

**Supporting Statement for
EPA Information Collection Request Number 1773.09
(OMB Control Number 2050-0171)**

**“National Emission Standards for Hazardous Air Pollutants
(NESHAP) for Hazardous Waste Combustors (Renewal)”**

August, 2008

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a). TITLE AND NUMBER OF THE INFORMATION COLLECTION

This Information Collection Request (ICR) is entitled “National Emission Standards for Hazardous Air Pollutants (NESHAPS) from Hazardous Waste Combustors,” EPA ICR Number # 1773.09 (OMB Control Number 2050-0171). This ICR covers Paperwork Reduction Act requirements for regulations at 40 CFR part 63, subpart EEE.

1(b). SHORT CHARACTERIZATION/ABSTRACT

The United States Environmental Protection Agency promulgated the “Maximum Achievable Control Technology” (MACT) standards for hazardous waste combustors (HWCs) on September 30, 1999 (64 CFR 53038). HWCs include the following hazardous waste burning source categories: (a) incinerators, (b) cement kilns, (c) lightweight aggregate kilns, (d) industrial, commercial and institutional boilers, and (e) hydrochloric acid production furnaces. These standards are codified in 40 CFR part 63 subpart EEE, and this ICR covers them. This ICR renews the ICR # 1773.08 that will expire in September 2008.

Interim MACT standards for the “Phase I” hazardous waste burning source categories -- incinerators, cement kilns, and lightweight aggregate kilns were promulgated on February 13 and 14, 2002 (see 67 FR 6792 and 67 FR 6968). The MACT emission standards for “Phase II” hazardous waste burning industrial and institutional /commercial boilers and hydrochloric acid (HCl) production furnaces, and the final MACT standards for the Phase I sources were promulgated on October 12, 2005 (70 FR 50402).

We note that the paperwork requirements of the RCRA provisions (40 CFR parts 264 thru 270) that govern the hazardous waste combustion units of this ICR such as storage, closure etc. are not covered in this ICR, and are accounted for in ICR # 1361.10 (OMB control # 2050-0073).

Subpart EEE of 40 CFR part 63 requires HWCs to perform testing and monitoring and submit various reports and perform recordkeeping activities in order to demonstrate compliance with emission standards. Much of the information is kept on-site at the facilities; some is also submitted to the EPA or the delegated state agency. Facilities and EPA use the data to ensure compliance with MACT standards.

After EPA’s issuance of the MACT rule in October 2005, EPA received several reconsideration petitions relating to certain issues presented by this rule. EPA has finalized some of these petitions. (see 71 FR 14665, 52564), but has not yet issued a final determination on reconsideration on all of them.. Following the promulgation of the MACT rule, the United States Court of Appeals for the District of Columbia Circuit has issued several opinions construing section 112 (d) of the Clean Air Act, and one of those

opinions has called into question the legality of some of the standards for hazardous waste combustors. While these developments may result in changes to standards finalized, this ICR is based on rules currently in force. The ICR will be revised as and when changes are promulgated.

In summary, this ICR estimates recordkeeping and reporting burden of:

- For the regulated community, 194,265 hours per year. The annual start-up and O&M Costs will be \$105,459 and \$5,577,717 respectively.
- For the federal government (including EPA regional offices), 11,265 hours per year.
- For state and local offices, 5632 hours per year.

(Please see sections 6(e) and 6(f) for a more detailed explanation)

2. NEED FOR AND USE OF THE COLLECTION

2(a). NEED AND AUTHORITY FOR THE COLLECTION

The EPA, under authority of Section 112 of the Clean Air Act, has established national emissions standards for hazardous air pollutants for hazardous waste burning incinerators, cement and lightweight aggregate kilns, boilers and HCl Production Furnaces. The main purpose of the Clean Air Act is to protect and enhance the quality of the Nation's air resources, and to promote the public health and welfare and the productive capacity of the population. To this end, Sections 112(a) and (d) of the Clean Air Act direct EPA to set standards for hazardous air pollutants. The records and reports required by the information collection are used to show compliance with the standards.

2(b). PRACTICAL UTILITY AND USERS OF THE DATA

The data collected for HWC system operations and testing is used by facility owners and operators, and by EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and the operation of air pollution control systems, as well as to demonstrate compliance with regulations. Notifications and submitted monitoring data are used by EPA or the implementing agency to evaluate construction or reconstruction plans, test and operating plans, test results, facility operation, and whether facilities qualify for certain exemptions and alternative monitoring or testing methods.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a). NONDUPLICATION

The information collections covered in this ICR are not available from sources other than the respondents. No other Federal agency collection satisfies the statutory requirements of Section 112 of the Clean Air Act. None of this information is duplicative of other information collected by other EPA offices or other Federal agencies.

3(b). PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB

In compliance with the Paperwork Reduction Act of 1995 (PRA), EPA issued a public notice in the Federal Register (see 73 FR 24977, May 6, 2008) detailing the burden hours and costs associated with the regulations at 40 CFR part 63, subpart EEE for hazardous waste combustors, and requested comments to be submitted to EPA or the Office of Management and Budget (OMB). No comments were received.

3(c). CONSULTATIONS

EPA has made efforts to consult with the regulated community, stakeholders, the general public, State and industry officials, and appropriate Federal agencies in the development of the HWC MACT Replacement Rule, and the consequent burden imposed due to its various provisions. The trade associations of each category of stakeholders (such as the Cement Kiln Recycling Coalition, American Chemistry Council (previously known as the Chemical Manufacturers Association), Environmental Technology Council, and Coalition of Responsible Waste Incineration) actively and routinely interact with EPA officials at the headquarters and regional levels on the issues of concern. Since some of the regulated facilities are owned by other agencies of the Federal government (including the Department of Defense and the Department of Energy), EPA also held similar consultations with them. Details of these meetings are a part of the administrative record of the MACT Replacement Rule and are contained in the rule docket # EPA-HQ-OAR-2004-0022.

3(d). EFFECTS OF LESS FREQUENT COLLECTION

EPA has carefully considered the burden imposed upon the regulated community by the regulations. The Agency is confident that whose activities required of respondents are necessary, and to the extent possible, minimize the burden imposed. EPA believes that, if the minimal requirements specified under the regulations are not met, EPA will be unable to fulfill its Congressional mandate to protect public health and the environment. Additionally, we have made efforts to integrate monitoring, compliance testing, and recordkeeping requirements of the CAA and RCRA so that the facilities are able to avoid the burden of duplicate submissions under two potentially different regulatory compliance schemes.

3(e). GENERAL GUIDELINES

This ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995; OMB's implementing regulations, EPA's "Information Collection Request Handbook," and other applicable OMB guidance. It is necessary for facilities to retain

records for three (3) years for EPA to ensure compliance with the regulations. The recordkeeping burden for such a requirement is not significant, and has been included in this ICR.

3(f). CONFIDENTIALITY

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA’s general policy on the public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering the information collection requirements in this ICR. If such claim is made, EPA will treat the information in accordance with the regulations cited above. EPA also has ensured that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

3(g). SENSITIVE QUESTIONS

No questions of a sensitive nature are included in any of the information collection requirements.

4. RESPONDENTS AND THE INFORMATION COLLECTED

4(a). RESPONDENTS AND NAICS CODES

The following is a list of North American Industry Classification System (NAICS) codes and Standard Industrial Classification (SIC) codes associated with industries most likely to be affected by the information collection requirements covered in this ICR:

CATEGORY	NAICS CODE	SIC CODE	EXAMPLES OF POTENTIALLY REGULATED ENTITIES
Any industry that combusts hazardous waste as defined in the final rule	562211	4953	Incinerator, hazardous waste
	327310,	3241	Cement manufacturing, clinker production
	327992	3295	Ground or treated mineral and earth manufacturing
	325	28	Chemical Manufacturers
	324	29	Petroleum Refiners
	331	33	Primary Aluminum
	333	38	Photographic equipment and supplies
	488, 561, 562	49	Sanitary Services, N.E.C.
	421	50	Scrap and waste materials
	422	51	Chemical and Allied Products, N.E.C
	512, 541, 561, 812	73	Business Services, N.E.C.
	512, 514, 541, 711	89	Services, N.E.C.
	924	95	Air, Water and Solid Waste Management

4(b). INFORMATION COLLECTED

FACILITIES SUBJECT TO THESE REGULATIONS

(i) Data items

All hazardous waste combustors -- hazardous waste burning cement kilns (CKs), hazardous waste incinerators, hazardous waste burning lightweight aggregate kilns (LWAKs), hazardous waste burning liquid and solid fuel boilers, and hazardous waste burning HCl Production Furnaces -- are subject to this rule and will read the 40 CFR Part 63, Subparts A and EEE regulations. The universe of affected facilities is covered in detail in section 6(d) of this document below.

(ii) Respondent activities

- Read 40 CFR Part 63, Subparts A and EEE

STANDARDS FOR HAZARDOUS WASTE BURNING INCINERATORS, LIGHTWEIGHT AGGREGATE KILNS, CEMENT KILNS, LIQUID FUEL BOILERS, SOLID FUEL BOILERS, AND HCL PRODUCTION FURNACES (Sections 63.1203-63.1205, Sections 63.1216-63.1218, and 63.1219-63.1221)

Replacement MACT standards for hazardous waste burning incinerators, lightweight aggregate kilns, and cement kilns (Phase I units) are covered in Sections 63.1219 through 63.1221. MACT Standards for liquid fuel boilers, solid fuel boilers, and HCl Production Furnaces are covered in Sections 63.1216 through 63.1218. For Phase I sources the Standards specified in section 63.1203 through 63.1205 apply until compliance with the replacement standards. The MACT Standards apply to the following HAPs: particulate matter (PM), CO (carbon monoxide)/HC (hydrocarbons), total chlorine (hydrogen chloride (HCl) and Chlorine gas (Cl₂)), semivolatile metals (cadmium and lead), low volatile metals (chromium, arsenic, and beryllium), PCDD/PCDF (dioxins and furans), mercury, and DRE (destruction and removal efficiency).

Additional recordkeeping or reporting requirements associated with these activities are discussed in the various sections below.

COMPLIANCE WITH THE STANDARDS AND OPERATING REQUIREMENTS (Section 63.1206)

Compliance with Alternative MACT Standards

(i) Data items

Under Section 63.1206(b)(1)(ii), when hazardous waste is not in the combustion chamber (i.e., the hazardous waste feed to the combustor has been cutoff-for a period of time not less than the hazardous waste residence time), HWCs may elect to show compliance with other applicable MACT standards (such as subparts LLL, DDDDD, or NNNNN) in lieu of the HWC standards. Specifically, they must document in the operating record compliance with other applicable MACT requirements in lieu of the HWC MACT emission standards and operating requirements of Subpart EEE.

(ii) Respondent activities

When hazardous waste is not in the combustion chamber, document in the operating record compliance with other applicable MACT requirements in lieu of the requirements of HWC MACT Standards in Part 63 Subpart EEE.

Extension of Compliance with Emission Standards

(i) Data items

Under Sections 63.1206(b)(4), 63.6(i), and 63.1213 HWCs may request EPA for an extension of compliance with the emission standards of Subpart EEE. Section 63.6(i)(4) allows up to one (1) additional year to comply with the standard. The request for the one-year extension shall be submitted not later than four (4) months before the affected source's compliance date.

In addition, under Section 63.6(i)(5), existing sources that have installed best available control technology (BACT) or technology required to meet lowest achievable emission rate (LAER) prior to the MACT rule may request that the EPA grant an extension allowing the source five (5) years from the date on which such installation was achieved to comply with the standard. Any request for the five-year extension must be submitted not later than 120 days after the promulgation date of the standard.

As required by Section 63.6(i)(6), any request for an extension of compliance must include the following information:

- A description of the controls to be installed to comply with the standard;
- A compliance schedule;
- For the five-year extension, all information needed to demonstrate the effectiveness of the installation of BACT or technology to meet LAER.

Under Section 63.10(d)(4), affected sources required to submit progress reports as a condition of receiving an extension of compliance must submit such report to the EPA by the dates specified in the written extension of compliance.

(ii) Respondent activities

- Prepare and submit a request for an extension of compliance; and
- Prepare and submit a progress report, as applicable.

Changes in Design, Operation, or Maintenance

(i) Data items

Under Section 63.1206(b)(5)(i), if a HWC plans to change the design, operation, or maintenance practices of the source in a manner that may adversely affect compliance with any emission standard that is not monitored with a CEMS, the HWC must notify EPA at least 60 days prior to the change, unless circumstances are documented that dictate such prior notice is not feasible. The notification must include:

- A description of the changes and which emission standards may be affected; and
- A comprehensive performance test schedule and test plan that will document compliance with the affected emission standards.

The HWC must conduct a comprehensive performance test to document compliance with the affected emission standards, establish operating parameter limits, and submit to the EPA a Notification of Compliance under Sections 63.1207(j) and 63.1210(d).

Additionally, if it is determined that a change will not adversely affect compliance with the emission standards or operating requirements, the HWC must document the change in the operating record upon making such change. The performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan must be revised, as necessary, to reflect these changes.

Additionally, under Section 63.1206(b)(5)(i)(C), a request may be made to burn hazardous waste for more than 720 hours for purposes other than testing or pre-testing, after making a change in the design or operation that could affect compliance with the emission standards and prior to submitting a revised Notification of Compliance.

(ii) Respondent activities

- Prepare and submit a notification of change in design, operation, or maintenance;
- Conduct a comprehensive performance test to document compliance with emissions standards and establish operating limits;
- Document change in the operating record if it is determined that the change will not adversely affect compliance with emission standards or operating requirements;
- Revise, as necessary, the performance test plan, Documentation of Compliance, Notification of Compliance, and start-up, shutdown, and malfunction plan to reflect changes that will not adversely affect compliance with emission standards or operating requirements; and
- Request approval to burn hazardous waste for additional operating time after change has been made.

Use of Previous DRE Test Results to Demonstrate Compliance with the MACT DRE Standard

(i) Data Items

Under Section 63.1206(b)(7), previously collected DRE test results may be used to demonstrate compliance with the DRE standard unless the source is a cement kiln or incinerator that feeds hazardous waste at locations other than the normal flame zone or the source has been modified in a

(ii) Respondent Activities

- For sources using historical DRE data in lieu of conducting a new DRE test, provide DRE data that meet quality assurance objectives.

Applicability of Particulate Matter and Opacity Standards during Particulate Matter CEMS Correlation Tests

(i) Data items

Under Section 63.1206(b)(8), any particulate matter and opacity standards at 40 CFR 60, 61, 63, 264, 265, and 266 that are applicable to a HWC do not apply while sources conduct particulate matter continuous emissions monitoring system (CEMS) correlation tests (i.e., correlation with manual stack methods). Sources must develop a particulate matter CEMS correlation test plan that includes the following information:

- Number of test conditions and number of runs for each test condition;
- Target particulate matter emission level for each test condition;
- How the source plans to modify operation to attain the desired particulate matter emission levels; and

Anticipated normal particulate matter emission levels.

Under Section 63.1206(b)(8)(iii)(B), the test plan must be submitted to the Administrator for approval at least 90 calendar days before the correlation test is scheduled to be conducted.

A waiver of the PM and opacity standards during PM CEMS correlation tests may be requested beyond the standard allowed time of 96 hours.

(ii) Respondent activities

- Prepare and submit a particulate matter CEMS correlation test plan.
- If desired, prepare and submit a waiver request for additional hours of PM CEMS correlation testing beyond the standard 96 hours.

Hazardous Waste Residence Time

(i) Data items

Under 63.1206(b)(11), HWCs must document the hazardous waste residence time in the operating record, and include it in the comprehensive performance test plan, Documentation of Compliance, and Notification of Compliance.

(ii) Respondent activities

- Include the hazardous waste residence time in the operating record, test work plan, and Documentation and Notification of Compliance documents.

Startup, Shutdown, and Malfunction Plan

(i) Data items

Under Sections 63.1206(c)(2) and 63.6(e)(3), HWCs must develop and implement a written Startup, Shutdown, and Malfunction Plan that describes procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction. It also contains a program of corrective action for malfunctioning process and air pollution control equipment that is used to comply with the relevant standard. The plan must also identify all routine or otherwise predictable potential CMS malfunctions. The plan must be developed by the source's compliance date. The SS&M plan must be submitted to the Administrator for review and approval.

When actions taken during a startup, shutdown, or malfunction (including actions taken to correct a malfunction) are consistent with the procedures specified in the affected source's SS&M Plan, the source must keep records for that event that demonstrate that the procedures specified in the plan were followed. These records may take the form of a "checklist" or other effective form of recordkeeping that confirms compliance with the SS&M Plan for that event.

If an action taken is not consistent with the procedures specified in the plan, the source must report such actions within 2 working days of commencing actions inconsistent with the plan, followed by a letter within 7 working days after the end of the event.

The startup, shutdown, and malfunction provisions exempt sources from the Subpart EEE emission standards and operating requirements during startup, shutdown, and malfunctions. The rule continues to subject sources to RCRA requirements during malfunctions, unless they comply with alternative MACT requirements including expanding the startup, shutdown, and malfunction plan to minimize the frequency and severity of malfunctions, and submit the plan to the delegated CAA authority for review and approval. Sources that burn hazardous waste during startup and shutdown, are required to include waste feed restrictions and operating conditions and limits in the startup, shutdown, and malfunction plan. Sources are

also required to include in the startup, shutdown, and malfunction plan a requirement to comply with the automatic hazardous waste feed cutoff system during startup, shutdown, and malfunctions.

The source must keep the written SS&M Plan on record for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR Part 63. The plan is to be made available for inspection by the EPA, upon request. In addition, if the plan is revised, the source must keep previous versions of the plan on record for a period of 5 years after each revision to the plan.

Under Section 63.1206(c)(2)(ii)(C) changes to the plan that may increase HAP emissions must be requested in writing within 5 days of making the change.

(ii) Respondent Activities

- Develop, submit, and implement, a Startup, Shutdown, and Malfunction Plan, and have it reviewed and approved by the Administrator (or alternatively, contain procedures in the RCRA permit);
- Submit additional information if requested by Administrator.
- Request approval in writing from EPA within 5 days after making a change to the Startup, Shutdown, and Malfunction Plan that will significantly increase emissions of hazardous air pollutants;
- Make the plan available for inspection, if requested by the EPA;
- Keep the plan on record for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR Part 63; and
- Keep previous versions of the plan on record for a period of 5 years after each revision, if the plan is revised.

Automatic Waste Feed Cutoffs (AWFCO)

(i) Data items

Under Section 63.1206(c)(3)(v), if there is an exceedance of an emission standard or operating requirement after any AWFCO, irrespective of whether hazardous waste is in the combustion chamber, HWCs must:

Investigate the cause of the AWFCO;

Take appropriate corrective measures to minimize future AWFCOs; and

Record the findings and corrective measures in the operating record.

Section 63.1206(c)(3)(vi) requires that, for each set of 10 exceedances of an emission standard or operating requirement while hazardous waste remains in the combustion chamber during a 60-day block period, a written report must be submitted within 5 calendar days of the 10th exceedance detailing the results of the investigation and corrective measures taken.

Section 63.1206(c)(3)(vii) requires that the AWFCO system and associated alarms must be tested at least weekly to verify operability, unless it is documented in the operating record that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, operability testing must be conducted at least monthly. AWFCO operability test procedures and results must be documented and recorded in the operating record.

Section 63.1206(c)(3)(viii) allows for ramping down the waste feedrate of pumpable hazardous waste over a period not to exceed one minute. Sources electing to ramp down the waste feed must document ramp down procedures in the operating and maintenance plan. The procedures must specify that the ramp down begins immediately upon initiation of automatic waste feed cutoff and the procedures must prescribe a bona fide ramping down

(ii) Respondent activities

Investigate the cause of an AWFCO, take appropriate corrective measures to minimize future AWFCOs, and record the findings and corrective measures in the operating record;
Develop and submit a written report documenting excessive exceedances (i.e., a set of 10 exceedances during a 60-day block period) and result of the investigation and corrective measures taken;
Test the AWFCO system and associated alarms weekly and document and record AWFCO operability test procedures and result in the operating record; or,
Alternatively, document in the operating record that weekly inspections will unduly restrict or upset operations and test the AWFCO system monthly and document and record AWFCO operability test procedures and result in the operating record; and
Document in the operating and maintenance plan ramp down procedures, as applicable.

ESV Openings

(i) Data items

Under Section 63.1206(c)(4)(ii), HWCs must develop an emergency safety vent(ESV) plan, comply with the plan, and keep the plan in the operator record. The ESV plan must detail procedures for stopping the waste feed, shutting down the combustor, and maintaining temperature and negative pressure in the combustion chamber. Additionally, Section 63.1206(c)(4)(iii) requires that, after any ESV opening that is not a result of a malfunction, and which occurs when hazardous waste is in the combustion chamber, the HWC must:

Investigate the cause of the ESV opening;
Take appropriate corrective measures to minimize such future ESV openings, and record the findings and corrective measures in the operating record;
Document whether the source remains in compliance with applicable standards; and
Submit a written report to the Administrator if there is non-compliance (within 5 days of the ESV opening).

(ii) Respondent activities

Develop an ESV plan and keep the plan in the operating record;
Investigate the cause of the ESV openings, take appropriate corrective measures to minimize such future ESV openings, and record the findings and corrective measures in the operating record; and
Document whether the ESV caused non-compliance with applicable emissions standards.
Develop and submit a written report within 5 days of the event documenting the ESV opening and result of the investigation and corrective measures taken if non-compliance with applicable emissions standards.

Combustion System Leaks

(i) Data items

Under Section 63.1206(c)(5), combustion system leaks of hazardous air pollutants must be controlled by either:

Keeping the combustion zone sealed to prevent combustion system leaks; or
Maintaining the maximum combustion zone pressure lower than ambient pressure using an instantaneous monitor; or

Upon prior written approval of the administrator, an alternative means of control to provide control of combustion system leaks equivalent to maintenance of combustion zone pressure lower than ambient pressure.

Upon prior written approval of the administrator, other techniques which can be demonstrated to prevent fugitive emissions without use of instantaneous pressure limits.

The method used for control of combustion system leaks must be specified in the operating record, and also included in the comprehensive performance test plan and Notification of Compliance.

(ii) Respondent activities

Prepare and submit a request to use an alternative means of control to provide control of combustion system leaks; and

Specify in the operating record, the comprehensive performance test plan, and in the Notification of compliance the method used for control of combustion system leaks. If applicable the recording frequency of the pressure monitor must be specified.

Operator Training and Certification

(i) Data items

Under Section 63.1206(c)(6), HWCs must establish a training and certification program for all categories of personnel whose activities may reasonably be expected to directly affect emissions of hazardous air pollutants from the source.

Each training program must be of a technical level commensurate with the person's job duties specified in the training manual. The operator training and certification program must be recorded in the operating record. Control room operators are required to be on duty at source at all times the source is in operation.

The training and certification program for control room operators may be

Developed by the source and be site specific basis, and must follow EPA prescribed training topics outlined in 63.1206(c)(6)(v) or;

A State program, or in the case of incinerator operators only

Program meeting ASME standards QHO-1-1994 or QHO-1a-1996 or. QHO-1-2004

Control room operators must complete an annual review or refresher course as well.

(ii) Respondent activities

Establish a training and certification program for all employees.

Provide training and certification of control room operators under a source-developed program or state program

Provide annual refresher training for control room operators.

Keep records of personnel training and certification.

Operating and Maintenance Plan

(i) Data items

Section 63.1206(c)(7) requires HWC's to prepare and at all times operate according to a operation and maintenance plan. The operating and maintenance plan must describe in detail procedures for operation,

inspection, maintenance, and corrective measures for all components of the combustor, including associated pollution control equipment, that could affect emissions of regulated hazardous air pollutants.

The plan must prescribe how the HWC will operate and maintain the combustor in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels achieved during the comprehensive performance test. The plan must be recorded in the operating record.

(ii) Respondent Activities

Prepare an operation and maintenance plan and record the plan in the operating record.

BLDS and PMDS Requirements

For units with fabric filters, a “bag leak” detectors that meet the specifications in 63.1206 (c) (8) (ii) or a particulate matter detector system that meets the specification in 63.1206 (c) (9) must be used to show compliance as part of the operating and maintenance plan. The device must be equipped with an audible alarm. The OMP must outline procedures to follow in the event that the alarm limit is exceeded. EPA must be notified when excessive bag leak detection system exceedances occur. (Specifically if the alarm set point is exceeded more than 5% of the time in any six month block period).

For units with electrostatic precipitator or ionizing wet scrubbers, continuous particulate matter detection systems must be used if alternate site-specific operating limits are not requested and approved under Section 62.1209(m)(1)(iv). The device must be equipped with an audible alarm. The OMP must outline procedures to follow in the event that the alarm limit is exceeded. EPA must be notified when excessive bag leak detection system exceedances occur. (Specifically if the alarm set point is exceeded more than 5% of the time in any six month bloc period). The PM detector may be correlated during the comprehensive performance test. Additional correlation tests are required annually or once every three years depending on the results of the first two tests (see 63.1206 (1)(2))

(ii) Respondent activities

Use bag leak detectors (or PM detectors) for all units with fabric filters.

For units with ESP or IWS, use continuous PM detectors if not complying with alternative operating parameter limits.

Establish alarm levels for BLDS or PMDS

Take corrective action in case the alarm limit is exceeded. Keep records of exceedences (date, time duration of alarm) and corrective action taken.

Notify EPA if excessive bag leak detector exceedences occur.

For units equipped with PM detectors, conduct annual or 3-yearly response audits.

PERFORMANCE TESTING REQUIREMENTS (Section 63.1207)

Comprehensive Performance Test

(i) Data items

Under Section 63.1207(b)(1), HWCs must conduct comprehensive performance testing to demonstrate compliance with MACT Replacement Rule emission standards provided by Sections, 63.1216 through 63.1221; establish limits for the operating parameters provided by Section 63.1209; and demonstrate compliance with the performance specifications for continuous monitoring systems. The initial comprehensive performance test must begin no later than 12 months after the compliance date for Phase I sources, and 6 months for Phase II sources. The comprehensive performance testing is required every 5 years.

Under Section 63.1207(d) (3) the HWC may request additional time (beyond the 60 days after commencement) to complete testing if time is needed for reasons beyond the sources control.

Under Section 63.1207(e)(2), the approved comprehensive performance test plan must be made available to the public (through public notice to persons on the facility public mailing list) no later than 60 days before the initiation of the test.

Under Section 63.1207(h)(2), current operating parameter limits may be requested to be waived during pre-testing for more than the standard 720 hours.

Under Section 63.1207(l)(3)), after a failure of a comprehensive performance test, HWCs may request to burn hazardous waste for more than the standard 720 hours for purposes other than testing or pre-testing.

(ii) Respondent activities

Perform comprehensive performance testing every five years.

If applicable, request a 60 day time extension to complete testing.

If necessary, request additional time to waive current operating parameter limits for pre-testing.

If compliance test fails, petition administrator to burn hazardous waste in the interim period prior to submitting notification of compliance.

Confirmatory Performance Test

(i) Data items

Under Section 63.1207(d)(2), confirmatory performance testing is required mid-way between comprehensive performance testing. Testing is required only for demonstration with the dioxin and furan (PCDD/PCDF) standard.

Units that are not subject to a numerical PCDD/PCDF standard – Liquid fuel boilers with wet or no air pollution control system, HCl Production Furnaces, and solid fuel boilers – must conduct a single PCDD/PCDF performance test (or use previous PCDD/PCDF emissions test measurements if they have sufficient data quality and are representative of current operations).

Under Section 63.1207(g)(2) OPLs established to maintain compliance with the D/F standard, must be held within the range of the average value over the previous 12 months during testing. Also CO or HC CEMS must be between the average and maximum value allowed. The Administrator may approve an alternative operating range

Additionally, for all PCDD/PCDF testing, it may be requested to use Method 23 as an alternative to Method 23A.

(ii) Respondent activities

Conduct confirmatory performance testing at intervals mid-way between the comprehensive performance testing, or

Conduct a one-time PCDD/F test (if source belongs to a category without numerical PCDD/F standard)

Request to operate under wider operating range for a parameter during confirmatory performance testing.

Request to use Method 23A if necessary

Data in Lieu of the Initial Comprehensive Performance Test

(i) Data items

Under Section 63.1207(c)(2), HWCs may request that previous emissions test data serve as documentation of conformance with the emission standards of Subpart EEE, provided that the previous testing:

- Meets sufficient quality assurance requirements;
- Was conducted after 54 months prior to the compliance date;
- Is in conformance with operations during testing requirements for comprehensive performance testing (Section 63.1207(g)(1)); and
- Is sufficient to establish the applicable operating parameter limits under Section 63.1209.

(ii) Respondent activities

- Prepare and submit a request that previous emissions test data serve as documentation of conformance with emission standards.

Notification of Performance Test and CMS Performance Evaluation, and Approval of Test Plan and CMS Performance Evaluation Plan

(i) Data items

Under Sections 63.1207(e), a notification of intention to conduct a comprehensive and confirmatory performance test and CMS performance evaluation and a site-specific test plan and CMS performance evaluation plan must be submitted at least one year before the performance test and performance evaluation are scheduled to begin. The EPA will notify the source of approval or intent to deny approval of the site-specific test plan and CMS performance evaluation within 9 months after receipt of the original plan.

Under Sections 63.1207(e), and 63.7(b), HWCs must submit a notification to the EPA of their intention to conduct a performance test 60 days before the test is scheduled to begin. In the event the source is unable to conduct the performance test on the date specified in the notification requirement, the source shall notify the EPA within 5 days prior to the scheduled performance date and specify the date when the performance test is rescheduled.

As required by Section 63.7(c), before conducting a required performance test, a site-specific test plan must be submitted to the EPA for approval. The test plan must include:

- A test program summary;
- The test schedule;
- Data quality objectives; and
- Both an internal and external quality assurance (QA) program.

Data quality objectives are the pretest expectations of precision, accuracy, and completeness of data.

The internal QA program must include, at a minimum the activities planned to provide an assessment of test data precision (i.e., sampling and analysis of replicate samples). The external QA program must include, at a minimum, application of plans for a test method performance audit (PA) during the performance test. The PA consists of blind audit samples provided by EPA and analyzed during the performance test in order to provide a measure of test data bias. The external QA program may also include systems audits that include the opportunity for on-site evaluation by EPA of instrument calibration, data validation, sample logging, and documentation of quality control data and field maintenance activities.

For confirmatory performance tests, the site-specific test plan must be submitted to EPA at least 60 calendar days before the performance test is scheduled to take place (i.e., simultaneously with the notification of intention to conduct a performance test), or on a mutually agreed upon date. EPA may request additional relevant information after the submittal of a site-specific test plan. Per 63.1207(e)(2), the site-specific test plan and CMS performance evaluation plan must be made available to the public to review 60 days before the testing starts and a public notice must be issued indicating that the information is available.

(ii) Respondent activities

- Prepare and submit a notification of intention to conduct a performance test;
- Prepare and submit a rescheduled notification of intent to conduct a performance test, if the test is postponed;
- Prepare and submit a site-specific comprehensive performance test plan;
- Prepare and submit a CMS performance evaluation test plan.
- Prepare and submit additional relevant information requested by the EPA.
- Make the approved test plan available to the public, and issue a public notice.

Notification of Compliance

(i) Data items

Sections 63.1207(j)-(l) require that, within 90 days of completion of the comprehensive performance test, HWCs postmark a Notification of Compliance documenting compliance or noncompliance with the emission standards and continuous monitoring system requirements, and identifying operating parameter limits under Section 63.1209 for a comprehensive performance test.

Under Section 63.9(h), the Notification of Compliance must be signed by the responsible official who must certify its accuracy, attesting to whether the source has complied with the relevant standard. The notification must list:

- The methods that were used to determine compliance;
- The results of the performance test, opacity or visible emission observations, continuous monitoring system (CMS) performance evaluations, and/or other monitoring procedures or methods that were conducted;
- The methods that will be used for determining continuing compliance, including a description of monitoring and reporting requirements and test methods;
- The type and quantity of hazardous air pollutants emitted by the source, reported in units and averaging times and in accordance with the test methods specified in the relevant standard;
- An analysis demonstrating whether the affected source is a major source or an area source;
- A description of air pollution control equipment (or method) for each emission point, including each control device (or method) for each hazardous air pollutant and control efficiency (percent) for each control device (or method); and
- A statement by the owner or operator of the affected existing, new or reconstructed source as to whether the source has complied with the relevant standard or other requirements.

As required by Sections 63.7(g) and 63.10(d)(2), and as stated above, results of the performance tests shall be submitted as part of the notification of compliance status.

Under Section 63.1210(d), the Notification of Compliance status requirements of Section 63.9(h) apply, except that:

- The notification is a Notification of Compliance, rather than the compliance status;
- The notification is required for the initial comprehensive performance test and each subsequent comprehensive and confirmatory performance test; and

The notification must be postmarked before the close of business on the 90th day following completion of relevant compliance demonstration activity rather than the 60th day as required by Section 63.9(h)(2)(ii).

The Notification of Compliance requirements of Section 63.1207(j) also apply.

Under Section 63.1207(j) (4), a written request for a time extension may be submitted to the EPA. The request must document that a source may not be able to meet the 90-day deadline for reasons beyond its control.

(ii) Respondent activities

Prepare and submit a Notification of Compliance.
Prepare and submit a written request for a time extension, if necessary.

Waiver of Performance Test or Time Extension for Performance Testing if Test Plan has not been Approved

(i) Data items

Under Section 63.7(h), Section 63.1207(e)(3), and Section 62.1207(i), performance tests may be requested to be waived (or given a time extension of up to one year to conduct the performance test) with a written application to the EPA if:

The source is meeting the relevant standards on a continuous basis;
The test plan has been submitted to EPA but has not yet been approved.

The application for a waiver or time extension must be submitted at least 60 days before the required performance test data, or 60 days before the scheduled date of the performance test if the site-specific test plan has been submitted but not yet approved.

The application for a waiver of a performance test must include information justifying the source's request for a waiver, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test. It must also include documentation to enable the EPA to determine that the source is meeting the relevant standards on a continuous basis as required by Section 63.7(h)(2). Extension requests for the initial comprehensive performance test must include a Documentation of Compliance to assist EPA in making this determination.

Also, the source must notify the public of the petition to waive the performance test.

Additionally, under Section 63.1207(m), HWCs are not required to conduct performance tests to document compliance with the mercury, semivolatile metal, low volatile metal or total chlorine gas emission standard if the twelve-hour rolling average maximum theoretical emission concentration (MTEC) does not exceed the emission standard. To document compliance with this provision, HWCs must:

Monitor and record the feedrate of mercury, semivolatile metals, low volatile metals, and total chlorine from all feedstreams according to Section 63.1209(c);
Monitor with a CMS and record in the operating record the gas flowrate (either directly or by monitoring a surrogate parameter that is correlated to gas flowrate);
Continuously calculate and record in the operating record the MTEC;

Or alternatively,

Identify in the Notification of Compliance a minimum gas flowrate limit and a maximum federate limit of mercury, semivolatile metals, low volatile metals, and/or total chlorine from all feedstreams that ensues the MTEC is below the applicable emission standard; and
Interlock the MTEC calculated or the minimum gas flowrate limit and maximum federate limit to the AWFCO system to stop hazardous waste burning when the MTEC exceeds the emission standard or when the gas flowrate or mercury, semivolatile metals, low volatile metals, and/or total chlorine federate exceeds the limit as identified in the Notification of Compliance.

It must be stated in the site-specific test plan submitted for review and approval the intention to comply with the provisions of 63.1207(m).

(ii) Respondent activities

Prepare and submit an application for a waiver or time extension of performance test.
Notify public of waiver or time extension request.

MONITORING REQUIREMENTS (Section 63.1209)

Continuous Emissions Monitoring Systems (CEMS) and Continuous Opacity Monitoring Systems (COMS)

(i) Data items

Under Section 63.1209(a), HWCs must use a CEMS to demonstrate and monitor compliance with the carbon monoxide and/or hydrocarbon standards. HWCs must also use an oxygen CEMS to continuously correct the carbon monoxide and hydrocarbon levels to 7 percent oxygen.

Additionally, cement kilns not equipped with bag leak detector, must use a COMS to demonstrate and monitor compliance with opacity standards for existing and new kilns. Certain cement kilns may conduct daily visual stack testing (per Method 9) in lieu of COMS.

(ii) Respondent activities

Install, calibrate, maintain, and continuously operate CEMS for carbon monoxide, hydrocarbons, and oxygen; and
For existing and new cement kilns, install, calibrate, maintain, and continuously operate COMS for opacity, or
Conduct daily visual stack testing

Use of CEMS in Lieu of Operating Parameter Limits or Alternative Methods in-Lieu of CEMS

(i) Data items

- Under Sections 63.1209(a)(5) and 63.8(f), HWCs may request the use of CEMS in lieu of operating parameter limits, or alternative methods in lieu of CEMS.

(ii) Respondent activities

- Request the use of CEMS in lieu of operating parameter limits, or alternative methods in lieu of CEMS.

Other Continuous Monitoring Systems

(i) Data items

Under Section 63.1209(b) other continuous monitoring systems (such as thermocouples, pyrometers, pressure transducers and flow meters) must be used to monitor various combustion and air pollution control device operating parameters. Sources must follow manufacturers written specifications for installation, operation and calibration of CMS.

CMS evaluation plan and test plan must also be developed as discussed below in more detail.

(ii) Respondent activities

Install and operate all CMS as required for compliance with required operating parameter limits.

Feedstream Analysis Plan

(i) Data items

Section 63.1209(c)(2) requires HWC to develop and implement a feedstream analysis plan and record it in the operating record. If requested the plan must be submitted to the administrator for review and approval. The plan must specify at a minimum:

- The parameters for which each feedstream will be analyzed to ensure compliance with the operating parameter limits of 40 CFR Part 63;
- Whether the source will obtain the analysis by performing sampling and analysis or by other methods, such as using analytical information obtained from others.
- How the analysis will be used to document compliance with all applicable feedrate limits (e.g., if hazardous wastes are blended and obtain analyses of the wastes prior to blending but not of the blended, unfired, waste, the plan must describe how the pertinent parameters if the blended waste will be determined);
- The test methods which will be used to obtain the analyses;
- The sampling method which will be used to obtain a representative sample of each feedstream to be analyzed using the sampling methods described in Appendix 1X of Part 266 or an equivalent method; and
- The frequency with which the initial analysis of the feedstream will be reviewed or repeated to ensure that the analysis is accurate and up to date.

Additionally, under Section 63.1209(c)(4), to comply with the applicable feedrate limits, feedrates must be monitored and recorded as follows:

Determine and record the value of the parameter for each feedstream by sampling and analysis or other method;

Determine and record the mass or volume flowrate of each feedstream by CMS.

If the flowrate of a feedstream is determined by volume, the density of the feedstream must be determined and recorded by sampling and analysis (unless the constituent concentration is reported in units of weight per unit volume (e.g., mg/L)); and

Calculate and record the mass feedrate of the parameter per unit time.

(ii) Respondent activities

- Develop and implement a feedstream analysis plan and record the plan in the operating record;
- Submit the plan for review and approval, if requested by the EPA; and
- Monitor and record feedrates.

CMS Quality Control Program

(i) Data items

Under Sections 63.1209(d) and 63.8(d), HWCs must develop and implement a CMS quality control program. Each quality control program must include, at a minimum, a written protocol that describes procedures for each of the following operations:

- o Initial and any subsequent calibration of the CMS;
- o Determination and adjustment of the calibration drift of the CMS;
- o Preventive maintenance of the CMS, including spare parts inventory;
- o Data recording, calculations, and reporting;
- o Accuracy audit procedures, including sampling and analysis methods; and
- o Program of corrective action for a malfunctioning CMS.

Sources must keep these written procedures on record for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR Part 63, and are to be made available for inspection by the EPA, if requested. Where relevant, these written procedures may be incorporated as part of the affected source's startup, shutdown, and malfunction plan to avoid duplication of planning and recordkeeping efforts.

(ii) Respondent activities

- o Develop and implement a CMS quality control program;
- o Keep the CMS quality control program on record for the life of the affected source or until the affected source is no longer subject to the provisions of 40 CFR Part 63; and
- o Submit the CMS quality control program for inspection, if requested by the EPA.

Notification of CMS Performance Evaluation

(i) Data items

As required by Sections 63.1209(d) and 63.8(e)(2), HWCs must notify the EPA in writing of the date of the performance evaluation simultaneously with the notification of the performance test date required under Section 63.7(b) or at least 60 days prior to the date the performance evaluation is scheduled to begin if no performance test is required. It is noted that Section 63.8(e)(2) is superseded by Section 63.1207(e) requiring sources to submit the site-specific test plan and the CMS performance evaluation plan for approval at least one year prior to the planned test date.

(ii) Respondent activities

- Prepare and submit a notification of CMS performance evaluation.

Additional Notification Requirements for CMS

(i) Data items

Under Section 63.1210(a)(1) and Sections 63.9(g)(2) and (3), HWCs must furnish the EPA with the following written notifications:

- A notification that COMS data results will be used to determine compliance with the applicable opacity emission standard during a performance test, if compliance with an opacity emission standard is required for the source by the relevant standard. The notification shall be submitted at least 60 calendar days before the performance test is scheduled to begin; and
- A notification that the criterion necessary to continue use of an alternative to relative accuracy testing has been exceeded. The notification shall be delivered or postmarked not later than 10 days after the occurrence of such exceedance, and it shall include a description of the nature and cause of the increased emissions.

(ii) Respondent activities

- Prepare and submit additional notification requirements for sources with CMS.

Submission of Site-Specific CMS Performance Evaluation Test Plan

(i) Data items

As required by Section 63.1209(d) and 63.8(e)(3), before conducting a required CMS performance evaluation, HWCs must develop and submit a site-specific performance evaluation test plan to the EPA for approval upon request. The performance evaluation test plan shall include:

1. The evaluation program objectives;
2. An evaluation program summary;
3. The performance evaluation schedule;
4. Data quality objectives; and
5. Both an internal and external QA program.

Data quality objectives are the pre-evaluation expectations of precision, accuracy, and completeness of data.

The internal QA program shall include, at a minimum, the activities planned by routine operators and analysts to provide an assessment of CMS performance. The external QA program shall include, at a minimum, system audits that include the opportunity for on-site evaluation by the EPA of instrument calibration, data validation, sample logging, and documentation of quality control data and held maintenance activities.

The source shall submit the site-specific performance evaluation test plan to the EPA (if requested) at least 60 days before the performance test or performance evaluation is scheduled to begin, or on a mutually agreed upon date. The EPA may request additional relevant information after the submittal of a site-specific performance evaluation test plan.

It is noted that Section 63.8(e)(3)(iii) is superseded by Section 63.1207(e) requiring sources to submit the site-specific test plan and the CMS performance evaluation plan for approval at least one year prior to the planned test date.

(ii) Respondent activities

- Develop and submit a CMS site-specific performance evaluation test plan; and
- Submit additional relevant information, if requested by the EPA.

Conduct of CMS Performance Evaluation and Performance Evaluation Dates

(i) Data items

Under Section 63.1209(d) and 63.8(e)(4), the HWCs must conduct a performance evaluation of a required CMS during any performance test required under Section 63.7 in accordance with the applicable performance specification as specified in the relevant standard. Additionally, performance evaluations of components of the CMS must be conducted under the frequency and procedures (for example, submittal of performance evaluation test plan for review and approval) applicable to performance tests as provided by Section 63.1207.

(ii) Respondent activities

- Conduct a CMS performance evaluation.

Reporting Results of CMS Performance Evaluations

(i) Data items

Under Section 63.8(e)(5), the owner or operator of an affected source required to install a CMS by the relevant standard shall furnish the EPA a copy of a written report of the results of the CMS performance evaluation, simultaneously with the results of the performance test.. Additionally, sources using a COMS to determine opacity compliance during any performance test shall furnish to EPA two or, upon request, three copies of a written report of the results of the COMS performance evaluation. The copies shall be furnished at least 15 calendar days before the performance test.

(ii) Respondent activities

- Prepare and submit a written report of the results of the CMS performance evaluation; and
- Prepare and submit written reports of the result of the COMS performance evaluation, as applicable.

Alternative Compliance Monitoring Requirements for Standards other than those Monitored with a CEMS

(i) Data items

Under Section 63.1209(g)(1), HWCs may submit an application to the EPA for approval of alternative monitoring requirements to document compliance with the emission standards of Subpart EEE other than CO or HC which are monitored with a CEMS. An application to waive an operating parameter limit may be submitted based on documentation that neither that operating parameter limit nor an alternative operating parameter limit is needed to ensure compliance with the emission standards of Subpart EEE. The application must be submitted to the EPA not later than with the comprehensive test plan. The application must include:

- Data or information justifying the request for an alternative monitoring requirement (or for a waiver of an operating parameter limit), such as the technical or economic infeasibility or the impracticality of using the required approach;
- A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach/technique (e.g., type of detector, monitoring location), the averaging period for the limit, and how the limit is to be calculated; and
- Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard, or that it is the monitoring requirement that best assures compliance with the standard and that is technically and economically practicable.

The administrator will notify approval or intention to deny approval of the request within 90 calendar days after receipt of the original request and within 60 calendar days after the receipt of any supplementary information that is submitted. The EPA may determine on a case-by-case basis at any time that additional or alternative operating parameters may need to be limited, or that alternative approaches to establish limits on operating parameters may be necessary to document compliance with the emission standards of Subpart EEE.

(ii) Respondent Activities

- Prepare and submit an application for use of an alternative monitoring method for operating parameter requirements; and/or;
- Prepare and submit an application to waive operating parameter limits.

Destruction and Removal Efficiency

(i) Data items

Under Section 63.1209(j), HWCs must remain in compliance with the destruction and removal efficiency (DRE) standard by establishing operating limits during the comprehensive performance test (or during a previous DRE test) and complying with those limits at all times that hazardous waste remains in the combustion chamber. OPLs must be established and complied with for:

1. Minimum combustion chamber temperature;
2. Maximum flue gas flowrate or production rate;
3. Maximum hazardous waste feedrate; and
4. Operation of waste firing system.

(ii) Respondent activities

- Comply with the following operating limits: minimum combustion chamber temperature; maximal gas flowrate or production rate; maximum hazardous waste feedrate, and operation of waste firing system.

PCDD/PCDF

(i) Data items

Under Section 63.1209(k), HWCs must comply with the dioxin and furan emission standard by establishing and complying with the following operating parameter limits based limits on operations during the comprehensive performance test:

- Gas temperature at the inlet to a dry particulate matter control device (LWAKs must instead measure gas temperature at the exit of the last combustion chamber);
- Minimum combustion chamber temperature (applies to all sources except cement kilns),
- Maximum flue gas flowrate or production rate
- Maximum hazardous waste feedrate;
- Parameter limits for the following air pollution control devices:
 - Activated carbon injection systems, with limits including carbon feedrate and operating temperature, as well as parameter limits for PM capture device;
 - Carbon bed systems, where operating parameters to monitor and control bed age must be specified on a site specific basis in the comprehensive performance test plan;
 - Catalytic oxidizers, with limits on operating temperature; and
 - Inhibitor feedrates.

Under Section 63.1209(k)(6)(iii)(B), HWCs equipped with activated carbon injection systems may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test and conforms to the key solvent parameters. Documentation that the substitute carbon will provide the same level of control as the original carbon must be included in the operating record.

Under Section 63.1209(k)(7)(ii)(B), HWCs equipped with carbon bed systems may substitute at any time a different brand or type of carbon provided that the replacement has equivalent or improved properties compared to the carbon used in the performance test. Documentation that the substitute carbon will provide the same level of control as the original carbon must be included in the operating record.

For HWCs feeding dioxin/furans inhibitors into the combustion system, under Section 63.1209(k)(9)(ii)(B), a different brand or type of inhibitor may be substituted at any time provided that the replacement has equivalent or improved properties compared to the inhibitor used in the performance test and conforms to the key parameter that affects the effectiveness of the inhibitor. Documentation that the substitute inhibitor will provide the same level of control as the original inhibitor must be included in the operating record.

(ii) Respondent activities

Comply with the following operating parameter limits:

- Gas temperature at the inlet to a dry particulate matter control device;
- Minimum combustion chamber temperature;
- Maximum flue gas flowrate or production rate;
- Maximum hazardous waste feedrate; particulate matter operating limit;
- Operating parameter limits for activated carbon injection or carbon bed systems, catalytic oxidizers, and inhibitors; and
- If carbon is used, document in the operating record that replacement carbon will provide the same level of control as the original carbon used during the performance test.
- If inhibitors are used, document in the operating record that replacement inhibitor will provide the same level of control as the original inhibitor used during the performance test.

Mercury

(i) Data items

Under Section 63.1209(l) HWCs must comply with the mercury emission standard by establishing and complying with the following operating parameter limits. These limits must be based on operations during the comprehensive performance test (or manufacturer specifications):

- Feedrate of total mercury; and
- Parameter limits for the following air pollution control devices:
 - Wet scrubbers;
 - Activated carbon injection systems; and
 - Activated carbon bed systems.

A 12 hour rolling average limit (or an annual rolling average limit in the case of liquid boilers) for the total feedrate of mercury in all feedstreams must be established as the average of the hourly rolling averages for each run.

However, under Sections 63.1220(a)(2)(iii), 63.1221 (a)(2)(ii) cement kilns and LWAKs complying with the alternate mercury standard would establish a 12 hour rolling average limit for mercury from hazardous waste feedstreams.

Under Section 63.1209(l)(1)(v) sources may request as part of the performance test plan to use the Hg feedrates and associated emission rates during the CPT to extrapolate to higher feedrates.

(ii) Respondent activities

- Comply with the following operating parameter limits: feedrate of total mercury; and parameter limits for wet scrubbers, and activated carbon injection or carbon bed systems; or
- Install, calibrate, maintain and continuously operate CEMS for compliance monitoring for mercury.
- Request to extrapolate mercury feedrate limits.

Particulate Matter

(i) Data items

Under Section 63.1209(m), HWCs must comply with the particulate matter emission standard by establishing and complying with the following operating parameter limits based on operations during the comprehensive performance test:

APCD operating limits for:

- Wet scrubbers- scrubber liquid/gas ratio, scrubber liquor solid content and for high energy wet scrubbers only – min pressure drop
- Baghouses, including pressure drop and gas flowrate.
- Electrostatic precipitators, including power input and gas flowrate.
- Other particulate matter control devices.

Maximal flue gas flowrate or production rate, and
Maximum ash feedrate.

Alternately, install, calibrate, maintain and continuously operate CEMS for compliance monitoring for PM.

(ii) Respondent activities

- Comply with the following operating parameter limits:
 - APCD operating limits for wet scrubbers, fabric filters, or electrostatic precipitators
 - Maximum flue gas flowrate or production rate; and Maximum ash feedrate;

Semivolatile Metals and Low Volatile Metals

(i) Data items

Under Section 63.1209(n), HWCs must comply with the semivolatile metal (cadmium and lead) and low volatile metal (arsenic, beryllium, and chromium) emission standards by establishing and complying with the following operating parameter limits base on operations during the comprehensive performance test:

- Maximize inlet temperature to dry particulate matter air pollution control device;
- Maximum feedrate of semivolatile and low volatile metals; APCD operating parameter limits specified for particulate matter;
- Maximum total chlorine and chloride federate; and
- Maximum flue gas flowrate or production rate.

A 12-hour rolling average limit for the federates of combined semivolatile metals and combined low volatile metals must be established, in all feedstreams as the average of the average hourly rolling averages for each run, as well as a 12-hour rolling average limit for combined semivolatile metals in all pumpable feedstream as the average of the average hourly rolling averages for each run. Dual feedrate limits for both

pumpable and total feedstreams are not used if the total feedrate limit is based solely on the feedrate of pumpable feedstreams.

Under Section 63.1209(n)(2)(ii) the use semivolatile metal and low volatile metal feedrates and associated emission rates during the comprehensive performance test to extrapolate to higher allowable feedrate limits and emission rates may be requested as part of the performance test plan.

(ii) Respondent activities

- Comply with the following operating parameter limits:
Maximum inlet temperature to dry particulate matter air pollution control device;
Maximum feedrate of semivolatile and low volatile metals;
APCD operating parameter limits specified for particulate matter;
Maximum total chlorine and chloride feedrate
Maximum flue gas flowrate or production rate; and
- Prepare and submit request to extrapolate semivolatile metal and low volatile metal feedrate limits;
or
- Request to extrapolate semivolatile and low volatile metal feedrate limits.

Total Chlorine (Hydrogen Chloride and Chlorine Gas)

(i) Data items

Under Section 63.1209(o), HWCs must comply with the total chlorine emission standard by establishing and complying with the following operating parameter limits based on operations during the comprehensive performance test:

- Feedrate of total chlorine and chloride;
- Maximum flue gas flowrate or production rate;
- Parameter limits for the following air pollution control devices: wet scrubbers and dry scrubbers.

For HWCs equipped with dry scrubbers, under Section 63.1209(o)(4)(iii)(B), a different brand or type of sorbent may be substituted at any time provided that the replacement has equivalent or improved properties compared to the sorbent used in the performance test and conforms to the key parameters. Documentation that the substitute sorbent will provide the same level of control as the original sorbent must be included in the operating record.

(ii) Respondent activities

Comply with the following operating parameter limits:

- Comply with the following operating parameter limits feedrate of total chlorine and chloride; maximum flue gas flowrate or production rate; and operating parameter limits for wet and dry scrubbers; and
- Document in the operating record that replacement sorbent will provide the same level of control as the original sorbent used during the performance test;

Combustion Chamber Pressure

(i) Data items

Under 63.1209 (p), instantaneous monitoring of combustion zone pressure (ensuring that the combustion zone pressure is lower than ambient pressure) may be used to comply with provisions for controlling combustion system leaks.

(ii) Respondent activities

- Monitor and record combustion zone pressure.

Operating under Different Modes of Operation

(i) Data items

Given that HWCs must establish limits for applicable operating parameters based on operations during the comprehensive performance test, under Section 63.1207(g)(1)(i), a HWC may conduct testing under two or more operating modes to provide operating flexibility.

Under Section 63.1209(q), when the HWC changes a mode of operation and begins complying with the operating parameter limits for an alternative mode of operation, it must be recorded in the operating record.

(ii) Respondent activities

- Document the mode of operation in the operating record, if a source has tested under two or more operating modes.

NOTIFICATION REQUIREMENTS (Section 63.1210)

HWCs must submit various notifications listed under Section 63.1210(a)(1).. HWCs may also choose to submit a number of notifications listed under Section 63.1210(a)(2) for requests, petitions, or applications in order to comply with reduced or alternative requirements. Note that several of these notifications have been addressed in other sections of this ICR. This section provides descriptions of notification requirements not discussed in preceding or later sections of this document.

Initial Notifications

(i) Data items

A Notification of Intent to Comply (NIC) must be prepared by all sources as outlined in 63.1210 (b). The NIC must discuss various milestone dates of key activities that are planned to bring the source into compliance and a description of the source and how it intends to comply with the HWC MACT Rule.

The initial notification requirements of Section 63.9(b) apply when sources become subject to the relevant standard. Sources with an initial startup date before the effective date of the relevant standard must notify the EPA in writing that the source is subject to the relevant standard. The notification must be submitted not later than 120 calendar days after the effective date of the relevant standard (or within 120 calendar days of the source becomes subject to the relevant standard), and shall provide the following information:

- The name and address of the owner or operator;
- The address of the affected source;
- An identification of the relevant standard, or other requirement, that is the basis of the notification and the source's compliance date;
- A brief description of the nature, size, design, and method of operation of the source, including its operating design capacity and an identification of each point of emission for each hazardous air

- pollutant, or if a definitive identification is not yet possible, a preliminary identification of each point of emission for each hazardous air pollutant; and
- A statement of whether the affected source is a major source or an area source.

A new or reconstructed affected source, or a source that has been reconstructed such that it is an affected source, with an initial startup after the effective date of the relevant standard and for which reapplication for approval of construction or reconstruction is not required, must notify the EPA in writing that the source is subject to the relevant standard no later than 120 days after initial startup. The notification must provide all the information listed above.

After the effective date of the relevant standard, sources who intend to construct a new affected source, or reconstruct a source such that it becomes an affected source, must notify the EPA in writing of the intended construction or reconstruction. The notification must be submitted as soon as practicable before the construction or reconstruction commences after the effective date of the relevant standard or as soon as practicable before startup but no later than 60 days of the relevant standard if the construction or reconstruction had commenced and initial startup has not occurred before the standard's effective date. The notification must include all the information required for an application for approval of construction or reconstruction, as described below.

A public meeting must be held to discuss the NIC, conducted at least 10 months before the initial rule compliance date. A draft NIC must be made available to the public 30 days before the meeting. The final NIC must be submitted to EPA within 1 year of the effective rule date. The final NIC must include a summary of the public meeting.

A progress report must be prepared not later than 2 years after the effective rule date. The progress report must discuss information documenting the completion of activities contained in the NIC; and an updated schedule of future activities to comply with the MACT standards.

ii) Respondent activities

- Prepare and submit initial notice
- Prepare draft NIC;
- Notify public;
- Conduct public meeting;
- Prepare and submit the final NIC;
- Prepare and submit progress report

Change in Information Already Provided

(i) Data items

As required by Section 63.9(j), any change in the information already provided under Section 63.9 must be provided to the EPA in writing within 15 calendar days after the change.

(ii) Respondent activities

Submit change(s) in the information already provided.

Application for Approval of Construction or Reconstruction

(i) Data items

Under Section 63.5(d), a separate application must be submitted for each construction or reconstruction. Each application for approval of construction or reconstruction must include at a minimum:

The applicant's name and address;

A notification of intention to construct a new major affected source or make any physical or operational change to a major affected source that may meet or has been determined to meet the criteria for a reconstruction;

- The address or proposed address of the source;
- An identification of the relevant standard that is the basis of the application;
- The expected commencement date of the construction or reconstruction;
- The expected completion date of the construction or reconstruction;
- The anticipated date of (initial) startup of the source; and
- The type and quantity of hazardous air pollutants emitted by the source, or if actual emissions data are not yet available, an estimate of the type and quantity of hazardous air pollutants expected to be emitted by the source.

Sources who submit estimates or preliminary information in place of the actual emissions data and analysis must submit the actual measured emissions data and other correct information as soon as available but no later than with the Notification of Compliance status.

Additionally, each application for approval of construction must include technical information describing the proposed nature, size, design, operating design capacity, and method of operation of the source, including an identification of each point of emission for each hazardous air pollutant that is emitted (or could be emitted) and a description of the planned air pollution control system (equipment or method) for each emission point.

Each application for approval of reconstruction must also include:

- A brief description of the affected source and the components that are to be replaced;
- A description of present and proposed emission control systems (i.e., equipment or methods);
- An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new source;
- The estimated life of the affected source over the replacements;
- A discussion of any economic or technical limitations the source may have in complying with relevant standards or other requirements after the proposed replacements; and
- If in the application for approval of reconstruction the owner or operator designates the affected source as a reconstructed source and declares that there are no economic or technical limitations to prevent the source from complying with all relevant standards or other requirements, the owner or operator need not submit the information required in the last three bullets listed above.

The EPA may request additional relevant information after the submittal of an Application for approval of construction or reconstruction. It is noted that Section 63.9(b)(1)(i) pertains to notification requirements for area sources that become a major source, and Section 63.9(b)(2)(v) requires a major source determination. Although area sources are subject to all provisions of Subpart EEE, these sections nonetheless apply because the major source determination may affect the applicability of Part 63 standards or of Title V permit requirements to other sources (i.e., other than the hazardous waste combustor) of hazardous air pollutants at the facility.

(ii) Respondent activities

- Prepare and submit an application of approval of construction, as applicable;
- Prepare and submit an application of approval of reconstruction, as applicable; and
- Submit additional relevant information as requested by the EPA.

Adjustment to Time Periods or Postmark Deadlines for Submittal and Review of Required Communications

(i) Data items

Under Section 63.9(i), the owner or operator of an effected source shall request an adjustment for submittal and review of required time period or postmark deadline each time they wish to change an applicable time period or postmark deadline specified in 40 CFR Part 63. The request must be made in writing as soon as practicable before the subject activity is required to take place. The sources must include in the request whatever information he or she considers useful to convince the EPA that an adjustment is warranted. The EPA will notify the source in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(ii) Respondent activities

Prepare and submit a request for an adjustment to a time period or postmark deadline.

Request to Reduce Frequency of Excess Emissions and Continuous Monitoring System Performance Reports

(i) Data items

Under Section 63.10(e)(3)(ii), an owner or operator of an affected source required by a relevant standard to submit excess emission: and continuous monitoring system performance (and summary) reports on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected source's excess emissions and continuous monitoring system performance reports continually demonstrate that the source is in compliance with: the relevant standard;

The source continues to comply with all recordkeeping and monitoring requirements; and

The EPA does not object to a reduced sequence of reporting for the affected source.

The frequency of reporting of excess emissions and continuous monitoring system performance (and summary) reports may be reduced only after the source notifies the EPA in writing of its intention to make such a change and the EPA does not object to the intended change.

(i) Respondent activity

Prepare and submit a request to reduce frequency of excess emissions and CMS performance reports.

Waiver of Recordkeeping or Reporting Requirements

(i) Data items

Under Section 63.10(f), recordkeeping or reporting requirements may be waived upon written application to the EPA if, in the EPA's judgement, an affected source is achieving the relevant standards, or the source is operating under an extension of compliance, or the source has requested an extension of compliance and the EPA is still considering that request. If an application for a waiver of recordkeeping or reporting is made, the application shall accompany the request for an extension of compliance, any required compliance progress report or compliance status report required or in the source's title V permit, or an excess emissions and continuous monitoring system performance report, whichever is applicable. The application shall

include whatever information the source considers useful to convince the EPA that a waiver of recordkeeping or reporting is warranted.

(i) Respondent activities

Prepare and submit a waiver of recordkeeping or reporting.

RECORDKEEPING AND REPORTING REQUIREMENTS (Section 63.1211)

Section 63.1211(a) provides a summary of the various reporting requirements that must be submitted by HWCs. Documents, data, or information that must be retained in the operating record are summarized in Section 63.1211(b). The following section provides descriptions of reporting and recordkeeping requirements not discussed in preceding or following sections of this document.

Periodic and Immediate Startup, Shutdown, and Malfunction Reports

(i) Data items

Under Section 63.10(d)(5)(i), if actions taken during a startup, shutdown, or malfunction are consistent with the procedures specified in the source's startup, shutdown, and malfunction plan, such information must be stated in a setup, shutdown, and malfunction report. Reports are required if a startup, shutdown, or malfunction occurred during the reporting period. The startup, shutdown, and malfunction report shall consist of a letter, containing the name, title, and signature of the owner or operator or other responsible official who is certifying its accuracy, that shall be submitted to the EPA semiannually. The report shall be delivered or postmarked by the 30th day following the end of each calendar half (or other calendar reporting period, as appropriate).

Under Section 63.10(d)(5)(ii), any time an action taken during a startup, shutdown, and malfunction is not consistent with the procedures specified in the affected source's startup, shutdown, and malfunction plan, the actions take: for that event shall be reported within 2 working days after commencing actions inconsistent with the plan followed by a letter within 7 working after the end of the event. The immediate report required shall consist of a telephone call (or facsimile (FAX) transmission) to the EPA within 2 working days after commencing actions inconsistent with the plan, and it shall be followed by a letter, delivered or postmarked within 7 working days our the end of the event, that contains the name, title, and signature of the responsible official who is certifying its accuracy, explaining the circumstance of the event, the reasons for not following the startup, shutdown, and malfunction plan, and whether any excess emissions and/or parameter monitoring excellences are believed to have occurred.

(ii) Respondent activities

- Prepare and submit a periodic startup, shutdown, and malfunction report, as applicable; and
- Prepare and submit an immediate startup, shutdown, and malfunction plan, as applicable.

Excess Emissions and Continuous Monitoring System Performance Report and Summary Report

(i) Data items

Under 63.10(e)(3)), as appropriate, sources are required to submit an excess emissions and continuous monitoring system performance report and/or summary report to the EPA semiannually. The report must contain the following information:

- The company name and address of the affected source;
- An identification of each hazardous air pollutant monitored at the affected source;
- The beginning and ending dates of the reporting period;
- A brief description of the process units;
- The emission and operating parameter limitations specified in the relevant standard(s);
- The monitoring equipment manufacturer(s) and model number(s);
- The date of the latest CMS certification or audit;
- The total operating time of the affected source during the reporting period;
- An emissions data or operating parameter CMS summary, including:
 - The total duration of excess emissions during the reporting period;
 - The total duration of excess emissions expressed as a percent of the total source operating time during that reporting period; and
 - A breakdown of the total duration of excess emissions during the reporting period into those that are due to startup/shutdown, control equipment problems, process problems, other known causes, and other unknown causes;
- A CMS performance summary (or similar summary if the owner or operator monitors control system parameters), including:
 - The total CMS downtime during the reporting period; and downtime expressed as a percent of the total source operating time during that reporting period; and
 - The name, title, and signature of the responsible official who is certifying the accuracy of the report; and
 - The date of the report.

All excess emissions and monitoring system performance reports and all summary reports, if required, shall be delivered or postmarked by the 30th day following the end of each calendar year, as appropriate.

(ii) Respondent activities

- Prepare and submit an excess emissions and monitoring system performance report and summary report.

General Recordkeeping Requirements

(i) Data items

Under Section 63.10(b), sources must maintain files of all information (including the various reports and notifications) in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimal, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off-site. Such files may be maintained in microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

Sources must maintain relevant records for such source of:

- The occurrence and duration of each startup, shutdowns or malfunction of operation;
- The occurrence and duration of each malfunction of the air pollution control equipment;
- All maintenance performed on the air pollution control equipment;
- Actions taken during periods of startup, shutdown, and malfunction when such actions are different from the procedures specified in the affected source's startup, shutdown, and malfunction plan;
- All information necessary to demonstrate conformance with the affected source's startup, shutdown, and malfunction plan are consistent with the procedures specified in such plan;
- Each period during which a CMS is malfunctioning or inoperative; All required measurements needed to demonstrate compliance with a relevant standard;
- All required measurements needed to demonstrate compliance with a relevant standard;

- All results of performance tests, CMS performance evocations, and opacity ad visible emissions observations;
- All measurements as may be necessary to determine the conditions of performance tests and performance evaluations; All CMS calibration checks;
- All adjustments and maintenance performed on CMS;
- Any information demonstrating whether a source is meeting the requirements for a waiver of recordkeeping or reporting requirements, if the source has been granted a waiver;
- All emission levels relative to the criterion for obtaining permission to use an alternative to the relative accuracy test, if the source has been granted such emission; and
- All documentation supporting initial notifications and notifications of compliance.

(i) Respondent activities

- Retain files of all information (including all reports and notification) for at least 5 years

Additional Recordkeeping Requirements for Continuous Monitoring Systems

(i) Data items

Under Section 63.10(c), the owner or operator of an affected source required to install a CMS by a relevant standard must maintain records for such source of:

- All required CMS measurements
- The date and time identifying each period during which the CMS was out of control;
- The specific information of each period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during startups, shutdowns, and malfunctions of the source;
- The specific information of each time period of excess emissions and parameter monitoring exceedances, as defined in the relevant standard(s), that occurs during periods other than startups, shutdowns, and malfunctions of the source;
- The nature and cause of any malfunction;
- The corrective action taken or preventive measures adopted;
- The nature of the repairs or adjustments to the CMS that was inoperative or out of control;
- The total process operating time during the reporting period; and
- All procedures that are part of a quality control program developed and implemented for CMS.

(ii) Respondent activities

Maintain additional records for continuous monitoring systems.

Documentation of Compliance

(i) Data Items

As required by Section 63.1211(c), by the compliance date, a Documentation of Compliance must be developed and included in the operating record. The Documentation of Compliance must identify the applicable emission standards under Subpart EEE and the limits on the operating parameters under Section 63.1209 that will ensure compliance with those emission standards. A signed and dated certification must be included in the Documentation of Compliance that:

- Required CEMS and CMS are installed, calibrated, and continuously operating in compliance with the requirements of Subpart EEE; and
- Based on an engineering evaluation prepared under an owner or operator's direction or supervision in accordance with a system designed to ensure that qualified personnel properly gathered and

evaluated the information and supporting documentation, and considering at a minimum the design, operation, and maintenance characteristics of the combusted and emissions control equipment, the types, quantities, and characteristics of feedstreams, and available emission data:

- A source is in compliance with the emission standards of Subpart EEE; and
- The limits on the operating parameters under Section 63.1209 ensure compliance with the emissions standards of Subpart EEE.

(ii) Respondent activities

- Develop a Documentation of Compliance and include it in the operating record.

Data Compression

(i) Data items

Under Section 63.1211(d), a written request may be submitted to the EPA for approval to use data compression techniques to record data from CMS, including CEMS, on a frequency less than required by Section 63.1209. The request must be submitted for review and approval as part of the comprehensive performance test plan.

(ii) Respondent activities

- Prepare and submit request for approval to use data compression techniques to record data on a less frequent basis than required by Section 63.1209.

COMPLIANCE DATE BE EXTENDED TO INSTALL POLLUTION PREVENTION OR WASTE MINIMIZATION CONTROLS (Section 63.1213)

(i) Data items

Under Section 63.1213, HWCs may request from the EPA or State with an approved Title V program an extension of the compliance date of up to 1 year. An extension may be granted if it can be reasonably documented that the installation of pollution prevention or waste minimization measures will significantly reduce the amount and/or toxicity of hazardous waste entering the feedstream(s) of the hazardous waste combustor(s), and that the necessary control measures could not be installed and the emission standards and operating requirements of Subpart EEE could not be complied with within 3 years after their effective date.

Requests for a 1-year extension must be made in writing and received not later than 4 months before the compliance date. The request must contain the following information:

A description of pollution prevention or waste minimization controls, that, when installed, will significantly reduce the amount and/or toxicity of hazardous waste entering the feedstream(s) of too: hazardous waste combustor(s). Pollution prevention or waste minimization measures may include: equipment or technology modifications, reformulation or redesign of products, substitution of raw materials, improvements in work practices, maintenance, training, inventory control, or recycling practices conducted as defined in Section 261.1(c);

A description of other pollution controls to be installed that are necessary to comply with the emission standards and operating requirements;

A reduction goal or estimate of the annual reductions in quantity and/or toxicity of hazardous whets) entering combustion feedstream(s) that will be achieved by installing the proposed pollution prevention or waste minimization measures;

A comparison of reductions in the amounts and/or toxicity of hazardous wastes combusted our installation of pollution prevention or waste minimization measures to the amounts and/or toxicity of hazardous wastes combusted prior to the installation of these measures. If the difference is less than a fifteen percent reduction, include a comparison to pollution prevention and waste minimization reductions recorded during the previous five years;

Reasonable documentation that installation of the pollution prevention or waste minimization changes will not result in a net increase (except for documented increases in production) of hazardous constituents released to the environment through other emissions, wastes or effluents;
Reasonable documentation that the design and installation of waste minimization and other measures that are necessary for compliance with the emission standards and operating requirements of Subpart EEE cannot otherwise be installed within the three year compliance period; and
The information required in 63.6(i)(6)(i)(B) through (D).

(ii) Respondent activities

Prepare and submit a request for an extension of compliance data due to installation of pollution prevention controls; and

Prepare and submit a request for an extension of compliance data due to waste minimization controls.

QUALITY ASSURANCE PROCEDURES FOR CONTINUOUS EMISSIONS MONITORS USED FOR HAZARDOUS WASTE COMBUSTORS (Appendix to Subpart EEE)

Various quality assurance requirements are used to evaluate the effectiveness of quality control (QC) and quality assurance (QA) procedures and the quality of day produced by continuous emission monitoring systems (CEMS) that are used for determining compliance with emission standards on a continuous basis as specified in the applicable regulation.

QC Requirements

(i) Data items

Under Appendix to Subpart EEE, Section 1.1, data collected as a result of the required QC measures are to be recorded in the operating record.

As specified in Appendix to Subpart EEE, Section 3.1, HWCS must develop and implement a QC program. At a minimum, each QC program must include written procedures describing in detail complete, step-by-step procedures and operations for the following activities:

- Checks for component failures, leaks, and other abnormal conditions;
- Calibration of CEMS;
- CD determination and adjustment of CEMS;
- Integration of CEMS with the automatic waste feed cutoff (AWFCO) system;
- Preventive Maintenance of CEMS (including spare parts inventory);
- Data recording, calculations, and reporting;
- Checks of record keeping,
- Accuracy audit procedure, including sampling and analysis methods;
- Program of corrective action for malfunctioning CEMS;
- Operator training and certification; and
- Maintaining and ensuring current certification or naming of cylinder gasses, metal solutions, and particulate samples used for audit and accuracy tests, daily checks, and calibrations

Whenever excessive inaccuracies occur for two consecutive years, the current written procedures must be revised or the CEMS modified or replaced to correct the deficiency causing the excessive inaccuracies. These written procedures must be kept on record and available for inspection by the EPA.

(ii) Respondent activities

Develop and implement a QC program;
Revise program, if necessary; and
Record program in the operating record.

QA Requirements

(i) Data items

Under Appendix to Subpart EEE, Section 1.1, data collected as a result of the required QA measures are to be recorded in the operating record.

As specified in Appendix to Subpart EEE, Section 3.2, HWCs must develop and implement a QA plan that includes, at a minimum, the following:

QA responsibilities (including maintaining records, preparing reports, reviewing reports);
Schedules for daily checks, periodic audits, and preventive maintenance,
Check lists and data sheets;
Preventive maintenance procedures;
Description of the media, format, and location of all records and reports; and
Provisions for a review of the CEMS data at least once a year. Based on the results of the review, the QA plan must be revised or updated, if necessary.

(i) Respondent activities

- Develop and implement a QA plan;
- Revise or update plan, if necessary; and
- Record plan in the operating record.

Calibration Drift (CD) and Zero Drift (ZD) Assessment and Daily System Audit

(i) Data items

Under Appendix to Subpart EEE, Section 4, HWCs must check, record, and quantify the ZD and the CD at least once daily (approximately 24 hours) in accordance with the method prescribed by the manufacturer. The CEMS calibration must, at a minimum, be adjusted whenever the daily ZD or CD exceeds the limits in the Performance Specifications. If the ZD and/or CD exceed(s) two times the limits in the Performance Specifications, or if the cumulative adjustment to the ZD and/or CD exceed(s) three times the limits in the Performance Specifications, hazardous waste burning must immediately cease and the CEMS must be serviced and recalibrated. Hazardous waste burning cannot resume until it is documented that the CEMS is in compliance with the Performance Specifications by caging out an Absolute Calibration Audit (ACA).

The daily system audit must include:

- A review of the calibration check data;
- An inspection of the control panel warning lights; and
- An inspection of the sample transport and interference system (e.g., sample probes, filters, etc.) as appropriate.

In addition, all measurements from the CEMS must be retained in the operating record for at least 5 years.

(ii) Respondent activities

Check, record, and quantify the ZD and CD at least once daily; and
Retain all measurements from the CEMS in the operating record for at least 5 years.

Performance Evaluation

(i) Data items

Under Appendix to Subpart EEE, Section 5, for Carbon Monoxide (CO), Oxygen (O₂), and Hydrocarbon (HC) CEMS, an ACA must be conducted quarterly, and a Relative Accuracy Audit (RATA) must be conducted yearly. An Interference Response Test must be performed whenever an ACA or a RATA is conducted. When a performance test is also required under Section 63.1207 to document compliance with emission standards, the RATA must coincide with the performance test. The audits must be conducted as follows:

The RATA must be conducted at least yearly. This requirement applies to O₂ and CO CEMS;
The ACA must be conducted at least quarterly except in a quarter when a RATA is conducted instead. This requirements applies to all CEMS; and
The interference response test must be conducted whenever an ACA or RATA is conducted.

As required by Section 63.8(e)(5), HWCs shall furnish the EPA a copy of a written report of the results of the performance evaluation simultaneously with the performance test, or within 60 days of completion of the performance evaluation if no test is required.

(ii) Respondent activities

Conduct the ACA, RATA or interference response test as applicable; and
Prepare and submit a written report of the results of the performance evaluation.

Use of Alternative CEMS Spans

(i) Data items

Under Appendix to Subpart EEE, Section 6.3.5, HWCs may request approval to use alternative spans and ranges for CO, O₂, and HC CEMS to those specified in Appendix to Subpart EEE, Sections 6.3.1 through 6.3.4. Alternate spans must be approved in writing in advance by the EPA.

(ii) Respondent activities

Prepare and submit a request to use an alternative CEMS span.

MISCELLANEOUS REQUIREMENTS

Alternative Risk Based Standards for HCl and Cl₂

(i) Data items

If electing to comply with the alternative risk-based HCl and Cl₂ emissions standards, you must submit a request with all required supporting information at least one year before the comprehensive performance test is to be conducted. This includes: a finding that acid sensitive waters would not be impacted; documentation on all modeling; and documentation that the risk based emissions limit does not exceed the MACT standard.

(ii) Respondent activities

Prepare and submit a request for alternative risk based HCl and Cl2 limits.

Additional HCl Production Furnace Requirements

(i) Data items

HCl Production Furnaces that burn hazardous wastes are required to meet 40 CFR Part 63 Subpart NNNNN hazardous air pollutant emissions standards from HCl product management activities, specifically for HCl storage tanks, HCl transfer operations, and leaking equipment in HCl/Cl2 service. Requirements include demonstration testing or an engineering evaluation to document compliance with storage tank and transfer operations standards, and implementing a “Leak Detection and Repair” plan for any potentially leaking equipment. Application of Subpart NNNNN standards for HCl process vents for hazardous waste burning HCl Production Furnaces would continue to be exempted.

(ii) Respondent activities

For HCl Production Furnaces that are under 40 CFR Part 63 Subpart NNNNN, comply with emissions standards for HCl product management.

For HCl storage tanks and transfer operations either (1) conduct HCl emissions performance testing, or (2) conduct a design evaluation which demonstrates that the tank or transfer control device achieves the required control efficiency.

For leaking equipment, comply with work practices standards that include preparing and implementing a “Leak Detection and Repair” plan, putting it in the operating record, and having it reviewed by the EPA.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

The following subsections discuss how EPA will collect the information, what activities EPA will perform once the information has been received, and how EPA will manage the information it collects. The subsections also discuss how the information collection requirements affect small entities.

5(a). AGENCY ACTIVITIES

Required Agency activities are described in this section.

COMPLIANCE WITH THE STANDARDS AND OPERATING REQUIREMENTS

Compliance with Alternative MACT Standards

None.

Extension of Compliance with Emission Standards

- Review requests for extension of the compliance date;
- Review progress reports, if required by EPA; and
- Notify applicants of EPA’s determination.

Changes in Design, Operation, or Maintenance

- Review notifications of changes in design, operation, or maintenance, and
- Notify applicants of EPA’s determination.

Use of Previous DRE Test Results to Demonstration Compliance with the MACT DRE

- Review DRE data, and
- Notify applicants of EPA's determination.

Applicability of Particulate Matter and Opacity Standards during Particulate Matter CEMS Correlation Tests

Review PM CEMS correlation test plans; and
Notify applicants of EPA's determination.

Alternative Particulate Matter Standard for Liquid Boilers with Low Feedrates of Metals

- Review petitions for alternative particulate matter standard for liquid boilers with low feedrates of metals, and
- Notify applicants of EPA's determination.

Hazardous Waste Residence Time

- Review hazardous waste residence time calculation

Startups Shutdown and Malfunction Plan

- Review startup, shutdown, and malfunction plans, and requested changes to plan.
- Notify applicants of EPA's determination.

Automatic Waste Feed Cutoff (AWFCO)

- Review excessive exceedance reports; and
- Notify applicants of EPA's determination.

ESV Openings

- Review ESV opening reports; and
- Notify applicants of EPA's determination.

Combustion System Leaks

- Review requests for approval of alternative means of combustion system leak control; and
- Notify applicants of EPA's determination.

Operator Training and Certification

- Review operator training and certification programs; and
- Notify applicants of EPA's determination.

Operating and Maintenance Plan

- Review bag leak detector exceedance reports;
- Review ESP and IWS monitoring procedures; and
- Notify applicants of EPA's determination.

PERFORMANCE TESTING REQUIREMENTS

Data in Lieu of the Comprehensive Performance Test

- Review requests to base compliance on data in lieu of a comprehensive performance test,
- Notify applicants of EPA's determination.

Notification of Performance Test and CMS Performance Evaluation, and Approval of Test Plan and CMS Performance Evaluation Plan

- Review notifications of intention to conduct a performance test;
- Review notifications of delay in conducting a performance test;
- Review site-specific test plans,
- Request additional relevant information; and
- Notify applicants of EPA's determination.

Notification of Compliance

- Review notifications of compliance,
- Review requests for a time extension for Notification of Compliance, and
- Notify applicant of EPA's determination.

Waiver of Performance Test

Review requests to waive or time extension a performance test
 Notify applicants of EPA's determination

MONITORING REQUIREMENTS

Feedstream Analysis

Review feedstream analysis plan, as requested by EPA.

Alternative Compliance Monitoring Requirements for Standards other than those Monitored with a CEMS

Review requests for approval of alternative monitoring requirements, except for standards that must be monitored with a CEMS;
 Review requests for approval of a waiver of an operating parameter limit;
 Notify applicants of EPA's determination for approval of alternative monitoring requirements; and
 Notify applicants of the EPA's determination for approval of a waiver of an operating parameter limit.

Use of CEMS in Lieu of Operating Parameter Limits or Alternative Methods in Lieu of CEMS

Review requests for approval of CEMS in lieu of operating parameter limits;

Review requests for approval of alternate methods in lieu of CEMS;
Notify applicants of EPA's determination.

CMS Performance Evaluations

Quality Control Program

Review CMS quality control programs; and
Notify applicants of the EPA's determination.

Notification of Performance Evaluation

Review notifications of CMS performance evaluation.

Additional Notification Requirements for Sources with Continuous Monitoring Systems

Review notifications of COMS data results will be used to determine compliance with the applicable opacity emission standard; and
Review notifications that the criterion necessary to continue use of an alternative to relative accuracy testing has been exceeded.

Submission of Site-specific Performance Evaluation Test Plan

Review site-specific performance evaluation test plans;
Request additional relevant information; and
Notify applicants of EPA's determination.

Reporting Results of Continuous Monitoring System Performance Evaluations

Review report of the results of CMS performance evaluations.

DRE

Review DRE operating parameter limits (submitted in the Notification of Compliance).

Dioxins and Furans

Review dioxin and furan operating parameter limits (submitted in the Notification of Compliance);
Review requests to substitute a different brand or type of carbon;
Review requests to substitute a different brand or type of inhibitor;
Notify applicants of EPA's determination on requests to substitute a different brand or type of carbon; and
Notify applicants of EPA's determination on requests to substitute a different brand

or type of inhibitor.

Mercury

Review mercury operating parameter limits (submitted in the Notification of compliance);

Review requests for approval to use a CEMS in lieu of operating parameter limits;

Notify applicants of EPA's determination on requests to extrapolate mercury feedrate limits; and

Notify applicants of EPA's determination for approval to use a CEMS.

Particulate Matter

- Review particulate matter operating parameter limits (submitted in the Notification of Compliance).

Semivolatile Metals and Low Volatile Metals

- Review semivolatile metals and low volatile metals operating parameter limits (submitted in the Notification of Compliance);
- Review requests for approval to use a CEMS in lieu of operating parameter limits
- Review requests to extrapolate semivolatile or low volatile metal feedrate limits;
- Notify applicants of EPA's determination on requests to extrapolate SVM and LVM feedrate limits
- Notify applicants of EPA's determination for approval to use a CEMS.

Total Chlorine (Hydrogen Chlorine and Chlorine Gas)

- Review total chlorine operating parameter limits (submitted in the Notification of Compliance);
- Review requests for approval to use a CEMS in lieu of operating limits;
- Review requests to substitute a different brand or type of sorbent;
- Notify applicants of the EPA's determination on request to substitute a different brand or type of sorbent; and
- Notify applicants of the EPA's determination for approval to use a CEMS.

NOTIFICATION REQUIREMENTS

Notification of Intent to Comply

Review draft and final NIC;

Review progress reports.

Initial Notifications

Review initial notifications;
Review applications for approval of construction or reconstruction, as applicable; and
Notify applicants of EPA's determination.

Adjustment to Time Periods or Postmark Deadlines for Submittal and Review of Required Communications

Review requests for an adjustment to time periods or postmark deadlines for submittal and review of required information; and
Notify applicants of the EPA's determination.

Change in Information Already Provided

Review notifications of changes in information already provided.

Request to Reduce Frequency of Excess Emissions and Continuous Monitoring System Performance Reports

Review requests to reduce the frequency of excess emissions and CMS performance reports; and
Notify applicants of the EPA's determination.

Waiver of Recordkeeping or Reporting Requirements

Review requests to waive recordkeeping or reporting requirements; and
Notify applicants of the EPA's determination.

Data Compression

- Review requests to use data compression techniques to record data on a less frequent basis, and
- Notify applicants of the EPA's determination.

RECORDKEEPING AND REPORTING REQUIREMENTS

Periodic and Immediate Startup, Shutdown, and Malfunction Reports

Review periodic startup, shutdown, and malfunction plan, as applicable; and
Review immediate startup, shutdown, and malfunction plan, as applicable.

Excess Emissions and Continuous Monitoring System Performance Report and Summary Report

- Review excess emissions and CMS performance reports and summaries;
- Review requests to reduce the frequency of excess emissions and CMS performance reports; and

- Notify applicants of the EPA's determination.

General Recordkeeping Requirements

- Inspect and review files of all information (including reports and notifications), as necessary.

COMPLIANCE DATE BE EXTENDED TO INSTALL POLLUTION PREVENTION OR WASTE MINIMIZATION CONTROLS

- Review requests for extensions of compliance dates;
- Notify applicants of the EPA's determination.

QUALITY ASSURANCE PROCEDURE FOR CONTINUOUS EMISSIONS MONITORS USED FOR HAZARDOUS WASTE COMBUSTORS

Performance Evaluation

Review data collected from CEMS performance evaluations; and
Notify applicants of the EPA's determination.

Use of Alternative CEMS Spans

Review requests for approval to use alternative CEMS spans and ranges; and
Notify applicants of the EPA's determination.

MISCELLANEOUS REQUIREMENTS

Alternative Risk Based HCl and Cl₂ Standards

Review requests for alternative HCl and Cl₂ risk based standards; and
Notify applicants of the EPA's determination.

Additional HCl Production Furnace Requirements

Review HCl product management requirements (including the Leak Test and Repair Plan, storage tank and transfer operations control efficiency testing or engineering analysis).

5(b). COLLECTION METHODOLOGY AND MANAGEMENT

For the regulated community, much of the ICR activity is comprised of recordkeeping requirements that are typically submitted by mail directly (or computer files) to EPA for review. Some recordkeeping information, however, would also be kept in facility files. This requires the implementing authority to visit and collect from the facility any information that needs to be reviewed.

Agency management of collected information includes review of information, making determinations, and filing and storing information collected. In collecting and analyzing the information required for HWCs,

the Agency uses electronic equipment, including telephone systems, personal computers, electronic mail, and database software, as appropriate. EPA ensures the accuracy and completeness of the collected information by reviewing each submittal.

5(c). SMALL ENTITY FLEXIBILITY

EPA has considered the reporting and recordkeeping burdens of the rule for small businesses. The regulations allow much of the information requirements be kept in facility records rather than in submittals to EPA, thus reducing time and costs of providing the information.

Additionally, EPA has conducted an incremental assessment of cost savings or burdens that may result from the proposed MACT Replacement Standards on couple of Phase II HWC facilities that are identified as small businesses. Based on the analysis of available data, we conclude that there would not be a significant economic impact to any of the potentially impacted small business combustor companies resulting from this proposed rule. For details of the analysis, see the Regulatory Impact Analysis contained in the docket to the HWC MACT Replacement Rule.

5(d). COLLECTION SCHEDULE

All of the ICR requirements have clearly defined reporting schedules. For example, these include:

- Periodic -- Comprehensive performance test plans and Notification of Compliances are required to be submitted in a periodic, well defined, manner.
- One-time -- Construction / reconstruction applications, alternative monitoring requests, extension of compliance waivers, operating limit waivers, are generally required on a one-time or as needed basis.
- Intermittent -- AWFCO and ESV opening reports, test waivers, inhibitor and carbon substitution requests, CEMS evaluation reports, are submitted on an as needed basis with no defined schedule.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a). RESPONDENT BURDEN

EPA estimates respondent burden hours and costs for all the information collection requirements covered by this ICR in Exhibit 1. Exhibit 1 shows for each activity the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents.

6(b). RESPONDENT COSTS

Exhibit 1 estimates the annual costs to respondents based on the cost of labor, operation and maintenance (O&M), and capital.

Labor Costs

We estimate an average respondent labor rate (including fringe and overhead) of \$125.65 for legal staff, \$95.59 for managerial staff, \$73.54 for technical staff, \$95.59 for consultant staff, and \$35.41 for clerical staff. To derive these rates, we referred to the loaded hourly rates in the previously approved ICR 1773.08. We then applied an adjustment factor of 1.1082 to update the loaded hourly rates from 2005 levels to 2008 levels based on employment cost indices (ECIs) developed by the U.S. Bureau of Labor Statistics, available at <http://www.bls.gov/ncs/ect/home.htm>. Data are available through March 2008. BLS Data indicate that ECI for private sector compensation costs increased by 1.6% from June through Dec

2005, 3.2% in 2006, and 3.3% in 2007, and 2.3% from January through June 2008.¹ These estimates are based on national averages, and include worker benefits (such as paid leave, supplemental pay, insurance, retirements and savings, and social security).

Operating and Maintenance Costs

Operating and maintenance (O&M) costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paper Reduction Act as “the recurring dollar amount of cost associated with O&M or purchasing services.” For this ICR, O&M costs include:

- Preparation of paper copies (\$0.04/page).
- Transmission by U.S. mail (\$10/package via registered mail).
- Recordkeeping in file cabinets.
- Operation, maintenance, calibration, and testing of continuous monitoring systems and continuous emissions monitors, with costs based on recent quotes from instrument vendors.
- Feedstream sampling and analysis.
- Comprehensive performance compliance testing, with costs based on costs from recent conducted testing programs.

Capital / Start up Costs

Capital equipment costs usually include any produced physical good needed to provide the needed requested information, such as measuring and monitoring equipment, machinery, and computers. For this ICR, capital / start-up costs include:

Continuous monitoring and continuous emissions monitoring systems,
File cabinets for records storage, and
Other miscellaneous equipment items needed to meet the recordkeeping and reporting requirements.

Annualized Capital Costs

One time upfront capital equipment costs are annualized over the expected lifetime of the equipment using the standard discounting rate of 7%.

6(c). AGENCY BURDEN AND COST

EPA estimates Agency burden hours and costs associated with all the requirements covered in this ICR in Exhibit 2. EPA OSW Headquarters, Regional, and State offices will be involved in these activities. Burden is due to review of test workplans, petitions, notifications, and requests.

Hourly wage rates for the Agency are estimated at \$82.88 for legal staff, \$70.46 for managerial staff, \$51.62 for technical staff, \$29.26 for clerical staff, and \$70.46 for consultants. Rates are based on the Federal employee labor rates “Salary Table 2008-GS,” available at http://www.opm.gov/oca/08tables/pdf/gs_h.pdf, and an overhead rate of 1.6

It is estimated that it costs \$0.61 each time the Agency has to contact a facility (for example, to notify them of the results of a waiver application). This is based on \$0.41 postage and \$0.20 copying charges.

6(d). RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS

¹ Based on a reported increase of 0.8% from January through March 2008 and an estimated increase of 1.5% from March through June.

RESPONDENT UNIVERSE

For the 2005 HWC MACT Final rule a database of sources was developed based on State and EPA/OSW Headquarters survey data, industry reports, and in-house estimates.² Using this database we can estimate that the number of sources impacted by this ICR. The list is shown in Table 1.

This table contains 17 more onsite incinerators than shown in EPA’s HWC MACT database which include:

- Eleven onsite incinerators for whom EPA did not have emissions data for use in calculating MACT standards, but are listed in EPA’s Biennial Reporting System (BRS) as combusting hazardous waste
- An estimated six mobile incinerators operating at remediation sites

Combustion Unit Type	# of Units³	# of Facilities⁴
Cement Kilns	25	14
Lightweight Aggregate Kilns	9	3
Commercial Incinerators	15	10
On-Site Incinerators	98	65
Liquid Fuel Boilers	104	53
Solid Fuel Boilers	12	4
HCl Production Furnaces	10	8
Total	273	151

There may be a few other facilities not known to us through our databases and a few new facilities that may have started burning hazardous waste after the database was developed. However, we estimate that the number of such facilities will be smaller than those that will cease burning hazardous waste

TOTAL BURDEN AND COSTS

The following discusses the type and number of sources for which each of the specific ICR requirements is estimated to apply. Exhibit 1 shows the labor hours and labor category estimates, and the O&M and annualized capital costs, required for each of the specific ICR activities.

WHO IS SUBJECT TO THESE REGULATIONS

All HWCs will read the regulations at 40 CFR Part 63, Subparts A and EEE.

² <http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/source.htm>

³ Numbers in the table include “sister” data-in-lieu units. For facilities containing this unit, average reporting and recordkeeping costs per source may be lower than what we have estimated.

⁴ Numbers in column do not add up to the total because some facilities have more than one type of source category

STANDARDS FOR HAZARDOUS WASTE BURNING INCINERATORS, CEMENT KILNS, AND LIGHTWEIGHT AGGREGATE KILNS

Emission Averaging for Cement Kilns with In-line Kiln Raw Mills

We estimate that 3 cement kilns with in-line kiln raw mills will comply with the emission averaging requirements for kilns of this type. Thus, they will conduct a performance test when the raw mill is on-line and when the mill is off-line, and include the averaging procedures in their Notification of Compliance and operating record. We note that these procedures are similar to that currently required under RCRA BIF regulations.

No specific additional recordkeeping or reporting requirements beyond those required of the current RCRA regulations

COMPLIANCE WITH THE STANDARDS AND OPERATING REQUIREMENTS

Compliance with Alternative MACT Standards

It is estimated that 5% of sources will document in the operating record compliance with alternative applicable Clean Air Act requirements and standards.

Extension of Compliance with Emission Standards

It is estimated that 20% of all facilities will apply for an extension of compliance with emission standards, of which all will be granted extensions

Changes in Design, Operation, or Maintenance

It is estimated that 50% of the sources will be making design, operation, and maintenance changes to comply with the MACT rule and document change in operating record. These changes will not initiate additional comprehensive performance testing beyond the initial testing that is required.

Use of Previous DRE Test Results to Demonstrate Compliance with DRE MACT Standards

It is estimated that 75% of sources will request the use of previous DRE test results for demonstrating compliance with the MACT DRE standard.

Applicability of Particulate Matter and Opacity Standards during Particulate Matter CEMS Correlation Tests

At is anticipated that 39 sources (among all HWC) will conduct PM CEMS correlation testing and request a waiver of PM and opacity standards during the testing. (This includes all units with fabric filters and about 10% of sources with electrostatic precipitators or ionizing wet scrubbers). It is estimated that none of these sources will request an extension of the 96 hours allowed for the waiver.

Hazardous Waste Residence Time

All sources will include an estimate of hazardous waste residence time in the comprehensive performance test plan. However, we anticipate that all sources (with the exception of 25% of the Phase I sources) have already submitted comprehensive test plans.

Startup, Shutdown, and Malfunction Plan

All sources will develop a startup, shutdown, and malfunction plan.

Automatic Waste Feed Cutoff (AWFCO)

It is estimated that:

- All sources will have 2 AWFCO per year;
- 10% will have to file an excessive exceedances report (i.e., >10 AWFCOs in any 60-day block period) per year;
- 50% will conduct weekly AWFCO system inspections, while 50% will conduct monthly system testing.
- All will document in the operating record the use of ramp down procedures.

ESV Openings

It is estimated that 50% of hazardous waste incinerators have ESVs, and will develop an ESV operating plan. On average, each unit will have 3 ESV openings per year.

Combustion System Leaks

It is estimated that 50% of all sources will request approval to use an alternative means to provide control of combustion system leaks (control through a positively sealed combustion chamber). These facilities must specify in their operating record and comprehensive performance test plan the method used for control of combustion system leaks.

Operator Training and Certification

It is estimated that all commercial incinerators and 75% of other sources currently have a sufficient operating training and certification program. Other facilities will likely develop a site-specific training and certification program.

Operation and Maintenance Plan

All facilities will develop an operation and maintenance plan.

BLDS/PMDS Requirements

All units with fabric filters (about 34 sources), will have to purchase, install, and operate bag leak detection systems. It is estimated that of the sources with ESPs or IWSs (about 45 sources), 90% will request to use operating parameter limits instead of continuous particulate detectors.

PERFORMANCE TESTING REQUIREMENTS

Comprehensive Performance Test

All HWCs are required conduct a comprehensive performance testing to meet the Replacement Rule. We conduct a comprehensive during the period of effectiveness of the ICR.

Comprehensive Performance testing could be combined with required under current RCRA requirements, but the performance standards will vary. Moreover, methods used to establish operating parameter limits will vary between the RCRA and MACT. Therefore we estimate additional costs for HWC associated with the CPT.

Additionally that units that do not have a numerical PCDD/PCDF standards (all HCl Production furnaces, solid boilers and liquid boilers that do not have dry air pollution control devices) (and which have not yet made PCDD/PCDF measurements) – 6 solid boilers and 37 liquid boilers, 1 HCl Production Furnace -- will be required to conduct a one time PCDD/PCDF test. Additionally, it is estimated that all LWAKs will choose to comply with the requirement of rapidly quenching their exhaust gases to below 400°F at the kiln exit instead of the numerical dioxin/furan standards. However, all these LWAKs have made PCDD/PCDF measurements and thus it is estimated that they would not require an additional one time PCDD/PCDF test.

Confirmatory Performance Test

For all sources that have a numerical PCDD/PCDF standard – all Incinerators, Cement Kilns and, and dry APCD equipped liquid boilers- confirmatory testing for PCDD/PCDF is required 2 ½ years after the Comprehensive performance test. WE estimate that all Phase II Units (w/ numerical PCDD/F standards) will perform a confirmatory test during the period of effectiveness of the ICR.

Data in Lieu of the Comprehensive Performance Test

It is estimated that 10% of all sources will submit a request to use previous emissions test data to serve as documentation of compliance with emission standards.

Notification of Performance Test and CMS Performance Evaluation, and Approval of Test Plan and CMS Performance Evaluation Plan

All facilities will submit a notification of intent to conduct a performance test. These facilities will also be required to prepare and submit and a site-specific comprehensive performance and CMS performance test plan. However, it is estimated that 90% of facilities have already met this requirement

It is estimated that 1 source per year will reschedule their performance test date and thus be required to submit a rescheduled notification of intent to conduct a performance test.

Additionally, 25% of submitting a site-specific performance test plan will be requested to submit additional relevant information.

Notification of Compliance

All facilities will submit a Notification of Compliance every time they complete a comprehensive performance test.

Waiver or Time Extension of Performance Test

It is estimated that 10% of facilities conducting the comprehensive performance test will apply for a waiver or time extension.

MONITORING REQUIREMENTS

Continuous Emissions Monitoring Systems (CEMS) and Continuous Opacity Monitoring Systems (COMS)

All facilities are already required to monitor for carbon monoxide (CO) or hydrocarbons (HC) and oxygen under current regulatory requirements, thus there is no capital investment burden to the Replacement Rule MACT requirements.

Continuous Monitoring Systems

All facilities are currently equipped with all CMS required with the Replacement Rule. Thus, there is no capital investment burden. No additional requirements for Phase I sources.

Feedstream Analysis Plan

All HWCs already have developed and implemented feedstream analysis plans under current RCRA requirements (referred to as the waste analysis plan). There is no incremental burden for this requirement.

Alternative Compliance Monitoring Requirements for Standards other than those Monitored with a CEMS

It is estimated that 10% of all facilities will apply for and receive approval to use alternative monitoring requirements to document compliance with the emission standards of Subpart EEE other than CO or HC which are monitored with a CEMS.

Use of CEMS in lieu of Operating Parameter Limits; or Alternative Methods in lieu of CEMS

It is estimated that no facilities will make a request to use alternatives to CEMS or CEMS in lieu of operating parameters.

Destruction and Removal Efficiency

It is estimated that all currently operating HWCs have equipment needed for the MACT DRE monitoring requirements.

Dioxins and Furans

It is estimated that all currently operating HWCs have equipment needed for the MACT PCDD/PCDF monitoring requirements. It is estimated that no facilities will chose to use a CEMS for compliance monitoring.

Mercury

It is estimated that all currently operating HWCs have equipment needed for the MACT Hg monitoring requirements. It is estimated that no source will chose to use a CEMS for compliance monitoring and that 10% of sources will make a request to set feedrate limits with extrapolation.

Particulate Matter

For all sources, it is estimated that all currently operating HWCs have the equipment needed to comply with the MACT PM monitoring requirements.

Semivolatile Metals and Low Volatile Metals

It is estimated that all currently operating HWCs have the equipment needed to comply with the MACT SVM and LVM monitoring requirements. It is estimated that 10% of facilities will make a request to set feedrate limits with extrapolation and no facilities will chose to use a CEMS for compliance monitoring.

Total Chlorine (HCl and Chlorine Gas)

It is estimated that all currently operating HWCs have the equipment needed for the MACT total chlorine monitoring requirements. It is estimated that no facilities will chose to use a CEMS for compliance monitoring.

Combustion Chamber Pressure

It is anticipated that all facilities will comply with the combustion leak requirements through a request to keep the combustion chamber fully sealed.

Operating under Different Modes of Operation

It is estimated that 50% of all facilities will perform the comprehensive performance test under two or more operating modes. These facilities will be required to document what operating mode they are in during subsequent on-going day to day operations.

CMS PERFORMANCE EVALUATION

As part of the comprehensive performance test, HWCs will submit a CMS quality control program, notification of performance evaluation and additional notification requirements, We estimate that 50% of sources have already complied with this requirement. HWC are also required to submit performance evaluation test plan, and conduct a CMS performance test. We estimate 60% of sources would submit test plans and conduct performance testing along with their comprehensive performance testing.

Also, it is estimated that EPA will also request additional relevant information for the site-specific CMS performance test plan from 10% of the sources performing the test.

NOTIFICATION REQUIREMENTS

Notification of Intent to Comply

All Phase II and Phase I sources will prepare a draft NIC, notify the public about a NIC meeting, conduct the NIC meeting, prepare a final NIC with meeting comments, and submit the NIC to EPA. All Phase II and Phase I sources will complete the progress report. However, we estimate that 90% of the facilities will have completed this requirement at the time this ICR is in place.

Initial Notifications

All facilities will submit an initial notification. However, we estimate that 90% of the facilities will have completed this requirement at the time this ICR is in place.

Adjustment to Time Periods or Postmark Deadlines for Submittal and Review of Required Communications

We estimate that 25% of all facilities will submit a request for an adjustment to a time period or postmark deadline.

Change in Information Already Provided

It is estimated that 25% of all facilities will submit change(s) to information already provided.

Request to Reduce Frequency of Excess Emissions and CMS Performance Reports

It is estimated that 10% of facilities will submit a request to reduce frequency of excess emissions and continuous system performance reports from a quarterly (or more frequent basis).

Waiver of Recordkeeping or Reporting Requirements

It is estimated that 1% of all facilities will submit a waiver of recordkeeping or reporting requirements.

RECORDKEEPING AND REPORTING REQUIREMENTS

Periodic and Immediate Startup, Shutdown, and Malfunction Reports

It is anticipated that 25% of facilities will take actions during a startup, shutdown, or malfunction that are consistent with the procedures specified in the facility's startup, shutdown, or malfunction plan. These facilities are required to submit a periodic startup, shutdown, and malfunction report. Another 10% of facilities will take actions that are not consistent with procedures specified in their plans. These facilities are required to submit an immediate startup, shutdown, and malfunction report.

Excess Emissions and Continuous Monitoring System Performance Report and Summary Report

It is anticipated that all facilities will submit an excess emissions and continuous monitoring system performance report and summary report.

General Recordkeeping Requirements

It is estimated that it will take 40 hours each year for each of the HWC facilities to maintain copies of all required information (information must be retained for five years). Additionally, it is estimated that to maintain files for the required five years, facilities will purchase file cabinets.

Additional Recordkeeping Requirements for Sources with Continuous Monitoring Systems

All sources will need to maintain copies of all required information for continuous monitoring systems.

Documentation of Compliance

It is anticipated that all facilities will develop a Documentation of Compliance to be included in their operating records

Data Compression

It is estimated that 25% of facilities will submit a request for approval to use data compression techniques.

COMPLIANCE DATE BE EXTENDED TO INSTALL POLLUTION PREVENTION OR WASTE MINIMIZATION CONTROLS

It is estimated that 10% of sources will submit a one-time request for a compliance extension due to the installation of controls, and that another 10% will submit a one-time request for a compliance extension for waste minimization purposes.

QUALITY ASSURANCE PROCEDURES FOR CONTINUOUS EMISSIONS MONITORS USED FOR HAZARDOUS WASTE COMBUSTORS

Performance Evaluation

All sources must meet the QA requirements for CEMS. These requirements are very similar to those currently required under RCRA.

Use of Alternative CEMS Spans

It is estimated that no source will submit requests to use an alternative CEMS span.

MISCELLANEOUS REQUIREMENTS

Alternative Risk Based Chlorine Standards

It is estimated that 25% of Phase I and Phase II facilities will request to comply with the alternative risk based chlorine standards.

Additional HCl Production Furnaces Requirements

It is estimated that 10% of the HCl Production Furnaces will be required to comply with HCl product management requirements of 40 CFR Part 63 Subpart NNNNN.

6(e). BOTTOM LINE BURDEN HOUR AND COST TABLES

Respondent Tally

Exhibit 1 shows the estimated total annual burden and cost to respondents. The annual respondent burden is 194,265 labor hours. Capital/startup costs and O&M costs are estimated to be \$105,459 and \$5,577,717 respectively. Table 1 summarizes the information presented in Exhibit 1.

Table 1:

Hour and Cost Burden- Private Sector				
	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (2021 Responses)	67	134,875	\$2,800	\$5,657,295
Recordkeeping (1740 Responses)	34	59,390	\$15	\$25,881
Third Party Disclosure				
Total (3760 Responses)	52	194,265	\$1,511	\$5,683,176

For reasons discussed below this respondent burden is about 7,300 hours lower than the 2005 estimate. Capital Costs are slightly lower than the 2005 estimates while O& M costs are slightly higher.

Agency Tally

Some of the Agency burden will be shared by the States authorized to administer their own RCRA program (under section 3006 of RCRA). We estimate that 2/3rd of this burden and costs will be incurred by the federal government (i.e., EPA regional offices) while 1/3rd will be incurred by the authorized States. Exhibits 2 and 3 list these hours and costs for the States and the federal government. Tables 2 and 3 summarize this information of Exhibits 2 and 3. As shown in Table 2, the burden on the states is 5632 hours with an additional \$2962 in Capital and O&M Costs. The federal burden, as indicated in Table 3 is 11,265 labor hours and a capital/O&M cost of \$5925.

Table 2: Hour and Cost Burden-States

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (305 Responses)	0.50	152	\$8	\$2,572
Recordkeeping (690 Responses)	7.94	5,480	\$1	\$391
Third Party Disclosure				
Total (995 Responses)	5.66	5,632	\$3	\$2,962

Table 3: Hour and Cost Burden- Federal Government

	Hours per Response	Total Annual Hour Burden	Cost per Response (Capital/Startup and O&M Costs Only)	Total Annual Cost Burden (Capital/Startup and O&M Costs Only)
Reporting (610 Responses)	0.50	305	\$8	\$5,143
Recordkeeping (1380 Responses)	7.94	10,960	\$1	\$782
Third Party Disclosure				
Total (1990 Responses)	5.66	11,265	\$3	\$5,925

6(f). REASONS FOR CHANGE IN BURDEN

The decrease in labor hour burden from the existing approved ICR #1773.08 is small (about 3%). The MACT rule was promulgated in 2005, and we estimate that:

- o Most sources have completed several actions involving one-time costs such as initial notification, notice of the intent to comply, as well as public meetings related to these actions.
- o Smaller number of sources would conduct a confirmatory test in the 2008 thru 2011 time period as compared to 2005 thru 2008 time period of the earlier ICR.
- o Smaller number of sources would submit a comprehensive performance test plan.

There is a small increase (about 8%) in the capital and O&M cost of this ICR from the previous ICR due to our newer estimates of the number of affected sources, and inflation in three years. Our estimate now includes the “data in lieu” or sister units at several facilities as well as mobile incinerator type units at clean-up sites; and that they will also conduct monitoring and recordkeeping activities similar to the regular hazardous waste combustion sources.

6(g). BURDEN STATEMENT

The annual public reporting and recordkeeping burden on each of the 273 units covered by this ICR is estimated to average 710 hours. The annual capital and O&M cost is estimated to be \$ 20,820. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a

public docket for this ICR under Docket ID Number EPA-HQ-OAR-2008-0246, which is available for online viewing at www.regulations.gov, or in person viewing at the Air & Radiation (OAR) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OAR Docket is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2008-0246 and OMB Control Number 2050-0171 in any correspondence.