
TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #06-437

DIGEST

Adds [326 IAC 11-9](#) concerning other solid waste incineration units. Effective 30 days after filing with the Publisher.

HISTORY

[IC 13-14-9-7](#) Notice of Comment Period: October 11, 2006, Indiana Register (DIN: [20061011-IR-326060437FDA](#)).

Notice of First Hearing: October 11, 2006, Indiana Register (DIN: [20061011-IR-326060437PHA](#)).

Date of First Hearing: December 6, 2006.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#) until the board has conducted a third comment period that is at least 21 days long. Because this proposed rule is not substantively different from the draft rule published on October 11, 2006 at DIN: [20061011-IR-326060437FDA](#), the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from October 11, 2006, through November 13, 2006, on IDEM's draft rule language. IDEM received comments from the following parties:

Improving Kids' Environment (IKE)

Following is a summary of the comments received and IDEM's responses thereto:

Comment: The commenter is pleased that U.S. EPA has adopted this rule that will apply to small incineration units. The burning of solid waste is not the preferred alternative, and these types of small incineration units may be located in neighborhoods where the public may be exposed to the emissions from incinerated waste. (IKE)

Response: IDEM appreciates the comment.

Comment: IDEM should check into incinerators located at schools and plan for outreach to the kinds of institutions that might still have an incinerator on-site so that these affected sources are aware of this rule. (IKE)

Response: IDEM agrees and will continue to provide information to potentially affected sources. Many of these small incineration units have closed down over the years.

Comment: The commenter is concerned that the rule does not apply to incinerators located at grocery stores because they do not meet the definition of institutional waste or municipal solid waste provided for in the federal rule. Grocery stores, which are located in neighborhoods close to their customers, should not be burning solid waste. Even though some jurisdictions may ban incinerators at grocery stores, many do not. The commenter requests that IDEM extend the provisions of this rule to cover grocery stores. (IKE)

Response: Retail stores, such as grocery stores, are not subject to this rulemaking because the definition of municipal solid waste included in the federal rule specifies that the incinerator must be combusting waste that is "collected from" multiple establishments. U.S. EPA believes that these types of units are properly addressed under another incinerator rule, Commercial and Industrial Solid Waste Incineration (CISWI) under 40 CFR 60, Subparts CCCC and DDDD. Although, the CISWI rule currently excludes these types of units because the definition of municipal solid waste in the CISWI rule does not use the "collected from" language, U.S. EPA intends to address regulation of such units under future revisions to the CISWI rule. U.S. EPA has indicated to IDEM that they may propose these revisions to the CISWI rule next summer. IDEM intends to wait for the federal amendments to regulate these types of units.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On December 6, 2006, the Air Pollution Control Board (board) conducted the first public hearing/board meeting concerning the development of new rule [326 IAC 11-9](#). No comments were made at the first hearing.

[326 IAC 11-9](#)

SECTION 1. [326 IAC 11-9](#) IS ADDED TO READ AS FOLLOWS:

Rule 9. Other Solid Waste Incineration Units

326 IAC 11-9-1 Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to an incineration unit that is:

- (1) an existing incineration unit as defined in 40 CFR 60.2992*; and
- (2) another solid waste incineration (OSWI) unit as defined in 40 CFR 60.3078* or air curtain incinerator described in 40 CFR 60.2994*. OSWI units are very small municipal waste combustion units and institutional waste incineration units as defined in 40 CFR 60.3078*.

(b) This rule does not apply to incineration units excluded under 40 CFR 60.2993*.

(c) Notifications, applications, and requests for excluded sources under 40 CFR 60.2993* shall be submitted to both the department and U.S. EPA.

*These documents are incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-9-1](#))

326 IAC 11-9-2 Definitions

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 2. For purposes of this rule, these terms used in 40 CFR 60.3000 through 40 CFR 60.3078* are defined as follows:

- (1) "Administrator" means the commissioner of the department of environmental management.
- (2) "You" means the owner or operator of an OSWI unit or air curtain incinerator subject to this rule.

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(Air Pollution Control Board; [326 IAC 11-9-2](#))

326 IAC 11-9-3 Requirements; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. The air pollution control board incorporates by reference the following sections of 40 CFR 60, Subpart FFFF, Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction On or Before December 9, 2004:

- (1) 40 CFR 60.3000 through 40 CFR 60.3002 Compliance Schedule*.
- (2) 40 CFR 60.3010 through 40 CFR 60.3012 Waste Management Plan*.
- (3) 40 CFR 60.3014 through 40 CFR 60.3020 Operator Training and Qualification*.
- (4) 40 CFR 60.3022 through 40 CFR 60.3025 Emission Limitations and Operating Limits*.
- (5) 40 CFR 60.3027 and 40 CFR 60.3028 Performance Testing*.
- (6) 40 CFR 60.3030 and 40 CFR 60.3031 Initial Compliance Requirements*.
- (7) 40 CFR 60.3033 through 40 CFR 60.3036 Continuous Compliance Requirements*.

- (8) 40 CFR 60.3038 through 40 CFR 60.3044 Monitoring*.
- (9) 40 CFR 60.3046 through 40 CFR 60.3057 Record Keeping and Reporting*.
- (10) 40 CFR 60.3059 and 40 CFR 60.3060 Title V Operating Permits*.
- (11) 40 CFR 60.3061 Temporary-Use Incinerators and Air Curtain Incinerators Used in Disaster Recovery*.
- (12) 40 CFR 60.3062 through 40 CFR 60.3069 Air Curtain Incinerators that Burn Only Wood Waste, Clean Lumber, and Yard Waste*.
- (13) 40 CFR 60.3076 Equations*.
- (14) 40 CFR 60.3078 Definitions*.
- (15) 40 CFR 60, Subpart FFFF, Tables 1 through 5*.

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(Air Pollution Control Board; [326 IAC 11-9-3](#))

[326 IAC 11-9-4](#) Compliance deadlines

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 4. The final compliance date for 40 CFR 60, Subpart FFFF, Table 1* is the earlier of the following dates:

- (1) Three (3) years from the effective date of this rule.
- (2) December 16, 2010.

*This document is incorporated by reference and may be obtained from the Government Printing Office, 732 North Capitol, Washington, D.C. 20401 or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-9-4](#))

[Notice of Public Hearing](#)

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