

SECTION 22. INCINERATOR EMISSION STANDARDS.

- (A) The following categories of waste burning combustion units shall be regulated by this section:
- (1) Small municipal waste combustion units for which construction is commenced after August 30, 1999 or for which modification or reconstruction is commenced after June 6, 2001 shall comply with the requirements of 40 CFR Part 60, Subpart AAAA. This standard applies to municipal waste combustion units that meet two criteria:
 - (a) The unit is new as defined in 40 CFR Part 60, Subpart AAAA §60.1015;
 - (b) The unit has the capacity to combust at least thirty-five (35) tons per day but no more than two hundred fifty (250) tons per day of municipal solid waste or refuse-derived fuel. Units that are exempt from the requirements of Subpart AAAA are set forth in §60.1020 paragraphs (a) through (k) of Subpart AAAA.
 - (2) Small municipal waste combustion units constructed on or before August 30, 1999 shall comply with the requirements of 40 CFR Part 60, Subpart BBBB.
 - (3) Large municipal waste combustors that are constructed on or before September 20, 1994 shall comply with the requirements of 40 CFR Part 60, Subpart Cb.
 - (4) Hospital/medical/infectious waste incinerators constructed on or before June 20, 1996 shall comply with the requirements of 40 CFR Part 60, Subpart Ce. A hospital/medical/infectious waste incinerator (HMIWI) unit means any device that combusts any amount of "Type 5 waste" as defined in Article 2, Section 1 of the LLCAPCPRS. A combustor is not subject to Subpart Ce if it qualifies for one of the exemptions listed in §60.32e paragraphs (b) through (h) of Subpart Ce.
 - (5) Hospital/medical/infectious waste incinerators constructed after June 20, 1996, or modified after March 16, 1998 shall comply with the requirements of 40 CFR Part 60, Subpart Ec. A hospital/medical/infectious waste incinerator (HMIWI) unit means any device that combusts any amount of "Type 5 waste" as defined in Article 2, Section 1 of the LLCAPCPRS. A combustor is not subject to Subpart Ec if it qualifies for one of the exemptions listed in §60.50c paragraphs (b) through (h) of Subpart Ec.
 - (6) Commercial and industrial solid waste incineration units for which construction commenced after November 30, 1999 or for which modification or reconstruction is commenced on or after June 1, 2001 shall comply with the requirements of 40 CFR Part 60, Subpart CCCC. A commercial and industrial solid waste incinerator (CISWI) is a combustion device as defined in §60.2265 of Subpart CCCC. A combustor is not subject to Subpart CCCC if it qualifies for one of the exemptions listed in §60.2020 paragraphs (a) through (o) of Subpart CCCC.
 - (7) Commercial and industrial solid waste incineration units for which construction commenced on or before November 30, 1999 shall comply with the requirements of 40 CFR Part 60 Subpart, DDDD. A commercial and industrial solid waste incinerator (CISWI) is a combustion device as defined in §60.2875 of Subpart DDDD. A combustor is not subject to Subpart DDDD if it qualifies for one of the exemptions listed in §60.2555 paragraphs (a) through (o) of Subpart DDDD.
 - (8) Incinerators, as defined at 40 CFR Part 60, Subpart E §60.51, that are capable of charging more than fifty (50) tons per day and that were constructed or modified after August 17, 1971 shall comply with the requirements of 40 CFR Part 60 Subpart E. A combustor is not subject to Subpart E if it meets any of the criteria set forth in §60.50 paragraphs (c) through (e) of Subpart E.
 - (9) Municipal waste combustors capable of charging greater than two hundred fifty (250) tons of municipal solid waste per day, and that were constructed/reconstructed/modified during the dates set forth in paragraphs (A)(8)(a) and (A)(8)(b) below shall comply with the requirements of 40 CFR Part 60, Subpart Ea. A combustor is not subject to Subpart Ea if it qualifies for one of the exemptions listed in §60.50a paragraphs (c) through (k) of Subpart Ea.
 - (a) Municipal waste combustion units with capacities greater than two hundred fifty (250) tons per day of municipal solid waste that were constructed after December 20, 1989 and on or before September 20, 1994 are subject to 40 CFR Part 60, Subpart Ea, except as provided for under §60.50a paragraphs (c) through (k).
 - (b) Municipal waste combustion units with capacities greater than two hundred fifty (250) tons per day of municipal solid waste that were modified or reconstructed after December 20, 1989 and on or before June 19, 1996 are subject to 40 CFR part 60, Subpart Ea, except as provided for under §60.50a paragraphs (c) through (k).

- (10) Large municipal waste combustors capable of charging greater than two hundred fifty (250) tons per day of municipal solid waste, and that are constructed after September 20, 1994 or modified or reconstructed after June 19, 1996 shall comply with the requirements of 40 CFR Part 60, Subpart Eb. A combustor is not subject to Subpart Eb if it qualifies for one of the exemptions listed in §60.60b paragraphs (b), (d), (e), (f), (g), (h), (i), (j), (m), and (p) of Subpart Eb.
- (11) Other solid waste incinerators (OWSI) that commenced construction on or before December 9, 2004 shall comply with the requirements of 40 CFR Part 60, Subpart FFFF. This Subpart applies to very small municipal waste combustion units, of which the charging capacity of municipal solid waste and refuse derived fuel is less than thirty-five (35) tons per day, as well as institutional waste incineration units as defined in §60.3078 of Subpart FFFF. Unit types listed in §60.2993 as being excluded from Subpart FFFF are not OSWI units subject to this Subpart.
- (12) Other solid waste incinerators (OSWI) for which construction is commenced after December 9, 2004, or for which modification/reconstruction is commenced on or after June 16, 2006, shall comply with the requirements of 40 CFR Part 60, Subpart EEEE. This Subpart applies to very small municipal waste combustion units, of which the charging capacity of municipal solid waste and refuse derived fuel is less than thirty-five (35) tons per day, as well as institutional waste incineration units as defined in §60.2977 of Subpart EEEE. Unit types listed in §60.2887 as being excluded from Subpart EEEE are not OSWI units subject to this Subpart.
- (13) Hazardous Waste Combustors. A hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning lightweight aggregate kiln. Hazardous waste is defined in 40 CFR Part 261, Subpart A §261.3. A source planning to construct a hazardous waste incinerator in Lancaster County, Nebraska shall contact both the Department and the Nebraska Department of Environmental Quality to determine all of the requirements that are applicable to a facility of this nature and to be advised as to which agency is responsible for specific requirements. A significant number of requirements that are applicable to hazardous waste incinerators are not part of LLCAPCPRS administered by the Department.
- (14) Other Incineration Units. Incineration units that are not subject to the requirements in paragraphs (A)(1) through (A)(13) of this section shall comply with the requirements of paragraphs (A)(14)(a) through (A)(14)(f) below. These incineration units commonly include, but are not limited to, units that combust "Type 4 waste" as defined in Article 2, Section 1 of the LLCAPCPRS, as well as part, rack, and/or drum reclamation units (also referred to as bake-off ovens or burn-off furnaces).
 - (a) No person shall cause or permit particulate matter (PM) emissions from any incinerator to be discharged into the outdoor atmosphere to exceed one-tenth (0.10) of a grain per dry standard cubic foot (gr/dscf) of exhaust gas, corrected to twelve percent (12%) carbon dioxide (CO₂). The exhaust gases contributed by the burning of a liquid or gaseous fuel shall be excluded.
 - (b) The oven's secondary combustion chamber shall be equipped with an auxiliary burner(s) capable of heating and maintaining the combustion in this chamber at a minimum temperature of one thousand two hundred degrees Fahrenheit (1,200 °F). The burner(s) shall be interlocked with operation of the primary combustion chamber so that the oven cannot be operated unless the secondary combustion chamber burner(s) is functioning.
 - (c) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Director in accordance with good engineering practice.
 - (d) Waste burned during performance testing required by Article 2, Section 34 of the LLCAPCPRS shall be representative of the waste normally burned by the affected facility and shall be charged at a rate equal to the burning capacity of the incinerator. Copies of additional operational data recorded during the test shall be submitted to the Department together with the completed test report forms.
 - (e) Instructions for proper operation of each incinerator shall be posted on-site and written certification that each operator has read these instructions, understands them, and intends to comply, shall be kept on record by the owner.
 - (f) Each incinerator shall meet the design criteria as set forth in the definition of incinerator at Article 2, Section 1 of the LLCAPCPRS and shall meet the additional requirement that the products of combustion be vented through an adequate stack, duct, or chimney.
 - (1) An alternate design for a new unit may be permitted provided it can be shown that the alternative design is at least as effective in controlling pollutant emissions as the design criteria of this section.

- (2) An operating permit can be issued to an existing unit not meeting the design criteria set forth in (A)(14)(f) above, provided compliance with both paragraph (A)(14)(a) of this section and the visible emission standard in Article 2, Section 20, paragraph (E) of the LLCAPCPRS can be demonstrated.
 - (g) Chemotherapeutic and low level radioactive wastes (as defined at 40 CFR Part 60 Subpart Ec §60.51c) shall not be incinerated.
- (B) The provisions of this section apply to all new and existing incinerators except for those listed in paragraphs (B)(1) through (B)(3) below. Incinerators not included in the exemptions listed in paragraphs (B)(1) through (B)(3) must comply with the construction permit requirements set forth in Article 2, Section 17, paragraph (A)(2) of the LLCAPCPRS. Units that are exempt from the provisions of this section are as follows:
- (1) Incinerators used to burn hazardous waste and subject to regulation under Nebraska Administrative Code Title 128, Chapter 7, Section 008;
 - (2) Furnaces used for law enforcement purposes specified in the definition of “incinerator” set forth in Article 2, Section 1 of the LLCAPCPRS; and
 - (3) Air curtain incinerators subject to regulation under 40 CFR Part 60, Subparts AAAA, CCCC, and DDDD, or which operate in compliance with paragraph (C) of this section, and which combust only those materials described in paragraphs (B)(3)(a) through (B)(3)(d) below, and as defined in Article 2, Section 1 of the LLCAPCPRS. Air curtain incinerators must comply with the requirements set forth in paragraph (C) of this section.
 - (a) One hundred percent (100%) wood waste;
 - (b) One hundred percent (100%) clean lumber;
 - (c) One hundred percent (100%) yard waste; and/or
 - (d) A one hundred percent (100%) mixture of only wood waste, clean lumber, and/or yard waste.
- (C) Air curtain incinerators, as defined in Article 2, Section 1 of the LLCAPCPRS, shall comply with the following requirements:
- (1) Air curtain incinerators shall be used only for the combustion of the following materials:
 - (a) One hundred percent (100%) wood waste, as defined in Article 2, Section 1 of the LLCAPCPRS;
 - (b) One hundred percent (100%) clean lumber, as defined in Article 2, Section 1 of the LLCAPCPRS; and/or
 - (c) One hundred percent (100%) mixture of only wood waste, clean lumber, and/or yard waste, as defined in Article 2, Section 1 of the LLCAPCPRS.
 - (2) Within sixty (60) days after the air curtain incinerator reaches the charge rate at which it will operate, but no later than one hundred eighty (180) days after its initial startup, the air curtain incinerator shall be operated in compliance with the following requirements:
 - (a) The opacity limitation is ten percent (10%) (based on a six (6) minute average), except as described in paragraph (C)(2)(b), below;
 - (b) The opacity limitation is thirty-five percent (35%) (based on a six (6) minute average) during the startup period that is within the first thirty (30) minutes of operation.
 - (3) Except during malfunctions, the requirements of paragraph (C)(2) apply at all times, and each malfunction must not exceed three (3) hours.
 - (4) The owner/operator of an air curtain incinerator shall monitor opacity in accordance with the following requirements:
 - (a) The owner/operator shall use EPA Test Method 9 in Appendix A of 40 CFR Part 60 to determine compliance with the opacity limitations set forth in paragraph (C)(2) above;
 - (b) The owner/operator shall conduct an initial performance test for opacity as specified in 40 CFR Part 60, Subpart A §60.8; and
 - (c) After the initial performance test for opacity, the owner/operator shall conduct annual performance tests no more than twelve (12) calendar months following the date of previous test.
 - (5) Prior to commencing construction on the air curtain incinerator, the owner/operator shall submit the following to the Department:
 - (a) Notification of intent to construct the air curtain incinerator;
 - (b) Notification of planned initial start-up date; and
 - (c) A description of the types of materials to be burned in the air curtain incinerator.

- (6) The owner/operator of an air curtain incinerator shall comply with the following recordkeeping requirements:
- (a) Keep records of the results of all initial and annual opacity tests on-site (or readily available) in either paper copy or electronic format, unless the Director approves another format, for at least five (5) years.
 - (b) Make all records available for submittal to the Director or for an inspector's onsite review.
 - (c) The results of the initial opacity tests must be submitted no later than sixty (60) days following the initial test. Submit annual opacity test results within twelve (12) months following the previous report.
 - (d) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
 - (e) Keep a copy of the initial and annual reports onsite (or readily available) for a period of five (5) years.

Ref: Title 129, Chapter 22, Nebraska Department of Environmental Quality