

7 percent oxygen, and reported as propane;

(6) Hydrochloric acid and chlorine gas in excess of 41 parts per million by volume, combined emissions, expressed as hydrochloric acid equivalents, dry basis and corrected to 7 percent oxygen; and

(7) Particulate matter in excess of 57 mg/dscm corrected to 7 percent oxygen.

(c) *Destruction and removal efficiency (DRE) standard*—(1) *99.99% DRE*. Except as provided in paragraph (c)(2) of this section, you must achieve a destruction and removal efficiency (DRE) of 99.99% for each principal organic hazardous constituent (POHC) designated under paragraph (c)(3) of this section. You must calculate DRE for each POHC from the following equation:

$$DRE = \left[1 - \left(W_{out} / W_{in} \right) \right] \times 100\%$$

Where:

W_{in} =mass feedrate of one principal organic hazardous constituent (POHC) in a waste feedstream; and

W_{out} =mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere

(2) *99.9999% DRE*. If you burn the dioxin-listed hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27 (see §261.31 of this chapter), you must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic hazardous constituent (POHC) that you designate under paragraph (c)(3) of this section. You must demonstrate this DRE performance on POHCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-dioxins and dibenzofurans. You must use the equation in paragraph (c)(1) of this section calculate DRE for each POHC. In addition, you must notify the Administrator of your intent to burn hazardous wastes FO20, FO21, FO22, FO23, FO26, or FO27.

(3) *Principal organic hazardous constituents (POHCs)*. (i) You must treat the Principal Organic Hazardous Constituents (POHCs) in the waste feed that you specify under paragraph (c)(3)(ii) of this section to the extent required by paragraphs (c)(1) and (c)(2) of this section.

(ii) You must specify one or more POHCs from the list of hazardous air pollutants established by 42 U.S.C. 7412(b)(1), excluding caprolactam (CAS number 105602) as provided by §63.60, for each waste to be burned. You must base this specification on the degree of difficulty of incineration of the organic constituents in the waste and on their concentration or mass in the waste feed, considering the results of waste analyses or other data and information.

(d) *Significant figures*. The emission limits provided by paragraphs (a) and (b) of this section are presented with two significant figures. Although you must perform intermediate calculations using at least three significant figures, you may round the resultant emission levels to two significant figures to document compliance.

(e) *Air emission standards for equipment leaks, tanks, surface impoundments, and containers*. You are subject to the air emission standards of subparts BB and CC, part 264, of this chapter.

MONITORING AND COMPLIANCE PROVISIONS

§ 63.1206 When and how must you comply with the standards and operating requirements?

(a) *Compliance dates*—(1) *Compliance date for existing sources*. You must comply with the standards of this subpart no later than September 30, 2002 unless the Administrator grants you an extension of time under §63.6(i) or §63.1213, or you comply with the requirements of paragraph (a)(2) of this section for sources that do not intend to comply with the emission standards.

(2) *Sources that do not intend to comply*. Except for those sources meeting the requirements of §63.1210(b)(1)(iv), sources:

(i) That signify in their Notification of Intent to Comply (NIC) an intent not to comply with the requirements of this subpart, must stop burning hazardous waste on or before October 1, 2001.

(ii) That do not intend to comply with this subpart must include in their NIC a schedule that includes key dates for the steps to be taken to stop burning hazardous waste. Key dates include the date for submittal of RCRA closure

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documents required under subpart G, part 264, of this chapter.

(3) *New or reconstructed sources.* (i) If you commenced construction or reconstruction of your hazardous waste combustor after April 19, 1996, you must comply with this subpart by the later of September 30, 1999 or the date the source starts operations, except as provided by paragraph (a)(3)(ii) of this section.

(ii) For a standard in this subpart that is more stringent than the standard proposed on April 19, 1996, you may achieve compliance no later than September 30, 2002 if you comply with the standard proposed on April 19, 1996 after September 30, 1999. This exception does not apply, however, to new or reconstructed area source hazardous waste combustors that become major sources after September 30, 1999. As provided by §63.6(b)(7), such sources must comply with this subpart at startup.

(b) *Compliance with standards—(1) Applicability.* The emission standards and operating requirements set forth in this subpart apply at all times except:

(i) During startup, shutdown, and malfunction, provided that hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period of time not less than the hazardous waste residence time) during those periods of operation, as provided by paragraph (c)(2)(ii) of this section; and

(ii) When hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff for a period of time not less than the hazardous waste residence time), and you have:

(A) Submitted a written, one-time notice to the Administrator documenting compliance with all applicable requirements and standards promulgated under authority of the Clean Air Act, including sections 112 and 129; and

(B) Documented in the operating record that you are complying with such applicable requirements in lieu of the emission standards and operating requirements of this subpart.

(2) *Methods for determining compliance.* The Administrator will determine compliance with the emission standards of

this subpart as provided by §63.6(f)(2). Conducting performance testing under operating conditions representative of the extreme range of normal conditions is consistent with the requirements of §§63.6(f)(2)(iii)(B) and 63.7(e)(1) to conduct performance testing under representative operating conditions.

(3) *Finding of compliance.* The Administrator will make a finding concerning compliance with the emission standards and other requirements of this subpart as provided by §63.6(f)(3).

(4) *Extension of compliance with emission standards.* The Administrator may grant an extension of compliance with the emission standards of this subpart as provided by §§63.6(i) and 63.1213.

(5) *Changes in design, operation, or maintenance—(i) Changes that may adversely affect compliance.* If you plan to change (as defined in paragraph (b)(6)(iii) of this section) the design, operation, or maintenance practices of the source in a manner that may adversely affect compliance with any emission standard that is not monitored with a CEMS:

(A) *Notification.* You must notify the Administrator at least 60 days prior to the change, unless you document circumstances that dictate that such prior notice is not reasonably feasible. The notification must include:

(1) A description of the changes and which emission standards may be affected; and

(2) A comprehensive performance test schedule and test plan under the requirements of §63.1207(f) that will document compliance with the affected emission standard(s);

(B) *Performance test.* You must conduct a comprehensive performance test under the requirements of §§63.1207(f)(1) and (g)(1) to document compliance with the affected emission standard(s) and establish operating parameter limits as required under §63.1209, and submit to the Administrator a Notification of Compliance under §§63.1207(j) and 63.1210(d); and

(C) *Restriction on waste burning.* (1) Except as provided by paragraph (b)(5)(i)(C)(2) of this section, after the change and prior to submitting the notification of compliance, you must not burn hazardous waste for more than a total of 720 hours and only for purposes

of pretesting or comprehensive performance testing.

(2) You may petition the Administrator to obtain written approval to burn hazardous waste in the interim prior to submitting a Notification of Compliance for purposes other than testing or pretesting. You must specify operating requirements, including limits on operating parameters, that you determine will ensure compliance with the emission standards of this subpart based on available information. The Administrator will review, modify as necessary, and approve if warranted the interim operating requirements.

(ii) *Changes that will not affect compliance.* If you determine that a change will not adversely affect compliance with the emission standards or operating requirements, you must document the change in the operating record upon making such change. You must revise as necessary the performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan to reflect these changes.

(iii) *Definition of "change".* For purposes of paragraph (b)(6) of this section, "change" means any change in design, operation, or maintenance practices that were documented in the comprehensive performance test plan, Notification of Compliance, or startup, shutdown, and malfunction plan.

(6) *Compliance with the carbon monoxide and hydrocarbon emission standards.* This paragraph applies to sources that elect to comply with the carbon monoxide and hydrocarbon emissions standards under §§ 63.1203 through 63.1205 by documenting continuous compliance with the carbon monoxide standard using a continuous emissions monitoring system and documenting compliance with the hydrocarbon standard during the destruction and removal efficiency (DRE) performance test or its equivalent.

(i) If a DRE test performed after March 30, 1998 is acceptable as documentation of compliance with the DRE standard, you may use the highest hourly rolling average hydrocarbon level achieved during those DRE test runs to document compliance with the hydrocarbon standard. An acceptable DRE test is a test that was used to sup-

port successful issuance or reissuance of an operating permit under part 270 of this chapter.

(ii) If during this acceptable DRE test you did not obtain hydrocarbon emissions data sufficient to document compliance with the hydrocarbon standard, you must either:

(A) Perform, as part of the performance test, an "equivalent DRE test" to document compliance with the hydrocarbon standard. An equivalent DRE test is comprised of a minimum of three runs each with a minimum duration of one hour during which you operate the combustor as close as reasonably possible to the operating parameter limits that you established based on the initial DRE test. You must use the highest hourly rolling average hydrocarbon emission level achieved during the equivalent DRE test to document compliance with the hydrocarbon standard; or (B) Perform a DRE test as part of the performance test.

(7) *Compliance with the DRE standard.* (i) Except as provided in paragraphs (b)(7)(ii) and (b)(7)(iii) of this section:

(A) You must document compliance with the Destruction and Removal Efficiency (DRE) standard under §§ 63.1203 through 63.1205 only once provided that you do not modify the source after the DRE test in a manner that could affect the ability of the source to achieve the DRE standard; and

(B) You may use DRE testing performed after March 30, 1998 for purposes of issuance or reissuance of a RCRA permit under part 270 of this chapter to document conformance with the DRE standard if you have not modified the design or operation of the source since the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.

(ii) For sources that feed hazardous waste at a location in the combustion system other than the normal flame zone:

(A) You must demonstrate compliance with the DRE standard during each comprehensive performance test; and

(B) You may use DRE testing performed after March 30, 1998 for purposes of issuance or reissuance of a RCRA permit under part 270 of this chapter to document conformance with

the DRE standard in lieu of DRE testing during the initial comprehensive performance test if you have not modified the design or operation of the source since the DRE test in a manner that could affect the ability of the source to achieve the DRE standard.

(iii) For sources that do not use DRE testing performed prior to the compliance date to document conformance with the DRE standard, you must perform DRE testing during the initial comprehensive performance test.

(8) *Applicability of particulate matter and opacity standards during particulate matter CEMS correlation tests.* (i) Any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) applicable to a hazardous waste combustor do not apply while you conduct particulate matter continuous emissions monitoring system (CEMS) correlation tests (*i.e.*, correlation with manual stack methods) under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(ii) Any permit or other emissions or operating parameter limits or conditions, including any limitation on workplace practices, that are applicable to hazardous waste combustors to ensure compliance with any particulate matter and opacity standards of parts 60, 61, 63, 264, 265, and 266 of this chapter (*i.e.*, any title 40 particulate or opacity standards) do not apply while you conduct particulate matter CEMS correlation tests under the conditions of paragraphs (b)(8)(iii) through (vii) of this section.

(iii) For the provisions of this section to apply, you must:

(A) Develop a particulate matter CEMS correlation test plan that includes the following information. This test plan may be included as part of the comprehensive performance test plan required under §§ 63.1207(e) and (f):

(1) Number of test conditions and number of runs for each test condition;

(2) Target particulate matter emission level for each test condition;

(3) How you plan to modify operations to attain the desired particulate matter emission levels; and

(4) Anticipated normal particulate matter emission levels; and

(B) Submit the test plan to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.

(iv) The Administrator will review and approve/disapprove the correlation test plan under the procedures for review and approval of the site-specific test plan provided by § 63.7(c)(3)(i) and (iii). If the Administrator fails to approve or disapprove the correlation test plan within the time period specified by § 63.7(c)(3)(i), the plan is considered approved, unless the Administrator has requested additional information.

(v) The particulate matter and opacity standards and associated operating limits and conditions will not be waived for more than 96 hours, in the aggregate, for a correlation test, including all runs of all test conditions.

(vi) The stack sampling team must be on-site and prepared to perform correlation testing no later than 24 hours after you modify operations to attain the desired particulate matter emissions concentrations, unless you document in the correlation test plan that a longer period of conditioning is appropriate.

(vii) You must return to operating conditions indicative of compliance with the applicable particulate matter and opacity standards as soon as possible after correlation testing is completed.

(9) *Alternative standards for existing or new hazardous waste burning lightweight aggregate kilns using MACT.* (i) You may petition the Administrator to recommend alternative semivolatile metal, low volatile metal, mercury, or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of the raw material contribution to emissions of the regulated metals or hydrochloric acid/chlorine gas; or

(B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(9)(i)(A) of this section may be an

operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(9)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(9)(i)(A) of this section must include data or information documenting that raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(9)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(9)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatility metal alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas alternative standard petitions that you submit under paragraph (b)(9)(i)(A) of this section documenting that semivolatile metal, low volatile metal, and hydrochloric acid/chlorine gas emissions attributable to the hazardous waste only will not exceed the emission standards in § 63.1205(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in § 63.1205(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative

standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 24 µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 120,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 2,000,000 µg/dscm or less, and use of an air pollution control device with a hydrochloric acid/chlorine gas removal efficiency of 85 percent or greater.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning lightweight aggregate kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 4 µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 280,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 46,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 57 mg/dscm or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 14,000,000 µg/dscm or less, and use of a wet scrubber with a hydrochloric acid/chlorine gas removal efficiency of 99.6 percent or greater.

(10) *Alternative standards for existing or new hazardous waste burning cement*

kilns using MACT. (i) You may petition the Administrator to recommend alternative semivolatile, low volatile metal, mercury, and/or hydrochloric acid/chlorine gas emission standards if:

(A) You cannot achieve one or more of these standards while using maximum achievable control technology (MACT) because of raw material contributions to emissions of the regulated metals or hydrochloric acid/chlorine gas; or (B) You determine that mercury is not present at detectable levels in your raw material.

(ii) The alternative standard that you recommend under paragraph (b)(10)(i)(A) of this section may be an operating requirement, such as a hazardous waste feedrate limitation for metals and/or chlorine, and/or an emission limitation.

(iii) The alternative standard must include a requirement to use MACT, or better, applicable to the standard for which the source is seeking relief, as defined in paragraphs (b)(10)(viii) and (ix) of this section.

(iv) *Documentation required.* (A) The alternative standard petition you submit under paragraph (b)(10)(i)(A) of this section must include data or information documenting that raw material contributions to emissions prevent you from complying with the emission standard even though the source is using MACT, as defined in paragraphs (b)(10)(viii) and (ix) of this section, for the standard for which you are seeking relief.

(B) Alternative standard petitions that you submit under paragraph (b)(10)(i)(B) of this section must include data or information documenting that mercury is not present at detectable levels in raw materials.

(v) You must include data or information with semivolatile metal and low volatile metal alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that increased chlorine feedrates associated with the burning of hazardous waste, when compared to non-hazardous waste operations, do not significantly increase metal emissions attributable to raw materials.

(vi) You must include data or information with semivolatile metal, low volatile metal, and hydrochloric acid/

chlorine gas alternative standard petitions that you submit under paragraph (b)(10)(i)(A) of this section documenting that emissions of the regulated metals and hydrochloric acid/chlorine gas attributable to the hazardous waste only will not exceed the emission standards in §63.1204(a) and (b).

(vii) You must not operate pursuant to your recommended alternative standards in lieu of emission standards specified in §63.1204(a) and (b):

(A) Unless the Administrator approves the provisions of the alternative standard petition request or establishes other alternative standards; and

(B) Until you submit a revised Notification of Compliance that incorporates the revised standards.

(viii) For purposes of this alternative standard provision, MACT for existing hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 88µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to an MTEC of 54,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less; and

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 720,000 µg/dscm or less.

(ix) For purposes of this alternative standard provision, MACT for new hazardous waste burning cement kilns is defined as:

(A) For mercury, a hazardous waste feedrate corresponding to an MTEC of 7 µg/dscm or less;

(B) For semivolatile metals, a hazardous waste feedrate corresponding to an MTEC of 31,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(C) For low volatile metals, a hazardous waste feedrate corresponding to

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an MTEC of 15,000 µg/dscm or less, and use of a particulate matter control device that achieves particulate matter emissions of 0.15 kg/Mg dry feed or less;

(D) For hydrochloric acid/chlorine gas, a hazardous waste chlorine feedrate corresponding to an MTEC of 420,000 µg/dscm or less.

(11) *Calculation of hazardous waste residence time.* You must calculate the hazardous waste residence time and include the calculation in the performance test plan under § 63.1207(f) and the operating record. You must also provide the hazardous waste residence time in the Documentation of Compliance under § 63.1211(d) and the Notification of Compliance under §§ 63.1207(j) and 63.1210(d).

(12) *Documenting compliance with the standards based on performance testing.*

(i) You must conduct a minimum of three runs of a performance test required under § 63.1207 to document compliance with the emission standards of this subpart.

(ii) You must document compliance with the emission standards based on the arithmetic average of the emission results of each run, except that you must document compliance with the destruction and removal efficiency standard for each run of the comprehensive performance test individually.

(13) *Cement kilns and lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired.* (i) Cement kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with the hydrocarbon standards of § 63.1204 as follows:

(A) Existing sources must comply with the 20 parts per million by volume hydrocarbon standard in the main stack under § 63.1204(a)(5)(ii)(A);

(B) New sources must comply with the 20 parts per million by volume hydrocarbon standard in the main stack under § 63.1204(b)(5)(ii)(A).

(ii) Lightweight aggregate kilns that feed hazardous waste at a location other than the end where products are normally discharged and where fuels are normally fired must comply with

the hydrocarbon standards of § 63.1205 as follows:

(A) Existing sources must comply with the 20 parts per million by volume hydrocarbon standard under § 63.1205(a)(5)(ii);

(B) New sources must comply with the 20 parts per million by volume hydrocarbon standard under § 63.1205(b)(5)(ii).

(14) *Alternative particulate matter standard for incinerators with de minimis metals.* (i) *General.* You may petition the Administrator for an alternative particulate matter standard of 68 mg/dscm, corrected to 7% oxygen, if you meet the *de minimis* metals criteria of paragraph (b)(14)(ii) of this section.

(ii) *Documentation required.* The alternative standard petition you submit under paragraph (b)(14)(i) of this section must include data or information documenting that:

(A) Your feedstreams do not contain detectable levels of antimony, cobalt, manganese, nickel, selenium, lead, cadmium, chromium, arsenic and beryllium;

(B) Your combined uncontrolled lead, cadmium and selenium emissions, when assuming these metals are present in your feedstreams at one-half the detection limit, are below 240 µg/dscm, corrected to 7% oxygen.

(C) Your combined uncontrolled antimony, cobalt, manganese, nickel, chromium, arsenic and beryllium emissions, when assuming these metals are present in your feedstreams at one-half the detection limit, are below 97 µg/dscm, corrected to 7% oxygen.

(iii) *Frequency of analysis.* You must sample and analyze your feedstreams at least annually to document that you meet the *de minimis* criteria in paragraph (b)(14)(ii) of this section.

(iv) You must not operate pursuant to this alternative standard unless the Administrator determines and provides written confirmation that you meet the eligibility requirements in paragraph (b)(14)(ii) of this section.

(c) *Operating requirements—(1) General.* (i) You must operate only under the operating requirements specified in the Documentation of Compliance under § 63.1211(d) or the Notification of Compliance under §§ 63.1207(j) and 63.1210(d), except:

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(A) During performance tests under approved test plans according to § 63.1207(e), (f), and (g), and

(B) Under the conditions of paragraph (b)(1)(i) or (ii) of this section;

(ii) The Documentation of Compliance and the Notification of Compliance must contain operating requirements including, but not limited to, the operating requirements in this section and § 63.1209

(iii) Failure to comply with the operating requirements is failure to ensure compliance with the emission standards of this subpart;

(iv) Operating requirements in the Notification of Compliance are applicable requirements for purposes of parts 70 and 71 of this chapter;

(v) The operating requirements specified in the Notification of Compliance will be incorporated in the title V permit.

(2) *Startup, shutdown, and malfunction plan.* (i) Except as provided by paragraph (c)(2)(ii) of this section, you are subject to the startup, shutdown, and malfunction plan requirements of § 63.6(e)(3).

(ii) Even if you follow the startup and shutdown procedures and the corrective measures upon a malfunction that are prescribed in the startup, shutdown, and malfunction plan, the emission standards and operating requirements of this subpart apply if hazardous waste is in the combustion chamber (*i.e.*, if you are feeding hazardous waste or if startup, shutdown, or a malfunction occurs before the hazardous waste residence time has transpired after hazardous waste cutoff).

(iii) You must identify in the plan a projected oxygen correction factor based on normal operations to use during periods of startup and shutdown.

(iv) You must record the plan in the operating record.

(3) *Automatic waste feed cutoff (AWFCO)*—(i) *General.* Upon the compliance date, you must operate the hazardous waste combustor with a functioning system that immediately and automatically cuts off the hazardous waste feed, except as provided by paragraph (c)(3)(viii) of this section:

(A) When any of the following are exceeded: Operating parameter limits specified under § 63.1209; an emission

standard monitored by a CEMS; and the allowable combustion chamber pressure;

(B) When the span value of any CMS detector, except a CEMS, is met or exceeded;

(C) Upon malfunction of a CMS monitoring an operating parameter limit specified under § 63.1209 or an emission level; or

(D) When any component of the automatic waste feed cutoff system fails.

(ii) *Ducting of combustion gases.* During an AWFCO, you must continue to duct combustion gasses to the air pollution control system while hazardous waste remains in the combustion chamber (*i.e.*, if the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated).

(iii) *Restarting waste feed.* You must continue to monitor during the cutoff the operating parameters for which limits are established under § 63.1209 and the emissions required under that section to be monitored by a CEMS, and you must not restart the hazardous waste feed until the operating parameters and emission levels are within the specified limits.

(iv) *Failure of the AWFCO system.* If the AWFCO system fails to automatically and immediately cutoff the flow of hazardous waste upon exceedance of parameter required to be interlocked with the AWFCO system under paragraph (c)(3)(i) of this section, you have failed to comply with the AWFCO requirements of paragraph (c)(3) of this section.

(v) *Corrective measures.* If, after any AWFCO, there is an exceedance of an emission standard or operating requirement, irrespective of whether the exceedance occurred while hazardous waste remained in the combustion chamber (*i.e.*, whether the hazardous waste residence time has transpired since the hazardous waste feed cutoff system was activated), you must investigate the cause of the AWFCO, take appropriate corrective measures to minimize future AWFCOs, and record the findings and corrective measures in the operating record.

(vi) *Excessive exceedance reporting.* (A) For each set of 10 exceedances of an

emission standard or operating requirement while hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed was cutoff) during a 60-day block period, you must submit to the Administrator a written report within 5 calendar days of the 10th exceedance documenting the exceedances and results of the investigation and corrective measures taken.

(B) On a case-by-case basis, the Administrator may require excessive exceedance reporting when fewer than 10 exceedances occur during a 60-day block period.

(vii) *Testing.* The AWFCO system and associated alarms must be tested at least weekly to verify operability, unless you document in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, you must conduct operability testing at least monthly. You must document and record in the operating record AWFCO operability test procedures and results.

(viii) *Ramping down waste feed.* (A) You may ramp down the waste feedrate of pumpable hazardous waste over a period not to exceed one minute, except as provided by paragraph (c)(3)(viii)(B) of this section. If you elect to ramp down the waste feed, you must document ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp down begins immediately upon initiation of automatic waste feed cutoff and the procedures must prescribe a bona fide ramping down. If an emission standard or operating limit is exceeded during the ramp down, you have failed to comply with the emission standards or operating requirements of this subpart.

(B) If the automatic waste feed cutoff is triggered by an exceedance of any of the following operating limits, you may not ramp down the waste feed cutoff: Minimum combustion chamber temperature, maximum hazardous waste feedrate, or any hazardous waste firing system operating limits that may be established for your combustor.

(4) *ESV openings*—(i) *Failure to meet standards.* If an emergency safety vent

(ESV) opens when hazardous waste remains in the combustion chamber (*i.e.*, when the hazardous waste residence time has not transpired since the hazardous waste feed cutoff system was activated) such that combustion gases are not treated as during the most recent comprehensive performance test (*e.g.*, if the combustion gas by-passes any emission control device that was operating during the performance test), it is evidence of your failure to comply with the emission standards of this subpart.

(ii) *ESV operating plan.* (A) You must develop an ESV operating plan, comply with the operating plan, and keep the plan in the operating record.

(B) The ESV operating plan must provide detailed procedures for rapidly stopping the waste feed, shutting down the combustor, and maintaining temperature and negative pressure in the combustion chamber during the hazardous waste residence time, if feasible. The plan must include calculations and information and data documenting the effectiveness of the plan's procedures for ensuring that combustion chamber temperature and negative pressure are maintained as is reasonably feasible.

(iii) *Corrective measures.* After any ESV opening that results in a failure to meet the emission standards as defined in paragraph (c)(4)(i) of this section, you must investigate the cause of the ESV opening, take appropriate corrective measures to minimize such future ESV openings, and record the findings and corrective measures in the operating record.

(iv) *Reporting requirement.* You must submit to the Administrator a written report within 5 days of an ESV opening that results in failure to meet the emission standards of this subpart (as defined in paragraph (c)(4)(i) of this section) documenting the result of the investigation and corrective measures taken.

(5) *Combustion system leaks.* (i) Combustion system leaks of hazardous air pollutants must be controlled by:

(A) Keeping the combustion zone sealed to prevent combustion system leaks; or

(B) Maintaining the maximum combustion zone pressure lower than ambient pressure using an instantaneous monitor; or

(C) Upon prior written approval of the Administrator, an alternative means of control to provide control of combustion system leaks equivalent to maintenance of combustion zone pressure lower than ambient pressure; and

(ii) You must specify in the operating record the method used for control of combustion system leaks.

(6) *Operator training and certification.*

(i) You must establish a training and certification program for each person who has responsibilities affecting operations that may affect emissions of hazardous air pollutants from the source. Such persons include, but are not limited to, chief facility operators, control room operators, continuous monitoring system operators, persons that sample and analyze feedstreams, persons that manage and charge feedstreams to the combustor, persons that operate emission control devices, ash and waste handlers, and maintenance personnel.

(ii) You must ensure that the source is operated and maintained at all times by persons who are trained and certified to perform these and any other duties that may affect emissions of hazardous air pollutants.

(iii) For hazardous waste incinerators, the training and certification program must conform to a state-approved training and certification program or, if there is no such state program, to the American Society of Mechanical Engineers Standard Number QHO-1-1994.

(iv) For hazardous waste burning cement and lightweight aggregate kilns, the training and certification program must be approved by the state or the Administrator, and must be complete and reliable and conform to principles of good operator and operating practices (including training and certification).

(v) You must record the operator training and certification program in the operating record.

(7) *Operation and maintenance plan—*

(i) *General.* (A) You must prepare and at all times operate according to an operation and maintenance plan that de-

scribes in detail procedures for operation, inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous air pollutants.

(B) The plan must prescribe how you will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test.

(C) This plan ensures compliance with the operation and maintenance requirements of §63.6(e) and minimizes emissions of pollutants, automatic waste feed cutoffs, and malfunctions.

(D) You must record the plan in the operating record.

(ii) *Requirements for baghouses at lightweight aggregate kilns and incinerators.* If you own or operate a hazardous waste incinerator or hazardous waste burning lightweight aggregate kiln equipped with a baghouse (fabric filter), you must prepare and at all times operate according to an operations and maintenance plan that describes in detail procedures for inspection, maintenance, and bag leak detection and corrective measures for each baghouse used to comply with the standards under this subpart.

(A) The operation and maintenance plan for baghouses must be submitted to the Administrator with the initial comprehensive performance test plan for review and approval.

(B) The procedures specified in the operations and maintenance plan for inspections and routine maintenance of a baghouse must, at a minimum, include the following requirements:

(1) Daily visual observation of baghouse discharge or stack;

(2) Daily confirmation that dust is being removed from hoppers through visual inspection, or equivalent means of ensuring the proper functioning of removal mechanisms;

(3) Daily check of compressed air supply for pulse-jet baghouses;

(4) Daily visual inspection of isolation dampers for proper operation;

(5) An appropriate methodology for monitoring cleaning cycles to ensure proper operation;

(6) Weekly check of bag cleaning mechanisms for proper functioning through visual inspection or equivalent means;

(7) Weekly check of bag tension on reverse air and shaker-type baghouses. Such checks are not required for shaker-type baghouses using self-tensioning (spring loaded) devices;

(8) Monthly confirmation of the physical integrity of the baghouse through visual inspection of the baghouse interior for air leaks;

(9) Monthly inspection of bags and bag connections;

(10) Quarterly inspection of fans for wear, material buildup, and corrosion through visual inspection, vibration detectors, or equivalent means; and

(11) Continuous operation of a bag leak detection system as a continuous monitor.

(C) The procedures for maintenance specified in the operation and maintenance plan must, at a minimum, include a preventative maintenance schedule that is consistent with the baghouse manufacturer's instructions for routine and long-term maintenance.

(D) The bag leak detection system required by paragraph (c)(7)(ii)(B)(11) of this section must meet the following specifications and requirements:

(1) The bag leak detection system must be certified by the manufacturer to be capable of continuously detecting and recording particulate matter emissions at concentrations of 1.0 milligram per actual cubic meter or less;

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings;

(3) The bag leak detection system must be equipped with an alarm system that will sound an audible alarm when an increase in relative particulate loadings is detected over a preset level;

(4) The bag leak detection system shall be installed and operated in a manner consistent with available written guidance from the U.S. Environmental Protection Agency or, in the absence of such written guidance, the manufacturer's written specifications and recommendations for installation, operation, and adjustment of the system;

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time;

(6) Following initial adjustment, you must not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in the operation and maintenance plan required under paragraph (c)(7)(ii)(A) of this section. You must not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365 day period unless such adjustment follows a complete baghouse inspection which demonstrates the baghouse is in good operating condition;

(7) For negative pressure or induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detector must be installed downstream of the baghouse and upstream of any wet acid gas scrubber; and

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

(E) The operation and maintenance plan required by paragraph (c)(7)(ii) of this section must include a corrective measures plan that specifies the procedures you will follow in the case of a bag leak detection system alarm. The corrective measures plan must include, at a minimum, the procedures used to determine and record the time and cause of the alarm as well as the corrective measures taken to correct the control device malfunction or minimize emissions as specified below. Failure to initiate the corrective measures required by this paragraph is failure to ensure compliance with the emission standards in this subpart.

(1) You must initiate the procedures used to determine the cause of the alarm within 30 minutes of the time the alarm first sounds; and

(2) You must alleviate the cause of the alarm by taking the necessary corrective measure(s) which may include, but are not to be limited to, the following measures:

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(i) Inspecting the baghouse for air leaks, torn or broken filter elements, or any other malfunction that may cause an increase in emissions;

(ii) Sealing off defective bags or filter media;

(iii) Replacing defective bags or filter media, or otherwise repairing the control device;

(iv) Sealing off a defective baghouse compartment;

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system; or

(vi) Shutting down the combustor.

§ 63.1207 What are the performance testing requirements?

(a) *General.* The provisions of § 63.7 apply, except as noted below.

(b) *Types of performance tests—(1) Comprehensive performance test.* You must conduct comprehensive performance tests to demonstrate compliance with the emission standards provided by §§ 63.1203, 63.1204, and 63.1205, establish limits for the operating parameters provided by § 63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.

(2) *Confirmatory performance test.* You must conduct confirmatory performance tests to:

(i) Demonstrate compliance with the dioxin/furan emission standard when the source operates under normal operating conditions; and

(ii) Conduct a performance evaluation of continuous monitoring systems required for compliance assurance with the dioxin/furan emission standard under § 63.1209(k).

(c) *Initial comprehensive performance test—(1) Test date.* Except as provided by paragraph (c)(2) of this section, you must commence the initial comprehensive performance test not later than six months after the compliance date.

(2) *Data in lieu of the initial comprehensive performance test.* (i) You may request that previous emissions test data serve as documentation of conformance with the emission standards of this subpart provided that the previous testing was:

(A) Initiated after March 30, 1998;

(B) For the purpose of demonstrating emissions under a RCRA permit

issuance or reissuance proceeding under part 270 of this chapter;

(C) In conformance with the requirements of paragraph (g)(1) of this section; and

(D) Sufficient to establish the applicable operating parameter limits under § 63.1209.

(ii) You must submit data in lieu of the initial comprehensive performance test in lieu of (i.e., if the data are in lieu of all performance testing) or with the notification of performance test required under paragraph (e) of this section.

(d) *Frequency of testing.* You must conduct testing periodically as prescribed in paragraphs (d)(1) through (3) of this section. The date of commencement of the initial comprehensive performance test is the basis for establishing the deadline to commence the initial confirmatory performance test and the next comprehensive performance test. You may conduct performance testing at any time prior to the required date. The deadline for commencing subsequent confirmatory and comprehensive performance testing is based on the date of commencement of the previous comprehensive performance test. Unless the Administrator grants a time extension under paragraph (i) of this section, you must conduct testing as follows:

(1) *Comprehensive performance testing.* You must commence testing no later than 61 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the subsequent comprehensive performance test within 61 months of the date six months after the compliance date.

(2) *Confirmatory performance testing.* You must commence confirmatory performance testing no later than 31 months after the date of commencing the previous comprehensive performance test. If you submit data in lieu of the initial performance test, you must commence the initial confirmatory performance test within 31 months of the date six months after the compliance date. To ensure that the confirmatory test is conducted approximately midway between comprehensive performance tests, the Administrator will