

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

SUBCHAPTER 17. INCINERATORS

PART 3. GENERAL PURPOSE INCINERATORS

252:100-17-2. Applicability

This part applies to any new and existing incinerator not subject to 40 CFR Part 60, Subparts E, Ea, Eb, Ec, AAAA, CCCC, or EEEE, or Parts 4, 5, 7, 9, or 11 of this subchapter.

PART 9. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

252:100-17-60. Effective date; applicability; requirements

(a) This Part applies to each individual commercial and industrial solid waste incineration (CISWI) unit for which construction was commenced on or before November 30, 1999; that meets the criteria in paragraphs (a)(1) through (3) of this Section.

(1) Any CISWI unit for which construction commenced on or before June 4, 2010, or for which modification or reconstruction commenced after June 4, 2010 but no later than August 7, 2013.

(2) Incineration units that meet the definition of a CISWI unit as defined in 40 CFR Section 60.2875.

(3) Incineration units that do not qualify as exempt under OAC 252:100-17-63.

(b) If the owner or operator of a CISWI unit makes changes that meet the definition of modification or reconstruction on or after June 1, 2001, the CISWI unit is no longer subject to this Part and becomes subject to 40 CFR Part 60, Subpart CCCC, that has been ~~adopted~~ incorporated by reference at ~~OAC 252:100-4-5; 252:100-2-3.~~

(c) If the owner or operator of a CISWI unit makes physical or operational changes to an existing CISWI unit primarily to comply with this Part, such changes do not qualify as a modification or reconstruction.

(d) The owner or operator of a CISWI unit subject to this Part shall comply with applicable portions of 40 CFR Part 60, Subpart DDDD (Sections 60.2575 through 60.2875) incorporated by reference in 252:100-2-3.

(1) CISWI units in the incinerator subcategory that commenced construction on or before November 30, 1999 shall achieve final compliance by the December 1, 2005.

(2) CISWI units that commenced construction after November 30, 1999, but on or before June 4, 2010, and CISWI units in the small remote incinerator, energy recovery unit, and waste-burning kiln subcategories that commenced construction before June 4, 2010 shall achieve final compliance as expeditiously as practicable after approval of the state plan but not later than the earlier of the two dates specified in paragraphs (d)(2)(A) and (B) of this subsection.

(A) February 7, 2018.

(B) Three years after the effective date of State plan approval.

(C) For compliance schedules approved under 40 CFR Section 60.2575 or 60.2815, the CISWI unit shall submit a final control plan not more than 1 year following the effective date of State plan approval, and shall achieve final compliance as expeditiously as practicable, but not later than February 7, 2018 or three years after the effective date of State plan approval, whichever

is earlier. Within the appropriate context, these dates shall be considered the "date(s) to be specified in state plan" wherever that phrase appears in the model rule and associated tables.

252:100-17-61. Definitions [REVOKED]

The definitions in 40 CFR 60.2265 are hereby incorporated by reference, as they exist on September 22, 2005.

252:100-17-62. Terminology related to 40 CFR

(a) For purposes of interfacing with 40 CFR, the following terms apply:

"**Affected facility**" is synonymous with "commercial and industrial solid waste incinerator (CISWI)" or "CISWI unit".

(1) "**Administrator**" is synonymous with "Executive Director".

(2) "**Affected facility**" is synonymous with "commercial and industrial solid waste incinerator (CISWI)" or "CISWI unit".

(b) The term "**you**" in the Model Rule of 40 CFR Sections 60.2575 through 60.2875, means the owner or operator of a CISWI unit.

252:100-17-63. Exemptions

(a) Except as provided in subsections (b) through (p) of this section, each for required notifications as specified, the following types of individual CISWI is subject to units are exempt from the requirements in of this Part.

(b)(1) **Pathological waste incineration units.** Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 Section 60.2875, are not subject to this Part if the owner or operator meets the two requirements specified in paragraphs subparagraphs (b)(1)(A) and (2)(B) of this section Section.

(1)(A) Notifies the DEQ that the unit meets these criteria.

(2)(B) Keeps records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(c) **Agricultural waste incineration units.** Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 are not subject to this Part if the owner or operator meets the two requirements specified in paragraphs (c)(1) and (2) of this section.

(1) Notifies the DEQ that the unit meets these criteria.

(2) Keeps records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(d)(2) **Municipal waste combustion units.** Incineration units that meet either of the two criteria specified in paragraphs (d)(1) or (2) of this section are not subject to this Part.

(1) Are regulated under are subject to Part 5 of this Subchapter or 40 CFR Part 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); Subpart Eb (Standards of Performance for Large Municipal Waste Combustors, for Which Construction is Commenced After September 20, 1994); or Subpart AAAA (Standards of Performance for New Stationary Sources: Small Municipal Waste Combustion Units).

(2) Burn greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR 60, Subpart Ea, Subpart Eb, or Subpart AAAA, and that have the capacity to burn less than 35

tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the owner or operator meets the two requirements in paragraphs (d)(2)(A) and (B) of this section:

- (A) Notifies the DEQ that the unit meets these criteria.
- (B) Keeps records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

~~(e)(3) **Medical waste incineration units.** Incineration units regulated under subject to Part 7 of the this Subchapter or 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) are not subject to this Part.~~

~~(f)(4) **Small power production facilities.** Units that meet the three requirements specified in paragraphs (f)(1) through (3) subparagraphs (4)(A) through (D) of this section Section are not subject to this Part.~~

~~(1)(A) The unit qualifies as a small power-production facility under section Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).~~

~~(2)(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.~~

~~(3)(C) The owner or operator notifies the DEQ that the unit meets all of these criteria.~~

~~(D) The owner or operator maintains the records specified in 40 CFR Section 60.2740(v).~~

~~(g)(5) **Cogeneration facilities.** Units that meet the three requirements specified in paragraphs (g)(1) through (3) subparagraphs (5)(A) through (D) of this section Section are not subject to this Part.~~

~~(1)(A) The unit qualifies as a cogeneration facility under section Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).~~

~~(2)(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.~~

~~(3)(C) The owner or operator notifies the DEQ that the unit meets all of these criteria.~~

~~(D) The owner or operator maintain the records specified in 40 CFR Section 60.2740(w).~~

~~(h)(6) **Hazardous waste combustion units.** Units that meet either of the two criteria specified in paragraph (h)(1) or (2) of this section are not subject to this Part.~~

~~— (1) Units Incineration units for which the owner or operators operator is required to get a permit under section Section 3005 of the Solid Waste Disposal Act.~~

~~— (2) Units regulated under 40 CFR part 63, Subpart EEEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).~~

~~(i)(7) **Materials recovery units.** Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters, are not subject to this Part.~~

~~(j)(8) **Air curtain incinerators.** Certain air curtain incinerators are exempt from portions of this Part (see 252:100-17-74) that burn only the materials listed in paragraphs (j)(1) through (3) of this section are only required to meet the requirements under 40 CFR Sections 60.2245 through 60.2260 and the requirements of OAC 252:100-17-73:~~

~~— (1) 100 percent wood waste.~~

~~— (2) 100 percent clean lumber.~~

~~— (3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.~~

~~(k) **Cyclonic barrel burners.**~~

~~(l) **Rack, part, and drum reclamation units.**~~

~~(m) **Cement kilns.** Kilns regulated under 40 CFR 63, Subpart LLL, (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) are not subject to this Part.~~

~~(n)(9) **Sewage sludge incinerators treatment plants.** Incineration units regulated under 40 CFR Part 60, Subpart O (Standards of Performance for Sewage Treatment Plants) are not subject to this Part.~~

~~(o) **Chemical recovery units.** Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds are not subject to this Part. The seven types of units described in paragraphs (o)(1) through (7) of this section are considered chemical recovery units.~~

~~— (1) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.~~

~~— (2) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.~~

~~— (3) Units burning only wood or coal feedstock for the production of charcoal.~~

~~— (4) Units burning only manufacturing byproduct streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.~~

~~— (5) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.~~

~~— (6) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.~~

~~— (7) Units burning only photographic film to recover silver.~~

~~(10) **Sewage sludge incineration units.** Incineration units that combust sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter and that are subject to 40 CFR Part 60, Subpart LLLL (Standards of Performance for Sewage Sludge Incineration Units).~~

~~(p) **Laboratory analysis units.** Units that burn samples of materials for the purpose of chemical or physical analysis are not subject to this Part.~~

~~(11) **Other solid waste incineration units.** Incineration units that are subject to Part 11 of this Subchapter or 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units).~~

252:100-17-64. Emission limits [REVOKED]

~~On and after the date on which the initial performance test is completed or is required to be completed, whichever date comes first, no CISWI subject to this Part shall discharge into the atmosphere from that facility any gases that contain stack emissions in excess of the emission limits in Table 1 of 40 CFR 60, CCCC, which is hereby incorporated by reference as it exists on July 1, 2002.~~

252:100-17-65. Operating limits [REVOKED]

~~(a) Except for 40 CFR 60.2110(b), a CISWI shall comply with all of the requirements specified 40 CFR 60.2110, 60.2115 and 60.2120 and Table 2 of 40 CFR 60, Subpart CCCC, which are hereby incorporated by reference, as they exist on July 1, 2002.~~

~~(b) The CISWI must be operated within the operating limits established during initial performance test.~~

252:100-17-66. Standards for CISWI operator training and qualification requirements [REVOKED]

~~(a) The CISWI operator training and qualification requirements in 40 CFR 60.2070, 60.2080, 60.2085, 60.2090, 60.2095 and 60.2100 are hereby incorporated by reference, as they exist on July 1, 2002.~~

~~(b) The operator training course must be completed by the latest of the three dates specified in (1) through (3) of this paragraph:~~

~~—(1) December 1, 2005.~~

~~—(2) Six months after CISWI unit startup.~~

~~—(3) Six months after an employee assumes responsibility for operating the CISWI unit or assumes responsibility for supervising the operation of the CISWI unit.~~

252:100-17-67. Standards for waste management plans [REVOKED]

~~(a) The CISWI waste management plan requirements in 40 CFR 60.2055 and 60.2065, are hereby incorporated by reference, as they exist on July 1, 2002.~~

~~(b) The waste management plan must be submitted to the DEQ no later than April 1, 2004.~~

252:100-17-68. Performance testing [REVOKED]

~~40 CFR 60.2125 and 60.2130 are hereby incorporated by reference as they exist on July 1, 2002.~~

252:100-17-69. Initial compliance requirements [REVOKED]

~~(a) 40 CFR 60.2135 is hereby incorporated by reference, as it exists on July 1, 2002.~~

~~(b) The initial performance test must be conducted no later than 180 days after the final compliance date or December 1, 2005, whichever is earlier.~~

252:100-17-70. Continuous compliance requirements [REVOKED]

~~40 CFR 60.2145, 60.2150, 60.2155, and 60.2160 are hereby incorporated by reference, as they exist on July 1, 2002.~~

252:100-17-71. Monitoring [REVOKED]

~~40 CFR 60.2165 and 60.2170 are hereby incorporated by reference, as they exist on July 1, 2002.~~

252:100-17-72. Reporting and recordkeeping requirements [REVOKED]

~~Except for 40 CFR 60.2175(g), 40 CFR 60.2175, 60.2180, 60.2200, 60.2205, 60.2210, 60.2215, 60.2220, 60.2225, 60.2230, 60.2235 and 60.2240 are hereby incorporated by reference, as they exist on July 1, 2002.~~

252:100-17-73. Part 70 permits [REVOKED]

~~(a) The owner or operator of a CISWI, that is not otherwise a Part 70 source, must submit to the DEQ a complete application for a Part 70 operating permit on or before December 1, 2003.~~

~~(b) 40 CFR 60.2242 is hereby incorporated by reference, as it exists on July 1, 2002.~~

252:100-17-74. Air curtain incinerators [AMENDED]

~~(a) 40 CFR 60.2245, 60.2255 and 60.2260 are hereby incorporated by reference, as they exist on July 1, 2002. Air curtain incinerators that burn only the materials listed in paragraphs (1) through (3) of~~

this subsection are only required to meet the requirements-set forth in 40 CFR Sections 60.2805 through 60.2870.

(1) 100 percent wood waste.

(2) 100 percent clean lumber.

(3) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

~~(b) After the date the initial stack test is required or completed (whichever is earlier), the owner or operator must meet the limitations in paragraphs (b)(1) and (2) of this section:~~

~~—(1) The opacity limitation is 10 percent (6-minute average), except as described in paragraph (b)(2) of this section.~~

~~—(2) The opacity limitation is 35 percent (6-minute average) during the startup period that is within the first 30 minutes of operation.~~

~~(c) Except during malfunctions, the requirements of OAC 252:100-17-74(b) apply at all times, and each malfunction must not exceed 3 hours.~~

252:100-17-75. Compliance schedules [REVOKED]

~~(a) Except as provided in paragraphs (b) and (c) of this section, the owner or operator of any CISWI unit, including air curtain incinerators, shall comply with all the requirements of this Part or shall close the CISWI unit(s) and take any steps necessary to render the unit(s) inoperable by December 1, 2003.~~

~~(b) The DEQ may grant an extension to December 1, 2005, for closing a CISWI if the owner or operator demonstrates that no waste disposal options exist other than onsite incineration. The owner or operator shall:~~

~~—(1) Submit to the DEQ documentation of the analyses undertaken to support the need for an extension, including an explanation of why 1 year after approval of the State plan is not sufficient time to close the CISWI.~~

~~—(2) Submit to the DEQ an evaluation of the option to transport the waste offsite to a commercial waste treatment and/or disposal facility on a temporary or permanent basis.~~

~~—(3) Enter into a consent order to close. The closure order must include the date of plant closure.~~

~~(c) The DEQ will allow an extension to December 1, 2005, for the installation of air pollution control equipment to comply with the requirements of this Part provided the owner or operator of the CISWI:~~

~~—(1) Submits a final control plan by January 1, 2004. The final control plan must include a description of the control the source will use to comply with the emission limitations and other requirements.~~

~~—(2) Achieves final compliance with the emission limitations and other requirements by December 1, 2005.~~

~~(d) The owner or operator of the CISWI shall send written notification to the DEQ to confirm achievement of the events specified in (c)(2) of this section:~~

~~—(1) The notification shall be postmarked no later than 10 business days after the compliance date for the requirement.~~

~~—(2) The notification shall include the signature of the owner or operator.~~

~~(e) If the owner or operator fails to meet any of the compliance requirements specified in OAC 252:100-17-75(c), he shall notify the DEQ in writing within 10 business days after the compliance deadline and continue to submit reports each subsequent calendar month until compliance with that requirement is achieved.~~

252:100-17-76. CISWI closure [REVOKED]

(a) If the CISWI unit is closed but will be restarted prior to December 1, 2005, the owner or operator shall meet the increments of progress specified in OAC 252:100-17-75.

(b) If the CISWI unit is closed but will be restarted on or after December 1, 2005, the owner or operator shall complete emission control retrofits and meet the emission limitations and operating limits on the date the CISWI unit restarts operations.

(c) If the CISWI unit is permanently closed, the owner or operator shall submit a closure notification, including the date of closure, to the DEQ by January 1, 2004.