

defined at 40 CFR 60.2875. If your facility meets this criterion and does not qualify for exemption under 40 CFR 60.2555 (a)–(o), you are subject to these regulations.

VII. What Steps Do I Need To Take?

You must meet the requirements listed in NDAC 33–15–12–02 Subpart DDDD, summarized as follows:

A. Increments of Progress: If you plan to achieve compliance more than one year following the effective date of the State Plan approval, you must submit a final control plan by one year after EPA approval of the state plan or December 1, 2004, whichever comes first; and you must achieve final compliance by three years after EPA approval of the state plan or December 1, 2005, whichever comes first.

B. Waste Management Plan: You must submit a written plan that identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste. This written plan must be submitted no later than one year after EPA approval of the state plan or December 1, 2004, whichever comes first.

C. Operator Training and Qualification: Your CISWI unit can only be operated when a fully trained and qualified CISWI operator is accessible. Operator training and qualification must be obtained through a State-approved program or by completing the requirements included in 40 CFR 60.2635(c). The operator training course must be completed by the later of the three follow dates: Three years after EPA approval of the state plan or December 1, 2005, whichever comes first; six months after CISWI unit startup; or six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.

D. Emission Limitations and Operating Limits: You must meet the emission limitations specified in Table 2 of 40 CFR part 60, subpart DDDD, as adopted by the North Dakota Department of Health, on the date the initial performance test is required or completed (whichever is earlier). In addition, you must meet the operating limits specified in 40 CFR 60.2675, on the date the initial performance test is required or completed (whichever is earlier).

E. Performance Testing and Initial Compliance Requirements: You must conduct an initial performance test as required under 40 CFR 60.8, to

determine compliance with the emission limitations and to establish operating limits using the procedure in 40 CFR 60.2675 or 40 CFR 60.2680. The initial performance date must be conducted no later than 180 days after your final compliance date. Specifically, no later than three years after EPA approval of the state plan or December 1, 2005, whichever comes first.

F. Continuous Compliance Requirements: You must conduct an annual performance test for particulate matter, hydrogen chloride, and opacity for each CISWI unit as required under § 60.8 to determine compliance with the emission limitations. You must continuously monitor the operating parameters specified in § 60.2675 or established under § 60.2680. You must only burn the same types of waste used to establish operating limits during the performance test.

G. Monitoring: You must install monitoring equipment as specified in § 60.2730. Except for monitoring malfunctions, associated repairs, and required quality assurance or quality control activities, you must obtain all monitoring data at all times the CISWI unit is operating.

H. Recordkeeping and Reporting: You must maintain the thirteen items (as applicable) as specified in § 60.2740(a)–(m) for a period of at least five years. All records must be available onsite in either paper copy or computer-readable format that can be printed upon request. See Table 5 of 40 CFR part 60, subpart DDDD, as adopted by the North Dakota Department of Health, for summary of the reporting requirements.

I. Title V Operating Permits: Each CISWI unit must operate pursuant to a permit issued under section 129(e) and title V of the CAA by December 1, 2003, or the effective date of the title V permit program to which your unit is subject if your unit is subject to title V as a result of some triggering requirement(s) other than this plan (whichever is earlier). For example, your unit may trigger title V permitting requirements by virtue of being a major source and be required to obtain a title V permit prior to the December 1, 2003 deadline.

J. Air Curtain Incinerators: Air curtain incinerators that burn only 100 percent wood waste, 100 percent clean lumber, or 100 percent of a mixture of only wood waste, clean lumber, and/or yard waste are only required to meet the requirements of §§ 60.2245 through 60.2260.

VIII. What Is a Negative Declaration?

Provisions of sections 111(d) and 129 of the CAA require States to either develop plans to control emissions from

CISWIs or to report that there are no facilities in the State as described in the federal rule. EPA does not require States to develop plans or regulations to control emissions from sources for which there are none present in the State (40 CFR 62.06). If it is thought that this might be the case, the State carefully examines its emissions inventory and operating permits before initiating the planning and regulation development process. If a careful examination of the emissions inventory finds no source for a particular source category, then the State prepares and submits to EPA a negative declaration stating there are no sources in the State for that source category. This is done in lieu of submitting a control strategy.

IX. EPA Review of Colorado's, Montana's, South Dakota's, Utah's and Wyoming's Negative Declarations

A. Colorado: On May 6, 2002, the State of Colorado submitted to EPA a negative declaration regarding the need for a regulation covering CISWIs. The Colorado Department of Public Health and Environment evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart DDDD) and conducted a review of facilities in Colorado in conjunction with the Hazardous Material and Waste Management Division, Solid Waste Unit. EPA examined the State's negative declaration and agrees there are no unregulated CISWIs in Colorado which would require the adoption of rules to control this source category.

B. Montana: On January 28, 2002, the State of Montana submitted to EPA a negative declaration regarding the need for a regulation covering CISWIs. The Montana Department of Environmental Quality evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart DDDD) and reviewed their inventory of sources in the State. EPA examined the State's negative declaration and agrees there are no unregulated CISWIs in Montana which would require the adoption of rules to control this source category.

C. South Dakota: On February 28, 2002, the State of South Dakota submitted to EPA a negative declaration regarding the need for a regulation covering CISWIs. The South Dakota Department of Environment and Natural Resources evaluated the applicability criteria in the final emission guidelines (40 CFR part 60, subpart DDDD) and reviewed their inventory of sources located in the State. EPA examined the State's negative declaration and agrees there are no unregulated CISWIs in South Dakota which would require the