

RCRA REVISION CHECKLIST 197

Hazardous Air Pollutant Standards for Combustors: Interim Standards

67 FR 6792-6818

February 13, 2002

(RCRA Cluster XII, HSWA/Non-HSWA)

Name of State: _____

State Statutory Authority: _____

Title of Regulations: _____ Effective Date: _____

Date Checklist Completed: _____

HSWA provisions are identified by a "E" (diamond symbol) in this checklist.
 Conditionally optional provisions are identified by a "††" (double dagger symbol) in this checklist.

Note: Throughout the rule represented by Revision Checklist 197, the terms "Administrator" and "Director" are used to mean the same person (the head of each agency). Different terms are used because the Air program uses the term "Administrator", while the Hazardous Waste program generally uses "Director" relative to air emissions standards. Thus, "Administrator" is used in provisions which reference 40 CFR part 63 (the Air program), while "Director" is used in provisions which reference air emissions standards in 40 CFR parts 260 through 279. States should substitute terms used for State Heads of Air and Hazardous Waste programs for "Administrator" and "Director", respectively.

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
PART 264 – STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						

SUBPART O – INCINERATORS

APPLICABILITY

†, E 1 replace "paragraph (b)(2)" with "paragraphs (b)(2), (b)(3), and (b)(4)"; replace "63.1210(d)" with "63.1210(b)"; at end of first sentence, replace "subpart EEE of part 63 of this Chapter" with "part 63, subpart EEE, of this chapter"	264.340(b)(1)					
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RCRA REVISION CHECKLIST 197: Hazardous Air Pollutant Standards for Combustors: Interim Standards (Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†, Æ add new paragraph; when complying with 270.235(a)(1)(i) to minimize emissions of toxic compounds, the following remain in effect for startup, shutdown and malfunction:	264.340(b)(4)					
†, Æ 264.345(a) requiring incinerators to operate in accordance with permit; and	264.340(b)(4)(i)					
†, Æ 264.345(c) requiring emission standards and operating requirements compliance during startup and shutdown if hazardous waste in combustion chambers, except for particular hazardous waste	264.340(b)(4)(ii)					
PART 265 – INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES						
SUBPART O – INCINERATORS						
APPLICABILITY						
†, Æ replace “paragraph (b)(2)” with “paragraphs (b)(2) and (b)(3)”; replace “63.1210(d)” with “63.1210(b)”; replace “subpart EEE of part 63 of this Chapter” with “part 63, subpart EEE, of this chapter”; delete last sentence	265.340(b)(1)					

RCRA REVISION CHECKLIST 197: Hazardous Air Pollutant Standards for Combustors: Interim Standards (Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, Ë add new paragraph; when complying with 270.235(a)(1)(i) to minimize emissions of toxic compounds from startup and shutdown, 265.345 remains in effect	265.340(b)(3)					

PART 266 – STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART H – HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

APPLICABILITY

†, Ë redesignate 266.100(b)(2)(i)-(iv) as 266.100(b)(2)(ii)-(v) and add new (b)(2)(i): when complying with 270.235(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown and malfunction, 266.102(e)(1) and (e)(2)(iii) continue to apply; these provisions apply only during startup, shutdown and malfunction	266.100(b)(2)(i)-(v)					
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PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

SUBPART B - PERMIT APPLICATION

SPECIFIC PART B INFORMATION REQUIREMENTS FOR INCINERATORS

RCRA REVISION CHECKLIST 197: Hazardous Air Pollutant Standards for Combustors: Interim Standards (Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, Ë remove “40 CFR”; after “do not apply” insert “, except those provisions the Director determines are necessary to ensure compliance with §§ 264.345(a) and 264.345(c) of this chapter if you elect to comply with § 270.235 (a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events”	270.19(e)					

SPECIFIC PART B INFORMATION REQUIREMENTS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

†, Ë remove “40 CFR”; after “subpart EEE” insert “, of this chapter”; after “do not apply” insert “, except those provisions the Director determines are necessary to ensure compliance with §§ 266.102(e)(1) and 266.102(e)(2)(iii) of this chapter if you elect to comply with § 270.235 (a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events”	270.22 intro					
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SUBPART F - SPECIAL FORMS OF PERMITS

HAZARDOUS WASTE INCINERATOR PERMITS

RCRA REVISION CHECKLIST 197: Hazardous Air Pollutant Standards for Combustors: Interim Standards (Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
†, Ë remove “40 CFR”; after “subpart EEE” insert “, of this chapter”; after “do not apply” insert “, except those provisions the Director determines are necessary to ensure compliance with §§ 264.345(a) and 264.345(c) of this chapter if you elect to comply with § 270.235 (a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events”	270.62 intro					

PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

†, Ë remove “40 CFR”; after “subpart EEE” insert “, of this chapter”; after “do not apply” insert “, except those provisions the Director determines are necessary to ensure compliance with §§ 266.102(e)(1) and 266.102(e)(2)(iii) of this chapter if you elect to comply with § 270.235 (a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events”	270.66 intro					
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SUBPART I - INTEGRATION WITH MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS

†, Ë OPTIONS FOR INCINERATORS AND CEMENT AND LIGHTWEIGHT AGGREGATE KILNS TO MINIMIZE EMISSIONS FROM STARTUP, SHUTDOWN, AND MALFUNCTION EVENTS						
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RCRA REVISION CHECKLIST 197: Hazardous Air Pollutant Standards for Combustors: Interim Standards (Cont'd)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
facilities with existing permits	270.235(a)					
revisions to permit conditions after documenting compliance with MACT; owner/operator of RCRA-permitted incinerator, cement kiln or lightweight aggregate kiln may request Director address permit conditions that minimize emissions from startup, shutdown & malfunction under following options when requesting removal of permit conditions that are no longer applicable under 264.340(b) and 266.100(b)	270.235(a)(1)					
retain relevant permit conditions. under this option, Director will:	270.235(a)(1)(i)					
address releases during startup, shutdown & malfunction as defined under 63.1206(c)(2); and	270.235(a)(1)(i)(A)					
limit applicability to operation under startup, shutdown & malfunction plan	270.235(a)(1)(i)(B)					
revise relevant permit conditions	270.235(a)(1)(ii)					
under this option, the Director will:	270.235(a)(1)(ii)(A)					

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identify subset of relevant existing permit requirements or develop alternative requirements, that ensure emissions from startup, shutdown & malfunction are minimized, based on information review	270.235(a)(1)(ii) (A)(1)					
retain or add permit requirements to apply only when facility is operating under startup, shutdown & malfunction plan	270.235(a)(1)(ii) (A)(2)					
changes that may significantly increase emissions	270.235(a)(1)(ii) (B)					
Director must be notified in writing of startup, shutdown & malfunction plan or design changes that may significantly increase emissions of toxic compounds; notification within five days; notification must recommend permit revisions to ensure emissions of toxic compounds are minimized	270.235(a)(1)(ii) (B)(1)					
Director may revise permit conditions as a result of changes either:	270.235(a)(1)(ii) (B)(2)					
upon permit renewal, or:	270.235(a)(1)(ii) (B)(2)(i)					
by permit modification under 270.41(a) or 270.42	270.235(a)(1)(ii) (B)(2)(ii)					

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FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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remove permit conditions under this option:	270.235(a)(1)(iii)					
owner/operator must document that startup, shutdown & malfunction plan has been approved by Administrator; and	270.235(a)(1)(iii) (A)					
Director will remove permit conditions no longer applicable under 264.340(b) & 266.100(b)	270.235(a)(1)(iii) (B)					
addressing permit conditions upon permit reissuance. under certain conditions, owner/operator may request in application to reissue permit that Director control emissions from startup, shutdown & malfunction under following options:	270.235(a)(2)					
RCRA option A	270.235(a)(2)(i)					
under this option, the Director will:	270.235(a)(2)(i) (A)					
include conditions that ensure compliance with 264.345(a)&(c) or 266.102(e)(1) & (e)(2) (iii) to minimize emissions of toxic compounds; and	270.235(a)(2)(i) (A)(1)					
specify that permit requirements apply only when operating under startup, shutdown & malfunction plan; or	270.235(a)(2)(i) (A)(2)					
RCRA option B	270.235(a)(2)(ii)					

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under this option, the Director will:	270.235(a)(2)(ii)(A)					
include conditions that ensure emissions of toxic compounds are minimized from startup, shutdown & malfunction, based on information review; and	270.235(a)(2)(ii)(A)(1)					
specify that permit requirements apply only when operating under startup, shutdown & malfunction plan	270.235(a)(2)(ii)(A)(2)					
changes that may significantly increase emissions	270.235(a)(2)(ii)(B)					
Director must be notified in writing of startup, shutdown & malfunction plan or design changes that may significantly increase emissions of toxic compounds; notification within five days; notification must recommend permit revisions to ensure emissions of toxic compounds are minimized	270.235(a)(2)(ii)(B)(1)					
Director may revise permit conditions as a result of changes:	270.235(a)(2)(ii)(B)(2)					
upon permit renewal, or if warranted:	270.235(a)(2)(ii)(B)(2)(i)					
by permit modification under 270.41(a) or 270.42; or	270.235(a)(2)(ii)(B)(2)(ii)					

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CAA option; under this option:	270.235(a)(2)(iii)					
owner/operator must document that startup, shutdown & malfunction plan has been approved by Administrator; and	270.235(a)(2)(iii)(A)					
Director will omit permit conditions no longer applicable under 264.340(b) & 266.100(b)	270.235(a)(2)(iii)(B)					
interim status facilities	270.235(b)					
interim status operations; incinerator, cement kiln or lightweight aggregate kiln operating under interim status of 265 or 266 may control emissions during startup, shutdown & malfunction under either option after conducting a comprehensive performance test & submitting Notification of Compliance to Administrator:	270.235(b)(1)					
RCRA option; continued compliance with interim status standards of 265 or 266; those standards apply only during startup, shutdown and malfunction; or	270.235(b)(1)(i)					

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CAA option; owner/operator is exempt from interim status standards of 265 or 266 relevant to toxic compound emissions control during startup, shutdown & malfunction upon written notification & documentation to Director that startup, shutdown & malfunction plan has been approved by Administrator	270.235(b)(1)(ii)					
operations under a subsequent RCRA permit; when an owner/operator of a incinerator, cement kiln or lightweight aggregate kiln operating under interim status of 265 or 266, submits RCRA permit application, they may request the Director control emissions from startup, shutdown & malfunction under any of the options of	270.235(a)(2)(i)-(iii)					

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Paragraph 264.340(b)(3) was created in the July 3, 2001 FR notice included in Revision Checklist 188 (see 66 FR 35087).

