

TECHNICAL SUPPORT DOCUMENT
For
DRAFT/PROPOSED AIR EMISSION PERMIT NO. 10900030-004

This technical support document (TSD) is intended for all parties interested in the draft/proposed permit and to meet the requirements that have been set forth by the federal and state regulations (40 CFR § 70.7(a)(5) and Minn. R. 7007.0850, subp. 1). The purpose of this document is to provide the legal and factual justification for each applicable requirement or policy decision considered in the preliminary determination to issue the draft/proposed permit.

1. General Information

1.1 Applicant and Stationary Source Location:

Table 1. Applicant and Source Address

Applicant/Address	Stationary Source/Address (SIC Code: 8062)
Mayo Foundation 200 First Street Southwest Rochester, MN 55905	Mayo Waste Management Facility 7123 L.C. Dr SW Rochester, MN 55902 Olmsted County
Contact: Karl Corrigan Phone: 507-284-2382	

1.2 Facility Description

The Mayo Foundation (Permittee) operates a medical waste incinerator unit at the Mayo Waste Management Facility (facility) in Rochester, Minnesota. The facility is comprised of a hospital/medical/infectious waste incinerator (HMIWI; EU 001) for which construction commenced in 1993, a 200 pound-per-hour pathological waste incinerator (EU 003) constructed in 2002, a 345 horsepower emergency diesel reciprocating internal combustion (RICE) generator (EU 002) constructed in 1993, and a natural gas-fired autoclave boiler (an insignificant activity).

Waste processed at the facility consists primarily of general waste and infectious waste generated from healthcare, medical research, and medical education activities at Mayo's Rochester facilities. Infectious and pathological waste from medical waste generators in Olmsted and Dodge Counties are also incinerated at the facility. Wastes incinerated by the HMIWI exclude significant volumes of paper, cardboard, plastic, aluminum, glass, food, metal and electronic wastes recovered in Mayo's recycling program.

The operating capacity of the HMIWI is 2,200 pounds per hour of hospital/medical/infectious waste. EU 001 has a total heat input capacity of 16.25 mmBtu/hr with somewhat less than half of the heat input from supplemental natural gas-fired burners and the remainder from the heat content of the waste.

EU 001 air pollution control equipment consists of a high efficiency (venturi) wet scrubbing system (CE 004), a wet electrostatic precipitator (ESP; CE 005), and selective non-catalytic reduction (SNCR; CE 006) using urea injection. Under normal operation, all general and medical waste is processed through the EU 001.

Tissues and animals from clinical research activities are processed in the pathological incinerator.

1.3 Description of Changes Made by this Permit Action

This major amendment adds the selective non-catalytic reduction (CE 006) NO_x control equipment to the permit. The Permittee installed CE 006 to meet the proposed NO_x limit (140 ppmv at 7% O₂) published in the federal register (FR vol. 77, No. 78, pages 24272 – 24299) on April 23, 2012 as part of proposed changes to pt. 62, subp. HHH (see Attachment 4 to this TSD).

This amendment removes requirements for the Permittee to operate and maintain a continuous opacity monitoring system on SV 001.

This amendment also adds applicable (area source) requirements from 40 CFR pt. 63, subp. ZZZZ for EU 002. This amendment adds an EU 001 Hydrochloric Acid (HCl) limit to restrict total facility HCl emissions to less than the pt. 63 major source threshold. This limit was added because EU 001 HCl emissions that were previously calculated using the uncontrolled AP-42 HCl emission factor (33.5 lb/ton; chapter 2.3, table 2.3-3) and the pt. 62, subp. HHH 93% control efficiency requirement, indicated the total facility potential HCl emissions exceeded 10 tons per year. The new limit is based on the subp. HHH 100 ppmv @7% O₂ limit and the measured exhaust flow rate from the most recent test (August 2010).

This amendment also removes the emission calculations, compliance plan, and delta facility description from the permit appendices, and places amendment-applicable emission calculations, the compliance plan, and the delta facility description as attachments to this technical support document.

1.4. Facility Emissions:

No emissions changes are associated with this permit action.

Table 2. Facility Classification

Classification	Major/Affected Source	Synthetic Minor/Area	Minor/Area
PSD			X
Part 70 Permit Program	X		
Part 63 NESHAP		X	

2. Regulatory and/or Statutory Basis

New Source Review

This facility is not subject to New Source Review regulations at this time.

Part 70 Permit Program

The facility operates under a Part 70 permit as required by 40 CFR Section 62.14480.

New Source Performance Standards (NSPS) and Emission Guidelines

No New Source Performance Standards apply to this facility.

However, Section 129 of the Clean Air Act (CAA) requires EPA to develop and promulgate Emission Guidelines (EGs) and requires states (and tribes) to develop plans no less stringent than the EGs, to

regulate existing incinerators. (Section 129 also requires EPA to implement new source performance standards for incinerators, but EU 001 is an existing unit and therefore NSPS do not apply to EU 001).

On September 15, 1997, EPA promulgated pt. 60, subp. Ce EGs for HMIWI constructed on or before June 20, 1996. If states (and tribes) do not submit plans within two years after promulgation of the EGs (September 15, 1999), the CAA Section 129(b)(3) requires EPA to develop, implement, and enforce a federal plan for these HMIWI. Minnesota did not submit a plan to regulate HMIWI.

In 2000, EPA promulgated a federal plan at pt. 62, subp. HHH for these HMIWI that applies to HMIWI in states that have not submitted a plan to implement the pt. 60, subp. Ce EGs. Minnesota has not developed a plan for regulating HMIWI based on subp. Ce and therefore in Minnesota, these HMIWI (including EU 001) are subject to the federal plan at pt. 62, subp. HHH.

EU 003 is not subject to subp. Ec providing EU 003 only combusts pathological waste as stated at 40 CFR Section 60.50c(b).

Part 62 Approval and Promulgation of State Plans for Designated Facilities and Pollutants

Minnesota has not submitted a plan based on pt. 60, subp. Ce for regulation of HMIWI and therefore the federal plan at pt. 62, subp. HHH applies to EU 001. Minnesota does not intend to submit a plan to regulate HMIWI.

National Emission Standards for Hazardous Air Pollutants (NESHAP)

The facility is an area source as defined at 40 CFR Section 63.2. This determination is based on the following.

HCl emissions comprise the highest potential single HAP emissions. The EU 001 limited HCl emissions (based on the EU 001 1.83 lb HCl/hr limit derived from the applicable pt. 62, subp. HHH HCl limit of 100 ppmv @ 7% O₂) are 8.2 tpy, and the potential EU 003 HCl emissions determined with (AP-42 emission factors) are 0.9 tpy, result in potential HCl of less than 10 tons per year. Total HAP emissions are less than 25 tons per year.

EU 002 is an exiting emergency compression ignition RICE generator subject to pt. 63, subp. ZZZZ with a power rating of less than 500 horsepower. Although 40 CFR Section 63.6590(b)(3)(viii) exempts institutional emergency RICE located at area sources, pt. 63, subp. ZZZZ indicates institutional environments include medical centers, nursing homes, research centers, institutions of higher education, correctional facilities, elementary and secondary schools, libraries, religious establishments, police stations, and fire stations. EU 002 is not an institutional emergency RICE because EU 002 is not located at a medical center, but is located at a medical waste combustor facility.

The Permittee's waste combustor facility is a separate facility from the Permittee's medical center. The waste combustor facility is located about 8 miles from the medical center.

Compliance Assurance Monitoring (CAM)

CAM does not apply to the facility because none of the emission units that utilize emission controls (EU 001) has pre-control potential emissions in excess of the pt.70 major source thresholds.

Environmental Review & AERA

Changes authorized by this permit action do not trigger environmental review or air emissions risk assessment requirements.

Minnesota State Rules

Portions of the facility are subject to the following Minnesota Standards of Performance:

- Minn. R. 7011.1201-Minn. R. 7011.1285 Standards of Performance for Waste Combustors
- Minn. R. 7011.2300 Standards of Performance for Stationary Internal Combustion Engines

Table 3. Regulatory Overview of Units Affected by This Permit Amendment

Subject Item*	Applicable Regulations	Comments:
EU 001	Title I Condition: to avoid 40 CFR pt. 63 major source threshold Minn. R. 7011.1260, subp. 3 40 CFR Section 62.14453	A 1.83 lb/hr HCl limit for EU 001 was added to the permit to ensure total facility HCl remains below the pt. 63 major source threshold. This limit is the hourly potential emission rate based on the pt. 62, subp. HHH HCl limit of 100 ppmv @7% O ₂ . A COMS is not required by either Minn. R. 7011.1260, subp. 3 or 40 CFR Section 62.14453 to monitor opacity
CE 006	40 CFR pt. 62, subp. HHH	Applicable CE 006 requirements were proposed April 23, 2012 in the federal register, and are not effective until the proposed requirements become effective.

*Location of requirements in the permit (e.g., EU, SV, GP, etc.).

3. Technical Information

- Removal of SV 001 (EU 001) COMS Requirements - The Permittee installed a continuous opacity emissions monitor (COMS) on SV 001 when the facility was initially constructed in 1993. The COMS was installed because EU 001 was originally permitted as a Class III waste combustor (heat input between 3.0 and 15.0 mmBtu/hr) and Minn. R. 7011.1260, subp. 3 required installation and operation of a COMS for measuring opacity of emissions from Class III waste combustors.

As part of the title V permit process, it was determined that EU 001 was capable of operating as a Class II waste combustor (due to a heat input capacity of 16.25 mmBtu/hr), however the EU 001 commence construction date (1993) did not fit the criteria of a Class II waste combustor (Class II waste combustors are units for which construction commenced on or after September 20, 1994). As a result, a non-expiring variance was issued on August 23, 2005 by the MPCA to the Class II waste combustor commence construction date at Minn. R. 7011.1201, subp. 14 to allow EU 001 to be re-classified as a Class II waste combustor.

Minnesota Rules do not require continuous opacity monitoring for Class II waste combustor emissions (refer to Minn. R. 7011.1260, subp. 3). In addition, pt. 62, subp. HHH (Section 62.14453) also does not require continuous opacity monitoring of HMIWI emissions. Finally, the Permittee replaced the original fabric filter with a wet scrubber and wet electrostatic precipitator, and these wet controls produce water droplets in the EU 001 exhaust that interfere with the existing COMS measurement of stack opacity.

Based on this information, this permit action eliminates requirements for the Permittee to operate the SV 001 COMS.

- CE 006 Control Efficiency and Reagent Flow Rate - The Permittee installed CE 006 to meet the proposed (reduced) NO_x limit in pt. 62, subp. HHH of 140 ppmv @7% O₂. Currently, the Permittee

meets the existing 250 ppmv NO_x limit without use of CE 006 (and has operated CE 006 during performance testing in 2010). As a result, CE 006 requirements do not become effective as specified in the proposed changes to pt. 62, subp. HHH, until the proposed changes to pt. 62, subp. HHH become effective.

The CE 006 required control efficiency is based on the reduction necessary to achieve compliance with the proposed limit of 140 ppmv @ 7% O₂ compared to the current limit of 250 ppmv @ 7% O₂. The required reagent (urea) flow rate will be determined during the first NO_x test required after the effective date of the proposed subp. HHH revisions that demonstrates compliance with the proposed limit.

As part of the permitting process, the decision was made for this permit action to include only a minimal number of the proposed changes from pt. 62, subp. HHH in the permit; these proposed changes are the reduced NO_x limit, the reagent flow rate monitoring, the establishment of the minimum reagent flow rate, and the definition of *minimum reagent flow rate*. This decision was based on the fact that NO_x is the only pollutant for which additional control is needed to meet (reduced) proposed limits in subp. HHH.

- Addition Of An EU 001 Hydrochloric Acid (HCl) Limit – The original 2005 title V operating permit (permit No. 10900030-001) included EU 001 HCl emissions data based on the uncontrolled AP-42 HCl emission factor (ch. 2.3, Table 2.3-3) of 3.35 E+01 lb/ton, and the 93% control efficiency requirement from pt. 63, subp. HHH. This calculation resulted in potential HCl emissions from the total facility in excess of the pt. 63 major source threshold.

To ensure total facility status is non-major under pt. 63, an EU 001 limit of 1.83 lb/hr HCl was added to the permit. This limit is based on the 100 ppmv @ 7% O₂ limit in subp. HHH (Table 1) and the exhaust flow rate from the most recent test (August 2010). Although the 100 ppmv limit is a federally enforceable limit, the stack exhaust flow rate is not limited, so a Title I lb/hr hour limit is imposed to avoid pt. 63 major source status. Note that actual measured HCl emissions from 2005, 2006, 2009, and 2010 testing has ranged from 0.66 ppmv @ 7% O₂ to 5.32 ppmv @ 7% O₂, and from 0.018 lb/hr to 0.14 lb/hr.

3.1 Emission Calculations

Attachment 1 is a spreadsheet of facility greenhouse gas, revised EU 001 HCl emission calculations, and calculation of NO_x control efficiency.

3.2 Periodic Monitoring

In accordance with the Clean Air Act, it is the responsibility of the owner or operator of a facility to have sufficient knowledge of the facility to certify that the facility is in compliance with all applicable requirements.

In evaluating the monitoring included in the permit, the MPCA considered the following:

- The likelihood of the facility violating the applicable requirements;
- Whether add-on controls are necessary to meet the emission limits;
- The variability of emissions over time;
- The type of monitoring, process, maintenance, or control equipment data already available for the emission unit;
- The technical and economic feasibility of possible periodic monitoring methods; and

- The kind of monitoring found on similar units elsewhere.

The table below summarizes the periodic monitoring requirements for those emission units for which the monitoring required by the applicable requirement is nonexistent or inadequate.

Table 4. Periodic Monitoring

Subject Item*	Requirement (rule basis)	Additional Monitoring	Discussion
EU 001	HCl \leq 1.83 lb/hr (Title I Condition: to avoid pt. 63 major source threshold)	Annual stack testing and CE 004 scrubber liquor flow rate and pH	These requirements are from pt. 62, subp. HHH for monitoring and performance testing for HCl emissions.
CE 006	NO _x \leq 140 ppmv @7% O ₂ (Minn. R. 7007.0800, subps. 4, 5, and 14 for 40 CFR pt. 62, subp. HHH Table 1 proposed at FR vol. 77, No. 78, pages 24272 – 24299)	Reagent (urea) flow rate monitoring	<p>The proposed reagent flow rate monitoring requirement (FR vol. 77, No. 78, pages 24272 – 24299) has been added to the draft/proposed permit under control device CE 006. The proposed 140 ppmv @7% O₂ NO_x limit was added to EU 001. These requirements are not effective until after the effective date of the proposed revisions.</p> <p>Urea injection results in selective non-catalytic reduction of NO_x emissions. Hourly monitoring and maintaining the minimum urea flow rate (as defined in the April 23, 2012 proposed Section 62.14490) will ensure compliance with the NO_x limit.</p> <p>This monitoring requirement does not apply until the <i>initial</i> NO_x stack test is completed after the proposed 140 ppmv @7% O₂ NO_x limit becomes effective, because the current subp. HHH does not require any monitoring for NO_x emission control parameters, and because current emissions without urea injection are less than the current 250 ppmv @7% O₂ subp. HHH limit (based on August 2009 testing). The <i>initial</i> NO_x test is due 180 days after the final compliance deadline in the proposed revisions to Section 62.14470(a)(2) (one year after publication of the final rule for the subp. HHH proposed revisions).</p>

*Location of the requirement in the permit (e.g., EU, SV, GP, etc.)

3.3 Insignificant Activities

The emergency generator (EU 002) that was previously listed as an insignificant activity in Appendix 1 of the permit has been removed from Appendix 1 because the hourly potential NO_x emissions exceed the 2.28 lb/hr threshold in Minn. R. 7007.1300, subp. 4(B). No other changes to insignificant activities are associated with this permit action.

3.4 Comments Received – *completed after start of public comment period*

Public Notice Period: <start date> - <end date>

EPA 45-day Review Period: <start date> - <end date>

4. Permit Fee Assessment

Attachment 3 to this TSD is the MPCA assessment of Application and Additional Points used to determine the permit application fee for this permit action as required by Minn. R. 7002.0019. The permit action is based on one permit application and it was received after the effective date of the rule (July 1, 2009). Area source NESHAP requirements from pt. 63, subp. ZZZZ were added to the permit. However, addition of these (new) requirements to an existing facility is not a chargeable action for fee purposes.

5. Conclusion

Based on the information provided by the Mayo Foundation, the MPCA has reasonable assurance that the proposed operation of the emission facility, as described in the Air Emission Permit No. 10900030-004 and this TSD, will not cause or contribute to a violation of applicable federal regulations and Minnesota Rules.

Staff Members on Permit Team: Marshall Cole (permit writer/engineer)
 Jennifer Carlson (enforcement)
 Sarah Sevcik (peer reviewer)

AQ File No. 1650B; DQ 3889

Attachments: 1. Emissions Data Spreadsheet
 2. Facility Description and CD-01 Forms
 3. Points Calculator
 4. April 23, 2012 FR vol. 77, No. 78, pages 24272 - 24299

ATTACHMENT 1 – Emissions Data Spreadsheet

Emission Calculations - Greenhouse Gasses

Emission Unit ID #	Emission Unit Name	Pollutant	Maximum Rate	Units per Time	Emission Factor Number	Emission Factor Units	Emission Factor Source	Emission Rate (lb/hr)	Uncontrolled Potential to Emit (PTE) (ton/yr)	Pollution Control Efficiency (%)	Controlled Potential to Emit (PTE) (ton/yr)	Limited Potential to Emit (PTE) (ton/yr)
EU 001	WMF Incinerator	Carbon Dioxide	1.10	ton/hr	3948.09	lbs/ton	Engineering Principles [1]	4342.90	19021.89	0.00	19021.89	19021.89
EU 001	WMF Incinerator - supplemental fuel (N.G)	Carbon Dioxide	0.0082	MMct/hr	120000	lb/MMcf	AP-42 [2]	989.71	4334.95	0.00	4334.95	4334.95
EU 001	WMF Incinerator - supplemental fuel (N.G)	Methane	0.0082	MMct/hr	2.3	lb/MMcf	AP-42 [2]	0.019	0.08	0.00	0.08	0.08
EU 001	WMF Incinerator - supplemental fuel (N.G)	N2O	0.0082	MMct/hr	2.2	lb/MMcf	AP-42 [2]	0.02	0.08	0.00	0.08	0.08
EU 001	WMF Incinerator - SNCR byproduct	Carbon Dioxide	1.10	ton/hr	1.12	lbs/ton	Engineering Principles [5]	1.24	5.420	0.00	5.420	5.420
EU 003	Pathological Incinerator	Carbon Dioxide	0.10	ton/hr	3948.09	lbs/ton	Engineering Principles [1]	394.81	1729.263	0.00	1729.263	1729.263
EU 003	Pathological Incinerator - suppl. Fuel (N.G.)	Carbon Dioxide	0.0028	MMct/hr	120000	lb/MMcf	AP-42 [2]	331.43	1451.66	0.00	1451.66	1451.66
EU 003	Pathological Incinerator - suppl. Fuel (N.G.)	Methane	0.0028	MMct/hr	2.3	lb/MMcf	AP-42 [2]	0.006	0.03	0.00	0.03	0.03
EU 003	Pathological Incinerator - suppl. Fuel (N.G.)	N2O	0.0028	MMct/hr	2.2	lb/MMcf	AP-42 [2]	0.01	0.03	0.00	0.03	0.03
EU 004 (IA)	WMF Boiler	Carbon Dioxide	0.0049	MMct/hr	120000	lb/MMcf	AP-42 [2]	591.43	2590.46	0.00	2590.46	2590.46
EU 004 (IA)	WMF Boiler	Methane	0.0049	MMct/hr	2.3	lb/MMcf	AP-42 [2]	0.011	0.05	0.00	0.05	0.05
EU 004 (IA)	WMF Boiler	N2O	0.0049	MMct/hr	2.2	lb/MMcf	AP-42 [2]	0.01	0.05	0.00	0.05	0.05
EU 002	WMF Emergency Generator	Carbon Dioxide	1.34	MMBTU/hr	164	lb/MMBTu	AP-42 [3]	219.76	54.940	0.00	54.940	54.94
EU 002	WMF Emergency Generator	Methane	1.34	MMBTU/hr	3.00E-03	kg/mmBTu	pt. 98, subp. C Table C-2	0.009	2.22E-03	0.00	2.22E-03	2.22E-03
EU 002	WMF Emergency Generator	N2O	1.34	MMBTU/hr	6.00E-04	kg/mmBTu	pt. 98, subp. C Table C-2	0.002	4.43E-04	0.00	4.43E-04	4.43E-04
		Carbon Dioxide						6871.28	29188.58		29188.58	29188.58
		Methane						0.046	0.163		0.163	0.163
		N2O						0.037	0.154		0.154	0.154
		CO2e [4]						6883.65	29239.74		29239.74	29239.74

N2O = Nitrous Oxide

CO2e = Carbon dioxide equivalents

IA = Insignificant Activity

[1] Calculation of CO2 from waste combustion Emission Factor

Data from: Mayo Waste Management Facility; Waste Composition Study; Barr Engineering Company. June 2003

Material	% in Waste Stream	wt % carbon (wet)	% C Contribution
Paper	7%	34%	2.50%
Cardboard	6%	39%	2.17%
Plastic	59%	78%	46.16%
Organic	17%	18%	3.00%
Glass	10%	0.00%	0.00%
Nonferrous Metal	0%	0.00%	0.00%
Ferrous Metal	0.09%	0.00%	0.00%
Inorganic Material	0.00%	0.00%	0.00%
Total	100.00%		
Weighted Average % Carbon			53.84%
MW C			12
MW CO2			44
Emission Factor (lb/CO2/ton waste)			3948.09

Emission factor based on medical waste is conservative for pathological waste.

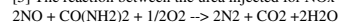
[2] Emission factors from AP-42 Table 1.4-2 (7/98)

[3] Emission factor from AP-42 Table 3.3-1 (10/96)

[4] Global Warming Potentials

CO2	1
CH4	21
N2O	310

[5] The reaction between the urea injected for NOx control and NO consumes 1 mole of urea and produces one mole of CO2 for every two moles of NO removed.



Urea consumption rates and CO2 emissions are estimated below using DSCFM and %O2 data from the 2010 stack test on the incinerator

	PPM@ 7% oxygen	O2	PPM	DSCFM	lb/hr
Current Limit	250	11.9	161.9	5071	5.9
Future Limit	140	11.9	90.6	5071	3.3

Molecular Weight NOx (lb/lb-mole)

46

Molecular Weight NO (lb/lb-mole)

30

lbs NOx removed/hr

2.6

lbs NOx as NO removed/hr

1.69

Moles NO removed/hr

0.06

Moles Urea Consumed/hr

0.03

Moles CO2/hr

0.03

lbs CO2/hr

1.24

	lb/hr	TPY
EU001 CO2 Total	5333.85	23362.26
EU003 CO2 Total	726.237	3180.920
EU001 CO2 Equivalents	5339.9	23388.6
EU003 CO2 Equivalents	728.3	3189.8
EU 004 (IA) CO2 Equivalents	595.0	2606.2
EU 002 CO2 Equivalents	220.5	55.1
Total CO2e check		29240
Mass sum of GHG		29189

EU 001 HCl emissions based on 100 ppmv @7% O2 pt. 62, subp. HHH limit

11.9 % O2 (Aug 2010 test)

385.3 scf/lb mole

36.46 mol wt HCl

5071 dscf/min flow rate (Aug 2010 test)

100 ppmv @7% O2 =	64.7 ppmv @ actual stack O2
64.7 ppmv =	6.13E-06 lb/dscf
6.13E-06 lb/dscf=	1.86 lb/hr

CE 006 SNCR with urea injection

control efficiency

assume uncontrolled NOx emissions are equal to the current pt. 62 subp. HHH limit of	250 ppmv @7% O2
assume controlled NOx emissions are equal to the proposed pt. 62 subp. HHH limit of	140 ppmv @7% O2

Control Efficiency = 44%

345 Hp caterpillar diesel engine
1.34 mmBtu/hr

pollutant	emission factor		
	lb/hp-hr	lb/hr	tpy
PM	2.20E-03	0.76	0.19
PM10	2.20E-03	0.76	0.19
PM2.5	2.20E-03	0.76	0.19
NOX	0.031	10.70	2.67
SO2	2.05E-03	0.71	0.18
CO	6.68E-03	2.30	0.58
VOC	2.51E-03	0.87	0.22
	emission factor		
	lb/mmBtu		
benzene	9.33E-04	1.25E-03	3.13E-04
toluene	4.09E-04	5.48E-04	1.37E-04
xylene	2.85E-04	3.82E-04	9.55E-05
1,3-butadiene	3.91E-05	5.24E-05	1.31E-05
formaldehyde	1.18E-03	1.58E-03	3.95E-04
acetaldehyde	7.67E-04	1.03E-03	2.57E-04
acrolein	9.25E-05	1.24E-04	3.10E-05
Naphthalene	8.48E-05	1.14E-04	2.84E-05
total PAH	1.68E-04	2.25E-04	5.63E-05
total HAP		5.19E-03	1.30E-03

ATTACHMENT 2 – Facility Description and CD-01 Forms



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

Subject Item: Total Facility

	NC/ CA	Type	Citation	Requirement
1.0		CD	hdr	SOURCE-SPECIFIC REQUIREMENTS
2.0		CD	Minn. R. 7007.0800, subp. 2	Permit Appendices: This permit contains four appendices as listed in the permit Table of Contents. The Permittee shall comply with all requirements contained in the appendices.
3.0		CD	Minn. Stat. Section 116.07, subd. 4a; Minn. R. 7007.0100; Minn. R. 7007.0800, subp. 2; Minn. R. 7011.0150; Minn. R. 7009.0020	Comply with Fugitive Emission Control Plan: The Permittee shall follow the actions and recordkeeping specified in the Plan. The Plan may be amended by the Permittee with the Commissioner's approval. If the Commissioner determines the Permittee is out of compliance with Minn. R. 7011.0150 or the Fugitive Emission Control Plan, then the Permittee may be required to amend the Plan and/or to install and operate particulate matter ambient monitors as requested by the Commissioner.
4.0		CD	hdr	OPERATIONAL REQUIREMENTS
5.0		CD	40 CFR pt. 50; Minn. Stat. Section 116.07, subds. 4a & 9; Minn. R. 7007.0100, subp. 7(A), 7(L), & 7(M); Minn. R. 7007.0800, subps. 1, 2 & 4; Minn. R. 7009.0010-7009.0080	The Permittee shall comply with National Primary and Secondary Ambient Air Quality Standards, 40 CFR pt. 50, and the Minnesota Ambient Air Quality Standards, Minn. R. 7009.0010 to 7009.0080. Compliance shall be demonstrated upon written request by the MPCA.
6.0		CD	Minn. R. 7011.0020	Circumvention: Do not install or use a device or means that conceals or dilutes emissions, which would otherwise violate a federal or state air pollution control rule, without reducing the total amount of pollutant emitted.
7.0		CD	Minn. R. 7007.0800, subp. 2; Minn. R. 7007.0800, subp. 16(J)	Air Pollution Control Equipment: Operate all pollution control equipment whenever the corresponding process equipment and emission units are operated, unless otherwise noted in Table A.
8.0		CD	Minn. R. 7007.0800, subps. 14 and 16(J)	Operation and Maintenance Plan: Retain at the stationary source an operation and maintenance plan for all air pollution control equipment. At a minimum, the O & M plan shall identify all air pollution control equipment and shall include a preventative maintenance program for that equipment, a description of (the minimum but not necessarily the only) corrective actions to be taken to restore the equipment to proper operation to meet applicable permit conditions, a description of the employee training program for proper operation and maintenance of the control equipment, and the records kept to demonstrate plan implementation.
9.0		CD	Minn. R. 7019.1000, subp. 4	Operation Changes: In any shutdown, breakdown, or deviation covered by Minn. R. 7019.1000 subp. 1, 2, and/or 3 the Permittee shall immediately take all practical steps to modify operations to reduce the emission of any regulated air pollutant. The Commissioner may require feasible and practical modifications in the operation to reduce emissions of air pollutants. No emissions units that have an unreasonable shutdown or breakdown frequency of process or control equipment shall be permitted to operate.
10.0		CD	Minn. R. 7011.0150	Fugitive Emissions: Do not cause or permit the handling, use, transporting, or storage of any material in a manner which may allow avoidable amounts of particulate matter to become airborne. Comply with all other requirements listed in Minn. R. 7011.0150.
11.0		CD	Minn. R. 7030.0010 - 7030.0080	Noise: The Permittee shall comply with the noise standards set forth in Minn. R. 7030.0010 to 7030.0080 at all times during the operation of any emission units. This is a state only requirement and is not enforceable by the EPA Administrator or citizens under the Clean Air Act.
12.0		CD	Minn. R. 7007.0800, subp. 9(A)	Inspections: The Permittee shall comply with the inspection procedures and requirements as found in Minn. R. 7007.0800, subp. 9(A).
13.0		CD	Minn. R. 7007.0800, subp. 16	The Permittee shall comply with the General Conditions listed in Minn. R. 7007.0800, subp. 16.
14.0		CD	hdr	PERFORMANCE TESTING
15.0		CD	Minn. R. ch. 7017	Performance Testing: Conduct all performance tests in accordance with Minn. R. ch. 7017 unless otherwise noted in Tables A and/or B.



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16.0		CD	Minn. R. 7017.2030, subps. 1-4, 7017.2018 and Minn. R. 7017.2035, subp. 1-2	<p>Performance Test Notifications and Submittals:</p> <p>Performance Tests are due as outlined in Tables A and B of the permit. See Table B for additional testing requirements.</p> <p>Performance Test Notification (written): due 30 days before each Performance Test Performance Test Plan: due 30 days before each Performance Test Performance Test Pre-test Meeting: due 7 days before each Performance Test Performance Test Report: due 45 days after each Performance Test Performance Test Report - Microfiche Copy: due 105 days after each Performance Test</p> <p>The Notification, Test Plan, and Test Report may be submitted in alternative format as allowed by Minn. R. 7017.2018.</p>
17.0		CD	Minn. R. 7017.2025	Limits set as a result of a performance test (conducted before or after permit issuance) apply until superseded as specified by Minn. R. 7017.2025 following formal review of a subsequent performance test on the same unit.
18.0		CD	hdr	MONITORING REQUIREMENTS
19.0		CD	Minn. R. 7007.0800, subp. 4(D)	Monitoring Equipment Calibration: Annually calibrate all required monitoring equipment (any requirements applying to continuous emission monitors are listed separately in this permit).
20.0		CD	Minn. R. 7007.0800, subp. 4(D)	Operation of Monitoring Equipment: Unless otherwise noted in Tables A and/or B, monitoring a process or control equipment connected to that process is not necessary during periods when the process is shutdown, or during checks of the monitoring systems, such as calibration checks and zero and span adjustments. If monitoring records are required, they should reflect any such periods of process shutdown or checks of the monitoring system.
21.0		CD	hdr	RECORDKEEPING
22.0		CD	Minn. R. 7007.0800, subp. 5(C)	Recordkeeping: Retain all records at the stationary source for a period of five (5) years from the date of monitoring, sample, measurement, or report. Records which must be retained at this location include all calibration and maintenance records, all original recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Records must conform to the requirements listed in Minn. R. 7007.0800, subp. 5(A).
23.0		CD	Minn. R. 7007.0800, subp. 5(B)	Recordkeeping: Maintain records describing any insignificant modifications (as required by Minn. R. 7007.1250, subp. 3) or changes contravening permit terms (as required by Minn. R. 7007.1350, subp. 2), including records of the emissions resulting from those changes.
24.0		CD	Minn. R. 7007.1200, subp. 4	If the Permittee determines that no permit amendment or notification is required prior to making a change, the Permittee must retain records of all calculations required under Minn. R. 7007.1200. These records shall be kept for a period of five years from the date the change was made or until permit reissuance, whichever is longer. The records shall be kept at the stationary source for the current calendar year of operation and may be kept at the stationary source or office of the stationary source for all other years. The records may be maintained in either electronic or paper format.
25.0		CD	hdr	REPORTING/SUBMITTALS
26.0		CD	Minn. R. 7019.1000, subp. 3	<p>Shutdown Notifications: Notify the Commissioner at least 24 hours in advance of a planned shutdown of any control equipment or process equipment if the shutdown would cause any increase in the emissions of any regulated air pollutant. If the Permittee does not have advance knowledge of the shutdown, notification shall be made to the Commissioner as soon as possible after the shutdown. However, notification is not required in the circumstances outlined in Items A, B, and C of Minn. R. 7019.1000, subp. 3.</p> <p>At the time of notification, the Permittee shall inform the Commissioner of the cause of the shutdown and the estimated duration. The Permittee shall notify the Commissioner when the shutdown is over.</p>



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27.0		CD	Minn. R. 7019.1000, subp. 2	<p>Breakdown Notifications: Notify the Commissioner within 24 hours of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown causes any increase in the emissions of any regulated air pollutant. The 24-hour time period starts when the breakdown was discovered or reasonably should have been discovered by the Permittee. However, notification is not required in the circumstances outlined in Items A, B, and C of Minn. R. 7019.1000, subp. 2.</p> <p>At the time of notification or as soon as possible thereafter, the Permittee shall inform the Commissioner of the cause of the breakdown and the estimated duration. The Permittee shall notify the Commissioner when the breakdown is over.</p>
28.0		CD	Minn. R. 7019.1000, subp. 1	Notification of Deviations Endangering Human Health or the Environment: As soon as possible after discovery, notify the Commissioner or the state duty officer, either orally or by facsimile, of any deviation from permit conditions which could endanger human health or the environment.
29.0		CD	Minn. R. 7019.1000, subp. 1	<p>Notification of Deviations Endangering Human Health or the Environment Report: Within 2 working days of discovery, notify the Commissioner in writing of any deviation from permit conditions which could endanger human health or the environment. Include the following information in this written description:</p> <ol style="list-style-type: none"> 1. the cause of the deviation; 2. the exact dates of the period of the deviation, if the deviation has been corrected; 3. whether or not the deviation has been corrected; 4. the anticipated time by which the deviation is expected to be corrected, if not yet corrected; and 5. steps taken or planned to reduce, eliminate, and prevent reoccurrence of the deviation.
30.0		S/A	Minn. R. 7007.0800, subp. 6(A)(2)	Semiannual Deviations Report: due 30 days after end of each calendar half-year starting 09/20/2005. The first semiannual report submitted by the Permittee shall cover the calendar half-year in which the permit is issued. The first report of each calendar year covers January 1 - June 30. The second report of each calendar year covers July 1 - December 31. If no deviations have occurred, the Permittee shall submit the report stating no deviations.
31.0		CD	Minn. Stat. Section 116.07, subd. 4a; Minn. R. 7007.0800, subp. 2	Fugitive Emissions Control Plan: The Permittee shall submit a fugitive emissions control plan within 60 days of the date of permit issuance for review and approval by the Commissioner. The plan shall identify all fugitive emission sources, primary and contingent control measures, and recordkeeping. The Permittee shall follow the actions and recordkeeping specified in the control plan. The plan may be amended by the Permittee with the Commissioner's approval.
32.0		CD	Minn. R. 7007.1150 - Minn. R. 7007.1500	Application for Permit Amendment: If a permit amendment is needed, submit an application in accordance with the requirements of Minn. R. 7007.1150 through Minn. R. 7007.1500. Submittal dates vary, depending on the type of amendment needed.
33.0		S/A	Minn. R. 7007.0400, subp. 2	Application for Permit Reissuance: due 180 days before 09/20/2010. This requirement was completed 03/23/2010.
34.0		CD	Minn. R. 7007.1400, subp. 1(H)	Extension Requests: The Permittee may apply for an Administrative Amendment to extend a deadline in a permit by no more than 120 days, provided the proposed deadline extension meets the requirements of Minn. R. 7007.1400, subp. 1(H).
35.0		S/A	Minn. R. 7007.0800, subp. 6(C)	Compliance Certification: due 31 days after end of each calendar year starting 09/20/2005 (for the previous calendar year). Submit the certification on a form approved by the Commissioner, both to the Commissioner and to the US EPA regional office in Chicago. This report covers all deviations experienced during the calendar year.
36.0		CD	Minn. R. 7019.3000 - Minn. R. 7019.3100	Emission Inventory Report: due April 1st each year following permit issuance. Submit the report on a form approved by the Commissioner.
37.0		CD	Minn. R. 7002.0005 - Minn. R. 7002.0095	Emission Fees: due 60 days after receipt of an MPCA bill.
38.0		CD	hdr	PLANS
39.0		CD	40 CFR pt. 68	The Permittee is required to submit a Risk Management Plan (RMP) under the federal rule, 40 CFR pt. 68. A complete RMP has been submitted.



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40.0		CD	Minn. R. 7011.1245; Minn. R. 7007.0800, subp. 2	<p>Prepare (if not completed by the effective date of this permit) and maintain the following plans with the Operating Manual:</p> <ul style="list-style-type: none">- Security requirements in Minn. R. 7035.2535, subp. 3;- General inspection requirements in Minn. R. 7035.2535, subp. 4;- Household hazardous waste management requirements of Minn. R. 7035.2535, subp. 6;- Emergency preparedness and prevention plans and emergency procedures shall be prepared in accordance with Minn. R. 7035.2595 and 7035.2605;- Contingency action plans in Minn. R. 7035.2615;- Closure plans in Minn. R. 7035.2625 and closure procedures in Minn. R. 7035.2635;- Solid waste transfer facility requirements as required in Minn. R. 7035.2865; and- For waste combustors accepting infectious wastes, infectious waste management requirements of Minn. R. 7035.9100 to 7035.9150. <p>This is a state only requirement and is not enforceable by the EPA Administrator or citizens under the Clean Air Act.</p>
41.0		CD	40 CFR Section 62.14430 and 40 CFR Section 62.14431	The Permittee must prepare and maintain a waste management plan that identifies both the feasibility of, and the approach for, separating certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. The waste management plan developed may address, but is not limited to, paper, cardboard, plastics, glass, battery, or metal recycling, or purchasing recycled or recyclable products. In developing the waste management plan, the Permittee must consider the American Hospital Association publication entitled "Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities."
42.0		CD	40 CFR Section 62.14432	As specified in 40 Section CFR 62.14463 and 40 CFR Section 62.14464, the Permittee must submit the waste management plan with the initial report, which is due 60 days after the initial performance test.
43.0		CD	Minn. R. 7011.1250, subps. 1 and 3	Industrial Waste Management Plan. The Permittee shall prepare a plan for the management of industrial solid wastes in accordance with part Minn. R. 7035.2535, subp. 5, items A and B. The plan shall include the contents listed in Minn. R. 7011.1250, subp. 2. The Permittee shall modify the industrial waste management plan whenever the management practices or solid wastes identified in the plan have changed. The Permittee shall submit the amended plan to the commissioner for approval. This is a state only requirement and is not enforceable by the EPA Administrator or citizens under the Clean Air Act.
44.0		CD	Minn. R. 7011.1265, subp. 10; Minn. R. 7011.1270(B)(4)	A waste composition study is required every five years. Solid waste composition studies shall be conducted as described in Minn. R. 7007.0501, subp. 2.



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Subject Item: EU 001 Hospital/Medical/Infectious Waste Incinerator (constructed 1993)

Associated Items: CE 004 Wet Scrubber - High Efficiency

CE 005 Wet Electrostatic Precipitator

CE 006 Selective Noncatalytic Reduction for NOX

SV 001 Incinerator Stack

SV 002 Incinerator Bypass Stack

	NC/ CA	Type	Citation	Requirement
1.0		CD	hdr	GENERAL REQUIREMENTS
2.0		CD	Minn. R. 7011.1215, subp. 4; Minn. R. 7011.1229; 40 CFR Section 62.14413	<p>Applicability of Standards: Minn. R. 7011.1229, Minn. R. 7011.1240, subp. 2, and Minn. R. 7011.1272, subp. 2 apply at all times when waste is being continuously burned. The standards do not apply, up to a maximum of three hours, during periods of start-up, shutdown or malfunction provided that no hospital or medical/infectious waste is charged during this period. Fugitive emissions standards applicable to the ash conveying system do not apply during periods of maintenance and repair of the ash conveying system.</p> <p>The Permittee shall not cause to be emitted into the atmosphere from each waste combustor unit gases in excess of the applicable standards. Emissions, except opacity, shall be calculated under standard conditions corrected to seven percent oxygen on a dry volume basis.</p> <p>During startup, shutdown, or malfunction periods longer than three hours, emissions data cannot be discarded from compliance calculations and all provisions under 40 CFR Section 60.11(d) apply.</p>
3.0		CD	Minn. R. 7011.1201, subp. 14 and Variance approved on August 23, 2005	A "Class II waste combustor" means that the design capacity for a waste combustor unit is 15 million Btu/hr or more and less than 93.75 million Btu/hr, and that construction of the unit is commenced after September 20, 1994, or modification or reconstruction is commenced after June 19, 1996. On August 23, 2005 the Permittee (Mayo Foundation) was granted a variance from the commence construction date of Minn. R. 7011.1201, subp. 14. The variance is attached to this permit as Appendix 4.
4.0		CD	40 CFR Section 62.14490	EU 001 has a design charge capacity of 2200 pounds per hour and meets the definition of a large hospital/medical/infectious waste incinerator (HMIWI) at 40 CFR Section 62.14490. EU 001 is a continuous HMIWI and is not a batch HMIWI as defined at Section 62.14490.
5.0		CD	hdr	PART 60 GENERAL REQUIREMENTS
6.0		CD	40 CFR Section 62.02(b)(2)	The 40 CFR pt. 60, subp. A General Provisions and Appendices to pt. 60 apply to pt. 62, except as follows: 40 CFR Sections 60.7(a)(3), 60.7(a)(3), and 60.8(a) and where special provisions set forth under the applicable subpart of pt. 62 shall apply instead of any conflicting provisions.
7.0		CD	40 CFR Section 60.11(d)	At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in accordance with 40 CFR Section 60.11(d).
8.0		CD	40 CFR Section 60.13(b)	All continuous monitoring systems and monitoring devices required under pt. 62, subp. HHH shall be installed and operational prior to conducting performance tests under 40 CFR Section 60.8.
9.0		CD	40 CFR Section 60.13(e); Minn. R. 7017.1090, subp. 1	Continuous Operation: Except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, all continuous monitoring systems shall be in continuous operation during all periods of emission unit operation. This includes periods of emission unit start-up, shutdown, or malfunction.
10.0		CD	40 CFR Section 60.13(f)	All continuous monitoring systems or monitoring devices required under pt. 62, subp. HHH shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained.
11.0		CD	hdr	EMISSION LIMITS



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12.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Total Particulate Matter: less than or equal to 0.015 grains/dry standard cubic foot Corrected to 7% oxygen
13.0		LIMIT	Minn. R. 7011.1229	Total Particulate Matter: less than or equal to 0.020 grains/dry standard cubic foot corrected to 7% oxygen.
14.0		LIMIT	Minn. R. 7011.1229	Front-half Particulate Matter: less than or equal to 0.015 grains/dry standard cubic foot corrected to 7% oxygen.
15.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH; Minn. R. 7011.1229	Carbon Monoxide: less than or equal to 40 parts per million by volume corrected to 7% oxygen. This limit is more stringent than the 50 ppm limit in Minn. R. 7011.1229.
16.0		CD	Minn. R. 7011.1229	PCDD/PCDF (Dioxins): less than or equal to 30 nanograms/DSCM corrected to 7% oxygen.
17.0		CD	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	PCDD/PCDF (Dioxins): less than or equal to 125 nanograms/DSCM or 2.3 nanograms/DSCM TEQ (toxic equivalency factor), both corrected to 7% oxygen.
18.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Hydrochloric acid: less than or equal to 100 parts per million corrected to 7% oxygen or 93% removal.
19.0		LIMIT	Title I Condition: to avoid pt. 63 major source threshold	Hydrochloric acid: less than or equal to 1.83 lbs/hour using 3-hour Average
20.0		LIMIT	Minn. R. 7011.1229	Hydrochloric acid: less than or equal to 25 parts per million corrected to 7% oxygen or 90% removal.
21.0		LIMIT	Minn. R. 7011.1229	Mercury: less than or equal to 100 micrograms/DSCM corrected to 7% oxygen, or 85% removal, short-term limit.
22.0		LIMIT	Minn. R. 7011.1229	Mercury: less than or equal to 60 micrograms/DSCM corrected to 7% oxygen, or 85% removal, long-term limit.
23.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Mercury: less than or equal to 550 micrograms/DSCM corrected to 7% oxygen, or 85% removal.
24.0		LIMIT	Minn. R. 7011.1229	Sulfur Dioxide: less than or equal to 30 parts per million or 80% removal, corrected to 7% oxygen.
25.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Sulfur Dioxide: less than or equal to 55 parts per million
26.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Nitrogen Oxides: less than or equal to 250 parts per million corrected to 7% oxygen.
27.0		LIMIT	Minn. R. 7007.0800, subp. 2	Nitrogen Oxides: less than or equal to 140 parts per million by volume at 7% oxygen. This requirement becomes effective as specified at 40 CFR Section 62.14470(a) after the effective date of the pt. 62, subp. HHH revisions proposed on April 23, 2012 in the Federal Register/Vol. 77, No. 78, pages 24272 through 24299. If the final subp. HHH rule requirement is different than the proposed requirement, the Permittee shall meet the final requirement in pt. 62, subp. HHH.
28.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Lead: less than or equal to 1.2 milligrams/DSCM (or 0.52 grains/1000 DSCF) corrected to 7% oxygen or 70% reduction.
29.0		LIMIT	40 CFR Section 62.14411; Table 1 of 40 CFR pt. 62, subp. HHH	Cadmium compounds: less than or equal to 0.16 milligrams/DSCM (or 0.07 grains/1000 DSCF) corrected to 7% oxygen or 65% reduction.
30.0		LIMIT	Minn. R. 7011.1229; 40 CFR Section 62.14412	Opacity: less than or equal to 10 percent opacity using 6-minute Average
31.0		CD	hdr	AVERAGING PERIODS
32.0		CD	Minn. R. 7011.1260, subp. 4	Averaging Periods: For emission limits or operational limits which are monitored continuously, the following averaging periods shall be used: - for particulate matter control device inlet temperature monitoring, four-hour arithmetic block averages calculated from four consecutive one-hour arithmetic averages; - for carbon monoxide, an arithmetic average of the one-hour arithmetic average emission rates concentration during each four-hour daily period measured from midnight to midnight. At least four equally spaced in time data points shall be used to calculate each one-hour arithmetic average. For CO, each one-hour average shall be corrected to 7% O ₂ on an hourly basis using the one-hour arithmetic average of the O ₂ or CO ₂ continuous emissions monitoring system.



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33.0		CD	hdr	OPERATIONAL REQUIREMENTS
34.0		CD	Minn. R. 7007.0800, subp. 2	The Permittee shall be limited to incineration of waste from the Mayo Foundation and affiliated corporations, with the exception that medical waste from non-Mayo Foundation generators in Olmsted and Dodge Counties may also be incinerated.
35.0		CD	Minn. R. 7007.0800, subps. 2 and 16(J)	The Permittee shall operate and maintain the control equipment, CE 004, CE 005, and CE 006 at all times EU 001 is in operation. See specific control equipment requirements under CE 004, CE 005, and CE 006.
36.0		CD	Minn. R. 7011.1240, subp. 2	For the particulate matter control device operating parameters according to Minn. R. 7011.1240, subp. 2, see the requirements under the Wet Scrubber (CE 004).
37.0		CD	Minn. R. 7011.1240, subp. 3	Start-up on waste prohibited. During start-up from a cold furnace, auxiliary fuels shall be used to achieve combustion chamber operating temperature. The use of solid waste solely to provide thermal protection of the grate or hearth during the start-up period when solid waste is not being fed to the grate is not considered to be continuous burning.
38.0		CD	Minn. R. 7011.1240, subp. 5	No Permittee shall operate the waste combustor while combusting solid waste at a level above 110 percent of the maximum demonstrated capacity of the combustion system, except as allowed in Minn. R. 7011.1240, subp. 5(A) and Minn. R. 7011.1240, subp. 5(B), without conducting a performance test which demonstrates compliance with the applicable emission limitations at greater than 110 percent of the maximum demonstrated capacity.
39.0		CD	Minn. R. 7011.1240, subp. 5(A)	During the annual PCDD/PCDF performance test (or during the alternative two and one half year PCDD/PCDF testing schedule as allowed by Minn. R. 7011.1270, item (B)(2)), and the two weeks preceding the annual (or two and one half year) PCDD/PCDF performance test, no waste combustor maximum demonstrated capacity is applicable.
40.0		CD	Minn. R. 7011.1240, subp. 5(B)	The Commissioner shall waive the maximum demonstrated capacity limit for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions, provided a written notification is submitted to the commissioner 30 days prior to undertaking any of the activities above, with the following information: - a description of the proposed project, and the outcome the project is designed to evaluate; - how the project conforms with the activities described in Minn. R. 7011.1240, subp. 5(B) for which the maximum demonstrated capacity limit can be waived; and - the length of time the project will take to complete.
41.0		CD	Minn. R. 7011.1240, subp. 7; Minn. R. 7007.0800, subp. 16(J)	Facility Operation: Properly maintain and operate air pollution control equipment at all times when the waste combustor is in operation and combusting waste. A dumpstack shall only be used at a waste combustor when plant or worker safety would be in jeopardy without its use.
42.0		CD	40 CFR Section 62.14455(d)(1)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee operates EU 001 above the maximum charge rate (three-hour rolling average) and below the EU 001 minimum secondary chamber temperature (three-hour rolling average) simultaneously, then the Permittee is in violation of the CO emission limit.
43.0		CD	40 CFR Section 62.14455(d)(2)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee operates EU 001 above the maximum charge rate (three-hour rolling average) and below the minimum pressure drop across the CE 004 wet scrubber (three-hour rolling average) simultaneously, then the Permittee is in violation of the PM emission limit.
44.0		CD	40 CFR Section 62.14455(d)(3)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee operates EU 001 above the maximum charge rate (three-hour rolling average), below the EU 001 minimum secondary chamber temperature (three-hour rolling average), and below the CE 004 minimum scrubber liquor flow rate (three-hour rolling average) simultaneously, then the Permittee is in violation of the dioxin/furan emission limit.
45.0		CD	40 CFR Section 62.14455(d)(4)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee operates EU 001 above the maximum charge rate (three-hour rolling average) and below the minimum EU 004 scrubber liquor pH (three-hour rolling average) simultaneously, then the Permittee is in violation of the HCl emission limit.
46.0		CD	40 CFR Section 62.14455(d)(5)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee operates EU 001 above the maximum EU 001 flue gas temperature (three-hour rolling average) and above the maximum EU 001 charge rate (three-hour rolling average) simultaneously, then the Permittee is in violation of the Hg emission limit.



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47.0		CD	40 CFR Section 62.14455(d)(6)	Except as provided in 40 CFR Section 62.14455(f) or (g), if the Permittee uses the SV 002 bypass stack while operating EU 001 (except during startup, shutdown, or malfunction), then the Permittee is in violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.
48.0		CD	40 CFR Section 62.14455(f)	The Permittee may conduct a repeat performance test within 30 days of violation of applicable EU 001 and/or CE 004 operating parameter(s) to demonstrate that EU 001 is not in violation of the applicable emission limit(s). The Permittee must conduct repeat performance tests pursuant to 40 CFR Section 62.14455(f) using the identical operating parameters that indicated a violation under Section 62.14455(b), (c), (d), or (e).
49.0		CD	hdr	OPERATOR TRAINING & CERTIFICATION
50.0		CD	40 CFR Section 62.14420	The Permittee must have a fully trained and qualified Hospital/Medical/Infectious Waste Incinerator (HMIWI) operator pursuant to 40 CFR pt. 62, subp. HHH, either at the facility or able to be at the facility 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.
51.0		CD	40 CFR Section 62.14421	The Permittee can obtain training and qualification through a State-approved program; or, if there are no State-approved training and qualification programs available or if the Permittee does not want to participate in a State-approved program, then the Permittee must complete a training course that includes the requirements in 40 CFR Section 62.14422 and satisfy the qualification requirements in 40 CFR Section 62.14423.
52.0		CD	Minn. R. 7011.1240, subp. 1(A)	Presence of certified operator. For Class II waste combustors, either a chief facility operator or shift supervisor who holds a certificate as described in Minn. R. 7011.1281, subp. 1, shall be present at the waste management facility at all times when waste is being combusted.
53.0		CD	Minn. R. 7011.1281	A "fully certified operator" means a person who has obtained "certified municipal waste combustor examiner" certification as described in Minn. R. 7011.1282; a person who has obtained both "provisional certification" and "operator certification" according to ASME QRO-1-1994; or a person who is a "fully certified operator" as described in Minn. R. 7011.1284.
54.0		CD	Minn. R. 7011.1280, subp. 1	The Commissioner shall certify a person provided the person can demonstrate the completion of ASME provisional operator certification as described in Standard for the Qualification and Certification of Resource Recovery Facility Operators, American Society of Mechanical Engineers QRO-1-1994 for chief facility operators and shift supervisors of municipal waste combustors; or to complete the coursework and examination program described in Minn. R. 7011.1280, subp. 3(B).
55.0		CD	Minn. R. 7011.1280, subp. 2	The chief facility operator and shift supervisors shall be certified through the process established in Minn. R. 7011.1280.
56.0		CD	Minn. R. 7011.1280, subp. 3	<p>To be certified, a person must demonstrate the skill, knowledge, and experience necessary to operate a waste combustor, by meeting the criteria below.</p> <p>Persons who possess a Minnesota Department of Labor and Industry boiler license of at least second class engineer, Grade B, shall:</p> <ul style="list-style-type: none"> - have one year of experience operating a steam generation plant or Class I, II, III, A, C, or D waste combustor at the licensure level of at least second class engineer, Grade B, and complete at least 24 hours of training approved by the commissioner which are designed to ensure competency to operate a Class I, II, III, A, C, or D waste combustor; - complete the certification process described in Minn. R. 7011.1280, subp. 4; and - pass the examination described in Minn. R. 7011.1280, subp. 5. <p>(continued below)</p>



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57.0		CD	Minn. R. 7011.1280, subp. 3	<p>(continued)</p> <p>Persons who do not meet the qualifications of Minn. R. 7011.1280, subp. 3(B)(1)(a), shall:</p> <ul style="list-style-type: none"> - have three years of experience operating a Class I, II, III, A, C, or D waste combustor or in power generation and complete at least 24 hours of training approved by the Commissioner which are designed to ensure competency to operate a Class I, II, III, A, C, or D waste combustor; - complete the certification process described in Minn. R. 7011.1280, subp. 4; and - pass the examination described in Minn. R. 7011.1280, subp. 5.
58.0		CD	Minn. R. 7011.1275, subp. 1	The Permittee shall establish a program to review the plant-specific operating manual with people whose responsibilities affect the operation of the waste combustor. Initial review of the operating manual shall be completed prior to assumption of any job related activities affecting air emissions.
59.0		CD	Minn. R. 7011.1275, subp. 3; 40 CFR Section 62.14424	Develop and maintain the Operating Manual in accordance with Minn. R. 7011.1275, subp. 3, items A through O (items listed below) and update the manual following each performance test to include operational changes resulting from emissions performance testing results. Include the revision dates within the Operating Manual and store the Operating Manual in a location easily accessed by staff.
60.0		CD	Minn. R. 7011.1275, subp. 3	<p>The Permittee shall develop and update on a yearly basis a site specific operating manual that shall, at a minimum, address the following elements of waste combustor unit operation:</p> <ul style="list-style-type: none"> - a summary of the applicable state rules and federal regulations to the activities described in the facility's air emissions permit; - a description of basic combustion theory applicable to the facility's waste combustor unit; - procedures for receiving, handling, and feeding solid waste; - waste combustor unit start-up, shutdown, and malfunction procedures; - procedures for maintaining proper combustion air levels; - procedures for operating the waste combustor within the standards established in Minn. Rs. 7011.1201 to 7011.1290; - procedures for responding to periodic upset or off-specification conditions; - procedures for minimizing particulate matter carryover; - procedures for monitoring the degree of solid waste burnout; <p>(continued below)</p>
61.0		CD	Minn. R. 7011.1275, subp. 3 (continued)	<p>(continued)</p> <ul style="list-style-type: none"> - procedures for handling ash; - procedures for monitoring waste combustor emissions; - procedures for reporting and recordkeeping; - timetables and procedures for routine inspection and maintenance of equipment affecting air emissions; - procedures for activating communications and alarm systems; and - procedures to implement the facility's industrial waste management plan. <p>The operating manual shall be kept in a location easily accessed by the personnel described in Minn. R. 7011.1275, subp. 2.</p>
62.0		CD	Minn. R. 7011.1275, subp. 1(C)(1)	Training Program: Persons without waste combustor or boiler operation experience must work under the direct supervision of a certified operator or a certified operator's designee for 40 hours before assuming job-related activities affecting air emissions.



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63.0		CD	Minn. R. 7011.1275, subps. 1 and 2	<p>Training Program: The Permittee will implement a training program, based on the Operating Manual, designed to maintain compliance with this permit, Minn. Rules and federal regulations. Individual training must be specific to the position held. Waste combustor personnel who have responsibilities which affect the operation of the waste combustor must be trained in the operation of the facility. These personnel include, but are not limited to:</p> <ul style="list-style-type: none"> - chief facility operators, - shift supervisors, - control room personnel, - ash handlers, - maintenance personnel, and - load handlers. <p>(continued below)</p>
64.0		CD	Minn. R. 7011.1275, subps. 1 and 2	<p>Training Program: (continued)</p> <p>The Permittee will:</p> <ul style="list-style-type: none"> - Implement the required training; - Identify all people described above who must be trained; - Include a separate page for each of these people in the Operating Record; - Report the names of those who have been trained and the type of training received in the Annual Report following training as required under Minn. R. 7011.1285, subp. 2.
65.0		CD	Minn. R. 7011.1284, subps. 3 and 3a	<p>Certified Operator - The Permittee shall:</p> <ul style="list-style-type: none"> - Maintain at the facility a record of the names of all certified personnel. This record shall contain the exam dates, the content of the exam, the full name of the certified individual, the examiner's signature and the certification statement in Minn. R. 7011.1284, subp. 3. - Maintain at the facility a record of the names of all personnel who have obtained provisional certification by ASME. <p>The Permittee shall allow the commissioner and/or administrator to review all records related to the certification of operators including the facility's program for examination and certification of operators, the record required in Minn. R. 7011.1284, subp. 3, and the content and results of an individual's exam.</p>
66.0		CD	hdr	TESTING REQUIREMENTS
67.0		CD	40 CFR Section 62.14451(b)(1)	The Permittee must determine compliance with the opacity limit by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods listed in 40 CFR Section 62.14452.
68.0		CD	Title I Condition: to avoid pt. 63 major source threshold; 40 CFR Section 62.14451(b)(2)	Determine compliance with the HCl emission limit by annual performance testing (within 12 months after the previous test) using procedures and methods listed in 40 CFR Section 62.14452. If all three performance tests over a three-year period indicate compliance with the emission limit for a pollutant the Permittee may forego a performance test for that pollutant for the next two years. At a minimum, the Permittee must conduct an HCl performance test every third year (within 36 months after the previous test). If a performance test conducted every third year shows compliance with the emission limit for a pollutant the Permittee may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, the Permittee must conduct a performance test for that pollutant annually until all annual performance tests over a three-year period indicate compliance with the emission limit.



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69.0		CD	40 CFR Section 62.14451(b)(2)	Determine compliance with PM and CO emission limits by annual performance testing (within 12 months after the previous test) using procedures and methods listed in 40 CFR Section 62.14452. If all three performance tests over a three-year period indicate compliance with the emission limit for a pollutant the Permittee may forego a performance test for that pollutant for the next two years. At a minimum, the Permittee must conduct a performance test for PM and CO every third year (within 36 months after the previous test). If a performance test conducted every third year shows compliance with the emission limit for a pollutant the Permittee may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, the Permittee must conduct a performance test for that pollutant annually until all annual performance tests over a three-year period indicate compliance with the emission limit.
70.0		S/A	Minn. R. 7011.1270(B)(2)	Performance Test: due before end of each year starting 07/01/2003 to measure PM, PCDD/PCDF, SO ₂ , NO _x , HCl, Pb, and Cd. A year is defined as 12 months. The Permittee shall conduct performance tests once annually except as required by Minn. R. 7011.1270(B)(3). The most recent performance test was August 17, 2010. The next test is due either 12 months or 30 months after August 17, 2010 as described in Table A.
71.0		CD	Minn. R. 7011.1270(B)(2) (continued)	(continued) If three annual performance tests for a three-year period show compliance with the standards in Minn. R. 7011.1225, the Permittee may continue to conduct annual testing, or may choose to conduct performance tests every two and one half years, except as required by Minn. R. 7011.1270(B)(3). At a minimum, a performance test shall be conducted every two and one half years, but no more than 30 months following the previous compliance test. If a performance test indicates noncompliance with the applicable standards, the Permittee shall resume annual testing for three years for that pollutant for which noncompliance was demonstrated. If three annual performance tests for the three year period show compliance with the standards in Minn. R. 7011.1229, the Permittee may again conduct performance testing every two and one half years.
72.0		CD	Minn. R. 7011.1265, subp. 5	Performance tests shall be conducted on waste combustors to determine the emission concentrations for lead, cadmium, mercury, and any other air contaminant for which an emission limitation applies to the waste combustor, except for opacity and those contaminants for which compliance is demonstrated by the use of a continuous monitor.
73.0		CD	40 CFR Section 62.14452(a); Minn. R. 7017.2020, subp. 5	All performance tests must consist of a minimum of three test runs conducted under representative operating conditions when conducting performance tests to determine compliance with the emission limits.
74.0		CD	40 CFR Section 62.14452(b)	The minimum sample time must be one hour per test run unless otherwise indicated in 40 CFR Section 62.14452 when conducting performance tests to determine compliance with the emission limits.
75.0		CD	40 CFR Section 62.14452(c)	The Permittee must use EPA Reference Method 1 of 40 CFR pt. 60, Appendix A to select the sampling location and number of traverse points when conducting performance tests to determine compliance with the emission limits.
76.0		CD	40 CFR Section 62.14452(d); Minn. R. 7011.1265, subp. 4b	The Permittee must use EPA Reference Method 3, 3A, or 3B of 40 CFR pt. 60, Appendix A for gas composition analysis, including measurement of oxygen concentration when conducting performance tests to determine compliance with the emission limits. The Permittee must use EPA Reference Method 3, 3A, or 3B of 40 CFR pt. 60, Appendix A simultaneously with each reference method.
77.0		CD	40 CFR Section 62.14452(e)	The Permittee must adjust pollutant concentrations to 7 percent oxygen using the equation in 40 CFR Section 62.14452(e) when conducting performance tests to determine compliance with the emission limits.
78.0		CD	40 CFR Section 62.14452(f)	Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 5 or 29 of 40 CFR pt. 60, Appendix A to measure particulate matter emissions when conducting performance tests to determine compliance with the emission limits of 40 CFR Section 62.14411.
79.0		CD	40 CFR Section 62.14452(g); Minn. R. 7011.1265, subp. 2(B)	Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 9 of 40 CFR pt. 60, Appendix A to measure stack opacity.
80.0		CD	40 CFR Section 62.14452(h)	Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 10 or 10B of 40 CFR pt. 60, Appendix A to measure the CO emissions when conducting performance tests to determine compliance with the emission limits.



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81.0		CD	40 CFR Section 62.14452(i); Minn. R. 7011.1265, subp. 3(B)	<p>Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 23 of 40 CFR pt. 60, Appendix A to measure total dioxin/furan emissions when conducting performance tests to determine compliance with the emission limits. The minimum sample time must be four hours per test run. If the Permittee has selected the toxic equivalency standards for dioxin/furans under 40 CFR Section 62.14411, use the following procedures to determine compliance:</p> <ul style="list-style-type: none"> - Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23; - For each dioxin/furan congener measured in accordance with 40 CFR Section 62.14452(i)(1), multiply the congener concentration by its corresponding toxic equivalency factor specified in pt. 62, subp. HHH, Table 2; - Sum the products calculated in accordance with 40 CFR Section 62.14452(i)(2) to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.
82.0		CD	40 CFR Section 62.14452(j); Minn. R. 7011.1265, subp. 3(A)	<p>Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 26 of 40 CFR pt. 60, Appendix A to measure HCl emissions when conducting performance tests to determine compliance with the emission limits. If the Permittee has selected the percentage reduction standards for HCl under 40 CFR Section 62.14411, compute the percentage reduction in HCl emissions using the formula in 40 CFR Section 62.14452(j).</p>
83.0		CD	40 CFR Section 62.14452(k); Minn. R. 7011.1265, subp. 3(C)	<p>Except as provided in 40 CFR Section 62.14452(l), the Permittee must use EPA Reference Method 29 of 40 CFR pt. 60, Appendix A to measure Pb, Cd, and Hg emissions when conducting performance tests to determine compliance with the emission limits. If the Permittee has selected the percentage reduction standards for metals under 40 CFR Section 62.14411, compute the percentage reduction in emissions using the formula in 40 CFR Section 62.14452(k).</p>
84.0		CD	Minn. R. 7007.0800, subp. 2	<p>The Permittee must use EPA Reference Method 7 or 7E of 40 CFR pt. 60, Appendix A to measure the NO_x emissions when conducting performance tests to determine compliance with the emission limits.</p> <p>This requirement becomes effective as specified at 40 CFR Section 62.14470(a) after the effective date of the pt. 62, subp. HHH revisions proposed on April 23, 2012 in the Federal Register/Vol. 77, No. 78, pages 24272 through 24299.</p> <p>If the final subp. HHH rule requirement is different than the proposed requirement, the Permittee shall meet the final requirement in pt. 62, subp. HHH.</p>
85.0		CD	40 CFR Section 62.14452(l)	<p>If the Permittee is using a continuous emission monitoring system (CEMS) to demonstrate compliance with any of the emission limits under 40 CFR Section 62.14411 or 62.14412, the Permittee must:</p> <ul style="list-style-type: none"> - Determine compliance with the appropriate emission limit(s) using a 12-hour rolling average, calculated each hour as the average of the previous 12 operating hours (not including startup, shutdown, or malfunction). Performance tests using EPA Reference Methods are not required for pollutants monitored with CEMS. - Operate a CEMS to measure oxygen concentration, adjusting pollutant concentrations to 7 percent oxygen as specified in 40 CFR Section 62.14452(e). - Operate all CEMS in accordance with the applicable procedures under Appendices B and F of 40 CFR pt. 60.
86.0		CD	40 CFR Section 62.14452(m)	<p>Use of the bypass stack during a performance test will invalidate the performance test.</p>
87.0		CD	Minn. R. 7007.0801, subp. 3(B)	<p>The Permittee shall provide and maintain a schedule for testing the waste combustor ash. This is a state only requirement and is not enforceable by the EPA Administrator or citizens under the Clean Air Act.</p>
88.0		CD	Minn. R. 7011.1265, subp. 1	<p>The Permittee of a waste combustor required to conduct performance tests for a waste combustor shall use the performance test methods and procedures specified in Minn. Rs. 7017.2001 to 7017.2060 except as modified in Minn. R. 7011.1265.</p>
89.0		CD	Minn. R. 7011.1265, subp. 2	<p>The Permittee of a waste combustor required to conduct performance tests for particulate matter, sulfur dioxide, or nitrogen oxides shall use test methods as described in Minn. R. 7011.1265, subp. 2, items A to D.</p>



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90.0		CD	Minn. R. 7011.1265, subp. 2(A)	Minn. R. 7011.0725 shall apply to tests for particulate matter, except that for Class II waste combustors, the minimum sample volume shall be 1.7 dscm, and the probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 degrees Celsius, plus or minus 14 degrees. Smaller sampling times or sample volumes shall be approved by the Commissioner, when the Commissioner determines that they are necessitated by process variables or other factors. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 5 test run for particulate matter. Particulate matter emissions, expressed in gr/dscf, shall be corrected to seven percent oxygen by using the formula in Minn. R. 7011.1265, subp.2(A).
91.0		CD	Minn. R. 7011.1265, subp. 2(A)(1) and (2)	Total particulate matter emission is the concentration of particulate matter as measured by Minn. R. 7011.0725.
92.0		CD	Minn. R. 7011.1265, subp. 2(D)	For fugitive ash emissions, 40 CFR pt. 60, Appendix A, Method 22, as shall be used. The minimum observation time shall be a series of three one-hour observations. The observation period shall include times when the facility is transferring ash from the waste combustor unit to the area where ash is stored or loaded into containers or trucks. The average duration of visible emissions per hour shall be calculated from the three one-hour observations. The average shall be used to determine compliance with the emission limit.
93.0		CD	Minn. R. 7011.1265, subp. 6	The Permittee shall report to the commissioner the operating conditions during performance testing including operating parameters of the air pollution control equipment, flue gas temperatures, air flow rates, and pressure drop across the combustion system.
94.0		CD	Minn. R. 7011.1270(B)(4)	The Permittee shall conduct a waste composition study every five years.
95.0		CD	hdr	MONITORING REQUIREMENTS
96.0		CD	40 CFR Section 62.14453(a)(1)	The Permittee must establish the appropriate maximum and minimum operating parameters, indicated in pt. 62, subp. HHH, Table 3, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits.
97.0		CD	40 CFR Section 62.14453(a)(2)	The HMIWI must not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in pt. 62, subp. HHH, Table 3 and measured as three-hour rolling averages (calculated each hour as the average of the previous three operating hours), at all times except during startup, shutdown, malfunction, and performance tests.
98.0		CD	40 CFR Section 62.14454(a)	The Permittee must install, calibrate (to manufacturers' specifications), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in pt. 62, subp. HHH, Table 3 such that these devices (or methods) measure and record values for the operating parameters at the frequencies indicated in pt. 62, subp. HHH, Table 3 at all times except during periods of startup and shutdown. For charge rate, the device must measure and record the date, time, and weight of each charge fed to the HMIWI. This must be done automatically, meaning that the only intervention from an operator during the process would be to load the charge onto the weighing device. (continued below)
99.0		CD	40 CFR Section 62.14454(a) (continued)	(continued) Specifically at the Mayo facility the: - Maximum flue gas temperature must be measured continuously and recorded once per minute; - Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to the wet scrubber must be monitored continuously and recorded once per minute; - Minimum scrubber liquor flow rate shall be monitored continuously and recorded once per minute. - Minimum scrubber liquor pH must be monitored continuously and recorded once per minute.
100.0		CD	40 CFR Section 62.14454(b)	The Permittee must install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack SV 002, including the date, time, and duration of such use.



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101.0		CD	40 CFR Section 62.14454(d); Minn. R. 7011.1260, subp. 5(B)	The Permittee must 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 must be obtained for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.
102.0		CD	Minn. R. 7011.1260, subp. 2	Particulate matter control device temperature monitors. The Permittee shall install, calibrate, maintain, and operate at all times temperature monitors that continuously read and record the temperatures of the flue gas at the inlet of each particulate matter control device.
103.0		CD	Minn. R. 7011.1260, subp. 3(C) and Variance approved on August 23, 2005.	The Permittee requested a variance from Minn. R. 7011.1260, subp. 3(C). MPCA approved the request as the requirement for continuous monitoring of SO ₂ is not required in the federal plan and will not be required for this facility when the Minnesota rule is amended. The variance is attached to this permit as Appendix 4.
104.0		CD	Minn. R. 7011.1260, subp. 5(B)	Monitoring data shall be obtained for at least 75 percent of the hours per day for 90 percent of the days per calendar quarter that the combustor is operating and combusting materials.
105.0		CD	Minn. R. 7011.1260, subp. 5(C) and (D)	The Permittee shall use all valid data from the continuous emission monitoring systems in calculating emission concentrations and percent reductions. If CEM data is unavailable, the Permittee shall meet the minimum data requirements using the alternative methods set forth in 40 CFR pt. 60, Appendix A, Method 10 for CO; Method 3A or 3B for O ₂ or CO ₂ , respectively.
106.0		CD	Minn. R. 7017.1050, subp. 1	CEMS Certification Test: due 60 days after first Excess Emissions Report. This requirement applies to any CEMS which have not previously been certified.
107.0		CD	Minn. R. 7017.1060, subp. 1 and 2	CEMS Certification Test Plan: due 30 days before CEMS Certification Test.
108.0		CD	Minn. R. 7017.1060, subp. 3	CEMS Certification Test Pretest Meeting: due 7 days before CEMS Certification Test.
109.0		CD	Minn. R. 7017.1080, subps. 1, 2, and 4	CEMS Certification Test Report: due 45 days after CEMS Certification Test.
110.0		CD	Minn. R. 7017.1080, subp. 3	CEMS Certification Test Report - Microfiche Copy: due 105 days after CEMS Certification Test.
111.0		CD	Minn. R. 7011.1260, subp. 5(E); Minn. R. 7017.1170, subp. 3	CEMS Daily Calibration Drift (CD) Test: The CD shall be quantified and recorded at zero (low-level) and upscale (high-level) gas concentrations at least once daily according to the procedures of 40 CFR Section 60.13. 40 CFR pt. 60, Appendix F, shall be used to determine out-of-control periods for CEMS.
112.0		CD	Minn. R. 7011.1260, subp. 5(F)	The span value of the oxygen monitor shall be 25 percent oxygen. The span value of the carbon monoxide monitor shall be 125 percent of the maximum estimated hourly potential carbon monoxide emissions of the waste combustor unit.
113.0		S/A	Minn. R. 7011.1260, subp. 5(G); Minn. R. 7007.0800, subp. 2	Cylinder Gas Audit: due before end of each calendar quarter following CEM Certification Test except for quarters in which a RATA was performed. This requirement applies to each CEMS as well as each diluent monitor.
114.0		CD	Minn. R. 7011.1285, subp. 3(G); Minn. R. 7007.0800, subp. 2; Minn. R. 7017.1180, subp. 1	Cylinder Gas Audit (CGA) Results Summary: due 30 days after end of each calendar quarter following Cylinder Gas Audit.
115.0		S/A	Minn. R. 7011.1260, subp. 5(G); Minn. R. 7007.0800, subp. 2	CEMS Relative Accuracy Test Audit (RATA): due before end of each year starting 09/20/2005. Follow the procedure in 40 CFR pt. 60, Appendix F. The RATA shall be conducted during the calendar quarter in which a cylinder gas audit (CGA) is not performed. This requirement applies to each CEMS individually. Conduct annual evaluations of your continuous emission monitoring systems no more than 13 months after the previous evaluation was conducted.
116.0		CD	Minn. R. 7011.1260, subp. 5(I)	The oxygen monitor shall conform to Performance Specification 3 in 40 CFR pt. 60, Appendix B, as amended, except that section 2.3 shall not apply.
117.0		CD	Minn. R. 7007.0800, subp. 2; Minn. R. 7017.1180, subp. 2	Relative Accuracy Test Audit (RATA) Notification: Due 30 days before CEMS Relative Accuracy Test Audit (RATA)
118.0		CD	Minn. R. 7011.1285, subp. 3(G); Minn. R. 7007.0800, subp. 2; Minn. R. 7017.1180, subp. 3	Relative Accuracy Test Audit (RATA) Results Summary: due 30 days after end of the calendar quarter in which the Audit was performed.



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119.0		CD	Minn. R. 7011.1260, subp. 7	<p>Exceedances of Continuously Monitored Emissions:</p> <p>If accurate and valid data results collected from the sulfur dioxide and/or carbon monoxide monitors exceed emission limits, the following procedures shall be followed.</p> <ul style="list-style-type: none"> - Exceedance shall be reported to the commissioner as soon as reasonably possible. - Appropriate repairs or modifications to return the waste combustor to compliance must be commenced within 72 hours. If compliance cannot be achieved within 72 hours, then the waste combustor shall be shut down. If modifications to return the waste combustor to compliance require the amendment of this permit, the waste combustor shall shut down within 72 hours of the exceedance. <p>(continued below)</p>
120.0		CD	Minn. R. 7011.1260, subp. 7 (continued)	<p>Exceedances of Continuously Monitored Emissions (continued)</p> <ul style="list-style-type: none"> - When repairs or modifications have been completed, the Permittee shall demonstrate to the Commissioner that the waste combustor is in compliance. The waste combustor may be started up after the Permittee has notified the commissioner in writing of the date the Permittee plans to start up the waste combustor and the date that performance testing is scheduled. Notification shall be given at least 10 days in advance of the compliance test date.
121.0		CD	hdr	RECORDKEEPING
122.0		CD	40 CFR Section 62.14424(a)	<p>The Permittee must maintain the following at the facility:</p> <ul style="list-style-type: none"> - Summary of the applicable standards under 40 CFR pt. 62, subp. HHH; - Description of basic combustion theory applicable to a Hospital/Medical/Infectious Waste Incinerator (HMIWI); - Procedures for receiving, handling, and charging waste; - Procedures for startup, shutdown, and malfunction; - Procedures for maintaining proper combustion air supply levels; - Procedures for operating the HMIWI and associated air pollution control systems within the standards established under subp. HHH; - Procedures for responding to malfunction or conditions that may lead to malfunction; - Procedures for monitoring HMIWI emissions; - Reporting and recordkeeping procedures; and - Procedures for handling ash.
123.0		CD	40 CFR Section 62.14424(b)	The Permittee must keep the information listed in 40 CFR Section 62.14424(a) in a readily accessible location for all HMIWI operators. This information, along with records of training, must be available for inspection by the EPA or its delegated enforcement agent upon request.
124.0		CD	40 CFR Section 62.14425	The Permittee must establish a program for reviewing the information listed in 40 CFR Section 62.14424 annually with each HMIWI operator as defined in 40 CFR Section 62.14490. The Permittee must conduct the initial review of the information listed in 40 CFR Section 62.14424 prior to assumption of responsibilities affecting HMIWI operation. The Permittee must conduct subsequent reviews of the information listed in 40 CFR Section 62.14424 annually.
125.0		CD	40 CFR Section 62.14460(a)	The Permittee must maintain the calendar date of each record.
126.0		CD	40 CFR Section 62.14460(b)	<p>The Permittee must maintain Records of the following data:</p> <ul style="list-style-type: none"> - Concentrations of any pollutant listed in pt. 62, subp. HHH Table 1 and/or measurements of opacity; - The HMIWI charge dates, times, and weights and hourly charge rates; - Secondary combustion chamber temperatures recorded during each minute of operation; - Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable; - Pressure drop across the wet scrubber system during each minute of operation, as applicable; <p>(continued below)</p>



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127.0		CD	40 CFR Section 62.14460(b) (continued)	(continued) - Temperature at the outlet from the wet scrubber during each minute of operation, as applicable; - The pH at the inlet to the wet scrubber during each minute of operation, as applicable; - Records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 operating days of an inspection or the time frame established by the EPA Administrator or delegated enforcement authority, as applicable; - Records indicating use of the bypass stack, including dates, times, and durations; and - If the Permittee is complying by monitoring site-specific operating parameters under 40 CFR Section 62.14453(b), maintain all operating data collected.
128.0		CD	40 CFR Section 62.14460(c)	The Permittee must maintain records of the identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460(b)(1) through (15) were not obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken.
129.0		CD	40 CFR Section 62.14460(d)	The Permittee must maintain records of the identification of calendar days, times and durations of malfunctions, and a description of the malfunction and the corrective action taken.
130.0		CD	40 CFR Section 62.14460(e)	The Permittee must maintain records of the identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460 (b)(1) through (15) exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.
131.0		CD	40 CFR Section 62.14460(f)	The Permittee must maintain records of the results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating parameters, as applicable.
132.0		CD	40 CFR Section 62.14460(g), (h), and (i); Minn. R. 7011.1275, subp. 4	Records showing the names of HMIWI operators who have completed review of the documentation in 40 CFR Section 62.14424 as required by 40 CFR Section 62.14425, including the date of the initial review and all subsequent annual reviews; Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training; and Records showing the names of the HMIWI operators who have met the criteria for qualification under 40 CFR Section 62.14423 and the dates of their qualification
133.0		CD	40 CFR Section 62.14460(j)	Records of calibration of any monitoring devices as required under 40 CFR Section 62.14454.
134.0		CD	40 CFR Section 62.14461	The Permittee must maintain the records specified under 40 CFR Section 62.14460 for a period of at least 5 years.
135.0		CD	40 CFR Section 62.14462	The Permittee must maintain all records specified under 40 CFR Section 62.14460 onsite in either paper copy or computer-readable format, unless an alternative format is approved by the EPA Administrator.
136.0		CD	Minn. R. 7019.0100, subp. 1; Minn. R. 7007.0800, subp. 5(C); 40 CFR Section 60.7(f)	Recordkeeping: Maintain a file of all measurements, maintenance, reports and records for at least five years including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection.
137.0		CD	Minn. R. 7011.1260, subp. 6	Recordkeeping: The Permittee will maintain a record of continuously measured parameters as specified in Minn. R. 7011.1260, subp. 6.
138.0		CD	Minn. R. 7011.1285, subp. 1	The Permittee shall: - Keep all records on-site in paper copy or electronic format. - Make all records available for submittal to the Administrator or Commissioner, or for on-site review by the Administrator or Commissioner.



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139.0		CD	Minn. R. 7011.1265, subp. 8; Minn. R. 7011.1240, subp. 2; Minn. R. 7007.0800, subp. 2	Recordkeeping: record in the daily operating record the four-hour arithmetic average gas stream temperature as measured at the wet scrubber inlet during the most recent PCDD/PCDF performance test demonstrating compliance with the PCDD/PCDF emission limits in Minn. R. 7011.1225 and 40 CFR Section 62.14.
140.0		CD	Minn. R. 7011.1285, subp. 1	The Permittee shall maintain on site for five years after the report is generated, a paper copy of each quarterly report, initial compliance report, and performance test report required under Minn. R. 7011.1285, subps. 3, 5, and 6 respectively.
141.0		CD	Minn. R. 7011.1285; Minn. R. 7017.1130; Minn. R. 7007.0800, subp. 2; 40 CFR Section 62.14454(b)	<p>Daily Operating Record: The Permittee shall maintain on-site daily records for the operation of the waste combustor. Daily records include such things as the operator log book, operator daily log sheets, trend records, CEMS records, and the daily operating report. The record shall contain:</p> <ul style="list-style-type: none"> - the calendar date; - the hours of operation; - the time when waste begins feeding and the unit load of the steam turbine at the time; - the time the waste feed to the combustion chamber ceases; - the weight of waste combusted; - the weight of waste requiring disposal at a solid waste land disposal facility, including separated noncombustibles, excess waste, and ash; - the amount and description of industrial solid waste received each day, the generator's name, and the method of handling; - the measurements and determination of emissions averages as required in Minn. R. 7011.1260, subp. 6; <p>(continued below)</p>
142.0		CD	Minn. R. 7011.1285; Minn. R. 7017.1130; Minn. R. 7007.0800, subp. 2; 40 CFR Section 62.14454(b)	<p>Daily Operating Record (Continued)</p> <ul style="list-style-type: none"> - results of performance tests conducted on waste combustor units as required in this permit; - instances of dumpstack use including the date, time, duration and the reason for such use; - the time when PM control equipment by-pass begins; - the time when PM control bypass ceases; - the names of persons who have completed initial review or subsequent annual review of the operating manual; - continuous monitoring system records including: - each one-hour emission average recorded by the CEMS; - monitor certification test reports; - excess emissions reports; - cylinder gas audit reports; - calibration error audit reports; - relative accuracy test audits; <p>(continued below)</p>
143.0		CD	Minn. R. 7011.1285; Minn. R. 7017.1130; Minn. R. 7007.0800, subp. 2; 40 CFR Section 62.14454(b)	<p>Daily Operating Record (Continued)</p> <ul style="list-style-type: none"> - linearity check reports; - results of daily calibration drift checks; - log of adjustments made to the CEMS and maintenance performed on the CEMS; - the reasons for exceeding any of the average emission rates, percent reductions, or operating parameters specified under Minn. R. 7011.1260, subp. 6, item C, and a description of corrective actions taken; - reasons for not obtaining the minimum number of hours of sulfur dioxide emissions or operational data (carbon monoxide emissions, steam flow, particulate matter control device temperature) and a description of corrective actions taken. - the date of the calibration of all signal conversion elements associated with steam flow monitoring as required in Minn. R. 7011.1265, subp. 4.
144.0		CD	Minn. R. 7017.1130	<p>Recordkeeping: The Permittee shall maintain a file of the following CEMS information at the emission facility in a form suitable for inspection for at least five years from the date of each record.</p> <ul style="list-style-type: none"> - all monitoring system information required by an applicable compliance document; and - an up-to-date monitor QA/QC plan.



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145.0		CD	Minn. R. 7007.0800, subp. 2	Recordkeeping: The Permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the facility including any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.
146.0		CD	Minn. R. 7011.1280, subp. 11	Recordkeeping, Training and Certification: The Permittee shall keep records of training courses completed and certifications achieved, including: - Names of the chief facility operator, shift supervisors, and control room operators who are provisionally certified by the American Society of Mechanical Engineers. - Dates of the initial provisional certifications. - Documentation showing current provisional certifications. - Names of the chief facility operator, shift supervisors, and control room operators who have completed the EPA or State operator training course. - Dates of completion of the operator training course. - Documentation showing completion of operator training course. - Names of persons who have reviewed the operating manual. - Date of the initial review. - Dates of subsequent annual reviews.
147.0		CD	hdr	REPORTING
148.0		CD	Minn. R. 7011.1240, subp. 8	Shutdown or breakdown reporting requirements. The Permittee shall comply with Minn. R. 7019.1000 and Minn. Stat. 116.85.
149.0		CD	Minn. R. 7011.1250, subp. 2	The Industrial Solid Waste Management Plan must address how the following additional categories of solid waste will be managed to comply with the requirements of Minn. R. 7035.2535, subp. 5.A, subitems (2) to (4), as well as state whether each of the following solid wastes will be accepted at the facility: - spilled fossil fuels and the sorbents used to collect the spilled fossil fuels; - infectious and pathological wastes; - media contaminated with oil; - problem materials as defined in Minn. Stat., Section 115A.03, subd. 24a; and - any other solid wastes that can be identified that would adversely impact waste combustor operations or result in environmental and health problems if combusted.
150.0		CD	Minn. R. 7011.1250, subp. 3	The Permittee shall modify the industrial waste management plan whenever the management practices or solid wastes identified in the plan have changed. The Permittee shall submit the amended plan to the Commissioner for approval.
151.0		S/A	Minn. R. 7017.1110, subp. 1 and 2; Minn. R. 7011.1285, subp. 3	Excess Emissions/Downtime Reports (EER's): due 30 days after end of each calendar quarter starting 09/20/2005 (Submit Deviations Reporting Form DRF-1 as amended). The EER shall indicate all periods of CEMS bypass and all periods of exceedances of the limit including exceedances allowed by an applicable standard, i.e. during startup, shutdown, and malfunctions.
152.0		S/A	Minn. R. 7011.1285, subp. 3	Quarterly Report: due 30 days after end of each calendar quarter starting 09/20/2005
153.0		CD	Minn. R. 7011.1285, subp. 3	Quarterly Reports: The report shall contain the following items: - calendar date; - a graphic or tabular presentation of the sulfur dioxide and carbon monoxide emissions, and the maximum waste combustor unit load level and particulate matter control device temperatures as recorded by Minn. R. 7011.1260, subp. 6, item C. The graphs shall be prepared as follows: (1) the graph shall represent one operating parameter or pollutant; (2) the applicable limit of the parameter or pollutant shall be indicated on the graph; and (3) data shall be expressed in the same units as the applicable operating parameter or emissions limit; - instances of dumpstack use; (continued below)



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154.0		CD	Minn. R. 7011.1285, subp. 3 (Continued)	<p>Quarterly Reports (Continued):</p> <ul style="list-style-type: none"> - the identification of operating days when any of the average emission concentrations, percent reductions, or operating parameters specified under Minn. R. 7011.1260, subp 6(C), Minn. R. 7011.1272, subp. 2 exceeded the applicable limits. The report shall include the emission levels recorded during the exceedance, reasons for such exceedances and a description of corrective actions taken; - the identification of operating days for which the minimum number of hours that emission concentrations, percent reductions, or operating parameters specified under Minn. R. 7011.1260, subp. 6(C), or Minn. R. 7011.1272, subp. 2 have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken; <p>(continued below)</p>
155.0		CD	Minn. R. 7011.1285, subp. 3 (Continued)	<p>Quarterly Reports (Continued)</p> <ul style="list-style-type: none"> - the information required in Minn. R. 7011.1285, subp. 2(C), (D), and (E), summarized to reflect quarterly totals; - a compliance certification as required in Minn. R. 7007.0800, subp. 6(C).
156.0		CD	40 CFR Section 62.14463(b)	The Permittee must report the values for the site specific operating parameters established under 40 CFR Section 62.14453 within 60 days following the initial performance test.
157.0		CD	40 CFR Section 62.14463(d) and (e)	The Permittee must report the highest maximum operating parameter and the lowest minimum operating parameter for each parameter recorded for the calendar year as well as the previous year in order to provide a two-year summary of the performance of the incinerator.
158.0		CD	40 CFR Section 62.14463(f)	<p>The Permittee must report any information recorded under 40 CFR Section 62.14460(c) through (e) for the calendar year being reported including:</p> <ul style="list-style-type: none"> - Identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460(b)(1) through (15) were not obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken; - Identification of calendar days, times and durations of malfunctions, and a description of the malfunction and the corrective action taken; - Identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460(b)(1) through (15) exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.
159.0		CD	40 CFR Section 62.14463(g)	<p>The Permittee must report any information recorded under 40 CFR Section 62.14460(c) to (e) for the calendar year preceding the year being reported, in order to provide a summary of the performance of the incinerator over a two-year period:</p> <ul style="list-style-type: none"> - Identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460(b)(1) through (15) were not obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken; - Identification of calendar days, times and durations of malfunctions, and a description of the malfunction and the corrective action taken. <p>(continued below)</p>
160.0		CD	40 CFR Section 62.14463(g) (Continued)	<p>(Continued)</p> <ul style="list-style-type: none"> - Identification of calendar days for which data on emission rates or operating parameters specified under 40 CFR Section 62.14460(b)(1) through (15) exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken.
161.0		CD	40 CFR Section 62.14463(h)	The Permittee must report the results of any performance test conducted during the reporting period.
162.0		CD	40 CFR Section 62.14463(i)	If no exceedances or malfunctions occurred during the calendar year being reported, the Permittee must submit a statement that no exceedances occurred during the reporting period.



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163.0		CD	40 CFR Section 62.14463(j)	The Permittee must report any use of the bypass stack, duration of such use, reason for malfunction, and corrective action taken.
164.0		CD	40 CFR Section 62.14463(k)	The Permittee must submit records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or the time frame established by the EPA Administrator (or delegated enforcement authority).
165.0		CD	40 CFR Section 62.14464(a)	The Permittee must submit the information specified in 40 CFR Section 62.14463(a) through (c) no later than 60 days following the initial performance test.
166.0		CD	40 CFR Section 62.14464(b)	The Permittee must submit an annual report to the EPA Administrator (or delegated enforcement authority) no more than one year following the submission of the information in 40 CFR Section 62.14464(a) and must submit subsequent reports no more than semiannually following the previous report. The annual report must include the information specified in 40 CFR Section 62.14463(d) through (k), as applicable.
167.0		CD	40 CFR Section 62.14464(c)	The Permittee must submit semiannual reports containing any information recorded under 40 CFR Section 62.14460(c) through (e) no later than 60 days following the end of the semiannual reporting period. The first semiannual reporting period ends six months following the submission of information in 40 CFR Section 62.14464(a). Subsequent reports must be submitted no later than six calendar months following the previous report.
168.0		CD	40 CFR Section 62.14465	All reports must be signed by the facilities manager as defined in 40 CFR Section 62.14490.



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Subject Item: EU 002 Emergency Diesel Generator 345 hp

Associated Items: SV 004 Emergency Generator Stack

	NC/ CA	Type	Citation	Requirement
1.0		CD	hdr	NESHAP REQUIREMENTS
2.0		CD	40 CFR Section 63.6590(a)(1)(iii); Minn. R. 7011.8150	Pt. 63, subp. ZZZZ Applicability: EU 002 was constructed prior to June 12, 2006 and meets the definition of an existing affected source under 40 CFR pt. 63, subp. ZZZZ at 40 CFR Section 63.6590(a)(1)(iii).
3.0		CD	40 CFR Section 63.6595(a)(1); Minn. R. 7011.8150	EU 002 is an existing stationary compression ignition reciprocating internal combustion engine (RICE) with a site rating of less than or equal to 500 brake HP located at an area source of hazardous air pollutant emissions and therefore must comply with the applicable (pt. 63, subp. ZZZZ) emission limitations and operating limitations no later than May 3, 2013.
4.0		CD	40 CFR Section 63.6675; Minn. R. 7011.8150	EU 002 is an emergency stationary RICE as defined at 40 CFR Section 63.6675.
5.0		CD	40 CFR Section 63.6603; Table 2d of 40 CFR pt. 63, subp. ZZZZ; Minn. R. 7011.8150	<p>Work Practices And Operating Requirements:</p> <p>Pt. 63, subp. ZZZZ TABLE 2d</p> <p>4. EMERGENCY STATIONARY COMPRESSION IGNITION (CI) RICE AND BLACK START STATIONARY CI RICE:</p> <p>a. Change oil and filter every 500 hours of operation or annually, whichever comes first;</p> <p>b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first;</p> <p>c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.</p> <p>(continued)</p>
6.0		CD	40 CFR Section 63.6603; Table 2d of 40 CFR pt. 63, subp. ZZZZ; Minn. R. 7011.8150	<p>(continued from above)</p> <p>Pt. 63, subp. ZZZ Table 2d footnote 2</p> <p>If EU 002 is operating during an emergency and it is not possible to shut down EU 002 in order to perform the management practice requirements on the schedule required in Table 2d of pt. 63, subp. ZZZZ, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. The Permittee must report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.</p>
7.0		CD	40 CFR Section 63.6625(e)(3); Minn. R. 7011.8150	The Permittee shall operate and maintain EU 002 and after-treatment control device (if any) according to the manufacturer's emission-related written instructions, or the Permittee shall develop a maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
8.0		CD	40 CFR Section 63.6625(f); Minn. R. 7011.8150	The Permittee shall install a non-resettable hours meter on EU 002, if one is not already installed.
9.0		CD	40 CFR Section 63.6625(h); Minn. R. 7011.8150	The Permittee shall minimize EU 002 idle time during startup and minimize EU 002 startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.



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10.0		CD	40 CFR Section 63.6625(i); Minn. R. 7011.8150	<p>The Permittee has the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2d of pt. 63, subp. ZZZZ. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2d. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content.</p> <p>The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the Permittee is not required to change the oil. If any of the limits are exceeded, the Permittee must change the oil within 2 days of receiving the results of the analysis.</p> <p>(continued)</p>
11.0		CD	40 CFR Section 63.6625(i); Minn. R. 7011.8150	<p>(Continued from above)</p> <p>If EU 002 is not in operation when the results of the analysis are received, the Permittee must change the oil within two days or before commencing operation, whichever is later. The Permittee must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the EU 002 maintenance plan.</p>
12.0		CD	40 CFR Section 63.6605; Minn. R. 7011.8150	<p>(a) The Permittee must be in compliance with the applicable emission limitations and operating limitations in pt. 63, subp. ZZZZ at all times.</p> <p>(b) At all times the Permittee must operate and maintain EU 002, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by pt. 63, subp. ZZZZ have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of EU 002.</p>
13.0		CD	40 CFR Section 63.6640(a), (b), & (e); Minn. R. 7011.8150	<p>(a) The Permittee must demonstrate continuous compliance with each applicable operating limitation in Table 2d of pt. 63, subp. ZZZZ according to methods specified in Table 6 of pt. 63, subp. ZZZZ.</p> <p>(b) The Permittee must report each instance in which each applicable operating limitation in Table 2d of pt. 63, subp. ZZZZ was not met. These instances are deviations from the operating limitations in pt. 63, subp. ZZZZ. These deviations must be reported according to the requirements in 40 CFR Section 63.6650.</p> <p>(e) The Permittee must also report each instance in which the Permittee did not meet the applicable requirements in Table 8 of pt. 63, subp. ZZZZ.</p>
14.0		CD	40 CFR Section 63.6640(f)(1); Minn. R. 7011.8150	<p>The Permittee must operate EU 002 according to the requirements in paragraphs (f)(1)(i) through (iii) of 40 CFR Section 63.6640. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1)(i) through (iii) of Section 63.664, is prohibited. If the Permittee does not operate EU 002 according to the requirements in paragraphs (f)(1)(i) through (iii) of Section 63.664, EU 002 will not be considered an emergency engine under pt. 63, subp. ZZZZ and will need to meet all requirements for non-emergency engines.</p>
15.0		CD	40 CFR Section 63.6640(f)(1)(i) & (ii); Minn. R. 7011.8150	<p>(i) There is no time limit on the use of EU 002 in emergency situations.</p> <p>(ii) The Permittee may operate EU 002 for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with EU 002. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The Permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that Federal, State, or local standards require maintenance and testing of EU 002 beyond 100 hours per year.</p>



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16.0		CD	40 CFR Section 63.6640(f)(1)(iii); Minn. R. 7011.8150	(iii) The Permittee may operate EU 002 up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except the Permittee may operate EU 002 for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. (continued)
17.0		CD	40 CFR Section 63.6640(f)(1)(iii); Minn. R. 7011.8150	(continued from above) EU 002 may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and EU 002 operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii) of 40 CFR Section 63.6640, as long as the power provided by the financial arrangement is limited to emergency power.
18.0		CD	40 CFR Section 63.6655(a); Minn. R. 7011.8150	(a) If the Permittee must comply with the emission and operating limitations, the Permittee must keep the records described in 40 CFR Section 63.6655(a)(1) through (a)(5), (b)(1) through (b)(3), and (c). (1) A copy of each notification and report submitted to comply with pt. 63, subp. ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status submitted by the Permittee, according to the requirement in 40 CFR Section 63.10(b)(2)(xiv). (2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment. (3) Records of performance tests and performance evaluations as required in 40 CFR Section 63.10(b)(2)(viii). (4) Records of all required maintenance performed on the air pollution control and monitoring equipment. (continued)
19.0		CD	40 CFR Section 63.6655(a); Minn. R. 7011.8150	(continued from above) 5) Records of actions taken during periods of malfunction to minimize emissions in accordance with Section 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
20.0		CD	40 CFR Section 63.6655(d); Minn. R. 7011.8150	(d) The Permittee must keep the records required in Table 6 of pt. 63, subp. ZZZZ to show continuous compliance with each applicable emission or operating limitation.
21.0		CD	40 CFR Section 63.6655(e)(2); Minn. R. 7011.8150	(e)(2) the Permittee must keep records of the maintenance conducted on EU 002 in order to demonstrate that the Permittee operated and maintained EU 002 and after-treatment control device (if any) according to the Permittee's maintenance plan.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

22.0		CD	40 CFR Section 63.6655(f); Minn. R. 7011.8150	<p>Thye Permittee must keep records of the hours of EU 002 operation recorded by the non-resettable hour meter. The Permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If EU 002 is used for demand response operation, the Permittee must keep records of the notification of the emergency situation, and the time EU 002 was operated as part of demand response.</p> <p>EU 002 is an emergency RICE located at an area source of HAP emissions that does not meet the standards at pt. 63, subp. ZZZZ applicable to non-emergency engines.</p>
23.0		CD	hdr	EMISSION LIMITS
24.0		LIMIT	Minn. R. 7011.2300, subp. 1	Opacity: less than or equal to 20.0 percent opacity once operating temperatures have been attained.
25.0		LIMIT	Minn. R. 7011.2300, subp. 2	Sulfur Dioxide: less than or equal to 0.5 lbs/million Btu heat input
26.0		CD	hdr	OPERATING CONDITIONS
27.0		CD	Minn. R. 7007.0800, subp. 2	Fuel type: No. 2 fuel oil only.
28.0		LIMIT	Minn. R. 7007.0800, subp. 4 & 5	Operating Hours: less than or equal to 500 hours/year The Permittee shall maintain documentation on site that the unit is an emergency diesel generator by design that qualifies under the U.S. EPA memorandum entitled "Calculating Potential to Emit (PTE) for Emergency Generators" dated September 6, 1995, limiting operation to 500 hours per year.
29.0		CD	hdr	RECORDKEEPING
30.0		CD	Minn. R. 7007.0800, subp. 4 & 5	<p>Monthly Recordkeeping: Emergency Generator Operating Hours. By the 15th of the month, the Permittee shall calculate and record the following:</p> <p>1) the total operating hours for the previous calendar month using daily records.</p> <p>2) the 12-month rolling sum of operating hours for the previous 12 month period by summing the monthly hours data for the previous 12 months.</p>
31.0		CD	Minn. R. 7007.0800, subp. 4 & 5	Fuel Supplier Certification: Obtain and maintain a fuel supplier certification for each shipment of No. 2 fuel oil, certifying that the sulfur content does not exceed 0.5% by weight.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

Subject Item: EU 003 Pathological Waste Incinerator (constructed 2002)

Associated Items: SV 003 Pathological Incinerator Stack

	NC/ CA	Type	Citation	Requirement
1.0		CD	40 CFR 60.50c(b)	A combustor is not subject to 40 CFR Section 60.50c during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR Section 60.51c) is burned, provided the Permittee: - Notifies the Administrator of an exemption claim; and - Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned.
2.0		CD	40 CFR 60.50c(b)	The Permittee shall burn only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR Section 60.51c.
3.0		LIMIT	Minn. R. 7011.1215, subp. 3.A.	Opacity: less than or equal to 20.0 percent opacity
4.0		CD	Minn. R. 7011.1215, subp. 3.B.	The Permittee must install and operate an afterburner which maintains flue gases at 1,200 degrees Fahrenheit for at least 0.3 seconds.
5.0		CD	Minn. R. 7007.0800, subp. 4	Afterburner temperature monitor. The Permittee shall install, calibrate, maintain, and operate at all times a temperature monitoring device(s) on the afterburner. A minimum of one thermocouple shall be installed in the combustion zone of the afterburner. Each temperature monitoring device shall be certified by the manufacturer to have an accuracy of +/-5% over its operating range. The temperature monitoring device shall be operated continuously and data recorded during all periods of operation of the Pathological Waste Incinerator. ("Continuously" is defined as determining at least one data point in each 15-minute time interval)
6.0		CD	Minn. R. 7011.1215, subp. 3.C.	Ash shall be stored and transported in such a manner to prevent avoidable amounts of particulate matter to become airborne.
7.0		CD	Minn. R. 7007.0800, subp. 4	Recordkeeping: Maintain permanent records for a period of five years of the operating temperature as measured in the afterburner. ("Permanent records" means records that are in a form that is retrievable and readable such as hard copy or a computer disk)
8.0		CD	Minn. R. 7007.0800, subp. 2	Fuel Usage: only natural gas or propane may be used as an auxiliary fuel in the incinerator afterburner.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

Subject Item: CE 004 Wet Scrubber - High Efficiency

Associated Items: EU 001 Hospital/Medical/Infectious Waste Incinerator (constructed 1993)

	NC/ CA	Type	Citation	Requirement
1.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE004 such that it achieves an overall control efficiency for Total Particulate Matter: greater than or equal to 90 percent control efficiency
2.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE004 such that it achieves an overall control efficiency for PM < 10 micron: greater than or equal to 90 percent control efficiency
3.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE004 such that it achieves an overall control efficiency for PM < 2.5 micron: greater than or equal to 90 percent control efficiency
4.0		LIMIT	40 CFR Section 62.14453(a)	Pressure Drop: greater than or equal to 24 inches of water column using 3-hour Average
5.0		LIMIT	40 CFR Section 62.14453(a)	Liquid Flow Rate: greater than or equal to 100 gallons/minute using 3-hour Average
6.0		LIMIT	40 CFR Section 62.14453(a)	pH: greater than or equal to 6.0 pH using 3-hour Average
7.0		CD	40 CFR Section 62.14454(a)	The Permittee shall continuously monitor and record the minimum pressure drop across the wet scrubber or minimum horsepower or amperage to the wet scrubber once per minute.
8.0		CD	40 CFR Section 62.14454(a)	The Permittee shall continuously monitor and record the minimum scrubber liquor flow rate once per minute.
9.0		CD	40 CFR Section 62.14454(a)	The Permittee shall continuously monitor and record the minimum scrubber liquor pH once per minute.
10.0		CD	Minn. R. 7011.1240, subp. 2	The inlet gas stream to each particulate matter control device as measured by Minn. R. 7011.1260, subp. 4.A, shall have a temperature of no greater than 30 degrees Fahrenheit above the highest four-hour arithmetic mean temperature measured during four consecutive hours for this gas stream during the most recent performance test for PCDD/PCDF that demonstrated compliance, except as allowed in Minn. R 7011.1240, subp. 2.A and 2.B.
11.0		CD	Minn. R. 7011.1240, subp. 2.A.	During the annual PCDD/PCDF performance test and the two weeks preceding the annual PCDD/PCDF performance test, no particulate matter control device temperature limitations are applicable.
12.0		CD	Minn. R. 7011.1240, subp. 2.B.	The Commissioner shall waive the particulate matter control device temperature limits for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions, provided a written notification is submitted to the Commissioner 30 days prior to undertaking any of the activities above, with the following information: - a description of the proposed project, and the outcome the project is designed to evaluate; - how the project conforms with the activities described in this subpart for which the temperature limit can be waived; and - the length of time the project will take to complete.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

Subject Item: CE 005 Wet Electrostatic Precipitator

Associated Items: EU 001 Hospital/Medical/Infectious Waste Incinerator (constructed 1993)

	NC/ CA	Type	Citation	Requirement
1.0		CD	hdr	EMISSION AND OPERATIONAL LIMITS
2.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE 005 such that it achieves an overall control efficiency for Total Particulate Matter: greater than 80 percent control efficiency
3.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE 005 such that it achieves an overall control efficiency for PM < 10 micron: greater than or equal to 80 percent control efficiency
4.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	The Permittee shall operate and maintain CE 005 such that it achieves an overall control efficiency for PM < 2.5 micron: greater than or equal to 80 percent control efficiency
5.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	Secondary Voltage: greater than or equal to 49.7 kilovolts using 3-hour Rolling Average unless a new minimum secondary voltage input is set pursuant to Minn. R. 7017.2025, subp. 3. If a new minimum voltage input is set, it will be based on the average voltage input recorded during the most recent MPCA-approved performance test where compliance was demonstrated. If the three-hour rolling average secondary voltage input drops below the minimum limit, this shall be reported as a deviation.
6.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	Secondary Current: greater than or equal to 97.9 milliamps using 3-hour Rolling Average unless a new minimum secondary current input is set pursuant to Minn. R. 7017.2025, subp. 3. If a new minimum secondary current input is set, it will be based on the average current input recorded during the most recent MPCA-approved performance test where compliance was demonstrated. If the three-hour rolling average secondary current input drops below the minimum limit, this shall be reported as a deviation.
7.0		CD	Minn. R. 7007.0800, subp. 16(J)	The Permittee shall operate and maintain CE 005 any time that EU 001 is in operation. The Permittee shall document periods of non-operation of CE 005 when EU 001 is operating.
8.0		CD	hdr	MONITORING AND RECORDKEEPING
9.0		CD	Minn. R. 7007.0800, subps. 4 and 5	Data Collection (Secondary Current and Secondary Voltage): The Permittee shall maintain a continuous hard copy readout or computer disk file of the secondary current and secondary voltage. The total secondary current and secondary voltage shall be measured and recorded at intervals not to exceed 60 seconds. The Permittee shall calculate and record the 15-minute average total secondary current and 15-minute average total secondary voltage using the data recorded at intervals no greater than 60 seconds. The Permittee shall also calculate and record the three-hour rolling average total secondary current and total secondary voltage using the 15-minute average total secondary current and average total secondary voltage, respectively.
10.0		CD	Minn. R. 7007.0800, subps. 4 and 5	Daily Monitoring: The Permittee shall physically verify the operation of the Continuous Parameter Monitoring System (CPMS) at least once each operating day to verify that it is working and recording properly. The Permittee shall maintain a written record of the daily verifications.
11.0		CD	Minn. R. 7007.0800, subps. 4 and 5	Monitoring Equipment: The Permittee must install and maintain a continuous parameter monitoring system (CPMS) for monitoring the ESP secondary current and voltage input as required by this permit. The monitoring equipment must be installed, in use, and properly maintained, including maintaining the necessary parts for routine repairs of the monitoring equipment, whenever operation of the monitored control equipment is required.
12.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Quarterly Inspections: At least once per calendar quarter, or more frequently if required by the manufacturer, the Permittee shall inspect the control equipment components that are subject to wear or plugging, for example: bearings, belts, hoses, fans, nozzles, orifices, and ducts. The Permittee shall maintain a written record of the inspection and any corrective actions taken resulting from the inspection.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

13.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Annual Inspections: At least once per calendar year, or more frequently if required by the manufacturer, the Permittee shall inspect the control equipment components not covered by the quarterly inspections. This includes, but is not limited to, components that are not subject to wear or plugging including structural components, housings, and hoods. The Permittee shall maintain a written record of the inspection and any corrective actions taken resulting from the inspection.
14.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Annual Calibration: The Permittee shall calibrate the total secondary power input monitor at least at least once every 12 months and shall maintain a written record of the calibration and any action resulting from the calibration. Replacement is acceptable in lieu of calibration.
15.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Corrective Actions: The Permittee shall take corrective action as soon as possible if any of the following occur: - any recorded operating parameter is outside the required operating range (e.g., total power input); or - the ESP or any of its components are found during the inspections to need repair. Corrective actions shall return operation to within the permitted range and/or include completion of necessary repairs identified during the inspection, as applicable. Corrective actions include, but are not limited to, those outlined in the O & M Plan for the ESP. The Permittee shall keep a record of the type and date of any corrective action taken for the ESP.
16.0		CD	Minn. R. 7007.0800, subp. 14	Operation and Maintenance of ESP: The Permittee shall operate and maintain the ESP in accordance with the Operation and Maintenance (O & M) Plan. The Permittee shall keep copies of the O & M Plan available onsite for use by staff and review by MPCA staff.



COMPLIANCE PLAN **CD-01**

Facility Name: Mayo Waste Management Facility

Permit Number: 10900030 - 004

Subject Item: CE 006 Selective Noncatalytic Reduction for NOX

Associated Items: EU 001 Hospital/Medical/Infectious Waste Incinerator (constructed 1993)

	NC/ CA	Type	Citation	Requirement
1.0		CD	hdr	CE 006 OPERATING REQUIREMENTS
2.0		LIMIT	Minn. R. 7007.0800, subps. 2 and 14	Upon the effective date of the 140 ppmv @7% O ₂ NO _x limit in Table 1 of 40 CFR pt. 62, subp. HHH revisions proposed on April 23, 2012 in the Federal Register/Vol. 77, No. 78, pages 24272 through 24299, the Permittee shall operate and maintain CE 006 such that it achieves an overall control efficiency for Nitrogen Oxides: greater than 44 percent control efficiency
3.0		CD	Minn. R. 7007.0800, subps. 2 and 14	<p>Reagent (Urea) Flow Rate: The Permittee shall maintain the three-hour rolling average urea flow rate at no less than the Minimum Reagent Flow Rate as defined at 40 CFR Section 62.14490 proposed April 23, 2012 at FR vol. 77, No. 78, pages 24272 - 24299.</p> <p>This requirement does not apply until the initial NO_x performance test is required to be conducted at the deadline specified in 40 CFR Section 62.14470(a)(3) proposed on April 23, 2012 in the Federal Register/Vol. 77, No. 78, pages 24272 through 24299.</p> <p>If the final subp. HHH rule requirement is different than the proposed requirement, the Permittee shall meet the final requirement in pt. 62, subp. HHH.</p>
4.0		CD	Minn. R. 7007.0800, subp. 16(J)	The Permittee shall operate and maintain CE 006 any time that EU 001 is in operation. The Permittee shall document periods of non-operation of CE 006 when EU 001 is operating.
5.0		CD	hdr	MONITORING AND RECORDKEEPING
6.0		CD	Minn. R. 7007.0800, subp. 2	<p>Minimum Reagent Flow Rate - Minimum reagent flow rate is defined as 90 percent of the highest three-hour average reagent flow rate at the inlet to CE 006 (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the EU 001 NO_x emissions limit.</p> <p>This definition does not apply until the effective date of revisions to 40 CFR Section 62.14490 proposed April 23, 2012 at FR vol. 77, No. 78, pages 24272 - 24299.</p> <p>If the final subp. HHH rule requirement is different than the proposed requirement, the Permittee shall meet the final requirement in pt. 62, subp. HHH.</p>
7.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	<p>Reagent (Urea) Flow Rate Monitoring: Once each hour, the Permittee shall monitor and record the urea flow rate to CE 006.</p> <p>This requirement does not apply until the initial NO_x performance test is required to be conducted at the deadline specified in 40 CFR Section 62.14470(a)(3) proposed on April 23, 2012 in the Federal Register/Vol. 77, No. 78, pages 24272 through 24299.</p> <p>If the final subp. HHH rule requirement is different than the proposed requirement, the Permittee shall meet the final requirement in pt. 62, subp. HHH.</p>
8.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Quarterly Inspections: At least once per calendar quarter, or more frequently if required by the manufacturer, the Permittee shall inspect the control equipment components that are subject to wear or plugging, for example: bearings, belts, hoses, fans, nozzles, orifices, and ducts. The Permittee shall maintain a written record of the inspection and any corrective actions taken resulting from the inspection.
9.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Annual Inspections: At least once per calendar year, or more frequently if required by the manufacturer, the Permittee shall inspect the control equipment components not covered by the quarterly inspections. This includes, but is not limited to, components that are not subject to wear or plugging including structural components, housings, and hoods. The Permittee shall maintain a written record of the inspection and any corrective actions taken resulting from the inspection.
10.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	Annual Calibration: The Permittee shall calibrate the CE 006 urea flow rate monitor at least once every 12 months and shall maintain a written record of the calibration and any action resulting from the calibration. Monitor replacement is acceptable in lieu of calibration.



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11.0		CD	Minn. R. 7007.0800, subps. 4, 5 and 14	<p>Corrective Actions: The Permittee shall take corrective action as soon as possible if any of the following occur:</p> <ul style="list-style-type: none">- any recorded operating parameter is outside the required operating range (e.g., three-hour rolling average urea flow rate); or- CE 006 or any of its components are found during the inspections to need repair. <p>Corrective actions shall return operation to within the permitted range and/or include completion of necessary repairs identified during the inspection, as applicable. Corrective actions include, but are not limited to, those outlined in the CE 006 O & M Plan. The Permittee shall keep a record of the type and date of any corrective action taken for CE 006.</p>
12.0		CD	Minn. R. 7007.0800, subp. 14	<p>Operation and Maintenance of CE 006: The Permittee shall operate and maintain CE 006 in accordance with the Operation and Maintenance (O & M) Plan. The Permittee shall keep copies of the O & M Plan available onsite for use by staff and review by MPCA staff.</p>
13.0		CD	Minn. R. 7007.0800, subps. 4 and 5	<p>Data Collection (Urea Flow Rate): The Permittee shall maintain a continuous hard copy readout or computer disk file of the urea flow rate. The urea flow rate shall be measured and recorded at intervals not to exceed 60 seconds.</p> <p>Once each operating hour, the Permittee shall calculate and record the hourly average urea flow rate using the data recorded at intervals no greater than 60 seconds. The Permittee shall also calculate and record the three-hour rolling average urea flow rate using the hourly average flow rates.</p>
14.0		CD	Minn. R. 7007.0800, subps. 4 and 5	<p>Daily Monitoring: The Permittee shall physically verify the operation of the urea flow rate Continuous Parameter Monitoring System (CPMS) at least once each operating day to verify that it is working and recording properly. The Permittee shall maintain a written record of the daily verifications.</p>
15.0		CD	Minn. R. 7007.0800, subps. 4 and 5	<p>Monitoring Equipment: The Permittee must install and maintain a continuous parameter monitoring system (CPMS) for monitoring CE 006 urea flow rate as required by this permit. The monitoring equipment must be installed, in use, and properly maintained, including maintaining the necessary parts for routine repairs of the monitoring equipment, whenever CE 006 operation is required.</p>



FACILITY DESCRIPTION: EMISSION UNIT (EU)

Show: Active and Pending Records
Action: PER 004
AQD Facility ID: 10900030
Facility Name: Mayo Waste Management Facility

	ID No.	Emission Unit Status	Added By (Action)	Retired By (Action)	Insignificant Activity	Operator ID for Item	Stack/Vent ID No(s).	Control Equip. ID No(s).	Operator Description	Manufacturer	Model Number	SIC	Max. Design Capacity	Maximum Design Capacity			Max Fuel Input (mil Btu)
														Materials	Units n	Units d	
1	EU 001	Active	PER 003		<input type="checkbox"/>			CE 004 CE 005	Joy Incinerator			8062	2200	Waste	Lb	Hr	
2	EU 001	Active	PER 004		<input type="checkbox"/>		SV 001 (M) SV 002 (B)	CE 004 CE 005 CE 006	Hospital/Medical/Infectious Waste Incinerator (constructed 1993)	Joy Energy Systems	2500 TESS	8062	2200	Waste	Lb	Hr	16.25
3	EU 002	Active	EIS 001		<input type="checkbox"/>				Generator			8062					
4	EU 002	Active	PER 004		<input type="checkbox"/>		SV 004		Emergency Diesel Generator 345 hp	Caterpillar		8062	345	Energy	Hp		1.34
5	EU 003	Active	PER 001		<input type="checkbox"/>				Pathological Waste Incinerator			8062					
6	EU 003	Active	PER 004		<input type="checkbox"/>		SV 003		Pathological Waste Incinerator (constructed 2002)	Simonds		8062	200	Waste	Lb	Hr	2.9

FACILITY DESCRIPTION: EMISSION UNIT (EU)

	ID No.	Emission Unit Status	Added By (Action)	Commence Const. Date	Initial Startup Date	Removal Date	Firing Method	Pct. Fuel/ Space Heat	Bottleneck	Elevator Type
1	EU 001	Active	PER 003	01/01/1993	01/01/1994					
2	EU 001	Active	PER 004	01/01/1993	01/01/1994					
3	EU 002	Active	EIS 001							
4	EU 002	Active	PER 004	01/01/1993	01/01/1993					
5	EU 003	Active	PER 001	01/01/2002	03/01/2003					
6	EU 003	Active	PER 004	01/01/2002	03/01/2003					



FACILITY DESCRIPTION: CONTROL EQUIPMENT (CE)

Show: Active and Pending Records
Action: PER 004
AQD Facility ID: 10900030
Facility Name: Mayo Waste Management Facility

	ID No.	Control Equip. Status	Added By (Action)	Retired By (Action)	Operator ID for Item	Control Equip. Type	Control Equipment Description	Manufacturer	Model	Pollutants Controlled	Capture Efficiency (%)	Destruction/Collection Efficiency (%)	Afterburner Combustion Parameters	
1	CE 001	Retired	PER 001			041	Dry Limestone Injection							
2	CE 002	Retired	PER 001			048	Activated Carbon Adsorption							
3	CE 003	Retired	PER 001			018	Fabric Filter - Low Temperature, i.e., T<180 Degrees F							
4	CE 004	Active	PER 003			001	Wet Scrubber - High Efficiency	Envitech	Custom	Arsenic Cp Cadmium Cp Chromium Hydrogen F Merc Cpds Hyd. Acid PM2.5 Lead PM10 PM SO2	100 100 100 100 100 100 100 100 100 100 100	86.5 89 89 90 83.8 93 90 72 90 90 30		
5	CE 005	Active	PER 003			146	Wet Electrostatic Precipitator	Bionomics Industries	50-10-10	PM2.5 PM10 PM	100 100 100	80 80 80	NA	
6	CE 006	Active	PER 004			107	Selective Noncatalytic Reduction for NOX	custom	custom	NOx	100	44		

FACILITY DESCRIPTION: Potential-to-emit (by item)

Show: Active and Pending Records

AQD Facility ID: 10900030

Facility Name: Mayo Waste Management Facility

Item	Pollutant	Added By (Action)	Retired By (Action)	Hourly Potential (lbs per hr)	Unrestricted Potential (tons per yr)	Limited Potential (tons per yr)	Actual Emissions (tons per yr)
EU 001							
	Arsenic compounds	PER 001		3.60E-05	1.58E-04	1.58E-04	3.93E-05
	Beryllium Compounds	PER 001		6.88E-06	3.01E-05	3.31E-06	1.02E-05
	Carbon Dioxide Equivalent	PER 004		5.33E+03	2.34E+04	2.34E+04	
	Cadmium compounds	PER 001		6.00E-03	2.60E-02	3.00E-03	2.70E-04
	Methane	PER 004		2.00E-02	8.00E-02	8.00E-02	
	Carbon Monoxide	PER 001		1.24E+00	5.43E+00	5.43E+00	
	Carbon Dioxide	PER 004		5.33E+03	2.34E+04	2.34E+04	
	Chromium compounds	PER 001		9.00E-04	4.00E-03	4.10E-04	5.20E-04
	Hydrogen fluoride	PER 001		1.60E-01	7.18E-01	7.20E-02	7.16E+01
	Mercury	PER 001		4.00E-03	1.80E-02	1.80E-02	2.62E-02
	Polychlorinated biphenyl (Aroc	PER 001		1.00E-03	2.00E-04	2.00E-04	1.25E-04
	Hydrochloric acid	PER 001		2.58E+00	1.13E+01	1.13E+01	6.31E+00
	Hydrochloric acid	PER 004		1.86E+00	1.13E+01	8.16E+00	6.31E+00
	Manganese compounds	PER 001		6.00E-04	3.00E-03	3.00E-04	1.68E-04
	Muni Waste Combust Organics	PER 001		1.60E-06	7.00E-06	7.00E-06	4.00E-07
	Nitrous Oxide	PER 004		2.00E-02	8.00E-02	8.00E-02	
	Lead Compounds	PER 001		8.00E-02	3.51E-01	9.80E-02	2.50E-04
	Nickel compounds	PER 001		6.00E-04	3.00E-03	3.13E-04	7.60E-04
	Nitrogen Oxides	PER 001		3.92E+00	1.72E+01	1.72E+01	9.59E+00
	PM < 2.5 micron	PER 003		1.00E-01	2.25E+01	4.50E-01	
	PM < 10 micron	PER 003		5.14E+00	2.25E+01	4.50E-01	1.95E-01
	Total Particulate Matter	PER 003		5.14E+00	2.25E+01	4.50E-01	1.95E-01
	Antimony compounds	PER 001		4.00E-04	2.00E-03	2.00E-03	4.10E-04
	Sulfur Dioxide	PER 001		3.00E-02	1.24E-01	1.24E-01	1.92E+00
	Volatile Organic Compounds	PER 001		1.50E-01	6.75E-01	6.75E-01	8.05E-01
EU 002							
	Acetaldehyde	PER 004		1.03E-03	2.57E-04	2.57E-04	
	Acrolein	PER 004		1.24E-04	3.10E-05	3.10E-05	
	Benzene	PER 004		1.25E-03	3.13E-04	3.13E-04	
	1,3-Butadiene	PER 004		5.24E-05	1.31E-05	1.31E-05	
	Carbon Dioxide Equivalent	PER 004		2.20E+02	5.50E+01	5.50E+01	
	Carbon Monoxide	PER 004		2.30E+00	5.80E-01	5.80E-01	
	Carbon Dioxide	PER 004		2.20E+02	5.50E+01	5.50E+01	
	Formaldehyde	PER 004		1.58E-03	3.95E-04	3.95E-04	
	Naphthalene	PER 004		1.14E-04	2.84E-05	2.84E-05	
	HAPs - Total	PER 004		5.19E-03	1.30E-03	1.30E-03	
	Toluene	PER 004		5.28E-04	1.37E-04	1.37E-04	
	Xylenes (mixed isomers)	PER 004		3.82E-04	9.55E-05	9.55E-05	
	Nitrogen Oxides	PER 004		1.07E+01	2.67E+00	2.67E+00	
	PM < 2.5 micron	PER 004		7.90E-01	1.90E-01	1.90E-01	
	PM < 10 micron	PER 004		7.90E-01	1.90E-01	1.90E-01	
	Polycyclic organic matter	PER 004		2.25E-04	5.63E-05	5.63E-05	
	Total Particulate Matter	PER 004		7.90E-01	1.90E-01	1.90E-01	
	Sulfur Dioxide	PER 004		7.10E-01	1.80E-01	1.80E-01	
	Volatile Organic Compounds	PER 004		8.70E-01	2.20E-01	2.20E-01	

FACILITY DESCRIPTION: Potential-to-emit (by item)

Show: Active and Pending Records

AQD Facility ID: 10900030

Facility Name: Mayo Waste Management Facility

Item	Pollutant	Added By (Action)	Retired By (Action)	Hourly Potential (lbs per hr)	Unrestricted Potential (tons per yr)	Limited Potential (tons per yr)	Actual Emissions (tons per yr)
EU 003							
	Benzene	PER 001		9.00E-04	4.00E-03	4.00E-03	2.25E-04
	Arsenic compounds	PER 001		1.00E-04	3.00E-04	3.00E-04	1.70E-05
	Carbon Dioxide Equivalent	PER 004		7.28E+02	3.19E+03	3.19E+03	
	Cadmium compounds	PER 001		1.20E-03	5.00E-03	5.00E-03	3.00E-04
	Methane	PER 004		1.00E-02	3.00E-02	3.00E-02	
	Carbon Monoxide	PER 001		1.50E-01	6.57E-01	6.57E-01	3.80E-02
	Carbon Dioxide	PER 004		7.26E+02	3.18E+03	3.18E+03	
	Chromium compounds	PER 001		8.00E-04	3.00E-03	3.00E-03	1.95E-04
	Mercury	PER 001		1.00E-04	1.00E-03	1.00E-03	3.17E-05
	Hydrochloric acid	PER 001		2.10E-01	9.29E-01	9.29E-01	5.30E-02
	Manganese compounds	PER 001		1.10E-03	5.00E-03	5.00E-03	2.75E-04
	Muni Waste Combust Organics	PER 001		1.43E-06	6.26E-06	6.26E-06	3.50E-07
	Nitrous Oxide	PER 004		1.00E-02	3.00E-02	3.00E-02	
	Lead Compounds	PER 001		9.00E-04	4.00E-03	4.00E-03	2.16E-04
	Nitrogen Oxides	PER 001		3.00E-01	1.31E+00	1.31E+00	7.50E-02
	PM < 10 micron	PER 001		5.90E-01	2.59E+00	2.59E+00	1.48E-01
	Total Particulate Matter	PER 001		8.00E-01	3.50E+00	3.50E+00	2.00E-01
	Sulfur Dioxide	PER 001		8.00E-01	3.50E+00	3.50E+00	2.00E-01
	Volatile Organic Compounds	PER 001		3.00E-01	1.31E+00	1.31E+00	7.50E-02

ATTACHMENT 3 – Points Calculator

Points Calculator

1) AQ Facility ID No.: 10900030
 2) Facility Name: Mayo Waste Management Facility
 3) Small business? y/n? N
 4) DQ Numbers (including all rolled) : 3889
 5) Date of each Application Received: 4/4/12
 6) Final Permit No. 10900030-004
 7) Permit Staff M Cole
 8) "Work completed" in which .xls file (i.e. unit 2b, unit 1a, biofuels)? NA

Total Points	25
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<u>Application Type</u>	<u>DQ No.</u>	<u>Qty.</u>	<u>Points</u>	<u>Total Points</u>	<u>Details</u>
Administrative Amendment			1	0	
Minor Amendment			4	0	
Applicability Request			10	0	
Moderate Amendment			15	0	
Major Amendment	3889	1	25	25	
Individual State Permit (not reissuance)			50	0	
Individual Part 70 Permit (not reissuance)			75	0	

Additional Points

Modeling Review			15	0	
BACT Review			15	0	
LAER Review			15	0	
CAIR/Part 75 CEM analysis			10	0	
NSPS Review			10	0	
NESHAP Review			10	0	
Case-by-case MACT Review			20	0	
Netting			10	0	
Limits to remain below threshold			10	0	
Plantwide Applicability Limit (PAL)			20	0	
AERA review			15	0	
Variance request under 7000.7000			35	0	
Confidentiality request under 7000.1300			2	0	
<u>EAW review</u>					
Part 4410.4300, subparts 18, item A; and 29			15	0	
Part 4410.4300, subparts 8, items A & B; 10, items A to C; 16, items A & D; 17, items A to C & E to G; and 18, items B & C			35	0	
Part 4410.4300, subparts 4; 5 items A & B; 13; 15; 16, items B & C; and 17 item D			70	0	
			Add'l Points	0	

subp. ZZZZ area source emergency RICE

NOTES:

There is no charge to incorporate area source NESHAP based on fee calculation instructions Do NOT charge if there is no change at an existing affected facility, but there is a new standard which is applicable to the facility and we incorporate this new standard into a permit.

ATTACHMENT 4 – April 23, 2012 FR vol. 77, No. 78, pages 24272 - 24299

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 62

[EPA-HQ-OAR-2011-0405 and EPA-HQ-OAR-2006-0534; FRL-9660-1]

RIN 2060-AR11

Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008 and Standards of Performance for New Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On October 6, 2009, the EPA adopted amendments to the September 15, 1997, new source performance standards and emissions guidelines for hospital/medical/infectious waste incinerators. The amendments were developed in response to the March 2, 1999, remand of the 1997 hospital/medical/infectious waste incinerators regulations by the U.S. Court of Appeals for the District of Columbia Circuit (the Court), which requested further explanation of the EPA's reasoning in determining the minimum regulatory emission standards for new and existing hospital/medical/infectious waste incinerators. Today's action proposes amendments to the hospital/medical/infectious waste incinerators federal plan to implement the amended emission guidelines adopted on October 6, 2009, for those states that do not have an approved revised/new state plan implementing the emission guidelines, as amended, in place by October 6, 2011. Today's action also proposes to amend the new source performance standards to better reflect our original intent in the October 6, 2009, final rule in eliminating an exemption during startup, shutdown and malfunction periods from the requirement to comply with standards at all times.

DATES: *Comments.* Comments must be received on or before June 7, 2012. Because of the need to revise the hospital/medical/infectious waste incinerators (HMIWI) federal plan in a timely manner, the EPA does not expect to grant requests for extensions beyond this date.

Public Hearing. If anyone contacts the EPA by May 3, 2012 requesting to speak at a public hearing, the EPA will hold a public hearing on May 8, 2012.

ADDRESSES: Submit your comments on the federal plan requirements proposed rule, identified by Docket ID No. EPA-

HQ-OAR-2011-0405, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email:* Send your comments via electronic mail to *a-and-r-Docket@epa.gov*, Attention Docket ID No. EPA-HQ-OAR-2011-0405.
- *Facsimile:* Fax your comments to (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2011-0405.
- *Mail:* Send your comments to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2011-0405. Please include a total of two copies. We request that a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).

• *Hand Delivery:* Deliver your comments to: EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2011-0405. Such deliveries are accepted only during the normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

Submit your comments on the new source performance standards (NSPS) final rule amendments, identified by Docket ID No. EPA-HQ-OAR-2006-0534, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email:* Send your comments via electronic mail to *a-and-r-Docket@epa.gov*, Attention Docket ID No. EPA-HQ-OAR-2006-0534.
- *Facsimile:* Fax your comments to (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2006-0534.
- *Mail:* Send your comments to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2006-0534. Please include a total of two copies. We request that a separate copy also be sent to the contact person identified below (see **FOR FURTHER INFORMATION CONTACT**).

• *Hand Delivery:* Deliver your comments to: EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2006-0534. Such deliveries are accepted only during the normal hours of operation

(8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments on the federal plan requirements proposed rule to Docket ID No. EPA-HQ-OAR-2011-0405. Direct your comments on the NSPS final rule amendments to Docket ID No. EPA-HQ-OAR-2006-0534. The EPA's policy is that all comments received will be included in the public docket and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses.

Public Hearing: If a public hearing is held, it will be held at the EPA's Campus located at 109 T.W. Alexander Drive in Research Triangle Park, NC, or an alternate site nearby. Contact Ms. Joan Rogers at (919) 541-4487, to request a hearing, to request to speak at a public hearing, to determine if a hearing will be held or to determine the hearing location. If no one contacts the EPA requesting to speak at a public hearing concerning this proposed rule by May 3, 2012, the hearing will be cancelled without further notice.

Docket: The EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2011-0405 and Legacy Docket ID No. A-98-24. The EPA has established a docket for the HMIWI rules under Docket ID No. EPA-HQ-OAR-2006-0534 and Legacy

Docket ID No. A-91-61. All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically at www.regulations.gov or in hard copy at the EPA Docket Center EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Hambrick, Fuels and Incineration Group, Sector Policies and Programs Division (E143-05), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-0964; fax number: (919) 541-3470; email address: hambrick.amy@epa.gov.

SUPPLEMENTARY INFORMATION:

Organization of This Document

The following outline is provided to aid in locating information in this preamble.

- I. General Information
 - A. Does the proposed action apply to me?
 - B. What should I consider as I prepare my comments?
- II. Background Information
 - A. What is the regulatory development background for this proposed rule?
 - B. What is the purpose of this proposed rule?
 - C. What is the status of state plan submittals?
- III. Affected Facilities

- A. What is a HMIWI?
- B. Does the federal plan apply to me?
- C. How do I determine if my HMIWI is covered by an approved and effective state plan?
- IV. Elements of the HMIWI Federal Plan
 - A. Legal Authority and Enforcement Mechanism
 - B. Inventory of Affected HMIWI
 - C. Inventory of Emissions
 - D. Emissions Limits
 - E. Compliance Schedules
 - F. Waste Management Plan Requirements
 - G. Testing, Monitoring, Recordkeeping and Reporting Requirements
 - H. Operator Training and Qualification Requirements
 - I. Record of Public Hearings
 - J. Progress Reports
- V. Summary of Proposed Amendments to HMIWI Federal Plan
 - A. What are the proposed amendments to applicability?
 - B. What are the proposed amendments to the emissions limits?
 - C. What are the proposed amendments to the waste management plan requirements?
 - D. What are the proposed amendments to the inspection requirements?
 - E. What are the proposed amendments to the performance testing and monitoring requirements?
 - F. What are the proposed amendments to the recordkeeping and reporting requirements?
 - G. What are the proposed amendments to the compliance schedule?
 - H. What are the other proposed amendments?
- VI. Summary of Proposed Amendments to HMIWI New Source Performance Standards
 - A. What are the proposed amendments to the emissions limits?
- VII. HMIWI That Have or Will Shutdown
 - A. Units That Plan To Close Rather Than Comply
 - B. Inoperable Units
 - C. HMIWI That Have Shutdown
- VIII. Implementation of the Federal Plan and Delegation
 - A. Background of Authority

- B. Delegation of the Federal Plan and Retained Authorities
- C. Mechanisms for Transferring Authority
- D. Implementing Authority
- IX. Title V Operating Permits
 - A. Title V and Delegation of a Federal Plan
- X. Statutory and Executive Order Reviews
 - A. Executive Orders 12866 and 13563: Regulatory Planning and Review
 - B. Paperwork Reduction Act (PRA)
 - C. Regulatory Flexibility Act (RFA)
 - D. Unfunded Mandates Reform Act (UMRA)
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
 - H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
 - I. National Technology Transfer and Advancement Act (NTTAA)
 - J. Executive Order 12898: Federal Actions To Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations

A redline version of the federal plan regulatory language that incorporates the changes in this action is available in the docket.

I. General Information

A. Does the proposed action apply to me?

Regulated Entities. If you own or operate an existing HMIWI and are not already subject to an EPA-approved and effective state plan implementing the October 6, 2009, revised emission guidelines (EG), you may be covered by this proposed action. Existing HMIWI are those that commenced construction on or before December 1, 2008, or commenced modification on or before April 6, 2010. Regulated categories and entities include those listed in the following table.

Category	NAICS * code	Examples of regulated entities
Industry	622110, 622310, 325411, 325412, 562213, 611310.	Private hospitals, other health care facilities, commercial research laboratories, commercial waste disposal companies, private universities.
Federal Government	622110, 541710, 928110	Federal hospitals, other health care facilities, public health service, armed services.
State/local/tribal Government	622110, 562213, 611310	State/local hospitals, other health care facilities, state/local waste disposal services, state universities.

* North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by the proposed action. To determine whether your facility would be affected by the proposed action, you should examine the applicability

criteria in § 62.14400 of subpart HHH. If you have any questions regarding the applicability of the proposed action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. What should I consider as I prepare my comments?

1. Submitting CBI

Do not submit information that you consider to be CBI electronically through www.regulations.gov or email. Send or deliver information identified

as CBI to only the following address: Ms. Amy Hambrick, c/o OAQPS Document Control Officer (Room C404-02), U.S. EPA, Research Triangle Park, NC 27711, Attention Docket ID No. EPA-HQ-OAR-2011-0405. Clearly mark the part or all of the information that you claim to be CBI. For CBI on a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

2. Tips for Preparing Your Comments

When submitting comments, remember to:

- a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- b. Follow directions. The EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- d. Describe any assumptions and provide any technical information and/or data that you used.
- e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- f. Provide specific examples to illustrate your concerns and suggest alternatives.
- g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- h. Make sure to submit your comments by the comment period deadline identified in the preceding section titled **DATES**.

3. Docket

The docket number for the proposed action regarding the HMIWI federal plan (40 CFR part 62, subpart HHH) is Docket ID No. EPA-HQ-OAR-2011-0405.

The docket number for the proposed action regarding the NSPS (40 CFR part

60, subpart Ec) is Docket ID No. EPA-HQ-2006-0534.

4. Worldwide Web (WWW)

In addition to being available in the docket, an electronic copy of the proposed action and final rule amendments is available on the WWW through the Technology Transfer Network Web site (TTN Web).

Following signature, the EPA posted a copy of the proposed action and final rule amendments on the TTN's policy and guidance page for newly proposed or promulgated rules at www.epa.gov/ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control.

II. Background Information

A. What is the regulatory development background for this proposed rule?

Section 129 of the Clean Air Act (CAA) requires the EPA to develop NSPS and EG for "units combusting hospital waste, medical waste and infectious waste." On September 15, 1997, the EPA promulgated NSPS for new HMIWI, codified at 40 CFR part 60 subpart Ec, and EG for existing HMIWI, codified at 40 CFR part 60 subpart Ce. (See 62 FR 48348.) The NSPS and EG were designed to reduce air pollution emitted from these HMIWI, including cadmium (Cd), carbon monoxide (CO), dioxins/furans (total, or 2,3,7,8-Tetrachlorodibenzo-p-Dioxin toxic equivalent (TEQ)), hydrogen chloride (HCl), lead (Pb), mercury (Hg), nitrogen oxides (NO_x), opacity, particulate matter (PM) and sulfur dioxide (SO₂). The 1997 NSPS applied to HMIWI for which construction began after June 20, 1996, and required compliance within 6 months after startup or by March 16, 1998, whichever date was later. The 1997 EG applied to HMIWI for which construction began on or before June 20, 1996, and required compliance no later than September 15, 2002.

On March 2, 1999, in *Sierra Club v. EPA*, 167 F.3d 658 (DC Cir. 1999), the U.S. Court of Appeals for the DC Circuit remanded the rule to the EPA for further explanation regarding how the EPA derived the maximum achievable control technology (MACT) emissions standards for HMIWI. The Court did not vacate the regulations and the regulations remained in effect during the remand.

On July 6, 1999, the EPA proposed the federal plan requirements for HMIWI units constructed on or before June 20, 1996 (64 FR 36426). The federal plan covered existing HMIWI located in states that did not have an approved state plan. Furthermore, the federal plan

would implement and enforce the EG in Indian country until tribes receive approval to administer their own programs. On August 15, 2000, the EPA promulgated the federal plan requirements for HMIWI units constructed on or before June 20, 1996 (65 FR 49868). The 1997 HMIWI rules were fully implemented by September 2002.

On February 6, 2007, the EPA proposed a response to the HMIWI remand. (See 72 FR 5510.) The proposed response would have revised some of the emissions limits in the NSPS and EG. In addition to responding to the Court's remand, the EPA also proposed its first 5-year review of the HMIWI standards. Every 5 years after adopting a MACT standard under section 129, CAA section 129(a)(5) requires the EPA to review and, if appropriate, revise the incinerator standards.

On December 1, 2008, the EPA repropose its response to the Court's remand and 5-year review (73 FR 72962). The EPA's decision to repropose its response to the remand was based on a number of factors, including further rulings by the Court that were issued after the 2007 proposal was published. In addition, public comments regarding the 2007 proposal raised issues that, upon further consideration, the EPA believed would best be addressed through a reproposal. In response to public comments on the 2008 reproposal, the EPA further revised the standards and, on October 6, 2009, published final revisions to the September 1997 NSPS and EG to respond to the remand and satisfy the 5-year review requirement under CAA section 129(a)(5) (74 FR 51367). On April 4, 2011, the EPA promulgated amendments to the NSPS and EG, correcting inadvertent drafting errors in the NO_x and SO₂ emissions limits for large HMIWI in the NSPS, which did not correspond to our description of our standard-setting process, correcting erroneous cross-references in the reporting and recordkeeping requirements in the NSPS, clarifying that compliance with the EG must be expeditious if a compliance extension is granted, correcting the inadvertent omission of delegation of authority provisions in the EG, correcting errors in the units' description for several emissions limits in the EG and NSPS and removing extraneous text from the HCl emissions limit for large HMIWI in the EG (76 FR 18407).

B. What is the purpose of this proposed rule?

Section 129 of the CAA relies upon states as the preferred implementers of

EG for existing HMIWI. To make the HMIWI EG enforceable, states with existing HMIWI are to submit to the EPA within 1 year following promulgation of the EG state plans that implement and enforce the amended EG. For states that do not have an EPA-approved and effective plan, the EPA must develop and implement a federal plan within 2 years following promulgation of the EG. The federal plan is an interim measure to ensure that emissions standards are implemented until states assume their role as the preferred implementers of the EG. States without any existing HMIWI are directed to submit to the Administrator a letter of negative declaration certifying that there are no HMIWI in the state. No plan is required for states that do not have any HMIWI. Hospital/medical/infectious waste incinerators located in states that mistakenly submit a letter of negative declaration would be subject to the federal plan until a state plan becomes approved and effective covering those HMIWI.

State plans to implement the EG adopted on September 15, 1997, are already in place and the EPA adopted a HMIWI federal plan on August 15, 2000, (65 FR 49868) to implement the September 15, 1997, EG for those HMIWI not covered by an approved

state plan. Revised or new state plans to implement the amended EG adopted on October 6, 2009, are currently undergoing EPA review. The deadline for submitting revised/new state plans for EPA review was October 6, 2010.

Today's action proposes amendments to the HMIWI federal plan to implement the amended EG adopted on October 6, 2009, for those states that did not have an approved revised/new state plan in place by October 6, 2011. Sections 111 and 129 of the CAA and 40 CFR 60.27(c) and (d) require the EPA to develop, implement and enforce a federal plan to cover existing HMIWI located in states that do not have an approved plan within 2 years after promulgation of the EG (by October 6, 2011). The EPA is proposing amendments to the HMIWI federal plan now so that a promulgated federal plan will go into place for any such states, thus ensuring implementation and enforcement of the amended HMIWI EG.

The amended EG adopted on October 6, 2009, required improvements in performance for 50 of the then operating 57 units.¹ Incineration of hospital/medical/infectious waste causes the release of a wide array of air pollutants, some of which exist in the waste feed material and are released unchanged during combustion, and some of which are generated as a result of the

combustion process itself. EPA estimated that a total emissions reduction of 393,000 pounds per year of the regulated pollutants, of which acid gases (*i.e.*, hydrogen chloride and sulfur dioxide) comprise about 62 percent, particulate matter about 0.8 percent, carbon monoxide about 0.3 percent, nitrogen oxides about 37 percent, and metals (*i.e.*, lead, cadmium, and mercury) and dioxins/furans about 0.2 percent. EPA also estimated that air pollution control devices that would be installed to comply with the 2009 rule would also effectively reduce emissions of pollutants such as polycyclic organic matter (POM) and polychlorinated biphenyls (PCBs). The 2009 final rule's revised waste management plan provisions encourage segregation of types of waste that lead to such emissions, such as chlorinated plastics and PCB-containing wastes.

C. What is the status of state plan submittals?

Sections 111(d) and 129(b)(3) of the CAA, as amended, 42 U.S.C. 7411(d) and 7429(b)(3), authorize the EPA to develop and implement a federal plan for HMIWI located in states with no approved and effective state plan. The status of the state plans are outlined in the below table.

STATUS OF STATE PLANS

Status	States
I. States with EPA-Approved State Plans	Florida.
II. Anticipated States to Submit Negative Declarations to the EPA	New York; Puerto Rico; Pennsylvania; Mississippi; New Mexico-City of Albuquerque; Oklahoma; South Dakota; District of Columbia.
III. Negative Declaration Submitted/EPA Approved	Maine; Massachusetts; Vermont; Delaware; Virginia; Jefferson County (Birmingham), Alabama; Kentucky; Jefferson County (Louisville), Kentucky; Forsyth County (Winston-Salem), North Carolina; Buncombe County (Asheville), North Carolina; South Carolina; Philadelphia County; New Hampshire; Rhode Island.
IV. Final State Plans Submitted to the EPA	North Dakota.
V. Draft States Plans Submitted to the EPA	Maryland; West Virginia.
VI. States for which the EPA has not received a draft or final plan or negative declaration.	Pennsylvania; Alabama; Huntsville, Alabama; North Carolina; Mecklenburg County (Charlotte), North Carolina; Georgia; Tennessee; Illinois; Indiana; Arkansas; Louisiana; Texas; Iowa; Kansas; Missouri; Nebraska; Colorado; Montana; Arizona; Maricopa County, Arizona; Pima County, Arizona; Pinal County, Arizona; California; Hawaii; Nevada; American Samoa; Guam; Alaska; Idaho; Oregon; Washington.
VII. Anticipated States to Accept Delegation of Federal Plan	Connecticut; New Jersey; Virgin Islands; Allegheny County, Pennsylvania; Michigan; Minnesota; Ohio; Wisconsin.

The preamble of the final federal plan will list states that have an EPA-approved plan in effect on the date the final federal plan is signed by the EPA Administrator. As Regional Offices approve state plans, they will also, in the same action, amend the appropriate

subpart of 40 CFR part 62 to codify their approvals.

The EPA will maintain a list of revised/new state plan submittals and approvals on the TTN Air Toxics Web site at <http://www.epa.gov/ttn/atw/129/hmiwi/rihmiwi.html>. The list will help

HMIWI owners or operators determine whether their HMIWI is affected by a state plan or the federal plan.

Hospital/medical/infectious waste incinerator owners and operators can also contact the EPA Regional Office for the state in which their HMIWI is

¹ See 74 FR 51371–51375, 51396–51399, and 51399–51400 to reference the regulatory

background, summary of final rule changes, and

impacts of the amended EG adopted on October 6, 2009.

located to determine whether there is an approved and effective revised/new state plan in place. The following table

lists the names, email addresses and telephone numbers of the EPA Regional

Office contacts and the states and protectorates that they cover.

REGIONAL OFFICE CONTACTS

Region	Regional contact	Phone	States and protectorates
Region I	Ian Cohen, cohen.ian@epa.gov	(617) 918-1655	Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont.
Region II ...	Ted Gardella, gardella.anthony@epa.gov	(212) 637-3892	New York, New Jersey, Puerto Rico, Virgin Islands.
Region III ..	Mike Gordon, gordon.mike@epa.gov	(215) 814-2039	Virginia, Delaware, District of Columbia, Maryland, Pennsylvania, West Virginia.
Region IV	Donnette Sturdivant, sturdivant.donnette@epa.gov Daniel Garver, garver.daniel@epa.gov	Sturdivant: (404) 562-9431 Garver: (404) 562-9839	Florida, Georgia, North Carolina, Alabama, Kentucky, Mississippi, South Carolina, Tennessee.
Region V ..	Margaret Sieffert, sieffert.margaret@epa.gov	(312) 353-1151	Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio.
Region VI	Steve Thompson, thompson.steve@epa.gov	(214) 665-2769	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region VII	Lisa Hanlon, hanlon.lisa@epa.gov	(913) 551-7599	Iowa, Kansas, Missouri, Nebraska.
Region VIII	Christopher Razzazian, razzazian.christopher@epa.gov	(303) 312-6648	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Region IX	Joseph Lapka, lapka.joseph@epa.gov	(415) 947-4226	Arizona, California, Hawaii, Nevada, American Samoa, Guam, Northern Mariana Islands.
Region X ..	Heather Valdez, valdez.heather@epa.gov	(206) 553-6220	Alaska, Idaho, Oregon, Washington.

III. Affected Facilities

A. What is a HMIWI?

The term “HMIWI” means any device that combusts any amount of hospital waste and/or medical/infectious waste, as defined in 40 CFR part 62, subpart HHH. Six types of combustion units, which are listed in § 62.14400 of subpart HHH, are conditionally exempt from specific provisions of the currently promulgated 2000 federal plan and would continue to be so under today’s proposed amended federal plan.

B. Does the federal plan apply to me?

The amended federal plan would apply to you if you are the owner or operator of a combustion device that combusts hospital waste and/or medical/infectious waste (as defined in subpart HHH) and the device is not covered by an approved and effective state plan as of October 6, 2011. The federal plan would cover your HMIWI until the EPA approves a state plan that covers your HMIWI and that plan becomes effective.

If you began the construction of your HMIWI on or before December 1, 2008, or began modification of your HMIWI on or before April 6, 2010, it would be considered an existing HMIWI and could be subject to the federal plan. If you began the construction of your HMIWI after December 1, 2008, or began modification of your HMIWI after April 6, 2010, it would be considered a new HMIWI and would be subject to the NSPS.

Your existing HMIWI would be subject to this federal plan, if on the effective date of the amended federal plan, the EPA has not approved the revised/new state plan implementing the amended EG that covers your unit or the EPA-approved state plan has not become effective. The specific applicability of the currently promulgated federal plan is described in 40 CFR 62.14400 through 62.14403 of subpart HHH, and would continue to apply, as amended, under the proposed revised federal plan. The amended federal plan would become effective 30 days after final promulgation of these amendments.

Once an approved revised/new state plan is in effect, the amended federal plan would no longer apply to HMIWI covered by such plan. An approved state plan is a plan developed by a state that the EPA has reviewed and approved based on the requirements in 40 CFR part 60, subpart B, to implement and enforce 40 CFR part 60, subpart Ce. The state plan is effective on the date specified in the notice published in the **Federal Register** announcing the EPA’s approval of the plan.

The EPA’s promulgation of an amended HMIWI federal plan will not preclude states from submitting a plan. If a state submits a plan after the promulgation of amendments to the HMIWI federal plan, the EPA will review and approve or disapprove the state plan. If the EPA approves a plan, then the amended HMIWI federal plan would no longer apply to HMIWI

covered by the state plan as of the effective date of the state plan. If a HMIWI were overlooked by a state and the state submitted a negative declaration letter, or if an individual HMIWI were not covered by an approved and effective state plan, the HMIWI would be subject to this amended federal plan.

C. How do I determine if my HMIWI is covered by an approved and effective state plan?

Part 62 of Title 40 of the CFR identifies the status of approval and promulgation of section 111(d) and section 129 state plans for designated facilities in each state. However, part 62 is updated only once per year. Thus, if part 62 does not indicate that your state has an approved and effective plan, you should contact your state environmental agency’s air director or your EPA Regional Office (see table in section II.C of this preamble) to determine if approval occurred since publication of the most recent version of part 62.

IV. Elements of the Current HMIWI Federal Plan

The EPA is not proposing amendments to several elements of the existing federal plan. For other elements, we are proposing amendments, to reflect the amended EG. The basic elements of the federal plan include: (1) Identification of legal authority and mechanisms for implementation; (2) inventory of HMIWI; (3) emissions inventory; (4)

emissions limits; (5) compliance schedules; (6) public hearing; (7) testing, monitoring, recordkeeping and reporting; (8) waste management plan; (9) operator training and qualification; and (10) progress reporting. See 40 CFR part 62 subparts HHH and sections 111 and 129 of the CAA. For each element discussed below, we explain to what extent we are proposing to amend the current federal plan requirements.

A. Legal Authority and Enforcement Mechanism

Section 301(a) of the CAA provides the EPA with broad authority to write regulations that carry out the functions of the CAA. Sections 111(d) and 129(b)(3) of the CAA direct the EPA to develop a federal plan for states that do not submit approvable state plans. Sections 111 and 129 of the CAA provide the EPA with the authority to implement and enforce the federal plan in cases where the state fails to submit a satisfactory state plan. Section 129(b)(3) of the CAA requires the EPA to develop, implement and enforce a federal plan within 2 years after the date the relevant EG are promulgated (by October 6, 2011, for the 2009 HMIWI EG). Compliance with the EG cannot be later than 5 years after the relevant EG are promulgated (by October 6, 2014, for the 2009 HMIWI EG). Today's action is not proposing any changes to this element.

B. Inventory of Affected HMIWI

The federal plan, as currently promulgated, includes an inventory of HMIWI affected by the EG. (See 40 CFR 62.14402.) Today's proposed amendments to the federal plan will also include in Docket No. EPA-HQ-OAR-2011-0405 an inventory of the HMIWI that may potentially be covered by these amendments in the absence of approved state plans. This revised inventory contains 53 HMIWI in 21 states. It is based on information collected from EPA Regions, states, HMIWI facilities; and review of existing HMIWI inventories, Title V permits, emissions test reports and facility Web sites. The EPA recognizes that this list may not be complete. Therefore, sources potentially subject to this proposed amended federal plan may include, but are not limited to, the HMIWI listed in Docket No. EPA-HQ-OAR-2011-0405. Any HMIWI that meets the applicability criteria in the proposed amended federal plan rule would be subject to the amended federal plan, regardless of whether it is listed in the inventory. States or individuals are invited to identify additional sources for inclusion

to the list during the comment period for this proposal.

C. Inventory of Emissions

The federal plan, as currently promulgated, includes an emissions estimate for HMIWI subject to the EG. The pollutants inventoried are Cd, CO, dioxins/furans, HCl, Pb, Hg, PM, NO_x and SO₂. For this proposal, the EPA has estimated the emissions from each known HMIWI that potentially may be covered by the proposed amended federal plan for the nine pollutants regulated by the EG and covered by the proposed revised federal plan.

The emissions inventory is based on available information about the HMIWI, emissions factors and typical emissions rates developed for calculating nationwide air impacts of the amended EG and the amended federal plan. Refer to the inventory memorandum in Docket No. EPA-HQ-OAR-2011-0405 for the complete updated emissions inventory and details on the emissions calculations associated with today's proposal.

D. Emissions Limits

As the current federal plan contains emissions limits that correspond to the 1997 HMIWI rule, today's proposed amended federal plan includes emissions limits that correspond to those in the 2009 EG. (See 40 CFR 62.14410–62.14413.) Section 129(b)(2) of the CAA requires these emissions limits to be “at least as protective as” those in the EG. The emissions limits in these proposed amendments to the HMIWI federal plan are the same as those contained in the 2009 amended EG but also include the PM emissions limits for medium HMIWI and HCl emissions limits for small HMIWI that were previously subject to the 1997 NSPS but are now subject to the amended EG. These two emissions limits are more stringent than the corresponding EG emissions limits. We include these limits because HMIWI units that were regulated as new sources under the 1997 NSPS would be treated as existing sources under the 2009 EG, but would need to continue to comply with the 1997 NSPS limits where those are more stringent than the 2009 EG limits. (See proposed revised Table 1 to subpart HHH.) Section V.B of this preamble discusses the amended emissions limits.

E. Compliance Schedules

Increments of progress are required for HMIWI that need more than 1 year from state plan approval to comply, or in the case of the federal plan, more than 1 year after promulgation of the

final amended federal plan. (See 40 CFR 62.14470–62.14472.) Increments of progress are included to ensure that each HMIWI needing more time to comply is making progress toward meeting the emissions limits.

For HMIWI that need more than 1 year to comply, the proposed amended federal plan includes in its compliance schedule the same five increments of progress from 40 CFR 62.14470(b)(2). The proposed amended federal plan includes defined and enforceable dates for completion of each increment. These increments of progress are: (1) Submit final control plan; (2) award contracts for control systems or process modifications or orders for purchase of components; (3) begin on-site construction or installation of the air pollution control device(s) or process changes; (4) complete on-site construction or installation of the air pollution control device(s) or process changes; and (5) final compliance.

F. Waste Management Plan Requirements

The current federal plan includes a waste management plan which is a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream to reduce or eliminate toxic emissions from incinerated waste. (See 40 CFR 62.14430–62.14432.) Today's proposed amendments to the federal plan include this element and require that the waste management plan must be submitted no later than the date 60 days after the initial compliance demonstration. This date is 240 days after the final compliance date.

G. Testing, Monitoring, Recordkeeping and Reporting Requirements

The current federal plan includes testing, monitoring, recordkeeping and reporting requirements. (See 40 CFR 62.14440–62.14465.) Today's proposed amendments update these requirements to correspond with the 2009 EG. Testing, monitoring, recordkeeping and reporting requirements are consistent with 40 CFR part 62 subpart HHH and assure initial and ongoing compliance.

H. Operator Training and Qualification Requirements

The current federal plan requires that the owner or operator must qualify operators or their supervisors (at least one per facility) by ensuring that they complete an operator training course and annual review or refresher course. (See 40 CFR 62.14420–62.14425.) Today's proposed amended federal plan also contains operator training and

qualification requirements that correspond to the 2009 EG; no changes are proposed to this element.

I. Record of Public Hearings

As the current federal plan provided the opportunity for public hearings, today's proposed amended federal plan provides opportunity for public participation in adopting the plan. If requested to do so, the EPA will hold a public hearing in Research Triangle Park, NC. A record of the public hearing, if any, will appear in Docket No. EPA-HQ-OAR-2011-0405. If a public hearing is requested and held, the EPA will ask clarifying questions during the oral presentation but will not respond to the presentations or comments. Written statements and

supporting information submitted during the public comment period will be considered with equivalent weight as any oral statement and supporting information subsequently presented at a public hearing, if held.

J. Progress Reports

As under the current federal plan, today's amendments request that the EPA Regional Offices prepare annual progress reports to show the progress of HMIWI toward implementation of the EG. States that have been delegated the authority to implement and enforce this federal plan would be required to submit annual progress reports to the appropriate EPA Regional Office.

Each progress report must include the following items: (1) Status of enforcement actions; (2) status of

increments of progress; (3) identification of sources that have shutdown or started operation; (4) emissions inventory data for sources that were not in operation at the time of plan development but that began operation during the reporting period; (5) additional data as necessary to update previously submitted source and emissions information; and (6) copies of technical reports on any performance testing and monitoring.

V. Summary of Today's Proposed Amendments to HMIWI Federal Plan

Each amended plan element is described below as it relates to the elements outlined above in the current HMIWI federal plan. The table below lists each amended element and identifies where it is located or codified.

Element of the HMIWI federal plan	Location
Legal authority and enforcement mechanism	Sections 129(b)(3), 111(d), 301(a), and 301(d)(4) of the CAA.
Inventory of affected HMIWI units	Docket EPA-HQ-OAR-2011-0405.
Inventory of emissions	Docket EPA-HQ-OAR-2011-0405.
Emissions limits	40 CFR 62.14410–62.14413.
Compliance schedules	40 CFR 62.14470–62.14472.
Operator training and qualification	40 CFR 62.14420–62.14425.
Waste management plan	40 CFR 62.14430–62.14432.
Record of public hearings	Docket EPA-HQ-OAR-2011-0405.
Testing, monitoring, recordkeeping and reporting	40 CFR 62.14440–62.14465.
Progress reports	Section IV.J of this preamble.

A. What are the proposed amendments to applicability?

Hospital/medical/infectious waste incinerators were treated differently under the 2009 amended EG than they were under the 1997 EG in terms of whether they are “existing” or “new” sources. The 2009 amended EG included new dates defining what are “existing” and “new” sources for purposes of the revised NSPS and EG. All HMIWI that complied with the 1997 EG (*i.e.*, those units for which construction commenced on or before June 20, 1996, or for which modification commenced on or before March 16, 1998) were still considered “existing” sources under the 2009 amended EG and are required to meet the emissions limits under the amended EG by the applicable compliance date for the amended EG. All HMIWI that complied with the 1997 NSPS (*i.e.*, those units for which construction commenced after June 20, 1996, but no later than December 1, 2008, or for which modification commenced after March 16, 1998, but no later than April 6, 2010) were also considered “existing” sources under the amended EG. Those HMIWI are required to meet the emissions limits under the amended EG by the applicable compliance date for

the amended EG, except where the corresponding 1997 NSPS is more stringent, in which case the HMIWI are to continue to comply with that 1997 NSPS. In the interim, those 1997 NSPS sources that must meet the amended EG must continue to be subject to the NSPS as promulgated in 1997 until the date for compliance with the revised EG. Those units for which construction commenced after the December 1, 2008, HMIWI proposal, or for which modification commenced on or after April 6, 2010, are considered “new” units subject to more stringent revised NSPS emissions limits.

Today's action proposes to incorporate these changes to the applicability into the HMIWI federal plan. No other amendments are being proposed for the other applicability provisions in the federal plan (*i.e.*, exemptions for incinerators burning pathological, low-level radioactive, and/or chemotherapeutic waste; co-fired combustors; combustors with permits under section 3005 of the Solid Waste Disposal Act; certain municipal waste combustors; pyrolysis units; and cement kilns firing hospital waste and/or medical/infectious waste).

B. What are the proposed amendments to the emissions limits?

As noted in section II.A of this preamble, on October 6, 2009, the EPA published final amendments to the September 15, 1997, NSPS and EG in response to a Court remand of the 1997 regulations and to satisfy the 5-year review requirement under CAA section 129(a)(5).

The EPA's response to the remand and 5-year review resulted in a revision to all of the emissions limits in the EG. Today's action proposes to incorporate the amended EG emissions limits into the existing HMIWI federal plan. Table 1 of this preamble summarizes the amended EG emissions limits promulgated to respond to the remand and fulfill the EPA's 5-year review obligation.

TABLE 1—SUMMARY OF EG EMISSIONS LIMITS PROMULGATED IN RESPONSE TO THE REMAND FOR EXISTING HMIWI

Pollutant (units)	Unit size ¹	Final limit ²
HCl (ppmv)	L	6.6
	M	7.7
	S	44
	SR	810
	L	11
CO (ppmv)	L	11

TABLE 1—SUMMARY OF EG EMISSIONS LIMITS PROMULGATED IN RESPONSE TO THE REMAND FOR EXISTING HMIWI—Continued

Pollutant (units)	Unit size ¹	Final limit ²
Pb (mg/dscm)	M	5.5
	S,SR	20
	L	0.036
	M	0.018
Cd (mg/dscm) ...	S	0.31
	SR	0.50
	L	0.0092
	M	0.013
Hg (mg/dscm) ...	S	0.017
	SR	0.11
	L	0.018
	M	0.025
PM (gr/dscf)	S	0.014
	SR	0.0051
	L	0.011
	M	0.020
Dioxins/furans, total (ng/dscm).	S	0.029
	SR	0.038
	L	9.3
	M	0.85
Dioxins/furans, TEQ (ng/ dscm).	S	16
	SR	240
	L	0.054
	M	0.020
NO _x (ppmv)	S	0.013
	SR	5.1
	L	140
	M, S	190
SO ₂ (ppmv)	SR	130
	L	9.0
	M, S	4.2
	SR	55
Opacity (%)	L, M, S, SR	6.0

¹ L = Large (>500 lb/hr of waste); M = Medium (>200 to ≤500 lb/hr of waste); S = Small (≤200 lb/hr of waste); SR = Small rural (small HMIWI >50 miles from boundary of nearest SMSA, burning <2,000 lb/wk of waste).

² All emissions limits are reported as corrected to 7 percent oxygen.

The 2009 amended EG removed provisions from the 1997 standards at 40 CFR 60.56c and 60.37e that exempted HMIWI from the standards during periods of startup, shutdown and malfunction (SSM) provided that no hospital waste or medical/infectious waste was being changed to the unit during those SSM periods. The 2009 EG requires that the emissions limits as listed above in Table 1, regardless of a SSM event, be met at all times. However, in one provision of the NSPS, section 60.56c(d)(2), the EPA inadvertently failed to delete a SSM exemption we had intended to eliminate, and to better reflect the EPA's intent in the 2009 final rule, today's action also amends that section of the NSPS to remove the accidentally retained SSM exemption. Please see section VI. of this preamble, which

further discusses the amendment of the NSPS. Today's action also proposes to remove the SSM exemption from the 2000 federal plan at 40 CFR 62.14413, and proposes that the emissions limits apply at all times, for the same reasons.

As noted in the previous section, the 2009 amended EG specified that those HMIWI that previously complied with the 1997 NSPS would have to meet the emissions limits under the 2009 amended EG or the 1997 NSPS, whichever was more stringent. In two cases, the HCl emissions limit for small HMIWI and the PM emissions limit for medium HMIWI, the 1997 NSPS limits are more stringent than the 2009 amended EG limits, so those HMIWI that previously complied with the 1997 NSPS would continue to comply with the more stringent 1997 NSPS limits. Specifically, they would have to meet the 1997 NSPS HCl emissions limit of 15 parts per million by volume (ppmv) (at 7 percent oxygen) for small HMIWI and the 1997 NSPS PM limit of 0.015 grains per dry standard cubic foot (gr/dscf) (at 7 percent oxygen) for medium HMIWI, in addition to the 2009 EG emissions limits for the other pollutants. Today's action proposes to include these two 1997 NSPS emissions limits along with the 2009 amended EG emissions limits in the HMIWI federal plan.

Under the 1997 NSPS, new large HMIWI were required to demonstrate compliance with the 5 percent visible emissions limit for fugitive emissions generated during ash handling, by conducting annual performance tests using EPA Method 22. As discussed in section V.E.1 below, the 2009 amendments to the EG expanded this requirement to include all HMIWI, but only as an initial test requirement. As a result, under the amended EG, all HMIWI were made subject to the same 5 percent visible emissions limit. Today's action proposes to include this visible emissions limit for existing HMIWI in the HMIWI federal plan.

To provide greater clarity, the 2009 amendments to the EG also included averaging times and EPA reference test methods in the emissions limit tables for existing sources. It should be noted that the averaging times and EPA reference test methods added to the emissions limits tables were not new requirements but simply a restating of requirements presented elsewhere in the HMIWI regulations. Today's action proposes to add these additional columns to the emissions limits table in the HMIWI federal plan.

C. What are the proposed amendments to the waste management plan requirements?

Under the HMIWI EG promulgated on September 15, 1997, and HMIWI federal plan promulgated on August 15, 2000, existing HMIWI were required to submit a written plan that identified both the feasibility and methods used to reduce or separate certain components of solid waste from the waste stream to reduce or eliminate toxic emissions from incinerated waste.

Commenters on the December 1, 2008, reproposal of the HMIWI EG amendments recommended that the EPA minimize or eliminate from the HMIWI waste stream any plastic wastes, Hg and other hazardous wastes (e.g., Hg-containing dental waste, Hg-containing devices), pharmaceuticals and confidential documents and other paper products that could be shredded and recycled. One commenter recommended that the EPA take action to regulate emissions of polychlorinated biphenyls and polycyclic organic matter from HMIWI. Some commenters recommended that the EPA require commercial HMIWI to provide training and education to their customers regarding waste segregation and make incinerator operators responsible for the waste in their possession.

To address the various commenters' concerns, the waste management plan provisions in the HMIWI regulations were revised to promote the segregation of the aforementioned wastes and specify that commercial facilities train and educate their clients to conduct their own waste segregation. Today's action proposes to incorporate these revisions into the HMIWI federal plan.

D. What are the proposed amendments to the inspection requirements?

Under the 1997 EG and 2000 federal plan, existing small rural HMIWI were required to conduct annual equipment inspections to compensate for the lack of annual emissions testing at those sources. The inspections included the incinerator, air pollution control device (if any) and monitoring equipment. For the 2009 amendments to the EG, the EPA expanded annual air pollution control device inspections to the other HMIWI to allow those sources to demonstrate that their air pollution control devices are operating sufficiently well to allow compliance with the tighter emissions limits under the amended EG. Today's action proposes to incorporate this additional requirement into the HMIWI federal plan.

E. What are the proposed amendments to the performance testing and monitoring requirements?

The following paragraphs list a number of additional testing and monitoring requirements in the 2009 amendments to the EG that are proposed to be incorporated into the HMIWI federal plan in today's action.

1. Performance Testing

The 1997 EG and 2000 federal plan required existing large, medium and small non-rural HMIWI to conduct initial performance tests for Cd, CO, dioxins/furans, HCl, Pb, Hg, opacity and PM and annual performance tests for CO, HCl, opacity and PM. (An owner or operator could conduct less frequent testing if the facility demonstrated that it was in compliance with the emissions limits for 3 consecutive performance tests.) The 2009 amendments to the EG added the requirement that all HMIWI conduct initial performance tests for NO_x and SO₂ to demonstrate initial compliance with the revised emissions limits for those pollutants.

Under the 1997 EG and 2000 federal plan, small rural HMIWI were only required to conduct initial performance tests for CO, dioxins/furans, Hg, opacity and PM, and annual performance tests for opacity. Under the 2009 amendments to the EG, small rural HMIWI were required to also conduct initial performance tests for the other five regulated pollutants (Cd, HCl, Pb, NO_x and SO₂) and also conduct annual performance tests for CO, HCl and PM.

Under the 1997 NSPS, new large HMIWI were subject to a 5 percent visible emissions limit for fugitive emissions generated during ash handling. To demonstrate compliance with this emissions limit, new large HMIWI were required to conduct annual performance tests for fugitive emissions from ash handling using EPA Method 22. In the 2009 amendments to the EG, the EPA extended this minimal testing requirement to the other HMIWI, but only as an initial test requirement, to determine whether fugitive ash emissions are a concern from these sources. Existing HMIWI would be required to measure fugitive ash emissions during their next performance test.

In order to reduce the burden of complying with the additional testing requirements in the 2009 amendments to the EG, sources were allowed to use results of their previous emissions tests to demonstrate initial compliance with the revised emissions limits as long as the sources certify that the previous test results are representative of current

operations. Only those sources who could not so certify and/or whose previous emissions tests do not demonstrate compliance with one or more revised emissions limits would be required to conduct another emissions test for those pollutants. (Note that most sources were already required under the 1997 EG to test for CO, HCl, opacity and PM on an annual basis and those annual tests are still required.)

To provide HMIWI with greater flexibility in demonstrating compliance, the 2009 amendments to the EG also incorporated by reference two alternatives to EPA reference test methods American Society of Mechanical Engineers (ASME) PTC 19.10–1981 and American Society for Testing and Materials (ASTM) D6784–02)), discussed further in section IX.I of this preamble.

2. Monitoring

Monitoring of operating parameters can be used to indicate whether air pollution control equipment and practices are functioning properly to minimize air pollution. The 1997 HMIWI EG and 2000 federal plan included the following parameter monitoring requirements for good combustion, wet scrubbers and dry scrubbers with fabric filters (FFs):

- If using a dry scrubber followed by a FF to comply with the emissions limits, continuously monitor charge rate, FF inlet temperature, flue gas temperature, secondary chamber temperature and sorbent flow rates for dioxin/furan, HCl and Hg sorbents.
- If using a wet scrubber to comply with the emissions limits, continuously monitor charge rate, flue gas temperature, secondary chamber temperature, pressure drop across the wet scrubber (or horsepower or amperage), scrubber liquor flow rate and scrubber liquor pH.
- If using a dry scrubber followed by a FF and wet scrubber, continuously monitor all of the aforementioned parameters.
- If using something other than the aforementioned air pollution control devices to comply with the emissions limits, petition the Administrator for other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter.

In the 2009 amendments to the EG, the EPA kept these parameter monitoring requirements and added a parameter requirement for those HMIWI expected to install selective noncatalytic reduction (SNCR) systems in order to comply with the more stringent NO_x limits in the 2009 EG. Those HMIWI

installing SNCR technology to comply with the NO_x emissions limit were required to continuously monitor the charge rate, secondary chamber temperature and reagent (e.g., ammonia or urea) flow rate.

Since the 1997 EG, bag leak detectors have been shown to be an effective method for demonstrating continuous compliance for sources equipped with FFs. Although the 2009 amendments to the EG did not require existing HMIWI equipped with FFs to install bag leak detectors, use of bag leak detectors was presented as an option for these HMIWI.

The most direct means of monitoring compliance with emissions limits is the use of continuous emissions monitoring systems (CEMS) to measure the emissions of a pollutant on a continuous basis. In addition to CEMS, sorbent trap biweekly monitoring systems for Hg and dioxins/furans are also available. Although the 2009 amendments to the EG did not require CO, HCl, PM, Hg or multi-metal CEMS or sorbent trap biweekly Hg and dioxin/furan monitoring systems for existing HMIWI, such systems were presented as alternative monitoring requirements in lieu of annual testing for all sources.

3. Electronic Data Submittal

The EPA must have performance test data to conduct effective 5-year reviews of CAA section 129 standards, as well as for many other purposes, including compliance determinations, development of emissions factors and determining annual emissions rates. In conducting 5-year reviews, the EPA has found it ineffective and time-consuming, not only for us, but also for regulatory agencies and source owners and operators, to locate, collect, and submit performance test data because of varied locations for data storage and varied data storage methods. In recent years, though, stack testing firms have typically collected performance test data in electronic format, making it possible to move to an electronic data submittal system that would increase the ease and efficiency of data submittal and improve data accessibility.

In the 2009 amendments to the EG, to improve data accessibility, we gave HMIWI the option of submitting to an EPA electronic database an electronic copy of annual stack test reports. Data entry would be through an electronic emissions test report structure used by the staff as part of the emissions testing project. The electronic reporting tool (ERT) was developed with input from stack testing companies who generally collect and compile performance test data electronically. The ERT is currently available and access to direct data

submittal to the EPA's electronic emissions database (WebFIRE).²

The option to submit source test data electronically to the EPA would not require any additional performance testing. In addition, when a facility elects to submit performance test data to WebFIRE, there would be no additional requirements for data compilation. Further discussion of the benefits of using electronic data submittal is provided in the preamble to the October 6, 2009, amendments. (See 74 FR 51373–4.)

The electronic database that would be used is the EPA's WebFIRE, which is a Web site accessible through the EPA's TTN. The WebFIRE Web site was constructed to store emissions test data for use in developing emissions factors. A description of the WebFIRE database can be found at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. The ERT would be able to transmit the electronic report which would be submitted using the Compliance and Emissions Data Reporting Interface (CEDRI). The submitted report would be submitted through the EPA's Central Data Exchange (CDX) network for storage in the WebFIRE database making submittal of data very straightforward and easy. A description of the ERT can be found at http://www.epa.gov/ttn/chief/ert/ert_tool.html and CEDRI can be accessed through the CDX Web site (www.epa.gov/cdx). The ERT can be used to document stack tests data for those performance tests conducted using test methods that will be supported by the ERT. The ERT contains a specific electronic data entry form for most of the commonly used EPA reference methods. A listing of the pollutants and test methods supported by the ERT is available at <http://www.epa.gov/ttn/chief/ert/index.html>. We believe that industry would benefit from this option of electronic data submittal. Having these data, EPA would be able to develop improved emission factors, make fewer information requests, and promulgate better regulations.

One major advantage of the option to submit performance test data through the ERT is a standardized method to compile and store much of the documentation required to be reported by this rule. Another advantage is that the ERT clearly states what testing information would be required. Another important proposed benefit of submitting these data to EPA at the time the source test is conducted is that it

should substantially reduce the effort involved in data collection activities in the future. When EPA has performance test data in hand, there will likely be fewer or less substantial data collection requests in conjunction with prospective required residual risk assessments or technology reviews. This would result in a reduced burden on both affected facilities (in terms of reduced manpower to respond to data collection requests) and EPA (in terms of preparing and distributing data collection requests and assessing the results).

State, local, and tribal agencies could also benefit from more streamlined and accurate review of electronic data submitted to them. The ERT would allow for an electronic review process rather than a manual data assessment making review and evaluation of the source provided data and calculations easier and more efficient. Finally, another benefit of the proposed data submittal to WebFIRE electronically is that these data would greatly improve the overall quality of existing and new emissions factors by supplementing the pool of emissions test data for establishing emissions factors and by ensuring that the factors are more representative of current industry operational procedures. A common complaint heard from industry and regulators is that emission factors are outdated or not representative of a particular source category. With timely receipt and incorporation of data from most performance tests, EPA would be able to ensure that emission factors, when updated, represent the most current range of operational practices. In summary, in addition to supporting regulation development, control strategy development, and other air pollution control activities, having an electronic database populated with performance test data would save industry, state, local, tribal agencies, and EPA significant time, money, and effort while also improving the quality of emission inventories and, as a result, air quality regulations.

F. What are the proposed amendments to recordkeeping and reporting requirements?

The following paragraphs list a number of additional recordkeeping and reporting requirements in the 2009 amendments to the EG, that would be incorporated into the HMIWI federal plan in today's proposed amendments.

1. Recordkeeping

The 1997 EG and 2000 federal plan required owners and operators to maintain for 5 years records of opacity

and emissions measurements, operating parameters, equipment inspections and maintenance (small rural units only), deviations, initial performance tests and all subsequent performance tests, operator training and qualification and calibration of monitoring devices.

The 2009 amendments to the EG added the requirement that owners and operators maintain records of the amount and type of NO_x reagent used, records of the annual air pollution control device inspections (including any maintenance), and a description, included with each test report, of how operating parameters were established during the initial performance test and re-established during subsequent performance tests.

2. Reporting

Under the 1997 EG and 2000 federal plan, owners and operators were required to submit the results of the initial performance tests and all subsequent performance tests, values for the operating parameters, waste management plan, equipment inspections and maintenance (small rural units only) and annual compliance reports and semiannual reports of any deviations from the emissions limits.

The 2009 amendments to the EG added requirements for existing HMIWI to submit, along with each test report, a description of how operating parameters were established or re-established and submit records of annual air pollution control device inspections (including any maintenance).

G. What are the proposed amendments to the compliance schedule?

Similar to the approach of the 2000 HMIWI federal plan, as described in section IV.J. "Progress Reports," today's proposed revised federal plan requires owners or operators of HMIWI to either: (1) Come into compliance with the plan within 1 year after the plan is promulgated; or (2) meet increments of progress and come into compliance by October 6, 2014. Increments of progress are necessary in order to ensure that HMIWI needing more time to comply are making progress toward meeting the emissions limits. The amended federal plan, as proposed, includes as its compliance schedule the same five increments of progress from 40 CFR 62.14470(b)(2), along with defined and enforceable dates for completion of each increment.

The HMIWI owner or operator is responsible for meeting each of the five increments of progress for each HMIWI no later than the applicable compliance date. The owner or operator must notify

² See <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>, http://www.epa.gov/ttn/chief/ert/ert_tool.html.

the EPA as each increment of progress is achieved, as well as when any is missed. The notification must identify the increment and the date the increment is achieved (or missed). If an owner or operator misses an increment deadline, the owner or operator must also notify the EPA when the increment is finally achieved. The owner or operator must mail the notification to the applicable EPA Regional Office within 10 business days after the increment date defined in the amended federal plan. (See the table under section II.C. of this document for a list of Regional Offices.)

The definition of each increment of progress, along with its required completion date, follows.

Submit Final Control Plan. To meet this increment, the owner or operator of each HMIWI must submit a plan that describes, at a minimum, the air pollution control device and/or process changes that will be employed so that each HMIWI complies with the emissions limits and other requirements. A final control plan is not required for units that will be shutdown. Completion date: October 6, 2012.

Award Contract. To award a contract means the HMIWI owner or operator enters into legally binding agreements or contractual obligations that cannot be canceled or modified without substantial financial loss to the owner or operator. The EPA anticipates that the owner or operator may award a number of contracts to complete the retrofit. To meet this increment of progress, the HMIWI owner or operator must award a contract or contracts to initiate on-site construction, to initiate on-site installation of air pollution control devices, and/or to incorporate process changes. The owner or operator must mail a copy of the signed contract(s) to the EPA within 10 business days of entering the contract(s). Completion date: May 6, 2013.

Begin On-site Construction. To begin on-site construction, installation of air pollution control devices or process change means to begin any of the following:

- (1) Installation of an air pollution control device in order to comply with the final emissions limits as outlined in the final control plan;
- (2) Physical preparation necessary for the installation of an air pollution

control device in order to comply with the final emissions limits as outlined in the final control plan;

(3) Alteration of an existing air pollution control device in order to comply with the final emissions limits as outlined in the final control plan;

(4) Alteration of the waste combustion process to accommodate installation of an air pollution control device in order to comply with the final emissions limits as outlined in the final control plan; or

(5) Process changes identified in the final control plan in order to meet the emissions standards. Completion date: January 6, 2014.

Complete On-site Construction. To complete on-site construction means that all necessary air pollution control devices or process changes identified in the final control plan are in place, on-site and ready for operation on the HMIWI. Completion date: August 6, 2014.

Final Compliance. To be in final compliance means to incorporate all process changes or complete retrofit construction in accordance with the final control plan and to connect the air pollution control equipment or process changes such that, if the HMIWI is brought online, all necessary process changes or air pollution control equipment will operate as designed. Completion date: October 6, 2014.

If a HMIWI does not achieve final compliance by October 6, 2014, the amended federal plan, as proposed, requires the HMIWI to shutdown by October 6, 2014, complete the retrofit while not operating and be in compliance upon restarting. Shutdown is necessary in order to avoid being out of compliance and subject to possible enforcement action.

H. What are the other proposed amendments?

1. Definitions

For clarification, the 2009 amendments to the EG revised the definition of “Minimum secondary chamber temperature” to read “Minimum secondary chamber temperature means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, CO, and dioxin/furan emissions limits.”

To address the introduction of some new terms, the 2009 amendments to the EG added the following definitions:

- “Bag leak detection system” means “an instrument that is capable of monitoring PM loadings in the exhaust of a fabric filter in order to detect bag failures,” and examples of such a system were provided.

- “Commercial HMIWI” means “a HMIWI which offers incineration services for hospital/medical/infectious waste generated offsite by firms unrelated to the firm that owns the HMIWI.”

- “Minimum reagent flow rate” means “90 percent of the highest 3-hour average reagent flow rate at the inlet to the selective noncatalytic reduction technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO_x emissions limit.”

Today’s action proposes to amend the HMIWI federal plan to include these revised and new definitions from the amended EG. Today’s action also proposes to include a revised definition for “modification or modified HMIWI” to address the change in applicability for modified HMIWI under the amended federal plan.

2. Toxicity Equivalence Factors

In a January 6, 2011, **Federal Register** notice, the EPA announced the availability of the final “Recommended Toxicity Equivalence Factors (TEFs) for Human Health Risk Assessments of 2,3,7,8-Tetrachlorodibenzo-p-dioxin and Dioxin-Like Compounds” (EPA/100/R-10/005). Various stakeholders, inside and outside the EPA, had called for a more comprehensive characterization of risks, so the EPA re-examined the current recommended approach for applying the toxicity equivalence methodology. The EPA developed and revised, in response to public comments and recommendations from peer reviewers, the aforementioned guidance document to assist the EPA scientists in using this methodology and to inform the EPA decision makers, other agencies and the public about this methodology. The revised methodology includes the following changes to TEFs that HMIWI would use to determine compliance with the HMIWI dioxin/furan TEQ emissions limits:

Dioxin/furan congener	Toxicity equivalence factor	
	1997 EG/2000 federal plan	Today’s proposed amendments to federal plan
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5	1

Dioxin/furan congener	Toxicity equivalence factor	
	1997 EG/2000 federal plan	Today's proposed amendments to federal plan
Octachlorinated dibenzo-p-dioxin	0.001	0.0003
2,3,4,7,8-pentachlorinated dibenzofuran	0.5	0.3
1,2,3,7,8-pentachlorinated dibenzofuran	0.05	0.03
Octachlorinated dibenzofuran	0.001	0.0003

To incorporate these latest revisions to TEFs, we are proposing to amend Table 2 to subpart HHH in today's action.

VI. Summary of Proposed Amendments to HMIWI New Source Performance Standards

A. What are the proposed amendments to the emissions limits?

The 2009 amended EG removed provisions from the 1997 standards at 40 CFR 60.56c and 60.37e that exempted HMIWI from the standards during periods of startup, shutdown and malfunction (SSM) provided that no hospital waste or medical/infectious waste was being charged to the unit during those SSM periods. The 2009 EG requires that the emissions limits as listed above in Table 1, regardless of a SSM event, be met at all times. However, in one provision of the NSPS, section 60.56c(d)(2), the EPA inadvertently failed to delete a SSM exemption we had intended to eliminate, and to better reflect the EPA's intent in the 2009 final rule, today's action also proposes to amend that section of the NSPS to remove the accidentally retained SSM exemption. This action is necessary to make the NSPS continuously applicable, as required under CAA section 302(k) and under the U.S. Court of Appeals for the DC Circuit's 2008 *Sierra Club v. EPA* ruling. Our rationale for this amendment was presented in the Oct. 6, 2009 final rule, at 74 FR 51368, 51375 and 51393–95 (Oct. 6, 2009), and we hereby incorporate by reference that rationale in order to complete the regulatory amendments we intended to make at the time. Today's action also proposes to remove the SSM exemption from the 2000 federal plan at 40 CFR 62.14413, and proposes that the emissions limits apply at all times, for the same reasons.

VII. HMIWI That Have or Will Shutdown

A. Units That Plan to Close Rather Than Comply

The 2000 federal plan established that if you planned to permanently close your currently operating HMIWI, you

must have done so by the date 1 year after publication of the final federal plan in the **Federal Register**. Today's proposed amended federal plan retains this provision so that if you plan to permanently close your currently operating HMIWI, you must do so by the date 1 year after publication of the final amended federal plan in the **Federal Register**. The proposed amendments will allow HMIWI owners or operators that are planning to shutdown the opportunity to petition the EPA for an extension beyond the 1-year compliance date (but no later than October 6, 2014). An example of a facility that might petition the EPA for such an extension is a facility installing an on-site alternative waste treatment technology. It is possible that installation cannot be completed within 1 year and the facility has no feasible waste disposal options other than on-site incineration while the alternative technology is being installed. The requirements for a petition for an extension to shutdown under today's proposed federal plan will update the compliance date requirements set forth at § 62.14471 of subpart HHH.

If you continue to operate your HMIWI 1 year after publication of the final amendments to the federal plan in the **Federal Register**, then you must comply with the operator training and qualification requirements and the inspection requirements of the plan by the date 1 year after publication of the final amendments. This requirement includes HMIWI that comply within 1 year, as well as those that have been granted an extension beyond the 1-year compliance date (*i.e.*, HMIWI with extended retrofit schedules and HMIWI granted an extension to shutdown after the 1-year compliance date). In addition, while still in operation, you are subject to the same requirements for Title V operating permits that apply to units that will not shutdown.

B. Inoperable Units

Retaining certain aspects of the 2000 federal plan, today's proposed revised federal plan includes that in cases where a HMIWI has already shutdown, has been rendered inoperable and does not intend to restart, the HMIWI may be left off the source inventory in a

revised/new state plan or this proposed amended federal plan. A HMIWI that has been rendered inoperable would not be covered by the amended federal plan. The HMIWI owner or operator may do one the following to render a HMIWI inoperable: (1) Weld the waste charge door shut, (2) remove stack (and by-pass stack, if applicable), (3) remove combustion air blowers, or (4) remove burners or fuel supply appurtenances.

C. HMIWI That Have Shutdown

Retaining certain aspects of the 2000 federal plan, today's revised federal plan proposal includes any HMIWI that are known to have already shutdown (but are not known to be inoperable) in the source inventory. These HMIWI should be identified in any revised/new state plan submitted to the EPA.

1. Restarting Before the Final Compliance Date

If the owner or operator of an inactive HMIWI plans to restart before the final compliance date, the owner or operator must submit a control plan for the HMIWI and bring the HMIWI into compliance with the applicable compliance schedule. Final compliance is required for all pollutants and all HMIWI no later than the final compliance date.

2. Restarting After the Final Compliance Date

Under this federal plan, as amended, a control plan is not needed for inactive HMIWI that restart after the final compliance date. However, before restarting, operators of these HMIWI would have to complete the operator training and qualification requirements and inspection requirements (if applicable) and complete retrofit or process modifications upon restarting. Performance testing to demonstrate compliance would be required within 180 days after restarting. There is no need to show that the increments of progress have been met since these steps would have occurred before restart while the HMIWI was shutdown and not generating emissions. A HMIWI that operates out of compliance after the final compliance date would be in

violation of the amended federal plan and subject to enforcement action.

VIII. Implementation of the Federal Plan and Delegation

A. Background of Authority

Under sections 111(d) and 129(b) of the CAA, the EPA is required to adopt EG that are applicable to existing solid waste incineration sources. These EG are not enforceable until the EPA approves a state plan or adopts a federal plan that implements and enforces them and the state or federal plan has become effective. As discussed above, the federal plan regulates HMIWI in states that do not have approved plans in effect to implement the amended EG.

Congress has determined that the primary responsibility for air pollution prevention and control rests with state and local agencies. (See section 101(a)(3) of the CAA.) Consistent with that overall determination, Congress established sections 111 and 129 of the CAA with the intent that the state and local agencies take the primary responsibility for ensuring that the emissions limitations and other requirements in the EG are achieved. Also, in section 111(d) of the CAA, Congress explicitly required that the EPA establish procedures that are similar to those under section 110(c) for state implementation plans. Although Congress required the EPA to propose and promulgate a federal plan for states that fail to submit approvable state plans on time, states may submit approvable revised/new plans after promulgation of the amended HMIWI federal plan. The EPA strongly encourages states that are unable to submit approvable revised/new plans to request delegation of the amended federal plan so that they can have primary responsibility for implementing the revised EG, consistent with the intent of Congress.

Approved and effective revised/new state plans or delegation of the amended federal plan is the EPA's preferred outcome since the EPA believes that state and local agencies not only have the responsibility to carry out the revised EG but also have the practical knowledge and enforcement resources critical to achieving the highest rate of compliance. For these reasons, the EPA will do all that it can to expedite delegation of the amended federal plan to state and local agencies, whenever possible, in cases where states are unable to develop and submit approvable state plans.

B. Delegation of the Federal Plan and Retained Authorities

As similarly described in the 2000 federal plan, if a state or tribe intends to take delegation of the amended federal plan, the state or tribe should submit to the appropriate EPA Regional Office a written request for delegation of authority. The state or tribe should explain how it meets the criteria for delegation. See generally "Good Practices Manual for Delegation of NSPS and NESHAP" (EPA, February 1983). The letter requesting delegation of authority to implement the amended federal plan should: (1) Demonstrate that the state or tribe has adequate resources, as well as the legal and enforcement authority to administer and enforce the program, (2) include an inventory of affected HMIWI units, which includes those that have ceased operation but have not been dismantled, include an inventory of the affected units' air emissions and a provision for state progress reports to the EPA, (3) certify that a public hearing is held on the state delegation request, and (4) include a memorandum of agreement between the state or tribe and the EPA that sets forth the terms and conditions of the delegation, the effective date of the agreement and would serve as the mechanism to transfer authority. Upon signature of the agreement, the appropriate EPA Regional Office would publish an approval notice in the **Federal Register**, thereby incorporating the delegation of authority into the appropriate subpart of 40 CFR part 62.

If authority is not delegated to a state or tribe, the EPA will implement the amended federal plan. Also, if a state or tribe fails to properly implement a delegated portion of the amended federal plan, the EPA will assume direct implementation and enforcement of that portion. The EPA will continue to hold enforcement authority along with the state or tribe even when a state or tribe has received delegation of the amended federal plan. In all cases where the amended federal plan is delegated, the EPA will retain and will not transfer authority to a state or tribe to approve the following items that include additional items to those listed in the 2000 federal plan as to correspond to those changes promulgated in the 2009 HMIWI rules:

- (1) Alternative site-specific operating parameters established by facilities using HMIWI controls other than a wet scrubber, dry scrubber followed by a FF, or dry scrubber followed by a FF and wet scrubber;
- (2) Alternative methods of demonstrating compliance, including

the following methods outlined in the October 6, 2009, amendments to the HMIWI EG:

- Approval of CEMS for PM, HCl, multi-metals and Hg where used for purposes of demonstrating compliance;
- Approval of continuous automated sampling systems for dioxin/furan and Hg where used for purposes of demonstrating compliance; and
- Approval of major alternatives to test methods;
- (3) Approval of major alternatives to monitoring (added in 2009 amended EG);
- (4) Waiver of recordkeeping requirements (added in 2009 amended EG); and
- (5) Performance test and data reduction waivers under 40 CFR 60.8(b) (added in 2009 amended EG).

Retaining what was established in the 2000 federal plan, today's proposed amended federal plan also specifies that hospital/medical/infectious waste incinerator owners or operators who wish to establish alternative operating parameters, alternative methods of demonstrating compliance, major alternatives to monitoring, waiver of recordkeeping requirements or performance test and data reduction waivers should submit a request to the Regional Office Administrator with a copy to the appropriate state.

C. Mechanisms for Transferring Authority

There are two mechanisms for transferring implementation authority to state and local agencies: (1) The EPA approval of a revised/new state plan after the amended federal plan is in effect; and (2) if a state does not submit or obtain approval of its own revised/new plan, the EPA delegation to a state of the authority to implement certain portions of this amended federal plan to the extent appropriate and if allowed by state law. Both of these options are maintained from those which were first outlined in the 2000 federal plan, are described in more detail below.

1. Federal Plan Becomes Effective Prior to Approval of a State Plan

After HMIWI in a state become subject to the amended federal plan, the state or local agency may still adopt and submit a revised/new plan to the EPA. If the EPA determines that the revised/new state plan is as protective as the revised EG, the EPA will approve the revised/new state plan. If the EPA determines that the plan is not as protective as the revised EG, the EPA will disapprove the plan and the HMIWI covered in the state plan would remain subject to the amended federal plan until a revised

state plan covering those HMIWI is approved and effective. Prior to disapproval, EPA will work with states to attempt to reconcile areas of the plan that remain not as protective as the revised EG.

Upon the effective date of a revised/new state plan, the amended federal plan would no longer apply to HMIWI covered by such a plan and the state or local agency would implement and enforce the revised/new state plan in lieu of the amended federal plan. When an EPA Regional Office approves a revised/new state plan, it will amend the appropriate subpart of 40 CFR part 62 to indicate such approval.

2. State Takes Delegation of the Federal Plan

The EPA, in its discretion, may delegate to state agencies the authority to implement this amended federal plan. As discussed above, the EPA believes that it is advantageous and the best use of resources for state or local agencies to agree to undertake, on the EPA's behalf, administrative and substantive roles in implementing the amended federal plan to the extent appropriate and where authorized by state law. If a state requests delegation, the EPA will generally delegate the entire amended federal plan to the state agency. These functions include administration and oversight of compliance reporting and recordkeeping requirements, HMIWI inspections and preparation of draft notices of violation but will not include any retained authorities. State agencies that have taken delegation, as well as the EPA, will have responsibility for bringing enforcement actions against sources violating federal plan provisions.

D. Implementing Authority

The EPA Regional Administrators have been delegated the authority for implementing the HMIWI federal plan amendments. All reports required by these amendments to the federal plan should be submitted to the appropriate Regional Office Administrator. Section II.C. of this preamble includes a table that lists names and addresses of the EPA Regional Office contacts and the states they cover.

IX. Title V Operating Permits

All existing HMIWI regulated under state or federal plans implementing the 1997 EG and any HMIWI that was regulated under the 1997 NSPS should have already applied for and obtained Title V operating permits, as required under the EG. Title V operating permits assure compliance with all applicable federal requirements for HMIWI,

including all applicable CAA section 129 requirements. (See 40 CFR 70.2, 70.6(a)(1), 71.2 and 71.6(a)(1).) Title V operating permits for the above-noted sources may, however, need to be reopened to incorporate the requirements of a revised/new state plan, this amended federal plan or more stringent NSPS requirements.

For more background information on the interface between CAA section 129 and Title V, including the EPA's interpretation of CAA section 129(e), as well as information on submitting Title V permit applications, updating existing Title V permit applications and reopening existing Title V permits, see the final Federal Plan for Commercial and Industrial Solid Waste Incinerators, October 3, 2003 (68 FR 57518, 57532). See also the final Federal Plan for Hospital Medical Infectious Waste Incinerators, August 15, 2000 (65 FR 49868, 49877).

Today's proposed revised federal plan maintains the 2000 federal plan approach, specifying that owners or operators of HMIWI that burn only pathological waste, low-level radioactive waste and/or chemotherapeutic waste and co-fired combustors, as defined in § 62.14490 of subpart HHH, must comply only with certain recordkeeping and reporting requirements set forth in today's proposed amended federal plan. (See § 62.14400.) These HMIWI and co-fired combustors would not be subject to the emissions control-related requirements of the amended federal plan as long as they complied with the recordkeeping and reporting requirements set forth as conditions for their exemption. Consistent with the 2000 federal plan, owners and operators of these sources as listed above would not be required to obtain Title V operating permits as a matter of federal law if the only reason they would potentially be subject to Title V is these non-emissions control-related recordkeeping and reporting requirements. (See § 62.14480.) Originally explained in the 2000 federal plan, today's rule maintains that owners and operators of HMIWI that burn only pathological waste, low-level radioactive waste and/or chemotherapeutic waste and co-fired combustors that do not comply with the recordkeeping and reporting requirements necessary to qualify for exemption from the other requirements of the amended federal plan would become subject to those other requirements and would have to obtain Title V permits. Moreover as stated in the 2000 federal plan and again in today's proposal, if, in the future, the EPA promulgates regulations subjecting

any of these sources to requirements other than these recordkeeping and reporting requirements, these sources could become subject to Title V at that time.

A. Title V and Delegation of a Federal Plan

We have previously stated our position that issuance of a Title V permit is not equivalent to the approval of a state plan or delegation of a federal plan.³ Legally, delegation of a standard or requirement results in a delegated state or tribe standing in for the EPA as a matter of federal law. This means that obligations a source may have to the EPA under a federally promulgated standard become obligations to a state (except for functions that the EPA retains for itself) upon delegation.⁴ Although a state or tribe may have the authority under state or tribal law to incorporate section 111/129 requirements into its Title V permits, and implement and enforce these requirements in these permits without first taking delegation of the section 111/129 federal plan, the state or tribe is not standing in for the EPA as a matter of federal law in this situation. Where a state or tribe does not take delegation of a section 111/129 federal plan, obligations that a source has to the EPA under the federal plan continue after a Title V permit is issued to the source. As a result, the EPA continues to maintain that an approved part 70 operating permits program cannot be used as a mechanism to transfer the authority to implement and enforce the federal plan from the EPA to a state or tribe. As mentioned above, a state or tribe may have the authority under state or tribal law to incorporate section 111/129 requirements into its Title V permits, and implement and enforce these requirements in that context without first taking delegation of the section 111/129 federal plan.⁵ Some

³ For the sake of brevity, the discussion from the proposed federal plan regarding Title V and delegation of a federal plan is not being repeated. See "Title V and Delegation of a Federal Plan" section of the proposed federal plan for CISWI, November 25, 2002 (67 FR 70640, 70652). Nevertheless, the preamble language from this section in the proposed rule is hereby reaffirmed in this final rule.

⁴ If the Administrator chooses to retain certain authorities under a standard, those authorities cannot be delegated, e.g., alternative methods of demonstrating compliance.

⁵ The EPA interprets the phrase "assure compliance" in section 502(b)(5)(A) to mean that permitting authorities will implement and enforce each applicable standard, regulation or requirement which must be included in the Title V permits the permitting authorities issue. See definition of "applicable requirement" in 40 CFR 70.2. See also 40 CFR 70.4(b)(3)(i) and 70.6(a)(1).

states or tribes, however, may not be able to implement and enforce a section 111/129 standard in a Title V permit until the section 111/129 standard has been delegated. In these situations, a state or tribe should not issue a part 70 permit to a source subject to a federal plan before taking delegation of the section 111/129 federal plan. If a state or tribe can provide an Attorney General's (AG's) opinion delineating its authority to incorporate section 111/129 requirements into its Title V permits, and then implement and enforce these requirements through its Title V permits without first taking delegation of the requirements, then a state or tribe does not need to take delegation of the section 111/129 requirements for purposes of Title V permitting.⁶ In practical terms, without approval of a state or tribal plan, delegation of a federal plan, or an adequate AG's opinion, states and tribes with approved part 70 permitting programs open themselves up to potential questions regarding their authority to issue permits containing section 111/129 requirements and to assure compliance with these requirements. Such questions could lead to the issuance of a notice of deficiency for a state's or tribe's part 70 program. As a result, prior to a state or tribal permitting authority drafting a part 70 permit for a source subject to a section 111/129 federal plan, the state or tribe, the EPA Regional Office and source in question are advised to ensure that delegation of the relevant federal plan has taken place or that the permitting authority has provided to the EPA Regional Office an adequate AG's opinion. In addition, if a permitting authority chooses to rely on an AG's opinion and not take delegation of a federal plan, a section 111/129 source subject to the federal plan in that state must simultaneously submit to both the EPA and the state or tribe all reports required by the standard to be submitted to the EPA. Given that these reports are necessary to implement and enforce the section 111/129 requirements when they have been included in Title V permits, the permitting authority needs to receive these reports at the same time as the EPA. In the situation where a permitting authority chooses to rely on an AG's opinion and not take delegation of a federal plan, the EPA Regional Offices will be responsible for

implementing and enforcing section 111/129 requirements outside of any Title V permits. Moreover, in this situation, the EPA Regional Offices will continue to be responsible for developing progress reports and conducting any other administrative functions required under this federal plan or any other section 111/129 federal plan. See the section IV.J. of this preamble titled "Progress Reports". It is important to note that the EPA is not using its authority under 40 CFR part 70.4(i)(3) to request that all states and tribes which do not take delegation of this federal plan submit supplemental AG's opinions at this time. However, the EPA Regional Offices shall request, and permitting authorities shall provide, such opinions when the EPA questions a state's or tribe's authority to incorporate section 111/129 requirements into a Title V permit and implement and enforce these requirements in that context without delegation.

X. Statutory and Executive Order Reviews

This section addresses the following administrative requirements: Executive Orders 12866 and 13563, 13132, 13175, 13045, 13211 and 12898, PRA, RFA, UMRA and the NTTAA. This two-part action proposes a revised federal plan and proposes amendments to the final 2009 NSPS. Since this proposed federal plan rule merely implements the amended HMIWI EG promulgated on October 6, 2009 (codified at 40 part 60, subpart Ce) as they apply to HMIWI and the proposed NSPS amendments clarify EPA's original intent removing the startup, shutdown, and malfunction exemption in the final NSPS rule October 6, 2009 (codified at 40 part 60, subpart Ec) and does not impose any new requirements, much of the following discussion of administrative requirements refers to the documentation of applicable administrative requirements in the preamble to the 2009 rule promulgating the amended EG and NSPS (74 FR 51368–51402, October 6, 2009).

A. Executive Order 12866 and 13563: Regulatory Planning and Review

This proposed action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735; October 4, 1993) and is, therefore, not subject to review under the Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

The EPA considered the 2009 amendments to the HMIWI EG to be significant and the rule was reviewed by the Office of Management and Budget

(OMB) in 2009. (See 74 FR 51400.) The federal plan proposed today would simply implement the EG as amended in 2009 and does not result in any additional control requirements or impose any additional costs above those previously considered during promulgation of the 2009 amended EG. Therefore, this regulatory action is considered "not significant" under Executive Order 12866 and 13563.

B. Paperwork Reduction Act (PRA)

This proposed action does not impose any new information collection burden. This action simply proposes amendments to the hospital/medical/infectious waste incinerators federal plan to implement the amended emission guidelines adopted on October 6, 2009, for those states that do not have an approved revised/new state plan implementing the emission guidelines. Additionally, today's action also proposes to amend the new source performance standards to better reflect EPA's original intent in the October 6, 2009, final rule in eliminating an exemption during startup, shutdown and malfunction periods from the requirement to comply with standards at all times. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations 40 CFR part 60 subparts CE and EC under the provisions on the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB Control Number 2060–0422. The OMB Control Numbers for EPA's regulation in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (SISNOSE). Small entities include small businesses, small organizations and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed action on small entities, small entity is defined as follows: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise that is independently

⁶ It is important to note that an AG's opinion submitted at the time of initial Title V program approval is sufficient if it demonstrates that a state or tribe has adequate authority to incorporate CAA section 111/129 requirements into its Title V permits and to implement and enforce these requirements through its Title V permits without delegation.

owned and operated and is not dominant in its field.

After considering the economic impacts of today's rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. During the 2009 HMIWI EG rulemaking, the EPA estimated that a substantial number of small entities would not be significantly impacted by the promulgated EG. (See 74 FR at 51400–51401.) This proposed amended federal plan does not establish any new requirements.

D. Unfunded Mandates Reform Act (UMRA)

This proposed action does not contain a federal mandate that may result in expenditures of \$100 million or more for state and local governments, in the aggregate, or the private sector in any 1 year. In the preamble to the 2009 EG, the national total cost to comply with the final rule was estimated to be approximately \$15.5 million in each of the first 3 years of compliance. This proposed federal plan, as amended, will apply to only a subset of the units considered in the cost analysis for the EG, and less than 10 percent of the units nationwide are state or locally owned. Thus, the proposed federal plan, as amended, is not subject to the requirements of sections 202 or 205 of UMRA.

In addition, the EPA has determined that the proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments because, as noted above, the burden is small and the regulation does not unfairly apply to small governments. Therefore, the proposed rule is also not subject to the requirements of section 203 of UMRA.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposed action will not impose substantial direct compliance costs on state or local governments and will not preempt state law. Thus, Executive Order 13132 does not apply to this proposed action.

In the spirit of Executive Order 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comment

on this proposed action from state and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). The EPA is not aware of any HMIWI owned or operated by Indian tribal governments. Thus, Executive Order 13175 does not apply to this proposed action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885; April 23, 1997) as applying to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it is based solely on technology performance.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA, Public Law 104–113 (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures and business practices) that are developed or adopted by VCS bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the EPA decides not to use available and applicable VCS.

This proposed rulemaking involves technical standards. The EPA proposes to use two VCS in today's action. One VCS, ASME PTC 19.10–1981, “Flue and Exhaust Gas Analyses,” is cited in the 2009 EG and the proposed rule for its manual method of measuring the content of the exhaust gas as an acceptable alternative to EPA Method 3B of appendix A–2. This standard is available from the ASME, P.O. Box 2900, Fairfield, NJ 07007–2900; or

Global Engineering Documents, Sales Department, 15 Inverness Way East, Englewood, CO 80112.

Another VCS, ASTM D6784–02, “Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),” is cited in the 2009 EG and the proposed rule as an acceptable alternative to EPA Method 29 of appendix A–8 (portion for Hg only) for measuring Hg. This standard is available from the ASTM, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428–2959; or ProQuest, 300 North Zeeb Road, Ann Arbor, MI 48106.

While the EPA has identified 16 VCS as being potentially applicable to the proposed rule, we have decided not to use these VCS in this rulemaking. The use of these VCS would be impractical because they do not meet the objectives of the standards cited in this proposed rule. See the docket for the 2009 EG (Docket ID No. EPA–HQ–OAR–2006–0534), which is being implemented under today's proposed action, for the reasons for these determinations.

Under 40 CFR 62.14495, the EPA Administrator retains the authority of approving alternative methods of demonstrating compliance as established under 40 CFR 60.8(b) and 60.13(i) of 40 CFR part 60, subpart A (NPS General Provisions). A source may apply to the EPA for permission to use alternative test methods or alternative monitoring requirements in place of any required EPA test methods, performance specifications or procedures.

The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable VCS and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629; Feb. 16, 1994) establishes federal executive policy on EJ. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make EJ part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

This proposed action implements national standards in the 2009 amendments to the HMIWI EG that would result in reductions in emissions of Cd, CO, dioxins/furans, HCl, Pb, Hg, NO_x, PM and SO₂ from all HMIWI and thus decrease the amount of such emissions to which all affected populations are exposed.

List of Subjects in 40 CFR Parts 60 and 62

Administrative practice and procedure, Air pollution control, Environmental protection, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 27, 2012.

Lisa P. Jackson,
Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES: HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS

For the reasons stated in the preamble, Title 40, chapter I, parts 60 and 62 of the CFR are proposed to be amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart Ec—[Amended]

2. The subpart heading for subpart Ec is revised to read as follows:

Subpart Ec—Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators: Final Rule Amendments

3. Section 60.56c is amended by revising the first sentence of paragraph (d)(2) to read as follows:

§ 60.56c Compliance and performance testing.

(d) * * *

(2) Following the date on which the initial performance test is completed or is required to be completed under

§ 60.8, whichever date comes first, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in table 3 of this subpart and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times. * * *

PART 62—FEDERAL PLAN REQUIREMENTS FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS CONSTRUCTED ON OR BEFORE DECEMBER 1, 2008

4. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart HHH—[Amended]

5. The subpart heading for subpart HHH is revised to read as follows:

Subpart HHH—Federal Plan Requirements for Hospital/Medical/ Infectious Waste Incinerators Constructed On or Before December 1, 2008

6. Section 62.14400 is amended by revising paragraphs (a) introductory text, (a)(2), and (c) to read as follows:

§ 62.14400 Am I subject to this subpart?

(a) You are subject to this subpart if paragraphs (a)(1), (2)(i) or (ii), and (3) of this section are all true:

* * * * *

(2)(i) Construction of the HMIWI commenced on or before June 20, 1996, or modification of the HMIWI commenced on or before March 16, 1998; or

(ii) Construction of the HMIWI commenced after June 20, 1996 but no later than December 1, 2008, or modification of the HMIWI commenced after March 16, 1998 but no later than April 6, 2010; and

* * * * *

(c) Owners or operators of sources that qualify for the exemptions in paragraphs (b)(1) or (b)(2) of this section must submit records required to support their claims of exemption to the EPA Administrator (or delegated enforcement authority) upon request. Upon request by any person under the regulation at part 2 of this chapter (or a comparable law or regulation governing a delegated enforcement authority), the EPA Administrator (or delegated enforcement authority) must request the records in (b)(1) or (b)(2) from an owner or operator and make such records available to the requestor to the extent

required by part 2 of this chapter (or a comparable law governing a delegated enforcement authority). Records required under paragraphs (b)(1) and (b)(2) of this section must be maintained by the source for a period of at least 5 years. Notifications of exemption claims required under paragraphs (b)(1) and (b)(2) of this section must be maintained by the EPA or delegated enforcement authority for as long as the source is operating under such exempt status. Any information obtained from an owner or operator of a source accompanied by a claim of confidentiality will be treated in accordance with the regulations in part 2 of this chapter (or a comparable law governing a delegated enforcement authority).

7. Section 62.14401 is revised to read as follows:

§ 62.14401 How do I determine if my HMIWI is covered by an approved and effective state or tribal plan?

This part (40 CFR part 62) contains a list of all states and tribal areas with approved Clean Air Act (CAA) section 111(d)/129 plans in effect. However, this part is only updated once a year. Thus, if this part does not indicate that your state or tribal area has an approved and effective plan, you should contact your state environmental agency's air director or your EPA Regional Office to determine if approval occurred since publication of the most recent version of this part. A state may also meet its CAA section 111(d)/129 obligations by submitting an acceptable written request for delegation of the federal plan that meets the requirements of this section. This is the only other option for a state to meet its 111(d)/129 obligations.

(a) An acceptable federal plan delegation request must include the following:

(1) A demonstration of adequate resources and legal authority to administer and enforce the federal plan.

(2) The items under § 60.25(a) and 60.39e(c).

(3) Certification that the hearing on the state delegation request, similar to the hearing for a state plan submittal, was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(4) A commitment to enter into a Memorandum of Agreement with the Regional Administrator who sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority. Additional guidance and information is given in the EPA's Delegation Manual,

Item 7–139, Implementation and Enforcement of 111(d)(2) and 111(d)/(2)/129(b)(3) federal plans.

(b) A state with an already approved HMIWI CAA section 111(d)/129 state plan is not precluded from receiving EPA approval of a delegation request for the revised federal plan, providing the requirements of paragraph (a) of this section are met, and at the time of the delegation request, the state also requests withdrawal of the EPA's previous state plan approval.

(c) A state's CAA section 111(d)/129 obligations are separate from its obligations under Title V of the CAA.

8. Section 62.14402 is revised to read as follows:

§ 62.14402 If my HMIWI is not listed on the federal plan inventory, am I exempt from this subpart?

Not necessarily. Sources subject to this subpart include, but are not limited to, the inventory of sources listed in Docket ID No. EPA–HQ–OAR–2011–0405 for the federal plan. Review the applicability of § 62.14400 to determine if you are subject.

9. Section 62.14403 is revised to read as follows:

§ 62.14403 What happens if I modify an existing HMIWI?

(a) If you commenced modification (defined in 40 CFR 62.14490) of an existing HMIWI after April 6, 2010, you are subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c), as amended, and you are not subject to this subpart, except as provided in paragraph (b) of this section.

(b) If you made physical or operational changes to your existing HMIWI solely for the purpose of complying with this subpart, these changes are not considered a modification and you are not subject to 40 CFR part 60, subpart Ec (40 CFR 60.50c through 60.58c), as amended. You remain subject to this subpart.

10. Section 62.14412 is revised to read as follows:

§ 62.14412 What stack opacity and visible emissions requirements apply?

(a) Your HMIWI (regardless of size category) must not discharge into the atmosphere from the stack any gases that exhibit greater than 6 percent opacity (6-minute block average).

(b) Your HMIWI (regardless of size category) must not discharge into the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of 5 percent of the observation period (*i.e.*, 9 minutes per 3-hour period), as determined by EPA Reference Method 22 of 40 CFR part 60,

appendix A–7, except as provided in paragraphs (b)(1) and (2) of this section.

(1) The emissions limit specified in paragraph (b) of this section does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, the emissions limit does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

(2) The provisions specified in paragraph (b) of this section do not apply during maintenance and repair of ash conveying systems. Maintenance and/or repair must not exceed 10 operating days per calendar quarter unless you obtain written approval from the state agency establishing a date when all necessary maintenance and repairs of ash conveying systems are to be completed.

11. Section 62.14413 is revised to read as follows:

§ 62.14413 When do the emissions limits and stack opacity and visible emissions requirements apply?

The emissions limits and stack opacity and visible emissions requirements of this subpart apply at all times.

12. Section 62.14422 is amended by adding paragraph (a)(14) to read as follows:

* * * * *

(14) Training in waste segregation according to § 62.14430(c).

13. Section 62.14425 is amended by revising paragraph (b) to read as follows:

* * * * *

(b) You must conduct your initial review of the information listed in § 62.14424 by [date 6 months after publication of final rule], or prior to assumption of responsibilities affecting HMIWI operation, whichever is later.

* * * * *

14. Section 62.14431 is revised to read as follows:

§ 62.14431 What must my waste management plan include?

(a) Your waste management plan must identify both the feasibility of, and the approach for, separating certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. The waste management plan you develop may address, but is not limited to, elements such as segregation and recycling of paper, cardboard, plastics, glass, batteries, food waste and metals (*e.g.*, aluminum cans, metals-containing devices); segregation of non-recyclable wastes (*e.g.*, polychlorinated biphenyl-containing waste, pharmaceutical waste,

and mercury-containing waste such as dental waste); and purchasing recycled or recyclable products. Your waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. When you develop your waste management plan, it should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other potential environmental or energy impacts they might have. In developing your waste management plan, you must consider the American Hospital Association (AHA) publication titled "Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities." This publication (AHA Catalog No. 057007) is available for purchase from the AHA Services, Inc., Post Office Box 933283, Atlanta, Georgia 31193–3283.

(b) If you own or operate commercial HMIWI, you must conduct training and education programs in waste segregation for each of your waste generator clients and ensure that each client prepares its own waste management plan that includes, but is not limited to, the provisions listed in this section.

(c) If you own or operate commercial HMIWI, you must conduct training and education programs in waste segregation for your HMIWI operators.

15. Section 62.14432 is revised to read as follows:

§ 62.14432 When must my waste management plan be completed?

As specified in §§ 62.14463 and 62.14464, you must submit your waste management plan with your initial report, which is due 60 days after you demonstrate initial compliance with the amended emissions limits, by conducting an initial performance test or submitting the results of previous emissions tests, provided the conditions in § 62.14451(e) are met.

16. Section 62.14440 is revised to read as follows:

§ 62.14440 Which HMIWI are subject to inspection requirements?

(a) Small rural HMIWI (defined in § 62.14490) are subject to the HMIWI inspection requirements.

(b) All HMIWI equipped with one or more air pollution control devices are subject to the air pollution control device inspection requirements.

17. Section 62.14441 is revised to read as follows:

§ 62.14441 When must I inspect my HMIWI?

(a) You must inspect your small rural HMIWI by [date 1 year after publication of final rule].

(b) You must conduct inspections of your small rural HMIWI as outlined in § 62.14442(a) annually (no more than 12 months following the previous annual HMIWI inspection).

(c) You must inspect the air pollution control devices on your large, medium, small or small rural HMIWI by [date 1 year after publication of final rule].

(d) You must conduct the air pollution control device inspections as outlined in § 62.14442(b) annually (no more than 12 months following the previous annual air pollution control device inspection).

18. Section 62.14442 is amended as follows:

a. By redesignating paragraphs (a) through (q) as paragraphs (a)(1) through (a)(18);

b. By redesignating introductory text as paragraph (a) introductory text;

c. By revising newly designated paragraph (a) introductory text; and

d. By adding paragraph (a)(17)

e. By adding paragraph new paragraph (b).

§ 62.14442 What must my inspection include?

(a) At a minimum, you must do the following during your HMIWI inspection:

* * * * *

(17) Include inspection elements according to manufacturer's recommendations; and

(18) * * *

(b) At a minimum, you must do the following during your air pollution control device inspection:

(1) Inspect air pollution control device(s) for proper operation, if applicable;

(2) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

(3) Include inspection elements according to manufacturer's recommendations; and

(4) Generally observe that the equipment is maintained in good operating condition.

19. Section 62.14443 is revised to read as follows:

§ 62.14443 When must I do repairs?

(a) You must complete any necessary repairs to the HMIWI within 10 operating days of the HMIWI inspection unless you obtain written approval from the EPA Administrator (or delegated enforcement authority) establishing a

different date when all necessary repairs of your HMIWI must be completed.

(b) You must complete any necessary repairs to the air pollution control device within 10 operating days of the air pollution control device inspection unless you obtain written approval from the EPA Administrator (or delegated enforcement authority) establishing a different date when all necessary repairs of your air pollution control device must be completed. During the time that you effecting repairs to your air pollution control device, all emissions standards remain in effect according to § 62.14413.

20. Section 62.14450 is removed and reserved.

21. Section 62.14451 is amended as follows:

a. By revising paragraph (a);

b. By adding paragraph (b)(3);

c. By redesignating paragraph (c) as paragraph (d);

d. By adding new paragraph (c); and

e. By adding paragraph (e).

§ 62.14451 What are the testing requirements?

(a) Except as specified in paragraph (e) of this section, you must conduct an initial performance test for PM, opacity, CO, dioxin/furan, HCl, Pb, Cd, Hg, SO₂, NO_x and fugitive ash emissions using the test methods and procedures outlined in § 62.14452.

(b) * * *

(3) If you use a large HMIWI that commenced construction or modification according to § 62.14400(a)(2)(ii), determine compliance with the visible emissions limits for fugitive emissions from flyash/bottom ash storage and handling by conducting a performance test using EPA Reference Method 22 of 40 CFR part 60, appendix A-7 on an annual basis (no more than 12 months following the previous performance test).

(c) The 2,000 lb/wk limitation for small rural HMIWI does not apply during performance tests.

* * * * *

(e) You may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that the conditions in paragraphs (e)(1) through (3) of this section are met:

(1) Your previous emissions tests must have been conducted using the applicable procedures and test methods listed in § 62.14452. Previous emissions test results obtained using the EPA-accepted voluntary consensus standards are also acceptable.

(2) The HMIWI at your facility must currently be operated in a manner (e.g.,

with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s), and the HMIWI may not have been modified such that emissions would be expected to exceed the results from previous emissions test(s).

(3) The previous emissions test(s) must have been conducted in 1996 or later.

22. Section 62.14452 is amended as follows:

a. By revising paragraphs (c), (d), and (f);

b. By redesignating paragraph (l) as paragraph (o);

c. By revising newly designated paragraph (o);

d. By redesignating paragraph (m) as paragraph (r);

e. By redesignating paragraphs (g) through (k) as paragraphs (i) through (m);

f. By revising newly designated paragraphs (i) through (m);

g. By adding new paragraphs (g) and (h);

h. By adding paragraphs (n), (p) and (q).

§ 62.14452 What test methods and procedures must I use?

* * * * *

(c) You must use EPA Reference Method 1 of 40 CFR part 60, appendix A-1 to select the sampling location and number of traverse points;

(d) You must use EPA Reference Method 3, 3A or 3B of 40 CFR part 60, appendix A-2 for gas composition analysis, including measurement of oxygen concentration. You must use EPA Reference Method 3, 3A or 3B of 40 CFR part 60, appendix A-2 simultaneously with each reference method. You may use ASME PTC-19-10-1981-Part 10 (incorporated by reference in 40 CFR 60.17) as an alternative to EPA Reference Method 3B;

* * * * *

(f) You must use EPA Reference Method 5 of 40 CFR part 60, appendix A-3 or Method 26A or Method 29 of 40 CFR part 60, appendix A-8 to measure particulate matter (PM) emissions. You may use bag leak detection systems, as specified in § 62.14454(e), or PM continuous emissions monitoring systems (CEMS), as specified in paragraph (o) of this section, as an alternative to demonstrate compliance with the PM emissions limit;

(g) You must use EPA Reference Method 6 or 6C of 40 CFR part 60, appendix A-4 to measure SO₂ emissions;

(h) You must use EPA Reference Method 7 or 7E of 40 CFR part 60, appendix A-4 to measure NO_x emissions;

(i) You must use EPA Reference Method 9 of 40 CFR part 60, appendix A-4 to measure stack opacity. You may use bag leak detection systems, as specified in § 62.14454(e), or PM CEMS, as specified in paragraph (o) of this section, as an alternative to demonstrate compliance with the opacity requirements;

(j) You must use EPA Reference Method 10 or 10B of 40 CFR part 60, appendix A-4 to measure the CO emissions. You may use CO CEMS, as specified in paragraph (o) of this section, as an alternative to demonstrate compliance with the CO emissions limit;

(k) You must use EPA Reference Method 23 of 40 CFR part 60, appendix A-7 to measure total dioxin/furan emissions. The minimum sample time must be 4 hours per test run. You may elect to sample dioxins/furans by installing, calibrating, maintaining and operating a continuous automated sampling system, as specified in paragraph (p) of this section, as an alternative to demonstrate compliance with the dioxin/furan emissions limit. If you have selected the toxic equivalency (TEQ) standards for dioxin/furans under § 62.14411, you must use the following procedures to determine compliance:

(1) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23 of 40 CFR part 60, appendix A-7;

(2) For each dioxin/furan congener measured in accordance with paragraph (k)(1) of this section, multiply the congener concentration by its corresponding TEQ factor specified in Table 2 of this subpart;

(3) Sum the products calculated in accordance with paragraph (k)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of TEQ.

(l) You must use EPA Reference Method 26 or 26A of 40 CFR part 60, appendix A-8 to measure HCl emissions. You may use HCl CEMS as an alternative to demonstrate compliance with the HCl emissions limit;

(m) You must use EPA Reference Method 29 of 40 CFR part 60, appendix A-8 to measure Pb, Cd and Hg emissions. You may use ASTM D6784-02 (incorporated by reference in 40 CFR 60.17) as an alternative to EPA Reference Method 29 for measuring Hg emissions. You may also use Hg CEMS, as specified in paragraph (o) of this

section, or a continuous automated sampling system for monitoring Hg emissions, as specified in paragraph (q) of this section, as an alternative to demonstrate compliance with the Hg emissions limit. You may use multi-metals CEMS, as specified in paragraph (o) of this section, as an alternative to EPA Reference Method 29 to demonstrate compliance with the Pb, Cd or Hg emissions limits;

(n) You must use EPA Reference Method 22 of 40 CFR part 60, appendix A-7 to determine compliance with the fugitive ash emissions limit under § 60.52c(c). The minimum observation time must be a series of three 1-hour observations.

(o) If you are using a CEMS to demonstrate compliance with any of the emissions limits under §§ 62.14411 or 62.14412, you:

(1) Must determine compliance with the appropriate emissions limit(s) using a 12-hour rolling average, calculated as specified in section 12.4.1 of EPA Reference Method 19 of 40 CFR part 60, appendix A-7. Performance tests using EPA Reference Methods are not required for pollutants monitored with CEMS.

(2) Must operate a CEMS to measure oxygen concentration, adjusting pollutant concentrations to 7 percent oxygen as specified in paragraph (e) of this section.

(3) Must operate all CEMS in accordance with the applicable procedures under appendices B and F of 40 CFR part 60. For those CEMS for which performance specifications have not yet been promulgated (HCl, multi-metals), this option takes effect on the date a final performance specification is published in the **Federal Register** or the date of approval of a site-specific monitoring plan.

(4) May substitute use of a CO CEMS for the CO annual performance test and minimum secondary chamber temperature to demonstrate compliance with the CO emissions limit.

(5) May substitute use of an HCl CEMS for the HCl annual performance test, minimum HCl sorbent flow rate and minimum scrubber liquor pH to demonstrate compliance with the HCl emissions limit.

(6) May substitute use of a PM CEMS for the PM annual performance test and minimum pressure drop across the wet scrubber, if applicable, to demonstrate compliance with the PM emissions limit.

(p) If you are using a continuous automated sampling system to demonstrate compliance with the dioxin/furan emissions limits, you must record the output of the system and analyze the sample according to EPA

Reference Method 23 of 40 CFR part 60, appendix A-7. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to dioxin/furan from monitors is published in the **Federal Register** or the date of approval of a site-specific monitoring plan. If you elect to continuously sample dioxin/furan emissions instead of sampling and testing using EPA Reference Method 23 of 40 CFR part 60, appendix A-7, you must install, calibrate, maintain and operate a continuous automated sampling system and comply with the requirements specified in 40 CFR 60.58b(p) and (q) of subpart Eb.

(q) If you are using a continuous automated sampling system to demonstrate compliance with the Hg emissions limits, you must record the output of the system and analyze the sample at set intervals using any suitable determinative technique that can meet appropriate performance criteria. This option to use a continuous automated sampling system takes effect on the date a final performance specification applicable to Hg from monitors is published in the **Federal Register** or the date of approval of a site-specific monitoring plan. If you elect to continuously sample Hg emissions instead of sampling and testing using EPA Reference Method 29 of 40 CFR part 60, appendix A-8, or an approved alternative method for measuring Hg emissions, you must install, calibrate, maintain and operate a continuous automated sampling system and comply with the requirements specified in 40 CFR 60.58b(p) and (q) of subpart Eb.

* * * * *

23. Section 62.14453 is amended as follows:

- a. By revising paragraph (a) introductory text;
- b. By revising paragraph (a)(2); and
- c. By revising paragraph (b).

§ 62.14453 What must I monitor?

(a) If your HMIWI uses combustion control only, or your HMIWI is equipped with a dry scrubber followed by a fabric filter (FF), a wet scrubber, a dry scrubber followed by a FF and wet scrubber, or a selective noncatalytic reduction (SNCR) system:

* * * * *

(2) After the date on which the initial performance test is completed or is required to be completed under § 62.14470, whichever comes first, your HMIWI must not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating

parameters listed in Table 3 and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours), at all times except during performance tests.

(b) If you are using an air pollution control device other than a dry scrubber followed by a FF, a wet scrubber, a dry scrubber followed by a FF and a wet scrubber, or a SNCR system to comply with the emissions limits under § 62.14411, you must petition the EPA Administrator for site-specific operating parameters to be established during the initial performance test and you must continuously monitor those parameters thereafter. You may not conduct the initial performance test until the EPA Administrator has approved the petition.

24. Section 62.14454 is amended as follows:

- a. By revising paragraph (a);
- b. By revising paragraph (b);
- c. By revising paragraph (c); and
- d. By adding paragraph (e).

§ 62.14454 How must I monitor the required parameters?

(a) Except as provided in § 62.14452(o) through (q), you must install, calibrate (to manufacturers' specifications), maintain and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 3 of this subpart (unless CEMS are used as a substitute for certain parameters as specified) such that these devices (or methods) measure and record values for the operating parameters at the frequencies indicated in Table 3 of this subpart at all times. For charge rate, the device must measure and record the date, time and weight of each charge fed to the HMIWI. This must be done automatically, meaning that the only intervention from an operator during the process would be to load the charge onto the weighing device. For batch HMIWI, the maximum charge rate is measured on a daily basis (the amount of waste charged to the unit each day).

(b) For all HMIWI, you must install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack, including the date, time and duration of such use.

(c) For all HMIWI, if you are using controls other than a dry scrubber followed by a FF, a wet scrubber, a dry

scrubber followed by a FF and a wet scrubber, or a SNCR system to comply with the emissions limits under § 62.14411, you must install, calibrate (to manufacturers' specifications), maintain and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to § 62.14453(b).

* * * * *

(e) If you use an air pollution control device that includes a FF and are not demonstrating compliance using PM CEMS, you must determine compliance with the PM emissions limit using a bag leak detection system and meet the requirements in paragraphs (e)(1) through (12) of this section for each bag leak detection system.

(1) Each triboelectric bag leak detection system must be installed, calibrated, operated and maintained according to the "Fabric Filter Bag Leak Detection Guidance," (EPA-454/R-98-015, September 1997). This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality Planning and Standards; Sector Policies and Programs Division; Measurement Policy Group (D-243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emissions Measurement Center Continuous Emissions Monitoring. Other types of bag leak detection systems must be installed, operated, calibrated and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

(2) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

(3) The bag leak detection system sensor must provide an output of relative PM loadings.

(4) The bag leak detection system must be equipped with a device to continuously record the output signal from the sensor.

(5) The bag leak detection system must be equipped with an audible alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm must be located where it is easily heard by plant operating personnel.

(6) For positive pressure FF systems, a bag leak detector must be installed in each baghouse compartment or cell.

(7) For negative pressure or induced air FF, the bag leak detector must be installed downstream of the FF.

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

(9) The baseline output must be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance."

(10) Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points or alarm delay time may not be adjusted. In no case may the sensitivity be increased by more than 100 percent or decreased more than 50 percent over a 365-day period unless such adjustment follows a complete FF inspection that demonstrates that the FF is in good operating condition. Each adjustment must be recorded.

(11) Record the results of each inspection, calibration and validation check.

(12) Initiate corrective action within 1 hour of a bag leak detection system alarm; operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period. If inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

25. Section 62.14455 is revised to read as follows:

§ 62.14455 What if my HMIWI goes outside of a parameter limit?

(a) Operation above the established maximum or below the established minimum operating parameter(s) constitutes a violation of established operating parameter(s). Operating parameter limits do not apply during performance tests.

(b) Except as provided in paragraph (g) or (h) of this section, if your HMIWI uses combustion control only:

And your HMIWI . . .	Then you are in violation of . . .
Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The PM, CO and dioxin/furan emissions limits.

(c) Except as provided in paragraph (f) or (g) of this section, if your HMIWI is equipped with a dry scrubber followed by a FF:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum FF inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum HCl sorbent flow rate (3-hour rolling average) simultaneously.	The HCl emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emissions limit.
(5) Uses the bypass stack	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits.
(6) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o)	The CO emissions limit.
(7) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the PM emissions limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The PM emissions limit. ^a
(8) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the opacity limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The opacity limit. ^a
(9) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o)	The PM emissions limit.
(10) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o)	The HCl emissions limit.
(11) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Pb emissions limit.
(12) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Cd emissions limit.
(13) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Hg emissions limit.
(14) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The dioxin/furan emissions limit.
(15) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	The Hg emissions limit.

^a If inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

(d) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum pressure drop across the wet scrubber (3-hour rolling average) or below the minimum horsepower or amperage to the system (3-hour rolling average) simultaneously.	The PM emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), below the minimum secondary chamber temperature (3-hour rolling average), and below the minimum scrubber liquor flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emissions limit.
(5) Operates above the maximum flue gas temperature (3-hour rolling average) and above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) simultaneously.	The Hg emissions limit.
(6) Uses the bypass stack	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits.

And your HMIWI . . .	Then you are in violation of . . .
(7) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o)	The CO emissions limit.
(8) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o)	The PM emissions limit.
(9) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o)	The HCl emissions limit.
(10) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Pb emissions limit.
(11) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Cd emissions limit.
(12) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Hg emissions limit.
(13) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The dioxin/furan emissions limit.
(14) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	The Hg emissions limit.

(e) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a dry scrubber followed by a FF and a wet scrubber:

And your HMIWI . . .	Then you are in violation of . . .
(1) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum secondary chamber temperature (3-hour rolling average) simultaneously.	The CO emissions limit.
(2) Operates above the maximum fabric filter inlet temperature (3-hour rolling average), above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), and below the minimum dioxin/furan sorbent flow rate (3-hour rolling average) simultaneously.	The dioxin/furan emissions limit.
(3) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum scrubber liquor pH (3-hour rolling average) simultaneously.	The HCl emissions limit.
(4) Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI) and below the minimum Hg sorbent flow rate (3-hour rolling average) simultaneously.	The Hg emissions limit.
(5) Uses the bypass stack	The PM, dioxin/furan, HCl, Pb, Cd and Hg emissions limits.
(6) Operates above the CO emissions limit as measured by a CO CEMS, as specified in § 62.14452(o)	The CO emissions limit.
(7) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the PM emissions limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The PM emissions limit. ^a
(8) Uses a bag leak detection system, as specified in § 62.14454(e), to demonstrate compliance with the opacity limit and either fails to initiate corrective action within 1 hour of a bag leak detection system alarm or fails to operate and maintain the FF such that the alarm is not engaged for more than 5 percent of the total operating time in a 6-month block reporting period.	The opacity limit. ^a
(9) Operates above the PM emissions limit as measured by a PM CEMS, as specified in § 62.14452(o)	The PM emissions limit.
(10) Operates above the HCl emissions limit as measured by an HCl CEMS, as specified in § 62.14452(o)	The HCl emissions limit.
(11) Operates above the Pb emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Pb emissions limit.
(12) Operates above the Cd emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Cd emissions limit.
(13) Operates above the Hg emissions limit as measured by a multi-metals CEMS, as specified in § 62.14452(o) ..	The Hg emissions limit.
(14) Operates above the dioxin/furan emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(p).	The dioxin/furan emissions limit.
(15) Operates above the Hg emissions limit as measured by a continuous automated sampling system, as specified in § 62.14452(q).	The Hg emissions limit.

^aIf inspection of the FF demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of 1 hour. If it takes longer than 1 hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

(f) Except as provided in paragraph (g) or (h) of this section, if your HMIWI is equipped with a SNCR system:

And your HMIWI . . .	Then you are in violation of . . .
Operates above the maximum charge rate (3-hour rolling average for continuous and intermittent HMIWI, daily average for batch HMIWI), below the minimum secondary chamber temperature (3-hour rolling average), and below the minimum reagent flow rate (3-hour rolling average) simultaneously.	The NO _x emissions limit.

(g) You may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that your

HMIWI is not in violation of the applicable emissions limit(s). You must conduct repeat performance tests pursuant to this paragraph using the

identical operating parameters that indicated a violation under paragraph (b), (c), (d), (e), or (f) of this section.

(h) If you are using a CEMS to demonstrate compliance with any of the emissions limits in table 1 of this subpart or § 62.14412, and your CEMS indicates compliance with an emissions limit during periods when operating parameters indicate a violation of an emissions limit under paragraphs (b), (c), (d), (e) or (f) of this section, then you are considered to be in compliance with the emissions limit. You need not conduct a repeat performance test to demonstrate compliance.

26. Section 62.14460 is amended as follows:

a. By redesignating paragraphs (b)(7) through (b)(15) as paragraphs (b)(8) through (b)(16);

b. By revising newly designated paragraph (b)(16);

c. By adding new paragraph (b)(7);

d. By adding paragraphs (b)(17) through (b)(19); and

e. By revising paragraphs (c), (e), and (f).

§ 62.14460 What records must I maintain?

* * * * *

(b) * * *

(7) Amount and type of NO_x reagent used during each hour of operation, as applicable;

* * * * *

(16) All operating parameter data collected, if you are complying by monitoring site-specific operating parameters under § 62.14453(b).

(17) Concentrations of CO, PM, HCl, Pb, Cd, Hg and dioxin/furan, as applicable, as determined by the CEMS or continuous automated sampling system, as applicable.

(18) Records of the annual air pollution control device inspections, any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Administrator.

(19) Records of each bag leak detection system alarm, the time of the alarm, the time corrective action was initiated and completed and a brief description of the cause of the alarm and the corrective action taken, as applicable.

(c) Identification of calendar days for which data on emissions rates or operating parameters specified under paragraph (b)(1) through (17) of this section were not obtained, with an identification of the emissions rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken;

* * * * *

(e) Identification of calendar days for which data on emissions rates or operating parameters specified under

paragraphs (b)(1) through (17) of this section exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances and a description of corrective actions taken.

(f) The results of the initial, annual and any subsequent performance tests conducted to determine compliance with the emissions limits and/or to establish or re-establish operating parameters, as applicable, including sample calculations, of how the operating parameters were established or re-established, if applicable.

* * * * *

27. Section 62.14463 is amended as follows:

a. By redesignating paragraphs (a) through (c) as paragraphs (a)(1) through (a)(3);

b. By revising newly designated paragraphs (a)(1) and (a)(2);

c. By adding paragraph (a)(4);

d. By redesignating introductory text as paragraph (a) introductory text;

e. By redesignating paragraphs (d) through (k) as paragraphs (a)(5) through (a)(12);

f. By revising newly designated paragraphs (a)(5), (a)(11), and (a)(12);

g. By adding paragraphs (a)(13) through (a)(15); and

h. By adding new paragraph (b).

§ 62.14463 What reporting requirements must I satisfy?

(a) * * *

(1) The initial performance test data as recorded under § 62.14451(a);

(2) The values for the site-specific operating parameters established pursuant to § 62.14453, as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test;

* * * * *

(4) If you use a bag leak detection system, analysis and supporting documentation demonstrating conformance with the EPA guidance and specifications for bag leak detection systems in § 62.14454(e);

(5) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to § 62.14453, as applicable;

* * * * *

(11) Any use of the bypass stack, duration of such use, reason for malfunction and corrective action taken;

(12) Records of the annual equipment inspections, any required maintenance and any repairs not completed within 10 days of an inspection or the time frame established by the EPA

Administrator (or delegated enforcement authority);

(13) Records of the annual air pollution control device inspections, any required maintenance and any repairs not completed within 10 days of an inspection or the time frame established by the EPA Administrator (or delegated enforcement authority);

(14) Concentrations of CO, PM, HCl, Pb, Cd, Hg and dioxin/furan, as applicable, as determined by the CEMS or continuous automated sampling system, as applicable; and

(15) Petition for site-specific operating parameters under § 62.14453(b).

(b) If you choose to submit an electronic copy of stack test reports to the EPA's WebFIRE database, as of December 31, 2011, you must enter the test data into the EPA's database using the Electronic Reporting Tool (ERT) located at http://www.epa.gov/ttn/chief/ert/ert_tool.html.

28. Section 62.14464 is amended as follows:

a. By revising paragraph (a);

b. By revising paragraph (b); and

c. By adding paragraph (d).

§ 62.14464 When must I submit reports?

(a) You must submit the information specified in §§ 62.14463(a)(1) through (4) no later than 60 days following the initial performance test.

(b) You must submit an annual report to the EPA Administrator (or delegated enforcement authority) no more than 1 year following the submission of the information in paragraph (a) of this section, and you must submit subsequent reports no more than 1 year following the previous report (once the unit is subject to permitting requirements under Title V of the CAA, you must submit these reports semiannually). The annual report must include the information specified in §§ 62.14463(a)(5) through (14), as applicable.

* * * * *

(d) You must submit your petition for site-specific operating parameters specified in § 62.14463(a)(15) prior to your initial performance test. You may not conduct the initial performance test until the EPA Administrator has approved the petition.

29. Section 62.14470 is amended as follows:

a. By revising paragraph (a) introductory text;

b. By revising paragraphs (a)(1) through (a)(3);

c. By revising paragraph (b) introductory text;

d. By revising paragraph (b)(1);

e. By revising paragraphs (b)(2)(i) through (b)(2)(v); and

f. By revising paragraph (b)(3).

§ 62.14470 When must I comply with this subpart if I plan to continue operation of my HMIWI?

* * * * *

(a) If you plan to continue operation and come into compliance with the requirements of this subpart by [date 1 year after publication of final rule], then you must complete the requirements of paragraphs (a)(1) through (a)(4) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by [date 1 year after publication of final rule].

(2) You must achieve final compliance by [date 1 year after publication of final rule]. This includes incorporating all process changes and/or completing retrofit construction, connecting the air pollution control equipment or process changes such that the HMIWI is brought online, and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you are required to achieve final compliance under paragraph (a)(2) of this section.

* * * * *

(b) If you plan to continue operation and come into compliance with the requirements of this subpart after [date 1 year after publication of final rule], but before October 6, 2014, then you must complete the requirements of paragraphs (b)(1) through (b)(4) of this section.

(1) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by [date 1 year after publication of final rule].

(2) * * *

(i) You must submit a final control plan by October 6, 2012. Your final control plan must, at a minimum, include a description of the air pollution control device(s) or process changes that will be employed for each unit to comply with the emissions limits and other requirements of this subpart.

(ii) You must award contract(s) for on-site construction, on-site installation of emissions control equipment or incorporation of process changes by May 6, 2013. You must submit a signed copy of the contract(s) awarded.

(iii) You must begin on-site construction, begin on-site installation of emissions control equipment or begin

process changes needed to meet the emissions limits as outlined in the final control plan by January 6, 2014.

(iv) You must complete on-site construction, installation of emissions control equipment or process changes by August 6, 2014.

(v) You must achieve final compliance by October 6, 2014. This includes incorporating all process changes and/or completing retrofit construction as described in the final control plan, connecting the air pollution control equipment or process changes such that the HMIWI is brought online and ensuring that all necessary process changes and air pollution control equipment are operating properly.

(3) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you are required to achieve final compliance under paragraph (b)(2)(v) of this section.

* * * * *

30. Section 62.14471 is amended as follows:

- a. By revising paragraph (a);
- b. By revising paragraph (b) introductory text;
- c. By revising paragraphs (b)(1) and (b)(1)(i); and
- d. By revising paragraphs (b)(2) and (b)(3).

§ 62.14471 When must I comply with this subpart if I plan to shutdown?

* * * * *

(a) If you plan to shutdown by [date 1 year after publication of final rule], rather than come into compliance with the requirements of this subpart, then you must shutdown by [date 1 year after publication of final rule], to avoid coverage under any of the requirements of this subpart.

(b) If you plan to shutdown rather than come into compliance with the requirements of this subpart but are unable to shutdown by [date 1 year after publication of final rule], then you may petition the EPA for an extension by following the procedures outlined in paragraphs (b)(1) through (b)(3) of this section.

(1) You must submit your request for an extension to the EPA Administrator (or delegated enforcement authority) by [date 90 days after publication of final rule]. Your request must include:

(i) Documentation of the analyses undertaken to support your need for an extension, including an explanation of why your requested extension date is sufficient time for you to shutdown while [date 1 year after publication of final rule], does not provide sufficient time for shutdown. Your documentation

must include an evaluation of the option to transport your waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

* * * * *

(2) You must shutdown no later than October 6, 2014.

(3) You must comply with the operator training and qualification requirements and inspection requirements (if applicable) of this subpart by [date 1 year after publication of final rule].

31. Section 62.14472 is amended as follows:

- a. By revising paragraph (a) introductory text;
- b. By revising paragraph (b) introductory text;
- c. By revising paragraphs (b)(1) and (b)(4);
- d. By revising paragraph (c) introductory text; and
- e. By revising paragraph (c)(1).

§ 62.14472 When must I comply with this subpart if I plan to shutdown and later restart?

* * * * *

(a) If you plan to shutdown and restart prior to October 6, 2014, then you must:

(1) Meet the compliance schedule outlined in § 63.14470(a) if you restart prior to [date 1 year after publication of final rule]; or

(2) Meet the compliance schedule outlined in § 62.14470(b) if you restart after [date 1 year after publication of final rule]. Any missed increments of progress need to be completed prior to or upon the date of restart.

(b) If you plan to shutdown by [date 1 year after publication of final rule], and restart after October 6, 2014, then you must complete the requirements of paragraphs (b)(1) through (b)(5) of this section.

(1) You must shutdown by [date 1 year after publication of final rule].

* * * * *

(4) You must conduct the initial performance test required by § 62.14451(a) within 180 days after the date when you restart.

* * * * *

(c) If you plan to shutdown after [date 1 year after publication of final rule], and restart after October 6, 2014, then you must complete the requirements of paragraphs (c)(1) and (c)(2) of this section.

(1) You must petition the EPA for an extension by following the procedures outlined in § 63.14471(b)(1) through (b)(3).

* * * * *

32. Section 62.14490 is amended as follows:

a. By adding a definition for “Bag leak detection system”;

b. By adding a definition for “Commercial HMIWI”;

c. By revising the definition for “Maximum design waste burning capacity”;

d. By adding a definition for “Minimum reagent flow rate”;

e. By revising the definition for “Minimum secondary chamber temperature”; and

f. By revising the introductory text to the definition for “Modification” or “Modified HMIWI.”

§ 62.14490 Definitions.

Bag leak detection system means an instrument that is capable of monitoring PM loadings in the exhaust of a FF in order to detect bag failures. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, light-scattering, light-transmittance or other effects to monitor relative PM loadings.

* * * * *

Commercial HMIWI means a HMIWI which offers incineration services for hospital/medical/infectious waste generated offsite by firms unrelated to the firm that owns the HMIWI.

* * * * *

Maximum design waste burning capacity means:

(1) For intermittent and continuous HMIWI,

$$C = P_v \times 15,000/8,500 \text{ (Eq. 2)}$$

Where:

C = HMIWI capacity, lb/hr

P_v = primary chamber volume, ft³

15,000 = primary chamber heat release rate factor, Btu/ft³/hr

8,500 = standard waste heating value, Btu/lb;

(2) For batch HMIWI,

$$C = P_v \times 4.5/8 \text{ (Eq. 3)}$$

Where:

C = HMIWI capacity, lb/hr

P_v = primary chamber volume, ft³

4.5 = waste density, lb/ft³

8 = typical hours of operation of a batch HMIWI, hours.

* * * * *

Minimum reagent flow rate means 90 percent of the highest 3-hour average reagent flow rate at the inlet to the SNCR technology (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the NO_x emissions limit.

* * * * *

Minimum secondary chamber temperature means 90 percent of the highest 3-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM,

CO, dioxin/furan or NO_x emissions limits.

Modification or Modified HMIWI means any change to a HMIWI unit after April 6, 2010, such that:

* * * * *

33. Section 62.14495 is amended as follows:

a. By revising paragraph (b);

b. By adding paragraph (c);

c. By adding paragraph (d); and

d. By adding paragraph (e).

§ 62.14495 What authorities will be retained by the EPA Administrator?

* * * * *

(b) Approval of alternative methods of demonstrating compliance under 40 CFR 60.8, including:

(1) Approval of CEMS for PM, HCl, multi-metals and Hg where used for purposes of demonstrating compliance,

(2) Approval of continuous automated sampling systems for dioxin/furan and Hg where used for purposes of demonstrating compliance, and

(3) Approval of major alternatives to test methods;

(c) Approval of major alternatives to monitoring;

(d) Waiver of recordkeeping requirements; and

(e) Performance test and data reduction waivers under 40 CFR 60.8(b).

33. Table 1 to Subpart HHH is revised to read as follows:

TABLE 1 TO SUBPART HHH OF PART 62—EMISSIONS LIMITS FOR SMALL RURAL, SMALL, MEDIUM AND LARGE HMIWI

For the air pollutant	You must meet this emissions limit				With these units (7 percent oxygen, dry basis)	Using this averaging time ^a	And determining compliance using this method ^b
	HMIWI size						
	Small rural	Small	Medium	Large			
Particulate matter	87 (0.038) ..	66 (0.029) ..	46 (0.020) ^c 34 (0.015) ^d	25 (0.011) ..	Milligrams per dry standard cubic meter (grains per dry standard cubic foot).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 5 of appendix A–3 of part 60, or EPA Reference Method M 26A or 29 of appendix A–8 of part 60.
Carbon monoxide	20	20	5.5	11	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 10 or 10B of appendix A–4 of part 60.
Dioxins/furans	240 (100) or 5.1 (2.2)	16 (7.0) or 0.013 (0.0057).	0.85 (0.37) or 0.020 (0.0087).	9.3 (4.1) or 0.054 (0.024).	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet).	3-run average (4-hour minimum sample time per run).	EPA Reference Method 23 of appendix A–7 of part 60.
Hydrogen chloride	810	44 ^c , 15 ^d	7.7	6.6	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 26 or 26A of appendix A–8 of part 60.
Sulfur dioxide	55	4.2	4.2	9.0	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 6 or 6C of appendix A–4 of part 60.
Nitrogen oxides	130	190	190	140	Parts per million by volume.	3-run average (1-hour minimum sample time per run).	EPA Reference Method 7 or 7E of appendix A–4 of part 60.

TABLE 1 TO SUBPART HHH OF PART 62—EMISSIONS LIMITS FOR SMALL RURAL, SMALL, MEDIUM AND LARGE HMIWI—
Continued

For the air pollutant	You must meet this emissions limit				With these units (7 percent oxygen, dry basis)	Using this averaging time ^a	And determining compliance using this method ^b
	HMIWI size						
	Small rural	Small	Medium	Large			
Lead	0.50 (0.22)	0.31 (0.14)	0.018 (0.0079).	0.036 (0.016).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A–8 of part 60.
Cadmium	0.11 (0.048)	0.017 (0.0074).	0.013 (0.0057).	0.0092 (0.0040).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A–8 of part 60.
Mercury	0.051 (0.0022).	0.014 (0.0061).	0.025 (0.011).	0.018 (0.0079).	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet).	3-run average (1-hour minimum sample time per run).	EPA Reference Method 29 of appendix A–8 of part 60.

^a Except as allowed under §§ 62.14452(o)–(q) for HMIWI equipped with CEMS or continuous automated sampling systems.

^b Does not include CEMS, continuous automated sampling systems, and approved alternative non-EPA test methods allowed under § 62.14452(d) and (m).

^c Limits for those HMIWI for which construction or modification was commenced according to § 62.14400(a)(2)(i).

^d Limits for those HMIWI for which construction or modification was commenced according to § 62.14400(a)(2)(ii).

34. Table 2 to Subpart HHH is revised to read as follows:

TABLE 2 TO SUBPART HHH OF PART 62—TOXIC EQUIVALENCY FACTORS

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	1
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
Octachlorinated dibenzo-p-dioxin	0.0003
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.3
1,2,3,7,8-pentachlorinated dibenzofuran	0.03
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
Octachlorinated dibenzofuran	0.0003

35. Table 3 to Subpart HHH is revised to read as follows:

TABLE 3 TO SUBPART HHH OF PART 62—OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES

Operating parameters to be monitored	Minimum frequency		HMIWI				
	Data measurement	Data recording	HMIWI with combustion control only	HMIWI with dry scrubber followed by FF	HMIWI with wet scrubber	HMIWI with dry scrubber followed by FF and wet scrubber	HMIWI with SNCR system
Maximum operating parameters:							
Maximum charge rate	Once per charge	Once per charge	✓	✓	✓	✓	✓
Maximum FF inlet temperature	Continuous	Once per minute	.....	✓	.....	✓	.....
Maximum flue gas temperature	Continuous	Once per minute	.....	.....	✓	✓	.....
Minimum operating parameters:							

TABLE 3 TO SUBPART HHH OF PART 62—OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES—Continued

Operating parameters to be monitored	Minimum frequency		HMIWI				
	Data measurement	Data recording	HMIWI with combustion control only	HMIWI with dry scrubber followed by FF	HMIWI with wet scrubber	HMIWI with dry scrubber followed by FF and wet scrubber	HMIWI with SNCR system
Minimum secondary chamber temperature.	Continuous	Once per minute	✓	✓	✓	✓	✓
Minimum dioxin/furan sorbent flow rate.	Hourly	Once per hour ....	.....	✓	.....	✓	.....
Minimum HCl sorbent flow rate	Hourly	Once per hour ....	.....	✓	.....	✓	.....
Minimum mercury (Hg) sorbent flow rate.	Hourly	Once per hour ....	.....	✓	.....	✓	.....
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber.	Continuous	Once per minute	.....	.....	✓	✓	.....
Minimum scrubber liquor flow rate.	Continuous	Once per minute	.....	.....	✓	✓	.....
Minimum scrubber liquor pH	Continuous	Once per minute	✓	✓
Minimum reagent flow rate	Hourly	Once per hour	✓

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