excess emissions.

(4) "Shut-down" means the cessation of the operation of any source for any purpose.

(c) Malfunctions. All facilities subject to this rule shall:

(1) Comply with the otherwise applicable emissions limits; or

(2) Comply with the source specific malfunction work practice standard permit condition described in Paragraph (d) of this Rule.

(d) Source Specific Malfunction Work Practice Standard Permit Condition.

(1) A facility may request a source specific malfunction work practice standard to be included in the state and federal enforceable section of its air permit, after review by EPA and the public.

(2) The source specific malfunction work practice standard shall minimize emissions during the malfunction event and require the malfunction duration to be minimized.

(3) Subparagraphs (e)(1) and (e)(5) of this Rule shall be addressed in the source specific malfunction work practice standard. Any facility requesting a source specific malfunction work practice standard shall meet the requirements of Subparagraphs (f)(1) through (f)(3) of this Rule.

(4) # Requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in Sections 3Q-0300 or 3Q-0500 of Subchapter 3Q. The public notice requirements specified in Sec. 3Q-0306 and 0307 of Subchapter 3Q shall be followed for all proposed work practice standards in non-Title V permits. Public notice requirements specified in Sec. 3Q-0521 of Subchapter 3Q shall be followed for all proposed work practice standards in Title V permits.

(5) All requests made the application for a permit, permit modification, or permit renewal shall also be submitted to the USEPA for inclusion in the local implementation plan as part of the state implementation plan by the Director.

~~(5)~~(6) ~~#~~At all times, the source shall be operated in a manner consistent with good practice for minimizing emissions and the owner or operator shall use their best efforts regarding planning, design, and operating procedures. The owner or operator's actions during malfunction periods shall be documented by properly signed, contemporaneous operating logs or other relevant evidence.

~~(6)~~(7) Failure to implement or follow the Source Specific Malfunction Work Practice Standard Permit Condition shall be a violation of Paragraph (d) of this Rule.

~~(7)~~(8) Facilities that follow a Source Specific Malfunction Work Practice Standard Permit Condition during a malfunction that has been addressed in the Source Specific Malfunction Work Practice Standard Permit Condition shall be deemed in compliance.

(e) The Director shall determine the appropriate enforcement response for excess emissions due to a malfunction. The Director shall consider, along with any other pertinent information, the following:

(1) The air cleaning device, process equipment, or process has been maintained and operated, to the maximum extent practicable, consistent with good practice for minimizing emissions;

(2) Repairs have been made expeditiously when the emission limits have been exceeded;
(3) The amount and duration of the excess emissions, including any bypass, have been minimized to the maximum extent practicable;
(4) All practical steps have been taken to minimize the impact of the excess emissions on ambient air quality;
(5) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
(6) The requirements of Paragraph (h) of this Rule have been met; and
(7) If the source is required to have a malfunction abatement plan, the source has followed that plan. All malfunctions shall be repaired as expeditiously as practicable. The facility shall maintain records of the time that a source operates when it or its air pollution control equipment is malfunctioning or otherwise has excess emissions.

(f) All electric utility boiler units shall have a malfunction abatement plan approved by the Director as satisfying the requirements of Subparagraphs (f)(1) through (f)(3) of this Rule. In addition, the Director may require any other source to have a malfunction abatement plan approved by the Director as satisfying the requirements of Subparagraphs (f)(1) through (f)(3) of this Rule. If the Director requires a malfunction abatement plan for a source other than an electric utility boiler, the owner or operator of that source shall submit a malfunction abatement plan within 60 days after receipt of the Director's request. The malfunction abatement plans of electric utility boiler units and of other sources required to have malfunction abatement plans shall be implemented at all times. The purpose of the malfunction abatement plan is to prevent, detect, and correct malfunctions that may result in excess emissions. A malfunction abatement plan shall contain:

(1) a preventive maintenance program including:
  (A) the identification of individuals or positions responsible for inspecting, maintaining, and repairing air cleaning devices;
  (B) a description of the items or conditions that will be inspected and maintained;
  (C) the frequency of the inspection, maintenance services, and repairs; and
  (D) an identification and quantities of the replacement parts that shall be maintained in inventory for quick replacement;
(2) an identification of the source and air cleaning operating variables and outlet variables that may be monitored to detect a malfunction; the normal operating range of these variables and a description of the method of monitoring and of informing operating personnel of any malfunctions; and
(3) a description of the corrective procedures that the owner or operator will take in case of a malfunction or failure to achieve compliance with the applicable rule as expeditiously as practicable. The owner or operator shall maintain logs to show that the operation and maintenance parts of the malfunction abatement plan are implemented.

(g) The owner or operator of any source required by the Director to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within 60 days after it has been

required by the Director. The malfunction abatement plan and any amendment to it shall be reviewed by the Director. If the plan carries out the objectives described by Paragraph (f) of this Rule, the Director shall approve it. If the plan does not carry out the objectives described by Paragraph (f) of this Rule, the Director shall disapprove the plan. The owner or operator shall submit an amendment to the plan to satisfy the plan requirements within 30 days of receipt of the Director's notification. Any person having an approved malfunction abatement plan shall submit to the Director for approval amendments reflecting changes in any element of the malfunction abatement plan required by Paragraph (f) of this Rule or amendments when requested by the Director. The malfunction abatement plan and amendments to it shall be implemented within 90 days upon receipt of written notice of approval.

(h) The owner or operator of a source of excess emissions that last for more than four hours and that results from a malfunction shall:

(1) # notify the Director of any such occurrence by 9:00 a.m. Eastern time of the ~~Division's~~ Office's next business day of becoming aware of the occurrence and describe:
  (A) name and location of the facility;
  (B) the nature and cause of the malfunction;
  (C) the time when the malfunction is first observed;
  (D) the expected duration; and
  (E) an estimated rate of emissions;

(2) # notify the Director by 9:00 a.m. Eastern time of the ~~Division's~~ Office's next business day when the corrective measures have been accomplished;

(3) submit to the Director, within 15 days after the notification in Subparagraph (h)(1) of this Paragraph, a written report that includes:
  (A) name and location of the facility;
  (B) identification or description of the processes and control devices involved in the malfunction;
  (C) the cause and nature of the event;
  (D) time and duration of the violation or the expected duration of the excess emission if the malfunction has not been fixed;
  (E) estimated quantity of pollutant emitted;
  (F) steps taken to control the emissions and to prevent recurrences and if the malfunction has not been fixed, steps planned to be taken; and
  (G) any other pertinent information requested by the Director.

After the malfunction has been corrected, the Director may require the owner or operator of the source to test the source in accordance with Section 3D-2600 of this Subchapter to demonstrate compliance.

(i) Start-up and Shut-down: During periods of start-up and shut-down, sources at facilities subject to this Rule shall comply with any one of the following:

(1) the applicable SIP emission limit in the Subchapter 3D rules, or a permit limit established in a permit issued pursuant to Section 3Q-0700 of Subchapter 3Q;

(2) the applicable work practice standards in Subparagraphs (j)(1) though (j)(13) of this Rule;

(3) work practice standards currently in effect for federal rules promulgated since 2009 that address compliance during start-up and shut-down operations for equipment that would be subject to the federal rule except for rule applicability exemptions; or

(4) source specific start-up and shut-down work practice standard permit conditions described in Paragraph (k) of this Rule.

Excess emissions during start-up and shut-down shall be considered a violation of the applicable rule if the owner or operator cannot demonstrate that the work practice standards in Subparagraphs (i)(2), (i)(3), or (i)(4) of this Rule were followed. Facilities may comply with Subparagraphs (i)(1) or (i)(2) of this Rule during start-up and shut-down without a specific permit condition. Facilities that choose to comply with Subparagraph (i)(3) of this Rule during start-up and shut-down shall apply for and receive a permit condition that indicates the specific federal work practice standard that shall be followed. Failure to implement or follow the work practice standard shall be considered a violation of Subparagraph (i)(3) of this Rule. Facilities that choose to comply with Subparagraph (i)(4) of this Rule during start-up and shut-down shall apply for and receive a permit condition described in Paragraph (k) of this Rule. Failure to implement or follow the work practice standard shall be considered a violation of Subparagraph (i)(4) of this Rule.

(j) Generally Available Work Practices for Start-Up and Shut-Down Operations. The owner or operator shall, to the extent practicable, operate the source and any associated air pollution control equipment or monitoring equipment in a manner consistent with best practicable air pollution control practices to minimize emissions during start-up and shut-down. The following generally available work practice standards shall be followed:

(1) Periods of start-up and shut-down shall be documented in a permanent form suitable for inspection and submission to the Office. Documentation of start-ups and shut-downs shall include specific identification of each period of start-up or shut-down where a work practice standard is used and information required to demonstrate compliance with the applicable work practices. Start-up and shut-down operations shall occur as expeditiously as possible while minimizing emissions.

(2) Boilers and other combustion sources. All combustion sources shall commence operations while firing on the cleanest permitted fuel, to the extent practicable. The source shall minimize the start-up and shut-down periods to the extent practicable.

(A) For sources for which the manufacturer has established recommended procedures for start-ups and shut-downs, the source shall follow the manufacturer's recommended procedures.

(B) For sources for which there is no manufacturer-recommended procedures for start-ups and shut-downs, the source shall follow recommended procedures for a unit of similar design for which manufacturer's recommended procedures are available.

(3) Baghouses shall be operated upon start-up of emission unit, or when baghouse temperature exceeds the dew point, whichever occurs later, or as specified by manufacturer.

(4) Cyclones shall be operated at all times, including start-up and shut-down of the emission unit.

(5) Electrostatic precipitators (ESP) shall be operated upon start-up of emission unit, or when effluent temperature exceeds the dew point, whichever occurs later, or as specified by manufacturer.

(6) Selective catalytic reduction (SCR) units shall be operated if catalyst bed temperature is greater than 400°F, or as specified by manufacturer.

(7) Non-selective catalytic reduction (NSCR) units shall be operated when the effluent temperature is between 700°F and 1500°F, or as specified by manufacturer.

(8) Scrubbers shall be operated at all times from initialization of start-up to completion of shut-down.

(9) Carbon adsorption shall be operated at all times from initialization of start-up to completion of shut-down.

(10) Biofilters shall be operated at all times from initialization of start-up to completion of shut-down.

(11) Sorbent injection shall be operated at all times the gas stream temperature is greater than 300°F, or as specified by manufacturer.

(12) Regenerative Thermal Oxidizers (RTO), thermal, and catalytic oxidizers shall be operated at all times from initialization of start-up to completion of shut-down.

(13) Safety and fire protection protocols shall be followed during start-up and shut-down of all sources.

(k) Source Specific Start-Up and Shut-Down Work Practice Standard Permit Condition. A facility may request a source specific start-up and shut-down work practice standard be included in the state and federal enforceable section of their air permit, after review by EPA and the public. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in Section 3Q-0300 or 0500 of Subchapter 3Q. The public notice requirements specified in Sec.3Q-0306 and 0307 of Subchapter 3Q shall be followed for all proposed work practice standards in non-Title V permits. Public notice requirements specified in Sec 3Q-0521 of Subchapter 3Q shall be followed for all proposed work practice standards in Title V permits. <u>All requests shall also be submitted to the USEPA for inclusion in the local implementation plan as part of the state implementation plan by the Director.</u> Requests for work practice standards for periods of start-up and shut-down shall include the following considerations:

(1) the work practice standard is specific to a source and the associated control strategy;

(2) demonstration that the use of the control strategy for the source is technically infeasible during start-up or shut-down periods;

(3) the work practice standard requires that the frequency and duration of operation in start-up or shut-down mode are minimized to the greatest extent practicable;

(4) at all times, the source shall be operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and

(5) the owner or operator's actions during start-up and shut-down periods shall be documented by properly signed, contemporaneous operating logs or other relevant evidence.

Any source without a start-up and shut-down work practice standard permit condition shall be required to comply with any applicable emission limit. Facilities that follow a source specific start-up and shut-down work practice standard permit condition during start-up and shut-down shall be deemed in compliance.
#

Sec. 3D-0605. General recordkeeping and reporting requirements

(a) The owner or operator of a source subject to a requirement of this Subchapter or Subchapter 3Q of this Chapter shall maintain:

(1) records detailing all malfunctions under Sec. ~~3D-0535~~3D-0545,

(2) records of all testing conducted under rules in this Subchapter,

(3) records of all monitoring conducted under rules in this Subchapter or Subchapter 3Q of this Chapter,

(4) records detailing activities relating to any compliance schedule in this Subchapter, and

(5)# for unpermitted sources, records necessary to determine compliance with rules in this Subchapter or Subchapter 3Q of this Chapter-.

(b) The Director shall specify in the source's permit:

(1) the type of monitoring required and the frequency of the monitoring,

(2) the type of records to be maintained, and

(3) the type of reports to be submitted and the frequency of submitting these reports,

as necessary to determine compliance with rules in this Subchapter or Subchapter 3Q of this Chapter or with an emission standard or permit condition.

(c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any source subject to the requirements of this Subchapter or Subchapter 3Q of this Chapter submit to the Director any information necessary to determine the compliance status of the source.

(d) The owner or operator of a source of excess emissions which last for more than four hours and which results from a malfunction, a breakdown of process or control equipment, or any other abnormal conditions shall report excess emissions in accordance with the requirements of Sec. ~~3D-0535~~3D-0545.

(e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the owner or operator for a period of two years after the date on which the record was made or the report submitted, except that the Director may extend the retention period in particular instances when necessary to comply with other County or federal requirements or when compliance with a particular standard requires documentation for more than two years.

(f) All records and reports generated in response to the requirements of this Section shall be made available to personnel of the Office for inspection.

(g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements of this Section at his own cost.

(h) No person shall falsify any information required by a rule in the Subchapter or a permit issued under Subchapter 3Q. No person shall knowingly submit any falsified information required by a rule in the Subchapter or a permit issued under Subchapter 3Q. (5-24-99)
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Sec. 3D-1203. Hazardous waste incinerators

(a) Applicability. This Rule applies to hazardous waste incinerators.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 260.10, 270.2, and 40 CFR 63.1201 shall apply in addition to the definitions in Sec. 3D-1202.

(c) Emission Standards.

(1)# The emission standards in this Paragraph apply to all incinerators subject to this Rule except where Sec. 3D-0524, 1110 or 1111 applies. However, when Subparagraph (8) or (9) of this Paragraph or Paragraph (h) of this Rule and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(2) Particulate Matter. Any incinerator subject to this Rule shall meet the particulate matter emission requirements of 40 CFR 264.343(c).

(3) Visible Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0521 for the control of visible emissions.

(4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Sec. 3D- 0516 for the control of sulfur dioxide emissions.

(5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0522 for the control of odorous emissions.

(6) Hydrogen Chloride. Any incinerator subject to this Rule shall meet the hydrogen chloride emission requirements of 40 CFR 264.343(b). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(7) Mercury Emissions. The emissions of mercury and mercury compounds from the stack or chimney of any incinerator subject to this Rule shall not exceed 0.032 pounds per hour. Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(8) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section 3D-1100 of this Subchapter according to Section 3Q-0700 for the control of toxic emissions.

(9) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure and which are increments above background

concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

(i)	arsenic and its compounds	2.3×10^{-7}
(ii)	beryllium and its compounds	4.1×10^{-6}
(iii)	cadmium and its compounds	5.5×10^{-6}
(iv)	chromium (VI) and its compounds	8.3×10^{-8}

(B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with incinerators subject to this Rule as their allowable emission limits unless Sec. 3D-0524, 1110 or 1111 requires more restrictive rates.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) Hazardous waste incinerators shall comply with 15A NCAC 13A .0101 through .0119, which are administered and enforced by the Division of Waste Management.

(e) Test Methods and Procedures.

(1) The test methods and procedures described in Section 3D-2600 and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (c) of this Rule.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600, 40 CFR 270.31 and 40 CFR 264.347.

(2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall

require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director may require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator.

(g) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter.

(h) Incinerators subject to this Rule shall comply with the emission limits, operational specifications, and other restrictions or conditions determined by the Division of Waste Management under 40 CFR 270.32, establishing Resource Conservation and Recovery Act permit conditions, as necessary to protect human health and the environment. (Ord. No. 9-94, 12-19-94; 8-14-95, 9-14-98, 5-24-99, 7-24-00, 7-22-02)

Sec. 3D-1204. Sewage sludge and sludge incinerators

(a) Applicability. This Rule applies to sewage sludge and sludge incinerators.

(b) Definitions. For the purpose of this Rule, the definitions in 40 CFR Part 503 shall apply in addition to the definitions in Sec. 3D-1202.

(c) Emission Standards.

(1)# The emission standards in this Paragraph apply to any incinerator subject to this Rule except where Sec. 3D-0524, 1110 or 1111 applies. However, when Subparagraph (11) or (12) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(2) Particulate Matter. Any incinerator subject to this Rule shall comply with one of the following emission standards for particulate matter:

(A) For refuse charge rates between 100 and 2000 pounds per hour, the allowable emissions rate for particulate matter from any stack or chimney of any incinerator subject to this Rule shall not exceed the level calculated with the equation E=0.002P, calculated to two significant figures, where "E" equals the allowable emission rate for particulate matter in pounds per hour and "P" equals the refuse charge rate in pounds per hour. For refuse charge rates of 0 to 100 pounds per hour the allowable emission rate is 0.2 pounds per hour. For refuse charge rates of 2000 pounds per hour or greater the allowable emission rate shall be 4.0 pounds per hour. Compliance with this Part shall be determined by averaging emissions over a block three-hour period.

(B) Instead of meeting the standards in Part (A) of this Subparagraph, the owner or operator of any incinerator subject to this Rule may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide. Compliance with this Part shall be determined by averaging emissions over a block three-hour period.

(3) Visible Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0521 for the control of visible emissions.

(4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Sec. 3D-0516 for the control of sulfur dioxide emissions.

(5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0522 for the control of odorous emissions.

(6) Hydrogen Chloride. Any incinerator subject to this Rule shall control hydrogen chloride emissions such that they do not exceed four pounds per hour unless they are reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(7) Mercury Emissions. Emissions of mercury from any incinerator subject to this Rule are regulated under 3D Sec. 3D-1110.

(8) Beryllium Emissions. Emissions of beryllium from any incinerator subject to this Rule are regulated under Sec. 3D-1110.

(9) Lead Emissions. The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).

(10) Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).

(11) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section 3D-1100 according to Section 3Q-0700.

(12) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77ºF (25ºC) and 29.92 inches (760 mm) of mercury pressure and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

(i) arsenic and its compounds $2.3x10^{-7}$

(ii) beryllium and its compounds 4.1×10^{-6}

(iii) cadmium and its compounds 5.5×10^{-6}

(iv) chromium (VI) and its compounds 8.3×10^{-8}

(B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with incinerators subject to this Rule as their allowable emission limits unless Sec. 3D-0524, 1110 or 1111 requires more restrictive rates.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) Sewage Sludge Incinerators.

(A) The maximum combustion temperature for a sewage sludge incinerator shall be specified as a permit condition and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies as needed to comply with Sec. 3D-1204 (c).

(B) The values for the operational parameters for the sewage sludge incinerator air pollution control device(s) shall be specified as a permit condition and be based on information obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies as needed to comply with Sec. 3D-1204 (c).

(C) The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40 CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous emission monitor required in Part (f)(3)(A) of this Rule.

(3) Sludge Incinerators. The combustion temperature in a sludge incinerator shall not be less than 1200°F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:

(A) 12 percent (dry basis) for a multiple hearth sludge incinerator,

(B) seven percent (dry basis) for a fluidized bed sludge incinerator,

(C) nine percent (dry basis) for an electric sludge incinerator, and

(D) 12 percent (dry basis) for a rotary kiln sludge incinerator.

(e) Test Methods and Procedures.

(1) The test methods and procedures described in Section 3D-2600 and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(2) The Director may require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (c) of this Rule.

(3) The owner or operator of a sewage sludge incinerator shall perform testing to determine pollutant control efficiencies of any pollution control equipment and obtain information on operational parameters, including combustion temperature, to be specified as a permit condition.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D- 0600 of this Subchapter.

(2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems.

(3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a sewage sludge incinerator shall:

(A) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:

(i) total hydrocarbon concentration of the incinerator stack exit gas according to 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;

(ii) oxygen concentration of the incinerator stack exit gas; and

(iii) moisture content of the incinerator stack exit gas;

(B) monitor the concentrations of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required by Sec. 3D-1110 but in no case less than once per year;

(C) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);

(D) determine mercury emissions by use of Method 101 or 101A of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);

(E) maintain records of all material required under Paragraph (e) of this Rule and this Paragraph according to 40 CFR 503.47; and

(F) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater, submit the information recorded in Part (D) of this Subparagraph to the Director on or before February 19 of each year.

(g)# Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~#Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter. (Ord. No. 9-94, 12-19-94; 8-14-95, 11-11-96, 9-14-98, 5-24-99, 7-24-00, 7-22-02)
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Sec. 3D-1205. Large municipal waste combustors

(a) Applicability. This Rule applies to large municipal waste combustors as defined in Sec. 3D-1202.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.31b (except administrator means the Director of the Office of Environmental Assistance and Protection) apply in addition to the definitions in Sec. 3D-1202.

(c) Emission Standards.

(1)# The emission standards in this Paragraph apply to any municipal waste combustor subject to the requirements of this Rule except where Sec. 3D-0524, 1110 or 1111 applies. However, when Subparagraph (13) or (14) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant apply, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(2)# Particulate Matter. Emissions of particulate matter from each municipal waste combustor shall not exceed 25 milligrams per dry standard cubic meter corrected to seven percent oxygen.

(3) Visible Emissions. The emission limit for opacity from any municipal waste combustor shall not exceed 10 percent (6-minute averages).

(4)# Sulfur Dioxide. Emissions of sulfur dioxide from each municipal waste combustor shall be reduced by at least 75 percent by weight or volume or to no more than 29 parts per million by volume, whichever is less stringent. Percent reduction shall be determined from continuous emissions monitoring data and according to Reference Method 19, Section 12.5.4 of 40 CFR Part 60 Appendix A-7. Compliance with either standard is based on a 24-hour daily block geometric average of concentration data corrected to seven percent oxygen (dry basis).

(5) Nitrogen oxide. Emissions of nitrogen oxides from each municipal waste combustor shall not exceed the emission limits in Table 1 to Subpart Cb of Part

60 “Nitrogen Oxide Guidelines for Designated Facilities.” Nitrogen oxide emissions averaging is allowed as specified in 40 CFR 60.33b(d)(1)(i)I through (d)(1)(v). If nitrogen oxide emissions averaging is used, the emissions shall not exceed Table 2 to Subpart Cb of Part 60 “Nitrogen Oxides Limits for Existing Designated Facilities Included in an Emission Averaging Plan at a Municipal Waste Combustor Plant.”

(6) Odorous emissions. Each municipal waste combustor shall comply with Sec. 3D-0522 for the control of odorous emissions.

(7)# Hydrogen chloride. Emissions of hydrogen chloride from each municipal waste combustor shall be reduced by at least 95 percent (simultaneously at the inlet and outlet data sets with a minimum of three valid test periods, the length of each test period shall be a minimum of one-hour) or shall not exceed, as determined by Reference Method 26 or 26A of 40 CFR Part 60 Appendix A-8, more than 29 parts per million volume, whichever is less stringent. Compliance with this Subparagraph shall be determined by averaging emissions over three one-hour test runs, with paired data sets for percent reduction and correction to seven percent oxygen (dry basis).

(8) Mercury emissions. Emissions of mercury from each municipal waste combustor shall be reduced by at least 85 percent by weight of potential mercury emissions (simultaneously at the inlet and outlet data sets with a minimum of three valid test periods, the length of each test period shall be a minimum of one-hour) or shall not exceed, as determined by Reference Method 29 of 40 CFR Part 60 Appendix A-8 or ASTM D6784-02 (Ontario Hydro method), more than 50 micrograms per dry standard cubic meter, whichever is less stringent. Compliance with this Subparagraph shall be determined by averaging emissions over three one-hour test runs corrected to seven percent oxygen (dry basis).

(9)# Lead Emissions. Emissions of lead from each municipal waste combustor shall not exceed, as determined by Reference Method 29 of 40 CFR Part 60 Appendix A-8, 400 micrograms per dry standard cubic meter and corrected to seven percent oxygen.

(10) Cadmium Emissions. Emissions of cadmium from each large municipal waste combustor shall not exceed, as determined by Reference Method 29 of 40 CFR Part 60 Appendix A-8, 35 micrograms per dry standard cubic meter and corrected to seven percent oxygen.

(11) Dioxins and Furans. Emissions of dioxins and furans from each municipal waste combustor:

(A) that employs an electrostatic precipitator-based emission control system, shall not exceed 35 nanograms per dry standard cubic meter (total mass dioxins and furans).

(B) that does not employ an electrostatic precipitator-based emission control system, shall not exceed 30 nanograms per dry standard cubic meter (total mass dioxins and furans). Compliance with this Subparagraph shall be determined by

averaging emissions over three test runs with a minimum of four hour duration per test run, performed in accordance with Reference Method 23 of 40 CFR Part 60 Appendix A-7, and corrected to seven percent oxygen.

(12) Fugitive ash.

(A) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of five percent of the observation period (i.e., nine minutes per three-hour block period), as determined by visible emission observations using Reference Method 22 of 40 CFR Part 60 Appendix A-7, except as provide in Part (B) of this Subparagraph. Compliance with this Part shall be determined from at least three 1-hour observation periods when the facility transfers ash from the municipal waste combustor to the area where the ash is stored or loaded into containers or trucks

(B) The emission limit specified in Part (A) of this Subparagraph covers visible emissions discharged to the atmosphere from buildings or enclosures, not the visible emissions discharged inside of the buildings or enclosures, of ash conveying systems.

(13) Toxic Emissions. The owner or operator of a municipal waste combustor shall demonstrate compliance with Section 3D-1100 according to Forsyth County Code, Section 3Q-0700.

(14) Ambient standards.

(A) In addition to the ambient air quality standards in Section 3D-0400, the following are annual average ambient air quality standards in milligrams per cubic meter at 77 degrees F (25 degrees C) and 29.92 inches (760 mm) of mercury pressure:

(i)	arsenic and its compounds	2.3×10^{-7}
(ii)	beryllium and its compounds	4.1×10^{-6}
(iii)	cadmium and its compounds	5.5×10^{-6}
(iv)#	chromium(VI) and its compounds#	8.3×10^{-8}

These are increments above background concentrations and apply aggregately to all municipal waste combustors at a facility subject to this Rule.

(B) The owner or operator of a facility with municipal waste combustors shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the good engineering practice stack height requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with

municipal waste combustors as their allowable emission limits unless Sec. 3D-0524, 1110 or 1111 requires more restrictive rates.

(15) The emission standards of Subparagraphs (1) through (14) of this Paragraph apply at all times except during periods of municipal waste combustor startup, shutdown, or malfunction that last no more than three hours.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any municipal waste combustor when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) Each municipal waste combustor shall meet the following operational standards:

(A) The concentration of carbon monoxide at the municipal waste combustor outlet shall not exceed the applicable emissions level contained in Table 3 to Subpart Cb of Part 60 "Municipal Waste Combustor Operating Guidelines."

(B) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor load determined from the highest 4-hour block arithmetic average achieved during four consecutive hours in the course of the most recent dioxins and furans stack test that demonstrates compliance with the emission limits of Paragraph (c) of this Rule.

(C) The combustor operating temperature measured at the particulate matter control device inlet, shall not exceed 63^{O} Fahrenheit above the maximum demonstrated particulate matter control device temperature determined from the highest 4-hour block arithmetic average measured at the inlet of the particulate matter control device during four consecutive hours in the course of the most recent dioxins and furans stack test that demonstrates compliance with the emission limits of Paragraph (c) of this Rule..

(D) The owner or operator of a municipal waste combustor with activated carbon control system to control dioxins and furans or mercury emissions shall maintain an eight-hour block average carbon feed rate at or above the highest average level established during the most recent dioxins and furans or mercury test.

(E) The owner or operator of a municipal waste combustor is exempted from limits on load level, temperature at the inlet of the particular matter control device, and carbon feed rate during:

(i) the annual tests for dioxins and furans,

(ii) the annual mercury tests for carbon feed requirements only,

(iii) the two weeks preceding the annual tests for dioxins and furans,

(iv) the two weeks preceding the annual mercury tests for carbon feed rate requirements only; and

(v) any activities to improve the performance of the municipal waste combustor or its emission control including performance evaluations and diagnostic or new technology testing.

The municipal waste combustor load limit continues to apply and remains enforceable until and unless the Director grants a waiver in writing.

(F) The limits on load level for a municipal waste combustor are waived when the Director concludes that the emission control standards would not be exceeded based on test activities to evaluate system performance, test new technology or control technology, perform diagnostic testing, perform other activities to improve the performance; or perform other activities to advance the state of the art for emissions controls.

(3) The operational standards of this Paragraph apply at all times except during periods of municipal waste combustor startup, shutdown, or malfunction that last no more than three hours, with the following exception: For the purpose of compliance with the carbon monoxide emission limits in Subparagraph (2) of this Paragraph, if a loss of boiler water level control (e.g., boiler waterwall tube failure) or a loss of combustion air control (e.g., loss of combustion air fan, induced draft fan, combustion grate bar failure) is determined to be a malfunction according to Sec. ~~3D-0535~~3D-0545, the duration of the malfunction period is limited to 15 hours per occurrence. During such periods of malfunction, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of Paragraph (f) of this Rule.

(e) Test Methods and Procedures.

(1) The test methods and procedures described in Section 3D-2600 and in Parts (A) through (K) in this Subparagraph shall be used to demonstrate compliance:

(A) 40 CFR 60.58b(b) for continuous emissions monitoring of oxygen or carbon monoxide at each location where carbon monoxide, sulfur dioxide, or nitrogen oxides are monitored;

(B) 40 CFR 60.58b(c) for determination of compliance with particulate and opacity emission limits. The data from the continuous opacity monitoring system shall not be used to determine compliance with the opacity limit.

(C) 40 CFR 60.58b(d) for determination of compliance with emission limits for cadmium, lead and mercury;

(D) 40 CFR 60.58b(e) for determination of compliance with sulfur dioxide emission limits from continuous emissions monitoring data;

(E) 40 CFR 60.58b(f) for determination of compliance with hydrogen chloride emission limits;

(F) 40 CFR 60.58b(g) for determination of compliance with dioxin/furan emission limits;

(G) 40 CFR 60.58b(h) for determination of compliance with nitrogen oxides limits from continuous emission monitoring data;

(H) 40 CFR 60.58b(i) for determination of compliance with operating requirements under Paragraph (d);

(I) 40 CFR 60.58b(j) for determination of municipal waste combustor capacity;
(J) 40 CFR 60.58b(k) for determination of compliance with the fugitive ash emission limit; and
(K) 40 CFR 60.58b(m)(1) to determine parametric monitoring for carbon injection control systems.

(2) Method 29 of 40 CFR Part 60 Appendix A-8 shall be used to determine emission rates for metals. However, Method 29 shall be used only to collect sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(3) The owner or operator shall conduct initial stack tests to measure the emission levels of dioxins and furans, cadmium, lead, mercury, beryllium, arsenic, chromium (VI), particulate matter, opacity, hydrogen chloride, and fugitive ash. Annual stack tests for the same pollutants except beryllium, arsenic, and chromium (VI) shall be conducted no less than 9 months and no more than 15 months since the previous test and must complete five performance tests in each 5-year calendar period.

(4) The testing frequency for dioxin and furan may be reduced to the alternative testing schedule specified in 40 CFR 60.58b(g)(5)(iii) if the owner or operator notifies the Director of the intent to begin the reduced dioxin and furan performance testing schedule during the following calendar year.

(5) The owner or operator of an affected facility may request that compliance with the dioxin and furan 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 as specified in 40 CFR 60.58b(b)(6). The Director will approve the request after verification of the correct calculations that provides the relationship between oxygen and carbon dioxide levels and of the completeness of stack test data used to establish the relationship between oxygen and carbon dioxide levels.

(6) The Director may require the owner or operator of any municipal waste combustor subject to this Rule to test his municipal waste combustor to demonstrate compliance with the emission standards in Paragraph (c) of this Rule.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of a municipal waste combustor shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600.

(2) The owner or operator of a municipal waste combustor that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems.

(3) The owner or operator of a municipal waste combustor shall:

(A) install, calibrate, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine:

(i) sulfur dioxide concentration;

(ii) nitrogen oxides concentration;
(iii) oxygen or carbon dioxide concentration;
(iv) opacity according to 40 CFR 60.58b(c); and
(v) carbon monoxide at the combustor outlet and record the output of the system and shall follow the procedures and methods specified in 40 CFR 60.58b(i)(3);

(B) monitor load level of each municipal waste combustor according to 40 CFR 60.58b(i)(6).

(C) monitor the temperature of each municipal waste combustor flue gases at the inlet of the particulate matter air pollution control device according to 40 CFR 60.58b(i)(7).

(D) monitor carbon feed rate of each municipal waste combustor carbon delivery system and total plant predicted quarterly usage if activated carbon is used to abate dioxins and furans or mercury emissions according to 40 CFR 60.58b(m)(2) and (m)(3).

(E) maintain records of the information listed in 40 CFR 60.59b(d)(1) through (d)(15) for a period of at least five years.

(F) following the first year of municipal combustor operation, submit an annual report specified in 40 CFR 60.59b(g) for municipal waste combustors no later than February 1 of each year following the calendar year in which the data were collected. Once the municipal waste combustor is subject to permitting requirements under Section 3Q-0500, Title V Procedures, the owner or operator of an affected facility shall submit these reports semiannually.

(G) submit a semiannual report specified in 40 CFR 60.59b(h) for each municipal waste combustor for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section, according to the schedule specified in 40 CFR 60.59b(h)(6).

(g) Excess Emissions and Start-up and Shut-down. All municipal waste combustors subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~# Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter.

(h) Operator Certification.

(1) Each facility operator and shift supervisor shall have completed full certification or scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994).

(2) The requirement to complete full certification or schedule a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before July 1, 1998.

(3) No owner or operator of an affected facility shall allow the facility to be operated at any time unless one of the following persons is on duty and at the affected facility;
   (A) a fully certified chief facility operator;
   (B) a provisionally certified chief facility operator who is scheduled to take the full certification exam within six months;
   (C) a fully certified shift supervisor; or
   (D) a provisionally certified shift supervisor who is scheduled to take the full certification exam within six months.

(4) Operator Substitution
   (A) A provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor if both are off site for 12 hours or less and no other certified operator is on site.
   (B) If the certified chief facility operator and certified shift supervisor are both off site for longer than 12 hours but for two weeks or less, then the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified under §60.59b(g)(5).
   (C) If the certified chief facility operator and certified shift supervisor are off site for more than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor. However, the owner or operator of the affected facility must notify the Director in writing and state what caused the absence and actions are being taken to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable. The notice shall be delivered within 30 days of the start date of when the provisionally certified control room operator takes over the duties of the certified chief facility operator or certified shift supervisor. A status report and corrective action summary shall be submitted to the Director every four weeks following the initial notification.
   (D) If the Director provides notice that the status report or corrective action summary is disapproved, the municipal waste combustor may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Director withdraws the disapproval, municipal waste combustor operation may continue.
   (E) The Director shall disapprove the status report or corrective action summary report, described in Part (C) of this Subparagraph, if operating permit requirements are not being met, the status and corrective action reports indicate that the effort to have a certified chief facility operator or certified shift supervisor on site as expeditiously as practicable is not being met, or the reports are not delivered in a timely manner**.**

(5) A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion facility may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Director for up to six months before taking the ASME QRO - Certification for Municipal Solid Waste Combustion Facilities Operators.

(6) If the certified chief facility operator and certified shift supervisor are both unavailable, a provisionally certified control room operator who is scheduled to take the full certification exam, may fulfill the requirements of this Subparagraph. The referenced ASME exam (ASME QRO-1-1994), "Standard for the Qualification and Certification of Resource Recovery Facility Operators," in this Paragraph is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty-nine dollars ($49.00).

(i) Training

(1) The owner or operator of each municipal waste combustor shall develop and update on a yearly basis a site-specific operating manual that shall address the elements of municipal waste combustor operation specified in 40 CFR 60.54b(e)(1) through (e)(11). The operating manual shall be kept in a readily accessible location for all persons required to undergo training under Subparagraph (2) of this Paragraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request.

(2) The owner or operator of the municipal waste combustor plant shall establish a training program to review the operating manual according to the schedule specified in Parts (A) and (B) of this Subparagraph with each person who has responsibilities affecting the operation of the facility including chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane and load handlers:

(A) A date prior to the day when the person assumes responsibilities affecting municipal waste combustor operation; and

(B) Annually, following the initial training required by Part (A) of this Subparagraph. (7-24-00, 7-22-02, 11-22-04)

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Sec. 3D-1206. Hospital, medical, and infectious waste incinerators

(a) Applicability. This Rule applies to any hospital, medical, and infectious waste incinerator (HMIWI), except:

(1) any HMIWI required to have a permit under Section 3005 of the Solid Waste Disposal Act;

(2) any pyrolysis unit;

(3) any cement kiln firing hospital waste or medical and infectious waste;

(4) any physical or operational change made to an existing HMIWI solely for the purpose of complying with the emission standards for HMIWIs in this Rule. These physical or operational changes are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of 40 CFR Part 60, Subpart Ec;

(5) any HMIWI during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned, provided that the owner or operator of the HMIWI:

(A) notifies the Director of an exemption claim; and

(B) keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste is burned; or

(6) any co-fired HMIWI, if the owner or operator of the co-fired HMIWI:

(A) notifies the Director of an exemption claim;

(B) provides an estimate of the relative weight of hospital, medical and infectious waste, and other fuels or wastes to be combusted; and

(C) keeps records on a calendar quarter basis of the weight of hospital, medical and infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired HMIWI.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.51c shall apply in addition to the definitions in Sec. 3D-1202.

(c) Emission Standards.

(1) The emission standards in this Paragraph apply to all HMIWIs subject to this Rule except where Sec. 3D-0524, 1110 or 1111 applies. However, when Subparagraph (7) or (8) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary;

(2) Prior to July 1, 2013, each HMIWI for which construction was commenced on or before June 20, 1996, or for which modification is commenced on or before March 16, 1998, shall not exceed the requirements listed in Table 1A of Subpart Ce of 40 CFR Part 60;

(3) On or after July 1, 2013, each HMIWI for which construction was commenced on or before June 20, 1996, or for which modification is commenced on or before March 16, 1998, shall not exceed the requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60;

(4) Each HMIWI for which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16,

1998 but no later than April 6, 2010, shall not exceed the more stringent of the requirements listed in Table 1B of Subpart Ce and Table 1A of Subpart Ec of 40 CFR Part 60;

(5) Each small remote HMIWI for which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, and which burns less than 2,000 pounds per week of hospital waste and medical or infectious waste shall not exceed emission standards listed in Table 2A of Subpart Ce of 40 CFR Part 60 before July 1, 2013. On or after July 1, 2013, each small remote HMIWI shall not exceed emission standards listed in Table 2B of Subpart Ce of 40 CFR Part 60;

(6) Visible Emissions. Prior to July 1, 2013, the owner or operator of any HMIWI shall not cause to be discharged into the atmosphere from the stack of the HMIWI any gases that exhibit greater than 10 percent opacity (6-minute block average). On or after July 1, 2013, the owner or operator of any HMIWI shall not cause to be discharged into the atmosphere from the stack of the HMIWI any gases that exhibit greater than six percent opacity six-minute block average);

(7) Toxic Emissions. The owner or operator of any HMIWI subject to this Rule shall demonstrate compliance with Section 3D-1100 according to Section 3Q-0700; and

(8) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, shall apply aggregately to all HMIWIs at a facility subject to this Rule:

(i) arsenic and its compounds $2.3x10^{-7}$

(ii) beryllium and its compounds $4.1x10^{-6}$

(iii) cadmium and its compounds $5.5x10^{-6}$

(iv) chromium (VI) and its compounds $8.3x10^{-8}$;

(B) The owner or operator of a facility with HMIWIs subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533; and

(C) The emission rates computed or used under Part (B)of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with HMIWIs subject to this Rule as their allowable emission limits unless Sec. 3D-0524, 1110 or 1111 requires more restrictive rates.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any HMIWI subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply;

(2) Annual Equipment Inspection.

(A) Each HMIWI shall undergo an equipment inspection initially within 6 months upon this Rule's effective date and an annual equipment inspection (no more than 12 months following the previous annual equipment inspection);

(B) The equipment inspection shall include all the elements listed in 40 CFR 60.36e(a)(1)(i) through (xvii);

(C) Any necessary repairs found during the inspection shall be completed within 10 operating days of the inspection unless the owner or operator submits a written request to the Director for an extension of the 10 operating day period; and

(D) The Director shall grant the extension if the owner or operator submits a written request to the Director for an extension of the 10 operating day period if the owner or operator of the small remote HMIWI demonstrates that achieving compliance by the time allowed under this Part is not feasible, and the Director does not extend the time allowed for compliance by more than 30 days following the receipt of the written request, and the Director concludes that the emission control standards would not be exceeded if the repairs were delayed;

(3) Air Pollution Control Device Inspection.

(A) Each HMIWI shall undergo air pollution control device inspections, as applicable, initially within six months upon this Rule's effective date and annually (no more than 12 months following the previous annual air pollution control device inspection) to inspect air pollution control device(s) for proper operation, if applicable: ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment; and generally observe that the equipment is maintained in good operating condition. Any necessary repairs found during the inspection shall be completed within 10 operating days of the inspection unless the owner or operator submits a written request to the Director for an extension of the 10 operating day period; and

(B) The Director shall grant the extension if the owner or operator of the HMIWI demonstrates that achieving compliance by the 10 operating day period is not feasible, the Director does not extend the time allowed for compliance by more than 30 days following the receipt of the written request, and the Director concludes that the emission control standards would not be exceeded if the repairs were delayed;

(4) Any HMIWI, except for a small HMIWI for which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, and subject to the requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60, shall comply with 40 CFR 60.56c except for:

(A) Before July 1, 2013, the test methods listed in Paragraphs 60.56c(b)(7) and (8), the fugitive emissions testing requirements under 40 CFR 60.56c(b)(14) and (c)(3), the CO CEMS requirements under 40 CFR 60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR 60.56c(c)(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), (g)(6) through (10), and (h); and

(B) On or after July 1, 2013, sources subject to the emissions limits under Table 1B of Subject Ce of 40 CFR Part 60 or more stringent of the requirements listed in Table 1B of Subpart 1B of Subpart Ce of 40 CFR Part 60 and Table 1A of Subpart Ec of 40 CFR Part 60 may, however, elect to use CO CEMS as specified under 40 CFR 60.56c(c)(4) or bag detection systems as specified under 40 CFR 60.57c(h);

(5) Prior to July 1,2013, the owner or operator of any small remote HMIWI shall comply with the following compliance and performance testing requirements:

(A) conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11)(mercury only), and (c)(1). The 2,000 pound per week limitation does not apply during performance tests;

(B) establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits; and

(C) following the date on which the initial performance test is completed, ensure that the HMIWI does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three hour rolling averages, calculated each hour as the average of all previous three operating hours, at all times except during periods of start-up, shut-down and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameters;

(6) On or after July 1, 2013, any small remote HMIWI constructed on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, is subject to the requirements listed in Table 2B of Subpart Ce of 40 CFR Part 60. The owner or operator shall comply with the compliance and performance testing requirements of 40 CFR 60.56c, excluding test methods listed in 40 CFR 60.56c(b)(7), (8), (12), (13) (Pb and Cd), and (14), the annual PM, CO, and HCl emissions testing requirements under 40 CFR 60.56c(c)(2), the annual fugitive emissions testing requirements under 40 CFR 60.56c(c)(3), the CO CEMS requirements under 40 CFR 60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR 60.56c(c)(5) through (7), and (d) through (k);

(7) On or after July 1, 2013, any small remote HMIWI For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, subject to the requirements listed in Table 2A or 2B of Subpart Ce of 40 CFR Part 60, and not equipped with an air pollution control device shall meet the following compliance and performance testing requirements:

(A) Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits. The 2,000 pounds per week limitation does not apply during performance tests;

(B) The owner or operator shall not operate the HMIWI above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times. Operating parameter limits shall not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s); and

(C)# Operation of an HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emissions limits. The owner or operator of an HMIWI may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emissions limit(s). Repeat performance tests conducted shall be conducted under process and control device operating conditions duplicating as nearly as possible those that indicated during the violation;

(8) On or after July 1, 2013, any small HMIWI constructed commenced emissions guidelines as promulgated on September 15, 1997, meeting all requirements listed in Table 2B of Subpart Ce of 40 CFR Part 60, which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital, medical and infectious waste and is subject to the requirements listed in Table 2B of Subpart Ce of 40 CFR Part 60. The 2,000 pounds per week limitation does not apply during performance tests. The owner or operator shall comply with the compliance and performance testing requirements of 40 CFR 60.56c, excluding the annual fugitive emissions testing requirements under 40 CFR 60.56c(c)(3),the CO CEMS requirements under 40 CFR 60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR 60.56c(c)(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), and (g)(6) through (10). The owner or operator may elect to use CO CEMS as specified

under 40 CFR 60.56c(c)(4) or bag leak detection systems as specified under 40 CFR 60.57c(h); and

(9) On or after July 1, 2013, the owner or operator of any HMIWI equipped with selective noncatalytic reduction technology shall:

(A) Establish the maximum charge rate, the minimum secondary chamber temperature, and the minimum reagent flow rate as site specific operating parameters during the initial performance test to determine compliance with the emissions limits;

(B) Ensure that the affected facility does not operate above the maximum charge rate, or below the minimum secondary chamber temperature or the minimum reagent flow rate measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours) at all times. Operating parameter limits shall not apply during performance tests; and

(C) Operation of any HMIWI above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum reagent flow rate simultaneously shall constitute a violation of the NO_X emissions limit. The owner or operator may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emissions limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation.

(e) Test Methods and Procedures.

(1) The test methods and procedures described in Section 3D-2600 and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis; and

(2) The Director may require the owner or operator to test the HMIWI to demonstrate compliance with the emission standards listed in Paragraph (c) of this Rule.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of a HMIWI subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600;

(2) The owner or operator of a HMIWI subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of a HMIWI that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall

require the owner or operator of a HMIWI with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the HMIWI. The Director may require the owner or operator of a HMIWI with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the HMIWI;

(3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a HMIWI shall comply with the reporting and recordkeeping requirements listed in 40 CFR 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR 60.58c(b)(2)(ii) and (b)(7);

(4) In addition to the requirements of Subparagraphs (1), (2) and (3) of this Paragraph, the owner or operator of a small remote HMIWI shall:

(A) maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection;

(B) submit an annual report containing information recorded in Part (A) of this Subparagraph to the Director no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report. The report shall be signed by the HMIWI manager; and

(C) submit the reports required by Parts (A) and (B) of this Subparagraph to the Director semiannually once the HMIWI is subject to the permitting procedures of Section 3Q-0500, Title V Procedures;

(5) Waste Management Guidelines. The owner or operator of a HMIWI shall comply with the requirements of 40 CFR 60.55c for the preparation and submittal of a waste management plan;

(6) Except as provided in Subparagraph (7) of this Paragraph, the owner or operator of any HMIWI shall comply with the monitoring requirements in 40 CFR 60.57c;

(7) The owner or operator of any small remote HMIWI shall:

(A) install, calibrate, maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;

(B) install, calibrate, maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI;

(C) obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital, medical, and infectious waste;

(8) On or after July 1, 2013, any HMIWI, except for small remote HMIWI not equipped with an air pollution control device, subject to the emissions requirements in Table 1B or Table 2B of Subpart Ce of 40 CFR Part 60, or the more stringent of the requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60 and Table 1A of Subpart Ec of 40 CFR Part 60, shall perform the monitoring requirements listed in 40 CFR 60.57c;

(9) On or after July 1, 2013, the owner or operator of a small remote HMIWI, not equipped with an air pollution control device and subject to the emissions requirements in Table 2B of Subpart Ce of 40 CFR Part 60 shall:

(A) install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;

(B) install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI; and

(C) obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day for 90 percent of the operating hours per calendar quarter that the designated facility is combusting hospital, medical and infectious waste;

(10) On or after July 1, 2013, any HMIWI for which construction commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998, and is subject to requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60; or any HMIWI which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16, 1998 but no later than April 6, 2010, and subject to the requirements of Table 1B of this Subpart and Table 1A of Subpart Ec of 40 CFR Part 60, may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that:

(A) Previous emissions tests had been conducted using the applicable procedures and test methods listed in 40 CFR 60.56c(b);

(B) The HMIWI is currently operated in a manner that would be expected to result in the same or lower emissions than observed during the previous emissions test and not modified such that emissions would be expected to exceed; and

(C) The previous emissions test(s) had been conducted in 1996 or later;

(11) On or after July 1, 2013, any HMIWI, (with the exception of small remote HMIWI and HMIWIs for which construction was commenced no later than December 1, 2008, or for which modification is commenced no later than April 6, 2010, and subject to the

requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60 or the more stringent of the requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60 and Table 1A of Subpart Ec), shall include the reporting and recordkeeping requirements listed in 40 CFR 60.58c(b); and

(12) On or after July 1, 2013, any HMIWI for which construction was commenced no later than December 1, 2008, or for which modification is commenced no later than April 6, 2010, and subject to the requirements listed in Table 1B or the more stringent of the requirements listed in Table 1B of Subpart Ce of 40 CFR Part 60 and Table 1A of Subpart Ec of 40 CFR Part 60, is not required to maintain records required in 40 CFR 60.58c(b)(2)(xviii) (bag leak detection system alarms), (b)(2)(xix) (CO CEMS data), and (b)(7) (siting documentation).

(g) Excess Emissions and Start-up and Shut-down. All HMIWIs subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, Excess Emissions Reporting and Malfunctions, of this Subchapter. Emissions from bypass conditions shall not be exempted as provided under Paragraphs (c) and (g) of Sec. ~~3D-0535~~3D-0545.

(h) Operator Training and Certification.

(1) The owner or operator of a HMIWI shall not allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one or more HMIWI operators;

(2) Operator training and qualification shall be obtained by completing the requirements of 40 CFR 60.53c(c) through (g);

(3) The owner or operator of a HMIWI shall maintain, at the facility, all items required by 40 CFR 60.53c(h)(1) through (h)(10);

(4) The owner or operator of a HMIWI shall establish a program for reviewing the information required by Subparagraph (3) of this Paragraph annually with each HMIWI operator. The reviews of the information shall be conducted annually; and

(5) The information required by Subparagraph (3) of this Paragraph shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by Division personnel upon request.

(7-24-00, 7-22-02)

Sec. 3D-1208. Other incinerators

(a) Applicability.

(1) This Rule applies to any incinerator not covered under Sec. 3D-1203 through 1207, or 1210 through 1212.

(2) If any incinerator subject to this Rule:

(A) is used solely to cremate pets; or

(B) if the emissions of all toxic air pollutants from an incinerator subject to this Rule and associated waste handling and storage are less than the levels listed in Sec. 3Q 0711;

the incinerator is exempt from Subparagraphs (b)(6) through (b)(9) and Paragraph (c) of this Rule.

(b) Emission Standards.

(1)# The emission standards in this Rule apply to any incinerator subject to this Rule except where Sec. 3D-0524, 1110 or 1111 apply. However, when Subparagraph (8) or (9) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant applies notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(2) Particulate Matter. Any incinerator subject to this Rule shall comply with one of the following emission standards for particulate matter:

(A) For refuse charge rates between 100 and 2000 pounds per hour, the allowable emissions rate for particulate matter from any stack or chimney of any incinerator subject to this Rule shall not exceed the level calculated with the equation E=0.002P calculated to two significant figures, where "E" equals the allowable emission rate for particulate matter in pounds per hour and "P" equals the refuse charge rate in pounds per hour. For refuse charge rates of 0 to 100 pounds per hour the allowable emission rate shall be 0.2 pounds per hour. For refuse charge rates of 2000 pounds per hour or greater the allowable emission rate shall be 4.0 pounds per hour. Compliance with this Part shall be determined by averaging emissions over a three-hour block period.

(B) Instead of meeting the standards in Part (A) of this Subparagraph, the owner or operator of any incinerator subject to this Rule may choose to limit particulate emissions from the incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide. In order to choose this option, the owner or operator of the incinerator shall demonstrate that the particulate ambient air quality standards will not be violated. To correct to 12 percent carbon dioxide, the measured concentration of particulate matter is multiplied by 12 and divided by the measured percent carbon dioxide. Compliance with this Part shall be determined by averaging emissions over a three-hour block period.

(3) Visible Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0521 for the control of visible emissions.

(4) Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Sec. 3D- 0516 for the control of sulfur dioxide emissions.

(5) Odorous Emissions. Any incinerator subject to this Rule shall comply with Sec. 3D-0522 for the control of odorous emissions.

(6) Hydrogen Chloride. Any incinerator subject to this Rule shall control emissions of hydrogen chloride such that they do not exceed four pounds per hour unless they are reduced by at least 90 percent by weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry basis). Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(7) Mercury Emissions. Emissions of mercury and mercury compounds from the stack or chimney of any incinerator subject to this Rule shall not exceed 0.032 pounds per hour. Compliance with this Subparagraph shall be determined by averaging emissions over a one-hour period.

(8) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section 3D-1100 according to Section 3Q-0700.

(9) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, apply aggregately to all incinerators at a facility subject to this Rule:

(i)	arsenic and its compounds	2.3×10^{-7}
(ii)	beryllium and its compounds	4.1×10^{-6}
(iii)	cadmium and its compounds	5.5×10^{-6}
(iv)	chromium (VI) and its compounds	8.3×10^{-8}

(B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with incinerators subject to this Rule as their allowable emission limits unless Sec. 3D- 0524, 1110 or 1111 requires more restrictive rates.

(c) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) Crematory Incinerators. Gases generated by the combustion shall be subjected to a minimum temperature of 1600°F for a period of not less than one second.

(3) Other Incinerators. All incinerators not subject to any other rule in this Section shall meet the following requirement: Gases generated by the combustion shall be subjected to a minimum temperature of 1800°F for a period of not less than one second. The

temperature of 1800°F shall be maintained at least 55 minutes out of each 60-minute period, but at no time shall the temperature go below 1600°F.

(4) Except during start-up where the procedure has been approved according to Sec. ~~3D-0535(g)~~3D-0545(k), waste material shall not be loaded into any incinerator subject to this Rule when the temperature is below the minimum required temperature. Start-up procedures may be determined on a case-by-case basis according to Sec. ~~3D-0535(g)~~3D-0545(k). Any incinerator subject to this Rule shall have automatic auxiliary burners that are capable of maintaining the required minimum temperature in the secondary chamber excluding the heat content of the wastes.

(d) Test Methods and Procedures.

(1) The test methods and procedures described in Section 3D-2600 and in 40 CFR Part 60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals. However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(2) The Director shall require the owner or operator to test his incinerator to demonstrate compliance with the emission standards listed in Paragraph (b) of this Rule if necessary to determine compliance with the emission standards of Paragraph (b) of this Rule.

(e) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600.

(2) The owner or operator of an incinerator, except an incinerator meeting the requirements of Sec. 3D-1201 (c)(4)(A) through (D) of this Section, shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The Director shall require a temperature monitoring device for incinerators meeting the requirements of Sec. 3D-1201 (c)(4)(A) through (D) of this Section if the incinerator is in violation of the requirements of Sec. 3D-1201 (c)(4)(D) of this Section. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems. The Director shall require the owner or operator of an incinerator with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the incinerator. The Director shall require the owner or operator of an incinerator with a permitted charge rate of less than 750 pounds per hour to install, operate, and maintain

monitors for oxygen or for carbon monoxide or both if necessary to determine proper operation of the incinerator.

(f) Excess Emissions and Start-up and Shut-down. Any incinerator subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter. (7-24-00, 7-22-02)

Sec. 3D-1210. Commercial and industrial solid waste incineration units

(a) Applicability. With the exceptions in Paragraph (b) of this Rule, this Rule applies to the commercial and industrial solid waste incinerators (CISWI).

(b) Exemptions. The following types of incineration units are exempted from this Rule:

(1) incineration units covered under Sec. 3D-1203 through 1206;

(2) units, burning 90 percent or more by weight on a calendar-quarter basis, excluding the weight of auxiliary fuel and combustion air, of agricultural waste, pathological waste, low-level radioactive waste, or chemotherapeutic waste, if the owner or operator of the unit:

(A) notifies the Director that the unit qualifies for this exemption; and

(B) keeps records on a calendar-quarter basis of the weight of agricultural waste, pathological waste, low level radioactive waste, or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit;

(3) small power production or cogeneration units if;

(A) 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)) or as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B));

(B) the unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity; and

(C) the owner or operator of the unit notifies the Director that the unit qualifies for this exemption;

(4) units that combust waste for the primary purpose of recovering metals;

(5) cyclonic barrel burners;

(6) rack, part, and drum reclamation units that burn the coatings off racks used to hold small items for application of a coating;

(7) cement kilns;

(8) chemical recovery units burning materials to recover chemical constituents or to produce chemical compounds as listed in 40 CFR 60.2555(n)(1) through (7);

(9) laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis; and

(10) air curtain burners covered under Sec. 3D-1904.

(c) The owner or operator of a chemical recovery unit not listed under 40 CFR 60.2555(n) may petition the Director to be exempted. The petition shall include all the information specified under 40 CFR 60.2559(a). The Director shall approve the exemption if he finds that all the requirements of 40 CFR 60.2555(n) are satisfied and that the unit burns materials to recover chemical constituents or to produce chemical compounds where there is an existing market for such recovered chemical constituents or compounds.

(d) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.2875 apply in addition to the definitions in Sec. 3D-1202.

(e) Emission Standards. The emission standards in this Rule apply to all incinerators subject to this Rule except where Sec. 3D- 0524, 1110 or 1111 applies. When Subparagraph (12) or (13) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant applies, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(1) Particulate Matter. Emissions of particulate matter from a CISWI unit shall not exceed 70 milligrams per dry standard cubic meter corrected to seven percent oxygen (dry basis).

(2) Opacity. Visible emissions from the stack of a CISWI unit shall not exceed 10 percent opacity (6-minute block average).

(3) Sulfur Dioxide. Emissions of sulfur dioxide from a CISWI unit shall not exceed 20 parts per million by volume corrected to seven percent oxygen (dry basis).

(4) Nitrogen Oxides. Emissions of nitrogen oxides from a CISWI unit shall not exceed 368 parts per million by volume corrected to seven percent oxygen (dry basis).

(5) Carbon Monoxide. Emissions of carbon monoxide from a CISWI unit shall not exceed 157 parts per million by volume, corrected to seven percent oxygen (dry basis).

(6) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule 1806 of this Subchapter for the control of odorous emissions.

(7) Hydrogen Chloride. Emissions of hydrogen chloride from a CISWI unit shall not exceed 62 parts per million by volume, corrected to seven percent oxygen (dry basis).

(8) Mercury Emissions. Emissions of mercury from a CISWI unit shall not exceed 0.47 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(9) Lead Emissions. Emissions of lead from a CISWI unit shall not exceed 0.04 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(10) Cadmium Emissions. Emissions of cadmium from a CISWI unit shall not exceed 0.004 milligrams per dry standard cubic meter, corrected to seven percent oxygen.

(11) Dioxins and Furans. Emissions of dioxins and furans from a CISWI unit shall not exceed 0.41 nanograms per dry standard cubic meter (toxic equivalency basis), corrected to seven percent oxygen. Toxic equivalency is given in Table 4 of 40 CFR part 60, Subpart DDD.

(12) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Section 3D-1100 according to Section 3Q-0700.

(13) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, apply aggregately to all incinerators at a facility subject to this Rule:

(i) arsenic and its compounds $2.3x10^{-7}$

(ii) beryllium and its compounds $4.1x10^{-6}$

(iii) cadmium and its compounds $5.5x10^{-6}$

(iv) chromium (VI) and its compounds $8.3x10^{-8}$

(B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with incinerators as their allowable emission limits unless Sec. 3D-0524, 1110 or 1111 requires more restrictive rates.

(f) Operational Standards.

(1) The operational standards in this Rule do not apply to any incinerator subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) If a wet scrubber is used to comply with emission limitations:

(A) operating limits for the following operating parameters shall be established:

(i) maximum charge rate, which shall be measured continuously, recorded every hour, and calculated using one of the following procedures:

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

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

(ii) minimum pressure drop across the wet scrubber, which shall be measured continuously, recorded every 15 minutes, and calculated as 90 percent of:

(I) the average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations, or

(II) the average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations;

(iii) minimum scrubber liquor flow rate, which shall be measured continuously, recorded every 15 minutes, and calculated as 90 percent of the average liquor flow rate at the inlet to the wet scrubber measured during the most recent compliance test demonstrating compliance with all applicable emission limitations; and

(iv) minimum scrubber liquor pH, which shall be measured continuously, recorded every 15 minutes, and calculated as 90 percent of the average liquor pH at the inlet to the wet scrubber measured during the most recent compliance test demonstrating compliance with all applicable emission limitations;

(B) A three hour rolling average shall be used to determine if operating parameters in Subparts (A)(i) through (A)(iv) of this Subparagraph have been met.

(C) The owner or operator of the CISWI unit shall meet the operating limits established during the initial performance test on the date the initial performance test is required or completed.

(3) If a fabric filter is used to comply with the emission limitations, then it shall be operated as specified in 40 CFR 60.2675(c).

(4) If an air pollution control device other than a wet scrubber is used or if emissions are limited in some other manner to comply with the emission standards of Paragraph (e) of this Rule, the owner or operator shall petition the Director for specific operating limits that shall be established during the initial performance test and continuously monitored thereafter. The initial performance test shall not be conducted until after the Director approves the petition. The petition shall include:

(A) identification of the specific parameters to be used as additional operating limits;

(B) explanation 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;

(C) explanation of establishing the upper and lower limits for these parameters, which will establish the operating limits on these parameters;

(D) explanation of the methods and instruments used to measure and monitor these parameters, as well as the relative accuracy and precision of these methods and instruments;

(E) identification of the frequency and methods for recalibrating the instruments used for monitoring these parameters.

The Director shall approve the petition if he finds that the requirements of this Subparagraph have been satisfied and that the proposed operating limits will ensure compliance with the emission standards in Paragraph (e) of this Rule.

(g) Test Methods and Procedures.

(1) For the purposes of this Paragraph, "Administrator" in 40 CFR 60.8 means "Director".

(2) The test methods and procedures described in Section 3D-2600, in 40 CFR Part 60 Appendix A, 40 CFR Part 61 Appendix B, and 40 CFR 60.2690 shall be used to determine compliance with emission standards in Paragraph (e) this Rule. Method 29 of 40 CFR Part 60 shall be used to determine emission standards for metals. However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall be used for the analysis.

(3)# All performance tests shall consist of a minimum of three test runs conducted under conditions representative of normal operations. Compliance with emissions standards under Subparagraph (e)(1), (3) through (5), and (7) through (11) of this Rule shall be determined by averaging three one-hour emission tests. These tests shall be conducted within twelve months following the initial performance test and within every twelve months following the previous annual performance test after that.

(4) The owner or operator of CISWI shall conduct an initial performance test as specified in 40 CFR 60.8 to determine compliance with the emission standards in Paragraph (e) of this Rule and to establish operating standards using the procedure in Paragraph (f) of this Rule.

(5) The owner or operator of the CISWI unit shall conduct an annual performance test for particulate matter, hydrogen chloride, and opacity as specified in 40 CFR 60.8 to determine compliance with the emission standards for the pollutants in Paragraph (e) of this Rule.

(6) If the owner or operator of CISWI unit has shown, using performance tests, compliance with particulate matter, hydrogen chloride, and opacity for three consecutive years, the Director shall allow the owner or operator of CISWI unit to conduct performance tests for these three pollutants every third year. However, each test shall be within 36 months of the previous performance test. If the CISWI unit continues to meet the emission standards for these three pollutants the Director shall allow the owner or operator of CISWI unit to continue to conduct performance tests for these three pollutants every three years.

(7) If a performance test shows a deviation from the emission standards for particulate matter, hydrogen chloride, or opacity, the owner or operator of the CISWI unit shall conduct annual performance tests for these three pollutants until all performance tests for three consecutive years show compliance for particulate matter, hydrogen chloride, or opacity.

(8) The owner or operator of CISWI unit may conduct a repeat performance test at any time to establish new values for the operating limits.

(9) The owner or operator of the CISWI unit 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) If the Director has evidence that an incinerator is violating a standard in Paragraph (e) or (f) of this Rule or that the feed stream or other operating conditions have changed since the last performance test, the Director may require the owner or operator to test the incinerator to demonstrate compliance with the emission standards listed in Paragraph (e) of this Rule at any time.

(h) Monitoring.

(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600.

(2) The owner or operator of an incinerator subject to the requirements of this Rule shall establish, install, calibrate to manufacturers specifications, maintain, and operate:

(A) devices or methods for continuous temperature monitoring and recording for the primary chamber and, where there is a secondary chamber, for the secondary chamber;

(B) devices or methods for monitoring the value of the operating parameters used to determine compliance with the operating parameters established under Paragraph (f)(2) of this Rule:

(C) a bag leak detection system that meets the requirements of 40 CFR 60.2730(b) if a fabric filter is used to comply with the requirements of the emission standards in Paragraph (e) of this Rule:

(D) equipment necessary to monitor compliance with the cite-specific operating parameters established under Paragraph (f)(4) of this Rule.

(3) The Director shall require the owner or operator of a CISWI unit with a permitted charge rate of 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both as necessary to determine proper operation of the CISWI unit.

(4) The Director shall require the owner or operator of a CISWI unit with a permitted charge rate of 750 pounds per hour or less to install, operate, and maintain continuous monitors for oxygen or for carbon monoxide or both if necessary to determine proper operation of the CISWI unit.

(5) The owner or operator of the CISWI unit shall conduct all monitoring at all times the CISWI unit is operating, except;

(A) malfunctions and associated repairs;

(B) required quality assurance or quality control activities including calibrations checks and required zero and span adjustments of the monitoring system.

(6) The data recorded during monitoring malfunctions, associated repairs, and required quality assurance or quality control activities shall not be used in assessing compliance with the operating standards in Paragraph (f) of this Rule.

(i) Recordkeeping, and Reporting.

(1) The owner or operator of CISWI unit shall maintain records required by this Rule on site in either paper copy or electronic format that can be printed upon request for a period of five years.

(2) The owner or operator of CISWI unit shall maintain all records required under 40 CFR 60.2740.

(3) The owner or operator of CISWI unit shall submit as specified in Table 5 of 40 CFR 60, Subpart DDD the following reports:

(A) Waste management Plan;

(B) initial test report, as specified in 40 CFR 60.2760;

(C) annual report as specified in 40 CFR 60.2770;

(D) emission limitation or operating limit deviation report as specified in 40 CFR 60.2780;

(E) qualified operator deviation notification as specified in 40 CFR 60.2785(a)(1);

(F) qualified operator deviation status report, as specified in 40 CFR 60.2785(a)(2);

(G) qualified operator deviation notification of resuming operation as specified in 40 CFR 60.2785(b).

(4) The owner or operator of the CISWI unit shall submit a deviation report if:

(A) any recorded three-hour average parameter level is above the maximum operating limit or below the minimum operating limit established under Paragraph (f) of this Rule;

(B) the bag leak detection system alarm sounds for more than five percent of the operating time for the six-month reporting period; or

(C) a performance test was conducted that deviated from any emission standards in Paragraph (e) of this Rule.

The deviation report shall be submitted by August 1 of the 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).

(5) The owner or operator of the CISWI unit may request changing semiannual or annual reporting dates as specified in this Paragraph, and the Director may approve the request change using the procedures specified in 40 CFR 60.19(c).

(6) Reports required under this Rule shall be submitted electronically or in paper format, postmarked on or before the submittal due dates.

(7) If the CISWI unit has been shut down by the Director under the provisions of 40 CFR 60.2665(b)(2), due to failure to provide an accessible qualified operator, the owner or

operator shall notify the Director that the operations are resumed once a qualified operator is accessible.

(j) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~#Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter.

(k) Operator Training and Certification.

(1) The owner or operator of the CISWI unit shall not allow the CISWI unit to operate at any time unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or available within one hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more CISWI unit operators.

(2) Operator training and qualification shall be obtained by completing the requirements of 40 CFR 60.2635(c) by the later of:

(A)#six months after CISWI unit startup, or

(B)# six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

(3) Operator qualification is valid from the date on which the training course is completed and the operator passes the examination required in 40 CFR 60.2635(c)(2).

(4) Operator qualification shall be maintained by completing an annual review or refresher course covering:

(A) update of regulations;

(B) incinerator operation, including startup and shutdown procedures, waste charging, and ash handling;

(C) inspection and maintenance;

(D) responses to malfunctions or conditions that may lead to malfunction;

(E) discussion of operating problems encountered by attendees.

(5) Lapsed operator qualification shall be renewed by:

(A) completing a standard annual refresher course as specified in Subparagraph (4) of this Paragraph for a lapse less than three years, and

(B) repeating the initial qualification requirements as specified in Subparagraph (2) of this Paragraph for a lapse of three years or more.

(6) The owner or operator of the CISWI unit shall:

(A) have documentation specified in 40 CFR 60.2660(a)(1) through (10) and (c)(1) through (c)(3) available at the facility and accessible for all CISWI unit operators and are suitable for inspection upon request;

(B) establish a program for reviewing the documentation specified in Part (A) of this Subparagraph with each CISWI unit operator:

(i) the initial review of the documentation specified in Part (A) of this Subparagraph shall be conducted by the later of the three dates:

(I)# six months after CISWI unit startup, or

(II)# six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit; and

(ii)# subsequent annual reviews of the documentation specified in Part (A) of this Subparagraph shall be conducted no later than twelve months following the previous review

(7) The owner or operator of the CISWI unit shall meet one of the two criteria specified in 40 CFR 60.2665(a) and (b), depending on the length of time, if all qualified operators are temporarily not at the facility and not able to be at the facility within one hour.

(l) Prohibited waste. The owner or operator of a CISWI shall not incinerate any antifreeze (ethylene glycol) used solely in motor vehicles, aluminum cans, white goods, and lead-acid batteries, as provided in G.S. 130A-309.70.

(m) Waste Management Plan.

(1) The owner or operator of the CISWI unit shall submit a waste management plan to the Director that identifies in writing the feasibility and the methods used to reduce or separate components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

(2) The waste management plan shall include:

(A) consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; and the use of recyclable materials;

(B) a description of how antifreeze (ethylene glycol) used solely in motor vehicles, aluminum cans, white goods and lead-acid batteries are to be segregated from the waste stream for recycling or proper disposal.

(C) identification of any additional waste management measures; and

(D) implementation of those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures and the emissions reductions expected to be achieved and the environmental or energy impacts that the measures may have.

(n) The final control plan shall contain the information specified in 40 CFR 60.2600(a)(1) through (5), and a copy shall be maintained on site. (7-22-02)

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Sec. 3D-1211. Other solid waste incineration units

(a) Applicability. With the exceptions in Paragraph (b), this Rule applies to other solid waste incineration (OSWI) units.

(b) Exemptions. The following types of incineration units are exempted from this Rule:

(1) incineration units covered under Sec. 3D-1203 through 1206 and 1210;

(2) units, burning 90 percent or more by weight on a calendar-quarter basis, excluding the

weight of auxiliary fuel and combustion air, pathological waste, low-level radioactive waste, or chemotherapeutic waste, if the owner or operator of the unit:

(A) notifies the Director that the unit qualifies for this exemption; and

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

(3) Cogeneration units if;

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

(B) 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; and

(C) The owner or operator of the unit notifies the Director that the unit qualifies for this exemption;

(4) Small power production unit if:

(A) 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));

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity; and

(C) The owner or operator of the unit notifies the Director that the unit qualifies for this exemption.

(5) units that combust waste for the primary purpose of recovering metals;

(6) rack, part, and drum reclamation units that burn the coatings off racks used to hold items for application of a coating;

(7) cement kilns;

(8) laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis;

(9) air curtain burners covered under Sec. 3D-1904;

(10) institutional boilers and process heaters regulated under 40 CFR Part 63, Subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters);

(11) rural institutional waste incinerators that meet the conditions in 40 CFR 60.2993(h);

(12) incinerators that combust contraband or prohibited goods if owned or operated by a government agency, such as police, customs, agricultural inspection, or a similar agency, to destroy only illegal or prohibited goods, such as illegal drugs, or agricultural food products that cannot be transported into the country or across state lines to prevent biocontamination. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities; or

(13) Incinerators used for national security and is used solely:

(A) to destroy national security materials integral to the field exercises during

military training field exercises; or

(B) to incinerate national security materials when necessary to safeguard national security if the owner or operator follows to procedures in 40 CFR 60.2993(q)(2) to receive this exemption.

(c) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.3078 shall apply in addition to the definitions in Sec. 3D-1202.

(d) Emission Standards. The emission standards in this Rule apply to all incinerators subject to this Rule except where Sec. 3D-0524, 1110 or 1111 applies. When Subparagraphs (12) or (13) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(1) Particulate Matter. Emissions of particulate matter from an OSWI unit shall not exceed 0.013 grains per dry standard cubic foot corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(2) Opacity. Visible emissions from the stack of an OSWI unit shall not exceed 10 percent opacity (6-minute block average with 1 hour minimum sample time per run).

(3) Sulfur Dioxide. Emissions of sulfur dioxide from an OSWI unit subject to the requirements of this Rule shall not exceed 3.1 parts per million by volume corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(4) Nitrogen Oxides. Emissions of nitrogen oxides from an OSWI unit shall not exceed 103 parts per million by dry volume corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(5) Carbon Monoxide. Emissions of carbon monoxide from an OSWI unit shall not exceed 40 parts per million by dry volume, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run) and 12-hour rolling averages measured using continuous emissions monitoring system (CEMS).

(6) Odorous Emissions. An OSWI unit shall comply with Rule 1806 of this Subchapter for the control of odorous emissions.

(7) Hydrogen Chloride. Emissions of hydrogen chloride from an OSWI unit shall not exceed 15 parts per million by dry volume, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(8) Mercury Emissions. Emissions of mercury from an OSWI unit shall not exceed 74 micrograms per dry standard cubic meter, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(9) Lead Emissions. Emissions of lead from an OSWI unit shall not exceed 226 micrograms per dry standard cubic meter, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(10) Cadmium Emissions. Emissions of cadmium from an OSWI unit shall not exceed 18 micrograms per dry standard cubic meter, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(11) Dioxins and Furans. Emissions of dioxins and furans from an OSWI unit shall not exceed 33 nanograms per dry standard cubic meter, corrected to seven percent oxygen, dry basis (3-run average with 1 hour minimum sample time per run).

(12) Toxic Emissions. The owner or operator of any incinerator subject to the requirements of this Rule shall demonstrate compliance with Section 3D-1100 according to Section 3Q-0700.

(13) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400 the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77°F (25°C) and 29.92 inches (760 mm) of mercury pressure, and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:

POLLUTANT	STANDARD
arsenic and its compounds	2.3x10-7
beryllium and its compounds	4.1x10-6
cadmium and its compounds	5.5x10-6
chromium (VI) and its compounds	8.3x10-8

(B) The owner or operator of a facility with OSWI units subject to this Rule shall demonstrate compliance with the ambient standards in Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with incinerators as their allowable emission limits unless Sec 3D-0524, 1110 or 1111 requires more restrictive rates.

(e) Operational Standards.

(1) The operational standards in this Rule do not apply to an OSWI unit when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) The owner or operator of the OSWI shall meet the emission standards in Paragraph (d) of this Rule by July 1, 2010 or completed, whichever comes earlier.

(3) If a wet scrubber is used to comply with emission limitations, then the owner or operator of the OSWI unit:

(A) shall establish operating limits for the four operating parameters as specified in the Table 3 of 40 CFR 60, Subpart FFFF and as described in Paragraphs 40 CFR 60.3023(a) during the initial performance test, and;

(B) shall meet the operating limits established during the initial performance test beginning on July 1, 2010.

(4) If an air pollution control device other than a wet scrubber is used or if emissions are limited in some other manner to comply with the emission standards of Paragraph (d) of this Rule, the owner or operator of the OSWI unit subject to the requirements of this Rule shall petition the US Environmental Protection Agency (EPA) for specific operating limits that shall be established during the initial performance test and continuously monitored thereafter. The initial performance test shall not be conducted until after the EPA approves the petition. The petition shall include the five items listed in the Paragraph 40 CFR 60.3024(a) through (e).

(f) Periods of Startup, Shutdown, and Malfunction. The emission and operating standards apply at all times except during OSWI unit startups, shutdowns, or malfunctions.

(g) Test Methods and Procedures.

(1) The test methods and procedures described in Sec. 3D-0501, 40 CFR Part 60, Appendix A, 40 CFR Part 61, Appendix B, and 40 CFR 60.3027 shall be used to determine compliance with the emission standards in Paragraph (d) this Rule.

(2) The owner or operator of OSWI unit shall conduct:

(A)# an initial performance test as required under 40 CFR 60.8 and according to 40 CFR 60.3027, no later than July 1, 2010; and after that;

(B) annual performance tests according to 40 CFR 60.3027 and 40 CFR 60.3033, within 12 months following the initial performance test and within each 12 months thereafter.

(3) Reserved.

(4) The owner or operator of OSWI unit shall use the results of these tests:

(A) to demonstrate compliance with the emission standards in Paragraph (d) this Rule, and;

(B) to establish operating standards using the procedures in Subparagraphs (e)(3) and (e)(4) of this Rule.

(5) The owner or operator of OSWI unit may conduct annual performance testing less often if the requirements of 40 CFR 60.3035 are met.

(6) The owner or operator of OSWI unit 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 if he finds that the current operating limits are no longer appropriate.

(h) Monitoring.

(1) The owner or operator of OSWI unit shall comply with the monitoring, recordkeeping, and reporting requirements in Section 3D-0600 and in 40 CFR 60.13, Monitoring Requirements.

(2) The owner or operator of OSWI unit shall:

(A) install, calibrate to manufacturers specifications, maintain, and operate continuous emission monitoring systems for carbon monoxide and for oxygen. The oxygen concentration shall be monitored at each location where the carbon

monoxide concentrations are monitored;

(B) operate the continuous monitoring system according to 40 CFR 60.3039;

(C) conduct daily, quarterly, and annual evaluations of the continuous emission monitoring systems according to 40 CFR 60.3040;

(D) collect the minimum amount of monitoring data using the procedures in 40 CFR 60.3041(a) through (e) if the continuous emission monitoring system is operating or the procedures in 40 CFR 60.3041(f) if the continuous emissions monitoring system is temporarily unavailable; and

(E) convert the one-hour arithmetic averages into the appropriate averaging times and units as specified in 40 CFR 60.3042 to monitor compliance with the emission standards in Paragraph (d) of this Rule.

(3) The owner or operator of OSWI unit shall:

(A) install, calibrate to manufacturers specifications, maintain, and operate devices or establish methods for monitoring or measuring the operating parameters as specified in 40 CFR 60.3043; and

(B) obtain operating parameter monitoring data as specified in 40 CFR 60.3044 to monitor compliance with the operational standards in Paragraph (e) of this Rule.

(i) Recordkeeping and Reporting. The owner or operators of an OSWI unit:

(1) shall maintain all records required specified in 40 CFR 60.3046;

(2) shall keep and submit records according to 40 CFR 60.3047;

(3) shall submit, as specified in 40 CFR 60.3048, the following reports:

(A) an initial test report and operating limits, as specified in 40 CFR 60.3049(a) and (b);

(B) a waste management plan as specified in 40 CFR 60.3049(c); and

(C) an annual report as specified in 40 CFR 60.3050 and 40 CFR 60.3051;

(D) a deviation report as specified in 40 CFR 60.3053 if a deviation from the operating limits or the emission limitations occurs according to 40 CFR 60.3052(a); the deviation report shall be submitted following 40 CFR 60.3052(b);

(E) a deviation report according to 40 CFR 60.3054(a) if a deviation from the requirement to have a qualified operator accessible occurs;

(4) shall keep records and submit reports and notifications as required by 40 CFR 60.7;

(5) may request changing semiannual or annual reporting dates as specified in this Paragraph; the Director may approve the request change using the procedures in 40 CFR 60.19(f).

(6) shall submit reports in electronic or paper format postmarked on or before the submittal due dates.

(j) Excess Emissions and Start-up and Shut-down. All OSWI units shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~Treatment for malfunction events and

work practices for start-up and shut-down operations, of this Subchapter.

(k) Operator Training and Certification.

(1) No OSWI unit shall be operated unless a fully trained and qualified OSWI unit operator is accessible, either at the facility or available within one hour. The trained and qualified OSWI unit operator may operate the OSWI unit directly or be the direct supervisor of one or more other plant personnel who operate OSWI unit.

(2) Operator training and qualification shall be obtained by completing the requirements of 40 CFR 60.3014(c) by the latest of:

(A) January 1, 2010,

(B)# six months after OSWI unit startup, or

(C)# six months after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.

(3) Operator qualification shall be valid from the date on which the training course is completed and the operator successfully passes the examination required in 40 CFR 60.3014 (c)(2).

(4) Operator qualification shall be maintained by completing an annual review or refresher course covering:

(A) update of regulations;

(B) incinerator operation, including startup and shutdown procedures, waste charging, and ash handling;

(C) inspection and maintenance;

(D) responses to malfunctions or conditions that may lead to malfunction; and

(E) discussion of operating problems encountered by attendees.

(5) Lapsed operator qualification shall be renewed by:

(A) Completing a standard annual refresher course as specified in Subparagraph (4) of this Paragraph for a lapse less than three years, and

(B) Repeating the initial qualification requirements as specified in Subparagraph (3) of this Paragraph for a lapse of three years or more.

(6) The owner or operator of the OSWI unit subject to the requirements of this Rule shall:

(A) have documentation specified in 40 CFR 60.3019(a) and (c) available at the facility and readily accessible for all OSWI unit operators and are suitable for inspection upon request;

(B) establish a program for reviewing the documentation specified in Part (A) of this Subparagraph with each OSWI unit operator in a manner that the initial review of the information listed in Part (A) of this Subparagraph shall be conducted by the later of the three dates: January 1, 2010, six month after OSWI unit startup, or six month after an employee assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit; and subsequent annual reviews of the information listed in Part (A) of this Subparagraph shall be conducted no later than twelve month

following the previous review.

(7) The owner or operator of the OSWI unit shall follow the procedures in 40 CFR 60.3020 if all qualified OSWI unit operators are temporarily not at the facility and not able to be at the facility within one hour.

(l) Waste Management Plan.

(1) The owner or operator of the OSWI unit shall submit a waste management plan that identifies in writing the feasibility and the methods used to reduce or separate components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste. A waste management plan shall be submitted to the Director before September 1, 2010.

(2) The waste management plan shall include:

(A) consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; and the use of recyclable materials;

(B) identification of any additional waste management measures;

(C) implementation of those measures considered practical and feasible, based on the effectiveness of waste management measures already in place;

(D) the costs of additional measures and the emissions reductions expected to be achieved; and

(E) any other environmental or energy impacts.

(m) Compliance Schedule.

(1) This Paragraph applies only to OSWI that commenced construction on or before December 9, 2004.

(2) The owner or operator of an OSWI unit shall submit a permit application, including a compliance schedule, to the Director before January 1, 2008.

(3) All OSWI shall be in compliance with this Rule no later than January 1, 2010.

(4) The owner or operator of a CISWI unit shall notify the Director within 10 business days after the OSWI unit is to be in final compliance whether the final compliance has been achieved. The final compliance is achieved by completing all process changes and retrofitting construction of control devices, as specified in the permit application and required by its permit, so that, if the affected OSWI unit is brought on line, all necessary process changes and air pollution control devices would operate as designed and permitted. If the final compliance has not been achieved the owner or operator of the OSWI unit, shall submit a notification informing the Director that the final compliance has not been met and submit reports each subsequent calendar month until the final compliance is achieved.

(5) The owner or operator of an OSWI unit who closes the OSWI unit and restarts it before January 1, 2010 shall submit a permit application, including a compliance schedule, to the Director. Final compliance shall be achieved by January 1, 2010.

(6) The owner or operator of an OSWI unit who closes the OSWI unit and restarts it after

January 1, 2010, shall submit a permit application to the Director and shall complete the emission control retrofit and meet the emission limitations of this Rule by the date that the OSWI unit restarts operation. The initial performance test shall be conducted within 30 days of restarting the OSWI unit.

(7) The permit applications for OSWI units shall be processed under Section 3Q-0500, Title V Procedures.

(8) The owner or operator of an OSWI unit who plans to close it rather than comply with the requirements of this Rule shall submit a closure notification including the date of closure to the Director by January 1, 2008, and shall cease operation by January 1, 2010.

Sec. 3D-1212. Small municipal waste combustors

(a) Applicability. This Rule applies to Class I municipal waste combustors, as defined in Sec. 3D-1202.

(b) Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.1940 (except administrator means the Director of the Division of Air Quality) apply in addition to the definitions in Sec. 3D-1202.

(c) Emission Standards.

(1) The emission standards in this Paragraph apply to any municipal waste combustor subject to the requirements of this Rule except where Sec. 3D-0524, 1110 or 1111. However, when Subparagraphs (13) or (14) of this Paragraph and Sec. 3D-0524, 1110 or 1111 regulate the same pollutant, the more restrictive provision for each pollutant applies, notwithstanding provisions of Sec. 3D-0524, 1110 or 1111 to the contrary.

(2) Particulate Matter. Emissions of particulate matter from each municipal waste combustor shall not exceed 27 milligrams per dry standard cubic meter corrected to seven percent oxygen.

(3) Visible Emissions. The emission limit for opacity from each municipal waste combustor shall not exceed 10 percent average during any six-minute period.

(4) Sulfur Dioxide. Emissions of sulfur dioxide from each municipal waste combustor shall not exceed 31 parts per million by volume, dry basis, or potential sulfur dioxide emissions shall be reduced by at least 75 percent volume, dry basis, whichever is less stringent. Percent reduction shall be determined from continuous emissions monitoring data and in accordance with Reference Method 19, Section 12.5.4 of 40 CFR Part 60, Appendix A-7. Compliance with either standard is based on a 24-hour daily block geometric average of concentration data corrected to seven percent oxygen.

(5) Nitrogen Oxide. Emissions of nitrogen oxide from each municipal waste combustor shall not exceed the emission limits in Table 3 of 40 CFR Part 60, Subpart BBBB.

(6) Odorous Emissions. Each municipal waste combustor shall comply with Rule 1806 of this Subchapter for the control of odorous emissions.

(7) Hydrogen Chloride. Emissions of hydrogen chloride from each municipal waste combustor shall not exceed 31 milligrams per dry standard cubic meter (31 parts per million by weight as determined by Reference Method 26 or 26A of 40 CFR Part 60, Appendix A-8) or potential hydrogen chloride emissions shall be reduced by at least 95 percent of the mass concentration, dry basis, whichever is less stringent. Compliance with this Part shall be determined by averaging emissions over three one-hour test runs, with paired data sets for percent reduction and correction to seven percent oxygen.

(8) Mercury Emissions. Emissions of mercury from each municipal waste combustor shall not exceed 0.080 milligrams per dry standard cubic meter (as determined by Reference Method 29 of 40 CFR Part 60, Appendix A-8) or potential mercury emissions shall be reduced by at least 85 percent of the mass concentration, basis, whichever is less stringent. Compliance with this Subparagraph shall be determined by averaging emissions over three one-hour test runs, with paired data sets for percent reduction and correction to seven percent oxygen.

(9) Lead Emissions. Emissions of lead from each municipal waste combustor shall not exceed 0.490 milligrams per dry standard cubic meter and corrected to seven percent oxygen (as determined by Reference Method 29 of 40 CFR Part 60, Appendix A-8).

(10) Cadmium Emissions. Emissions of cadmium from each municipal waste combustor shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to seven percent oxygen (as determined by Reference Method 29 of 40 CFR Part 60, Appendix A-8).

(11) Dioxins and Furans. Emissions of dioxins and furans from each municipal waste combustor shall not exceed:

(A) 60 nanograms per dry standard cubic meter (total mass) for facilities that employ an electrostatic precipitator-based emission control system, or

(B) 30 nanograms per dry standard cubic meter (total mass) for facilities that do not employ an electrostatic precipitator-based emission control system.

Compliance with this Subparagraph shall be determined by averaging emissions over three test runs with a minimum four hour run duration, performed in accordance with Reference Method 23 of 40 CFR Part 60, Appendix A-7, and corrected to seven percent oxygen.

(12) Fugitive Ash.

(A) On or after the date on which the initial performance test is completed, no owner or operator of a municipal waste combustor shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of five percent of the observation period as determined by Reference Method 22 (40 CFR Part 60,

Appendix A-7), except as provided in Part (B) of this Subparagraph. Compliance with this Part shall be determined from at least three 1-hour observation periods when the facility transfers ash from the municipal waste combustor to the area where the ash is stored or loaded into containers or trucks.

(B) The emission limit specified in Part (A) of this Subparagraph covers visible emissions discharged to the atmosphere from buildings or enclosures, not the visible emissions discharged inside of the building or enclosures, of ash conveying systems.

(13) Toxic Emissions. The owner or operator of a municipal waste combustor shall demonstrate compliance with Section 3D-1100 in accordance with Section 3Q-0700.

(14) Ambient Standards.

(A) In addition to the ambient air quality standards in Section 3D-0400, the following annual average ambient air quality standards in milligrams per cubic meter (77 degrees Fahrenheit, 25 degrees Celsius, and 29.92 inches, 760 millimeters of mercury pressure) are arsenic and its compounds (2.3x10-7), beryllium and its compounds (4.1x10-6), cadmium and its compounds (5.5x10-6), and chromium (VI) and its compounds (8.3x10-8). These are increments above background concentrations and apply aggregately to all municipal waste combustors at a facility.

(B) The owner or operator of a facility with municipal waste combustors shall demonstrate compliance with the ambient standards in Part (A) of this Subparagraph by following the procedures set out in Sec. 3D-1106. Modeling demonstrations shall comply with the good engineering practice stack height requirements of Sec. 3D-0533.

(C) The emission rates computed or used under Part (B) of this Subparagraph that demonstrate compliance with the ambient standards under Part (A) of this Subparagraph shall be specified as a permit condition for the facility with municipal waste combustors as their allowable emission limits unless Sec 3D-0524, 1110 or 1111 requires more restrictive rates.

(15) The emission standards of Subparagraphs (1) through (14) of this Paragraph apply at all times except during periods of municipal waste combustor startup, shutdown, or malfunction that last no more than three hours.

(d) Operational Standards.

(1) The operational standards in this Rule do not apply to any municipal waste combustors subject to this Rule when applicable operational standards in Sec. 3D-0524, 1110 or 1111 apply.

(2) Each municipal waste combustor shall meet the following operational standards:

(A) The concentration of carbon monoxide at the municipal waste combustor outlet shall not exceed the concentration in Table 5 of 40 CFR Part 60, Subpart BBBB

for each municipal waste combustor. The municipal waste combustor technology named in this table is defined in 40 CFR 60.1940.

(B) The load level shall not exceed 110 percent of the maximum demonstrated municipal waste combustor load determined from the highest four-hour block arithmetic average achieved during four consecutive hours in the course of the most recent dioxins and furans stack test that demonstrates compliance with the emission limits of Paragraph (c) of this Rule.

(C) The temperature at which the combustor operates measured at the particulate matter control device inlet shall not exceed 63 degrees F (17 degrees C) above the maximum demonstrated particulate matter control device temperature determined from the highest 4-hour block arithmetic average measured at the inlet of the particulate matter control device during four consecutive hours in the course of the most recent dioxins and furans stack test that demonstrates compliance with the emission limits of Paragraph (c) of this Rule.

(D) The owner or operator of a municipal waste combustor with activated carbon control system to control dioxins and furans or mercury emissions shall maintain an eight-hour block average carbon feed rate at or above the highest average level established during the most recent dioxins and furans or mercury test. The owner or operator of a municipal waste combustor shall calculate the required quarterly usage of carbon using the equation in 40 CFR 60.1935(f).

(E) The owner or operator of a municipal waste combustor is exempted from limits on load level, temperature at the inlet of the particular matter control device, and carbon feed rate during the annual tests for dioxins and furans, the annual mercury tests (for carbon feed requirements only), the two weeks preceding the annual tests for dioxins and furans, and the two weeks preceding the annual mercury tests (for carbon feed rate requirements only).

(F) The limits on load level for a municipal waste combustor are waived when the Director concludes that the emission control standards would not be exceeded based on test activities to evaluate system performance, test new technology or control technology, perform diagnostic testing, perform other activities to improve the performance; or perform other activities to advance the state of the art for emissions controls.

(3) The operational standards of this Paragraph apply at all times except during periods of municipal waste combustor startup, shutdown, or malfunction that last no more than three hours. For periods of municipal waste combustor startup, shutdown, or malfunction that last more than three hours emission data shall not be discarded from compliance calculations and all provisions of 40 CFR 60.11(d) apply. During all periods of municipal waste combustor startup, shutdown, or malfunction, data shall be recorded and reported in accordance with the provisions of Paragraphs (f) and (g) of this Rule.

(e) Test Methods and Procedures.

(1) References contained in Table 8 of 40 CFR Part 60, Subpart BBBB shall be used to determine the sampling location, pollutant concentrations, number of traverse points, individual test methods, and other testing requirements for the different pollutants.

(2) Stack tests for all the pollutants shall consist of at least three test runs, as specified in 40 CFR 60.8 and use the average of the pollutant emission concentrations from the three test runs to determine compliance with the applicable emission limits of Paragraph (c).

(3) An oxygen (or carbon dioxide) measurement shall be obtained at the same time as pollutant measurements to determine diluent gas levels, as specified in 40 CFR 60.1720.

(4) The equations in 40 CFR 60.1935 shall be used to calculate emission levels at 7 percent oxygen (or an equivalent carbon dioxide basis), the percent reduction in potential hydrogen chloride emissions, and the reduction efficiency for mercury emissions. Other required equations are contained in individual test methods specified in Table 6 of 40 CFR Part 60, Subpart BBBB.

(5) The owner or operator may apply to the Director for approval under 40 CFR 60.8(b) to use a reference method with minor changes in methodology, use an equivalent method, use an alternative method the results of which the Director has determined are adequate for demonstrating compliance, waive the requirement for a performance test because the owner or operator have demonstrated compliance by other means, or use a shorter sampling time or smaller sampling volume.

(6) The test methods and procedures described in Section 3D-2600, 40 CFR Part 60, Appendix A and 40 CFR Part 61, Appendix B shall be used to determine compliance with emission standards in Paragraph (c) according to table 8 of 40 CFR Part 60, Subpart BBBB.

(7) Method 29 of 40 CFR Part 60, Appendix A-8 shall be used to determine emission rates for metals for toxic evaluations except for chromium (VI). Method 29 shall be used only to collect samples and SW 846 Method 0060 shall be used to analyze the samples of chromium (VI).

(8) The owner or operator shall conduct initial stack tests to measure the emission levels of dioxins and furans, cadmium, lead, mercury, beryllium, arsenic, chromium (VI), particulate matter, opacity, hydrogen chloride, and fugitive ash. Annual stack tests for the same pollutants except beryllium, arsenic, and chromium (VI) shall be conducted no less than 9 months and no more than 15 months since the previous test and must complete five performance tests in each 5-year calendar period.

(9) The owner or operator must use results of stack tests for dioxins and furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash to demonstrate compliance with the applicable emission limits in this rule except for carbon monoxide, nitrogen oxides, and sulfur dioxide.

(10) The owner or operator must use results of continuous emissions monitoring of carbon monoxide, nitrogen oxides, and sulfur dioxide to demonstrate compliance with the applicable emission limits in this rule. The data from the continuous opacity monitoring system shall not be used to determine compliance with the opacity limit.

(11) The testing frequency for dioxin and furan may be reduced if the conditions under 40 CFR 60.1795(b) are met.

(12) The Director may require the owner or operator of any municipal waste combustor subject to this Rule to test his municipal waste combustor to demonstrate compliance with the emission standards in Paragraph (c) of this Rule.

(f) Monitoring, Recordkeeping, and Reporting.

(1) The owner or operator shall comply with the monitoring, recordkeeping, and reporting requirements developed pursuant to Section 3D-0600.

(2) The owner or operator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous parametric monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems.

(3) The owner or operator shall:

(A) install, calibrate, operate, and maintain, for each municipal waste combustor, continuous emission monitors to determine opacity, sulfur dioxide emissions, nitrogen oxides emissions, carbon monoxide, and oxygen (or carbon dioxide) according to 40 CFR 60.1715 through 60.1770;

(B) monitor load level of each municipal waste combustor according to 40 CFR 60.1810 and 60.1825;

(C) monitor temperature of the flue gases at the inlet of the particulate matter air pollution control device according to 40 CFR 60.1815 and 60.1825;

(D) monitor carbon feed rate if activated carbon is used to abate dioxins and furans or mercury emissions according to 40 CFR 60.1820 and 60.1825;

(E) maintain records of the information listed in 40 CFR 60.1830 through 60.1855 for a period of at least five years;

(F) submit a semiannual report specified in 40 CFR 60.1885, no later than February 1 and August 1 each year; and

(G) submit semiannual reports specified in 40 CFR 60.1900 of any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified in this Section using the schedule specified in 40 CFR 60.1895.

(g) Excess Emissions and Start-up and Shut-down. All municipal waste combustors subject to this Rule shall comply with Sec. ~~3D-0535~~3D-0545, ~~Excess Emissions Reporting and Malfunctions~~# Treatment for malfunction events and work practices for start-up and shut-down operations, of this Subchapter.

(h) Operator Certification.

(1) Each chief facility operator and shift supervisor shall obtain and keep a current provisional certification within six months after he transfers to the municipal waste combustion facility or six months after he is hired to work at the municipal waste combustor facility.

(2) Each chief facility operator and shift supervisor shall have obtained a full certification or have scheduled a full certification exam with the American Society of Mechanical Engineers (ASME QRO-1-1994) after he transfers to the municipal waste combustor facility or six months after he is hired to work at the municipal waste combustor facility.

(3) The owner or operator of a municipal waste combustor facility shall not allow the facility to be operated at any time unless one of the following persons is on duty at the affected facility:
   (A) a fully certified chief facility operator;
   (B) a provisionally certified chief facility operator who is scheduled to take the full certification exam;
   (C) a fully certified shift supervisor; or
   (D) a provisionally certified shift supervisor who is scheduled to take the full certification exam.

(4) If the certified chief facility operator and certified shift supervisor both are unavailable, a provisionally certified control room operator at the municipal waste combustor may fulfill the certified operator requirement. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, one of three criteria shall be met:
   (A) When the certified chief facility operator and certified shift supervisor are both offsite for 12 hours or less and no other certified operator is on-site, the provisionally certified control room operator may perform those duties without notice to or approval by the Director.
   (B) When the certified chief facility operator and certified shift supervisor are offsite for more than 12 hours, but for two weeks or less, and no other certified operator is on-site, the provisionally certified control room operator may perform those duties without notice to or approval by the Director. However, the owner or operator must record the periods when the certified chief facility operator and certified shift supervisor are offsite and include the information in the annual report as specified under 40 CFR 60.1885(l).
   (C) When the certified chief facility operator and certified shift supervisor are offsite for more than two weeks and no other certified operator is on-site, the provisionally certified control room operator may perform those duties without notice to or approval by the Director. However, the owner or operator shall notify the Director in writing and submit a status report and corrective action summary to the Director every four weeks. In the notice, the owner or operator

shall state what caused the absence and what is being done to ensure that a certified chief facility operator or certified shift supervisor is on-site. If the Director notifies the owner or operator that the status report or corrective action summary is disapproved, the municipal waste combustor may continue operation for 90 days, but then shall cease operation. If corrective actions are taken in the 90-day period such that the Director withdraws the disapproval, municipal waste combustor operations may continue.

(D) The Director shall disapprove the status report and corrective action summary report, described in Part (C) of this Subparagraph, if operating permit requirements are not being met, the status or corrective action reports indicate that the effort to have a certified chief facility operator or certified shift supervisor on site as expeditiously as practicable is not being met, or the reports are not delivered in a timely manner.

The referenced ASME exam (ASME QRO-1-1994), "Standard for the Qualification and Certification of Resource Recovery Facility Operators," in this Paragraph is hereby incorporated by reference and includes subsequent amendments and editions. Copies of the referenced ASME exam may be obtained from the American Society of Mechanical Engineers (ASME), 22 Law Drive, Fairfield, NJ 07007, at a cost of forty-nine dollars ($49.00).

(i) Training.

(1) The owner or operator of each municipal waste combustor shall develop and update on a yearly basis a site-specific operating manual that shall address:

(A) a summary of all applicable requirements in this Rule;

(B) a description of the basic combustion principles that apply to municipal waste combustors;

(C) procedures for receiving, handling, and feeding municipal solid waste;

(D) procedures to be followed during periods of startup, shutdown, and malfunction of the municipal waste combustor;

(E) procedures for maintaining a proper level of combustion air supply;

(F) procedures for operating the municipal waste combustor in compliance with the requirements contained in 40 CFR 60 Subpart JJJ;

(G) procedures for responding to periodic upset or off-specification conditions;

(H) procedures for minimizing carryover of particulate matter;

(I) procedures for handling ash;

(J) procedures for monitoring emissions from the municipal waste combustor; and

(K) procedures for recordkeeping and reporting.

The operating manual shall be updated continually and be kept in a readily accessible location for all persons required to undergo training under Subparagraph (2) of this Paragraph. The operating manual and records of training shall be available for inspection by the personnel of the Division on request.

(2) The owner or operator of the municipal waste combustor plant shall establish a training program to review the operating manual according to the schedule specified in Parts (A) and (B) of this Subparagraph with each person who has responsibilities affecting the operation of the facility including chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane and load handlers:

(A) A date prior to the day when the person assumes responsibilities affecting municipal waste combustor operation; and

(B) Annually, following the initial training required by Part (A) of this Subparagraph.

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Sec. 3D-1404. Recordkeeping: reporting: monitoring:

(a) General requirements. The owner or operator of any source shall comply with the monitoring, recordkeeping and reporting requirements in Section 3D-0600 and shall maintain all records necessary for determining compliance with all applicable limitations and standards of this Section for five years.

(b) Submittal of information to show compliance status. The owner or operator of any source shall maintain and, when requested by the Director, submit any information required by this Section to determine the compliance status of an affected source.

(c) Excess emissions reporting. The owner or operator shall report excess emissions following the procedures under Sec. ~~3D-0535~~3D-0545.

(d) Continuous emissions monitors.

(1) The owner or operator shall install, operate, and maintain a continuous emission monitoring system according to 40 CFR Part 75, Subpart H, with such exceptions as may be allowed under 40 CFR Part 75, Subpart H or 40 CFR Part 96 if the source is covered under Sec. 3D-1418 except internal combustion engines.

(2) The owner or operator of a source that is subject to the requirements of this Section but not covered under Subparagraph (1) of this Paragraph and that uses a continuous emissions monitoring system to measure emissions of nitrogen oxides shall operate and maintain the continuous emission monitoring system according to 40 CFR Part 60, Appendix B, Specification 2, and Appendix F or Part 75, Subpart H. If diluent monitoring is required, 40 CFR Part 60, Appendix B, Specification 3, shall be used. If flow monitoring is required, 40 CFR Part 60, Appendix B, Specification 6, shall be used.

(3) The owner or operator of the following sources is not required to use continuous emission monitors unless the Director determines that a continuous emission monitor is necessary under Sec. 3D-0611 to show compliance with the rules of this Section:

(A) a boiler or indirect-fired process heater covered under Sec. 3D-1407 with a maximum heat input less than or equal to 250 million Btu per hour;

(B) stationary internal combustion engines covered under Sec. 3D-1409 except for engines covered under Sec. 3D-1409 (b) and 1418.

(e) Missing data.

(1) If data from continuous emission monitoring systems required to meet the requirements of 40 CFR Part 75 are not available at a time that the source is operated, the procedures in 40 CFR Part 75 shall be used to supply the missing data.

(2) For continuous emissions monitors not covered under Subparagraph (1) of this Paragraph, data shall be available for at least 95 percent of the emission sources operating hours for the applicable averaging period, where four equally spaced readings constitute a valid hour. If data from continuous emission monitoring systems are not available for at least 95 percent of the time that the source is operated, the owner or operator of the monitor shall:

(A) use the procedures in 40 CFR 75.33 through 75.37 to supply the missing data: or

(B) document that the combustion source or process equipment and the control device were being properly operated (acceptable operating and maintenance procedures are being used, such as, compliance with permit conditions, operating and maintenance procedures, and preventative maintenance program, and monitoring results and compliance history) when the monitoring measurements were missing.

(f) Quality assurance for continuous emissions monitors.

(1) The owner or operator of a continuous emission monitor required to meet 40 CFR Part 75, Subpart H, shall follow the quality assurance and quality control requirements of 40 CFR Part 75, Subpart H.

(2) For a continuous emissions monitor not covered under Subparagraph (1) of this Paragraph, the owner or operator of the continuous emissions monitor shall follow the quality assurance and quality control requirements of 40 CFR Part 60, Appendix F, if the monitor is required to be operated annually under another rule. If the continuous emissions monitor is being operated only to satisfy the requirements of this Section, then the quality assurance and quality control requirements of 40 CFR Part 60, Appendix F, shall apply except that:

(A) a relative accuracy test audit shall be conducted after January 1 and before May 1 of each year;

(B) one of the following shall be conducted at least once between May 1 and September 30 of each year:

(i) a linearity test, according to 40 CFR Part 75, Appendix A, Section 3.2, 6.2, and 7.1;

(ii) a relative accuracy audit, according to 40 CFR Part 60, Appendix F, Section 5 and 6; or

(iii) a cylinder gas audit according to 40 CFR Part 60, Appendix F, Section 5 and 6; and

(C) a daily calibration drift test shall be conducted according to 40 CFR Part 60, Appendix F, Section 4.0.

(g) Averaging time for continuous emissions monitors. When compliance with a limitation established for a source subject to the requirements of this Section is determined using a continuous emissions monitoring system, a 24-hour block average as described under Sec. 3D-0606 shall be recorded for each day beginning May 1 through September 30 unless a specific rule requires a different averaging time or procedure. A 24-hour block average described in Sec. 3D-0606 shall be used when a continuous emissions monitoring system is used to determine compliance with a short-term pounds-per-million-Btu standard in Sec. 3D-1418.

(h) Heat input. Heat input shall be determined:

(1) for sources required to use a monitoring system meeting the requirements of 40 CFR Part 75, using the procedures in 40 CFR Part 75; or

(2)# for sources not required to use a monitoring system meeting the requirements of 40 CFR Part 75, using:

(A) 40 CFR Part 75,

(B) a method in Sec. 3D-0501, or

(C) the best available heat input data if approved by the Director (the Director shall grant approval if he finds that the heat input data is the best available).

(i) Source testing. When compliance with a limitation established for a source subject to the requirements of this Section is determined using source testing, the source testing shall follow the procedures of Sec. 3D-1415.

(j) Alternative monitoring and reporting procedures. The owner or operator of a source covered under this Rule may request alternative monitoring or reporting procedures under Sec. 3D-0612, Alternative Monitoring and Reporting Procedures. (8-14-95, 5-24-99, 7-22-02, 11-22-04, 5-8-06)

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Hearing 2: Amendments to Sec. 3Q-0902 affecting applicability of Sec. 3Q-0958 Work Practices for Sources of Volatile Organic Compounds

SUBCHAPTER 3D AIR POLLUTION CONTROL REQUIREMENTS

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SECTION 3D-0900. VOLATILE ORGANIC COMPOUNDS

Sec. 3D-0902. Applicability

(a) The rules in this Section do not apply except as specifically set out in this Rule.

(b) This Section applies to sources that emit greater than or equal to 15 pounds of volatile organic compounds per day.

(c) Sec. 3D-0925, 0926, 0927, 0928, 0931, 0932, 0933 and 0958 apply regardless of the level of emissions of volatile organic compounds unless provisions specified in Paragraph (d)(1) of this Rule are applied.

(d) This Section does not apply to:

(1) sources that emit less than 800 pounds of volatile organic compounds per calendar month and that are:

(A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;

(B) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories

(C) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or

(D) research and development laboratory activities provided the activity produces no commercial product or feedstock material; or

(2) emissions of volatile organic compounds during startup or shutdown operations from sources which use incineration or other types of combustion to control emissions of volatile organic compounds whenever the off-gas contains an explosive mixture during the startup or shutdown operation if the exemption is approved by the Director as meeting the requirements of this Subparagraph.

(e) The following Rules of this Section apply in Forsyth County:

(1) Sec. 3D-0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at gasoline bulk plants and gasoline bulk terminals;

(2) Sec. 3D-0926, Bulk Gasoline Plants;

(3) Sec. 3D-0927, Bulk Gasoline Terminals;

(4) Sec. 3D-0928, Gasoline Service Stations Stage I;

(5) Sec. 3D-0932, Gasoline Truck Tanks and Vapor Collection Systems;

(6) Sec. 3D-0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external floating roof tanks at bulk gasoline plants and bulk gasoline terminals;

(7) Sec. 3D-0948, VOC Emissions from Transfer Operations;

(8) Sec. 3D-0949, Storage of Miscellaneous Volatile Organic Compounds; and

~~(9) Sec. 3D-0958, Work Practices for Sources of Volatile Organic Compounds.~~

(f) Reserved.

(g) Reserved.

(h) Reserved.

(i) Sources whose emissions of volatile organic compounds are not subject to limitation under this Section may still be subject to emission limits on volatile organic compounds in Sec. 3D-0524, 1110 or 1111. (Ord. No. 9-94, 12-19-94; 11-13-95, 11-11-96, 7-28-97, 5-24-99, 7-24-00)

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Hearing 3: Changes to permit and application fees for Title V sources

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SUBCHAPTER 3Q - AIR QUALITY PERMITS

SECTION 3Q-0200. PERMIT FEES

Sec. 3Q-0203. Permit and application fees

(a) The owner or operator of any facility holding a permit shall pay the following permit fees:

ANNUAL PERMIT FEES
(FEES FOR CALENDAR YEAR ~~2015~~2021)

Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee	Complexity Fee (3-6 Programs)	Complexity Fee (7+ Programs)
Title V	~~$31.78~~$40.00	~~$6,888~~$8,775	~~$3,709~~$4,056	$2,500	$7,500
Synthetic Minor		$1,500			
Exclusionary Small		$250			
Small		$250			
General	50% of the otherwise applicable fee				

Annual permit fees for Title V facilities shall be adjusted as described in Sec. 3Q-0204. ~~Annual permit fees for Title V facilities consist of the sum of the applicable fee elements.~~ Annual permit fees for Title V facilities in this Paragraph are equal to the sum of the basic permit fee, tonnage factor fee, and nonattainment area added fee, as applicable.

(b) In addition to the annual permit fees required by Paragraph (a) of this Rule, the owner or operator of a Title V facility shall pay the following annual complexity fee, as applicable:

(1) For facilities subject to at least three and no greater than six of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be two thousand five hundred dollars ($2,500); or

(2) For facilities subject to seven or greater of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be seven thousand five hundred dollars ($7,500).

Annual complexity fees for Title V facilities shall be adjusted for inflation as described in 15A NCAC 02Q .0204.

(c) Each of the programs and regulations identified in Subparagraphs (1) through (5) of this Paragraph are considered a federal program for the purposes of determining annual complexity fees under Paragraph (b) of this Rule:

(1) The PSD program is considered one federal program for any facility that is subject to 15A NCAC 02D .0530;

(2) The Risk Management Program under Section 112r of the Clean Air Act is considered one federal program for any facility that is subject to 15A NCAC 02D .2100;

(3) # Each Subpart under 40 CFR Part 60, New Source Performance Standards (NSPS) is considered one federal program, with the exception of Subparts A, B, Ba, and C;

(4) Each Subpart under 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) is considered one federal program, with the exception of Subpart A; and

(5) Each Subpart under 40 CFR Part 63, NESHAP for Source Categories, is considered one federal program, with the exception of Subparts A, B, C, D, and E.

The sum of all applicable federal programs identified in Subparagraphs (1) through (5) of this Paragraph shall be used to determine the annual complexity fee in accordance with Paragraph (b) of this Rule.

~~(b)~~(d)In addition to the annual permit fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES
(FEES FOR CALENDAR YEAR ~~2015~~2021)

Facility Category	New or Modification	New ~~or Significant Modification~~	Significant Modification	Minor Modification	Ownership Change
Title V		~~$9,442~~ $10,325	$7000	~~$918~~$3,000	$60
Title V (PSD or NSR/NAA)	~~$14,294~~ ~~$~~15,631				$60
Title V (PSD and NSR/NAA)	~~$27,802~~ $30,402				$60
Synthetic Minor	$400				$50
Exclusionary Small	$50				~~$25~~$50
Small	$50				~~$25~~$50
General		50% of the otherwise applicable fee			$25

Permit application fees for Title V facilities shall be adjusted as described in Sec. 3Q-0204.

(e) The current annual permit fees, annual complexity fees, and permit application fees shall be found on the North Carolina Division of Air Quality website at https://deq.nc.gov/about/divisions/air-quality/air-quality-permits/modifying-applying-for-air-quality-permit.

~~(e)~~(f) If a facility, other than a general facility, belongs to more than one facility category, the fees shall be those of the applicable category with the highest fees. If a permit application belongs to more than one type of application, the fee shall be that of the applicable permit application type with the highest fee.

~~(d)~~(g)# The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton contained in the latest emissions inventory that has been completed by the Office. The calculation shall not include the amount of actual emissions of each pollutant that exceeds 4,000 tons per year and the actual emissions of pollutants listed in Subparagraphs (1) through (4) of this Paragraph as follows:

(1) Carbon monoxide;

(2)# any pollutant that is regulated solely because it is a Class I or II substance listed under Section 602 of the federal Clean Air Act (ozone depletors); and

(3)# any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases).

~~(4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.~~

~~(4) greenhouse gases.~~

Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted shall be counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee. If a facility has more than one permit, the tonnage factor fee for the facility's combined total actual emissions as described in this Paragraph shall be paid only on the permit whose anniversary date first occurs on or after July 1.

~~(e)~~(h) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with Sec. 3D-0531, Sec. 3D-0900 (Volatile Organic Compounds) or Sec. 3D-1400 (Nitrogen Oxides) and either:

(1) are in an area designated in 40 CFR 81.334 as nonattainment, or

(2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

~~(f)~~(i) A Title V (PSD or NSR/NAA) facility is a facility whose application is subject to review under Sec. 3D-0530 (Prevention of Significant Deterioration) or Sec. 3D-0531 (Sources in Nonattainment Areas).

~~(g)~~(j) A Title V (PSD and NSR/NAA) facility is a facility whose application is subject to review under Sec. 3D-0530 (Prevention of Significant Deterioration) and Sec. 3D-0531 (Sources in Nonattainment Areas).

~~(h)~~(k) Minor modification permit applications that are group processed require the payment of only one permit application fee per facility included in the group.

~~(i)~~(l) No permit application fee is required for renewal of an existing permit, for changes to an unexpired permit when the only reason for the changes is initiated by the Director, for a name change

with no ownership change, for a change under Sec. 3Q-0523 (Changes Not Requiring Permit Revisions) or for a construction date change, a test date change, a reporting procedure change, or a similar change.

~~(j)~~(m)# The permit application fee paid for modifications under Section 3Q-0400, Acid Rain Procedures, shall be the fee for the same modification if it were under Section 3Q-0500, Title V Procedures.

~~(k)~~(n)# An applicant who files permit applications pursuant to Sec. 3Q-0504 shall pay an application fee as would be determined by the application fee for the permit required under Section 3Q-0500; this fee will cover both applications provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued under Section 3Q-0500 will be established or modified by an application for a modification and if these terms or conditions are enforceable by the County only, then the applicant shall pay the fee under the column entitled "~~3Q-0300 Only or~~ Minor Modification" in the table in Paragraph ~~(b)~~(d) of this Rule.

~~(l)~~(o)# An applicant for an asbestos containing material removal permit must indicate whether the asbestos is to be removed as part of a renovation or a demolition. If the asbestos is to be removed as part of a renovation the permit fee shall be the greater of one percent (1%) of the contract price or the total of $0.10 times the square footage of non-friable asbestos materials that have become friable plus $0.20 times the linear or square footage of friable asbestos containing materials. Friable asbestos materials include pipe insulation, boiler insulation and surfacing material. Non-friable asbestos materials include floor tile, roofing, and cement board panels. Each renovation permit fee shall be submitted with the Asbestos Demolition/Renovation Operations Notification and Permit Application. If the asbestos is to be removed as part of a demolition, the fee is the greater of the following, not to exceed one thousand five hundred dollars ($1500):

(1) One percent (1%) of the contracted price.

(2)# The total of $0.10 times the square footage of non-friable asbestos materials that have become friable plus $0.20 times the linear or square footage of friable asbestos containing materials.

This fee shall be considered a renovation permit fee and shall be submitted with the Asbestos Demolition/Renovation Operations Notification and Permit Application.

(Ord. No. 4-94, 5-23-94: Ord. No. 9-94, 12-19-94, 10-8-96, 8-18-98, 1-26-99, 1-19-2000, 12-12-00, 05-14-01, 11-01-01, 12-18-01, 12-20-02, 7-12-05)

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