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**TITLE 326 AIR POLLUTION CONTROL BOARD****FINDINGS AND DETERMINATION OF THE COMMISSIONER  
PURSUANT TO [IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD**  
LSA Document #10-733**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments at [326 IAC 11-6](#) concerning revised federal regulations for hospital/medical/infectious waste incinerators that were published on October 6, 2009 (74 FR 51368). The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** [326 IAC 11-6](#).

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

**STATUTORY REQUIREMENTS**

[IC 13-14-9-7](#) recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the First Notice of Comment Period would provide no substantial benefit, IDEM may forgo this comment period and proceed directly to the Second Notice of Comment Period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the Second Notice of Comment Period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under ([IC 13-14-9-3](#))... would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

**BACKGROUND**

This rulemaking incorporates amendments to federal air emission standards for existing hospital/medical/infectious waste incinerators (HMIWI) for which construction was commenced on or before June 20, 1996. Standards for these sources were adopted by U.S. EPA for the first time on September 15, 1997. On October 6, 2009 (74 FR 51368), U.S. EPA published a final rule amending the emission standards for new and existing HMIWI. This federal action addresses U.S. EPA's response to the U.S. Court of Appeals remand of the original 1997 standards as well as the Clean Air Act Section 129 requirement to review and, if appropriate, revise the new source performance standards (NSPS) and "emission guidelines" for existing sources for each incinerator category every five years. For existing HMIWI, the goal of the federal action is to amend the standards to reflect the actual performance levels being achieved by existing HMIWI units. For new HMIWI units, the goal of the federal action is to amend the standards to reflect the performance level achievable by HMIWI units to be constructed in the future.

There are three types of revisions that resulted from U.S. EPA's review of the standards: revisions to the emission limits; revisions to compliance testing provisions; and other revisions. The emission limits have been reduced for all regulated pollutants: hydrogen chloride (HCl), carbon monoxide (CO), dioxin/furan, mercury, cadmium, lead, particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), and nitrogen oxides (NO<sub>x</sub>), plus opacity. Sources can use results of their previous emission tests to demonstrate initial compliance with the revised emission limits as long as the sources certify that the previous test results are representative of current conditions. The compliance testing provisions have been revised to allow the use of continuous emissions monitoring systems (CEMS) for CO, PM, HCl, multi-metals, and mercury, and integrated sorbent trap mercury monitoring and dioxin monitoring. The amendments require all HMIWI to demonstrate initial compliance with the revised NO<sub>x</sub> and SO<sub>2</sub> emission limits. The 1997 standards did not require testing and demonstration of compliance with NO<sub>x</sub> and SO<sub>2</sub> emission limits. Other revisions include:

- amendments to the waste management plan provisions to promote the segregation of chlorinated plastics

and metals to the extent possible;

- a new requirement for annual inspection of HMIWI equipment and air pollution control devices;
- a new requirement for a visible emissions test of the ash handling operations using Method 22 in Appendix A-7 of 40 CFR Part 60 to be conducted during the initial performance test for the revised emission limits; and
- a revised definition for "minimum secondary chamber temperature" and new definitions for "bag leak detection system", "commercial HMIWI", and "minimum reagent flow rate".

There are currently three HMIWIs operating in Indiana. They are located in St. Joseph, Knox, and Allen counties.

In this rulemaking, IDEM is proposing to update the emission standards originally adopted by the air pollution control board in 1998 to be consistent with the amended federal "emission guidelines" for existing units. The "emission guidelines" for existing sources are not directly enforceable and are implemented by the state through state plans (a state rule or other enforceable mechanism). This rulemaking does not address the NSPS because the NSPS under 40 CFR 60 is incorporated by reference in [326 IAC 12](#) and the amendments to the HMIWI NSPS will be incorporated into state rule in a separate rulemaking through the annual update of the references to the code of federal regulation (CFR) definition. The annual CFR update rulemaking brings into state rules any NSPS promulgated by U.S. EPA in the previous year.

Consistent with Clean Air Act Section 129, U.S. EPA expects states to require compliance as expeditiously as practicable after approval of a state plan, but no later than three years from the date of approval or five years after promulgation of the revised standards, whichever is earlier. Because owners and operators of HMIWI may find it necessary to retrofit existing emissions control equipment or install additional emissions control equipment in order to meet the revised limits, U.S. EPA is allowing states to provide the maximum compliance period allowed under the Clean Air Act. An owner or operator of a HMIWI who plans to install or upgrade air pollution control equipment can apply for a site-specific compliance schedule that can extend up to five years following publication of the federal amendments. This gives HMIWI up to three years from the date of U.S. EPA approval of a state plan to comply or by October 6, 2014, whichever is earlier. States must specify measurable and enforceable incremental steps of progress towards compliance for facilities to install the necessary air pollution control equipment to ensure compliance by October 6, 2014. The compliance date for the revisions to monitoring and reporting requirements take effect on the effective date of this rule. The federal regulations call for the initial inspection of equipment and air pollution control devices to occur no later than one year following approval of the state plan.

IDEM is proposing to adopt the same emission limits that are in the federal "emission guidelines". IDEM is also proposing to revise [326 IAC 11-6-9](#) since the compliance schedule for the original emission limits needs to be revised. IDEM seeks comments on the amendments to [326 IAC 11-6](#).

#### **[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

#### **Potential Fiscal Impact**

There are no costs imposed by this rule beyond those already imposed by federal law. U.S. EPA expects the trend of HMIWI closures to continue even in the absence of the revised federal regulations. The revised federal regulations are likely to accelerate the trend towards alternative waste disposal options or use of off-site commercial incinerators. This rulemaking will require varying degrees of improvements in performance by most HMIWI. More specifically, the improvements anticipated include: most wet scrubber controlled units adding a fabric filter based system for improved control of PM and metals; most units with fabric filter-based systems adding a packed-bed wet scrubber for improved control of HCl; adding activated carbon injection or increasing activated carbon usage rate for improved mercury and dioxin control; upgrading fabric filter performance for improved control of PM and metals; increasing lime or caustic use for improved control of HCl and, in a few instances, SO<sub>2</sub>; and improvements in combustion methods primarily associated with decreasing CO emissions. U.S. EPA estimates that the total cost for the 57 existing HMIWI nationwide to comply with the revised limits to be approximately \$15.5 million in each of the first three years of compliance.

#### **Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Susan Bem, Rule and State Implementation Plan (SIP) Development Section, Office of Air Quality at (317) 233-5697 or (800) 451-6027 (in Indiana).

#### **Small Business Assistance Information**

IDEM established a compliance and technical assistance (CTAP) program under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on the CTAP program, the monthly CTAP newsletter, and other resources available can be found at:

<http://www.in.gov/idem/4108.htm>

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Alison Beumer  
IDEM Compliance and Technical Assistance Program - OPPTA  
MC 60-04 IGCS W041  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 232-8172 or (800) 988-7901  
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Ryan Asberry  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 232-8962  
smallbizombudsman@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Brad Baughn  
IDEM Small Business Assistance Program Ombudsman  
MC 50-01 IGCN 1307  
100 North Senate Avenue  
Indianapolis, IN 46204-2251  
(317) 234-3386  
bbaughn@idem.in.gov

## FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on hospital/medical/infectious waste incinerator amendments. These findings are prepared under [IC 13-14-9-7](#) and are as follows:

- (1) The federal rule requires states to revise rules previously adopted to implement the requirements contained in 40 CFR 60, Subpart Ce. The limited policy option in this rule that IDEM considered is the effective date of the revised emission limits for designated facilities planning to install necessary air pollution control equipment. IDEM is proposing that the revised limits will take effect by October 6, 2014, the latest date allowed by federal law. IDEM believes this notice and subsequent hearings provide sufficient opportunity for public input on this rulemaking.
- (2) The rulemaking is an incorporation of federal regulations that have already gone through a rigorous public comment process.
- (3) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (4) The draft rule is hereby incorporated into these findings.

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Thomas W. Easterly  
Commissioner  
Indiana Department of Environmental Management

## REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the rule. Mailed comments should be addressed to:

#10-733 (APCB) 2009 HMIWI Amendments  
Susan Bem Mail Code 61-50  
Rule and SIP Development Section  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, Indiana 46204

Hand delivered comments will be accepted by the receptionist on duty at the tenth floor reception desk, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 233-5967, Monday through Friday,

between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling the Rule and State Implementation Plan Development Section at (317) 234-6530.

### COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or hand delivered by January 14, 2011.

Additional information regarding this action may be obtained from Susan Bem, Rule and State Implementation Plan (SIP) Development Section, Office of Air Quality, (317) 233-5697 or (800) 451-6027 (in Indiana).

### DRAFT RULE

SECTION 1. [326 IAC 11-6-1](#) IS AMENDED TO READ AS FOLLOWS:

#### [326 IAC 11-6-1](#) 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) Except as provided in subsections (b) and (c), this rule applies to each hospital/medical/infectious waste incinerator, **referred to as designated facility**, for which construction was commenced:

- (1) on or before June 20, 1996, hereafter referred to as "~~designated facility~~". **or for which modification was commenced on or before March 16, 1998; or**
- (2) **after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.**

(b) The following are exempt from this rule:

(1) Any combustor during periods when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned, regardless of whether the waste meets the definition of hospital waste or medical/infectious waste, provided the owner or operator of the combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Maintains records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, or chemotherapeutic waste, or any combination of these wastes, is burned.

(2) Any cofired combustor if the owner or operator of the cofired combustor does the following:

(A) Notifies the department and U.S. EPA of an exemption claim.

(B) Provides the department and U.S. EPA with an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels or wastes to be combusted.

(C) Maintains records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the cofired combustor.

(3) Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act (42 U.S.C. 6925)\*.

(4) Any combustor that meets the applicability requirements under 40 CFR 60, Subpart Cb\*, Ea\*, or Eb\* (standards or guidelines for certain municipal waste combustors).

(5) Any pyrolysis unit.

(6) Cement kilns firing hospital waste or medical/infectious waste, or any combination of these wastes.

(c) Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission limits under this rule:

(1) are not considered modifications; and

(2) do not result in an existing hospital/medical/infectious waste incinerator becoming subject to 40 CFR 60, Subpart Ec\*.

(d) The provisions in 40 CFR Part 60.24(f)\* shall not apply to designated facilities.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-1](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078)

SECTION 2. [326 IAC 11-6-2](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 11-6-2](#) 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. (a) Terms used in this rule have the meaning given ~~set forth~~ **set forth** in the following definition sections:

- (1) 40 CFR 60, Subpart Ce, Section 60.31e\*.
- (2) **40 CFR 60**, Subpart Ec, Section 60.51c\*, **as revised July 1, 2010**.

(b) If a term is not defined in ~~subdivision (1)~~ **subsection (a)(1)** or ~~subdivision (2)~~, **(a)(2)**, then the term has the meaning ~~defined~~ **set forth** in the CAA and 40 CFR 60, Subpart A\* and 40 CFR 60, Subpart B\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-2](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1964; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3078)

SECTION 3. [326 IAC 11-6-3](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 11-6-3](#) Permits

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

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

Sec. 3. Designated facilities shall submit an application for a Part 70 permit, in accordance with [326 IAC 2-7-4](#), to the department no later than ~~the earlier of the following:~~

- ~~(1) One (1) year from the effective date of this rule; or~~
- ~~(2) September 15, March 11, 2000.~~

(Air Pollution Control Board; [326 IAC 11-6-3](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

SECTION 4. [326 IAC 11-6-4](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 11-6-4](#) Emission limits

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

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

Sec. 4. (a) The designated facility shall not exceed the emission limits specified in the following:

- (1) 40 CFR 60, Subpart Ce, ~~Section 60.33e(a)\*~~. **Table 1A\***, **as revised July 1, 2010**.
- (2) 40 CFR 60, Subpart Ec, ~~Section 60.52e(b)\*~~. **60.52c(b)(1)\***, **as revised July 1, 2010**.

~~(b) The emission limit for cadmium for large sources is sixteen hundredths (0.16) milligram per dry standard cubic meter (seven hundredths (0.07) grain per thousand (1,000) dry standard cubic feet) or sixty five percent (65%) reduction.~~

**(b) The designated facility shall not exceed the emission limits, according to the compliance schedule in section 9 of this rule, specified in the following:**

**(1) 40 CFR 60, Subpart Ce, Table 1B\*, as revised July 1, 2010.**

**(2) 40 CFR 60, Subpart Ec, Section 60.52c(b)(2)\*, as revised July 1, 2010.**

**(c) A designated facility, as defined in section 1(a)(2) of this rule, shall comply with the emission limits in 40 CFR 60, Subpart Ec, Table 1A\*, as revised July 1, 2010, and subsection (2), whichever is more stringent.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20401 and are available for review and 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 11-6-4](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)*

SECTION 5. [326 IAC 11-6-5](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 11-6-5](#) Operator training and qualification requirements**

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

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

Sec. 5. (a) The owner or operator of a designated facility shall comply with the operator training requirements specified in 40 CFR 60, Subpart Ec, Section 60.53c\*.

(b) Compliance with operator training and qualification requirements shall be achieved ~~within one (1) year after the effective date of this rule.~~ **by March 11, 2000.**

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-5](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)*

SECTION 6. [326 IAC 11-6-6](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 11-6-6](#) Waste management plans**

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

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

Sec. 6. (a) The owner or operator of a designated facility shall prepare a waste management plan as specified in 40 CFR 60, Subpart Ec, Section 60.55c\*, **as revised July 1, 2010.**

(b) The waste management plan shall be submitted to the department by the date specified in 40 CFR 60, Subpart Ec, Section 60.58c(c)\*.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-6](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3079)

SECTION 7. [326 IAC 11-6-7](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 11-6-7](#) Compliance, performance testing, and monitoring**

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

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

Sec. 7. (a) Performance tests shall be conducted and compliance shall be determined in accordance with the test methods and procedures found in 40 CFR 60, Subpart Ec, Section 60.56c\*, **as revised July 1, 2010**, excluding the **following**:

(1) **Annual** fugitive emissions testing requirements under Section ~~60.56c(b)(12)\*~~ and 60.56c(c)(3)\*, **as revised July 1, 2010**.

(2) **Carbon monoxide continuous emissions monitoring (CO CEMS)** requirements under Section 60.56c(c)(4)\*, **as revised July 1, 2010**.

(3) **Compliance monitoring requirements for monitoring listed in the following:**

(A) Section 60.56c(c)(5)(ii) through 60.56c(c)(5)(v)\*, **as revised July 1, 2010**.

(B) Section 60.56c(c)(6)\*, **as revised July 1, 2010**.

(C) Section 60.56c(c)(7)\*, **as revised July 1, 2010**.

(D) Section 60.56c(e)(6) through 60.56c(e)(10)\*, **as revised July 1, 2010**.

(E) Section 60.56c(f)(7) through 60.56c(f)(10)\*, **as revised July 1, 2010**.

(F) Section 60.56c(g)(6) through 60.56c(g)(10)\*, **as revised July 1, 2010**.

Sources subject to the emission limits in section 4(b) of this rule may elect to use CO CEMS as specified under Section 60.56c(c)(4)\*, **as revised July 1, 2010**, or bag leak detection systems as specified in Section 60.56c(h)\*, **as revised July 1, 2010**.

(b) The performance testing shall also meet the requirements of [326 IAC 3-6](#), source sampling procedures, including the submittal of a test protocol ~~no~~ **not** later than thirty-five (35) days prior to the intended test date. The test methods in 40 CFR 60, Subpart Ec, Section 60.56c\*, **as revised July 1, 2010**, shall not be modified unless approved by the **U.S.** EPA administrator.

(c) The owner or operator of a designated facility shall comply with the monitoring requirements specified in 40 CFR 60, Subpart Ec, Section 60.57c\*, **as revised July 1, 2010**.

**(d) The owner or operator of a designated facility may use the results of previous emissions tests to demonstrate compliance with the emission limits in section 4(b) or 4(c) of this rule, provided that the following conditions in 40 CFR 60, Subpart Ce, Section 60.37e(f)\*, as revised July 1, 2010.**

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

(Air Pollution Control Board; [326 IAC 11-6-7](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1965; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080)

SECTION 8. [326 IAC 11-6-7.1](#) IS ADDED TO READ AS FOLLOWS:

**[326 IAC 11-6-7.1](#) Inspection requirements**

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

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

**Sec. 7.1. (a) The owner or operator of a designated facility shall undergo the following:**

- (1) An initial equipment inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(a)\*, within one (1) year after the effective date of the 2011 amendments to this rule.
- (2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

(b) The owner or operator of a designated facility shall undergo the following:

- (1) An initial air pollution control device inspection that meets the requirements specified in 40 CFR 60, Subpart Ce, Section 60.36e(c)\*, as revised July 1, 2010, within one (1) year after the effective date of the 2011 amendments to this rule.
- (2) An equipment inspection annually thereafter, but not more than twelve (12) months following the previous annual equipment inspection, as outlined in subdivision (1).

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-7.1](#))

SECTION 9. [326 IAC 11-6-8](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 11-6-8](#) Reporting and record keeping requirements

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

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

Sec. 8. (a) The owner or operator of a designated facility shall comply with the following reporting and record keeping requirements in 40 CFR 60, Subpart Ec, Section 60.58c(b) through 60.58c(g)\*, as revised July 1, 2010, excluding the following:

- (1) 40 CFR 60, Subpart Ec, Section 60.58c(b)\*, excluding 40 CFR 60, Subpart Ec, 60.58c(b)(2)(ii) (fugitive emissions)\*, and 60.58c(b)(2)(xviii) (bag leak detection system alarms)\*, as revised July 1, 2010.
- (2) 40 CFR 60, Subpart Ec, Section 60.58c(b)(2)(xix) (CO CEMS data)\*, as revised July 1, 2010.
- (3) 40 CFR 60, Subpart Ec, 60.58c(b)(7) (siting)\*.
- (2) 40 CFR 60, Subpart Ec, Section 60.58c(e)\*.
- (3) 40 CFR 60, Subpart Ec, Section 60.58c(d)\*.
- (4) 40 CFR 60, Subpart Ec, Section 60.58c(e)\*.
- (5) 40 CFR 60, Subpart Ec, Section 60.58c(f)\*.

(b) The owner or operator of a designated facility shall **do the following**:

- (1) Comply with information requests made by the department in order to develop the emissions inventory to be included in the state plan required by 40 CFR 60, Subpart B, Section 60.25(a)\*. ~~The owner or operator shall~~
- (2) Submit the information to the department within sixty (60) days of receipt of request.
- (3) **Maintain records of the annual equipment inspections that are required under section 7.1 of this rule, any required maintenance, and any repairs not completed within ten (10) days of an inspection.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and 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 11-6-8](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3080)

SECTION 10. [326 IAC 11-6-9](#) IS AMENDED TO READ AS FOLLOWS:

### [326 IAC 11-6-9](#) Compliance schedule

Sec. 9. (a) Except as provided in subsections (b) and (d), each designated facility shall be in compliance with: ~~all provisions of this rule no later than the earlier of the following:~~

(1) ~~one (1) year from the effective date of this rule; or~~ **the emission limits in section 4(a) of this rule by March 31, 2002; and**

(2) ~~September 15, 2000;~~ **the emission limits in section 4(b) or 4(c) of this rule within one (1) year after the effective date of the 2011 amendments to this rule;**

regardless of whether the designated facility is identified in the state plan inventory required by 40 CFR 60, Subpart B, Section 60.25(a)\*.

(b) The owner or operator of a designated facility planning to install the necessary air pollution control equipment **to meet the emission limits in section 4(b) or 4(c) of this rule** shall be in compliance with ~~all provisions of this rule~~ **the emission limits in section 4(b) or 4(c) of this rule** no later than ~~March 31, 2002,~~ **October 6, 2014**, provided that the designated facility complies with the measurable and enforceable incremental steps of progress in this subsection. The owner or operator of the designated facility shall do the following:

(1) Submit a final control plan to the department no later than ~~June 30, 1999.~~ **October 6, 2012.**

(2) Award contracts for emission control systems or for process modifications, or issuance of orders for the purchase of component parts to accomplish emission control or process modifications no later than ~~March 31, 2000.~~ **May 6, 2013.**

(3) Initiate on-site construction or installation of emission control equipment or process change no later than ~~March 31, 2004.~~ **January 6, 2014.**

(4) Complete on-site construction or installation of emission control equipment or process change no later than ~~September 30, 2004.~~ **August 6, 2014.**

(5) Be in final compliance no later than ~~March 31, 2002.~~ **October 6, 2014.**

(c) The owner or operator shall notify the department within thirty (30) days of the applicable date in subsection (b) if an incremental step of progress is not completed by that date. Notifying the department under this subsection does not preclude an enforcement action for failure to meet the compliance dates in subsection (b).

(d) The owner or operator of a designated facility may petition the department to establish an alternative compliance schedule for closure of the incinerator for installation of an on-site alternative waste treatment technology. The compliance schedule shall allow final compliance no later than ~~March 31, 2002.~~ **October 6, 2014.** The designated facility requesting an extension shall submit the following information to the department within eight (8) months from the effective date of **the 2011 amendments to this rule:**

(1) Documentation of the analyses undertaken to support the need for an extension, including an explanation of why additional time is necessary. The documentation shall include an evaluation of the option to transport the waste off-site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis.

(2) A detailed compliance plan including documentation of measurable and enforceable incremental steps of progress to be taken towards compliance with this rule.

(e) The department shall grant or deny the petition for extension stating reasons for granting or denying in a written response to the facility within one hundred twenty (120) days of receipt of a complete petition containing the information required in subsection (d).

(f) An owner or operator of a designated facility ~~that follows the compliance schedule under subsection (b) or receives an extension under subsection (e)~~ shall be in compliance with the operator training and qualification requirements of section 5(a) of this rule ~~within one (1) year after the effective date of this rule.~~ **by March 11, 2000.**

\*Copies of the Code of Federal Regulations (CFR) referenced in this rule may be obtained from the Government Printing Office, Washington, D.C. 20402 and are available for copying at the Indiana Department of Environmental Management, Office of Air Management, Indiana Government Center North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 11-6-9](#); filed Feb 9, 1999, 4:28 p.m.: 22 IR 1966; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477)

[Notice of Public Hearing](#)

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