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CHAPTER Env-A 3400 COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATORS

Statutory Authority: RSA 125-C:4, I(a)

PART Env-A 3401 PURPOSE

Env-A 3401.01 Purpose. The purpose of this chapter is to establish emission standards for existing commercial and industrial solid waste incinerators pursuant to §§111(d) and 129 of the Clean Air Act (the Act), as amended.

Source. #7687, eff 5-2-02

PART Env-A 3402 APPLICABILITY AND REFERENCES

Env-A 3402.01 Applicability.

(a) This chapter shall apply to each owner or operator of a commercial and industrial solid waste incineration (CISWI) unit, as defined in 40 CFR §60.2875, which commenced construction on or before November 30, 1999, and which is not exempt pursuant to (b), below.

(b) The owner or operator of a CISWI unit identified in 40 CFR §60.2555 shall be exempt from the requirements of this chapter.

Source. #7687, eff 5-2-02

Env-A 3402.02 References.

(a) For the purpose of this chapter, unless otherwise specified, all references to 40 CFR 60 shall be to 40 CFR 60 as amended or revised on July 1, 2001.

(b) For the purpose of this chapter, except as specified in Env-A 3402.03, the definitions contained in and referred to in 40 CFR §60.2875 shall apply.

Source. #7687, eff 5-2-02

Env-A 3402.03 Definition. “Administrator” means the administrator of the U.S. Environmental Protection Agency (EPA), an authorized representative of the EPA administrator, or the commissioner of the department.

Source. #7687, eff 5-2-02

PART Env-A 3403 EMISSION LIMITATIONS

Env-A 3403.01 Emission Limitations.

(a) The owner or operator of a CISWI unit shall comply with the emission limitations set forth in table 3403-1, below, for the following air pollutants or parameters:

- (1) Cadmium;
- (2) Carbon monoxide;
- (3) Dioxins/furans;
- (4) Lead;
- (5) Mercury;

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- (6) Opacity;
- (7) Oxides of nitrogen;
- (8) Particulate matter; and
- (9) Sulfur dioxide.

(b) Pursuant to (a), above, the owner or operator of a CISWI unit shall comply with the emission limitations set forth in table 3403-1, below:

Table 3403-1: Emission Limitations for CISWI Units

Pollutant or Parameter	CISWI Emission limits (7 percent oxygen, dry basis)	Averaging Time	Test Method
Cadmium	0.004 milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29 of 40 CFR 60, Appendix A
Carbon monoxide	157 parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Method 10, 10A, or 10B of 40 CFR 60, Appendix A
Dioxins/furans (toxic equivalency basis)	0.41 nanograms per dry standard cubic meter TEQ	3-run average (1 hour minimum sample time per run)	Method 23 of 40 CFR 60, Appendix A
Hydrogen chloride	62 parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Method 26A of 40 CFR 60, Appendix A
Lead	0.04 milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29 of 40 CFR 60, Appendix A
Mercury	0.47 milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 29 of 40 CFR 60, Appendix A
Opacity	10 percent	6-minute averages	Method 9 of 40 CFR 60, Appendix A
Oxides of nitrogen	388 parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Method 7, 7A, 7C, 7D, or 7E of 40 CFR 60, Appendix A
Particulate matter	70 milligrams per dry standard cubic meter	3-run average (1 hour minimum sample time per run)	Method 5 or 29 of 40 CFR 60, Appendix A
Sulfur dioxide	20 parts per million by dry volume	3-run average (1 hour minimum sample time per run)	Method 6 or 6c of 40 CFR 60, Appendix A

(c) The owner or operator of a CISWI unit shall comply with the emission limitations set forth in this section at all times except during startup, shutdown, or malfunctions as set forth in 40 CFR §60.2685.

Source. #7687, eff 5-2-02

PART Env-A 3404 OPERATING PRACTICES

Env-A 3404.01 Operating Practices. The owner or operator of a CISWI unit shall comply with the operating practices specified in Env-Wm 2705.07.

Source. #7687, eff 5-2-02

PART Env-A 3405 OPERATOR TRAINING, QUALIFICATIONS AND REQUIREMENTS

Env-A 3405.01 Operator Training.

(a) The operator of a CISWI unit shall obtain operator training through the state-approved program specified in Env-Wm 3300.

(b) The operator of a CISWI unit shall obtain operator training by the earlier of:

- (1) The final compliance date specified in Env-A 3406.01(b)(2)b.;
- (2) Six months after CISWI unit startup; or
- (3) Six months after an employee assumes responsibility for operating the CISWI unit or for supervising the operation of the CISWI unit.

Source. #7687, eff 5-2-02

Env-A 3405.02 Operator Qualifications and Requirements.

(a) Operator qualification shall be valid for one year from the date on which the operator training required by Env-A 3405.01(b) is completed and the operator successfully passes the examination specified in Env-Wm 3300.

(b) To maintain qualification, the trained and qualified CISWI operator shall complete an annual review or refresher course that meets the requirements specified in Env-Wm 3300.

(c) Pursuant to RSA 149-M:6, XIII, the operator of a CISWI unit whose qualification has lapsed shall:

- (1) For a lapse of less than 90 days, pay a late fee of 50 percent of the renewal fee in addition to the renewal fee; or
- (2) For a lapse of 90 days or more, be removed from current status and have their qualification deemed expired.

(d) In addition to (c)(1), above, the operator of a CISWI unit whose qualification has lapsed for less than 90 days shall complete an annual review or refresher course pursuant to (b), above.

(e) The owner or operator of a CISWI unit shall maintain the following documentation at the facility:

- (1) Documentation required by 40 CFR §60.2660(a) and (c); and
- (2) A copy of Env-A 3400.

(f) The owner or operator of a CISWI unit shall conduct an initial review of the information required by (e)(1), above, by the later of:

- (1) The final compliance date specified in Env-A 3406.01(b)(2)b.;
- (2) Six months after CISWI unit startup; or
- (3) Six months after being assigned to operate the CISWI unit.

(g) The owner or operator of a CISWI unit shall conduct subsequent annual reviews of the information required by (e)(1), above, no later than 12 months following the most recent review.

Source. #7687, eff 5-2-02

PART Env-A 3406 COMPLIANCE SCHEDULE

Env-A 3406.01 Compliance Schedule.

(a) The owner or operator of a CISWI unit shall comply with all the requirements of this chapter by the earlier of:

- (1) December 1, 2005; or
- (2) Three years after the effective date of EPA's approval of the plan identified in §§111(d) and 129 of the Act.

(b) Notwithstanding (a), above, no later than 180 days after EPA approval of the plan identified in §§111(d) and 129 of the Act, the owner or operator of a CISWI unit shall submit to the department either:

- (1) A closure agreement as set forth in 40 CFR §60.2615; or
- (2) A schedule for compliance with all applicable standards and conditions of this chapter which shall include the following dates of achievement for each of the increments of progress specified below:

a. Increment 1 shall be the submission of a final control plan, as set forth in 40 CFR §60.2600, by the later of:

1. December 1, 2002; or
2. Six months after the effective date of EPA's approval of the plan identified in §§111(d) and 129 of the Act; and

b. Increment 2 shall be final compliance, as specified in 40 CFR §60.2605, by the earlier of:

1. December 1, 2005; or
2. Three years after the effective date of EPA's approval of the plan identified in §§111(d) and 129 of the Act.

(c) No later than 10 business days after the compliance date for each of the increments of progress in (b), above, the owner or operator of a CISWI unit shall submit to the department a notification of achievement of the increments of progress as specified in 40 CFR §§60.2585 and 60.2590.

(d) If the owner or operator of a CISWI unit fails to meet the increments of progress set forth in (b), above, the owner or operator shall submit a notification to the department as specified in 40 CFR §60.2595.

Source. #7687, eff 5-2-02

PART Env-A 3407 WASTE MANAGEMENT PLAN

Env-A 3407.01 Waste Management Plan.

(a) The owner or operator of a CISWI unit shall prepare a waste management plan as described in 40 CFR §§60.2620 and 60.2630.

(b) The owner or operator of a CISWI unit shall submit a waste management plan to the department by the date specified in Env-A 3406.01(b)(2)a.

Source. #7687, eff 5-2-02

PART Env-A 3408 PERFORMANCE TESTING AND COMPLIANCE REQUIREMENTS

Env-A 3408.01 Performance Testing and Compliance Requirements.

(a) The owner or operator of a CISWI unit subject to the emission limits set forth in Env-A 3403.01(a) shall comply with the following performance testing and compliance requirements:

- (1) The initial compliance requirements set forth in 40 CFR §§60.2700 and 60.2705;
- (2) The initial and annual performance testing set forth in 40 CFR §60.2690;
- (3) The continuous compliance requirements set forth in 40 CFR §60.2710; and
- (4) The annual compliance requirements procedure set forth in 40 CFR §§60.2710, 60.2715, 60.2720, and 60.2725.

(b) The owner or operator of a CISWI unit shall use the results of the performance testing and compliance requirements to demonstrate compliance with the emission limitations set forth in table 3403-1.

Source. #7687, eff 5-2-02

Env-A 3408.02 Operating Limits for Facilities with Air Pollution Control Devices. The owner or operator of a CISWI unit that is equipped with an air pollution control device shall comply with the operating parameters specified in 40 CFR §60.2675 or 40 CFR §60.2680, as applicable.

Source. #7687, eff 5-2-02

PART Env-A 3409 MONITORING

Env-A 3409.01 Monitoring Requirements. The owner or operator of a CISWI unit shall comply with the monitoring requirements specified in 40 CFR §§60.2730 and 60.2735.

Source. #7687, eff 5-2-02

PART Env-A 3410 RECORDKEEPING AND REPORTING

Env-A 3410.01 Recordkeeping. The owner or operator of a CISWI unit shall comply with the recordkeeping requirements specified in 40 CFR §§60.2740 and 60.2745.

Source. #7687, eff 5-2-02

Env-A 3410.02 Reporting. The owner or operator of a CISWI unit shall comply with the reporting requirements specified in 40 CFR §§60.2750, 60.2755, 60.2760, 60.2765, 60.2770, 60.2775, 60.2780, 60.2785, 60.2790, 60.2795, and 60.2800.

Source. #7687, eff 5-2-02

PART Env-A 3411 TITLE V OPERATING PERMITS

Env-A 3411.01 Title V Operating Permits.

(a) The owner or operator of any facility that contains a CISWI unit subject to this chapter shall comply with the permitting requirements specified in Env-A 609.

(b) The owner or operator of any facility that contains a CISWI unit subject to Env-A 609, solely because it is subject to this chapter, shall file a permit application with the division no later than December 1, 2003.

Source. #7687, eff 5-2-02

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Appendix

Proposed Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Env-A 3400	RSA 125-C:4, I(a) 42 U.S.C. §7411(d) [CAA §111(d)] 42 U.S.C. §7429 [CAA §129] 40 CFR 60, Subpart DDDD