

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9VAC5 CHAPTER 40.
EXISTING STATIONARY SOURCES.

PART II.
EMISSION STANDARDS.

ARTICLE 55.
EMISSION STANDARDS FOR SEWAGE SLUDGE INCINERATION UNITS (RULE 4-55).

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9VAC5-40-8200. Applicability and designation of affected facility.

A. The affected facilities to which the provisions of this article apply are sewage sludge incineration (SSI) units that meet all of the following criteria:

1. SSI units that commenced construction on or before October 14, 2010.
2. SSI units that meet the definition of a SSI unit as defined in 9VAC5-40-8210.
3. SSI units not exempt under subsection D of this section.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The following provisions govern changes to SSI units.

1. If the owner of a SSI unit makes changes that meet the definition of modification after September 21, 2011, the SSI unit becomes subject to subpart LLLL of 40 CFR Part 60 and the provisions of this article no longer apply to that unit.

2. If the owner of a SSI unit makes physical or operational changes to a SSI unit for which construction commenced on or before September 21, 2011 primarily to comply with the provisions of this article, subpart LLLL of 40 CFR Part 60 does not apply to that unit. Such changes do not qualify as modifications under subpart LLLL of 40 CFR Part 60.

D. Exempt from the provisions of this article are combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. These units may be subject to 40 CFR Part 60 (e.g., subpart CCCC of 40 CFR Part 60). The owner of such a combustion unit shall notify the board of an exemption claim under this subsection.

E. The provisions of 40 CFR Part 60 (other than Subpart MMMM of 40 CFR Part 60) cited in this article are applicable only to the extent that they are incorporated by reference in Article 5 (9VAC5-50-400 et seq.) of Part II of 9VAC5-50 (New and Modified Stationary Sources).

F. The provisions of Subpart MMMM (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units) of 40 CFR Part 60 cited in this article are applicable only to the extent that they are incorporated by reference in 9VAC5-40-8370.

9VAC5-40-8210. Definitions.

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meanings given them in 9VAC5-10 (General Definitions), unless otherwise required by context.

C. Terms shall have the meaning given them in 40 CFR 60.5250, except for the following:

"Administrator" means the board.

"Performance test, as defined in § 63.2" means the collection of data resulting from the execution of a test method (usually three emission test runs) used to demonstrate compliance with a relevant emission standard as specified in the performance test section of the relevant standard.

"Table 1" means 9VAC5-40-8280 A and B.

"You" means the owner of an affected SSI unit.

9VAC5-40-8220. Emission limits and emission standards.

A. No owner or other person shall cause or permit to be discharged into the atmosphere from any SSI unit any emissions in excess of that allowed under subsection B of this section.

B. The provisions of 40 CFR 60.5165 apply.

9VAC5-40-8230. Standard for visible emissions.

The provisions of Article 1 (9VAC5-40-60 et seq.) of 9VAC5-40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply, with the exception of 9VAC5-40-90 (Standard for fugitive dust/emissions).

9VAC5-40-8240. Standard for fugitive dust/emissions.

A. The provisions of Article 1 (9VAC5-40-60 et seq.) of 9VAC5-40 (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply, with the exception of 9VAC5-40-80 (Standard for visible emissions), 9VAC5-40-100 (Monitoring), 9VAC5-40-110 (Test methods and procedures), and 9VAC5-40-120 (Waivers).

B. No owner or other person shall cause or permit to be discharged into the atmosphere from any ash conveying system (including conveyor transfer points) any visible emissions for more than 5% of hourly observation period, measured at three, 1-hour observation periods.

9VAC5-40-8250. Standard for odor.

The provisions of Article 2 (9VAC5-40-130 et seq.) of 9VAC5-40 (Emission Standards for Odor, Rule 4-2) apply.

9VAC5-40-8260. Standard for toxic pollutants.

The provisions of Article 4 (9VAC5-60-200 et seq.) of 9VAC5-60 (Emission Standards for Toxic Pollutants from Existing Sources, Rule 6-4) apply.

9VAC5-40-8270. Operator training and certification.

The provisions of 40 CFR 60.5130, 40 CFR 60.5135, 40 CFR 60.5140, 40 CFR 60.5145, 40 CFR 60.5150, 40 CFR 60.5155, and 40 CFR 60.5160 apply.

9VAC5-40-8280. Compliance schedule.

A. SSI units shall achieve final compliance or cease operation as expeditiously as practicable but not later than March 21, 2016.

B. The owner shall submit a final control plan no later than March 21, 2013.

C. The provisions of 40 CFR 60.5085, 40 CFR 60.5090, 40 CFR 60.5095, 40 CFR 60.5100, 40 CFR 60.5105, 40 CFR 60.5110, 40 CFR 60.5115, 40 CFR 60.5120, and 40 CFR 60.5125 apply.

9VAC5-40-8290. Operating requirements.

A. No owner or other person shall operate any SSI unit in a manner that does not comply with the provisions of subsection B of this section.

B. The provisions of 40 CFR 60.5170 and 40 CFR 60.5175 apply.

9VAC5-40-8300. Compliance.

A. With regard to the emissions standards in 9VAC5-40-8240 A, 9VAC5-40-8250 and 9VAC5-40-8260, the provisions of 9VAC5-40-20 (Compliance) apply.

B. With regard to the emission limits in 9VAC5-40-8220, 9VAC5-40-8240 B and 9VAC5-40-8290, the following provisions apply:

1. 9VAC5-40-20 B, C, D, and E;

2. To the extent specified in the federal regulations cited in subdivision 3 of this subdivision, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11, and 40 CFR 60.13; and

3. 40 CFR 60.5185, 40 CFR 60.5190, 40 CFR 60.5195, 40 CFR 60.5200, 40 CFR 60.5205, 40 CFR 60.5210 and 40 CFR 60.5215.

9VAC5-40-8310. Performance testing, monitoring, and calibration requirements.

A. With regard to the emissions standards in 9VAC5-40-8240 A, 9VAC5-40-8250 and 9VAC5-40-8260, the provisions of 9VAC5-40-30 (Emission testing) and 9VAC5-40-40 (Monitoring) apply.

B. With regard to the emission limits in 9VAC5-40-8220, 9VAC5-40-8240 B and 9VAC5-40-8290, the following provisions apply:

1. 9VAC5-40-30 D and G;

2. 9VAC5-40-40 A and F;

3. 40 CFR 60.8(b) through (f), with the exception of paragraph (a);
4. 40 CFR 60.13; and
5. 40 CFR 60.5220 and 40 CFR 60.5225.

9VAC5-40-8320. Recordkeeping and reporting.

A. With regard to the emissions standards in 9VAC5-40-8240 A, 9VAC5-40-8250 and 9VAC5-40-8260, the provisions of 9VAC5-40-50 (Notification, records and reporting) apply.

B. With regard to the emission limits in 9VAC5-40-8220, 9VAC5-40-8240 B and 9VAC5-40-8290, the following provisions apply:

1. 9VAC5-40-50 F and H;
2. 40 CFR 60.7; and
3. 40 CFR 60.5230 and 40 CFR 60.5235.

9VAC5-40-8330. Registration.

The provisions of 9VAC5-20-160 (Registration) apply.

9VAC5-40-8340. Facility and control equipment maintenance or malfunction.

A. With regard to the emissions standards in 9VAC5-40-8240 A, 9VAC5-40-8250 and 9VAC5-40-8260, the provisions of 9VAC5-20-180 (Facility and control equipment maintenance or malfunction) apply.

B. With regard to the emission limits in 9VAC5-40-8220, 9VAC5-40-8240 B and 9VAC5-40-8290, the following provisions apply:

1. 9VAC5-20-180 with the exception of subsections E, F, and G; and
2. 40 CFR 60.5180 and 40 CFR 60.5181.

9VAC5-40-8350. Federal (Title V) operating permits.

A. The provisions of 40 CFR 60.5240 and 40 CFR 60.5245 apply.

B. Owners to which this section applies should contact the appropriate regional office for guidance on applying for a federal (Title V) operating permit.

9VAC5-40-8360. Other permits.

A permit may be required prior to beginning any of the activities specified below if the provisions of 9VAC5 -50 (New and Modified Stationary Sources) and 9VAC5-80 (Permits for Stationary Sources) apply. Owners contemplating such action should review those provisions and contact the appropriate regional office for guidance on whether those provisions apply.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (re-startup) of a facility.
6. Operation of a facility.

9VAC5-40-8370. Documents incorporated by reference.

A. The United States Environmental Protection Agency (EPA) regulations promulgated at Subpart M (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units) of 40 CFR Part 60 and designated in subsection B of this section are incorporated by reference into this article. The 40 CFR section numbers appearing in subsection B of this section identify the specific provisions incorporated by reference. The specific version of the provisions incorporated by reference shall be that contained in the CFR in effect as specified in 9VAC5-20-21 B.

B. The following documents from the United States Environmental Protection Agency are incorporated herein by reference:

Model Rule, Increments of Progress

40 CFR 60.5085, What are my requirements for meeting increments of progress and achieving final compliance?

40 CFR 60.5090, When must I complete each increment of progress?

40 CFR 60.5095, What must I include in the notifications of achievement of increments of progress?

40 CFR 60.5100, When must I submit the notifications of achievement of increments of progress?

40 CFR 60.5105, What if I do not meet an increment of progress?

40 CFR 60.5110, How do I comply with the increment of progress for submittal of a control plan?

40 CFR 60.5115, How do I comply with the increment of progress for achieving final compliance?

40 CFR 60.5120, What must I do if I close my SSI unit and then restart it?

40 CFR 60.5125, What must I do if I plan to permanently close my SSI unit and not restart it?

Model Rule, Operator Training and Qualification

40 CFR 60.5130, What are the operator training and qualification requirements?

40 CFR 60.5135, When must the operator training course be completed?

40 CFR 60.5140, How do I obtain my operator qualification?

40 CFR 60.5145, How do I maintain my operator qualification?

40 CFR 60.5150, How do I renew my lapsed operator qualification?

40 CFR 60.5155, What if all the qualified operators are temporarily not accessible?

40 CFR 60.5160, What site-specific documentation is required and how often must it be reviewed by qualified SSI operators and other plant personnel who may operate the unit according to the provisions of §40CFR60.5155(a)?

Model Rule, Emission Limits, Emission Standards, and Operating Limits and Requirements

40 CFR 60.5165, What emission limits and standards must I meet and by when?

40 CFR 60.5170, What operating limits and requirements must I meet and by when?

40 CFR 60.5175, How do I establish operating limits if I do not use a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or if I limit emissions in some other manner, to comply with the emission limits?

40 CFR 60.5180, Do the emission limits, emission standards, and operating limits apply during periods of startup, shutdown, and malfunction?

40 CFR 60.5181, How do I establish affirmative defense for exceedance of an emission limit or standard during malfunction?

Model Rule, Initial Compliance Requirements

40 CFR 60.5185, How and when do I demonstrate initial compliance with the emission limits and standards?

40 CFR 60.5190, How do I establish my operating limits?

40 CFR 60.5195, By what date must I conduct the initial air pollution control device inspection and make any necessary repairs?

40 CFR 60.5200, How do I develop a site-specific monitoring plan for my continuous monitoring systems, bag leak detection system, and ash handling system, and by what date must I conduct an initial performance evaluation of my continuous monitoring systems and bag leak detection system?

Model Rule, Continuous Compliance Requirements

40 CFR 60.5205, How and when do I demonstrate continuous compliance with the emission limits and standards?

40 CFR 60.5210, How do I demonstrate continuous compliance with my operating limits?

40 CFR 60.5215, By what date must I conduct annual air pollution control device inspections and make any necessary repairs?

Model Rule, Performance Testing, Monitoring, and Calibration Requirements

40 CFR 60.5220, What are the performance testing, monitoring, and calibration requirements for compliance with the emission limits and standards?

40 CFR 60.5225, What are the monitoring and calibration requirements for compliance with my operating limits?

Model Rule, Recordkeeping and Reporting

40 CFR 60.5230, What records must I keep?

40 CFR 60.5235, What reports must I submit?

Model Rule, Title V Operating Permits

40 CFR 60.5240, Am I required to apply for and obtain a title V operating permit for my existing SSI unit?

40 CFR 60.5245, When must I submit a title V permit application for my existing SSI unit?

Model Rule, Definitions

40 CFR 60.5250, What definitions must I know?

TABLES

Table 2 to Subpart M of 40 CFR Part 60, Model Rule, Emission Limits and Standards for Existing Fluidized Bed Sewage Sludge Incineration Units.

Table 3 to Subpart M of 40 CFR Part 60, Model Rule, Emission Limits and Standards for Existing Multiple Hearth Sewage Sludge Incineration Units.

Table 4 to Subpart M of 40 CFR Part 60, Model Rule, Operating Parameters for Existing Sewage Sludge Incineration Units.

Table 5 to Subpart M of 40 CFR Part 60, Model Rule, Toxic Equivalency Factors.

Table 6 to Subpart M of 40 CFR Part 60, Model Rule, Summary of Reporting Requirements for Existing Sewage Sludge Incineration Units.

HISTORICAL NOTES:

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