

7011.1355 INCORPORATION BY REFERENCE; EMISSION GUIDELINES AND COMPLIANCE TIMES; EXISTING SEWAGE SLUDGE INCINERATOR UNITS.

Subpart 1. **Applicability.** The owners or operators of each sewage sludge incineration unit as defined in Code of Federal Regulations, title 40, section 60.5250, for which construction commenced on or before October 14, 2010, must comply with this part, except:

A. combustion units that incinerate sewage sludge, as defined under Code of Federal Regulations, title 40, section 60.5250, and are not located at a wastewater treatment facility designed to treat domestic sewage sludge are exempt from this part. The owners or operators of the combustion unit must notify the United States Environmental Protection Agency and the commissioner of an exemption claim under this item;

B. if the owners or operators of a sewage sludge incineration unit make changes that meet the definition of modification incorporated in subpart 2 after September 21, 2011:

(1) the sewage sludge incineration unit becomes subject to Code of Federal Regulations, title 40, part 60, subpart LLLL; and

(2) this part no longer applies to the sewage sludge incineration unit; and

C. physical or operational changes made to a sewage sludge incineration unit for which construction commenced on or before September 21, 2011, primarily to comply with this part:

(1) are not considered modifications or reconstructions; and

(2) do not result in a sewage sludge incineration unit becoming subject to Code of Federal Regulations, title 40, part 60, subpart LLLL.

Subp. 2. Incorporation by reference of federal emission guidelines and compliance times for existing sewage sludge incinerators.

A. The following requirements from Code of Federal Regulations, title 40, part 60, subpart MMMM, as amended, entitled "Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units," are incorporated by reference:

(1) increments of progress: Code of Federal Regulations, title 40, sections 60.5085 to 60.5125. The deadlines for each increment of progress are found in Table 1 of Code of Federal Regulations, title 40, part 60, subpart MMMM, and are as follows:

(a) owners or operators must submit the final control plan to the commissioner by one year after September 29, 2014; and

(b) owners or operators of an affected unit must demonstrate compliance with the emission guidelines adopted under this part by March 21, 2016;

(2) operator training and qualification: Code of Federal Regulations, title 40, sections 60.5130 to 60.5160;

(3) emission limits, emission standards, and operating limits and requirements: Code of Federal Regulations, title 40, sections 60.5165 to 60.5180;

(4) initial compliance requirements: Code of Federal Regulations, title 40, sections 60.5185 to 60.5200;

(5) continuous compliance requirements: Code of Federal Regulations, title 40, sections 60.5205 to 60.5215;

(6) performance testing, monitoring, and calibration requirements: Code of Federal Regulations, title 40, sections 60.5220 to 60.5225;

(7) record keeping and reporting: Code of Federal Regulations, title 40, sections 60.5230 to 60.5235; and

(8) definitions: Code of Federal Regulations, title 40, section 60.5250.

B. For purposes of this subpart, the terms used in Code of Federal Regulations, title 40, sections 60.5085 to 60.5250, are defined as follows:

(1) "administrator" means the commissioner; and

(2) "you" means the owner or operator of an affected sewage sludge incineration unit.

Subp. 3. **Exceeding emission limits.** Owners and operators of an existing sewage sludge incinerator must comply with part 7011.1340.

Statutory Authority: *MS s 116.07*

History: *39 SR 386; 44 SR 1030*

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