



SOURCE NAME: \_\_\_\_\_ DATE: \_\_\_\_\_
NDEQ FACILITY ID#: \_\_\_\_\_

New Source Performance Standards (NSPS) Applicability Review

Please answer the following questions to determine if your incinerator is subject to a NSPS.

1) 40 CFR 60 Subpart E, Standards of Performance for Incinerators

a) Did construction or modification of your incinerator commence after August 17, 1971?
[ ] Yes [ ] No If Yes, go to Step "b".
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step "b".

b) Does your incinerator have a charging rate greater than or equal to 50 tons/day (45 metric tons/day)?
[ ] Yes [ ] No
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.
If Yes, your incinerator is subject to 40 CFR 60 Subpart E and your incinerator is not eligible for a General Incinerator Operating Permit.

2) 40 CFR 60 Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before September 20, 1994

a) Does your incinerator combust municipal waste?
[ ] Yes [ ] No If Yes, go to Step "b".
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps "b" through "d".

b) Did construction of your incinerator commence after December 20, 1989 and on or before September 20, 1994?
[ ] Yes [ ] No If Yes, go to Step "d"; if No, go to Step "c".

c) Did modification or reconstruction of your incinerator commence after December 20, 1989 and on or before June 19 1996?
[ ] Yes [ ] No If Yes, go to Step "d."
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step "d".

d) Does your incinerator have a unit capacity greater than 250 tons/day of municipal solid waste?
[ ] Yes [ ] No
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.
If Yes, your incinerator is subject to 40 CFR 60 Subpart Ea and your incinerator is not eligible for a General Incinerator Operating Permit.



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**New Source Performance Standards (NSPS) Applicability Review (cont.)**

**3) 40 CFR 60 Subpart Eb, Standards of Performance for Large Municipal Waste Combustors for Which Construction Is Commenced After September 20, 1994 or for Which Modification or Reconstruction Is Commenced After June 19, 1996**

a) Does your incinerator combust municipal solid waste and have a unit capacity greater than 250 tons/day?  
 Yes     No    If Yes, go to Step “b”.

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps “b” through “d”.

b) Did construction of your incinerator commence after September 20, 1994?  
 Yes     No    If Yes, go to Step “d”; if No, go to Step “c”.

c) Did modification or reconstruction of your incinerator commence after June 19, 1996?  
 Yes     No    If Yes, go to Step “d”.

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step “d”.

d) Does your incinerator have a federally enforceable limit of less than or equal to 11 tons/day for the maximum amount of municipal solid waste that can be combusted?  
 Yes     No

If Yes, your incinerator is not subject to the NSPS as long as the requirements of 40 CFR 60.50b(b)(1) through (3) are met; proceed with the General Incinerator Operating Permit application.

If No, your incinerator is subject to 40 CFR 60 Subpart Eb and your incinerator is not eligible for a General Incinerator Operating Permit.

**4) 40 CFR 60 Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996**

a) Does your incinerator combust hospital/medical/infectious waste (see definitions after the instructions)?  
 Yes     No    If Yes, go to Step “b”.

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps “b” and “c”.

b) Did construction of your incinerator commence after June 20, 1996:  
 Yes     No    If Yes, go to Step “c”.

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step “c”.



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New Source Performance Standards (NSPS) Applicability Review (cont.)

4) 40 CFR 60 Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction Is Commenced After June 20, 1996 (cont.)

c) Did modification of your incinerator commence after March 16, 1998:

[ ] Yes [ ] No

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.

If Yes, your incinerator is subject to 40 CFR 60 Subpart Ec and your incinerator is not eligible for a General Incinerator Operating Permit.

5) 40 CFR 60 Subpart O, Standards of Performance for Sewage Treatment Plants

a) Does your incinerator combust wastes that contain more than 10% sewage sludge on a dry basis that is produced by sewage treatment plants or does your incinerator have a charging rate of more than 2,205 pounds/day of municipal sludge on a dry basis?

[ ] Yes [ ] No If Yes, go to Step "b".

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step "b".

b) Did you commence construction or modification of your incinerator after June 11, 1973?

[ ] Yes [ ] No

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.

If Yes, your incinerator is subject to 40 CFR 60 Subpart O and your incinerator is not eligible for a General Incinerator Operating Permit.

6) 40 CFR 60 Subpart AAAA, Standards of Performance for 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

a) Does your incinerator combust municipal waste or refuse-derived waste?

[ ] Yes [ ] No If Yes, go to Step "b".

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps "b" through "d".

b) Did construction of your incinerator commence after August 30, 1999?

[ ] Yes [ ] No If Yes, go to Step "c".

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps "c" and "d".



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**New Source Performance Standards (NSPS) Applicability Review (cont.)**

**6) 40 CFR 60 Subpart AAAA, Standards of Performance for 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 (cont.)**

c) Did reconstruction or modification of your incinerator commence on or after June 6, 2001?

Yes  No If Yes, go to Step "d".

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Step "d".

d) Does your incinerator have a unit capacity of at least 35 tons/day but no more than 250 tons/day of municipal solid waste or refuse-derived fuel?

Yes  No

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.

If Yes, your incinerator is subject to 40 CFR 60 Subpart O and your incinerator is not eligible for a General Incinerator Operating Permit.

**7) 40 CFR 60 Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration (CISWI) Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001**

a) Does your incinerator meet the definition of a "CISWI" unit? (see definition at end of instructions)

Yes  No If Yes, go to Step "b".

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps "b" and "c".

b) Did construction of your incinerator commence after May 20, 2011?

Yes  No If No, go to Step "c".

If Yes, your incinerator is subject to 40 CFR 60 Subpart CCCC and your incinerator is not eligible for a General Incinerator Operating Permit.

c) Did reconstruction or modification of your incinerator commence after September 21, 2011?

Yes  No

If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.

If Yes, your incinerator is subject to 40 CFR 60 Subpart CCCC and your incinerator is not eligible for a General Incinerator Operating Permit.



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**New Source Performance Standards (NSPS) Applicability Review (cont.)**

**8) 40 CFR 60 Subpart EEEE, Standards of Performance for Other Solid Waste Incineration (OSWI) Units for Which Construction Is Commenced After December 9, 2004 and for Which Modification or Reconstruction Is Commenced on or After June 16, 2006**

a) Does your incinerator meet the definition of an "OSWI" unit? (see definitions at end of instructions)  
 Yes  No If Yes, to go Step "c"; if No, go to Step "b".

b) Is your incinerator an air curtain incinerator that combusts less than 35 tons/day of the materials in §60.2888 (see definitions at end of instructions for § 60.2888)?  
 Yes  No If Yes, go to Step "c".  
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application. Do not answer Steps "c" and "d".

c) Did construction of your incinerator commence after December 9, 2004?  
 Yes  No If No, go to Step "d".  
If Yes, your incinerator is subject to 40 CFR 60 Subpart EEEE and your incinerator is not eligible for a General Incinerator Operating Permit.

d) Did reconstruction or modification of your incinerator commence on or after June 16, 2006?  
 Yes  No  
If Yes, your incinerator is subject to 40 CFR 60 Subpart EEEE and your incinerator is not eligible for a General Incinerator Operating Permit.  
If No, your incinerator is not subject to the NSPS; proceed with the General Incinerator Operating Permit application.