

## SUBCHAPTER 17. INCINERATORS

### PART 5. MUNICIPAL WASTE COMBUSTORS

#### 252:100-17-14. Effective date; applicability

This Part is effective as of March 23, 1997 and applies to large MWC units.

#### 252:100-17-14.1. Definitions

The definitions in 40 CFR 60.1b are hereby incorporated by reference as they exist on ~~July 1, 2002~~ July 10, 2006.

#### 252:100-17-14.2. Terminology related to 40 CFR

When these terms are used in rules incorporated by reference, the following definitions shall apply:

**"Affected facility"** is synonymous with "large municipal waste combustor unit" or "large MWC unit".

**"State plan"** is a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cb of 40 CFR Part 60.

#### 252:100-17-15. Exemptions

(a) Any MWC unit that is capable of combusting more than 250 tons per day of MSW and is subject to a federally enforceable permit limiting the maximum amount of MSW that may be combusted in the unit to less than or equal to 11 tons per day is not subject to this Part if the owner/operator:

- (1) Notifies the DEQ of an exemption claim.
- (2) Provides the DEQ with a copy of the federally enforceable permit that limits the firing of MSW to less than or equal to 11 tons per day.
- (3) Keeps records of the amount of MSW fired per day.

(b) A qualifying small power production facility, (as defined in section 3(17)(C) of the Federal Power Act (16 U.S.C. §796(17)(C)), that produces electric energy from homogeneous waste is not subject to this Part if the owner/operator:

- (1) Notifies the DEQ of an exemption claim.
- (2) Provides the DEQ data documenting that the facility qualifies for this exemption.

(c) A qualifying cogeneration facility, (as defined in section 3(18)(B) of the Federal Power Act (16 U.S.C. §796(18)(B)), that burns homogeneous waste to produce electric energy, steam, or other useful energy used for industrial, commercial, heating, or cooling purposes, is not subject to this Part if the owner/operator:

- (1) Notifies the DEQ of an exemption claim.
  - (2) Provides the DEQ data documenting that the facility qualifies for this exemption.
- (d) Any unit combusting a single-item waste stream of tires is not subject to this Part if the owner/operator:
  - (1) Notifies the DEQ of an exemption claim.
  - (2) Provides the DEQ with data documenting that the unit qualifies for this exemption.
- (e) Any unit required to have a hazardous waste permit is not subject to this Part.
- (f) Any materials recovery facility (including primary or secondary smelters) that combusts waste for the primary purpose of recovering metals is not subject to this Part.
- (g) Any cofired combustor that meets the capacity specifications in paragraph (a) of this section is not subject to this Part if the owner/operator:
  - (1) Notifies the DEQ of an exemption claim.
  - (2) Provides the DEQ with a copy of the federally enforceable permit.
  - (3) Keeps separate records, on a calendar quarter basis, of the weight of MSW and the weight of all other fuels combusted at the cofired combustor.
- (h) Air curtain incinerators that meet the capacity specifications in 252:100-17-23 of this Subchapter and combust a 100 percent yard waste fuel stream are not subject to this Part, except:
  - (1) The opacity limit under section 252:100-17-23 of this Subchapter.
  - (2) The testing procedures under section 252:100-17-25 of this Subchapter.
  - (3) The reporting and recordkeeping provisions under section 252:100-17-26 of this Subchapter.
- (i) Pyrolysis/combustion units that are an integrated part of a plastics/rubber recycling unit are not subject to this Part if the owner/operator of the unit maintains records of:
  - (1) The weight of plastics, rubber, and/or rubber tires processed on a calendar quarter basis.
  - (2) The weight of chemical plant feedstocks and petroleum refinery feedstocks produced and marketed on a calendar quarter basis.
  - (3) The name and address of the purchaser of the feedstocks.
- (j) The combustion of gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feedstocks produced

by plastics/rubber recycling units are not subject to this Part.

(k) Cement kilns firing MSW are not subject to this Part.

**252:100-17-16. Standards for particulate matter and opacity.**

(a) **Particulate matter.**

(1) Before April 28, 2009, ~~The~~the concentration of particulate matter contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By April 28, 2009, the concentration of particulate matter contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 25 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(b) **Opacity.** Opacity of gases discharged to the atmosphere from a MWC unit shall not exceed 10 percent (6-minute average).

**252:100-17-17. Standards for municipal waste combustor metals**

(a) **Cadmium.**

(1) Before April 28, 2009, ~~The~~the concentration of cadmium contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.040 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By April 28, 2009, the concentration of cadmium contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.035 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(b) **Lead.**

(1) By December 19, 2000, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.49 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(2) By August 26, 2002, or three years after EPA approval of the State plan, whichever is first, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.44 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

(3) By April 28, 2009, the concentration of lead contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.40 micrograms per dry standard cubic meter, corrected to 7 percent oxygen.

(c) **Mercury.**

(1) Before April 28, 2009, ~~The~~the concentration of mercury contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.080 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

(2) By April 28, 2009, the concentration of mercury contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 0.050 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

**252:100-17-18. Standards for municipal waste combustor acid gases expressed as sulfur dioxide and hydrogen chloride**

(a) **Sulfur dioxide.**

(1) By December 19, 2000, the concentration of sulfur dioxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 31 parts per million by volume (ppmv) or 25 percent of the potential sulfur dioxide emission concentration (75 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(2) By August 26, 2002, or three years after EPA approval of the State plan, which ever is first, the concentration of sulfur dioxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 29 ppmv or 25 percent of the potential sulfur dioxide emission concentration (75 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.

(b) **Hydrogen chloride.**

(1) By December 19, 2000, the concentration of hydrogen chloride contained in the gases discharged to

the atmosphere from a MWC unit shall not exceed 31 parts per million by volume (ppmv) or 5 percent of the potential hydrogen chloride emission concentration (95 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

(2) By August 26, 2002, or three years after EPA approval of the State plan, whichever is first, the concentration of hydrogen chloride contained in the gases discharged to the atmosphere from a MWC unit shall not exceed 29 ppmv or 5 percent of the potential hydrogen chloride emission concentration (95 percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

**252:100-17-19. Standards for municipal waste combustor organics expressed as total mass dioxins/furans**

(a) The concentration of organics, expressed as total mass dioxins/furans, contained in the gases discharged to the atmosphere from a MWC unit shall not exceed:

(1) Before April 28, 2009, With—with electrostatic precipitator: 60 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(2) By April 28, 2009, with electrostatic precipitator: 35 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

~~(2)~~—(3) Without electrostatic precipitator: 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.

(b) Large MWC units that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen, may elect the alternative performance testing schedule for dioxins/furans as specified in 40 CFR 60.586(g)(5)(iii).

**252:100-17-20. Standards for nitrogen oxides**

(a) **Nitrogen oxides emission limits.** The concentration of nitrogen oxides contained in the gases discharged into the atmosphere from a MWC unit shall not exceed the following:

**NITROGEN OXIDES LIMITS**

Municipal Waste Combustor  
Technology

Nitrogen oxides  
emission limit  
(ppm by volume)<sup>a</sup>  
Before After

	<u>April 28, 2009</u>
Mass burn waterwall.....	205 <u>205</u>
Mass burn rotary waterwall.....	250 <u>210</u>
Refuse-derived fuel combustor.....	250 <u>250</u>
Fluidized bed combustor (by December 19, 2000).....	240
Fluidized bed combustor (by August 26, 2002, or three years after EPA approval of the State plan, whichever is first)...	180 <u>180</u>
<u>Mass burn refractory combustors . . .</u>	<u>No limit      No limit</u>
<sup>a</sup> Corrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average	

(b) **Nitrogen oxides emissions averaging.** The owner or operator of a MWC plant may elect to implement a nitrogen oxides emissions averaging plan for the MWC units that are located at that plant.

(1) The following units cannot be included in the emissions averaging plan:

(A) MWC units subject to Subpart Ea or Eb of 40 CFR Part 60.

(B) Mass burn refractory MWC units and other MWC technologies not listed in paragraph (b)(3) of this section may not be included in the emissions averaging plan.

(2) Prior to implementing the nitrogen oxides emissions averaging plan, the units to be included must be identified in the initial performance test report specified in 40 CFR 60.59b(f) or in the annual report specified in 40 CFR 60.59b(g), as applicable. The units which are included in the averaging plan may be redesignated each calendar year. Partial year redesignation is allowable with DEQ approval.

(3) To implement the emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level discharged from the units included in the emission averaging plan shall be no greater than the levels specified in this section. Emission limits for the nitrogen oxides concentration level for each type of unit are as follows:

**NITROGEN OXIDES LIMITS FOR EXISTING  
DESIGNATED FACILITIES INCLUDED IN AN  
EMISSIONS AVERAGING PLAN AT A MUNICIPAL  
WASTE COMBUSTOR PLANT<sup>a</sup>**

Municipal waste combustor technology	Nitrogen oxides emission limit (ppm by volume) <sup>b</sup>	
	Before	After
	<u>April 28, 2009</u>	
Mass burn waterwall.....	185	<u>185</u>
Mass burn rotary waterwall.....	220	<u>190</u>
Refuse-derived fuel combustor.....	230	<u>230</u>
Fluidized bed combustor.....	165	<u>165</u>

<sup>a</sup>Mass burn refractory municipal waste combustors and other MWC technologies not listed above may not be included in an emissions averaging plan.

<sup>b</sup>Corrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average

(4) Under the emissions averaging plan, the average daily nitrogen oxides emissions specified in paragraph (b)(3) of this section shall be calculated using the equation in Appendix K of this Chapter. MWC units that are off-line shall not be included in calculating the average daily nitrogen oxides emission level.

(5) For any day a unit included in the emissions averaging plan is off-line, the owner or operator of the MWC plant must demonstrate compliance according to either paragraph (b)(5)(A) or both paragraphs (b)(5)(B) and (b)(5)(C) of this section.

(A) Compliance with the applicable limits specified in (b)(3) of this Part shall be demonstrated using the averaging procedure specified in paragraph (b)(4) of this section. The averaging procedure will include the MWC units in the plan that are on-line.

(B) For each of the units included in the emissions averaging plan, the nitrogen oxides emissions shall be calculated on a daily average basis. The nitrogen oxides emissions level shall be equal to or less than the maximum daily nitrogen oxides emission levels achieved by that unit on any of the days during which the emissions averaging plan was achieved with all units on-line during the most recent calendar quarter. The requirements of this paragraph do not apply during the first quarter of operation under the emissions averaging plan.

(C) The average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(ii) of this section shall not exceed the average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(i) of this section.

(i) The average nitrogen oxides emissions shall be calculated for all days during which the emissions averaging plan was implemented and achieved and during which all MWC units were on-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated, on a calendar year basis, according to paragraphs (b)(5)(C)(i)(I) through (b)(5)(C)(i)(III) of this section.

(I) The daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated for each MWC unit included in the emissions averaging plan. The calculation shall be based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h) and specified under 40 CFR 60.58b(h)(5). The flue gas flow rate is determined using the hourly average steam or feedwater flow rate and Table 19-1 of EPA Reference Method 19, which is hereby incorporated by reference as it exists on July 1, 2002.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each unit calculated under paragraph (b)(5)(C)(i)(I) of this section.

(III) On a calendar year basis, the average nitrogen oxides emissions (kilograms per day), shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(i)(II) of this section divided by the number of

calendar days for which a daily total was calculated.

(ii) The average nitrogen oxides emissions shall be calculated for all days during which one or more of the MWC units under the emissions averaging plan was off-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated according to paragraphs (b)(5)(C)(ii)(I) through (b)(5)(C)(ii)(III) of this section on a calendar year basis.

(I) For each MWC unit included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h) and specified under 40 CFR 60.58b(h)(5), the flue gas flow rate determined using Table 19-1 of the EPA Reference Method 19, which is hereby incorporated by reference as it exists on July 1, 2002 and the hourly average steam or feedwater flow rate.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each MWC unit as calculated under paragraph (b)(5)(C)(ii)(I) of this section.

(III) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(ii)(II) of this section divided by the number of calendar days for which a daily total was calculated.

**252:100-17-21. Standards for municipal waste combustor operating practices**

(a) The concentration of carbon monoxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed the following limits for each type of affected equipment:

**MUNICIPAL WASTE COMBUSTOR OPERATING LIMITS**

Municipal waste combustor technology	Carbon monoxide emissions level (ppm by volume) <sup>a</sup>	Averaging Time <sup>b</sup> (hours)
Mass burn waterwall.....	100.....	4
Mass burn refractory.....	100.....	4
Mass burn rotary refractory.....	100.....	24
Mass burn rotary waterwall.....	250.....	24
Modular starved air.....	50.....	4
Modular excess air.....	50.....	4
Refuse-derived fuel stoker.....	200.....	24
<u>Fluidized bed, mixed fuel</u> <u>(wood/refuse-derived fuel) . . . . .</u>	<u>.200. . . . .</u>	<u>.24<sup>c</sup></u>
Bubbling fluidized bed.....	100.....	4
Circulating fluidized bed.....	100.....	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	150.....	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	200.....	24
<u>Semi-suspension refuse-derived fuel-fired combustor/wet refuse-derived fuel process conversion . . . . .</u>	<u>250 . . . . .</u>	<u>.24<sup>c</sup></u>
<u>Spreader stoker fixed floor refuse-derived fuel-fired combustor/100 percent coal capable . . . . .</u>	<u>250 . . . . .</u>	<u>.24<sup>c</sup></u>

<sup>a</sup>Measured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.

<sup>b</sup>Averaging times are 4-hour or 24-hour block averages.

~~<sup>c</sup>24 hour block average, geometric mean.~~

(b) An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.58b(b) and (c), which is hereby incorporated by reference as it exists on July 1, 2002.

**252:100-17-22. Standards for municipal waste combustor fugitive ash emissions**

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.55b, which is hereby incorporated by reference as it exists on July 1, 2002.

**252:100-17-23. Standards for air curtain incinerators**

An owner or operator of an air curtain incinerator with the capacity to burn greater than 250 tons per day of MSW and for which construction commenced on or before September 20, 1994, and that combusts a fuel feed stream of 100 percent yard waste, shall not cause to be discharged into the atmosphere from that incinerator any gases that exhibit greater than 10 percent opacity (6-minute average). An opacity level of up to 35 percent (6-minute average) is permitted during startup periods within the first 30 minutes of unit operation.

**252:100-17-24. Standards for municipal waste combustor operator training and certification**

(a) Each chief facility operator and shift supervisor shall obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers (ASME) [QRO-1-1994 Standard for the Qualification and Certification of Resource Recovery Facility Operators] or a State certification program no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

(b) Each chief facility operator and shift supervisor shall have completed full certification or submitted an application, that has been accepted by the appropriate certification program, for a full certification exam with either the ASME [QRO-1-1994 Standard for the Qualification and Certification of Resource Recovery Facility Operators] or a State certification program no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

(c) (1) No owner or operator of a MWC unit shall allow the unit to be operated at any time unless one of the following persons is on duty:

(i)(A) A fully certified chief facility operator.

(ii)(B) A provisionally certified chief facility operator who has met the qualification requirements specified in ASME [QRO-1-1994 section 2.2.2] and has made an application for a full certification exam following the ASME [QRO-1-1994 section 4.3.1] application process, according to the schedule specified in paragraph (b) of this section.

(iii)(C) A fully certified shift supervisor.

(iv)(D) A provisionally certified shift supervisor who has met the qualification

requirements specified in ASME [QRO-1-1994 section 2.2.2] and has made an application for a full certification exam following the ASME [QRO-1-1994 section 4.3.1] application process, according to the schedule specified in paragraph (b) of this section.

(2) The requirement specified in paragraph (c) of this section shall take effect no later than the date 6 months after the startup of a MWC unit or 12 months after the date of State plan approval, whichever is later.

~~(3) If one of the persons listed in paragraph (c) of this section must leave the unit during their operating shift, a provisionally certified control room operator who is on-site at the MWC may fulfill the requirement in paragraph (c) of this section.~~

(3) If both the certified chief facility operator and certified shift supervisor are unavailable, a provisionally certified control room operator who is on-site at the MWC may fulfill the requirement in paragraph (c) of this section. Depending on the length of time that a certified chief facility operator and certified shift supervisor are away, the owner or operator of the affected facility must meet one of three criteria:

(A) When the certified chief facility operator and certified shift supervisor are both off site for 12 hours or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor.

(B) When the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for two weeks or less, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Director. However, the owner or operator of the affected facility must record the period when the certified chief facility operator and certified shift supervisor are off site and include that information in the annual report as specified in 40 CFR 60.59b(g)(5).

(C) When the certified chief facility operator and certified shift supervisor are off site for more

than two weeks, and no other certified operator is on site, the provisionally certified control room operator may perform the duties of the certified chief facility operator or certified shift supervisor without approval by the Director. However, the owner or operator of the affected facility must take two actions:

(i) Notify the Director in writing. In the notice, state what caused the absence and what actions are being taken by the owner or operator of the facility to ensure that a certified chief facility operator or certified shift supervisor is on site as expeditiously as practicable.

(ii) Submit a status report and corrective action summary to the Director every four weeks following the initial notification. If the Director provides notice that the status report or corrective action summary is disapproved, the municipal waste combustion unit may continue operation for 90 days, but then must cease operation. If corrective actions are taken in the 90-day period such that the Director withdraws the disapproval, municipal waste combustion unit operation may continue.

(4) A provisionally certified operator who is newly promoted or recently transferred to a shift supervisor position or a chief facility operator position at the municipal waste combustion unit may perform the duties of the certified chief facility operator or certified shift supervisor without notice to, or approval by, the Director for up to six months before taking the ASME [QRO-1-1994 section 4.3.1] certification exam.

(d) All chief facility operators, shift supervisors, and control room operators at MWC units must complete the EPA or State MWC operator training course no later than the date 6 months after the date of startup of the MWC or by 12 months after the date of State plan approval, whichever is later.

(e) The requirement specified in paragraph (d) of this section does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the date of State plan approval.

(f) The owner or operator may request that the DEQ waive the requirement specified in paragraph (d) of this section for chief facility operators, shift supervisors, and control

room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the date of State plan approval.

(g) The owner or operator of a MWC unit shall develop and update on an annual basis, a site-specific operating manual. The operating manual shall, at a minimum, address the elements of MWC unit operation specified in paragraphs (g)(1) through (g)(11) of this section.

(1) A summary of the applicable standards under this Part.

(2) A description of basic combustion theory applicable to a MWC unit.

(3) Procedures for receiving, handling, and feeding MSW.

(4) MWC unit start-up, shutdown, and malfunction procedures.

(5) Procedures for maintaining proper combustion air supply levels.

(6) Procedures for operating the MWC unit within the standards established under this Part.

(7) Procedures for responding to periodic upset or off-specification conditions.

(8) Procedures for minimizing particulate matter carryover.

(9) Procedures for handling ash.

(10) Procedures for monitoring MWC unit emissions.

(11) Reporting and recordkeeping procedures.

(h) The owner or operator of a MWC unit shall establish a training program to review the operating manual according to the schedule specified in paragraphs (h)(1) and (h)(2) of this section. The training shall be provided to each person who has responsibilities affecting the operation of the unit including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

(1) Each person specified in paragraph (h) of this section shall undergo initial training no later than the date specified in paragraph (h)(1)(A), (h)(1)(B), or (h)(1)(C), whichever is later.

(A) The date 6 months after the date of startup of the unit.

(B) The date prior to the day the person assumes responsibilities affecting MWC unit operation.

(C) Twelve months after date of State plan approval.

(2) Annually, following the initial review required by paragraph (h)(1) of this section, each person specified

in paragraph (h) of this section shall review the operating manual updates, any operational lessons learned/experiences of the past year, and provide for review of any section which an employee requests.

(i) The operating manual required by paragraph (h) of this section shall be kept in a readily accessible location for all persons required to undergo training under paragraph (h) of this section no later than 6 months after start-up or 12 months after the date of State plan approval. The operating manual and records of training shall be available for inspection by the DEQ upon request.

**252:100-17-25. Compliance and performance testing**

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.58b, which is hereby incorporated by reference as it exists on ~~July 1, 2002~~ July 10, 2006.

**252:100-17-26. Reporting and recordkeeping requirements**

Except for the provisions of subsection 60.59b(a), b(5), and d(11), 40 CFR 60.59b is hereby incorporated by reference as it exists on ~~July 1, 2002~~ July 10, 2006.

**252:100-17-27. Compliance schedules**

(a) All MWC units must close or be in compliance with all requirements contained in this Part within 3 years following approval of the State plan. However, all MWC units for which construction, modification, or reconstruction is commenced after June 26, 1987 shall comply with the emission limit for mercury specified in 252:100-17-17(c) and the emission limit for dioxin/furans specified in 252:100-17-19 within 1 year following issuance of a revised construction or operating permit, if a permit modification is required, or within 1 year following approval of the State plan, whichever is later.

(b) All MWC units choosing to comply with all requirements contained in this Part in more than 1 year but less than 3 years following the date of issuance of a revised construction or operation permit if a permit modification is required, or more than 1 year but less than 3 years following approval of the State plan if a permit modification is not required, shall enter into a consent order that includes measurable and enforceable incremental steps of progress toward compliance. These steps are specified below:

(1) Date for submittal of the final control plan to the DEQ.

(2) Date for obtaining services of an architectural and engineering firm regarding the air pollution control device(s).

(3) Date for initiation of installation of the air pollution control device(s).

(4) Date for completion of installation of the air pollution control device(s).

(5) Date for final compliance.

(c) All MWC units with a compliance schedule of more than 1 year after approval of the State plan in accordance with paragraph (b) of this section, shall provide performance test results for dioxin/furan emissions for each unit. However, where the MWC owner/operator can demonstrate that multiple units have the same design, operate with the same fuel, have the same operating parameters, and are expected to have similar emission levels, the results of a dioxin/furan test from one unit may be provided as representative of all such units. The performance test results shall have been conducted during or after 1990. The performance test shall be conducted according to the procedures in 252:100-17-25.

(d) All MWC units intending to close in more than 1 year but less than 3 years after State plan approval shall enter into a consent order to close. The closure order must include the date of plant closure.