

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL
SUBCHAPTER 17. INCINERATORS

Part 1. GENERAL PROVISIONS

252:100-17-1. Purpose

The purpose of this Subchapter is to ~~specify design and operating requirements and emission limitations for incinerators and municipal waste combustors (MWC) control emissions from incinerators.~~

252:100-17-1.2. Terminology related to 40 CFR

When these terms are used in rules incorporated by reference, the following definitions shall apply:

"EPA Administrator" or "Administrator" is synonymous with "Executive Director" or "the Executive Director's designee".

~~"Affected facility" is synonymous with "large MWC unit".~~

"State" is synonymous with "Department of Environmental Quality" or "DEQ".

~~"State plan" is a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cb of 40 CFR Part 60.~~

PART 5. MUNICIPAL WASTE COMBUSTORS

252:100-17-14.1. Definitions

The definitions in 40 CFR 60.51b are hereby incorporated by reference as they exist on ~~October 24, 1997~~ July 1, 2002.

252:100-17-14.2. Terminology related to 40 CFR

When these terms are used in rules incorporated by reference, the following definitions shall apply:

"Affected facility" is synonymous with "large municipal waste combustor unit" or "large MWC unit".

"State plan" is a program that the State is responsible for developing and implementing to achieve compliance with the emission guidelines in Subpart Cb of 40 CFR Part 60.

252:100-17-20. Standards for nitrogen oxides

(a) **Nitrogen oxides emission limits.** The concentration of nitrogen oxides contained in the gases discharged into the atmosphere from a MWC unit shall not exceed the following:

NITROGEN OXIDES LIMITS

Municipal Waste Combustor Technology	Nitrogen oxides emission limit (ppm by volume) ^a
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Mass burn waterwall.....	205
Mass burn rotary waterwall.....	250
Refuse-derived fuel combustor.....	250
Fluidized bed combustor (by December 19, 2000).....	240
Fluidized bed combustor (by August 26, 2002, or three years after EPA approval of the State plan, which ever is first)...	180

^aCorrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average

(b) **Nitrogen oxides emissions averaging.** The owner or operator of a MWC plant may elect to implement a nitrogen oxides emissions averaging plan for the MWC units that are located at that plant.

(1) The following units cannot be included in the emissions averaging plan:

(A) MWC units subject to Subpart Ea or Eb of 40 CFR Part 60.

(B) Mass burn refractory MWC units and other MWC technologies not listed in paragraph (b)(3) of this section may not be included in the emissions averaging plan.

(2) Prior to implementing the nitrogen oxides emissions averaging plan, the units to be included must be identified in the initial performance test report specified in 40 CFR 60.59b(f) or in the annual report specified in 40 CFR 60.59b(g), as applicable. The units which are included in the averaging plan may be redesignated each calendar year. Partial year redesignation is allowable with DEQ approval.

(3) To implement the emissions averaging plan, the average daily (24-hour) nitrogen oxides emission concentration level discharged from the units included in the emission averaging plan shall be no greater than the levels specified in this section. Emission limits for the nitrogen oxides concentration level for each type of unit are as follows:

NITROGEN OXIDES LIMITS FOR EXISTING DESIGNATED FACILITIES INCLUDED IN AN EMISSIONS AVERAGING PLAN AT A MUNICIPAL WASTE COMBUSTOR PLANT^a

Municipal waste combustor technology	Nitrogen oxides emission limit (ppm by volume) ^b
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Mass burn waterwall.....	185
Mass burn rotary waterwall.....	220
Refuse-derived fuel combustor.....	230
Fluidized bed combustor.....	165

^aMass burn refractory municipal waste combustors and other MWC technologies not listed above may not be included in an emissions averaging plan.

^bCorrected to 7 percent oxygen, dry basis, 24 hr daily arithmetic average

(4) Under the emissions averaging plan, the average daily nitrogen oxides emissions specified in paragraph (b)(3) of this section shall be calculated using the equation in Appendix K of this Chapter. MWC units that are off-line shall not be included in calculating the average daily nitrogen oxides emission level.

(5) For any day a unit included in the emissions averaging plan is off-line, the owner or operator of the MWC plant must demonstrate compliance according to either paragraph (b)(5)(A) or both paragraphs (b)(5)(B) and (b)(5)(C) of this section.

(A) Compliance with the applicable limits specified in (b)(3) of this Part shall be demonstrated using the averaging procedure specified in paragraph (b)(4) of this section. The averaging procedure will include the MWC units in the plan that are on-line.

(B) For each of the units included in the emissions averaging plan, the nitrogen oxides emissions shall be calculated on a daily average basis. The nitrogen oxides emissions level shall be equal to or less than the maximum daily nitrogen oxides emission levels achieved by that unit on any of the days during which the emissions averaging plan was achieved with all units on-line during the most recent calendar quarter. The requirements of this paragraph do not apply during the first quarter of operation under the emissions averaging plan.

(C) The average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(ii) of this section shall not exceed the average nitrogen oxides emissions (kilograms per day) calculated according to paragraph (b)(5)(C)(i) of this section.

(i) The average nitrogen oxides emissions shall be calculated for all days during which the emissions averaging plan was implemented and achieved and during which all MWC units were on-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated, on a calendar year basis, according to paragraphs (b)(5)(C)(i)(I) through (b)(5)(C)(i)(III) of this section.

(I) The daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated for each MWC unit included

in the emissions averaging plan. The calculation shall be based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h) and specified under 40 CFR 60.58b(h)(5). The flue gas flow rate is determined using the hourly average steam or feedwater flow rate and Table 19-1 of EPA Reference Method 19, which is hereby incorporated by reference as it exists on ~~July 1, 1997~~ July 1, 2002.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each unit calculated under paragraph (b)(5)(C)(i)(I) of this section.

(III) On a calendar year basis, the average nitrogen oxides emissions (kilograms per day), shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(i)(II) of this section divided by the number of calendar days for which a daily total was calculated.

(ii) The average nitrogen oxides emissions shall be calculated for all days during which one or more of the MWC units under the emissions averaging plan was off-line. The average nitrogen oxides emissions (kilograms per day) shall be calculated according to paragraphs (b)(5)(C)(ii)(I) through (b)(5)(C)(ii)(III) of this section on a calendar year basis.

(I) For each MWC unit included in the emissions averaging plan, the daily amount of nitrogen oxides emitted (kilograms per day) shall be calculated based on the hourly nitrogen oxides data required under 40 CFR 60.58b(h) and specified under 40 CFR 60.58b(h)(5), the flue gas flow rate determined using Table 19-1 of the EPA Reference Method 19, which is hereby incorporated by reference as it exists on ~~July 1, 1997~~ July 1, 2002, and the hourly average steam or feedwater flow rate.

(II) The daily total nitrogen oxides emissions shall be calculated as the sum of the daily nitrogen oxides emissions from each MWC unit as calculated under paragraph (b)(5)(C)(ii)(I) of this section.

(III) The average nitrogen oxides emissions (kilograms per day) on a calendar year basis shall be calculated as the sum of all daily total nitrogen oxides emissions calculated under paragraph (b)(5)(C)(ii)(II) of this section divided by the number of calendar days for which a daily total was calculated.

252:100-17-21. Standards for municipal waste combustor operating practices

(a) The concentration of carbon monoxide contained in the gases discharged to the atmosphere from a MWC unit shall not exceed the following limits for each type of affected equipment:

MUNICIPAL WASTE COMBUSTOR OPERATING LIMITS

Municipal waste.....Carbon monoxide.....Averaging Time^b

combustor technology....emissions level.....(hours)		
.....(ppm by volume) ^a		
Mass burn waterwall.....	100.....	4
Mass burn refractory.....	100.....	4
Mass burn rotary refractory.....	100.....	24
Mass burn rotary waterwall.....	250.....	24
Modular starved air.....	50.....	4
Modular excess air.....	50.....	4
Refuse-derived fuel stoker.....	200.....	24
Bubbling fluidized bed.....	100.....	4
Circulating fluidized bed.....	100.....	4
Pulverized coal/refuse-derived fuel mixed fuel-fired combustor	150.....	4
Spreader stoker coal/refuse-derived fuel mixed fuel-fired combustor	200.....	24

^aMeasured at the combustor outlet in conjunction with a measurement of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.

^bAveraging times are 4-hour or 24-hour block averages.

(b) An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.58b(b) and (c), which is hereby incorporated by reference as it exists on ~~October 24, 1997~~ July 1, 2002.

252:100-17-22. Standards for municipal waste combustor fugitive ash emissions

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.55b, which is hereby incorporated by reference as it exists on ~~October 24, 1997~~ July 1, 2002.

252:100-17-25. Compliance and performance testing

An owner or operator of a MWC shall comply with all provisions specified in 40 CFR 60.58b, which is hereby incorporated by reference as it exists on ~~October 24, 1997~~ July 1, 2002.

252:100-17-26. Reporting and recordkeeping requirements

Except for the provisions of subsection 60.59b(a), b(5), and d(11), 40 CFR 60.59b is hereby incorporated by reference as it exists on ~~October 24, 1997~~ July 1, 2002.

PART 7. HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS

252:100-17-41. Definitions

(a) The definitions in 40 CFR 60.51c are hereby incorporated by reference as they exist on ~~July 1, 1999~~ July 1, 2002.

(b) The following words and terms when used in this Part, shall have

the following meaning, unless the context clearly indicates otherwise:

"Small rural HMIWI" is defined as any small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than 2,000 pounds per week (lb/wk) of hospital waste and medical/infectious waste.

"Standard Metropolitan Statistical Area" or **"SMSA"** means any areas listed in the Office of Management and Budget Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993.

252:100-17-45. Standards for HMIWI operator training and certification

By October 1, 2000, an owner or operator of an HMIWI shall comply with all provisions specified in 40 CFR 60.53c, which is hereby incorporated by reference as it exists on ~~July 1, 1999~~ July 1, 2002.

252:100-17-46. Standards for waste management plans

By October 1, 2000, an owner or operator of an existing HMIWI shall comply with all provisions specified in 40 CFR 60.55c, which is hereby incorporated by reference as it exists on ~~July 1, 1999~~ July 1, 2002.

252:100-17-47. Compliance, performance testing and monitoring requirements

(a) Except for sections 60.56c (b)(12) and (c)(3), an owner or operator of a small, medium or large HMIWI shall comply with the compliance and performance testing requirements of 40 CFR 60.56c, which is hereby incorporated by reference as it exists on ~~July 1, 1999~~ July 1, 2002.

(b) An owner or operator of a small rural HMIWI shall meet the following requirements:

(1) Conduct the performance testing requirements in 40 CFR 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation for small rural HMIWI units does not apply during performance tests.

(2) Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits.

(3) Following the date on which the initial performance test is completed or required to be completed, whichever date comes first, ensure that the facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as

3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown, and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s).

(4) Except as provided in paragraph (b)(5) of this section, operation of the HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits.

(5) The owner or operator may conduct a repeat performance test within 30 days of violation of the applicable operating parameter(s) to demonstrate that the HMIWI is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under (b)(4) of this section.

(c) An owner or operator of any small, medium, or large HMIWI shall comply with all monitoring provisions specified in 40 CFR 60.57c, which is hereby incorporated by reference as it exists on ~~July 1, 1999~~ July 1, 2002.

(d) An owner or operator of a small rural HMIWI shall comply with the following monitoring requirements:

(1) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

(2) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

(3) The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair.

At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the HMIWI is combusting hospital waste and/or medical/infectious waste.

252:100-17-49. Reporting and recordkeeping requirements

(a) Except for Sections 60.58c (b)(2)(ii) and (b)(7), an owner or operator of a HMIWI shall comply with all of the requirements specified 40 CFR 60.58c(b), (c), (d), (e), and (f), which are hereby incorporated by reference as they exist on ~~July 1, 1999~~ July 1, 2002.

(b) An owner or operator of a small rural HMIWI shall:

(1) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection or an alternate date approved by the DEQ.

(2) Submit an annual report containing information recorded under paragraph (b)(1) of this section no later than 60 days following the year in which data were collected. The report shall be signed by the facility's manager. Subsequent reports shall be sent no later than 12 calendar months following the previous report until the HMIWI unit is subject to Part 70 permitting requirements under 252:100-8. After the HMIWI unit is subject to Part 70 requirements, the owner or operator must submit these reports semiannually.

PART 9. COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS

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

(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.

(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 60, Subpart CCCC, that has been adopted by reference at OAC 252:100-4-5.

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

252:100-17-61. Definitions

The definitions in 40 CFR 60.2265 are hereby incorporated by reference, as they exist on July 1, 2002.

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

For purposes of interfacing with 40 CFR, the following term applies:

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

"Administrator" is synonymous with "Executive Director".

252:100-17-63. Exemptions

(a) Except as provided in paragraphs (b) through (p) of this section, each CISWI is subject to the requirements in this Part.

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

(1) Are regulated under Part 5 of this Subchapter or 40 CFR 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); Subpart Eb (Standards of Performance for 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)(i) and (ii) of this section.

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

(ii) 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) **Medical waste incineration units.** Incineration units regulated under Part 7 of the Subchapter or 40 CFR 60, subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996).

(f) **Small power production facilities.** Units that meet the three requirements specified in paragraphs (f)(1) through (3) of this section.

(1) The unit qualifies as a small power-production facility

under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

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

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

(g) **Cogeneration facilities.** Units that meet the three requirements specified in paragraphs (g)(1) through (3) of this section.

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

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

(h) **Hazardous waste combustion units.** Units that meet either of the two criteria specified in paragraph (h)(1) or (2) of this section.

(1) Units for which the owner or operators is required to get a permit under 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) **Materials recovery units.** Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

(j) **Air curtain incinerators.** Air curtain incinerators 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.

(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).

(n) **Sewage sludge incinerators.** Incineration units regulated under 40 CFR 60, subpart O (Standards of Performance for Sewage Treatment Plants).

(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. 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.

(p) **Laboratory analysis units.** Units that burn samples of materials for the purpose of chemical or physical analysis.

252:100-17-64. Emission limits

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

(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

(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 later 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

(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 April 1, 2004.

252:100-17-68. Performance testing

(a) 40 CFR 60. 2125 and 60.2130 are hereby incorporated by reference as the exist 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.

252:100-17-69. Initial compliance requirements

(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

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

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

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.

252:100-17-72. Part 70 permits.

(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.

252:100-17-73. Air curtain incinerators

(a) 40 CFR 60.2245, 60.2255 and 60.2260 are hereby incorporated by

reference, as they exist on July 1, 2002.

(b) After the date the initial stack test is required or completed (whichever is earlier), you 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 252:100-17-73(b) apply at all times, and each malfunction must not exceed 3 hours.

252:100-17-74. Compliance schedules

(a) Except as provided in paragraphs (b) and (c) of the 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 of up to 3 years or until December 1, 2005, whichever date is earlier, 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 up to 3 years or until December 1, 2005, whichever date is earlier, 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 in the signature of the

owner or operator.

(e) If the owner or operator fails to meet any of the compliance requirements specified in OAC 252:100-17-74(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.

252:100-17-75. CISWI closure

(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 252:100-17-74.

(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.