

to hydrochloric acid has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization. Acute exposure to high levels of chlorine in humans may result in chest pain, vomiting, toxic pneumonitis, pulmonary edema, and death. At lower levels, chlorine is a potent irritant to the eyes, the upper respiratory tract, and lungs.

Exposure to dioxin and furan can cause skin disorders, cancer, and reproductive effects such as endometriosis. These pollutants can also affect the immune system.

III. When Did EPA First Publish These Requirements?

The EPA originally promulgated the EGs for large and small MWCs on December 19, 1995. However, the EGs for the small MWCs were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the Court's decision, EPA again proposed the small MWC emission guidelines on August 30, 1999. On December 19, 1995 and December 6, 2000, according to sections 111 and 129 of the Clean Air Act (Act), the EPA published the final form of the EGs applicable to existing large and small MWCs, respectively. The EGs are at 40 CFR part 60, subparts Cb (large MWCs) and BBBB (small MWCs). See 60 FR 65382 (large) and 65 FR 76378 (small) and the **Background** section.

IV. Who Must Comply With the Requirements?

All large MWCs that commenced construction before December 19, 1995, and all small MWCs that commenced construction on or before August 30, 1999 must comply with these requirements.

V. Are Any Sources Exempt From the Requirements?

The following incinerator source categories are exempt from the federal requirements for small MWCs:

- (1) Small MWC units that combust less than 11 tons per day.
- (2) Small power production facilities.
- (3) Cogeneration facilities.
- (4) MWC units that combust only tires.
- (5) Hazardous waste combustion.
- (6) Materials recovery units.
- (7) Co-fired units.
- (8) Plastics/rubber recycling units.
- (9) Units that combust fuels made from products of plastics/rubber recycling plants.
- (10) Cement kilns.
- (11) Air curtain incinerators.

Please refer to 40 CFR 60.1555 for specific definitions of these incinerator

source categories, and any recordkeeping or other requirements that still may need to be met.

VI. By What Date Must MWCs in New Hampshire Achieve Compliance?

All existing large MWCs must now be in compliance. The final compliance date for large MWCs was December 19, 2000. All existing small MWC units in the State of New Hampshire must comply with these requirements by December 6, 2005.

VII. What Happens If a Small MWC Does Not/Cannot Meet the Requirements by the Final Compliance Date?

Any existing small MWC that fails to meet the requirements by December 6, 2005 must shut down. The unit will not be allowed to start up until the owner/operator installs the controls necessary to meet the requirements.

VIII. What Options Are Available to Operators if They Cannot Achieve Compliance Within One Year of the Effective Date of the State Plan?

If a small MWC cannot achieve compliance within one year of the effective date of EPA approval of the State Plan, the operator must agree to meet certain increments of progress until they achieve compliance. The State Rule details the increments of progress for the affected small MWCs.

IX. What Is a State Plan?

Section 111(d) of the Act requires that pollutants controlled under NSPS must also be controlled at older sources in the same source category. Once an NSPS is issued, EPA then publishes an EG applicable to the control of the same pollutant from existing (designated) facilities. States with designated facilities must then develop State Plans to adopt the EGs into their body of regulations. States must also include in their State Plans other elements, such as inventories, legal authority, and public participation documentation, to demonstrate their ability to enforce the State Plans.

X. What Did the State Submit as Part of Its State Plan?

The State of New Hampshire submitted its sections 111(d)/129 State Plan to EPA for approval on August 16, 2002. The State adopted the EG requirements into the New Hampshire Code of Administrative Rules Env-A-3300, "Municipal Waste Combustion" on June 7, 2002. The State Plan contains:

1. A demonstration of the State's legal authority to implement the State Plan.

2. New Hampshire Rule CHAPTER Env-A-3300, "Municipal Waste Combustion" as the enforceable mechanism.

3. An inventory of the sources on pages 5 and 6 of the State Plan.

4. An emissions inventory on pages 6 and 7 of the State Plan.

5. Emission limits, at least as protective as the limits found under Subparts Cb and DDDD, that are contained in Env-A-3303. (Please note that the State's mercury limit of 0.028 ug/dscm is more stringent than EPA's EG.)

6. Provisions for compliance schedules that are contained in Env-A-3308.

7. Testing, monitoring, and inspection requirements that are contained in Env-A-3306.

8. Reporting and Recordkeeping requirements that are contained in Env-A-3307.

9. Operator training and qualification requirements that are contained in Env-A-3305.

10. A record of the public notice and hearing requirements that are contained in Appendices E and F of the State Plan.

11. Provisions for state progress reports to EPA that are contained on page 10 of the State Plan.

12. A final compliance date of December 6, 2005.

XI. Why Is EPA Approving New Hampshire's State Plan?

EPA has evaluated the MWC State Plan submitted by New Hampshire for consistency with the Act, EPA guidelines and policy. EPA has determined that New Hampshire's State Plan meets all requirements and, therefore, EPA is approving New Hampshire's Plan to implement and enforce the EGs, as it applies to existing Large and Small MWCs.

EPA's approval of New Hampshire's State Plan is based on our findings that:

- (1) NHDES provided adequate public notice of public hearings for the proposed rule-making that allows New Hampshire to carry out and enforce provisions that are at least as protective as the EGs for Large and Small MWCs, and

- (2) NHDES demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require record keeping; conduct inspections and tests; require the use of monitors; require emission reports of