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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**Final Rule**

LSA Document #06-437(F)

**DIGEST**

Adds [326 IAC 11-9](#) concerning other solid waste incinerators. 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.

Proposed Rule: December 27, 2006, Indiana Register (DIN: [20061227-IR-326060437PRA](#)).

Notice of Public Hearing: December 27, 2006, Indiana Register (DIN: [20061227-IR-326060437PHA](#)).

Date of Second Hearing: February 7, 2007.

**[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 an:**

- (1) existing incineration unit as defined in 40 CFR 60.2992\*; and**
- (2) other 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](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#))

**[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.

\*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 11-9-2](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#))

### [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\*, as amended by 71 FR 67806 (November 24, 2006)\*.
- (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\*, as amended by 71 FR 67806 (November 24, 2006)\*.

\*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 11-9-3](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#))

### [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](#); filed Jul 10, 2007, 2:19 p.m.: [20070808-IR-326060437FRA](#))

LSA Document #06-437(F)

Proposed Rule: [20061227-IR-326060437PRA](#)

Hearing Held: February 7, 2007

Approved by Attorney General: June 29, 2007

Approved by Governor: July 10, 2007

Filed with Publisher: July 10, 2007, 2:19 p.m.

Documents Incorporated by Reference: 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; 71 FR 67806 (November 24, 2006), amendments to Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction On or Before December 9, 2004

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