

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9VAC5 CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
EMISSION STANDARDS.

ARTICLE 45.  
EMISSION STANDARDS FOR COMMERCIAL/INDUSTRIAL SOLID WASTE  
INCINERATORS (RULE 4-45).

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- 9VAC5-40-6480. Recordkeeping and reporting.
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- 9VAC5-40-6510. Permits.
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9VAC5-40-6250. Applicability and designation of affected facility.

A. The affected facilities to which the provisions of this article apply are (i) commercial/industrial solid waste incinerator (CISWI) units and air curtain incinerators that commenced construction on or before November 30, 1999, (ii) CISWI units and air curtain incinerators that commenced construction after November 30, 1999, but on or before June 4, 2010, or that commenced reconstruction or modification on or after June 1, 2001 but no later than August 7, 2013; or (iii) CISWI units other than incinerator units that commenced construction before June 4, 2010.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. Exempted from the provisions of this article are those units that meet the criteria listed in 40 CFR 60.2555.

D. The provisions of this article do not apply to a CISWI unit if the owner makes changes that meet the definition of modification or reconstruction after August 7, 2013, at which point the CISWI unit becomes subject to subpart CCCC of 40 CFR Part 60.

E. If the owner makes physical or operational changes to an existing CISWI unit primarily to comply with this article, subpart CCCC of 40 CFR Part 60 does not apply to that unit. Such changes do not qualify as modifications or reconstructions under subpart CCCC of 40 CFR Part 60.

F. Each owner shall submit an application for a federal operating permit in accordance with the provisions of 40 CFR 60.2805. Owners to whom this section applies should contact the appropriate regional office for guidance on applying for a federal (Title V) operating permit.

G. The requirement under 40 CFR 60.2555(g)(1) with regard to obtaining a permit under § 3005 of the Solid Waste Disposal Act (42 USC § 6901 et seq.) may be met by obtaining a permit from the department as required by 9VAC5-60 (Hazardous Air Pollutant Sources).

9VAC5-40-6260. Definitions.

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meanings given them in 9VAC5-10 (General Definitions), unless otherwise required by context.

C. Terms shall have the meaning given them in 40 CFR 60.2875, except for the following:

"Administrator" means the board.

"Table 1" means 9VAC5-40-6420.

"You" means the owner of an affected CISWI unit.

9VAC5-40-6270. Emission limits and emission standards.

No owner or other person shall cause or permit to be discharged into the atmosphere from any CISWI any emissions in excess of that allowed under 40 CFR 60.2670.

9VAC5-40-6280. [Repealed]

9VAC5-40-6290. [Repealed]

9VAC5-40-6300. [Repealed]

9VAC5-40-6310. [Repealed]

9VAC5-40-6320. [Repealed]

9VAC5-40-6330. [Repealed]

9VAC5-40-6340. [Repealed]

9VAC5-40-6350. [Repealed]

9VAC5-40-6370. Standard for fugitive dust/emissions.

A. The provisions of Article 1 (9VAC5-40-60 et seq.) of 9VAC5-40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply, with the exception of 9VAC5-40-80 (Standard for visible emissions), 9VAC5-40-100 (Monitoring), 9VAC5-40-110 (Test methods and procedures), and 9VAC5-40-120 (Waivers).

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any ash conveying system (including conveyor transfer points) any visible emissions for more than 5% of hourly observation period, measured at three, 1-hour observation periods.

9VAC5-40-6380. Standard for odor.

The provisions of Article 2 (9VAC5-40-130 et seq.) of 9VAC5-40 (Emission Standards for Odor, Rule 4-2) apply.

9VAC5-40-6390. Standard for toxic pollutants.

The provisions of Article 4 (9VAC5-60-200 et seq.) of 9VAC5-60 (Emission Standards for Toxic Pollutants, Rule 6-4) apply.

9VAC5-40-6400. Operator training and qualification.

The provisions of 40 CFR 60.2635 through 40 CFR 60.2665 apply.

9VAC5-40-6410. Waste management plan.

The owner of an affected facility shall prepare a written waste management plan in accordance with the provisions of 40 CFR 60.2620 through 40 CFR 60.2630.

9VAC5-40-6420. Compliance schedule.

A. All CISWI units regardless of category shall achieve final compliance as expeditiously as practicable but not later than February 7, 2018.

B. The owner shall submit a final control plan no later than February 7, 2015.

C. The provisions of 40 CFR 60.2575 through 40 CFR 60.2615 apply.

9VAC5-40-6421. [Repealed]

9VAC5-40-6422. [Repealed]

9VAC5-40-6430. Operating limits.

No owner or other person shall operate any CISWI unit in a manner that does not comply with the provisions of 40 CFR 60.2675 through 40 CFR 60.2680.

9VAC5-40-6440. Facility and control equipment maintenance or malfunction.

A. With regard to the emission standards set forth in 9VAC5-40-6360 A, 9VAC5-40-6370 A, 9VAC5-40-6380, and 9VAC5-40-6390, the provisions of 9VAC5-20-180 (Facility and control equipment maintenance or malfunction) apply.

B. With regard to the emission limits in 9VAC5-40-6270, 9VAC5-40-6360 B, and 9VAC5-40-6370 B, the provisions of 9VAC5-20-180 apply, with the exception of subsections E, F, and G.

9VAC5-40-6450. Performance testing.

A. With regard to the emissions standards in 9VAC5-40-6360 A, 9VAC5-40-6370 A, 9VAC5-40-6380, and 9VAC5-40-6390, the provisions of 9VAC5-40-30 (Emission testing)

apply.

B. With regard to the emission limits in 9VAC5-40-6270, 9VAC5-40-6360 B, and 9VAC5-40-6370 B, the following provisions apply:

1. 9VAC5-40-30 D and G;
2. 40 CFR 60.8, with the exception of paragraph (a); and
3. 40 CFR 60.2690 through 40 CFR 60.2695.

9VAC5-40-6460. Compliance.

A. With regard to the emissions standards in 9VAC5-40-6360 A, 9VAC5-40-6370 A, 9VAC5-40-6380, and 9VAC5-40-6390, the provisions of 9VAC5-40-20 (Compliance) apply.

B. With regard to the emission limits in 9VAC5-40-6270, 9VAC5-40-6360 B, and 9VAC5-40-6370 B, the following provisions apply:

1. 9VAC5-40-20 B, C, D, and E;
2. 40 CFR 60.11; and
3. 40 CFR 60.2700 through 40 CFR 60.2725.

9VAC5-40-6470. Monitoring.

A. With regard to the emissions standards in 9VAC5-40-6360 A, 9VAC5-40-6370 A, 9VAC5-40-6380, and 9VAC5-40-6390, the provisions of 9VAC5-40-40 (Monitoring) apply.

B. With regard to the emission limits in 9VAC5-40-6270, 9VAC5-40-6360 B, and 9VAC5-40-6370 B, the following provisions apply:

1. 9VAC5-40-40 A and F;
2. 40 CFR 60.13; and
3. 40 CFR 60.2730 through 40 CFR 60.2735.

9VAC5-40-6480. Recordkeeping and reporting.

A. With regard to the emissions standards in 9VAC5-40-6360 A, 9VAC5-40-6370 A, 9VAC5-40-6380, and 9VAC5-40-6390, the provisions of 9VAC5-40-50 (Notification, records and reporting) apply.

B. With regard to the emission limits in 9VAC5-40-6270, 9VAC5-40-6260 B, and 9VAC5-40-6370 B, the following provisions apply:

1. 9VAC5-40-50 F and H;
2. 40 CFR 60.7; and
3. 40 CFR 60.2740 through 40 CFR 60.2800.

9VAC5-40-6490. Air curtain incinerators.

The provisions of 40 CFR 60.2810 through 40 CFR 60.2870 apply.

9VAC5-40-6500. Registration.

The provisions of 9VAC5-20-160 (Registration) apply.

9VAC5-40-6510. Permits.

A permit may be required prior to beginning any of the activities specified below if the provisions of 9VAC5-50 (New and Modified Stationary Sources) and 9VAC5-80 (Permits for Stationary Sources) apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (re-startup) of a facility.
6. Operation of a facility.

9VAC5-40-6520. Documents incorporated by reference.

A. The U.S. Environmental Protection Agency (EPA) regulations promulgated at Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units) of 40 CFR Part 60 and designated in subsection B of this section are incorporated by reference into this article. The 40 CFR section numbers appearing in subsection B of this section identify the specific

provisions incorporated by reference. The specific version of the provisions incorporated by reference shall be that contained in the CFR in effect as specified in 9VAC5-20-21 B.

B. The following documents from the U.S. Environmental Protection Agency are incorporated herein by reference:

**Model Rule, Increments of Progress**

§ 60.2575, What are my requirements for meeting increments of progress and achieving final compliance?

§ 60.2580, When must I complete each increment of progress?

§ 60.2585, What must I include in the notifications of achievement of increments of progress?

§ 60.2590, When must I submit the notifications of achievement of increments of progress?

§ 60.2595, What if I do not meet an increment of progress?

§ 60.2600, How do I comply with the increment of progress for submittal of a control plan?

§ 60.2605, How do I comply with the increment of progress for achieving final compliance?

§ 60.2610, What must I do if I close my CISWI unit and then restart it?

§ 60.2615, What must I do if I plan to permanently close my CISWI unit and not restart it?

**Model Rule, Waste Management Plan**

§ 60.2620, What is a waste management plan?

§ 60.2625, When must I submit my waste management plan?

§ 60.2630, What should I include in my waste management plan?

**Model Rule, Operator Training and Qualification**

§ 60.2635, What are the operator training and qualification requirements?

§ 60.2640, When must the operator training course be completed?

§ 60.2645, How do I obtain my operator qualification?

§ 60.2650, How do I maintain my operator qualification?

§ 60.2655, How do I renew my lapsed operator qualification?

§ 60.2660, What site-specific documentation is required?

§ 60.2665, What if all the qualified operators are temporarily not accessible?

**Model Rule, Emission Limitations and Operating Limits**

§ 60.2670, What emission limitations must I meet and by when?

§ 60.2675, What operating limits must I meet and by when?

§ 60.2680, What if I do not use a wet scrubber, fabric filter, activated carbon injection, selective noncatalytic reduction, an electrostatic precipitator, or a dry scrubber to comply with the emission limitations?

**Model Rule, Performance Testing**

§ 60.2690, How do I conduct the initial and annual performance test?

§ 60.2695, How are the performance test data used?

### **Model Rule, Initial Compliance Requirements**

§ 60.2700, How do I demonstrate initial compliance with the emission limitations and establish the operating limits?

§ 60.2705, By what date must I conduct the initial performance test?

§ 60.2706, By what date must I conduct the initial air pollution control device inspection?

### **Model Rule, Continuous Compliance Requirements**

§ 60.2710, How do I demonstrate continuous compliance with the emission limitations and the operating limits?

§ 60.2715, By what date must I conduct the annual performance test?

§ 60.2716, By what date must I conduct the annual air pollution control device inspection?

§ 60.2720, May I conduct performance testing less often?

§ 60.2725, May I conduct a repeat performance test to establish new operating limits?

### **Model Rule, Monitoring**

§ 60.2730, What monitoring equipment must I install and what parameters must I monitor?

§ 60.2735, Is there a minimum amount of monitoring data I must obtain?

### **Model Rule, Recordkeeping and Reporting**

§ 60.2740, What records must I keep?

§ 60.2745, Where and in what format must I keep my records?

§ 60.2750, What reports must I submit?

§ 60.2755, When must I submit my waste management plan?

§ 60.2760, What information must I submit following my initial performance test?

§ 60.2765, When must I submit my annual report?

§ 60.2770, What information must I include in my annual report?

§ 60.2775, What else must I report if I have a deviation from the operating limits or the emission limitations?

§ 60.2780, What must I include in the deviation report?

§ 60.2785, What else must I report if I have a deviation from the requirement to have a qualified operator accessible?

§ 60.2790, Are there any other notifications or reports that I must submit?

§ 60.2795, In what form can I submit my reports?

§ 60.2800, Can reporting dates be changed?

### **Model Rule, Title V Operating Permits**

§ 60.2805, Am I required to apply for and obtain a title V operating permit for my unit?

### **Model Rule, Air Curtain Incinerators**

- § 60.2810, What is an air curtain incinerator?
- § 60.2815, What are my requirements for meeting increments of progress and achieving final compliance?
- § 60.2820, When must I complete each increment of progress?
- § 60.2825, What must I include in the notifications of achievement of increments of progress?
- § 60.2830, When must I submit the notifications of achievement of increments of progress?
- § 60.2835, What if I do not meet an increment of progress?
- § 60.2840, How do I comply with the increment of progress for submittal of a control plan?
- § 60.2845, How do I comply with the increment of progress for achieving final compliance?
- § 60.2850, What must I do if I close my air curtain incinerator and then restart it?
- § 60.2855, What must I do if I plan to permanently close my air curtain incinerator and not restart it?
- § 60.2860, What are the emission limitations for air curtain incinerators?
- § 60.2865, How must I monitor opacity for air curtain incinerators?
- § 60.2870, What are the recordkeeping and reporting requirements for air curtain incinerators?

#### **Model Rule, Definitions**

- § 60.2875, What definitions must I know?

#### **TABLES**

Table 2 to Subpart DDDD of Part 60, Model Rule, Emission Limitations That Apply to Incinerators Before February 7, 2018.

Table 3 to Subpart DDDD of Part 60, Model Rule, Operating Limits for Wet Scrubbers.

Table 4 to Subpart DDDD of Part 60, Model Rule, Toxic Equivalency Factors.

Table 5 to Subpart DDDD of Part 60, Model Rule, Summary of Reporting Requirements.

Table 6 to Subpart DDDD of Part 60, Emission Limitations That Apply to Incinerators On and After February 7, 2018.

Table 7 to Subpart DDDD of Part 60, Emission Limitations That Apply to Energy Recovery Units After May 20, 2011, On or After February 7, 2018.

Table 8 to Subpart DDDD of Part 60, Emission Limitations That Apply to Waste-Burning Kilns After February 7, 2018.

Table 9 to Subpart DDDD of Part 60, Emission Limitations That Apply to Small, Remote Incinerators After February 7, 2018.

#### **HISTORICAL NOTES:**

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