

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1204

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4 and 6 – replace “applies” with “shall apply”*

*Line 8 – delete the phrase “referenced in this Rule” unless it is necessary. If it is necessary, add “that are” before “referenced”*

*Line 9 – replace “apply. Notwithstanding” with “apply, notwithstanding”*

*Line 12 – replace “are” with “shall be”*

*Lines 14 and 15 – do not capitalize “commencing”*

*Line 15 – punctuate this line with a semicolon*

*Line 15 – add “or” or “and” after the semicolon*

*Lines 29-30 – delete “as defined in Paragraph (b) of this Rule” unless it is necessary.*

*Page 2, lines 28 and 30 – replace “dioxins/furans” with “or” or “and” unless “dioxins/furans” is defined or is a term of art.*

*Page 2, lines 35-36 – delete “as referenced in 15A NCAC 02D .1110 (a), (d), and (e)” unless it is necessary.*

*Page 3, line 12 – delete “as referenced in 15A NCAC 02D .1110 (a), (d), and (e)” unless it is necessary.*

*Page 3, lines 20-21 – delete “in accordance with 15A NCAC 02Q .0700” unless it is necessary.*

*Page 4, line 23 – add “for” before “carbon”*

*Page 4, line 35 – do not capitalize “as”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Friday, January 26, 2018

*Page 4, line 37 – replace the period with a semicolon*

*Page 5, lines 1, 3, 5, 28, 29, 31, 34, and 36 – do not capitalize the first word of these lines.*

*Page 5, lines 2 and 4 – replace the periods with semicolons*

*Page 5, line 4 – end this line with “and” if that is what is meant.*

*Page 5, line 25 – replace “of” with “to”*

*Page 6, lines 1, 2, 3, 6, 22, 25, 27, 29, 35, and 37 – do not capitalize the first word of these lines.*

*Page 6, lines 4 and 7 – delete “at least”*

*Page 6, lines 23, 25, 26, and 32 – replace the semicolons with commas, except the last semicolon on line 26*

*Page 6, line 31 – add “set forth” before “in” or replace “in” with “required by”*

*Page 6, line 33 – delete the comma*

*Page 6, line 37 – add “the” before “calendar”*

*Page 7, every Part – do not capitalize the first word of these lines.*

*Page 7, line 2 – do not capitalize “Training”*

*Page 7, line 2 – add “records” before “as specified” if that is what is meant*

*Page 7, line 9 – do not capitalize “reports”*

*Page 7, lines 22 and 23 – add “the” to the beginning of these lines*

*Page 7, line 29 – replace the period with a semicolon*

*Page 7, lines 31-32 – replace the semicolons with commas*

*Page 7, line 32 – add “and” before “notification”*

*Page 7, line 33 – delete the period*

*Page 7, line 36 – add “and” at the end of this line if that is what is meant*

*Page 8, line 1 – do not capitalize the first word in this line*

*Page 8, line 5 – the phrase “shall be submitted to the Director on or before February 19 of each year” does not make sense here. Is this what is meant:*

- (2) Submit in the format specified in 40 CFR 60.5235(h)(1) and by due dates established in Table 6 of 40 CFR Part 60 Subpart Mmmm the following:

Jason Thomas  
Commission Counsel

Date submitted to agency: Friday, January 26, 2018

- (J) Information recorded during a performance test for mercury for class I sludge management facilities (as defined in 40 CFR 503.9), publicly owned treatment works (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater as specified in 40 CFR 60.5220(a)(3). This information shall also be submitted to the Director on or before February 19 of each year.

*Page 9, line 7 – replace “cannot” with “shall not”*

*Page 9, lines 8-9 – replace “is accessible, either at the facility or can be at the facility within one hour” with “is at the facility or can be at the facility within 1 hour”*

*Page 9, line 13 – replace “must” with “shall”*

*Page 9, line 23-24 – replace either 40 CFR 60.5155(a) or (b), depending on the length of time that a qualified operator is not accessible” with “40 CFR 60.5155”*

*Page 9, line 27 – do not delete the opening parenthesis before “(n)”*

*Page 9, line 27 – replace “of” with “to”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .1204 is readopted with changes as published in 32:04 NCR 159-165 as follows:

2  
3 **15A NCAC 02D .1204 SEWAGE SLUDGE ~~AND SLUDGE INCINERATORS~~ INCINERATION UNITS**

4 (a) Applicability. This Rule applies to sewage sludge ~~and sludge incinerators.~~ incineration units that meet all three  
5 requirements listed in 40 CFR 60.5060(a) through (c).

6 (b) The provisions of this Rule apply to any incinerator subject to this Rule. However, when the provisions of this  
7 Rule and provisions of 15A NCAC 02D .0524, .1110, or .1111 or provisions of 40 CFR Part 61, Subpart C; 40 CFR  
8 Part 61, Subpart E; or 40 CFR Part 503, Subpart E, referenced in this Rule, regulate the same pollutant, the provisions  
9 of the more restrictive standards established in Paragraphs (e) and (f) of this Rule shall apply. Notwithstanding  
10 provisions of 15A NCAC 02D .0524, .1110, or .1111 or provisions 40 CFR Part 61, Subpart C; 40 CFR Part 61,  
11 Subpart E; or 40 CFR Part 503, Subpart E to the contrary.

12 (c) Exemptions. Sewage sludge incineration units are exempted from this Rule if they are subject to:

13 (1) 40 CFR Part 60 Subpart LLLL by:

14 (A) Commencing construction after October 14, 2010; or

15 (B) Commencing modification after September 21, 2011.

16 (2) Rule 15A NCAC 02D .1210, if they are not located at a wastewater treatment facility designed to  
17 treat domestic sewage sludge as defined in 40 CFR 60.5065.

18 ~~(b)(d)~~ Definitions. For the purpose of this Rule, the definitions in ~~40 CFR Part 503~~ 40 CFR 503.41, 40 CFR 60.5250,  
19 and 40 CFR 60.2 shall apply in addition to the definitions in Rule .1202 of this Section. ~~15A NCAC 02D .1202.~~

20 ~~(e)(e)~~ Emission Standards. Any incinerator subject to this Rule shall comply with all of the following emission  
21 standards:

22 (1) ~~The emission standards in this Paragraph apply to any incinerator subject to this Rule except where~~  
23 ~~Rules .0524, .1110, or .1111 of this Subchapter applies. However, when Subparagraphs (11) or (12)~~  
24 ~~of this Paragraph and Rules .0524, .1110, or .1111 of this Subchapter regulate the same pollutant,~~  
25 ~~the more restrictive provision for each pollutant shall apply, notwithstanding provisions of Rules~~  
26 ~~.0524, .1110, or .1111 of this Subchapter to the contrary.~~

27 (2)(1) Any incinerator subject to this Rule shall comply with one of the following emission standards for  
28 particulate matter: Emissions of particulate matter from a sewage sludge incineration unit shall meet  
29 the requirements established in 40 CFR 60.5165 or 40 CFR 60.152 as defined in Paragraph (b) of  
30 this Rule.

31 (A) ~~For refuse charge rates between 100 and 2000 pounds per hour, the allowable emissions~~  
32 ~~rate for particulate matter from any stack or chimney of any incinerator subject to this Rule~~  
33 ~~shall not exceed the level calculated with the equation  $E=0.002P$ , calculated to two~~  
34 ~~significant figures, where "E" equals the allowable emission rate for particulate matter in~~  
35 ~~pounds per hour and "P" equals the refuse charge rate in pounds per hour. For refuse charge~~  
36 ~~rates of 0 to 100 pounds per hour the allowable emission rate is 0.2 pounds per hour. For~~  
37 ~~refuse charge rates of 2000 pounds per hour or greater the allowable emission rate shall be~~

1 4.0 pounds per hour. Compliance with this Part shall be determined by averaging emissions  
2 over a block three hour period.

3 (B) — ~~Instead of meeting the standards in Part (A) of this Subparagraph, the owner or operator of~~  
4 ~~any incinerator subject to this Rule may choose to limit particulate emissions from the~~  
5 ~~incinerator to 0.08 grains per dry standard cubic foot corrected to 12 percent carbon~~  
6 ~~dioxide. In order to choose this option, the owner or operator of the incinerator shall~~  
7 ~~demonstrate that the particulate ambient air quality standards will not be violated. To~~  
8 ~~correct to 12 percent carbon dioxide, the measured concentration of particulate matter is~~  
9 ~~multiplied by 12 and divided by the measured percent carbon dioxide. Compliance with~~  
10 ~~this Part shall be determined by averaging emissions over a block three hour period.~~

11 ~~(3)(2) Fugitive emissions from a sewage sludge incineration unit ash handling process shall meet the~~  
12 ~~requirements established in 40 CFR 60.5165. Visible Emissions. All other visible emissions Any~~  
13 ~~incinerator subject to this Rule from a sewage sludge incineration unit shall comply with Rule .0521~~  
14 ~~of this Subchapter for the control of visible emissions. 15A NCAC 02D .0521.~~

15 ~~(4) — Sulfur Dioxide. Any incinerator subject to this Rule shall comply with Rule .0516 of this Subchapter~~  
16 ~~for the control of sulfur dioxide emissions.~~

17 ~~(5) — Odorous Emissions. Any incinerator subject to this Rule shall comply with Rule .1806 of this~~  
18 ~~Subchapter for the control of odorous emissions.~~

19 ~~(6) — Hydrogen Chloride. Any incinerator subject to this Rule shall control hydrogen chloride emissions~~  
20 ~~such that they do not exceed four pounds per hour unless they are reduced by at least 90 percent by~~  
21 ~~weight or to no more than 50 parts per million by volume corrected to seven percent oxygen (dry~~  
22 ~~basis). Compliance with this Subparagraph shall be determined by averaging emissions over a one-~~  
23 ~~hour period.~~

24 ~~(3) Emissions of hydrogen chloride from a sewage sludge incineration unit shall meet the requirements~~  
25 ~~established in 40 CFR 60.5165.~~

26 ~~(4) Emissions of carbon monoxide from a sewage sludge incineration unit shall meet the requirements~~  
27 ~~established in 40 CFR 60.5165.~~

28 ~~(5) Emissions of dioxins/furans (total mass basis) from a sewage sludge incineration unit shall meet the~~  
29 ~~requirements established in 40 CFR 60.5165.~~

30 ~~(6) Emissions of dioxins/furans (toxic equivalency basis) from a sewage sludge incineration unit shall~~  
31 ~~meet the requirements established in 40 CFR 60.5165.~~

32 ~~(7) — Mercury Emissions. Emissions of mercury from any incinerator subject to this Rule are regulated~~  
33 ~~under 15A NCAC 02D .1110.~~

34 ~~(7) Emissions of mercury from a sewage sludge incineration unit shall meet the requirements~~  
35 ~~established in 40 CFR 60.5165 and in 40 CFR 61.52(b) as referenced in 15A NCAC 02D .1110 (a),~~  
36 ~~(d), and (e).~~

- (8) Emissions of nitrogen oxides from a sewage sludge incineration unit shall meet the requirements established in 40 CFR 60.5165.
- (9) Emissions of sulfur dioxide from a sewage sludge incineration unit shall meet the requirements established in 40 CFR 60.5165.
- (10) Emissions of cadmium from a sewage sludge incineration unit shall meet the requirements established in 40 CFR 60.5165.
- (11) Emissions of lead from a sewage sludge incineration unit shall meet the requirements established in 40 CFR 60.5165. The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(c).
- ~~(8)(12) Beryllium Emissions. Emissions of beryllium from any incinerator subject to this Rule are regulated under 15A NCAC 02D .1110. a sewage sludge incineration unit shall meet the requirements established in 40 CFR 61.32(a) through (c) as referenced in 15A NCAC 02D .1110 (a), (d), and (e).~~
- ~~(9) Lead Emissions. The daily concentration of lead in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(e).~~
- ~~(10)(13) Other Metal Emissions. The daily concentration of arsenic, cadmium, chromium, and nickel in sewage sludge fed to a sewage sludge incinerator shall meet the requirements specified in 40 CFR 503.43(d).~~
- ~~(11)(14) Toxic Emissions. The owner or operator of any incinerator subject to this Rule shall demonstrate compliance with Emissions of toxic air pollutants from a sewage sludge incineration unit shall meet the requirements specified in Section .1100 of this Subchapter 15A NCAC 02D .1100 according in accordance to with 15A NCAC 02Q .0700.~~
- (12) Ambient Standards.
- (A) In addition to the ambient air quality standards in Section .0400 of this Subchapter, the following ambient air quality standards, which are an annual average, in milligrams per cubic meter at 77 degrees F (25 degrees C) and 29.92 inches (760 mm) of mercury pressure and which are increments above background concentrations, shall apply aggregately to all incinerators at a facility subject to this Rule:
- |       |                                 |                      |
|-------|---------------------------------|----------------------|
| (i)   | arsenic and its compounds       | $2.3 \times 10^{-7}$ |
| (ii)  | beryllium and its compounds     | $4.1 \times 10^{-6}$ |
| (iii) | cadmium and its compounds       | $5.5 \times 10^{-6}$ |
| (iv)  | chromium (VI) and its compounds | $8.3 \times 10^{-8}$ |
- (B) The owner or operator of a facility with incinerators subject to this Rule shall demonstrate compliance with the ambient standards in Subparts (i) through (iv) of Part (A) of this Subparagraph by following the procedures set out in Rule .1106 of this Subchapter. Modeling demonstrations shall comply with the requirements of Rule .0533 of this Subchapter.

1                   ~~(C) — The emission rates computed or used under Part (B) of this Subparagraph that demonstrate~~  
2                   ~~compliance with the ambient standards under Part (A) of this Subparagraph shall be~~  
3                   ~~specified as a permit condition for the facility with incinerators subject to this Rule as their~~  
4                   ~~allowable emission limits unless Rules .0524, .1110, or .1111 of this Subchapter requires~~  
5                   ~~more restrictive rates.~~

6   ~~(d) Operational Standards.~~

7           ~~(1) — The operational standards in this Rule do not apply to any incinerator subject to this Rule when~~  
8           ~~applicable operational standards in Rules .0524, .1110, or .1111 of this Subchapter apply.~~

9           ~~(2) — Sewage Sludge Incinerators.~~

10          ~~(A) — The maximum combustion temperature for a sewage sludge incinerator shall be specified~~  
11          ~~as a permit condition and be based on information obtained during the performance test of~~  
12          ~~the sewage sludge incinerator to determine pollutant control efficiencies as needed to~~  
13          ~~comply with .1204(e).~~

14          ~~(B) — The values for the operational parameters for the sewage sludge incinerator air pollution~~  
15          ~~control device(s) shall be specified as a permit condition and be based on information~~  
16          ~~obtained during the performance test of the sewage sludge incinerator to determine~~  
17          ~~pollutant control efficiencies as needed to comply with .1204(e).~~

18          ~~(C) — The monthly average concentration for total hydrocarbons, or carbon monoxide as~~  
19          ~~provided in 40 CFR 503.40(e), in the exit gas from a sewage sludge incinerator stack,~~  
20          ~~corrected to zero percent moisture and seven percent oxygen as specified in 40 CFR~~  
21          ~~503.44, shall not exceed 100 parts per million on a volumetric basis using the continuous~~  
22          ~~emission monitor required in Part (f)(3)(A) of this Rule.~~

23          ~~(15) — The monthly average concentration for total hydrocarbons, or carbon monoxide as provided in 40~~  
24          ~~CFR 503.40(c), in the exit gas from a sewage sludge incinerator stack, corrected to zero percent~~  
25          ~~moisture and seven percent oxygen as specified in 40 CFR 503.44, shall not exceed 100 parts per~~  
26          ~~million on a volumetric basis using the continuous emission monitoring required in Paragraph (l) of~~  
27          ~~this Rule.~~

28          ~~(3) — Sludge Incinerators. The combustion temperature in a sludge incinerator shall not be less than~~  
29          ~~1200°F. The maximum oxygen content of the exit gas from a sludge incinerator stack shall be:~~

30               ~~(A) — 12 percent (dry basis) for a multiple hearth sludge incinerator;~~

31               ~~(B) — seven percent (dry basis) for a fluidized bed sludge incinerator;~~

32               ~~(C) — nine percent (dry basis) for an electric sludge incinerator; and~~

33               ~~(D) — 12 percent (dry basis) for a rotary kiln sludge incinerator.~~

34   ~~(f) Operating limits. The owner or operator of a sewage sludge incineration unit shall meet:~~

35           ~~(1) — As applicable, the operating limits and requirements specified in [40 CFR 60.5170(a) ]40 CFR~~  
36           ~~60.5170 including Subparagraphs (a) through (d) and (h) according to the schedule specified in 40~~  
37           ~~CFR 60.5170(e).~~

- (2) The operating limits and requirements specified in ~~40 CFR 60.5170(a)~~ 40 CFR 60.5170 including Subparagraphs (a) through (d) by the final compliance date specified in Paragraph (o) of this Rule.
- (3) Monitor the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, as specified in 40 CFR 60.5170(f)(1) and (f)(2).
- (4) The operating requirements in 40 CFR 60.5170(a) through (d) and (h) shall meet any new operating limits, re-established in accordance with 40 CFR 60.5210.
- (g) Emission and operational standards and limits established in Paragraphs (e) and (f) of this Rule and in accordance with provisions in Paragraph (b) of this Rule shall apply at all times that sewage sludge is in the combustion chamber before the sewage sludge feed to the combustor is cut off for a period of time not less than the sewage sludge incineration residence time and during periods of malfunction as specified in 40 CFR 60.5180.
- ~~[(h) The owner or operator of a sewage sludge incineration unit may establish an affirmative defense for exceedance of the emission standards set forth in Paragraph (e) of this Rule during malfunction in response to an action to enforce the emission standards as specified in 40 CFR 60.5181(a) and (b).]~~
- ~~[(i)](h)~~ Initial Compliance:
- (1) Requirements with the emission standards specified in the Paragraph (e) of this Rule shall be demonstrated by using the procedures specified in 40 CFR 60.5185(a) through (e).
- (2) Requirements with the site-specific operating limits specified in 40 CFR 60.5190(a) shall be established in accordance with the requirements specified 40 CFR 60.5190(a) through (f).
- (3) Initial air pollution control device inspection specified 40 CFR 60.5220(c) shall be conducted by the date established in accordance with 40 CFR 60.5195(a). All necessary repairs shall be completed in accordance with 40 CFR 60.5195(b).
- (4) A site-specific monitoring plan for continuous monitoring, bag leak detection, ash handling systems, and an initial performance evaluation date shall be developed in accordance with the requirements specified in 40 CFR 60.5200(a) and (d) through (h).
- ~~[(i)](i)~~ Continuous Compliance Requirements. The owner or operator of a sewage sludge incineration unit subject of this Rule shall demonstrate compliance with the emissions standards in Subparagraphs (e)(1) through (13) and (15) of this Rule by:
- (1) Demonstrating continuous compliance as specified in 40 CFR 60.5205(a) through (f);
- (2) Demonstrating continuous compliance with the operating limits as specified in 40 CFR 60.5210(a)(1) and (b) through (d);
- (3) Demonstrating continuous compliance with the total hydrocarbon concentration of the incinerator stack exit gas according to 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(c) are satisfied;
- (4) Demonstrating continuous compliance with the oxygen content of the incinerator stack exit gas as provided in 40 CFR 503.45(b);
- (5) Demonstrating continuous compliance with the moisture content of the incinerator stack exit gas as provided in 40 CFR 503.45(c);



- 1        (6) Conducting an annual air pollution control device inspection as specified in 40 CFR 60.5215(a);  
2        (7) Making all necessary repairs within the time periods specified in 40 CFR 60.5215(b);  
3        (8) Monitoring the concentration of beryllium and mercury from the sewage sludge fed to the  
4        incinerator at least as frequently as specified in the Rule 15A NCAC 02D .1110 but in no case less  
5        than once per year; and  
6        (9) Monitoring the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage  
7        sludge fed to the incinerator at least as frequently as specified in 40 CFR 503.46(a)(2) and (3).  
8        (e) Test Methods and Procedures.  
9        (1) The test methods and procedures described in Section .2600 of this Subchapter and in 40 CFR Part  
10        60 Appendix A and 40 CFR Part 61 Appendix B shall be used to determine compliance with  
11        emission rates. Method 29 of 40 CFR Part 60 shall be used to determine emission rates for metals.  
12        However, Method 29 shall be used to sample for chromium (VI), and SW 846 Method 0060 shall  
13        be used for the analysis.  
14        (2) The Director may require the owner or operator to test his incinerator to demonstrate compliance  
15        with the emission standards listed in Paragraph (e) of this Rule.  
16        (3) The owner or operator of a sewage sludge incinerator shall perform testing to determine pollutant  
17        control efficiencies of any pollution control equipment and obtain information on operational  
18        parameters, including combustion temperature, to be specified as a permit condition.  
19        ~~(k)~~(j) Performance Testing, Monitoring, and Calibration Requirements. The owner or operator of a sewage sludge  
20        incineration unit subject to this Rule shall demonstrate compliance with the emissions standards in Subparagraphs  
21        (e)(1) through (13) and (15) of this Rule by:  
22        (1) Meeting the performance testing requirements specified in ~~[40 CFR 60.5220(a)(2)] 40 CFR~~  
23        ~~60.5220(a)(1)~~ through (11); 40 CFR 61.53(d) or 40 CFR 61.54; 40 CFR 503.43(e); and 40 CFR  
24        61.33;  
25        (2) Meeting the monitoring requirements specified in 40 CFR 60.5220(b)(1) through (7); 40 CFR 61.55;  
26        40 CFR 503.55; 40 CFR 503.46; and 40 CFR 60.153;  
27        (3) Performing the air pollution control device inspection requirements specified in 40 CFR  
28        60.5220(b)(1) through (3); and  
29        (4) Meeting the bypass stack provisions specified in 40 CFR 60.5220(d).  
30        ~~(l)~~(k) The owner or operator of a sewage sludge incineration unit, subject to this Rule, shall install, operate, calibrate,  
31        and maintain the continuous parameter monitoring systems to ensure compliance with the operational limits in  
32        Paragraph (f) of this Rule as specified in 40 CFR 503.45; 40 CFR 60.5225 (a)(1), (2); and 40 CFR 60.153.  
33        ~~(f)(m)~~(l) Monitoring, Recordkeeping, and Reporting. The owner or operator of a sewage sludge incineration unit  
34        subject to this Rule shall:  
35        (1) Maintain on site in either paper copy or electronic format that can be printed upon request for a  
36        period of five years the following:  
37        (A) Calendar date of each record as specified in 40 CFR 60.5230(a);

- (B) Increments of progress as specified in 40 CFR 60.5230(b);
- (C) Operator Training as specified in 40 CFR 60.5230(c)(1) through (4);
- (D) Air pollution control device inspections as specified in 40 CFR 60.5230(d);
- (E) Performance test reports as specified in 40 CFR 60.5230(e)(1) through (4);
- (F) Continuous monitoring data as specified in 40 CFR 60.5230(f)(1) through (4) and 40 CFR 60.153;
- (G) Other records for continuous monitoring systems as specified in 40 CFR 60.5230(g)(1) through (3) and 40 CFR 60.153;
- (H) Deviation Reports as specified in 40 CFR 60.5230(h);
- (I) Equipment specifications and operation and maintenance requirements as specified in 40 CFR 60.5230(i);
- (J) Inspections, calibrations, and validation checks of monitoring devices as specified in 40 CFR 60.5230(j);
- (K) Monitoring plan and performance evaluations for continuous monitoring systems as specified in 40 CFR 60.5230(k);
- (L) Records indicating use of the bypass stack as specified in 40 CFR 60.5230(m);
- (M) Malfunction occurrence records shall as specified in 40 CFR 60.5230(n); and
- (N) Records showing compliance with standards for the use or disposal of sewage sludge listed in 40 CFR 503.47(b) through (n).
- (2) Submit in the format specified in 40 CFR 60.5235(h)(1) and by due dates established in Table 6 of 40 CFR Part 60 Subpart M the following:
- (A) Initial compliance report as specified in 40 CFR 60.5235(b);
- (B) Annual compliance report as specified in 40 CFR 60.5235(c);
- (C) Deviation reports (deviations from emission limits, emission standards, or operating limits, as specified in 40 CFR 60.5235(e)(1)) when it is required by 40 CFR 60.5235(d);
- (D) Notification of qualified operator deviation and notification of status of qualified operator deviation as specified in 40 CFR 60.5235(e)(1);
- (E) Notification of resumed operation pursuant to 40 CFR 60.5155(b)(2)(i) following shutdown (due to qualified operator deviation) as specified in 40 CFR 60.5235(e)(2).
- (F) Notification of a force majeure as specified in 40 CFR 60.5235(f);
- (G) Notification of intent to start or stop use of a continuous monitoring system; notification of intent to conduct a performance test; notification of intent to conduct a rescheduled performance test. as specified in 40 CFR 60.5235(g);
- (H) Performance test relative accuracy audit data (test reference method) and performance test data in the manner specified in 40 CFR 60.5235(h)(2);
- (I) Semiannual reports as specified in 40 CFR 60.155;

- (J) Information recorded during a performance test for mercury for class I sludge management facilities (as defined in 40 CFR 503.9), publicly owned treatment works (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve a population of 10,000 people or greater as specified in in 40 CFR 60.5220(a)(3) shall be submitted to the Director on or before February 19 of each year.
- (3) With the Director's approval, the owner or operator may change the semiannual or annual reporting dates of the reports listed in Subparagraph (m)(2) of this Rule in accordance with the procedures established in 40 CFR 60.19(c) pursuant to 40 CFR 60.5235(i).
- ~~(1) The owner or operator of an incinerator subject to the requirements of this Rule shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.~~
- ~~(2) The owner or operator of an incinerator subject to the requirements of this Rule shall maintain and operate a continuous temperature monitoring and recording device for the primary chamber and, where there is a secondary chamber, for the secondary chamber. The owner or operator of an incinerator that has installed air pollution abatement equipment to reduce emissions of hydrogen chloride shall install, operate, and maintain continuous monitoring equipment to measure pH for wet scrubber systems and rate of alkaline injection for dry scrubber systems.~~
- ~~(3) In addition to the requirements of Subparagraphs (1) and (2) of this Paragraph, the owner or operator of a sewage sludge incinerator shall:~~
- ~~(A) install, operate, and maintain, for each incinerator, continuous emission monitors to determine the following:~~
- ~~(i) total hydrocarbon concentration of the incinerator stack exit gas according to 40 CFR 503.45(a) unless the requirements for continuously monitoring carbon monoxide as provided in 40 CFR 503.40(e) are satisfied;~~
- ~~(ii) oxygen content of the incinerator stack exit gas; and~~
- ~~(iii) moisture content of the incinerator stack exit gas;~~
- ~~(B) monitor the concentration of beryllium and mercury from the sludge fed to the incinerator at least as frequently as required by Rule .1110 of this Subchapter but in no case less than once per year;~~
- ~~(C) monitor the concentrations of arsenic, cadmium, chromium, lead, and nickel in the sewage sludge fed to the incinerator at least as frequently as required under 40 CFR 503.46(a)(2) and (3);~~
- ~~(D) determine mercury emissions by use of Method 101 or 101A of 40 CFR Part 61, Appendix B, where applicable to 40 CFR 61.55(a);~~
- ~~(E) maintain records of all material required under Paragraph (e) of this Rule and this Paragraph according to 40 CFR 503.47; and~~
- ~~(F) for class I sludge management facilities (as defined in 40 CFR 503.9), POTWs (as defined in 40 CFR 501.2) with a design flow rate equal to or greater than one million gallons per~~

1 ~~day, and POTWs that serve a population of 10,000 people or greater, submit the~~  
2 ~~information recorded in Part (D) of this Subparagraph to the Director on or before February~~  
3 ~~19 of each year.~~

4 ~~(g) Excess Emissions and Start-up and Shut-down. All incinerators subject to this Rule shall comply with Rule .0535,~~  
5 ~~Excess Emissions Reporting and Malfunctions, of this Subchapter.~~

6 ~~((n))~~(m) Operator Training and Qualification.

7 (1) A sewage sludge incineration unit subject to this Rule cannot be operated unless a fully trained and  
8 qualified sewage sludge incineration unit operator is accessible, either at the facility or can be at the  
9 facility within one hour. The trained and qualified sewage sludge incineration unit operator may  
10 operate the sewage sludge incineration unit directly or be the direct supervisor of one or more other  
11 plant personnel who operate the unit. If all qualified sewage sludge incineration unit operators are  
12 temporarily not accessible, the procedures in 40 CFR 60.5155 shall apply.

13 (2) Operator training and qualification must be obtained by completing the requirements specified in  
14 40 CFR 60.5130(c).

15 (3) The owner or operator of a sewage sludge incineration unit subject to this Rule shall complete an  
16 annual review or refresher course covering the five topics specified in 40 CFR 60.5145(a) through  
17 (e) to maintain an operator qualification.

18 (4) The owner or operator of a sewage sludge incineration unit subject to this Rule shall renew a lapsed  
19 operator qualification before he or she begins operation of the unit by one of the two methods  
20 specified in 40 CFR 60.5150(a) and (b).

21 (5) When a qualified operator of a sewage sludge incineration unit subject to this Rule is not at the  
22 facility and cannot be at the facility within 1 hour, the owner shall meet the criteria specified in  
23 either 40 CFR 60.5155(a) or (b), depending on the length of time that a qualified operator is not  
24 accessible.

25 (6) The owner or operator of a sewage sludge incineration unit subject to this Rule shall maintain and  
26 review the operator training documentation as specified in 40 CFR 60.5160 (a) and (b).

27 ~~((e))~~(n) Final compliance. The owner or operator of a sewage sludge incineration unit subject of this Rule shall achieve  
28 final compliance by the dates specified in 40 CFR 60.5035(a) or (b).

29  
30 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5);*

31 *Eff. October 1, 1991;*

32 *Amended Eff. June 1, 2008; August 1, 2002; July 1, 2000; July 1, 1999; July 1, 1998; July 1, 1996;*

33 *April 1, 1995; December 1, ~~1993~~1993;*

34 *Readopted Eff. March 1, 2018.*