

## CONTINUOUS MONITORING REQUIREMENTS FOR HAZARDOUS WASTE INCINERATORS

Incinerators that destroy hazardous waste are generally subject to two federal regulations, 40 CFR 63 Subpart EEE – National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors and 40 CFR 264 Subpart O – Incinerators. These rules specify the minimum operational requirements, emission limitations, testing, recordkeeping, and reporting that all hazardous waste incinerators must meet to demonstrate compliance with the Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA). The Nebraska Department of Environmental Quality has adopted these requirements into state regulations.

The main goal of the federal and state rules is to ensure that combustor emissions are controlled to meet technology based or risk based standards. This is accomplished by providing a destruction efficiency of at least 99.99% for organic compounds and the removal of other inorganic compounds by using other air emission control equipment. To support this goal these rules require that the incinerator conduct a test burn of the waste to prove that the incinerator, as built, is capable of meeting set goals. Once the test burn is complete the facility must operate in a manner consistent with their operating conditions during the test. If the facility wants to operate in a different way (e.g. burn different waste, burn at a lower temperature, etc.) they may have to conduct a new test burn to verify that the new operating conditions will still meet all of the federal and state regulatory requirements.

In addition to test burns the facility must keep records proving that they are properly operating the incinerator. The facility will have to monitor operating conditions and emission controls based on the conditions established during the test burn. These parameters can include feed rate, emission rate, temperature, pressure, opacity, etc.

Neither 40 CFR 63 Subpart EEE nor 40 CFR 264 Subpart O requires continuous, real time access. However, Title 128 – Nebraska Hazardous Waste Regulations, Chapter 14, Section 002.09B and 40 CFR 270.30(i)2 requires all hazardous waste permittees to provide access to, at reasonable times, any records required by the permit to the NDEQ. This means that all of the continuous monitoring and recordkeeping provisions will be part of the NDEQ hazardous waste permit and that access to the data needs to be reasonably available to the NDEQ. The NDEQ has determined that it is reasonable to require continuous access to these records. Furthermore, being able to remotely access a continuous monitoring system reduces the amount of time the NDEQ will need to spend onsite reviewing records, minimizing the disruption to the daily operation of the facility during an inspection.

In this case, Heritage Disposal & Storage, LLC has indicated that they are amenable to providing the NDEQ remote access to their continuous monitoring and recordkeeping system. At this time the NDEQ is only asking for access to the data that Heritage is required to continuously monitor and record as will be required by future permitting.