

CHAPTER 3

AIR QUALITY CONTROL¹

SUBCHAPTER 3D - AIR POLLUTION CONTROL REQUIREMENTS

SECTION .1200 - CONTROL OF EMISSIONS FROM INCINERATORS 111(a)

.1201 PURPOSE AND SCOPE

- (a) This Section sets forth Rules for the control of the emissions of air pollutants from incinerators.
- (b) The Rules in this Section apply to all types of incinerators as defined by Forsyth County Code, Subchapter 3D .0101(20), including incinerators with heat recovery and industrial incinerators.
- (c) This Section does not apply to:
- (1) afterburners, flares, fume incinerators, and other similar devices used to reduce the emissions of air pollutants from processes, whose emissions shall be regulated as process emissions;
 - (2) any boilers or industrial furnaces that burn waste as a fuel, except hazardous waste as defined in 40 CFR 260.10;
 - (3) air curtain burners, which shall comply with Section .1900 of this Subchapter; or
 - (4) incinerators used to dispose of dead animals or poultry that meet the following requirements:
 - (A) The incinerator is located on a farm and is owned and operated by the farm owner or by the farm operator;
 - (B) The incinerator is used solely to dispose of animals or poultry originating on the farm where the incinerator is located;
 - (C) The incinerator is not charged at a rate that exceeds its design capacity; and
 - (D) The incinerator complies with Rule .0521 (visible emissions) and .0522 (odorous emissions) of this Subchapter.
- (d) If an incinerator can be defined as being more than one type of incinerator, then the following order shall be used to determine the standards and requirements to apply:
- (1) hazardous waste incinerators;
 - (2) sewage sludge incinerators;
 - (3) sludge incinerators;
 - (4) municipal waste combustors;
 - (5) hospital, medical, or infectious waste incinerators (HMIWIs);
 - (6) commercial and industrial solid waste incinerators;
 - (7) conical incinerators;
 - (8) crematory incinerators; and
 - (9) other incinerators.
- (e) In addition to any permit that may be required under 3Q, Air Quality Permits Procedures, a permit may be required by the NC Division of Solid Waste Management as determined by the permitting rules of the NC Division of Solid Waste Management.

¹**Cross references**--Buildings and building regulations, Ch. 7; erosion control, Ch. 9; fire prevention and protection, Ch. 10; zoning ordinance, Ch. 23.

State law references--Air pollution control, G.S. §143-215.105 *et seq.*; authority of Board of County Commissioners to establish, administer, and enforce a local air pollution control program. G.S. §143-215.112(c); authority to levy taxes to maintain and administer such program, G.S. §153A-149(c)(3).

(f) Referenced document SW-846 “Test Methods for Evaluating Solid Waste”, Third Edition, cited by Rules in this Section is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document is available for inspection at the Environmental Affairs Department located at 537 North Spruce Street, Winston-Salem, NC 27101. Copies of this document may be obtained through the US Government Printing Office, Superintendent of Documents, P.O. Box

371954, Pittsburgh, PA 15250-7954, or by calling (202) 783-3238. The cost of this document is three hundred nineteen dollars (\$319.00). (Ord. No. 9-94, 12-19-94; 8-14-95, 9-14-98, 5-24-99, 7-24-00, 7-22-02)

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.1202 DEFINITIONS

For the purposes of this Section, the definitions at N.C.G.S. 143-212 and 143-213 and 3D .0101 shall apply, and in addition the following definitions shall apply. If a term in this Rule is also defined at 3D .0101, then the definition in this Rule controls.

- (1) "Class I municipal waste combustor" means a small municipal waste combustor located at a municipal waste combustion plant with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste.
- (2) "Commercial and industrial solid waste incinerator" (CISWI) or "commercial and industrial solid waste incineration unit" means any combustion device, except air pollution control devices, that combusts commercial and industrial waste.
- (3) "Commercial and industrial waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field-erected, modular, and custom built incineration units operating with starved or excess air).
- (4) "Co-fired combustor (as defined in 40 CFR Part 60, Subpart Ec)" means a unit combusting hospital, medical, or infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, 10 percent or less of the weight of which is comprised, in aggregate, of hospital, medical, or infectious waste as measured on a calendar quarter basis. For the purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital, medical, or infectious waste combusted.
- (5) "Crematory incinerator" means any incinerator located at a crematory regulated under 21 NCAC 34C that is used solely for the cremation of human remains.
- (6) "Construction and demolition waste" means wood, paper, and other combustible waste, except for hazardous waste and asphaltic material, resulting from construction and demolition projects.
- (7) "Dioxin and Furan" means tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans.
- (8) "Hazardous waste incinerator" means an incinerator regulated under 15A NCAC 13A .0101 through .0119, 40 CFR 264.340 to 264.351, Subpart O, or 265.340 to

265.352, Subpart O.

- (9) “Hospital, medical and infectious waste incinerator (HMIWI)” means any device that combusts any amount of hospital, medical and infectious waste.
- (10) “Large HMIWI” means:
 - (A) a HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour;
 - (B) a continuous or intermittent HMIWI whose maximum charge rate is more than 500 pounds per hour; or
 - (C) a batch HMIWI whose maximum charge rate is more than 4,000 pounds per day.
- (11) “Hospital waste” means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- (12) "Large municipal waste combustor" means each municipal waste combustor unit with a combustion capacity greater than 250 tons per day of municipal solid waste.
- (13) “Medical and Infectious waste” means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in Part (A)(i) through (A)(vii) of this Subparagraph.
 - (A) The definition of medical and infectious waste includes:
 - (i) cultures and stocks of infectious agents and associated biologicals, including:
 - (I) cultures from medical and pathological laboratories;
 - (II) cultures and stocks of infectious agents from research and industrial laboratories;
 - (III) wastes from the production of biologicals;
 - (IV) discarded live and attenuated vaccines; and
 - (V) culture dishes and devices used to transfer, inoculate, and mix cultures;
 - (ii) human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers;
 - (iii) human blood and blood products including:
 - (I) liquid waste human blood;
 - (II) products of blood;
 - (III) items saturated or dripping with human blood; or
 - (IV) items that were saturated or dripping with human blood that are now caked with dried human blood including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category;
 - (iv) sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials,

- needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips;
- (v) animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals;
 - (vi) isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and
 - (vii) unused sharps including the following unused or discarded sharps;
 - (I) hypodermic needles;
 - (II) suture needles;
 - (III) syringes; and
 - (IV) scalpel blades.
- (B) The definition of medical and infectious waste does not include:
- (i) hazardous waste identified or listed under 40 CFR Part 261;
 - (ii) household waste, as defined in 40 CFR Part 261.4(b)(1) ;
 - (iii) ash from incineration of medical and infectious waste, once the incineration process has been completed;
 - (iv) human corpses, remains, and anatomical parts that are intended for interment or cremation; and
 - (v) domestic sewage materials identified in 40 CFR 261.4(a)(1).
- (14) "Medium HMIWI" means:
- (A) a HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour;
 - (B) a continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or
 - (C) a batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.
- (15) "Municipal waste combustor (MWC) or municipal waste combustor unit" means a municipal waste combustor as defined in 40 CFR 60.51b.
- (16) "Municipal waste combustor plant" means one or more designated units at the same location.
- (17) "Municipal waste combustor unit capacity" means the maximum charging rate of a municipal waste combustor unit expressed in tons per day of municipal solid waste combusted, calculated according to the procedures under 40 CFR 60.58b(j). Section 60.58b(j) includes procedures for determining municipal waste combustor unit capacity for continuous and batch feed municipal waste combustors.
- (18) "Municipal-type solid waste (MSW) or Municipal Solid Waste" means municipal-type solid waste defined at 40 CFR 60.51b.
- (19) "POTW" means a publicly owned treatment works as defined in 40 CFR 501.2.
- (20) "Same Location" means the same or contiguous property that is under common

ownership or control including properties that are separated only by a street, road, highway, or other public right-of-way. Common ownership or control includes properties that are owned, leased, or operated by the same entity, parent entity, subsidiary, subdivision, or any combination thereof including any municipality or other governmental unit, or any quasi-governmental authority (e.g., a public utility district or regional waste disposal authority).

- (21) "Sewage sludge incinerator" means any incinerator regulated under 40 CFR Part 503, Subpart E.
- (22) "Sludge incinerator" means any incinerator regulated under Rule .1110 of this Subchapter but not under 40 CFR Part 503, Subpart E.
- (23) "Small HMIWI" means:
 - (A) a HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour;
 - (B) a continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or
 - (C) a batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.
- (24) "Small municipal waste combustor" means each municipal waste combustor unit with a combustion capacity greater than 11 tons per day but not more than 250 tons per day of municipal solid waste.
- (25) "Small remote HMIWI" means any small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area (SMSA) and which burns less than 2,000 pounds per week of hospital, medical and infectious waste. The 2,000 pound per week limitation does not apply during performance tests.
- (26) "Standard Metropolitan Statistical Area (SMSA)" means any area listed in Office of Management and Budget (OMB) Bulletin No. 93-17, entitled "Revised Statistical Definitions for Metropolitan Areas" dated July 30, 1993. The referenced document cited by this Item is hereby incorporated by reference and does not include subsequent amendments or editions. A copy of this document may be obtained from the Forsyth County Environmental Affairs Department, 357 N. Spruce Street, Winston-Salem, North Carolina 27101-1362 at a cost of ten cents (\$0.10) per page or may be obtained through the internet at "<http://www.census.gov/population/estimates/metro-city/93mfips.txt>".

(b) Whenever reference is made to the Code of Federal Regulations in this Section, the definitions in the Code of Federal Regulations shall apply unless specifically stated otherwise in a particular rule. (Ord. No. 9-94, 12-19-94; 8-14-95, 11-11-96, 9-14-98, 5-24-99, 7-24-00, 7-22-02)

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