

1 15A NCAC 02D .1210 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 02D .1210 COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

4 (a) Applicability. ~~With the exceptions~~ Unless exempt as described in Paragraph (b) of this Rule, this Rule applies to
5 the existing commercial and industrial solid waste incinerators (CISWI), incineration (CISWI) units, including energy
6 recovery units, kilns, small remote incinerators and air curtain incinerators that burn solid waste, pursuant to 40 CFR
7 60.2550 and as defined in 40 CFR 60.2875. An existing CISWI unit is a unit that commenced construction on or
8 before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013.

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

- 10 (1) incineration units ~~subject to covered under~~ Rules 15A NCAC 02D .1203 through 15A NCAC 02D
11 .1206 of this Section; and 15A NCAC 02D .1212;
- 12 (2) pathological waste incineration units ~~units,~~ burning 90 percent or more by weight on a calendar-
13 quarter basis, excluding the weight of auxiliary fuel and combustion air, of ~~agricultural waste,~~
14 pathological waste, low-level radioactive waste, or chemotherapeutic waste as defined in 40 CFR
15 60.2875, waste, if the owner or operator of the unit:
16 (A) notifies the Director that the unit qualifies for this exemption; and
17 (B) keeps records on a calendar-quarter basis of the weight of ~~agricultural waste,~~ pathological
18 waste, ~~low level~~ low-level radioactive waste, or chemotherapeutic waste burned, and the
19 weight of all other fuels and wastes burned in the unit;
- 20 (3) small power production or cogeneration units if;
21 (A) the unit qualifies as a small power-production facility ~~under~~ pursuant to Section 3(17)(C)
22 of the Federal Power Act (16 U.S.C. 796(17)(C)) or as a cogeneration facility under
23 pursuant to Section section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B));
24 (B) the unit burns homogeneous waste (not including refuse-derived fuel) to produce
25 ~~electricity; and~~ electricity, steam or other forms of energy used for industrial, commercial,
26 heating, or cooling purposes;
27 (C) the owner or operator of the unit notifies the Director that the unit qualifies for this
28 exemption; and
29 (D) the owner or operator of the unit maintains the records specified in 40 CFR 60.2740(v) for
30 a small power-production facility or 40 CFR 60.2740(w) for a cogeneration facility;
- 31 (4) units that combust waste for the primary purpose of recovering metals;
- 32 (5) cyclonic barrel burners;
- 33 (6) rack, part, and drum reclamation units that burn the coatings off racks used to hold small items for
34 application of a coating;
- 35 (7) ~~cement kilns;~~

~~(8)(7)~~ chemical recovery units burning materials to recover chemical constituents or to produce chemical compounds ~~as listed pursuant to the definition of “chemical recovery unit” in 40 CFR 60.2555(n)(1) through (7);~~ 60.2875;

~~(9)(8)~~ laboratory analysis units that burn samples of materials for the purpose of chemical or physical analysis;

~~(10)(9)~~ air curtain burners covered under Rule .1904 of this Subchapter, incinerators that burn only the materials listed in Parts (A) through (C) of this Subparagraph shall meet the requirements specified in 15A NCAC 02D .1904:

(A) 100 percent wood waste;

(B) 100 percent clean lumber; and

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

(10) sewage treatment plants that are subject to 40 CFR 60 Subpart O Standards of Performance for Sewage Treatment Plants;

(11) space heaters that meet the requirements of 40 CFR 279.23;

(12) soil treatment units that thermally treat petroleum contaminated soils for the sole purpose of site remediation; and

(13) the owner or operator of a combustion unit that is subject to this Rule may petition for an exemption to this Rule by obtaining a determination that the material being combusted is one of the following;

(A) not a solid waste pursuant to the legitimacy criteria of 40 CFR 241.3(b)(1);

(B) a non-waste pursuant to the petition process submitted pursuant to 40 CFR 241.3(c); or

(C) a fuel that has been processed from a discarded non-hazardous secondary material pursuant to 40 CFR 241.3(b)(4).

~~(e) 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)(c)~~ Definitions. For the purpose of this Rule, the definitions contained in 40 CFR 60.2875 apply in addition to the definitions in Rule .1202 of this Section, 15A NCAC 02D .1202. Solid waste is defined under 40 CFR 60.2875 and 40 CFR Part 241 Standards for Combustion of Non-Hazardous Secondary Materials (NHSM).

(d) Compliance Schedule. All CISWI units subject to this Rule shall be in compliance with this Rule no later than February 7, 2018.

(e) Emission Standards. The emission standards in this Rule apply to all CISWI units incinerators subject to this Rule except where Rules 15A NCAC 02D .0524, .1110, or .1111 of this Subchapter applies. When ~~Subparagraphs (12) or (13)~~ Subparagraph (4) of this Paragraph and Rules 15A NCAC 02D .0524, .1110, or .1111 of this Subchapter regulate the same pollutant, the more restrictive provision for each pollutant applies, notwithstanding provisions of Rules 15A NCAC 02D .0524, .1110, or .1111 of this Subchapter to the contrary.

- 1 (1) CISWI units subject to this rule, including any bypass stack or vent, must meet the emissions limits
2 specified in Tables 6 through 9 of 40 CFR 60 Subpart DDDD. The emission limitations apply at all
3 times the unit is operating including and not limited to startup, shutdown, or malfunction.
- 4 (2) Units that do not use wet scrubbers must maintain opacity to less than or equal to 10 percent opacity
5 using an averaging time of three 1-hour blocks consisting of ten 6-minute average opacity values as
6 measured by 40 CFR 60 Appendix A-4 Test Method 9 pursuant to Table 2 of 40 CFR 60 Subpart
7 DDDD.
- 8 ~~(1) Particulate Matter. Emissions of particulate matter from a CISWI unit shall not exceed 70~~
9 ~~milligrams per dry standard cubic meter corrected to seven percent oxygen (dry basis).~~
- 10 ~~(2) Opacity. Visible emissions from the stack of a CISWI unit shall not exceed 10 percent opacity (6-~~
11 ~~minute block average).~~
- 12 ~~(3) Sulfur Dioxide. Emissions of sulfur dioxide from a CISWI unit shall not exceed 20 parts per million~~
13 ~~by volume corrected to seven percent oxygen (dry basis).~~
- 14 ~~(4) Nitrogen Oxides. Emissions of nitrogen oxides from a CISWI unit shall not exceed 368 parts per~~
15 ~~million by volume corrected to seven percent oxygen (dry basis).~~
- 16 ~~(5) Carbon Monoxide. Emissions of carbon monoxide from a CIWI unit shall not exceed 157 parts per~~
17 ~~million by volume, corrected to seven percent oxygen (dry basis).~~
- 18 ~~(6)(3) Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule-15A NCAC 02D~~
19 ~~.1806 of this Subchapter for the control of odorous emissions.~~
- 20 ~~(7) Hydrogen Chloride. Emissions of hydrogen chloride from a CISWI unit shall not exceed 62 parts~~
21 ~~per million by volume, corrected to seven percent oxygen (dry basis).~~
- 22 ~~(8) Mercury Emissions. Emissions of mercury from a CISWI unit shall not exceed 0.47 milligrams per~~
23 ~~dry standard cubic meter, corrected to seven percent oxygen.~~
- 24 ~~(9) Lead Emissions. Emissions of lead from a CISWI unit shall not exceed 0.04 milligrams per dry~~
25 ~~standard cubic meter, corrected to seven percent oxygen.~~
- 26 ~~(10) Cadmium Emissions. Emissions of cadmium from a CISWI unit shall not exceed 0.004 milligrams~~
27 ~~per dry standard cubic meter, corrected to seven percent oxygen.~~
- 28 ~~(11) Dioxins and Furans. Emissions of dioxins and furans from a CISWI unit shall not exceed 0.41~~
29 ~~nanograms per dry standard cubic meter (toxic equivalency basis), corrected to seven percent~~
30 ~~oxygen. Toxic equivalency is given in Table 4 of 40 CFR part 60, Subpart DDDD.~~
- 31 ~~(12)(4) Toxic Emissions. The owner or operator of any CISWI unit incinerator subject to this Rule shall~~
32 ~~demonstrate compliance with Section-15A NCAC 02D.1100 of this Subchapter according to 15A~~
33 ~~NCAC 02Q .0700.~~
- 34 ~~(13) Ambient Standards.~~
- 35 ~~(A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the~~
36 ~~following ambient air quality standards, which are an annual average, in milligrams per~~
37 ~~cubic meter at 77 degrees F (25 degrees C) and 29.92 inches (760 mm) of mercury pressure,~~

1 ~~and which are increments above background concentrations, apply aggregately to all~~
 2 ~~incinerators at a facility subject to this Rule:~~

- 3 (i) ~~arsenic and its compounds~~ ~~2.3x10⁻⁷~~
 4 (ii) ~~beryllium and its compounds~~ ~~4.1x10⁻⁶~~
 5 (iii) ~~cadmium and its compounds~~ ~~5.5x10⁻⁶~~
 6 (iv) ~~chromium (VI) and its compounds~~ ~~8.3x10⁻⁸~~

7 ~~(B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate~~
 8 ~~compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this~~
 9 ~~Subparagraph by following the procedures set out in Rule .1106 of this Subchapter.~~
 10 ~~Modeling demonstrations shall comply with the requirements of Rule .0533 of this~~
 11 ~~Subchapter.~~

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

16 (f) Operational Standards.

17 (1) The operational standards in this Rule do not apply to any ~~incinerator~~ CISWI unit subject to this
 18 Rule when applicable operational standards in ~~Rules 15A NCAC 02D .0524, .1110, or .1111 of this~~
 19 ~~Subchapter~~ apply.

20 (2) The owner or operator of any CISWI unit subject to this Rule shall operate the CISWI unit according
 21 to the provisions in 40 CFR 60.2675. If a wet scrubber is used to comply with emission limitations:

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

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

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

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

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

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

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 15A NCAC 02D .2600, .2600 of this Subchapter, in Tables 6 through 9 of 40 CFR 60 Subpart DDDD, Part 60 Appendix A, 40 CFR Part 61 Appendix B, in 40 CFR 60.2670(b) and 40 CFR 60.2690 shall be used to determine compliance with emission standards in Paragraph (e)(1) of 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) Compliance with the opacity limit in Paragraph (e)(2) of this rule shall be determined using 40 CFR 60 Appendix A-4 Test Method 9. 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 12 months following the initial performance test and within every twelve month following the previous annual performance test after that.

(h) Initial Compliance Requirements.

(1) The owner or operator of a CISWI unit subject to this Rule shall demonstrate initial compliance with the emission limits in Paragraph (e)(1) of this Rule and establish the operating standards in Paragraph (f) of this Rule according to the provisions in 40 CFR 60.2700 through 40 CFR 60.2706. If an owner or operator commences or recommences combusting a solid waste at an existing combustion unit at any commercial or industrial facility, the owner or operator shall comply with the requirements of this Paragraph.

~~(4)(2)~~ The owner or operator of a CISWI unit subject to this rule shall conduct an initial performance test as specified in 40 CFR 60.8 pursuant to 40 CFR 60.2670, 40 CFR 60.2690 and Paragraph (g) of this Rule. 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. The initial

1 performance test must be conducted no later than 180 days after February 7, 2018 or according to
2 40 CFR 60.2705(b) or (c). The use of the bypass stack during a performance test shall invalidate
3 the performance test. The initial performance test shall be used to:

4 (A) determine compliance with the emission standards in Paragraph (e)(1) of this Rule;

5 (B) establish compliance with any opacity operating limits in 40 CFR 60.2675(h);

6 (C) establish the kiln-specific emission limit in 40 CFR 60.2710(y), as applicable; and

7 (D) establish operating limits using the procedures in 40 CFR 60.2675 or 40 CFR 60.2680 and
8 in Paragraph (f) of this Rule.

9 (3) The owner or operator of a CISWI unit subject to this Rule shall also conduct:

10 (A) a performance evaluation of each continuous emissions monitoring system (CEMS) or
11 continuous monitoring system within 60 days of installation of the monitoring system; and

12 (B) an initial air pollution control device inspection no later than 180 days after February 7,
13 2018 pursuant to 40 CFR 60.2706.

14 (i) Continuous Compliance Requirements.

15 (1) The owner or operator of a CISWI unit subject to this Rule shall demonstrate continuous compliance
16 with the emission limits in Paragraph (e)(1) of this Rule and the operating standards in Paragraph
17 (f) of this Rule according to the provisions in 40 CFR 60.2710 through 40 CFR 60.2725.

18 (2) If an existing CISWI unit that combusted a fuel or non-waste material commences or recommences
19 combustion of solid waste, the owner or operator:

20 (A) is subject to the provisions of 40 CFR 60 Subpart DDDD as of the first day solid waste is
21 introduced or reintroduced into the combustion chamber and this date constitutes the
22 effective date of the fuel-to-waste switch;

23 (B) shall complete all initial compliance demonstrations for any Section 112 standards that are
24 applicable to the facility before commencing or recommencing combustion of solid waste;
25 and

26 (C) shall provide 30 days prior notice of the effective date of the waste-to-fuel switch
27 identifying the parameters listed in 40 CFR 60.2710(a)(4)(i) through (v).

28 (3) Pursuant to 40 CFR 60.2710(v), the use of a bypass stack at any time is an emissions standards
29 deviation for particulate matter, hydrogen chloride, lead, cadmium, mercury, nitrogen oxides, sulfur
30 dioxide, and dioxin/furans.

31 ~~(5)~~(4) The owner or operator of the a CISWI unit subject to this Rule shall conduct an annual performance
32 test for the pollutants listed in Paragraph (e)(1) of this Rule, including opacity and fugitive ash,
33 particulate matter, hydrogen chloride, and opacity as specified in 40 CFR 60.8 to determine
34 compliance with the emission standards given in 40 CFR 60 Subpart DDDD Tables 6 through 9. ~~for~~
35 the pollutants in Paragraph (e) of this Rule. The annual performance test must be conducted
36 according to the provisions in Paragraph (g) of this Rule. Annual performance tests are not required
37 if CEMS or continuous opacity monitoring systems are used to determine compliance.

- 1 (5) The owner or operator shall continuously monitor the operating parameters established in Paragraph
2 (f) of this Rule, and as specified in 40 CFR 60.2710(c) and in 40 CFR 60.2735.
- 3 (6) The owner or operator of an energy recovery unit subject to this Rule shall only burn the same types
4 of waste and fuels used to establish applicability to this Rule and to establish operating limits during
5 the performance test.
- 6 (7) The owner or operator shall comply with the monitoring system-specific, unit-specific and
7 pollutant-specific provisions pursuant to 40 CFR 60.2710(e) through (j), (m) through (u), and (w)
8 through (y).
- 9 (8) The owner or operator shall conduct an annual inspection of any air pollution control device used
10 to meet the emission limitations in this Rule as specified in 40 CFR 60.2710(k).
- 11 (9) The owner or operator shall develop and submit to the Director for approval a site-specific
12 monitoring plan according to the requirements in 40 CFR 60.2710(l). This plan must be submitted
13 at least 60 days before the initial performance evaluation of any continuous monitoring system. The
14 owner or operator shall conduct a performance evaluation of each continuous monitoring system in
15 accordance with the site-specific monitoring plan. The owner or operator shall operate and maintain
16 the continuous monitoring system in continuous operation according to the site-specific monitoring
17 plan.
- 18 (10) The owner or operator shall meet any applicable monitoring system requirements specified in 40
19 CFR 60.2710(m) through (u) and (w) through (y).
- 20 ~~(6) If the owner or operator of CISWI unit has shown, using performance tests, compliance with~~
21 ~~particulate matter, hydrogen chloride, and opacity for three consecutive years, the Director shall~~
22 ~~allow the owner or operator of CISWI unit to conduct performance tests for these three pollutants~~
23 ~~every third year. However, each test shall be within 36 months of the previous performance test. If~~
24 ~~the CISWI unit continues to meet the emission standards for these three pollutants the Director shall~~
25 ~~allow the owner or operator of CISWI unit to continue to conduct performance tests for these three~~
26 ~~pollutants every three years.~~
- 27 ~~(7) If a performance test shows a deviation from the emission standards for particulate matter, hydrogen~~
28 ~~chloride, or opacity, the owner or operator of the CISWI unit shall conduct annual performance tests~~
29 ~~for these three pollutants until all performance tests for three consecutive years show compliance~~
30 ~~for particulate matter, hydrogen chloride, or opacity.~~
- 31 ~~(8) The owner or operator of CISWI unit may conduct a repeat performance test at any time to establish~~
32 ~~new values for the operating limits.~~
- 33 ~~(9) The owner or operator of the CISWI unit shall repeat the performance test if the feed stream is~~
34 ~~different than the feed streams used during any performance test used to demonstrate compliance.~~
- 35 ~~(10) If the Director has evidence that an incinerator is violating a standard in Paragraph (e) or (f) of this~~
36 ~~Rule or that the feed stream or other operating conditions have changed since the last performance~~

1 test, the Director may require the owner or operator to test the incinerator to demonstrate compliance
 2 with the emission standards listed in Paragraph (e) of this Rule at any time.

3 ~~(h)~~(j) Monitoring.

4 (1) The owner or operator of ~~an incinerator~~ a CISWI unit subject to the requirements of this Rule shall
 5 comply with the ~~monitoring, monitoring, recordkeeping, and reporting~~ requirements in Section 15A
 6 NCAC 02D .0600 of this Subchapter, and 40 CFR 60.2730 through 40 CFR 60.2735.

7 ~~(2)~~ For each continuous monitoring system required or optionally allowed pursuant to 40 CFR 60.2730,
 8 the owner or operator shall monitor and collect data according to 40 CFR 60.2735.

9 ~~(2)(3)~~ The owner or operator of ~~an incinerator~~ a CISWI unit subject to the requirements of this Rule shall
 10 establish, install, calibrate to manufacturers specifications, maintain, and operate:

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

13 ~~(B)~~(A) devices or methods for monitoring the value of the operating parameters used to determine
 14 compliance with the operating parameters established under Paragraph (f)(2) of this
 15 ~~Rule;~~ Rule as specified in 40 CFR 60.2730;

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

19 ~~(D)~~(B) equipment devices or methods necessary to monitor compliance with the eite specific site-
 20 specific operating parameters established under pursuant to Paragraph (f)(4)(f)(3) of this
 21 Rule. ~~Rule as specified by 40 CFR 60.2730(c).~~

22 ~~(3)~~ The Director shall require the owner or operator of a CISWI unit with a permitted charge rate of
 23 750 pounds per hour or more to install, operate, and maintain continuous monitors for oxygen or for
 24 carbon monoxide or both as necessary to determine proper operation of the CISWI unit.

25 (4) To demonstrate continuous compliance with an emissions limit, a facility may substitute use of a
 26 CEMS, a continuous automated sampling system, or other device specified by 40 CFR 60.2730 for
 27 conducting the annual emissions performance test and for monitoring compliance with operating
 28 parameters as specified by 40 CFR 60.2730. ~~The Director shall require the owner or operator of a~~
 29 ~~CISWI unit with a permitted charge rate of 750 pounds per hour or less to install, operate, and~~
 30 ~~maintain continuous monitors for oxygen or for carbon monoxide or both if necessary to determine~~
 31 ~~proper operation of the CISWI unit.~~

32 ~~(5)~~ The owner or /operator of a CISWI unit subject to this rule ~~an affected source~~ with a bypass stack
 33 shall install, calibrate (to manufacturers' specifications), maintain and operate a device or method
 34 for measuring the use of the bypass stack, including date, time and duration.

35 ~~(5)(6)~~ The owner or operator of ~~the~~ a CISWI unit subject to this Rule shall conduct all monitoring at all
 36 times the CISWI unit is operating, ~~except;~~ except for;

- 1 (A) monitoring system malfunctions and associated ~~repairs;~~ repairs as specified in 40 CFR
2 60.2735;
- 3 (B) monitoring system out-of-control periods as specified in 40 CFR 60.2770(o);
- 4 ~~(B)(C)~~ required monitoring system quality assurance or quality control activities including
5 calibrations checks and required zero and span adjustments of the monitoring
6 system.
- 7 (D) any scheduled maintenance as defined in the site-specific monitoring plan pursuant to
8 Subparagraph (i)(9) of this Rule.
- 9 ~~(6)(7)~~ The data recorded during monitoring malfunctions, out of control periods, associated ~~repairs,~~
10 and repairs associated with malfunctions or out of control periods, required quality assurance or
11 quality control activities, and site-specific scheduled maintenance shall not be used in assessing
12 compliance with the operating standards in Paragraph (f) of this Rule. Owners and operators of a
13 CISWI unit subject to this Rule must use all the data collected during all other periods, including
14 data normalized for above scale readings, in assessing the operation of the control device and
15 associated control system.
- 16 (8) Owners or operators of a CISWI unit subject to this Rule are required to effect monitoring system
17 repairs in response to monitoring system malfunctions or out-of-control periods and to return the
18 monitoring system to operation as expeditiously as practicable.
- 19 (9) Except for periods of monitoring system malfunctions or out-of-control periods, repairs associated
20 with monitoring system malfunctions or out-of-control periods, and required monitoring system
21 quality assurance or quality control activities including, as applicable, calibration checks and
22 required zero and span adjustments, failure to collect required monitoring data is a deviation of the
23 monitoring requirements.
- 24 (k) Deviations, Malfunctions, and Out of Control Periods.
- 25 (1) Owners and operators of a CISWI unit subject to this Rule shall report any deviations as defined in
26 40 CFR 60.2875, including, but not limited to, the instances listed in Parts (A) through (D) of this
27 Subparagraph.
- 28 (A) Deviation from operating limits in Table 3 of 40 CFR 60 Subpart DDDD or a deviation
29 from other operating limits established pursuant to Paragraph (f), 40 CFR 60.2675(c)
30 through (g) or 40 CFR 60.2680 including, but not limited to, any recorded 3-hour average
31 parameter level is above the established maximum operating limit or below the established
32 minimum operating limit;
- 33 (B) Deviation from the emission limitations established pursuant to Tables 6 through 9 of 40
34 CFR 60 Subpart DDDD detected through monitoring or during a performance test;
- 35 (C) Deviation from the CISWI operator qualification and accessibility requirements
36 established pursuant to 40 CFR 60.2635; or
- 37 (D) Deviation from any term or condition included in the operating permit of the CISWI unit.

(2) Owners and operators of a CISWI unit subject to this Rule shall submit any required deviation reports as specified by Paragraph (l) 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). In addition, the owner and operator shall report the deviation in the annual report as specified by Paragraph (l) of this Rule.

(3) Owners and operators of a CISWI unit subject to this Rule shall report any malfunctions, as defined in 40 CFR 60.2875, in the annual report as specified by Paragraph (j) and Paragraph (l) of this Rule.

(4) Owners and operators of a CISWI unit subject to this Rule shall report any periods during which any continuous monitoring system, including a CEMS, was out of control in the annual report as specified by Paragraph (j) and Paragraph (l) of this Rule.

~~(1)~~ Recordkeeping, Recordkeeping and Reporting.

(1) The owner or operator of a CISWI unit subject to this rule 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, unless an alternate format has been approved by the Director.

(2) Combustion units that are exempt units pursuant to Paragraph (b) of this rule are subject to the recordkeeping and reporting requirements in 40 CFR 60.2740(u) through 40 CFR 60.2740(w).

~~(3)~~ The owner or operator of a CISWI unit subject to this rule shall maintain all records required under by 40 CFR 60.2740-60.2740 through 40 CFR 60.2800.

~~(4)~~ The owner or operator of a CISWI unit subject to this Rule shall submit the following reports with the required information and by the required due dates as specified in Table 5 of 40 CFR 60, Subpart DDDD the following reports: DDDD:

(A) Waste Management Plan; waste management plan as specified in 40 CFR 60.2755;

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

(C) annual report as specified in 40 CFR 60.2770; 60.2765 and 40 CFR 60.2770;

(D) emission limitation or operating limit deviation report as specified in 40 CFR 60.2775 and 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 shall maintain CISWI unit operator records as specified by 40 CFR 60.2740(g) through (i), 40 CFR 60.2660 and 40 CFR 60.2665. If the CISWI unit has been shut down by the Director pursuant to 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.~~

~~(5)(6) The owner or operator of the a CISWI unit subject to this Rule 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)(7) Reports required under this Rule shall be submitted electronically or in paper format, postmarked on or before the submittal due dates, shall be submitted to US EPA as specified in 40 CFR 60.2795.~~

~~(A) The owner or operator of the CISWI unit shall submit initial, annual and deviation reports electronically on or before the submittal due dates as specified in 40 CFR 60.2795(a). Submit the reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI) which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Reports required under this Rule shall be submitted electronically or in paper format, postmarked on or before the submittal due dates.~~

~~(B) The owner or operator shall submit results of each performance test and CEMS performance evaluation within 60 days of the test or evaluation following the procedure specified in 40 CFR 60.2795(b).~~

~~(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site (https://www3.epa.gov/ttn/chief/ert/ert_info.html) at the time of the test, the owner or operator must submit the results of the performance test to the EPA via the CEDRI.~~

~~(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, the owner or operator shall submit the results of the performance test to the Director.~~

~~(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 15A NCAC 2D .0535, Excess Emissions Reporting and Malfunctions, of this Subchapter.~~

1 ~~(k)~~(m) Operator Training and Certification.

- 2 (1) The owner or operator of the CISWI unit subject to this Rule shall not allow the CISWI unit to
 3 operate at any time unless a fully trained and qualified CISWI unit operator is accessible, either at
 4 the facility or ~~available~~ can be at the facility within one hour. The trained and qualified CISWI unit
 5 operator may operate the CISWI unit directly or be the direct supervisor of one or more ~~CISWI unit~~
 6 ~~operators~~ plant personnel who operate the unit.
- 7 (2) Operator training and qualification shall be obtained by completing the requirements of 40 CFR
 8 60.2635(c) by the later of:
 9 (A) six month after CISWI unit startup; ~~or~~
 10 (B) six month after an employee assumes responsibility for operating the CISWI unit or
 11 assumes responsibility for supervising the operation of the CISWI ~~unit~~ unit; or
 12 (C) February 7, 2018.
- 13 (3) Operator qualification is valid from the date on which the training course is completed and the
 14 operator passes the examination required in 40 CFR 60.2635(c)(2).
- 15 (4) Operator qualification shall be maintained by completing an annual review or refresher course
 16 ~~covering~~ covering, at a minimum, the topics specified in 40 CFR 60.2650(a) through (e).
 17 (A) ~~update of regulations;~~
 18 (B) ~~incinerator operation, including startup and shutdown procedures, waste charging, and ash~~
 19 ~~handling;~~
 20 (C) ~~inspection and maintenance;~~
 21 (D) ~~responses to malfunctions or conditions that may lead to malfunction;~~
 22 (E) ~~discussion of operating problems encountered by attendees.~~
- 23 (5) Lapsed operator qualification shall be renewed by:
 24 (A) completing a standard annual refresher course as specified in Subparagraph (4) of this
 25 Paragraph for a lapse less than three years, ~~and or~~
 26 (B) repeating the initial qualification requirements as specified in Subparagraph (2) of this
 27 Paragraph for a lapse of three years or more.
- 28 (6) The owner or operator of ~~the a CISWI~~ ~~CISWI~~ unit subject to this rule shall:
 29 (A) have documentation specified in 40 CFR 60.2660(a)(1) through (10) and (c)(1) through
 30 (c)(3) available at the facility and accessible for all CISWI unit operators and are suitable
 31 for inspection upon request;
 32 (B) establish a program for reviewing the documentation specified in Part (A) of this
 33 Subparagraph with each CISWI unit ~~operator~~ operator such that the initial review of the
 34 documentation specified in Part (A) of this Subparagraph shall be conducted no later than
 35 February 7, 2018 or no later than six months after an employee assumes responsibility for
 36 operating the CISWI unit or assumes responsibility for supervising the operation of the
 37 CISWI unit.

1 (C) Subsequent annual reviews of the documentation specified in Part (A) of this Subparagraph
 2 shall be conducted no later than twelve month following the previous review.

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

5 (I) ~~six month after CISWI unit startup; or~~

6 (II) ~~six month after an employee assumes responsibility for operating the~~
 7 ~~CISWI unit or assumes responsibility for supervising the operation of~~
 8 ~~the CISWI unit; and~~

9 (ii) ~~subsequent annual reviews of the documentation specified in Part (A) of this~~
 10 ~~Subparagraph shall be conducted no later than twelve month following the~~
 11 ~~previous review.~~

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

15 ~~(n)~~ Prohibited waste. The owner or operator of a CISIW subject to this Rule shall not incinerate any of the wastes
 16 listed in G.S. 130A-309.10(f1).

17 ~~(m)~~ Waste Management Plan.

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

22 (2) The waste management plan shall include:

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

25 (B) a description of how the materials listed in G.S. 130A-309.10(f1) are to be segregated from
 26 the waste stream for recycling or proper disposal;

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

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

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

34
 35 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4),(5); 40 CFR*
 36 *60.215(a)(4);*

37 *Eff. August 1, 2002;*

1 *Amended Eff. June 1, 2008; January 1, ~~2005~~2005;*
2 *Readopted Eff.*
3
4