

SECTION 22. INCINERATOR EMISSION STANDARDS.

- (A) The provisions of this section apply to all new and existing incinerators except for those listed in paragraphs (A)(1) through (A)(3) below. Incinerators not included in the exemptions listed in paragraphs (A)(1) through (A)(3) must comply with the construction permit requirements set forth in Article 2, Section 17, paragraph (A)(4) of the LLCAPCPRS.
- (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.
 - (3) Air curtain incinerators subject to regulation under 40 CFR Part 60, Subparts AAAA or CCCC and which combust only those materials described in paragraphs (A)(3)(a) through (A)(3)(d) below, and as defined in Article 2, Section 1 of the LLCAPCPRS. Air curtain incinerators must meet additional requirements set forth in paragraph (H) 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.
- (B) No person shall cause or permit particulate matter (PM) emissions from any incinerator to be discharged into the outdoor atmosphere to exceed one-tenth of a grain per dry standard cubic foot (0.10 gr/dscf) of exhaust gas, corrected to seven percent oxygen (7% O₂).
- (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/material burned during performance testing required by Article 2, Section 34 of the LLCAPCPRS shall be representative of the waste/material 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) Except as provided in paragraphs (G)(1) and (G)(2) below, 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 design requirement that the products of combustion must 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 paragraph (G) above, provided compliance with both paragraph (B) 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.
- (H) 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 materials set forth in paragraphs (A)(3)(a) through (A)(3)(d) of this section.
 - (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 (H)(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 (H)(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 (H)(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 material(s) 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 no more than thirty (30) days following each annual test.
 - (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.
- (I) Owners/operators of incinerators used for the incineration of 'pathological material' and/or 'pathological waste', as defined in Article 2, Section 1 of the LLCAPCPRS, shall comply with the requirements set forth in paragraphs (B) through (G) of this section in addition to the following:
 - (1) Each incinerator shall be equipped with a secondary combustion chamber and auxiliary burner (i.e., afterburner) that shall be operated at all times the incinerator's primary combustion chamber is in operation.
 - (2) Each incinerator's secondary combustion chamber shall be capable of achieving and maintaining a minimum operating temperature to be established by one of the methods listed as follows in order of descending preference:
 - (a) The average temperature recorded during a performance test conducted on the incinerator by the owner/operator;
 - (b) The average temperature recorded during a performance test conducted on an incinerator of the same make and model by the manufacturer; or
 - (c) The minimum temperature recommended by the manufacturer.