6.200 Rule File eff 7/30/01 ~~and SIP~~
AND SIPs - Hospital, Medical Infectious Waste 111(d) plan

FILE COPY

STATE OF MISSOURI

Bob Holden, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

MEMORANDUM

DATE: JUL -6 2001

TO: Roger D. Randolph, Director
Air Pollution Control Program

FROM: James L. Kavanaugh, Chief
Planning Section

Fix & Send
FAX

SUBJECT: Request for Signature on a Revision Submittal for the Missouri State Implementation Plan (SIP)

The attached letter submits to the U.S. Environmental Protection Agency (EPA) Region VII, a proposed revision to the Missouri SIP. This proposed revision to the SIP applies to the entire state of Missouri and amends two definitions for consistency with current federal standards. The definitions of co-fired combustor and medical/infectious waste have been amended to add. ? explanatory language

The attached proposed SIP revision meets the completeness criteria defined by EPA, explanatory language.

JLK:pfms

Attachment

STATE OF MISSOURI
Bob Holden, Governor • Stephen M. Mahfood, Director
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

JUL 13 2001

Mr. William Rice
Regional Administrator
U.S. EPA, Region VII
901 North Fifth Street
Kansas City, KS 66101

Dear Mr. Rice:

The Missouri Air Conservation Commission has recently revised or promulgated the following regulation(s). The following is enclosed for your review:

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators

This rule amendment revises the definitions of co-fired combustor and medical/infectious waste to add explanatory language.

The commission adopted the enclosed rule action(s) on March 29, 2001, after considering comments received during the public hearing held on February 6, 2001. The commission has full legal authority to develop rules pursuant to Section 643.050 of the Missouri Air Conservation Law. The state followed all applicable administrative procedures in proposing and adopting the rule action(s). Enclosed are the required submittal elements.

The Missouri Department of Natural Resources requests that the U.S. Environmental Protection Agency approve this plan for existing hospital, medical/infectious waste incinerators pursuant to section 111(d) of the Clean Air Act.

Thank you for your attention to this matter. If you have any questions regarding this submittal, please contact James L. Kavanaugh, Missouri Department of Natural Resources' Air Pollution Control Program at (573) 751-4817.

Sincerely,

AIR POLLUTION CONTROL PROGRAM

Original signed by Roger D. Randolph

Roger D. Randolph
Director

RDR:pfms

Enclosures:

Copy of rule published in CSR
Copy of commission signature page certifying Missouri Air Conservation Commission adoption
Copy of technical support documentation for rule (if applicable)
Copies of public hearing newspaper notices
Copy of public hearing transcript introductory statement
Copy of MO Reg order of rulemaking with comments/responses

c: Missouri Air Conservation Commission

10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin

PURPOSE: This rule restricts the emission of particulate matter to the ambient air beyond the premises of origin.

(1) Restrictions to Limit Fugitive Particulate Matter Emissions. It shall be a violation of this regulation if, in the opinion of the staff director—

(A) Any person causes or allows to occur any handling, transporting or storing of any material; construction, repair, cleaning or demolition of a building or its appurtenances; construction or use of a road, driveway or open area; or operation of a commercial or industrial installation without applying reasonable measures as may be required to prevent, or in a manner which allows or may allow, fugitive particulate matter emissions to go beyond the premises of origin in quantities that the particulate matter may be found on surfaces beyond the property line of origin. The nature or origin of the particulate matter shall be determined to a reasonable degree of certainty by a technique proven to be accurate and approved by the director; or

(B) Any person causes or allows to occur any fugitive particulate matter emissions to remain visible in the ambient air beyond the property line of origin.

(2) Should the director determine that noncompliance with section (1) has occurred at a location, the director may require reasonable control measures, as may be necessary. These measures may include, but are not limited to, the following:

A. Revision of procedures involving construction, repair, cleaning and demolition of buildings and their appurtenances that produce particulate matter emissions;

B. Paving or frequent cleaning of roads, driveways and parking lots;

C. Application of dust-free surfaces;

D. Application of water; and

E. Planting and maintenance of vegetative ground cover.

(3) Exceptions. Section (1) shall not apply to the following:

(A) Those portions of unpaved public roads that are not designated as nonattainment areas for particulate matter;

(B) Agricultural operations including tilling, planting, cultivating or harvesting within a field, the moving of livestock on foot or the hauling of produce within the confines of a farm; and

(C) Driveways limited to residential use.

(4) The staff director may allow an exemption for unusual and adverse weather conditions for any activity which would otherwise be a violation of section (1). These conditions may include, but are not limited to, high winds, extended dry weather periods and extreme cold weather periods.

AUTHORITY: section 643.050, RSMo Supp. 1997. Original rule filed March 5, 1990, effective Nov. 30, 1990. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Jan. 2, 1998, effective Aug. 30, 1998.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1995.*

10 CSR 10-6.180 Measurement of Emissions of Air Contaminants

PURPOSE: This rule provides that upon request any source shall complete, or have completed, tests of emissions or, at the option of the agency, make the source available for tests of emissions.

(1) Responsible Persons to Have Tests Made. The director may require any person responsible for the source of emission of air contaminants to make or have made tests to determine the quantity or nature, or both, of emission of air contaminants from the source. The director may specify testing methods to be used in accordance with good professional practice. The director may observe the testing. All tests shall be conducted by reputable, qualified personnel. The director shall be given a copy of the test results in writing and signed by the person responsible for the tests.

(2) Director May Make Tests. The director may conduct tests of emissions of air contaminants from any source. Upon request of the director, the person responsible for the source to be tested shall provide necessary ports in stacks or ducts and other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

AUTHORITY: section 643.050, RSMo Supp. 1992. Original rule filed Aug. 2, 1990, effective Dec. 31, 1990.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992.*

10 CSR 10-6.190 Sewage Sludge and Industrial Waste Incinerators

Editor's Note: On March 29, 1993 the Circuit Court of Cole County found that 10 CSR 10-6.190 was void since it exceeds the statutory cost analysis requirements of sections 536.200 and 536.205, RSMo.

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators

PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Applicability.

(A) Except as provided in subsection (1)(B) through (H) of this rule, this rule applies to each individual hospital or medical/infectious waste incinerator (HMIWI) for which construction was commenced on or before June 20, 1996.

(B) A combustor is not subject to this rule during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor—

1. Notifies the director of an exemption claim; and

2. Keeps records on a calendar-quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

(C) Any co-fired combustor is not subject to this rule if the owner or operator of the co-fired combustor—

1. Notifies the director of an exemption claim;

2. Provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and

3. Keeps 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 co-fired combustor.

(D) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this rule.

(E) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR part 60 is not subject to this rule.

(F) Any pyrolysis unit is not subject to this rule.

(G) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this rule.

(H) Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with this rule are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR part 60 subpart Ec.

(I) Beginning September 15, 2000, designated facilities subject to this rule shall operate pursuant to a permit issued under the permitting authorities operating permit program.

(2) Definitions.

(A) Batch HMIWI means an HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.

(B) Biologicals means preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

(C) Bypass stack means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

(D) Chemotherapeutic waste means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.

(E) Co-fired combustor means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar-quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other wastes" when calculating the percentage of hospital waste and medical/infectious waste combusted.

(F) Continuous HMIWI means an HMIWI that is designed to allow waste charging and ash removal during combustion.

(G) Department means the Department of Natural Resources.

(H) Dioxins/furans means the combined emission of tetra- through octa-chlorinated dibenzo-para-dioxins and dibenzofurans.

(I) Director means the director of the Department of Natural Resources.

(J) Dry scrubber means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in the HMIWI exhaust stream forming a dry powder material.

(K) Hospital means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admissions. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

(L) Hospital/medical/infectious waste incinerator or HMIWI or HMIWI unit means any device that combusts any amount of hospital waste and/or medical/infectious waste.

(M) Hospital waste means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

(N) Intermittent HMIWI means an HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

(O) Large HMIWI means an HMIWI whose maximum design waste burning capacity is more than five hundred (500) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is more than five hundred (500) pounds per hour, or a batch HMIWI whose maximum charge rate is more than four thousand (4,000) pounds per day.

(P) Low-level radioactive waste means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)).

(Q) Maximum charge rate means for continuous and intermittent HMIWI, one hundred ten percent (110%) of the lowest three (3)-hour average charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits or for batch HMIWI, one hundred ten percent (110%) of the lowest daily charge rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(R) Maximum fabric filter inlet temperature means one hundred ten percent (110%) of the lowest three (3)-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

(S) Maximum flue gas temperature means one hundred ten percent (110%) of the lowest three (3)-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

(T) Medical/infectious waste means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs (2)(T)1. through (2)(T)7. below. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR part 261; household waste, as defined in 40 CFR part 261.4(b)(1); ash from incineratioin of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR part 261.4(a)(1).

1. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

2. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

3. Human blood and blood products including:

A. Liquid waste human blood;

B. Products of blood;

C. Items saturated and/or dripping with human blood; and

D. Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

4. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

5. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

6. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

7. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

(U) Medium HMIWI means an HMIWI whose maximum design waste burning capacity is more than two hundred (200) pounds per hour but less than or equal to five hundred (500) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour but less than or equal to five hundred (500) pounds per hour, or a batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day but less than or equal to four thousand (4,000) pounds per day.

(V) Minimum dioxin/furan sorbent flow rate means ninety percent (90%) of the highest three (3)-hour average dioxin/furan sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxin/furan emission limit.

(W) Minimum Hg sorbent flow rate means ninety percent (90%) of the highest three (3)-hour average Hg sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

(X) Minimum hydrogen chloride (HCl) sorbent flow rate means ninety percent (90%) of the highest three (3)-hour average HCl sorbent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

(Y) Minimum horsepower or amperage means ninety percent (90%) of the highest three (3)-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limit.

(Z) Minimum pressure drop across the wet scrubber means ninety percent (90%) of the highest three (3)-hour average pressure drop across the wet scrubber particulate matter (PM) control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

(AA) Minimum scrubber liquor flow rate means ninety percent (90%) of the highest three (3)-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(BB) Minimum scrubber liquor pH means ninety percent (90%) of the highest three (3)-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all HCl emission limits.

(CC) Minimum secondary chamber temperature means ninety percent (90%) of the highest three (3)-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, carbon monoxide (CO), or dioxin/furan emission limits.

(DD) Pathological waste means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).

(EE) Pyrolysis means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy.

(FF) Small HMIWI means an HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour, or a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour, or a batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day.

(GG) Standard Metropolitan Statistical Area or SMSA means any areas listed in Office of Management and Budget Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" date June 30, 1993 (incorporated by reference).

(HH) Wet scrubber means an add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect particulate matter (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

(3) General Provisions.

(A) Emission Limits.

1. On or after the date on which the initial performance test is completed or September 1, 2000, whichever date comes first, no owner or operator of an existing HMIWI shall cause to be discharged into the atmosphere from that HMIWI any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection, except as provided for in paragraph (3)(A)2. of this rule.

TABLE 1. EMISSION LIMITS FOR SMALL, MEDIUM, AND LARGE HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emission limits HMIWI size		
		Small	Medium	Large
Particulate matter	milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Carbon monoxide	parts per million by volume	40	40	40
Dioxins/furans	nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) 2.3 (1.0)	125 (55) 2.3 (1.0)	125 (55) 2.3 (1.0)
Hydrogen chloride	parts per million by volume or percent reduction	100 or 93 %	100 or 93 %	100 or 93 %
Sulfur dioxide	parts per million by volume	55	55	55
Nitrogen oxides	parts per million by volume	250	250	250
Lead	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70 %	1.2 (0.52) or 70 %	1.2 (0.52) or 70 %
Cadmium	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65 %	0.16 (0.07) or 65 %	0.16 (0.07) or 65 %
Mercury	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85 %	0.55 (0.24) or 85 %	0.55 (0.24) or 85 %

2. Small rural HMIWI located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than two thousand (2,000) pounds per week of hospital waste and medical/infectious waste shall comply with the emission limits described in subparagraphs (3)(A)2.A. and B. of this rule. The two thousand (2,000) pounds per week limitation does not apply during performance tests.

A. On or after the date on which the initial equipment inspection is completed or September 1, 2000, whichever date comes first, no owner or operator of an existing small rural HMIWI shall cause to be discharged into the atmosphere from that HMIWI any gases that contain stack emissions in excess of the limits presented in Table 2 of this subparagraph.

(XIII) Record keeping requirements;

B. An examination designed and administered by the instructor; and

C. Reference material distributed to the attendees covering the course topics.

4. Qualifications shall be obtained by—

A. Completion of a training course that satisfies the criteria under paragraph (3)(B)3. of this rule; and

B. Either six (6) months experience as an HMIWI operator, six (6) months experience as a direct supervisor of an HMIWI operator, or completion of at least two (2) burn cycles under the observation of two (2) qualified HMIWI operators.

5. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

6. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least four (4) hours covering, at a minimum, the following:

A. Update of regulations;

B. Incinerator operation, including startup and shutdown procedures;

C. Inspection and maintenance;

D. Responses to malfunctions or conditions that may lead to malfunction; and

E. Discussion of operating problems encountered by attendees.

7. A lapsed qualification shall be renewed by one (1) of the following methods:

A. For a lapse of less than three (3) years, the HMIWI operator shall complete and pass a standard annual refresher course described in paragraph (3)(B)6. of this rule; or

B. For a lapse of three (3) years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph (3)(B)3. of this rule.

8. The owner or operator of an HMIWI shall maintain documentation at the facility that address the following:

A. Summary of the applicable standards under this subpart;

B. Description of basic combustion theory applicable to an HMIWI;

C. Procedures for receiving, handling, and charging waste;

D. HMIWI startup, shutdown, and malfunction procedures;

E. Procedures for maintaining proper combustion air supply levels;

F. Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;

G. Procedures for responding to periodic malfunction or conditions that may lead to malfunction;

H. Procedures for monitoring HMIWI emissions;

I. Reporting and record keeping procedures; and

J. Procedures for handling ash.

9. The owner or operator of an HMIWI shall establish a program for reviewing the information listed in paragraph (3)(B)8. of this rule annually with each HMIWI operator.

A. The initial review of the information listed in paragraph (3)(B)8. of this rule shall be conducted within six (6) months after the effective date of this rule or prior to assumption of responsibilities affecting HMIWI operation, whichever date is later.

B. Subsequent reviews of the information listed in paragraph (3)(B)8. of this rule shall be conducted annually.

10. The information listed in paragraph (3)(B)8. of this rule shall be kept in a readily accessible location for all HMIWI operators. This information, along with records of training shall be available for inspection by the department or its delegated enforcement agent upon request.

(C) Waste Management Plan. The owner or operator of an HMIWI shall prepare a waste management plan. The waste management plan shall identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. A waste management plan may include, but is not limited to, elements such as paper, cardboard, plastics, glass, battery, or metal recycling; or purchasing recycled or recyclable products. A waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. It should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emission reductions expected to be achieved, and any other environmental or energy impacts they might have. The American Hospital Association publication entitled *An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities* (incorporated by reference) shall be considered in the development of the waste management plan.

(D) Inspection Guidelines.

1. Each small rural HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall undergo an initial equipment inspection by September 1, 2000.

A. At a minimum, an inspection shall include the following:

(I) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation;

(II) Ensure proper adjustment of primary and secondary chamber combustion air;

(III) Inspect hinges and door latches;

(IV) Inspect dampers, fans and blowers for proper operation;

(V) Inspect HMIWI door and door gaskets for proper sealing;

(VI) Inspect motors for proper operation;

(VII) Inspect primary chamber refractory lining;

(VIII) Inspect incinerator shell for corrosion and/or hot spots;

(IX) Inspect secondary/tertiary chamber and stack;

(X) Inspect mechanical loader, including limit switches, for proper operation, if applicable;

(XI) Visually inspect waste bed (grates);

(XII) For the burn cycle that follows the inspection, document that the incinerator is operating properly;

(XIII) Inspect air pollution control devices for proper operation, if applicable;

(XIV) Inspect waste heat boiler systems to ensure proper operation, if applicable;

(XV) Inspect bypass stack components;

(XVI) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and

(XVII) Generally observe that the equipment is maintained in good operating condition.

B. Within ten (10) operating days following an equipment inspection all necessary repairs shall be completed unless the owner or operator obtains written approval from the department or local air pollution control authority establishing a date whereby all necessary repairs of the designated facility shall be completed.

2. Each small rural HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall undergo an equipment inspection annually (no more than twelve (12) months following the previous annual equipment inspection), as outlined in subparagraphs (3)(D)1.A. and B. of this rule.

(E) Compliance and Performance Testing.

TABLE 2. EMISSION LIMITS FOR SMALL RURAL HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emission limits
Particulate matter	milligrams per dry standard cubic meter (grains per dry standard cubic foot)	197 (0.086)
Carbon monoxide	parts per million by volume	40
Dioxins/furans	nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	800 (350) or 15 (6.6)
Hydrogen chloride	parts per million by volume	3100
Sulfur dioxide	parts per million by volume	55
Nitrogen oxides	parts per million by volume	250
Lead	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	10 (4.4)
Cadmium	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	4 (1.7)
Mercury	milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	7.5 (3.3)

B. On or after the date on which the initial inspection is completed or September 1, 2000, whichever date comes first, no owner or operator of an existing small rural HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than ten percent (10%) opacity (six (6)-minute block average).

3. On or after the date on which the initial performance test is completed or September 1, 2000, whichever date comes first, no owner or operator of an existing HMIWI shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than ten percent (10%) opacity (six (6)-minute block average).

(B) Operator Training and Qualification Requirements.

1. No owner or operator of an existing HMIWI shall allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one (1) hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one (1) or more HMIWI operators.

2. Operator training and qualification shall be obtained by completing the requirements included in paragraphs (3)(B)3. through 7. of this rule.

3. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following provisions:

A. Twenty-four (24) hours of training on the following subjects:

(I) Environmental concerns, including pathogen destruction and types of emissions;

(II) Basic combustion principles, including products of combustion;

(III) Operation of the type of incinerator to be used by the operator, including proper startup, waste charging, and shutdown procedures;

(IV) Combustion controls and monitoring;

(V) Operation of air pollution control equipment and factors affecting performance (if applicable);

(VI) Methods to monitor pollutants and equipment calibration procedures (where applicable);

(VII) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(VIII) Actions to correct malfunctions or conditions that may lead to malfunction;

(IX) Bottom and fly ash characteristics and handling procedures;

(X) Applicable federal, state, and local regulations;

(XI) Work safety procedures;

(XII) Pre-startup inspections; and

1. The emission limits under this rule apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the HMIWI during startup, shutdown, or malfunction.

2. Except as provided in paragraph (3)(E)11. of this rule, the owner or operator of an HMIWI shall conduct an initial performance test to determine compliance with the emission limits using the procedures and test methods listed in subparagraphs (3)(E)2.A. through K. of this rule. The use of the bypass stack during a performance test shall invalidate the performance test.

A. All performance tests shall consist of a minimum of three (3) test runs conducted under representative operating conditions.

B. The minimum sample time shall be one (1) hour per test run unless otherwise indicated.

C. EPA Reference Method 1 of 40 CFR part 60, appendix A (incorporated by reference) shall be used to select the sampling location and number of traverse points.

D. EPA Reference Method 3 or 3A of 40 CFR part 60, appendix A (incorporated by reference) shall be used for gas composition analysis, including measurement of oxygen concentration. EPA Reference Method 3 or 3A shall be used simultaneously with each reference method.

E. The pollutant concentrations shall be adjusted to seven percent (7%) oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \% O_2)$$

where:

C_{adj} = pollutant concentration adjusted to 7 percent oxygen

C_{meas} = pollutant concentration measured on a dry basis

(20.9 - 7) = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis)

20.9 = oxygen concentration in air, percent

$\% O_2$ = oxygen concentration measured on a dry basis, percent

F. EPA Reference Method 5 or 29 of 40 CFR part 60, appendix A (incorporated by reference) shall be used to measure the PM emissions.

G. EPA Reference Method 9 of 40 CFR part 60, appendix A (incorporated by reference) shall be used to measure stack opacity.

H. EPA Reference Method 10 or 10B of 40 CFR part 60, appendix A (incorporated by reference) shall be used to measure the CO emissions.

I. EPA Reference Method 23 of 40 CFR part 60, appendix A (incorporated by reference) shall be used to measure total dioxin/furan emissions. The minimum sample time shall be four (4) hours per test run. If the affected facility has selected the toxic equivalency standards for dioxin/furans the following procedures shall be used to determine compliance:

(I) Measure the concentration of each dioxin/furan tetra- through octa-congener emitted using EPA Reference Method 23;

(II) For each dioxin/furan congener measured in accordance with part (3)(E)2.I.(I) of this rule, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 of this part; and

TABLE 3. TOXIC EQUIVALENCY FACTORS

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.001

(III) Sum the products calculated in accordance with part (3)(E)2.I.(II) of this rule to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

J. EPA Reference Method 26 of 40 CFR part 60, appendix A (incorporated by reference) shall be used to measure HCl emissions. If the affected facility has selected the percentage reduction standards for HCl under section (3) of this rule, the percentage reduction in HCl emissions ($\%R_{HCl}$) is computed using the following formula:

$$(\%R_{HCl}) = \frac{(E_i - E_o)}{E_i} \times 100$$

where:

$\%R_{HCl}$ = percentage reduction of HCl emission achieved

E_i = HCl emission concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis)

E_o = HCl emission concentration measured at the control device outlet, corrected to 7 percent oxygen (dry basis)

K. EPA Reference Method 29 shall be used to measure Lead (Pb), Cadmium (Cd), and Hg emissions. If the affected facility has selected the percentage reduction standards for metals under section (3) of this rule, the percentage reduction in emissions ($\%R_{metal}$) is computed using the following formula:

$$(\%R_{metal}) = \frac{(E_i - E_o)}{E_i} \times 100$$

where:

$\%R_{metal}$ = percentage reduction of metal emission (Pb, Cd, or Hg) achieved

E_i = metal emission concentration (Pb, Cd, or Hg) measured at the control device inlet, corrected to 7 percent oxygen (dry basis)

E_o = metal emission concentration (Pb, Cd, or Hg) measured at the control device outlet, corrected to 7 percent oxygen (dry basis)

3. Following the date on which the initial performance test is completed or September 1, 2000, whichever date comes first, the owner or operator of an affected facility shall—

A. Determine compliance with the opacity limit by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test

methods listed in paragraph (3)(E)2. of this rule;

B. Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule. If all three (3) performance tests over a three (3)-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two (2) years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than thirty-six (36) months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two (2) years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three (3)-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test; and

C. Facilities using a Continuous Emission Monitoring System (CEMS) to demonstrate compliance with any of the emission limits under section (3) of this rule shall—

(I) Determine compliance with the appropriate emission limit(s) using a twelve (12)-hour rolling average, calculated each hour as the average of the previous twelve (12) operating hours (not including startup, shutdown, or malfunction); and

(II) Operate all CEMS in accordance with the applicable procedures under appendices B and F of 40 CFR part 60 (incorporated by reference).

4. The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall—

A. Establish the appropriate maximum and minimum operating parameters, indicated in Table 4 of this subparagraph for each control system, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and

TABLE 4. OPERATING PARAMETERS TO BE MONITORED AND MINIMUM MEASUREMENT AND RECORDING FREQUENCIES

Operating parameters to be monitored	Minimum frequency		Control system		
	Data measurement	Data recording	Dry scrubber followed by fabric filter	Wet scrubber	Dry scrubber followed by fabric filter and wet scrubber
MAXIMUM OPERATING PARAMETERS					
Maximum charge rate	Continuous	1 per hour	✓	✓	✓
Maximum fabric filter inlet temperature	Continuous	1 per minute	✓		✓
Maximum flue gas temperature	Continuous	1 per minute		✓	✓
MIMIMUM OPERATING PARAMETERS					
Minimum secondary chamber temperature	continuous	1 per minute	✓	✓	✓
Minimum dioxin/furan sorbent flow rate	hourly	1 per hour	✓		✓
Minimum HCl sorbent flow rate	hourly	1 per hour	✓		✓
Minimum mercury (Hg) sorbent flow rate	hourly	1 per hour	✓		✓
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber	continuous	1 per minute		✓	✓
Minimum scrubber liquor flow rate	continuous	1 per minute		✓	✓
Minimum scrubber liquor pH	continuous	1 per minute		✓	✓

B. Following the date on which the initial performance test is completed or September 1, 2000, whichever date comes first, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 4 and measured as three (3)-hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).

5. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

6. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM emission limit;

B. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

C. Operation of the affected facility above the maximum charge rate, below the minimum secondary temperature, and below the minimum scrubber liquor flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

E. Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

F. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

7. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter and a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits.

8. The owner or operator of an affected facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under paragraphs (3)(E)5., 6., or 7. of this rule.

9. The owner or operator of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under section (3) of this rule shall petition the administrator for other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall not conduct the initial performance test until after the petition has been approved by the administrator.

10. The owner or operator of an affected facility may conduct a repeat performance test at any time to establish new values for the operating parameters. The department may request a repeat performance test at any time.

11. Small rural HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall meet the following compliance and performance testing requirements:

A. Conduct the performance testing requirements in paragraph (3)(E)1., subparagraphs (3)(E)2.A. through I., (3)(E)2.K. (Hg only), and (3)(E)3.A. of this rule. The two thousand (2,000) pound per week limitation does not apply during performance tests;

B. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits;

C. Following the date on which the initial performance test is completed or September 1, 2000, whichever date comes first, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3)-hour rolling averages (calculated as the average of the previous three (3) operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests.

Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s);

D. Except as provided in subparagraph (3)(E)11.E. of this rule, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits; and

E. The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of the violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under subparagraph (3)(E)11.D. of this rule.

(F) Monitoring Requirements.

1. Except as provided for under paragraph (3)(F)5. of this rule, the owner or operator of an HMIWI shall install, calibrate (to manufacturers' specification), maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table 4 of subparagraph (3)(E)4.A. of this rule such that these devices (or methods) measure and record values for these operating parameters at the frequency indicated in Table 4 of subparagraph (3)(E)4.A. at all times except during periods of startup and shutdown.

2. The owner or operator of an HMIWI shall install, calibrate (to manufacturers' specifications), maintain and operate a device or method for measuring the use of the bypass stack including date, time, and duration.

3. The owner or operator of an HMIWI using something other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under section (3) of this rule shall install, calibrate (to manufacturers' specifications), maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to paragraph (3)(E)9. of this rule.

4. The owner or operator of an HMIWI shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent (75%) of the operating hours per day for ninety percent (90%) of the operating days per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.

5. Small rural HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall meet the following monitoring requirements:

A. Install, calibrate (to manufacturers' specification), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation;

B. Install, calibrate (to manufacturers' specification), maintain, and operate a device that automatically measures and records the date, time, and weight of each charge fed into the HMIWI; and

C. The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy-five percent (75%) of the operating hours per day for ninety percent (90%) of the operating days per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.

(4) Reporting and Record Keeping.

(A) Except as provided for under subsection (4)(F) of this rule, the owner or operator of an HMIWI shall maintain the following information (as applicable) for a period of at least five (5) years:

1. Calendar date of each record;

2. Records of the following data:

A. Concentrations of any pollutant listed in section (3) of this rule or measurements of opacity as determined by the continuous emission monitoring system (if applicable);

B. HMIWI charge dates, times, and weights and hourly charge rates;

C. Fabric filter inlet temperatures during each minute of operation, as applicable;

D. Amount and type of dioxin/furan sorbent used during each hour of operation, as applicable;

E. Amount and type of Hg sorbent used during each hour of operation, as applicable;

F. Amount and type of HCl sorbent used during each hour of operation, as applicable;

G. Secondary chamber temperatures recorded during each minute of operation;

H. Liquor flow rate to the wet scrubber inlet during each minute of operation, as applicable;

I. Horsepower or amperage to the wet scrubber during each minute of operation, as applicable;

J. Pressure drop across the wet scrubber system during each minute of operation, as applicable;

K. Temperature at the outlet from the wet scrubber during each minute of operation, as applicable;

L. pH of the scrubber liquor at the inlet to the wet scrubber during each minute of operation, as applicable;

M. Records indicating use of the bypass stack, including dates, times, and durations; and

N. For HMIWI complying with paragraph (3)(E)9. and paragraph (3)(F)3. of this rule, the owner or operator shall maintain all operating parameter data collected;

3. Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (4)(A)2. of this rule have not been obtained, with an identification of the emission rates or operating parameters not measured, reasons for not obtaining the data, and a description of corrective actions taken;

4. Identification of calendar days, times and durations of malfunctions, a description of the malfunction and the corrective action taken;

5. Identification of calendar days for which data on emission rates or operating parameters specified under paragraph (4)(A)2. of this rule exceeded the applicable limits, with a description of the exceedances, reasons for such exceedances, and a description of corrective actions taken;

6. The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and/or to establish operating parameters, as applicable;

7. Records showing the names of HMIWI operators who have completed review of the information in paragraph (3)(B)8. of this rule as required by paragraph (3)(B)9. of this rule, including the date of the initial review and all subsequent annual reviews;

8. Records showing the names of the HMIWI operators who have completed the operator training requirements, including documentation of training and the dates of the training;

9. Records showing the names of the HMIWI operators who have met the criteria for qualification under subsection (3)(B) of

this rule and the dates of their qualification; and

10. Records of calibration of any monitoring devices as required under paragraphs (3)(F)1., 2., and 3. of this rule.

(B) The owner or operator of an HMIWI shall submit to the department the information specified in paragraphs (4)(B)1. through 3. of this rule no later than sixty (60) days following the initial performance test. All reports shall be signed by the facilities manager.

1. The initial performance test data as recorded under subparagraphs (3)(E)2.A. through K. of this rule, as applicable.

2. The values for the site-specific operating parameters established pursuant to paragraph (3)(E)4. or 9. of this rule, as applicable.

3. The waste management plan as specified in subsection (3)(C) of this rule.

(C) An annual report shall be submitted to the department one (1) year following the submission of the information in subsection (4)(B) of this rule and subsequent reports shall be submitted no more than twelve (12) months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator of an affected facility must submit these reports semiannually). The annual report shall include the information specified in paragraphs (4)(C)1. through 8. of this rule. All reports shall be signed by the facilities manager.

1. The values for the site-specific operating parameters established pursuant to paragraph (3)(E)4. or 9. of this rule, as applicable.

2. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to paragraph (3)(E)4. or 9. of this rule, as applicable.

3. The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to paragraph (3)(E)4. or 9. of this rule for the calendar year preceding the year being reported, in order to provide the department with a summary of the performance of the affected facility over a two (2)-year period.

4. Any information recorded under paragraphs (4)(A)3. through 5. of this rule for the calendar year being reported.

5. Any information recorded under paragraphs (4)(A)3. through 5. of this rule for the calendar year preceding the year being reported, in order to provide the department with a summary of the performance of the affected facility over a two (2)-year period.

6. If a performance test was conducted during the reporting period, the results of that test.

7. If no exceedances or malfunctions were reported under paragraphs (4)(A)3. through 5. of this rule for the calendar year being reported, a statement that no exceedances occurred during the reporting period.

8. Any use of the bypass stack, the duration, reason for malfunction, and corrective action taken.

(D) The owner or operator of an HMIWI shall submit to the department semiannual reports containing any information recorded under paragraphs (4)(A)3. through 5. of this rule no later than sixty (60) days following the reporting period. The first semiannual reporting period ends six (6) months following the submission of information in subsection (4)(B) of this rule. Subsequent reports shall be submitted to the department no later than six (6) calendar months following the previous report. All reports shall be signed by the facilities manager.

(E) All records specified under subsection (4)(A) of this rule shall be maintained on-site in either paper copy or computer-readable format, unless an alternative format is approved by the department.

(F) The owner or operator of a small rural HMIWI subject to the emission limits under paragraph (3)(A)2. of this rule shall—

1. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within ten (10) days of an inspection or the time frame established by the inspector; and

2. Submit an annual report to the department containing information recorded under paragraph (4)(F)1. of this rule no later than sixty (60) days following the year in which data were collected. Subsequent reports shall be sent no later than twelve (12) calendar months following the previous report (once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator must submit these reports semiannually). The report shall be signed by the facilities manager.

(5) Test Methods. Test methods can be found in subparagraphs (3)(E)2.A. through (3)(E)2.K. of this rule.

AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001.*

**Original authority: 643.050, RSMo 1965, amended 1972, 1992, 1993, 1995.*

10 CSR 10-6.210 Confidential Information

PURPOSE: This rule provides procedures and conditions for handling confidential information.

(1) Application. This rule shall apply to all business information requested to be designated confidential by the Missouri Air Conservation Commission. This rule shall not apply to emission data included in the information that shall not be entitled to confidential treatment, as provided by section 643.050.4, RSMo.

(2) General. Any information submitted pursuant to this rule or other rules of the Missouri Air Conservation Commission that contains, or from which could be derived, confidential business information, shall be kept confidential by the commission and employees and agents of the Department of Natural Resources if a timely request for confidentiality is made by the person submitting the information.

(3) Definitions.

(A) Definitions for key words used in this rule may be found in 10 CSR 10-6.020(2).

(B) Additional definitions specific to this rule are as follows:

1. Confidential business information—Secret processes, secret methods of manufacture or production, trade secrets and other information possessed by a business that, under existing legal concepts, the business has a right to preserve as confidential, and to limit its use by not disclosing it to others in order that the business may obtain or retain business advantages it derives from its rights in the information; and

2. Emission data—

A. The identity, amount, frequency, concentration or other characteristics (related to air quality) of any air contaminant which—

(I) Has been emitted from an emission unit;

(II) Results from any emission by the emissions unit;

(III) Under an applicable standard or limitation, the emissions unit was authorized to emit; or

(IV) Is a combination of any of the parts (3)(B)2.A.(I), (II) or (III) of this rule;

B. The name, address (or description of the location) and the nature of the emissions unit necessary to identify the emission units including, a description of the device, equipment, or operation constituting the emissions unit; and

Pursuant to 643.055 RSMo, the Missouri Air Conservation Commission has determined that this action is needed to have a U.S. Environmental Protection Agency approved State Implementation Plan.

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators is hereby **AMENDED** by the Missouri Air Conservation Commission this 29th day of March, 2001.

Original signed by Commissioners:

Michael R. Foresman, Chairperson

Harriet A. Beard, Vice-Chairperson

Frank D Beller, Member

Ernie Brown, Member

Joanne M. Collins, Member

Barry M Kayes, Member

_____, Member

_____, Member

VB

MISSOURI AIR CONSERVATION OMMISSION WILL HOLD PUBLIC HEARING

FFERSON CITY, MO - The Missouri Air nservation Commission ll hold a public hearing the St. Louis Ozone ate Implementation Plan ttainment Demonstration d other issues on Tuesday, ebruary 6, 2001. The blic Hearing will begin 9 a.m. at the Governor otel State Office Building, rand Ball Room, 300 adison Street, Jefferson ity, Missouri. The mmission will hear stimony related to the llowing rule actions.

St. Louis Ozone State nplementation Plan - ttainment Demonstration

Title I of the 1990 Clean Air Act Amendments contains State implementation Plan SIP) submittal requirements for ozone nonattainment areas such as St. Louis. This portion of the SIP includes the Attainment Demonstration using Urban Airshed Modeling. The Attainment Demonstration uses the control strategy in the Fifteen Percent Rate-of-Progress Plan, reductions in transported emissions of nitrogen oxides and other control measures to demonstrate that the St. Louis area will attain the 1-hour ozone standard in

* 10 CSR 10-6.040 (amendment) Reference Methods

This proposed amendment will ensure Missouri's continued compliance with the Hydrogen Sulfide, Sulfuric Acid Mist and Sulfur standards and Ambient Air Quality Standards by updating these reference methods. These updated reference methods are needed to determine the data and information necessary for the enforcement of air pollution control regulations throughout Missouri.

* 10 CSR 10-6.200 (amendment) Hospital, Medical, Infectious Waste Incinerators

This proposed amendment adds explanatory language in the definitions of co-fired combustor and medical/infectious waste necessary for correct interpretation.

* State Plan for Implementing the Hospital, Medical, Infectious Waste Incinerator Emission Guidelines

This proposed revision to the Hospital, Medical/Infectious Waste Incinerator 111(d)/129 state plan incorporates an amendment to rule 10 CSR 10-6.200. This action is necesssary since rule 10 CSR 10-6.200 is the enforceable state mechanism for the plan.

* Missouri State Implementation Plan-St. Joseph Light & Power Sulfur Dioxide (SO_2) Attainment Plan

This proposed attainment plan outlines the strategy for St. Joseph Light & Power (SJLP) to be in compliance with the National Ambient Air

please send two copies of written comments to Chief, Planning Section, Air Pollution Control Program, P. O. Box 176, Jefferson City, MO 65102-0176.

Rule proposals considered at this hearing may be adopted by the Missouri Air Conservation Commission as provided for under authority of 643.050, RSMo. For more information or a complete meeting agenda, including rules being presented for adoption, contact the Department of Natual Resources' Air Pollution Program at (573) 751-4817.

1/5, 2001

2003. The Missouri Air Conservation Commission adopted the most recent revisions to the Attainment Demonstration on September 21, 2000. However, on August 30, 2000, the U.S. Court of Appeals extended the compliance date for the Oxides of Nitrogen (NOx) SIP call from 2003 to 2004. Because this action may change the proposed attainment date extension for St. Louis from 2003 to 2004, the department has performed an analysis at the request of the U.S. Environmental Protection Agency to evaluate the potential impact of this action on the Attainment Demonstration. The analysis indicates that St. Louis will be able to attain the 1-hour ozone standard in 2004. The department is proposing to include this analysis in the Attainment Demonstration.

* St. Louis Mobile Source Emissions Budget for the St. Louis Ozone Nonattainment Area

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AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI)
COUNTY OF BUTLER) ss.

I, Don Schrieber, being duly sworn according to law, state that I am **PUBLISHER** of the **DAILY AMERICAN REPUBLIC**, a daily newspaper of general circulation in the counties of Butler, Ripley, Carter, Wayne, Stoddard, New Madrid and Pemiscot; which newspaper has been admitted to the Post Office as second class matter in City of Poplar Bluff, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 1969. The affixed notice appeared in said newspaper in the following consecutive issues:

1st	Insertion	Vol 132	No. 303	5	day of Jan	20 01
2nd	Insertion	Vol	No		day of	20
3rd	Insertion	Vol	No		day of	20
4th	Insertion	Vol	No		day of	20
5th	Insertion	Vol	No		day of	20
6th	Insertion	Vol	No		day of	20
7th	Insertion	Vol	No		day of	20
8th	Insertion	Vol	No		day of	20
9th	Insertion	Vol	No		day of	20
10th	Insertion	Vol	No		day of	20

PUBLISHER

Subscribed and sworn to before me this 5 day of Jan

01.

NOTARY PUBLIC

My commission expires

02/05/2001 16:48 6606658616

STATE OF MISSOURI,
ss.
COUNTY OF ADAIR

AFFIDAVIT OF PUBLICATION

I Larry W. Freels , being duly sworn, according to law, state that I am one of the publishers of the Kirksville Daily Express and Daily News, a daily newspaper of general circulation in the County of Adair, where located, which has been admitted to the Post Office as second-class matter in the City of Kirksville, the city of publication, which newspaper has been published regularly and consecutively for a period of more than three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has compiled with the provisions of Section 493.050 revised Statutes of Missouri, 1978. The affixed notice appeared in said newspaper as follows:

First Insertion Vol. 100 NO.3 January 4 ,2001
(Signed) ,20
Publisher

Subscribed and sworn to me this 5th day of February,2001

My Commission Expires February 21 ,2003
Pub. Fee $ 385.88
Received payment ,20

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SPRINGFIELD
NEWS-LEADER

651 Boonville • MPO Box 798
Springfield, Missouri 65801
Telephone (417) 836-1100

DNR

January 9, 2001

PROOF OF PUBLICATION

STATE OF MISSOURI
County of Greene

I, Marsha Burnett of Springfield, Missouri, of lawful age, do upon my oath state that I am the Legal Clerk of the News-Leader, and that I am duly authorized to and do make this affidavit for and on behalf of the News-Leader, a newspaper published daily in the City of Springfield, Greene County, Missouri; that the public advertisment, notice or order of publication, a true copy of which is hereto attached, was published in said newspaper 1 times upon the following dates:

First publication on Saturday, January 6, 2001 ,
Second publication on .
Third publication on
Fourth publication on
Fifth publication on
Last publication on

I do further state under oath that said newspaper has been admitted to the Post Office as second class matter; that it is a newspaper of general circulation in the City of Springfield, Missouri; that it has been published regularly and consecutively for a period of more than three years; that it has a list of bona fide subscribers voluntarily engaged as such; who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that said newspaper has complied with the provisions of Section 14968 Revised Statues of Missouri, 1939, relating to "Public Advertisements."

Marsha Burnett

Subscribed and sworn to before me this 9th Day of January , 20 01

My commission expires CHRISTINA S PHILLIPS
NOTARY PUBLIC STATE OF MISSOURI
GREENE COUNTY
MY COMMISSION EXP. FEB. 3,2002

Notary Public in and for Greene County, Missouri

Christina S Phillips

NOTARY PUBLIC NOTARY CHRISTINA S PHILLIPS SEAL STATE OF MISSOURI

GANNETT

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2001 JAN 12 AM 11:03

AIR POLLUTION
CONTROL PGM

AFFIDAVIT OF PUBLICATION

THE KANSAS CITY STAR COMPANY, publishers of THE KANSAS CITY STAR, a newspaper published in the City of Kansas City, County of Jackson, State of Missouri, confirms that the notice and/or advertisement of

MO DEPT OF NATURAL RESOURCES
AIR POLLUTION CONTROL PROGRAM
PO BOX 176
JEFFERSON CITY MO 65102
21451319

7518430

a true copy of which is hereto attached, was duly published in the above said newspaper

FOR THE PERIOD OF: 1 Day (s)

COMMENCING: January 10,2001

ENDING: January 10,2001

STAR EDITION (S): 1/10/

STAR PAPER (S): 115

VOLUME: #121

Subscribed and sworn to before me, this Tuesday, 09 January, 2001 . I certify that I was duly qualified as a Notary Public for the State of Missouri, commissioned in Jackson County, Missouri. My commission expires August 18, 2002.

Laura S. Keeling

Laura S. Keeling, Notary

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ST. LOUIS POST-DISPATCH

PULITZER INC.

AFFIDAVIT OF PUBLICATION

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DEP. OF NAT RESOURCES
AIR POLUTION
P,O. BOX 176
JEFFERSON CITY MO 65102

THE ATTACHED ADVERTISEMENT WAS PUBLISHED IN THE ST.LOUIS POST-DISPATCH IN CLASSIFICATION 9000, 1 TIME, STARTING ON JANUARY 5, 2001 AND ENDING ON JANUARY 5, 2001.

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2001 JAN 12 AM 10: 27
AIR POLLUTION CONTROL PGM

Shirley A. Haywood

CUSTOMER SERVICE MANAGER

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 8 DAY OF JANUARY , 2001.

PATRICIA CARLISLE
Notary Public — Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: June 26, 2001

NOTARY PUBLIC, CITY OF ST. LOUIS

AFFIDAVIT CHARGE $ 5.00 EACH

AFFIDAVIT OF PUBLICATION

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AIR POLLUTION
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MO DEPT NAT RESOURCES
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JEFFERSON CITY MO [illegible]

REFERENCE: 24019
[illegible] Missouri Air [illegible]

County of Buchanan
State of Missouri

I, [illegible] being duly sworn [illegible] state that I am the Classified Advertising [illegible] of the St. Joseph News-Press, a daily newspaper of general circulation in the county of Buchanan where located, which has been admitted to the [illegible] Office as second class matter in the city of St. Joseph, the city of publication, which newspaper has been published regularly and [illegible] for a period of three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 1949. The [illegible] notice appeared in said newspaper on the following date:

PUBLISHED ON: 01/06

TOTAL COST: [illegible]04.24 AD SPACE: [illegible]
FILED ON: 01/10/01

(Signed) [signature]

Subscribed and sworn to before me this 10th day of January 2001

ESTHER JONES
Notary Public-Notary Seal
STATE OF MISSOURI
Buchanan County
My Commission Expires Jan 23, 2004

PUBLIC NOTICE

(Published in the St. Joseph News-Press Saturday, 01/06/01)

MISSOURI AIR CONSERVATION COMMISSION WILL HOLD PUBLIC HEARING

JEFFERSON CITY, MO - The Missouri Air Conservation Commission will hold a public hearing on the St. Louis Ozone State Implementation Plan - Attainment Demonstration and other issues on Tuesday, February 6, 2001. The Public Hearing will begin at 9 a.m. at the Governor Hotel State Office Building, Grand Ball Room, 100 Madison Street, Jefferson City, Missouri. The commission will hear testimony related to the following rule actions.

* St. Louis Ozone State Implementation Plan - Attainment Demonstration

Title I of the 1990 Clean Air Act Amendments contains State Implementation Plan (SIP) submittal requirements for ozone nonattainment areas such as St. Louis. This portion of the SIP includes the Attainment Demonstration using Urban Airshed Modeling. The Attainment Demonstration uses the control strategy in the Fifteen Percent Rate-of-Progress Plan, reductions in transported emissions of nitrogen oxides and other control measures to demonstrate that the St. Louis area will attain the 1-hour ozone standard in 2003. The Missouri Air Conservation Commission adopted the most recent revisions to the Attainment Demonstration on September 21, 2000. However, on August 30, 2000, the U.S. Court of Appeals extended the compliance date for the Oxides of Nitrogen (NOx) SIP call from 2003 to 2004. Because this action may change the proposed attainment date extension for St. Louis from 2003 to 2004, the department has performed an analysis at the request of the U.S. Environmental Protection Agency to evaluate the potential impact of this action on the Attainment Demonstration. The analysis indicates that St. Louis will be able to attain the 1-hour ozone standard in 2004. The department is proposing to include this analysis in the Attainment Demonstration.

* St. Louis Mobile Source Emissions Budget for the St. Louis Ozone Nonattainment Area

The Missouri Department of Natural Resources (MDNR) is required to submit mobile source emissions budgets for conformity purposes for the St. Louis ozone nonattainment area. The Missouri Air Conservation Commission adopted 2003 mobile source emissions budgets on September 21, 2000. However, on August 30, 2000, the U.S. Court of Appeals extended the compliance date for the NOx SIP call from 2003 to 2004. Because this action may change the proposed attainment date extension for St. Louis from 2003 to 2004, the mobile source emissions budgets must be revised for 2004. The MDNR, through the inter-agency consultation group process and with assistance from the East-West Gateway Coordinating Council and the Missouri Department of Transportation, has calculated 2004 mobile source budgets.

* 10 CSR 10-2.260 (amendment) Control of Petroleum Liquid Storage, Loading and Transfer

This proposed amendment requires gasoline storage tanks larger than 2,000 gallon capacity to be equipped with a pressure/vacuum valve that is certified by the California Air Resources Board. The amendment removes the forms currently found at the end of the rule and includes tank truck tightness test requirements and associated Missouri certification sticker requirements. This amendment is intended to satisfy a portion of the contingency provisions of the Kansas City Ozone Maintenance Plan, which were triggered by violations of the one-hour ozone standard in 1995 and 1997. These rule changes are also intended to make the Stage I vapor recovery requirements for the Kansas City area identical to the requirements for the St. Louis area.

* 10 CSR 10-6.040 (amendment) Reference Methods

This proposed amendment will ensure Missouri's continued compliance with the Hydrogen Sulfide, Sulfuric Acid Mist and Sulfur standards and Ambient Air Quality Standards by updating these reference methods. These updated reference methods are needed to determine the data and information necessary for the enforcement of air pollution control regulations throughout Missouri.

* 10 CSR 10-6.200 (amendment) Hospital, Medical, Infectious Waste Incinerators

This proposed amendment adds explanatory language [illegible] definitions of co-fired combustor and medical/infectious waste necessary for correct interpretation.

* State Plan for Implementing the Hospital, Medical, Infectious Waste Incinerator Emission Guidelines

This proposed revision to the Hospital, Medical/Infectious Waste Incinerator 111(d)/129 state plan incorporates [illegible] amendment to rule 10 CSR 10-6.200. This action is necessary since rule 10 CSR 10-6.200 is the enforceable state mechanism for the plan.

* Missouri State Implementation Plan St. Joseph Light & Power Sulfur Dioxide (SO2) Attainment Plan

This proposed attainment plan outlines the strategy for St. Joseph Light & Power (SJLP) to be in compliance with the National Ambient Air Quality Standards for SO2 in the St. Joseph, Missouri area. Several tasks are required of SJLP via consent agreement to meet this goal. These tasks include coal blending modifications in the fuel yard, implementation of the Coal Yard and Blending System Narrative, Fuel [illegible]

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The above documents will be available for review at the following locations: Missouri Department of Natural Resources, Air Pollution Control Program, 205 Jefferson St., Jefferson City, (573) 751-4817; Jefferson City Regional Office, 210 Hoover Drive, Jefferson City, (573) 751-2729; Kansas City Regional Office, 500 NE Colbern Road, Lee's Summit, (816) 622-7000; Northeast Regional Office, 1709 Prospect Drive, Macon, (816) 385-2129; Southeast Regional Office, 948 Lester Street, Poplar Bluff, (573) 840-9750. St. Louis Regional Office, 10305 Sunset Office Drive, St. Louis (314) 301-7100; Southwest Regional Office, 2040 W. Woodland, Springfield, (417) 891-4300.

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the division directly at (573) 751-7340, the department's toll free number at (800) 334-6946, or by writing two weeks in advance of the meeting to: Missouri Department of Natural Resources, Air Conservation Commission Secretary, PO Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri, (800) 735-2966.

The commission holds public hearings under the provisions of chapter 643, RSMo. Citizens wishing to speak at the public hearing should notify the secretary to the Missouri Air Conservation Commission, Missouri Department of Natural Resources, Air Pollution Control Program, PO Box 176, Jefferson City,

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI)
) ss.
County of Boone)

I, Randy Trimble being duly sworn according to law, state that I am one of the publishers of the Columbia Daily Tribune, a daily newspaper of general circulation in the County of Boone where located; which has been admitted to the Post Office as second class matter in the City of Columbia, Missouri, the city of publication, which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provision of Section 493.050, Revised Statutes of Missouri, 1949. The affixed notice appeared in said newspaper on the following consecutive issues:

1st	Insertion, January 3	,2001
2nd	Insertion,	,2001
3rd	Insertion,	,2001
4th	Insertion,	,2001
5th	Insertion,	,2001
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19th	Insertion,	,2001
20th	Insertion,	,2001
21st	Insertion,	,2001
22nd	Insertion,	,2001

PRINTERS FEE $180.00

TRIBUNE PUBLISHING COMPANY

By Randy Trimble

Subscribed and sworn to before me this 5 day of February 2001

Notary Public

My Commission Expires May 20, 2002

RYAN W. PARKS
Notary Public – Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires: May 20, 2002

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Rule proposals considered at this hearing may be adopted by the Missouri Air Conservation Commission as provided for under authority of 643.050, RSMo. For more information or a complete meeting agenda, including rules being presented for adoption, contact the Department of Natural Resources' Air Pollution Control Program at (573) 751-4817.

INSERTION DATE: January 3, 2001.

AFFIDAVIT OF PUBLICATION

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) ss.
County of Boone)

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PRINTERS FEE $180.00

TRIBUNE PUBLISHING COMPANY

By Randy Trimble

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Notary Public

My Commission Expires May 20, 2002

RYAN W. PARKS
Notary Public – Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires: May 20, 2002

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
AIR CONSERVATION COMMISSION

In Re: St. Louis Ozone State Implementation Plan, et al.

February 6, 2001
Governor's Office Building
Jefferson City, Missouri

ASSOCIATED COURT REPORTERS
AN Int-rim LEGAL SERVICES, INC. COMPANY
714 West High Street • Jefferson City, Missouri 65109
573.636.7551 • 573.636.9055 (fax) • 1.888.636.7551
Clayton • St. Charles • St. Louis (Soulard) • Columbia • Rolla

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AIR CONSERVATION COMMISSION

In Re: St. Louis Ozone State Implementation Plan, et al.

February 6, 2001
Governor's Office Building
Jefferson City, Missouri

BEFORE:

Harriett Beard
Frank Bellar
Joanne Collins
Andy Farmer
Barry Kayes

REPORTED BY:
TRACY L. THORPE CAVE, CSR
ASSOCIATED COURT REPORTERS, INC.
714 West High Street
Jefferson City, Missouri 65101
(573) 636-7551
(573) 442-3600

COMMISSIONER BEARD: All right. We're now ready for our public hearing, and Jeff Bennett will handle that.

DIRECTOR RANDOLPH: I think, Commissioner Beard, you have some stuff there in a red folder.

COMMISSIONER BEARD: I'm sorry. You're right. I do. I'm out of practice.

All right. The hearing will come to order. Let the record show the following Commissioners are present: Barry Kayes, Harriett Beard, Frank Bellar, Joanne Collins, and Andy Farmer.

The Air Conservation Commission of the State of Missouri has called this public hearing pursuant to Section 643.070 Revised Statutes of Missouri EPA promulgated rule 40 CRF 51.102 for the purpose of hearing testimony relating to the hearing. The record will close at 5:00 p.m., February 13th, 2001.

St. Louis Ozone State Implementation Plan, Attainment Demonstration, St. Louis Mobile Source Emissions Budget for the St. Louis Ozone Non-attainment Area; 10 CSR 10-2.260 amendment, Control of Petroleum Liquid Storage, Loading and Transfer; 10 CSR 10-6.040 amendment, Reference Methods; 10 CSR 10-6.200, amendment, Hospital, Medical/Infectious Waste Incinerators; State Plan for implementing the Hospital, Medical/Infectious Waste

Incinerator Emission Guidelines; Missouri State Implementation Plan, St. Joseph Light & Power Sulfur Dioxide Attainment Plan.

The Commission will hear from the staff first and then those who have notified the staff of their desire to be heard. Anyone who has not been scheduled to appear but who wishes to be heard should indicate that you wish you speak on the sign-in sheets available at the door. Everyone needs to fill out a sign-in sheet, even if you do not wish to speak.

Section 643.100 of the Missouri statutes provides that all oral testimony be given under oath. Accordingly, this court reporter will swear in the witnesses as they appear. Those of you who want copies of the transcript may purchase them from the court reporter.

Will each witness, as you come forward, please state your name, business address and your occupation or affiliation. If you have a prepared statement, it will be helpful if you will provide a copy to the staff director, court reporter and members of the Commission.

Mr. Randolph?

ROGER RANDOLPH, being first duly sworn, testified as follows:

DIRECTOR RANDOLPH: I think -- and I wasn't listening very carefully, but I want to make sure the record

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.040 Reference Methods **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2716–2717). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2000 (25 MoReg 2717). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one comment from the Missouri Hospital Association (MHA). The MHA supports the rulemaking action.

COMMENT: The MHA agrees with the recommendation of the department's Air Pollution Control Program to amend the definitions for co-fired combustor and for medical/infectious waste as published in the November 15, 2000, *Missouri Register*. As outlined on page 122 of the February 6, 2001, Missouri Air Conservation Commission Briefing Document, the proposed changes are intended to comply with the United States Environmental Protection Agency's requirements. MHA recommends that the commission adopt the proposed changes to the definitions as published. MHA also recommends that Section 643.055, RSMo be identified as the authority for this rulemaking action. As noted in the commission's briefing document, the changes are proposed to comply with federal requirements, and Section 643.055, RSMo provides this rulemaking authority to the commission. MHA recognizes the need for incinerator guidelines.

RESPONSE: The MHA comment supports the rulemaking action. We feel that the citation to statutory authority is accurate. The Missouri Court of Appeals Western District case number WD 47706 ruled that section 643.055 does not give the Missouri Air Conservation Commission's rulemaking authority, but instead places limitations on the commission's authority. 643.050 is the correct statutory authority for promulgating this rule. Therefore, no changes have been made to the rule as a result of this comment.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

ORDER OF RULEMAKING

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission amends a rule as follows:

10 CSR 20-6.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2000 (25 MoReg 2878–2880). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Clean Water Commission received ten comments on this proposed amendment.

COMMENT: A comment requested clarification of the meaning of an "indirect connection" when determining which connections qualify for collection of the service connection fees under subsection (2)(B).
RESPONSE: The word "connections" is not defined by the statute. A reasonable interpretation of the word would be for it to refer to hard piping or other permanent, physical lines which direct sewage by gravity or pressure to a public operated treatment works (POTW). "Indirect" connections refer to any persons whose sewer flows to a collection system that ultimately discharges into a POTW. An example of an indirect connection is a sewer collection system that wholesales sewage to a central or regional treatment system. Septic tank waste haulers are not connected in the sense that no permanent piping is involved. No change to the proposed rule was made in response to this comment.

COMMENT: How are the fees on industrial/commercial customers determined when the number and size of water service connections are unknown?
RESPONSE: Operators of public sewers should make a reasonable effort to determine the number and size of the water service connections for the industrial/commercial customers that are served by their sewers. If exact numbers are not known, the operator should estimate as accurately as possible until a better assessment can be completed. No change was made as a result of this comment.

COMMENT: Are industrial/commercial customers exempt from the sewer service connection fee when their water service is provided by a private company?
RESPONSE: No. The fee is required for each connection to a public sewer system. If a customer is using a non-public water source, the fee is three dollars. No change was made as a result of this comment.

COMMENT: A comment requested that the rules be written to require water service providers to identify for the public sewer