

AIR CURTAIN INCINERATOR GENERAL OPERATING PERMIT

- (a) **Qualification Criteria.** Air curtain incinerators (ACIs) (open, integrated combustion chamber [fire boxes] or open pit or trench [trench burner]), permanent and temporary, located at a site may be authorized to operate under this general operating permit (GOP) provided that:
- (1) ACIs authorized by any case-by-case New Source Review (NSR) permits under Title 30 Texas Administrative Code (30 TAC) Chapter 116 (Control of Air Pollution by Permits for New Construction or Modification) shall not be authorized under this GOP.
 - (2) At the time of application submittal, each ACI located at the site shall be in compliance with the applicable requirements codified in this GOP.
 - (3) An ACI may only combust the following: 100 percent wood waste, 100 percent clean lumber, or 100 percent mixture of only wood waste and/or clean lumber.
 - (4) Units other than ACIs at a site are required to obtain a federal operating permit if the site is a major source under Title V or if the site is subject to a state or federal regulation that requires a federal operating permit.
 - (5) For purposes of applicability to federal requirements, startup is considered when the ACI is fired for the first time.
- (b) **Terms and Conditions.**
- (1) For ACIs that change location, the permit holder shall notify the TCEQ Regional Office(s) and local air pollution control agency(ies) having jurisdiction, and maintain records, including the dates at each location and serial numbers of each ACI.
 - (2) The permit holder shall comply with the requirements relating to GOPs which are contained in 30 TAC Chapter 122 (Federal Operating Permits Program).
 - (3) The permit holder shall comply with all terms and conditions relating to GOPs:
 - (A) 30 TAC § 122.143 (General Terms and Conditions), including, but not limited to, the following:
 - (i) Compliance with the permit does not relieve the permit holder of the obligation to comply with any other applicable rules, regulations, or orders of the Texas Commission on Environmental Quality (TCEQ or commission), or of the United States Environmental Protection Agency (EPA).

- (ii) The authorization to operate under a GOP shall not exceed five years from the date the authorization was granted or renewed.
- (iii) Consistent with the authority in the Texas Clean Air Act (TCAA), Texas Health and Safety Code, Chapter 382, Subchapter B (Powers and Duties of Commission), the permit holder shall allow representatives from the commission or the local air pollution control agency(ies) having jurisdiction to do the following:
 - (a) enter upon the permit holder's premises where an emission unit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (b) access and copy any records that must be kept under the conditions of the permit;
 - (c) inspect any emission unit, equipment, practices, or operations regulated or required under the permit; and
 - (d) sample or monitor substances or parameters for the purpose of assuring compliance with the permit at any time.
- (iv) The permit holder shall comply with all terms and conditions codified in the permit. Any noncompliance with the terms or conditions codified in the permit constitutes a violation of the Federal Clean Air Act (FCAA) and the TCAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to comply with the permit terms and conditions of the permit.
- (v) In every case, the applicable requirements are always enforceable.
- (vi) The permit may be reopened for cause and revised or terminated. Permit terms or conditions remain enforceable regardless of the following:
 - (a) the filing of a request by the permit holder for a permit revision, reopening, or termination;
 - (b) a notification of planned changes or anticipated noncompliance; or

- (c) a notice of intent by the executive director for a permit reopening or termination.
 - (vii) The executive director may request any information necessary to determine compliance with the permit or whether cause exists for revising, reopening, or terminating the permit. The permit holder shall submit the information no later than 60 days after the request, unless the deadline is extended by the executive director. Upon request, the permit holder shall also furnish to the executive director copies of records required to be kept by the permit, including information claimed to be confidential.
 - (viii) The permit holder shall pay fees to the commission consistent with the fee schedule in 30 TAC §101.27 (Emissions Fees).
 - (ix) A copy of the permit, the enforceable GOP application, and the authorization to operate (ATO) shall be maintained at the location specified in the GOP application.
 - (x) Any report or annual compliance certification required by a permit to be submitted to the executive director shall contain a certification in accordance with §122.165 (Certification by a Responsible Official).
- (B) 30 TAC § 122.144 (Recordkeeping Terms and Conditions), including, but not limited to the following:
- (i) The permit holder shall maintain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. If an applicable requirement specifies a longer data retention period, the records shall be maintained for at least the period of time specified in the applicable requirement. The monitoring records shall include, but are not limited to, the following:
 - (a) the date, place as defined in the permit, and time of sampling measurements;
 - (b) the date(s) analyses were performed;
 - (c) the company or entity that performed the analyses;
 - (d) the analytical techniques or methods used;
 - (e) the results of such analyses;

- (f) the relevant operating conditions which are deemed necessary to characterize emission rates at the time of sampling or measurement;
 - (g) the data from all calibration and maintenance records;
 - (h) all strip-chart recordings for continuous monitoring instrumentation; and
 - (i) copies of all reports required by the permit.
- (ii) Records may be stored electronically.
 - (iii) All records required to be maintained by 30 TAC Chapter 122 shall be maintained at the location specified in the GOP application.
 - (iv) Records required by the permit, including confidential information, shall be provided, upon request, in a legible form, to representatives from the commission or the local air pollution control agency(ies) having jurisdiction within a reasonable period of time.
 - (v) The EPA may require that the records be sent directly to the EPA along with any claim of confidentiality. Any confidentiality claim should be made in accordance with federal law, including Title 40 Code of Federal Regulations (40 CFR) Part 2 (Public Information).
 - (vi) Permit holders shall maintain records of the duration of the stay at a site of any temporary source.
- (C) 30 TAC § 122.145 (Reporting Terms and Conditions), including, but not limited to the following:
 - (i) Monitoring reports.
 - (a) Reports of monitoring data required to be submitted by an applicable requirement, or by the permit, shall be submitted to the executive director.
 - (b) Reports shall be submitted for at least each six-month period after permit issuance or at the frequency required by an applicable requirement which requires more frequent reporting.
 - (c) The monitoring reports shall be submitted no later than 30 days after the end of each reporting period.

- (d) The reporting of monitoring data does not change the data collection requirements specified in an applicable requirement.
- (ii) Deviation reports.
 - (a) The permit holder shall report, in writing, to the executive director all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the permit.
 - (b) A deviation report shall be submitted for at least each six-month period after permit issuance or at the frequency required by an applicable requirement which requires more frequent reporting. However, no report is required if no deviations occurred over the six-month reporting period.
 - (c) The deviation reports shall be submitted no later than 30 days after the end of each reporting period.
- (D) 30 TAC § 122.146 (Compliance Certification Terms and Conditions), including, but not limited to the following:
 - (i) The permit holder shall certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance.
 - (ii) The certification shall be submitted to the executive director, TCEQ Regional Office(s), and the EPA no later than 30 days after the end of the certification period.
 - (iii) The executive director shall make a copy of the compliance certification accessible to the EPA and local air pollution control agency(ies) having jurisdiction.
 - (iv) The certification shall be based on, at a minimum, but not limited to, the monitoring method (or recordkeeping method, if appropriate) required by the permit to be used to assess compliance.
 - (v) The annual compliance certification shall include or reference the following information:

- (a) the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data;
 - (b) for emission units addressed in the permit for which no deviations have occurred over the certification period, a statement that the emission units were in continuous compliance over the certification period;
 - (c) for any emission unit addressed in the permit for which one or more deviations occurred over the certification period, the following information indicating the potentially intermittent compliance status of the emission unit:
 - (1) the identification of the emission unit;
 - (2) the applicable requirement for which a deviation occurred;
 - (3) the monitoring method (or recordkeeping method, if appropriate) used to assess compliance;
 - (4) the frequency with which sampling, monitoring, or recordkeeping was required to be conducted by the monitoring or recordkeeping requirement of the permit; and
 - (5) the total number of times that the assessment required by the monitoring or recordkeeping method specified in the permit indicated that a deviation had occurred.
 - (d) the identification of all other terms and conditions of the permit for which compliance was not achieved.
- (vi) The executive director may request additional information if necessary to determine the compliance status of an emission unit.
- (4) If the holder of an ATO under this GOP chooses to demonstrate that the ATO is no longer required, a written request to void the ATO shall be submitted to the TCEQ by the Responsible Official (RO) in accordance with 30 TAC § 122.161(e). The holder of the ATO shall comply with the permit's requirements, including compliance certification and deviation reporting, until notified by the TCEQ that the ATO is voided.

- (5) All reports required by this permit shall be forwarded to the TCEQ central office and the TCEQ regional office(s) for the site. For reports submitted, include a cover letter which identifies the following information: company name, primary TCEQ regulated entity number, and Air Permits Division GOP ATO permit number.
- (6) The permit holder shall certify compliance with all permit terms and conditions using, at a minimum but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.
- (7) The permit holder shall maintain a copy of this permit and records related to requirements listed in this permit at the location specified in the GOP application.
- (8) Revisions to an ATO shall comply with the following requirements:
 - (A) For new applicable requirements affecting units authorized to operate under this GOP, as a result of changes at the site, the permit holder shall comply with 30 TAC § 122.503 (Application for Changes at a Site).
 - (B) For other changes in applicability determinations or bases for the determinations affecting units authorized to operate under this GOP, the permit holder shall comply with 30 TAC § 122.504 (Application Revisions When an Applicable Requirement or State-Only Requirement is Promulgated or Adopted or a General Operating Permit is Revised or Rescinded).
- (9) The following requirements concerning NSR authorizations shall apply:
 - (A) The permit holder shall comply with 30 TAC Chapter 116 (Control of Air Pollution by Permits for New Construction or Modification) by obtaining a NSR authorization prior to new construction or modification of the ACI;
 - (B) The permit holder shall comply with the requirements of NSR authorizations claimed by the permit holder for the ACI. The permit holder may only be authorized under a permit by rule (PBR) or historical standard exemption;
 - (C) The permit holder shall comply with the following requirements of PBRs, as applicable:
 - (i) 30 TAC § 106.4 (Requirements for Permitting by Rule);

- (ii) 30 TAC § 106.8 (Recordkeeping); and
 - (iii) 30 TAC § 106.13 (References to Standard Exemptions and Exemptions from Permitting).
 - (D) The permit holder shall comply with the requirements of 30 TAC § 106.496 (Air Curtain Incinerators), including previous versions, standard exemptions and exemptions from permitting, as applicable.
- (10) For visible emissions specified in 30 TAC Chapter 111 (Control of Air Pollution from Visible Emissions and Particulate Matter), the permit holder shall comply with the following requirements during times of operation:
 - (A) Visible emissions shall not be permitted to exceed an opacity of 30 percent for any six-minute period as specified in 30 TAC § 111.111(a)(8)(A). Compliance shall be determined by applying the following test methods, as appropriate:
 - (i) Test Method 9 (40 CFR 60, Appendix A); or
 - (ii) method described in (B) of this subsection.
 - (B) For a source subject to 30 TAC § 111.111(a)(8)(A), complying with 30 TAC § 111.111(a)(8)(B)(i) or (ii), and capable of producing visible emissions from, but not limited to, particulate matter, acid gases and nitrogen oxides, the permit holder shall also comply with the following periodic monitoring requirements for the purpose of annual compliance certification under 30 TAC § 122.146.
 - (i) An observation of visible emissions from a source which is required to comply with 30 TAC § 111.111(a)(8)(A) shall be conducted at least once during each calendar quarter unless the source is not in operation during any portion of the entire quarter.
 - (ii) Records of all observations shall be maintained.
 - (iii) Visible emissions observations of sources operated during daylight hours shall be conducted no earlier than one hour after sunrise and no later than one hour before sunset. Visible emissions shall be determined with each source in clear view of the observer. The observer shall be at least 15 feet, but not more than 1,320 feet, away from each source during the observation. For outdoor locations, the observer shall select a position where the sun is not directly in the observer's eyes. When condensed water vapor is present within the plume, as it emerges from the emissions outlet, observations must be

made beyond the point in the plume at which condensed water vapor is no longer visible. When water vapor within the plume condenses and becomes visible at a distance from the emissions outlet, the observation shall be evaluated at the outlet prior to condensation of water vapor. A certified opacity reader is not required for visible emissions observations for this requirement.

(C) Compliance Certification:

- (i) If visible emissions are not present during the observation, the RO may certify that the source is in compliance with the applicable opacity requirement in 30 TAC § 111.111(a)(8) and (a)(8)(A).
- (ii) However, if visible emissions are present during the observation, the permit holder shall either list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2) or conduct the appropriate opacity test specified in 30 TAC § 111.111(a)(8)(B) to determine if the source is in compliance with the opacity requirements. If an opacity test is performed and the source is determined to be in compliance, the RO may certify that the source is in compliance with the applicable opacity requirement. However, if an opacity test is performed and the source is determined to be out of compliance, the permit holder shall list this occurrence as a deviation on the next deviation report as required under 30 TAC § 122.145(2). The opacity test must be performed by a certified opacity reader.

(D) Certification of opacity readers determining opacities under Test Method 9 (as outlined in 40 CFR Part 60, Appendix A) to comply with opacity monitoring requirements shall be accomplished by completing the Visible Emissions Evaluators Course, or approved agency equivalent, no more than 180 days before the opacity reading. Records of the certification must be maintained at the site of the ACI.

(11) For any unit subject to any subpart of 40 CFR Part 60 (Standards of Performance for New Stationary Sources), the permit holder shall comply with the following requirements unless otherwise stated in the applicable subpart:

- (A) 40 CFR § 60.7 (Notification and Recordkeeping). Any owner or operator subject to the provisions of this part shall furnish the TCEQ written notification or, if acceptable to both the TCEQ and the owner or operator of a source, electronic notification, as follows:
 - (i) A notification of the date construction (or reconstruction as defined under 40 CFR § 60.15 (Reconstruction)) of an affected facility is

commenced must be postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

- (ii) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
 - (iii) A notification of the anticipated date for conducting the opacity observations required by 40 CFR § 60.11(e)(1). The notification shall also include, if appropriate, a request for the TCEQ to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
- (B) 40 CFR § 60.8 (Performance Tests), including, but not limited to the following:
- (i) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the TCEQ under the FCAA § 114, the owner or operator of such facility shall conduct performance test(s) and furnish the TCEQ a written report of the results of such performance test(s).
 - (ii) Performance tests shall be conducted under such conditions as the TCEQ shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the TCEQ such records as may be necessary to determine the conditions of the performance tests.
 - (iii) The owner or operator of an affected facility shall provide the TCEQ at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the TCEQ the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the TCEQ as soon as possible of any delay in the original test date, either by providing at least seven days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the TCEQ by mutual agreement.
- (C) 40 CFR § 60.11 (Compliance with Standards and Maintenance Requirements), including, but not limited to the following:

- (i) Compliance with standards in this paragraph, other than opacity standards, shall be determined in accordance with performance tests established by 40 CFR § 60.8, unless otherwise specified in the applicable standard.
- (ii) Compliance with opacity standards in this paragraph shall be determined by conducting observations in accordance with Test Method 9 in 40 CFR Part 60, Appendix A. For purposes of determining initial compliance, the minimum total time of observations shall be three hours (30 six-minute averages) for the performance test or other set of observations.
- (iii) The opacity standards set forth shall apply at all times except as otherwise provided in the applicable standard.
- (iv) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the TCEQ and local air pollution control agency(ies) having jurisdiction which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (v) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR § 60.8 unless one of the following conditions apply. If no performance test under 40 CFR §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR § 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the TCEQ of the rescheduled date. In these cases, the 30-day prior notification to the TCEQ required in 40 CFR § 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR § 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial

performance test in accordance with procedures contained in Test Method 9 of 40 CFR Part 60, Appendix B. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the TCEQ and local air pollution control agency(ies) having jurisdiction, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification.

- (vi) Except as provided in (vii) of this paragraph, the owner or operator of an affected facility to which an opacity standard in 40 CFR Part 60 applies shall conduct opacity observations in accordance with (ii) of this section, shall record the opacity of emissions, and shall report to the TCEQ the opacity results along with the results of the initial performance test required under 40 CFR § 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with initial performance test.
 - (vii) The owner or operator of an affected facility to which an opacity standard in this part applies may request the TCEQ to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the TCEQ to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR § 60.7(a)(6). If, for some reason, the TCEQ cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR § 60.11 (e)(1) shall apply.
 - (viii) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing in 40 CFR Part 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.
- (D) 40 CFR § 60.12 (Circumvention). No owner or operator subject to the provisions of 40 CFR Part 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to

achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

- (E) 40 CFR § 60.13 (Monitoring Requirements).
- (F) 40 CFR § 60.14 (Modification).
- (G) 40 CFR § 60.15 (Reconstruction).
- (H) 40 CFR § 60.19 (General Notification and Reporting Requirements), including, but not limited to the following:
 - (i) For the purposes of 40 CFR Part 60, time periods specified in days shall be measured in calendar days, even if the word “calendar” is absent, unless otherwise specified in an applicable requirement.
 - (ii) For the purposes of 40 CFR Part 60, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the TCEQ, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement.
 - (iii) If an owner or operator of an affected facility is required to submit periodic reports under 40 CFR Part 60 to the TCEQ, and if the TCEQ has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under 40 CFR Part 60, the owner or operator may change the dates by which periodic reports under 40 CFR Part 60 shall be submitted (without changing the frequency of reporting) to be consistent with the TCEQ’s schedule by mutual agreement between the owner or operator and the TCEQ. The allowance in the previous sentence applies beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in 40 CFR Part 60. Procedures governing the implementation of this provision are specified in (vi) of this paragraph.
 - (iv) Until an adjustment of a time period or postmark deadline has been approved by the TCEQ under (vi) and (vii) of this paragraph, the owner or operator of an affected facility remains strictly subject to the requirements of 40 CFR Part 60.
 - (v) An owner or operator shall request the adjustment provided for in (vi) and (vii) of this paragraph each time he or she wishes to change an applicable time period or postmark deadline specified in 40 CFR Part 60.

- (vi) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the TCEQ by an owner or operator, or the review of such information by the TCEQ, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the TCEQ. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the TCEQ that an adjustment is warranted.
 - (vii) If, in the TCEQ's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the TCEQ will approve the adjustment. The TCEQ will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
 - (viii) If the TCEQ is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.
- (12) If the ACI is a major source, as defined in 30 TAC Chapter 122, and is subject to 40 CFR Part 60, Subpart CCCC (Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001), the permit holder shall comply with the following requirements:
- (A) 40 CFR § 60.2250 for emission limitations as follows:
 - (i) Within 60 days after the ACI reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the ACI must meet the following limitations:
 - (a) The opacity limitation is 10 percent (six-minute average) during operation; and
 - (b) The opacity limitation is 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation during the initial opacity test and annual performance test.
 - (ii) Except during malfunctions, the requirements of this subsection apply at all times, and each malfunction must not exceed 3 hours. The EPA defines malfunction as any sudden, infrequent, and not

reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

- (B) 40 CFR § 60.2255 for monitoring requirements as follows:
 - (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
 - (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8.
 - (iii) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of the previous test.

- (C) 40 CFR § 60.2260 for recordkeeping and monitoring requirements, the permit holder shall do the following:
 - (i) Prior to commencing construction on the ACI, submit the following:
 - (a) Notification of intent to construct the ACI.
 - (b) Planned initial startup date.
 - (c) Types of materials to be burned in the ACI.
 - (ii) Keep records of results of all initial and annual opacity tests in either paper copy or electronic format, unless the TCEQ approves another format, for at least five years.
 - (iii) Make all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's on-site review.
 - (iv) Submit the results (each six-minute average) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report.
 - (v) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
 - (vi) Keep a copy of the initial and annual reports for a period of five years.

- (13) For ACIs subject to 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After

December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006) the permit holder shall comply with the following requirements:

(A) 40 CFR § 60.2971(a), (a)(1), (a)(2) and (b), for emission limitations as follows:

- (i) Within 60 days after the ACI reaches the charge rate at which it will operate, but no later than 180 days after its initial startup, the permit holder shall comply with the following limitations:
 - (a) The opacity limitation is 10 percent (six-minute average) during operation; and
 - (b) The opacity limitation is 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation during the initial opacity test and annual performance test.
- (ii) The limitations of this apply at all times except during malfunctions.

(B) 40 CFR § 60.2972(a), (b), (c) and (d), for monitoring requirements as follows:

- (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
- (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8.
- (iii) After the initial test for opacity, conduct annual tests no more than 12 months following the date of the previous test.
- (iv) If the ACI has been out of operation for more than 12 months following the date of the previous test, then the permit holder shall conduct a test for opacity upon startup of the unit.

(C) 40 CFR § 60.2973(b), (c) and (f), for recordkeeping requirements as follows:

- (i) Keep records of results of all initial and annual opacity tests in either paper copy or computer-readable format that can be printed upon request, unless the TCEQ approves another format, for at least five years.

- (ii) Make all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's review.
 - (iii) Keep a copy of the initial and annual reports for a period of five years.
- (D) 40 CFR § 60.2973(a)(1) - (3), (d) and (e), for reporting requirements as follows:
 - (i) Prior to commencing construction of the ACI, submit the following:
 - (a) Notification of intent to construct the ACI.
 - (b) Planned initial startup date.
 - (c) Types of materials to be burned in the ACI.
 - (ii) Submit the results (each six-minute average) of the initial opacity tests no later than 60 days following the initial test. Submit annual opacity test results within 12 months following the previous report.
 - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date.
- (14) For ACIs that commenced construction on or before November 30, 1999, the permit holder shall comply with the following requirements:
 - (A) 40 CFR § 62.14815(a), (a)(1), (a)(2) and (b), for emission limitations as follows:
 - (i) After the date the initial test for opacity is required or completed (whichever is earlier), the permit holder shall meet the following limitations:
 - (a) The opacity limitation is 10 percent (six-minute average) during operation; and
 - (b) The opacity limitation is 35 percent (six-minute average) during the startup period that is within the first 30 minutes of operation during the initial opacity test and annual performance tests.
 - (ii) Except during malfunctions, these requirements apply at all times, and each malfunction must not exceed three hours.
 - (B) 40 CFR § 62.14820(a), (b) and (c), for monitoring requirements as follows:

- (i) Use Test Method 9 (40 CFR Part 60, Appendix A) to determine compliance with the opacity limitation.
 - (ii) Conduct an initial test for opacity as specified in 40 CFR § 60.8 no later than January 2, 2005.
 - (iii) After the initial test for opacity, conduct annual tests no more than 12 calendar months following the date of the previous test.
- (C) 40 CFR § 62.14825(a), (b) and (e), for recordkeeping requirements as follows:
- (i) Keep records of results of all initial and annual opacity tests in either paper copy or electronic format, unless the TCEQ approves another format, for at least five years.
 - (ii) Make all records available for submittal to the TCEQ and local air pollution control agency(ies) having jurisdiction or for an inspector's on-site review.
 - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy on site for a period of five years.
- (D) 40 CFR § 62.14825(c), (d) and (e), for reporting requirements as follows:
- (i) Submit an initial report no later than 60 days following the initial opacity test that includes the following information:
 - (a) The types of materials to be burned in the ACI.
 - (b) The results (each six-minute average) of the initial opacity tests.
 - (ii) Submit annual opacity test results within 12 months following the previous report.
 - (iii) Submit initial and annual opacity test reports as electronic or paper copy on or before the applicable submittal date and keep a copy on site for a period of five years.
- (15) The permit holder shall comply with the following sections of 30 TAC Chapter 101 (General Air Quality Rules):
- (A) 30 TAC § 101.1 (Definitions), insofar as the terms defined in 30 TAC § 101.1 are used to define the terms used in other applicable requirements.
 - (B) 30 TAC § 101.3 (Circumvention). No person shall use any plan, activity,

device or contrivance which the executive director determines will, without resulting in an actual reduction of air contaminants, conceal or appear to minimize the effects of an emission which would otherwise constitute a violation of the TCAA or regulations. Air introduced for dilution purposes only is considered a circumvention of the regulations.

- (C) 30 TAC § 101.10 (Emissions Inventory Requirements).
- (D) 30 TAC § 101.201 (Emission Event Reporting and Recordkeeping Requirements).
- (E) 30 TAC § 101.211 (Scheduled Maintenance, Startup, and Shutdown Reporting and Recordkeeping Requirements).
- (F) 30 TAC § 101.221 (Operational Requirements).
- (G) 30 TAC § 101.222 (Demonstrations).
- (H) 30 TAC § 101.223 (Actions to Reduce Excessive Emissions).