



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Air Quality**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **45-18**

RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 45-18



Rule Id: 9815



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY **Air Quality**
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RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

PRIMARY CONTACT

Laura M. Jennings, Technical Analyst
601 57th Street, SE

Charleston, STATE ZIP

SECONDARY CONTACT

Laura M. Jennings, Technical Analyst
601 57th Street, SE

Charleston, STATE SECONDARY ZIP SECONDARY

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CITE AUTHORITY **W. Va. Code §22-5-4**

AUTHORIZING STATUTE(S) CITATION
W. Va. Code §22-5-4

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Tuesday, June 02, 2015

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
Public Notice - Charleston Newspaper
WV DEP Website
WV DEP News Release
DAQ Website

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Monday, July 06, 2015

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

AGENCY **Air Quality**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **45-18**

RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.

No comments received

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)

Friday, July 24, 2015

**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)

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RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

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CITE AUTHORITY **W. Va. Code §22-5-4**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS
None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Air Quality
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 45-18
RULE NAME Control of Air Pollution from Combustion of Solid Waste

CITE AUTHORITY W. Va. Code §22-5-4

PRIMARY CONTACT

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601 57th Street, SE

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CITE AUTHORITY **W. Va. Code §22-5-4**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The proposed revisions to this rule should cause no additional impact on costs and revenues of state government.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Air Quality**
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 RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Air Quality**
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CITE AUTHORITY **W. Va. Code §22-5-4**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The proposed revisions to this rule will have a minimal effect on the costs to the Division of Air Quality because they impose no additional requirements beyond current federal requirements. Costs are covered under previous cost estimates.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Air Quality**
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RULE NAME **Control of Air Pollution from Combustion of Solid Waste**

CITE AUTHORITY **W. Va. Code §22-5-4**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

This rule establishes standards of performance and emission guidelines for large municipal waste combustors, small municipal waste combustion units, hospital/ medical/ infectious waste incinerators, commercial and industrial solid waste incineration units, and other solid waste incineration units pursuant to §§111(d) and 129 of the federal Clean Air Act (CAA). This rule codifies general procedures and criteria to implement certain standards of performance for new stationary sources and emission guidelines for existing units promulgated by the U.S. Environmental Protection Agency (U.S. EPA) as set forth in 40 CFR Part 60. It is the intent of the Secretary to incorporate the standards of performance for new sources by reference. The emission guidelines for existing units are set forth in the rule.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 45-18



Rule Id: 9815



Document: 26928

45CSR18

TITLE 45
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR QUALITY

SERIES 18
CONTROL OF AIR POLLUTION FROM COMBUSTION OF SOLID WASTE

§45-18-1. General.

1.1. Scope. -- This rule adopts standards of performance, and establishes emission guidelines and compliance times pursuant to §§111(d) and 129 of the federal Clean Air Act for the control of certain designated pollutants from the following categories of solid waste combustors, combustion units, incinerators and incineration units in West Virginia:

1.1.a. Large municipal waste combustors subject to the standards of performance promulgated by the United States Environmental Protection Agency (U.S. EPA) under 40 CFR Part 60, Subpart Eb;

1.1.b. Small municipal waste combustion units subject to the standards of performance promulgated by the U.S. EPA under 40 CFR Part 60, Subpart AAAA;

1.1.c. Hospital/ medical/ infectious waste incinerators subject to the standards of performance promulgated by the U.S. EPA under 40 CFR Part 60, Subpart Ec, or the emission guidelines and compliance times promulgated by the U.S. EPA under 40 CFR Part 60, Subpart Ce set forth in section 7;

1.1.d. Commercial and industrial solid waste incineration units subject to the standards of performance promulgated by the U.S. EPA under 40 CFR Part 60, Subpart CCCC, or the emission guidelines and compliance times promulgated by the U.S. EPA under 40 CFR Part 60, Subpart DDDD set forth in section 9;

1.1.e. Other solid waste incineration units subject to the standards of performance promulgated by the U.S. EPA under 40 CFR Part 60, Subpart EEEE, and

1.1.f. Sewage sludge incineration units subject to the standards of performance promulgated by the U.S. EPA under 40 CFR Part 60, Subpart LLLL.

1.2. Authority. -- W.Va. Code §22-5-4.

1.3. Filing Date. -- ~~April 4, 2014.~~

1.4. Effective Date. -- ~~June 1, 2014.~~

1.5. This rule codifies general procedures and criteria to implement a program of specific standards of

45CSR18

performance, emission guidelines and compliance times for solid waste combustors, combustion units, incinerators and incineration units set forth in the Code of Federal Regulations and as listed in Tables 18-1A, 18-1B, 18-2A, 18-2B, 18-1C, 18-2C, 18-3C, 18-4C, 18-5C, 18-6C, 18-7C, 18-8C and 18-9C.

1.6. Neither compliance with the provisions of this rule nor the absence of specific language to cover particular situations constitutes approval or implies consent or condonement of any emission which is released in any locality in such a manner or amount as to cause or contribute to statutory air pollution. Neither does it exempt nor excuse any person from complying with other applicable laws, ordinances, regulations, or orders of governmental entities having jurisdiction over the combustion of solid waste.

1.7. Incorporation by Reference. -- Federal Counterpart Regulation. The Secretary has determined that a federal counterpart rule exists. In accordance with the Secretary's recommendation, and with limited exception, this rule incorporates by reference 40 CFR Part 60, Subparts Eb, Ec, AAAA, CCCC, EEEE and LLLL effective ~~June 1, 2013~~ June 1, 2015.

1.8. Former Rules. -- This legislative rule amends 45CSR18 - "Control of Air Pollution from Combustion of Solid Waste" which was filed ~~May 1, 2013~~ April 4, 2014, and became effective ~~June 1, 2013~~ June 1, 2014.

§45-18-2. Definitions.

2.1. "Administrator" means the Administrator of the United States Environmental Protection Agency (U.S. EPA) or his or her designated representative.

2.2. "CFR" means the Code of Federal Regulations published by the Office of the Federal Register, National Archives and Records Service, General Services Administration.

2.3. "Clean Air Act" or 'CAA' means the federal Clean Air Act, as amended, 42 U.S.C. §7401 et seq.

2.4. "Commercial and industrial solid waste incineration unit" or 'CISWI unit' means any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding 6 months, any solid waste as that term is defined in 40 CFR Part 241. If the operating unit burns materials other than traditional fuels as defined in 40 CFR §241.2 that have been discarded, and you do not keep and produce records as required by subdivision 9.11.u, the operating unit is a CISWI unit. While not all CISWI units will include all of the following components, a CISWI unit includes, but is not limited to, the solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the solid waste hopper (if applicable) and extends through two areas: the combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and the combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The CISWI unit includes all ash handling systems connected to the bottom ash handling system.

2.5. "Hospital/ medical/ infectious waste incinerator" or 'HMIWI unit' means any device that combusts any amount of hospital waste or medical/ infectious waste.

45CSR18

2.6. “Municipal waste combustor unit” or ‘municipal waste combustor’ means any setting or equipment that combusts solid, liquid, or gasified municipal solid waste including, but not limited to, field-erected incinerators (with or without heat recovery), modular incinerators (starved-air or excess-air), boilers (i.e., steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air curtain incinerators, or fluidized bed-fired), and pyrolysis/ combustion units.

2.6.a. Municipal waste combustors do not include pyrolysis/ combustion units located at a plastics/ rubber recycling unit as specified in 40 CFR §60.50b(m). Municipal waste combustors do not include cement kilns firing municipal solid waste as specified in 40 CFR §60.50b(p). Municipal waste combustors do not include internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

2.6.b. The boundaries of a municipal waste combustor are defined as follows. The municipal waste combustor unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustor water system. The municipal waste combustor boundary starts at the municipal solid waste pit or hopper and extends through:

2.6.b.1. The combustor flue gas system, which ends immediately following the heat recovery equipment or, if there is no heat recovery equipment, immediately following the combustion chamber;

2.6.b.2. The combustor bottom ash system, which ends at the truck loading station or similar ash handling equipment that transfer the ash to final disposal, including all ash handling systems that are connected to the bottom ash handling system; and

2.6.b.3. The combustor water system, which starts at the feed water pump and ends at the piping exiting the steam drum or superheater.

2.7. “Other solid waste incineration unit” or ‘OSWI unit’ means either a very small municipal waste combustion unit or an institutional waste incineration unit. Unit types listed in 40 CFR §60.2887 are not OSWI units. While not all OSWI units will include all of the following components, an OSWI unit includes, but is not limited to, the municipal or institutional solid waste feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The OSWI unit does not include air pollution control equipment or the stack. The OSWI unit boundary starts at the municipal or institutional waste hopper (if applicable) and extends through two areas:

2.7.a. The combustion unit flue gas system, which ends immediately after the last combustion chamber or after the waste heat recovery equipment, if any; and

2.7.b. The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. The OSWI unit includes all ash handling systems connected to the bottom ash handling system.

2.8. “Person” means any and all persons, natural or artificial, including the state of West Virginia or any

45CSR18

other state, the United States of America, any municipal, statutory, public or private corporation organized or existing under the laws of this or any other state or country, and any firm, partnership or association of whatever nature.

2.9. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§22-1-6 or 22-1-8.

2.10. "Standard Metropolitan Statistical Area" means any areas listed in OMB Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993.

2.11. "You", as used in sections 8 and 9 or 40 CFR Part 60 Subparts CCCC and DDDD, means the owner or operator of a CISWI unit.

2.12. Other words and phrases used in this rule, unless otherwise indicated, shall have the meaning ascribed to them in 40 CFR Part 60 Subparts A, B, Ce, Eb, Ec, AAAA, CCCC, DDDD, EEEE and LLLL as applicable. Words and phrases not defined therein shall have the meaning given to them in the Clean Air Act.

§45-18-3. Adoption of Standards.

3.1. The Secretary hereby adopts and incorporates by reference the definitions of 40 CFR Part 60, Subparts A and B, the standards of performance and definitions set forth in 40 CFR Part 60, Subparts Eb, Ec, AAAA, CCCC, EEEE and LLLL, including any applicable reference methods, performance specifications and other test methods which are appended to these standards and contained in these subparts, effective ~~June 1, 2013~~ June 1, 2015.

§45-18-4. Requirements for New Large Municipal Waste Combustors.

4.1. Requirements for New LMWC Units. -- The owner or operator of a new LMWC unit under subsection 4.2 shall comply with all applicable standards of performance, requirements and provisions of 40 CFR Part 60 Subpart Eb, including any reference methods, performance specifications and other test methods associated with Subpart Eb. No person shall construct or operate, or cause to be constructed or operated a new LMWC unit which results in a violation of 40 CFR Part 60, Subpart Eb or this rule.

4.2. Applicability. -- The owner or operator of a LMWC unit that meets the following criteria shall be subject to the requirements for new LMWC units set forth in section 4. A new LMWC unit is a LMWC unit that either:

4.2.a. Commenced construction after September 20, 1994; or

4.2.b. Commenced modification or reconstruction after June 19, 1996.

§45-18-5. Requirements for New Small Municipal Waste Combustion Units.

45CSR18

5.1. Requirements for New SMWC Units. -- The owner or operator of a new SMWC unit under subsection 5.2 shall comply with all applicable standards of performance, requirements and provisions of 40 CFR Part 60 Subpart AAAA, including any reference methods, performance specifications and other test methods associated with Subpart AAAA. No person shall construct or operate, or cause to be constructed or operated a new SMWC unit which results in a violation of 40 CFR Part 60, Subpart AAAA or this rule.

5.2. Applicability. -- The owner or operator of a SMWC unit that meets the following criteria shall be subject to the requirements for new SMWC units set forth in section 5. A new SMWC unit is a SMWC unit that either:

5.2.a. Commenced construction after August 30, 1999; or

5.2.b. Commenced modification or reconstruction after June 6, 2001.

§45-18-6. Requirements for New Hospital/ Medical/ Infectious Waste Incinerators.

6.1. Requirements for New HMIWI Units. -- The owner or operator of a new HMIWI unit under subsection 6.2 shall comply with all applicable standards of performance, requirements and provisions of 40 CFR Part 60 Subpart Ec, including any reference methods, performance specifications and other test methods associated with Subpart Ec. No person shall construct, reconstruct, modify, or operate, or cause to be constructed, reconstructed, modified, or operated a new HMIWI unit which results in a violation of 40 CFR Part 60 Subpart Ec, or this rule.

6.2. Applicability. -- The owner or operator of a HMIWI unit that meets the following criteria shall be subject to the requirements for new HMIWI units set forth in section 6. A new HMIWI unit is a HMIWI unit that either:

6.2.a. Commenced construction after December 1, 2008; or

6.2.b. Commenced modification after April 6, 2010.

6.3. Physical or Operational Changes. Physical or operational changes made to an HMIWI unit to comply with the emission guidelines in section 7 and 40 CFR Part 60 Subpart Ce do not qualify as a reconstruction or modification under section 6 and 40 CFR Part 60 Subpart Ec.

§45-18-7. Requirements for Existing Hospital/ Medical/ Infectious Waste Incinerators.

7.1. Requirements for Existing HMIWI Units. -- The owner or operator of an existing HMIWI unit under subsection 7.2 shall comply with the applicable emission guidelines, compliance times, requirements and provisions of 40 CFR Part 60 Subpart Ce set forth in section 7 and Tables 18-1A, 18-1B, 18-2A and 18-2B, including any reference methods, performance specifications and other test methods associated with Subpart Ce. No person shall reconstruct, modify, or operate, or cause to be reconstructed, modified, or operated an existing HMIWI unit which results in a violation of 40 CFR Part 60 Subpart Ce, or this rule.

45CSR18

7.2. Applicability. -- HMIWI units that are designated facilities under subdivision 7.2.a shall be subject to the requirements for existing HMIWI units set forth in section 7.

7.2.a. Designated Facilities. -- Except as provided in subdivisions 7.2.b through 7.2.h, the designated facility to which the emissions guidelines apply is each individual HMIWI unit in West Virginia:

7.2.a.1. For which construction was commenced on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998.

7.2.a.2. For which construction was commenced after June 20, 1996 but no later than December 1, 2008, or for which modification is commenced after March 16, 1998 but no later than April 6, 2010.

7.2.b. A combustor is not subject to this section during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor:

7.2.b.1. Notifies the Administrator of an exemption claim; and

7.2.b.2. 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.

7.2.c. Any co-fired combustor is not subject to this section if the owner or operator of the co-fired combustor:

7.2.c.1. Notifies the Administrator of an exemption claim;

7.2.c.2. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and

7.2.c.3. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

7.2.d. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to this section.

7.2.e. Any combustor which meets the applicability requirements under 40 CFR Part 60, Subparts Cb, Ea, or Eb (standards or guidelines for certain municipal waste combustors) is not subject to this section.

7.2.f. Any pyrolysis unit is not subject to this section.

7.2.g. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this section.

7.2.h. Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with emission guidelines under this section are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR Part 60, Subpart Ec.

45CSR18

7.2.i. On or before September 15, 2000, the owner or operator of an existing HMIWI unit shall operate pursuant to a Title V permit in accordance with the requirements of 45CSR30.

7.2.j The requirements of 40 CFR §§62.12150-12152, as amended and approved on August 3, 2009, and the related provisions of 40 CFR Part 60, Subpart Ce as promulgated on September 15, 1997, shall apply to the designated facilities under paragraph 7.2.a.1 until one year after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units. Upon one year after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, designated facilities under paragraph 7.2.a.1 are no longer subject to the requirements of 40 CFR Part 60, Subpart Ce as promulgated on September 15, 1997, but are subject to the requirements of 40 CFR Part 62, Subpart XX, as amended in accordance with the October 6, 2009 provisions of 40 CFR Part 60, Subpart Ce.

7.3. Emissions Guidelines.

7.3.a. The owner or operator of an existing HMIWI unit shall comply with the following emissions limits as applicable:

7.3.a.1. For a designated facility set forth in paragraph 7.2.a.1 subject to the emissions guidelines as promulgated on September 15, 1997, the requirements listed in Table 18-1A, except as provided in subdivision 7.3.b;

7.3.a.2. For a designated facility set forth in paragraph 7.2.a.1 subject to the emissions guidelines as amended on October 6, 2009, the requirements listed in Table 18-1B, except as provided in subdivision 7.3.b;

7.3.a.3. For a designated facility set forth in paragraph 7.2.a.2, the more stringent of the requirements listed in Table 18-1B and Table 1A of 40 CFR Part 60, Subpart Ec, as amended October 6, 2009.

7.3.b. The owner or operator of any small HMIWI unit constructed on or before June 20, 1996, which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste shall comply with emissions limits in paragraphs 7.3.b.1 and 7.3.b.2, as applicable. The 2,000 lb/week limitation does not apply during performance tests.

7.3.b.1. For a designated facility under paragraph 7.2.a.1 subject to the emissions guidelines as promulgated on September 15, 1997, the requirements listed in Table 18-2A; and

7.3.b.2. For a designated facility under paragraph 7.2.a.1 subject to the emissions guidelines as amended on October 6, 2009, the requirements listed in Table 18-2B.

7.3.c. The owner or operator of any existing HMIWI unit shall comply with the following stack opacity requirements, as applicable:

45CSR18

7.3.c.1. For a designated facility under paragraph 7.2.a.1 subject to the emissions guidelines as promulgated on September 15, 1997, the requirements in 40 CFR §60.52c(b)(1); and

7.3.c.2. For a designated facility under paragraph 7.2.a.1 subject to the emissions guidelines as amended on October 6, 2009 and a designated facility under paragraph 7.2.a.2, the requirements in 40 CFR §60.52c(b)(2).

7.4. Operator Training and Qualification Guidelines. -- The owner or operator of an existing HMIWI unit shall comply with the operator training and qualification requirements specified in 40 CFR §60.53c:

7.4.a. For a designated facility under paragraph 7.2.a.1, by July 28, 2001, and

7.4.b. For a designated facility under paragraph 7.2.a.2, at the time of initial facility start-up.

7.5. Waste Management Guidelines. -- The owner or operator of an existing HMIWI unit under paragraphs 7.2.a.1 and 7.2.a.2 shall comply with the waste management plan specified in 40 CFR §60.55c within one year after the date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units under 40 CFR Part 60, Subpart Ce requirements, as revised October 6, 2009.

7.6. Inspection Guidelines.

7.6.a. The owner or operator of each small HMIWI unit subject to the emissions limits under subdivision 7.3.b and each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2 and 7.3.a.3 shall perform an initial equipment inspection within one year after the date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units under 40 CFR Part 62, Subpart XX, and the related provisions of 40 CFR Part 60, Subpart Ce, as revised October 6, 2009. The initial equipment inspection shall include the following:

7.6.a.1. Inspection of all burners, pilot assemblies, and pilot sensing devices for proper operation: cleaning of pilot flame sensor, as necessary;

7.6.a.2. Ensuring proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;

7.6.a.3. Inspection of hinges and door latches and lubrication as necessary;

7.6.a.4. Inspection of dampers, fans, and blowers for proper operation;

7.6.a.5. Inspection of HMIWI unit door and door gaskets for proper sealing;

7.6.a.6. Inspection of motors for proper operation;

7.6.a.7. Inspection of primary chamber refractory lining; cleaning and repairing or replacing lining

45CSR18

as necessary;

7.6.a.8. Inspection of incinerator shell for corrosion and hot spots;

7.6.a.9. Inspection of secondary and tertiary chamber and stack, cleaning as necessary;

7.6.a.10. Inspection of mechanical loader, including limit switches, for proper operation, if applicable;

7.6.a.11. Visual inspection of waste bed (grates), and repairing or sealing, as appropriate;

7.6.a.12. For the burn cycle that follows the inspection, documentation that the incinerator is operating properly and making any necessary adjustments;

7.6.a.13. Inspection of air pollution control device(s) for proper operation, if applicable;

7.6.a.14. Inspection of waste heat boiler systems to ensure proper operation, if applicable;

7.6.a.15. Inspection of bypass stack components;

7.6.a.16. Ensuring proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

7.6.a.17. Generally observing that the equipment is maintained in good operating condition.

7.6.b. Within 10 operating days following an equipment inspection, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Secretary establishing a date whereby all necessary repairs of the designated facility shall be completed.

7.6.c. The owner or operator of each small HMIWI unit subject to the emissions limits under subdivision 7.3.b and each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2 and 7.3.a.3 shall perform an equipment inspection annually (no more than 12 months following the previous annual equipment inspection), as outlined in subdivision 7.6.a.

7.6.d. The owner or operator of each small HMIWI unit subject to the emissions limits under paragraph 7.3.b.2 and each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2 and 7.3.a.3 shall perform an initial air pollution control device inspection, as applicable, within one year following approval of the 111(d)/129 State Plan revision for HMIWI units under 40 CFR Part 62, Subpart XX, and the related provisions of 40 CFR Part 60, Subpart Ce, as revised October 6, 2009. The initial air pollution control device inspection shall include the following:

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

45CSR18

7.6.d.2. Ensure proper calibration of thermocouples, sorbent feed systems, and any other monitoring equipment; and

7.6.d.3. Generally observe that the equipment is maintained in good operating condition.

7.6.e. Within 10 operating days following an air pollution control device inspection under subdivision 7.6.d, all necessary repairs shall be completed unless the owner or operator obtains written approval from the Secretary establishing a date whereby all necessary repairs of the designated facility shall be completed.

7.6.f. The owner or operator of each small HMIWI unit subject to the emissions limits under paragraph 7.3.b.2 and each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2 and 7.3.a.3 shall perform an air pollution control device inspection, as applicable, annually (no more than 12 months following the previous annual air pollution control device inspection), as outlined in subdivision 7.6.d.

7.7. Compliance, Performance Testing, and Monitoring Guidelines.

7.7.a. Except as provided in subdivision 7.7.b, the owner or operator of a HMIWI unit shall comply with the requirements for compliance and performance testing listed in 40 CFR §60.56c, with the following exclusions:

7.7.a.1. For a designated facility under paragraph 7.2.a.1 subject to the emissions limits in paragraph 7.3.a.1, the test methods listed in 40 CFR §§60.56c(b)(7) and (8), the fugitive emissions testing requirements under 40 CFR §§60.56c(b)(14) and (c)(3), the CO CEMS requirements under 40 CFR §60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR §§60.56c(c)(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), (g)(6) through (10), and (h).

7.7.a.2. For a designated facility under paragraphs 7.2.a.1 and 7.2.a.2 subject to the emissions limits in paragraphs 7.3.a.2 and 7.3.a.3, the annual fugitive emissions testing requirements under 40 CFR §60.56c(c)(3), the CO CEMS requirements under 40 CFR §60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR §§60.56c(c)(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), and (g)(6) through (10). Sources subject to the emissions limits under paragraphs 7.3.a.2 and 7.3.a.3 may, however, elect to use CO CEMS as specified under 40 CFR §60.56c(c)(4) or bag leak detection systems as specified under 40 CFR §60.57c(h).

7.7.b. Except as provided in paragraphs 7.7.b.1 and 7.7.b.2, the owner or operator of a small HMIWI unit subject to the emissions limits under subdivision 7.3.b shall comply with the performance testing requirements listed in 40 CFR §60.56c. The 2,000 lb/week limitation under subdivision 7.3.b does not apply during performance tests.

7.7.b.1. For a designated facility under paragraph 7.2.a.1 subject to the emissions limits under paragraph 7.3.b.1, the test methods listed in 40 CFR §§60.56c(b)(7), (8), (12), (13) (Pb and Cd), and (14), the annual PM, CO, and HCl emissions testing requirements under 40 CFR §60.56c(c)(2), the annual fugitive emissions testing requirements under 40 CFR §60.56c(c)(3), the CO CEMS requirements under 40 CFR

45CSR18

§60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR §§60.56c(c)(5) through (7), and (d) through (k) do not apply.

7.7.b.2. For a designated facility under paragraph 7.2.a.2 subject to the emissions limits under paragraph 7.3.b.2, the annual fugitive emissions testing requirements under 40 CFR §60.56c(c)(3), the CO CEMS requirements under 40 CFR §60.56c(c)(4), and the compliance requirements for monitoring listed in 40 CFR §§60.56c(c)(5)(ii) through (v), (c)(6), (c)(7), (e)(6) through (10), (f)(7) through (10), and (g)(6) through (10) do not apply. Sources subject to the emissions limits under paragraph 7.3.b.2 may, however, elect to use CO CEMS as specified under 40 CFR §60.56c(c)(4) or bag leak detection systems as specified under 40 CFR §60.57c(h).

7.7.c. The owner or operator of a small HMIWI unit subject to the emissions limits under subdivision 7.3.b that is not equipped with an air pollution control device shall comply with the following compliance and performance testing requirements:

7.7.c.1. Establishment of maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits;

7.7.c.2. Following the date on which the initial performance test is completed or is required to be completed under 40 CFR §60.8, whichever date comes first, the small HMIWI unit shall not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s).

7.7.c.3. Operation above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO and dioxin/ furan emission limits, except as provided in paragraph 7.7.c.4; and

7.7.c.4. The owner or operator of a small HMIWI unit may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the small HMIWI unit is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted under process and control device operating conditions duplicating as nearly as possible those that indicated a violation under paragraph 7.7.c.3;

7.7.d. The owner or operator of a HMIWI unit subject to the emissions limits under subdivisions 7.3.a and 7.3.b shall comply with the requirements for monitoring listed in 40 CFR §60.57c, except as provided for under subdivision 7.7.e.

7.7.e. The owner or operator of a small HMIWI unit subject to the emissions limits under subdivision 7.3.b that is not equipped with an air pollution control device shall comply with the following monitoring

requirements:

7.7.e.1. Installation, calibration (to manufacturer's specifications), maintenance and operation of a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum once every minute throughout operation;

7.7.e.2. Installation, calibration (to manufacturer's specifications), maintenance and operation of a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI unit;

7.7.e.3. The owner or operator of a HMIWI unit shall obtain monitoring data at all times during HMIWI unit operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI unit is combusting hospital waste or medical/ infectious waste.

7.7.f. The owner or operator of a designated facility under paragraphs 7.2.a.1 or 7.2.a.2 subject to emissions limits under paragraphs 7.3.a.2, 7.3.a.3 or 7.3.b.2 may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that the conditions in paragraphs 7.7.f.1 through 7.7.f.3 are met:

7.7.f.1. The designated facility's previous emissions tests shall have been conducted using the applicable procedures and test methods listed in 40 CFR §60.56c(b). Previous emissions test results obtained using EPA-accepted voluntary consensus standards are also acceptable.

7.7.f.2. The HMIWI unit at the designated facility shall 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 unit may not have been modified such that emissions would be expected to exceed (notwithstanding normal test-to-test variability) the results from previous emissions test(s).

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

7.8. Reporting and Recordkeeping Guidelines.

7.8.a. Except as provided in paragraphs 7.8.a.1 and 7.8.a.2, the owner or operator of an existing HMIWI unit shall comply with the reporting and recordkeeping requirements listed in 40 CFR §§60.58c(b) through (g).

7.8.a.1. For a designated facility under paragraph 7.2.a.1 subject to emissions limits under paragraphs 7.3.a.1 or 7.3.b.1, excluding 40 CFR §§60.58c(b)(2)(ii) (fugitive emissions), (b)(2)(viii) (NO_x reagent), (b)(2)(xvii) (air pollution control device inspections), (b)(2)(xviii) (bag leak detection system alarms), (b)(2)(xix) (CO CEMS data), and (b)(7) (siting documentation).

45CSR18

7.8.a.2. For a designated facility under paragraphs 7.2.a.1 or 7.2.a.2 subject to emissions limits under paragraphs 7.3.a.2, 7.3.a.3 or 7.3.b.2, excluding 40 CFR §§60.58c(b)(2)(xviii) (bag leak detection system alarms), (b)(2)(xix) (CO CEMS data), and (b)(7) (siting documentation).

7.8.b. The owner or operator of each HMIWI unit subject to the emissions limits under subsection 7.3 shall:

7.8.b.1. As specified in subsection 7.6, maintain records of the annual equipment inspections that are required for each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2, 7.3.a.3 and subdivision 7.3.b, and the annual air pollution control device inspections that are required for each HMIWI unit subject to the emissions limits under paragraphs 7.3.a.2, 7.3.a.3 and 7.3.b.2, any required maintenance, and any repairs not completed within 10 days of an inspection or repair date approved by the Secretary; and

7.8.b.2. Submit an annual report containing information recorded under paragraph 7.8.b.1 no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report (once the unit is subject to permitting requirements under 45CSR30, the owner or operator shall submit these reports semiannually). The report shall be signed and certified in accordance with subdivision 7.8.c.

7.8.c. Where reports are required to be submitted to the Secretary under the terms of a permit issued pursuant to 45CSR13, 45CSR14, 45CSR19 or 45CSR30, the reports shall be signed and certified in accordance with the requirements of the applicable permitting rule. Where reports are required to be submitted to the Secretary under this rule, and no permit is in effect under 45CSR13, 45CSR14, 45CSR19 or 45CSR30, the report shall be signed by the facilities manager and shall contain a certification stating that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

7.9. Compliance Times.

7.9.a. Except as provided in subdivisions 7.9.b, 7.9.c and 7.9.d, on or after July 28, 2001, the owner or operator of any existing HMIWI unit subject to the requirements of 40 CFR Part 62, Subpart XX, and the related provisions of 40 CFR Part 60, Subpart Ce as promulgated on September 15, 1997, shall be in compliance with all applicable provisions of this section.

7.9.b. No later than November 28, 2000, the owner or operator of an existing HMIWI unit required to install air pollution control equipment shall submit a compliance plan and schedule subject to the approval of the Secretary that meets the following criteria:

7.9.b.1. No later than July 28, 2001, a facility that plans to install air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber or dry scrubber followed by a fabric filter and a wet scrubber shall submit a petition for site specific operating parameters under 40 CFR §60.56c(i) to the Administrator and the Secretary;

45CSR18

7.9.b.2. No later than July 28, 2001, services of an architectural and engineering firm regarding air pollution device(s) shall be obtained;

7.9.b.3. No later than January 28, 2002, design drawings of an air pollution device(s) shall be ordered;

7.9.b.4. No later than January 28, 2002, air pollution device(s) shall be ordered;

7.9.b.5. No later than July 28, 2002, site preparation for installation of the air pollution device(s) shall be initiated;

7.9.b.6. No later than April 28, 2002, initial startup of the air pollution device(s) shall be conducted;

7.9.b.7. No later than April 28, 2002, initial compliance test(s) of the air pollution device(s) shall be conducted; and

7.9.b.8. No later than September 16, 2002, the owner or operator of an existing HMIWI unit shall not allow or cause to be allowed a HMIWI unit to be operated except in compliance with all applicable provisions of this section.

7.9.c. An owner or operator of an existing HMIWI unit who submits in writing to the Secretary a request for an extension to comply beyond the compliance dates under subdivision 7.9.b, shall submit to the Secretary no later than April 28, 2001, the following information:

7.9.c.1. An analysis to support the need for an extension, including an explanation of why a time period up to three years after July 28, 2000 is not sufficient time to comply with subdivision 7.9.b;

7.9.c.2. A demonstration of the feasibility to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

7.9.c.3. Measurable and enforceable incremental steps of progress to be taken towards compliance with the emission limits contained in Table 18-1A, or Table 18-2A for Small Rural Units, as applicable.

7.9.d. The owner or operator of an existing HMIWI unit will be notified in writing by the Secretary of his or her decision as to whether an extension shall be granted or denied. The owner or operator shall comply with one of the following:

7.9.d.1. If the request for extension is denied, the owner or operator shall submit a compliance plan in accordance with subdivision 7.9.b no later than 30 days after denial of the request for extension, or July 28, 2001, whichever is later; or

7.9.d.2. If the request for extension is granted, the owner or operator shall submit a compliance

plan and schedule commensurate with the granted extension no later than 30 days after the date the request for extension has been granted.

7.9.d.3. If an extension is granted by the Secretary, the owner or operator shall comply in an expeditious manner with the §111(d)/129 plan requirements of Part 62, Subpart XX, §§62.12150 through 62.12152 on or before the date 3 years after U.S. EPA approval of the West Virginia §111(d)/129 plan (but not later than September 16, 2002), for the emissions guidelines as promulgated on September 15, 1997, and on or before the date 3 years after U.S. EPA approval of an amended West Virginia §111(d)/129 plan (but not later than October 6, 2014), for the emissions guidelines as amended on October 6, 2009.

7.9.e. Except as provided in subdivisions 7.9.f, 7.9.g and 7.9.h, one year after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, the owner or operator of any existing HMIWI unit subject to the requirements of 40 CFR Part 62, Subpart XX, and the related provisions of 40 CFR Part 60, Subpart Ce as promulgated on October 6, 2009, shall be in compliance with all applicable provisions of this section.

7.9.f. No later than 120 days after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, the owner or operator of an existing HMIWI unit required to install air pollution control equipment shall submit an expeditious compliance plan and schedule subject to the approval of the Secretary that meets the following criteria:

7.9.f.1. No later than 12 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, a facility that plans to install air pollution control equipment other than a dry scrubber followed by a fabric filter, a wet scrubber or dry scrubber followed by a fabric filter and a wet scrubber shall submit a petition for site specific operating parameters under 40 CFR §60.56c(i) to the Administrator and the Secretary;

7.9.f.2. No later than 12 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, services of an architectural and engineering firm regarding air pollution device(s) shall be obtained;

7.9.f.3. No later than 18 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, design drawings of an air pollution device(s) shall be ordered;

7.9.f.4. No later than 18 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, air pollution device(s) shall be ordered;

7.9.f.5. No later than 18 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, site preparation for installation of the air pollution device(s) shall be initiated;

7.9.f.6. No later than 30 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, initial startup of the air pollution device(s) shall be conducted;

45CSR18

7.9.f.7. No later than 30 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, initial compliance test(s) of the air pollution device(s) shall be conducted; and

7.9.f.8. No later than October 6, 2014, the owner or operator of an existing HMIWI unit shall not allow or cause to be allowed a HMIWI unit to be operated except in compliance with all applicable provisions of this section.

7.9.g. An owner or operator of an existing HMIWI unit who submits in writing to the Secretary a request for an extension to comply beyond the compliance dates under subdivision 7.9.f, shall submit to the Secretary no later than 9 months after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units, the following information:

7.9.g.1. An analysis to support the need for an extension, including an explanation of why a time period up to three years after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units is sufficient time to comply with this section, while one year after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units is not sufficient;

7.9.g.2. A demonstration of the feasibility to transport the waste offsite to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and

7.9.g.3. Measurable and enforceable incremental steps of progress to be taken towards compliance with the emission limits contained in Table 18-1B, or Table 18-2B for Small Rural Units, as applicable.

7.9.h. The owner or operator of an existing HMIWI unit will be notified in writing by the Secretary of his or her decision as to whether an extension shall be granted or denied. The owner or operator shall comply with one of the following:

7.9.h.1. If the request for extension is denied, the owner or operator shall submit a compliance plan in accordance with subdivision 7.9.f no later than 30 days after denial of the request for extension, or one year after the effective date of U.S. EPA's approval of the 111(d)/129 State Plan revision for HMIWI units whichever is later; or

7.9.h.2. If the request for extension is granted, the owner or operator shall submit a compliance plan and schedule commensurate with the granted extension no later than 30 days after the date the request for extension has been granted; and

7.9.h.3. On or before October 6, 2014, the owner or operator shall comply with the emissions guidelines for existing HMIWI units under 40 CFR Part 62, Subpart XX, and the related provisions of 40 CFR Part 60, Subpart Ce, as amended on October 6, 2009, and not allow or cause to be allowed a HMIWI unit to be operated except in compliance with all applicable provisions of this section.

§45-18-8. Requirements for New Commercial and Industrial Solid Waste Incinerators.

45CSR18

8.1. Requirements for New CISWI Units. -- The owner or operator of a commercial and industrial solid waste incineration unit (CISWI unit) under subsection 8.2 shall comply with all applicable standards of performance, requirements and provisions of 40 CFR Part 60 Subpart CCCC, including any reference methods, performance specifications and other test methods associated with Subpart CCCC. No person shall construct, reconstruct, modify, or operate, or cause to be constructed, reconstructed, modified, or operated a new CISWI unit which results in a violation of 40 CFR Part 60 Subpart CCCC, or this rule.

8.2. Applicability. -- The owner or operator of a CISWI unit that meets any of the following criteria shall be subject to the requirements for new CISWI units set forth in section 8:

8.2.a. A CISWI unit that commenced construction after May 20, 2011; or

8.2.b. A CISWI unit that commenced reconstruction or modification after September 21, 2011.

8.3. Physical or Operational Changes. -- Physical or operational changes to an incineration unit primarily to comply with the emission guidelines in section 9 and 40 CFR Part 60, Subpart DDDD do not qualify as a reconstruction or modification under section 8.

§45-18-9. Requirements for Existing Commercial and Industrial Solid Waste Incinerators.

9.1. Requirements for Existing CISWI Units. -- The owner or operator of an existing CISWI unit shall comply with the applicable emission guidelines, compliance times, requirements and provisions of 40 CFR Part 60 Subpart DDDD set forth in section 9 and Tables 18-1C, 18-2C, 18-3C, 18-4C, 18-5C, 18-6C, 18-7C, 18-8C and 18-9C, including any reference methods, performance specifications and other test methods associated with Subpart DDDD. No person shall reconstruct, modify, or operate, or cause to be reconstructed, modified, or operated an existing CISWI unit which results in a violation of the requirements for existing CISWI units set forth in section 9.

9.2. Applicability.

9.2.a. Incineration units that meet all three criteria described in paragraphs 9.2.a.1 through 9.2.a.3 are subject to the requirements for existing CISWI units under section 9.

9.2.a.1. CISWI units in West Virginia that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013;

9.2.a.2. Incineration units that meet the definition of a CISWI unit as defined in subsection 2.4 and

9.2.a.3. Incineration units not exempt under subdivision 9.2.d.

9.2.b. Physical or Operational Changes.

9.2.b.1. If the owner or operator of a CISWI unit makes changes that meet the definition of

modification or reconstruction on or after June 1, 2001, the CISWI unit becomes subject to 40 CFR Part 60, Subpart CCCC under section 8, and the requirements for existing CISWI units under section 9 no longer applies to that unit.

9.2.b.2. If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with section 9, the requirements for new CISWI units under section 8 and 40 CFR Part 60, Subpart CCCC do not apply to that unit. Such changes do not qualify as modifications or reconstructions under section 8 and 40 CFR Part 60, Subpart CCCC.

9.2.c. Reserved.

9.2.d. Exemption. -- The types of units described in paragraphs 9.2.d.1, 9.2.d.3 through 9.2.d.9 and 9.2.d.13 through 9.2.d.15 are exempt from the requirements of section 9, but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements of section 9 except for the provisions set forth in subsection 9.13.

9.2.d.1. Pathological Waste Incineration Units. -- Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR §60.2265 are not subject to section 9 if you meet the two requirements specified in subparagraphs 9.2.d.1.A and 9.2.d.1.B.

9.2.d.1.A. Notify the Secretary that the unit meets these criteria.

9.2.d.1.B. Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

9.2.d.2. Reserved.

9.2.d.3. Municipal Waste Combustion Units. -- Incineration units that are subject to Subpart Ea of 40 CFR Part 60 (Standards of Performance for Municipal Waste Combustors); Subpart Eb of 40 CFR Part 60 (Standards of Performance for Large Municipal Waste Combustors); Subpart Cb of 40 CFR Part 60 (Emission Guidelines and Compliance Time for Large Municipal Combustors); Subpart AAAA of 40 CFR Part 60 (Standards of Performance for Small Municipal Waste Combustion Units); or Subpart BBBB of 40 CFR Part 60 (Emission Guidelines for Small Municipal Waste Combustion Units).

9.2.d.4. Medical Waste Incineration Units. -- Incineration units regulated under Subpart Ec of 40 CFR Part 60 (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or Subpart Ca of 40 CFR Part 60 (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

9.2.d.5. Small Power Production Facilities. -- Units that meet the three requirements specified in subparagraphs 9.2.d.5.A through 9.2.d.5.C.

45CSR18

9.2.d.5.A. The unit qualifies as a small power-production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

9.2.d.5.B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

9.2.d.5.C. You submit documentation to the Administrator that the qualifying small power production facility is combusting homogenous waste.

9.2.d.5.D. You maintain the records specified in subdivision 9.11.v.

9.2.d.6. Cogeneration Facilities. -- Units that meet the three requirements specified in subparagraphs 9.2.d.6.A through 9.2.d.6.C.

9.2.d.6.A. The unit qualifies as a cogeneration facility under Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

9.2.d.6.B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

9.2.d.6.C. You submit documentation to the Administrator that the qualifying cogeneration facility is combusting homogenous waste.

9.2.d.6.D. You maintain the records specified in subdivision 9.11.w.

9.2.d.7. Hazardous Waste Combustion Units. -- Units for which you are required to get a permit under Section 3005 of the Solid Waste Disposal Act.

9.2.d.8. Materials Recovery Units. -- Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

9.2.d.9. Air Curtain Incinerators. -- Air curtain incinerators that burn only the materials listed in subparagraphs 9.2.d.9.A through 9.2.d.9.C are only required to meet the requirements for air curtain incinerators set forth in subsection 9.13.

9.2.d.9.A. 100 percent wood waste.

9.2.d.9.B. 100 percent clean lumber.

9.2.d.9.C. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

9.2.d.10. Reserved.

45CSR18

9.2.d.11. Reserved.

9.2.d.12. Reserved.

9.2.d.13. Sewage Treatment Plants. -- Incineration units regulated under Subpart O of 40 CFR Part 60 (Standards of Performance for Sewage Treatment Plants).

9.2.d.14. Sewage Sludge Incineration Units. -- Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to Subpart LLLL of 40 CFR Part 60 (Standards of Performance for Sewage Sludge Incineration Units) or Subpart MMMM of 40 CFR Part 60 (Emission Guidelines for Sewage Sludge Incineration Units).

9.2.d.15. Other Solid Waste Incineration Units. -- Incineration units that are subject to Subpart EEEE of 40 CFR Part 60 (Standards of Performance for Other Solid Waste Incineration Units) or Subpart FFFF of 40 CFR Part 60 (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

9.3. Compliance Times and Increments of Progress.

9.3.a. For CISWI units in the incinerator subcategory that commenced construction on or before November 30, 1999, such CISWI units shall achieve final compliance as expeditiously as practicable after approval of the West Virginia §111(d)/129 plan but not later than December 1, 2005.

9.3.b. For CISWI units in the incinerator subcategory that commenced construction after November 30, 1999, but on or before June 4, 2010, and for CISWI units in the small remote incinerator, energy recovery unit, and waste-burning kiln subcategories that commenced construction before June 4, 2010, such CISWI units shall achieve final compliance as expeditiously as practicable after approval of the West Virginia §111(d)/129 plan but not later than February 7, 2018.

9.3.c. Owner and operators of existing CISWI units that have compliance schedules more than 1 year following the effective date of West Virginia §111(d)/129 plan approval shall be subject to the increments of progress set forth in subdivision 9.3.e.

9.3.d. Reserved.

9.3.e. Increments of Progress. -- The owner or operator of an existing CISWI unit that cannot achieve compliance within one year after the effective date of West Virginia §111(d)/129 plan approval shall comply with the increments of progress set forth in Table 18-1C.

9.3.f. Notification of achievement of increments of progress shall include the following three items:

9.3.f.1. Notification that the increment of progress has been achieved;

9.3.f.2. Any items required to be submitted with each increment of progress; and

45CSR18

9.3.f.3. Signature of the owner or operator of the CISWI unit.

9.3.g. Notifications for achieving increments of progress shall be postmarked no later than 10 business days after the compliance date for the increment.

9.3.h. If you fail to meet an increment of progress, you shall submit a notification to the Secretary postmarked within 10 business days after the date for that increment of progress in subdivision 9.3.e. You shall inform the Secretary that you did not meet the increment, and you shall continue to submit reports each subsequent calendar month until the increment of progress is met.

9.3.i. For your control plan increment of progress, you shall satisfy the following two requirements:

9.3.i.1. Submit the final control plan that includes the five items described in subparagraphs 9.3.i.1.A through 9.3.i.1.E.

9.3.i.1.A. A description of the devices for air pollution control and process changes that you will use to comply with the emission limitations and other requirements of section 9.

9.3.i.1.B. The type(s) of waste to be burned.

9.3.i.1.C. The maximum design waste burning capacity.

9.3.i.1.D. The anticipated maximum charge rate.

9.3.i.1.E. If applicable, the petition for site-specific operating limits under subdivision ; 9.6.1 and

9.3.i.2. Maintain an onsite copy of the final control plan.

9.3.j. For the final compliance increment of progress, you shall complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected CISWI unit is brought online, all necessary process changes and air pollution control devices would operate as designed.

9.3.k. If you close your CISWI unit but will restart it prior to the final compliance date set forth in subdivision 9.3.b, you shall meet the increments of progress set forth in subdivision 9.3.e.

9.3.l. If you close your CISWI unit but will restart it after your final compliance date set forth in subdivision 9.3.b, you shall complete emission control retrofits and meet the emission limitations and operating limits on the date your unit restarts operation.

9.3.m. If you plan to permanently close your CISWI unit rather than comply with section 9, submit a closure notification, including the date of closure, to the Secretary by the date your final control plan is due.

9.4. Waste Management Plan. -- A waste management plan is a written plan that identifies both the

45CSR18

feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste.

9.4.a. You shall submit a waste management plan to the Secretary no later than the date specified in Table 18-1C for submittal of the final control plan.

9.4.b. A waste management plan shall include consideration of the reduction or separation of waste-stream elements such as paper, cardboard, plastics, glass, batteries, or metals; or the use of recyclable materials. The plan shall identify any additional waste management measures, and the source shall implement those measures considered practical and feasible, based on the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have.

9.5. Operator Training and Qualification.

9.5.a. No CISWI unit shall be operated unless a fully trained and qualified CISWI unit operator is accessible, either at the facility or can be at the facility within one hour. The trained and qualified CISWI unit operator may operate the CISWI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified CISWI unit operators are temporarily not accessible, you shall follow the procedures in subdivision 9.5.k.

9.5.b. Operator training and qualification shall be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs 9.5.b.1 through 9.5.b.3.

9.5.b.1. Training on the eleven subjects listed in subparagraphs 9.5.b.1.A through 9.5.b.1.K.

9.5.b.1.A. Environmental concerns, including types of emissions.

9.5.b.1.B. Basic combustion principles, including products of combustion.

9.5.b.1.C. Operation of the specific type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures.

9.5.b.1.D. Combustion controls and monitoring.

9.5.b.1.E. Operation of air pollution control equipment and factors affecting performance (if applicable).

9.5.b.1.F. Inspection and maintenance of the incinerator and air pollution control devices.

9.5.b.1.G. Actions to prevent and correct malfunctions or to prevent conditions that may lead to malfunctions.

9.5.b.1.H. Bottom and fly ash characteristics and handling procedures.

45CSR18

9.5.b.1.I. Applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards.

9.5.b.1.J. Pollution prevention.

9.5.b.1.K. Waste management practices.

9.5.b.2. An examination designed and administered by the instructor.

9.5.b.3. Written material covering the training course topics that can serve as reference material following completion of the course.

9.5.c. The operator training course shall be completed by the later of the following three dates:

9.5.c.1. The final compliance date set forth in subdivision 9.3.b.

9.5.c.2. Six months after CISWI unit startup.

9.5.c.3. Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

9.5.d. You shall obtain operator qualification by completing a training course that satisfies the criteria under subdivision 9.5.b.

9.5.e. Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under paragraph 9.5.b.2.

9.5.f. To maintain qualification, you shall complete an annual review or refresher course covering, at a minimum, the five topics described below:

9.5.f.1. Update of regulations.

9.5.f.2. Incinerator operation, including startup and shutdown procedures, waste charging, and ash handling.

9.5.f.3. Inspection and maintenance.

9.5.f.4. Prevention and correction of malfunctions or conditions that may lead to malfunction.

9.5.f.5. Discussion of operating problems encountered by attendees.

9.5.g. You shall renew a lapsed operator qualification by one of the two methods specified below:

45CSR18

9.5.g.1. For a lapse of less than 3 years, you shall complete a standard annual refresher course described in subdivision 9.5.f.

9.5.g.2. For a lapse of 3 years or more, you shall repeat the initial qualification requirements set forth in subdivision 9.5.d.

9.5.h. Documentation shall be available at the facility and readily accessible for all CISWI unit operators that addresses the ten topics described in paragraphs 9.5.h.1 through 9.5.h.10. You shall maintain this information and the training records required by subdivision 9.5.j in a manner that they can be readily accessed and are suitable for inspection upon request.

9.5.h.1. Summary of the applicable standards under section 9.

9.5.h.2. Procedures for receiving, handling, and charging waste.

9.5.h.3. Incinerator startup, shutdown, and malfunction procedures.

9.5.h.4. Procedures for maintaining proper combustion air supply levels.

9.5.h.5. Procedures for operating the incinerator and associated air pollution control systems within the standards established under section 9.

9.5.h.6. Monitoring procedures for demonstrating compliance with the incinerator operating limits.

9.5.h.7. Reporting and recordkeeping procedures.

9.5.h.8. The waste management plan required under subsection 9.4.

9.5.h.9. Procedures for handling ash.

9.5.h.10. A list of the wastes burned during the performance test.

9.5.i. You shall establish a program for reviewing the information listed in subdivision 9.5.h with each incinerator operator.

9.5.i.1. The initial review of the information listed in subdivision 9.5.h shall be conducted by the later of the three dates specified in subparagraphs 9.5.i.1.A through 9.5.i.1.C.

9.5.i.1.A. The final compliance date set forth in subdivision 9.3.b.

9.5.i.1.B. Six months after CISWI unit startup.

9.5.i.1.C. Six months after being assigned to operate the CISWI unit.

45CSR18

9.5.i.2. Subsequent annual reviews of the information listed in subdivision 9.5.h shall be conducted no later than 12 months following the previous review.

9.5.j. You shall also maintain the information specified in paragraphs 9.5.j.1 through 9.5.j.3.

9.5.j.1. Records showing the names of CISWI unit operators who have completed review of the information in subdivision 9.5.h as required by subdivision 9.5.i, including the date of the initial review and all subsequent annual reviews.

9.5.j.2. Records showing the names of the CISWI operators who have completed the operator training requirements under subsection 9.5, met the criteria for qualification under subdivision 9.5.d, and maintained or renewed their qualification under subdivision 9.5.f or subdivision 9.5.g. Records shall include documentation of training, the dates of the initial refresher training, and the dates of their qualification and all subsequent renewals of such qualifications.

9.5.j.3. For each qualified operator, the phone and/or pager number at which they can be reached during operating hours.

9.5.k. If all qualified operators are temporarily not accessible (i.e., not at the facility and not able to be at the facility within one hour), you shall meet one of the two following criteria, pending on the length of time that a qualified operator is not accessible:

9.5.k.1. When all qualified operators are not accessible for more than eight hours, but less than two weeks, the CISWI unit may be operated by other plant personnel familiar with the operation of the CISWI unit who have completed a review of the information specified in subdivision 9.5.h within the past 12 months. However, you shall record the period when all qualified operators were not accessible and include this deviation in the annual report as specified under subdivision 9.12.e.

9.5.k.2. When all qualified operators are not accessible for two weeks or more, you shall take the two actions that are described below:

9.5.k.2.A. Notify the Secretary of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible; and

9.5.k.2.B. Submit a status report to the Administrator every four weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible and requesting approval from the Administrator to continue operation of the CISWI unit. You shall submit the first status report four weeks after you notify the Administrator of the deviation under subparagraph 9.5.k.2.A. If the Administrator notifies you that your request to continue operation of the CISWI unit is disapproved, the CISWI unit may continue operation for 90 days, then shall cease operation. Operation of the unit may resume if you meet the following two requirements:

45CSR18

9.5.k.2.B.1. A qualified operator is accessible as required under subdivision 9.5.a.

9.5.k.2.B.2. You notify the Administrator that a qualified operator is accessible and that you are resuming operation.

9.6. Emission Limitations and Operating Limits.

9.6.a. You shall meet the emission limitations for each CISWI unit, including bypass stack or vent, specified in Table 18-2C or Tables 18-6C through 18-9C by the final compliance date set forth subdivision 9.3.b. The emission limitations apply at all times the unit is operating including and not limited to startup, shutdown, or malfunction.

9.6.b. Units that do not use wet scrubbers shall maintain opacity to less than or equal to the percent opacity (three 1-hour blocks consisting of ten 6-minute average opacity values) specified in Table 18-2C, as applicable.

9.6.c. If you use a wet scrubber(s) to comply with the emission limitations, you shall establish operating limits for up to four operating parameters (as specified in Table 18-3C) as described in paragraphs 9.6.c.1 through 9.6.c.4 during the initial performance test.

9.6.c.1. Maximum charge rate, calculated using one of the two different procedures in subparagraph 9.6.c.1.A or 9.6.c.1.B, as appropriate.

9.6.c.1.A. For continuous and intermittent units, maximum charge rate is 110 percent of the average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

9.6.c.1.B. For batch units, maximum charge rate is 110 percent of the daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

9.6.c.2. Minimum pressure drop across the wet particulate matter scrubber, which is calculated as the lowest 1-hour average pressure drop across the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations; or minimum amperage to the wet scrubber, which is calculated as the lowest 1-hour average amperage to the wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

9.6.c.3. Minimum scrubber liquid flow rate, which is calculated as the lowest 1-hour average liquid flow rate at the inlet to the wet acid gas or particulate matter scrubber measured during the most recent performance test demonstrating compliance with all applicable emission limitations.

9.6.c.4. Minimum scrubber liquor pH, which is calculated as the lowest 1-hour average liquor pH at the inlet to the wet acid gas scrubber measured during the most recent performance test demonstrating compliance with the HCl emission limitation.

9.6.d. You shall meet the operating limits established during the initial performance test on the date the initial performance test is required or completed (whichever is earlier). You shall conduct an initial performance evaluation of each continuous monitoring system and continuous parameter monitoring system within 60 days of installation of the monitoring system.

9.6.e. If you use a fabric filter to comply with the emission limitations, you shall operate each fabric filter system such that the bag leak detection system alarm does not sound more than 5 percent of the operating time during a 6-month period. In calculating this operating time percentage, if inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm shall be counted as a minimum of 1 hour. If you take longer than 1 hour to initiate corrective action, the alarm time shall be counted as the actual amount of time taken by you to initiate corrective action.

9.6.f. If you use an electrostatic precipitator to comply with the emission limitations, you shall measure the (secondary) voltage and amperage of the electrostatic precipitator collection plates during the particulate matter performance test. Calculate the average electric power value (secondary voltage \times secondary current = secondary electric power) for each test run. The operating limit for the electrostatic precipitator is calculated as the lowest 1-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter emission limitations.

9.6.g. If you use activated carbon sorbent injection to comply with the emission limitations, you shall measure the sorbent flow rate during the performance testing. The operating limit for the carbon sorbent injection is calculated as the lowest 1-hour average sorbent flow rate measured during the most recent performance test demonstrating compliance with the mercury emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in 40 CFR §60.2265, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

9.6.h. If you use selective noncatalytic reduction to comply with the emission limitations, you shall measure the charge rate, the secondary chamber temperature (if applicable to your CISWI unit), and the reagent flow rate during the nitrogen oxides performance testing. The operating limits for the selective noncatalytic reduction are calculated as the highest 1-hour average charge rate, lowest secondary chamber temperature, and lowest reagent flow rate measured during the most recent performance test demonstrating compliance with the nitrogen oxides emission limitations.

9.6.i. If you use a dry scrubber to comply with the emission limitations, you shall measure the injection rate of each sorbent during the performance testing. The operating limit for the injection rate of each sorbent is calculated as the lowest 1-hour average injection rate of each sorbent measured during the most recent performance test demonstrating compliance with the hydrogen chloride emission limitations. For energy recovery units, when your unit operates at lower loads, multiply your sorbent injection rate by the load fraction, as defined in 40 CFR §60.2265, to determine the required injection rate (e.g., for 50 percent load, multiply the injection rate operating limit by 0.5).

45CSR18

9.6.j. If you do not use a wet scrubber, electrostatic precipitator, or fabric filter to comply with the emission limitations, and if you do not determine compliance with your particulate matter emission limitation with a particulate matter CEMS, you shall maintain opacity to less than or equal to ten percent opacity (1-hour block average).

9.6.k. If you use a PM CPMS to demonstrate compliance, you shall establish your PM CPMS operating limit and determine compliance with it according to paragraphs 9.6.k.1 through 9.6.k.5.

9.6.k.1. During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record all hourly average output values (milliamps) from the PM CPMS for the periods corresponding to the test runs (e.g., three 1-hour average PM CPMS output values for three 1-hour test runs).

9.6.k.1.A. Your PM CPMS shall provide a 4-20 milliamp output and the establishment of its relationship to manual reference method measurements shall be determined in units of milliamps.

9.6.k.1.B. Your PM CPMS operating range shall be capable of reading PM concentrations from zero to a level equivalent to at least two times your allowable emission limit. If your PM CPMS is an auto-ranging instrument capable of multiple scales, the primary range of the instruments shall be capable of reading PM concentration from zero to a level equivalent to two times your allowable emission limit.

9.6.k.1.C. During the initial performance test or any such subsequent performance test that demonstrates compliance with the PM limit, record and average all milliamp output values from the PM CPMS for the periods corresponding to the compliance test runs (e.g., average all your PM CPMS output values for three corresponding 2-hour Method 5I test runs).

9.6.k.2. If the average of your three PM performance test runs are below 75% of your PM emission limit, you shall calculate an operating limit by establishing a relationship of PM CPMS signal to PM concentration using the PM CPMS instrument zero, the average PM CPMS values corresponding to the three compliance test runs, and the average PM concentration from the Method 5 or performance test with the procedures in paragraphs 9.6.k.1 through 9.6.k.5.

9.6.k.2.A. Determine your instrument zero output with one of the following procedures:

9.6.k.2.A.1. Zero point data for in-situ instruments should be obtained by removing the instrument from the stack and monitoring ambient air on a test bench.

9.6.k.2.A.2. Zero point data for extractive instruments should be obtained by removing the extractive probe from the stack and drawing in clean ambient air.

9.6.k.2.A.3. The zero point can also be established by performing manual reference method measurements when the flue gas is free of PM emissions or contains very low PM concentrations (e.g., when your process is not operating, but the fans are operating or your source is combusting

45CSR18

only natural gas) and plotting these with the compliance data to find the zero intercept.

9.6.k.2.A.4. If none of the steps in subparagraphs 9.6.k.2.A through 9.6.k.2.D are possible, you shall use a zero output value provided by the manufacturer.

9.6.k.2.B. Determine your PM CPMS instrument average in milliamps, and the average of your corresponding three PM compliance test runs, using Equation 5.