

SUBCHAPTER 17. INCINERATORS

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PART 11. OTHER SOLID WASTE INCINERATION UNITS

252:100-17-90. Effective date; applicability

(a) This Part applies to each individual existing other solid waste incineration (OSWI) unit or air curtain incinerator for which construction was commenced on or before December 9, 2004.

(b) OSWI units for which construction was commenced after December 9, 2004 are subject to 40 CFR 60, Subpart EEEE.

(c) If the owner or operator of an OSWI unit makes changes that meet the definition of modification or reconstruction on or after June 16, 2006, the OSWI unit or air curtain incinerator is no longer subject to this Part and becomes subject to 40 CFR 60, Subpart EEEE.

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

(e) Applicability of this Part to air curtain incinerators is in 40 CFR 60.2888, which is incorporated by reference as it exists on December 16, 2005.

252:100-17-91. Definitions

The definitions in 40 CFR 60.2977 are hereby incorporated by reference, as they exist on December 16, 2005.

252:100-17-92. Terminology related to 40 CFR

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

"Affected facility" is synonymous with "other solid waste incinerator (OSWI)" or "OSWI unit" or "air curtain incinerator"

"Existing OSWI" is any unit or air curtain incinerator for which construction was commenced on or before December 9, 2004.

"Final compliance" means that an owner/operator has completed all process changes and retrofit of control devices so that, when the incineration unit begins operation, all process changes and air pollution control devices necessary to meet the emission limitations operate as designed.

252:100-17-93. Exemptions

This Part does not apply to the types of units described in OAC 252:100-17-93(1) through (16) if the owner or operator meets the requirements of this Section.

(1) **Cement kilns.** The unit is excluded if it is regulated under 40 CFR 63, subpart LLL (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry).

(2) **Co-fired combustors.** The unit, that would otherwise be considered a very small municipal waste combustion unit, is excluded if the owner or operator of the unit meets the five requirements specified in OAC 252:100-17-93(2)(A) through (E).

(A) Has a Federally enforceable permit limiting the combustion of municipal solid waste to 30% of the total fuel input by weight.

(B) Notifies the Director that the unit qualifies for the exclusion.

(C) Provides the Administrator with a copy of the federally enforceable permit.

(D) Records the weights, each calendar quarter, of municipal solid waste and of all other fuels combusted.

(E) Keeps each report for 5 years. These records must be kept on site for at least 2 years, but may be kept off site for the remaining 3 years.

(3) **Cogeneration facilities.** The unit is excluded if it meets the three requirements specified in OAC 252:100-17-93(3)(A)

through (C).

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

(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.

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

(4) Commercial and industrial solid waste incineration units.

The unit is excluded if it is regulated under 40 CFR 60, subparts CCCC or DDDD or 40 CFR 62, subpart III and is required to meet the emission limitations established in those subparts.

(5) Hazardous waste combustion units. The unit is excluded if it meets either of the two criteria specified OAC 252:100-17-93(5)(A) or (B).

(A) The owner/operator of the unit is required to get a permit for the unit under section 3005 of the Solid Waste Disposal Act.

(B) The unit is regulated under 40 CFR part 63, subpart EEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors).

(6) Hospital/medical/infectious waste incinerators. The unit is excluded if it is regulated under 40 CFR 60, subparts Ce or Ec (New Source Performance Standards and Emission Guidelines for Hospital/Medical/Infectious Waste Incinerators) or 40 CFR 62, subpart HHH (Federal Plan for Hospital/Medical/ Infectious Waste Incinerators constructed on or before June 20, 1996).

(7) Rural institutional waste incinerators. The incineration unit is excluded if it is an institutional waste incinerator, as defined in OAC 252:100-17-91, and the application for exclusion described in OAC 252:100-17-93(7)(A) and (B) has been approved by the Director.

(A) Prior to 1 year before the final compliance date, an application and supporting documentation demonstrating that the institutional waste incineration unit meets the two requirements specified in OAC 252:100-17-93(7)(A)(i) and (ii) must be submitted to the Director for approval.

(i) The unit is located more than 50 miles from the boundary of the nearest Metropolitan Statistical Area,

(ii) Alternative disposal options are not available or are economically infeasible.

(B) The application described in OAC 252:100-17-93(7)(A) must be revised and resubmitted to the Director for

approval every 5 years following the initial approval of the exclusion for the unit.

(C) If the owner or operator re-applied for an exclusion pursuant to OAC 252:100-17-93(7)(B) and was denied exclusion by the Director, the owner or operator has 3 years from the expiration date of the current exclusion to comply with the emission limits and all other applicable requirements of this subpart.

(8) **Institutional boilers and process heaters.** The unit is excluded if it is regulated under 40 CFR part 63, subpart DDDDD (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters).

(9) **Laboratory Analysis Units.** The unit is excluded if it burns samples of materials only for the purpose of chemical or physical analysis.

(10) **Materials recovery units.** The unit is excluded if it combusts waste for the primary purpose of recovering metals. Examples include primary and secondary smelters.

(11) **Pathological waste incineration units.** The institutional waste incineration unit or very small municipal waste combustion unit is excluded from this subpart if it burns 90% 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 OAC 252:100-17-91 and the owner or operator of the unit notifies the Director that the unit meets these criteria.

(12) **Small or large municipal waste combustion units.** The unit is excluded if it is regulated under 40 CFR 60, AAAA, BBBB, Ea, Eb, or Cb, 40 CFR 62, subparts FFF or JJJ and is required to meet the emission limitations established in those subparts.

(13) **Small power production facilities.** The unit is excluded if it meets the three requirements specified in OAC 252:100-93(13)(A) through (C).

(A) 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)).

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

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

(14) **Temporary-use incinerators and air curtain incinerators used in disaster recovery.** The incineration unit is excluded if it is used on a temporary basis to combust debris from a

disaster or emergency such as a tornado, hurricane, flood, ice storm, high winds, or act of bioterrorism and complies with the requirements in 40 CFR 60.2969.

(15) **Units that combust contraband or prohibited goods.** The incineration unit is excluded if the unit is owned or operated by a government agency such as police, customs, agricultural inspection, or a similar agency to destroy only illegal or prohibited goods such as illegal drugs, or agricultural food products that can not be transported into the country or across state lines to prevent biocontamination. The exclusion does not apply to items either confiscated or incinerated by private, industrial, or commercial entities.

(16) **Incinerators used for national security.** The incineration unit is excluded if it meets the requirements specified in either OAC 252:100-17-93(A) or (B).

(A) The incineration unit is used solely during military training field exercises to destroy national security materials integral to the field exercises.

(B) The incineration unit is used solely to incinerate national security materials, its use is necessary to safeguard national security, the owner or operator follows the exclusion request requirements in OAC 252:100-17-93(16)(B)(i) and (ii), and the Director has approved the request for exclusion.

(i) The request for exclusion and supporting documentation must demonstrate both that the incineration unit is used solely to destroy national security materials and that a reliable alternative to incineration that ensures acceptable destruction of national security materials is unavailable, on either a permanent or temporary basis.

(ii) The request for exclusion must be submitted to the Director prior to 1 year before the final compliance date.

252:100-17-94. 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 OSWI 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, EEEE. Table 1 of 40 CFR 60, Subpart EEEE is hereby incorporated by reference as it exists on December 16, 2005.

252:100-17-95. Operating limits

(a) Except for 40 CFR 60.2916(b), an OSWI shall comply with all of the requirements specified in 40 CFR 60.2916, 60.2917 and 60.2918 and Table 2 of 40 CFR 60, subpart EEEE, which are hereby incorporated by reference, as they exist on December 16, 2005.

(b) The OSWI must be operated within the operating limits established during initial performance test beginning on the date 180 days after final compliance date.

(c) The final compliance date can be no later than 3 years after the effective date of State plan approval or December 16, 2010, whichever is earlier.

252-100-17-96. Standards for OSWI operator training and qualification requirements

(a) The OSWI operator training and qualification requirements in 40 CFR 60.2905, 60.2907, 60.2908, 60.2909, 60.2910 except for 60.2910(b)(1), and 60.2911 are hereby incorporated by reference, as they exist on December 16, 2005.

(b) The operator training course must be completed by the latest of the three dates specified in OAC 252:100-17-96(b)(1) through (3).

(1) Final Compliance date.

(2) Six months after OSWI unit startup.

(3) Six months after an employee of the owner/operator assumes responsibility for operating the OSWI unit or assumes responsibility for supervising the operation of the OSWI unit.

(c) The initial review of documentation required to be kept on site as required in 40 CFR 60.2910 must be conducted by the latest of three dates specified in OAC 252:100-17-96(c)(1) through (3).

(1) Final Compliance date.

(2) Six months after OSWI unit startup.

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

252:100-17-97. Standards for waste management plans

Waste Management Plan

Unless otherwise exempted, the owner or operator of an OSWI unit subject to this Part shall submit a waste management plan, as specified in 40 CFR 60.2899 and 60.2901, to the Director no later than 60 days following the initial performance test as specified in OAC 252:100-17-98 and 252:100-17-99. 40 CFR 60.2899 and 60.2901 are hereby adopted by reference as they exist on December 16, 2005.

252:100-17-98. Performance testing

40 CFR 60.2922 and 60.2923 are hereby incorporated by reference as they exist on December 16, 2005.

252:100-17-99. Initial compliance requirements

(a) The owner or operator must conduct an initial performance test, as required under 40 CFR 60.8, to determine compliance with the emission limitations in Table 1 of 40 CFR 60 subpart EEEE and to establish operating limits using the procedure in 40 CFR 60.2916 or 60.2917 except for 60.2916(b). The initial performance test must be conducted using the test methods listed in Table 1 of 40 CFR 60 subpart EEEE and the procedures in 40 CFR 60.2922.

(b) The initial performance test must be conducted no later than 180 days after the final compliance date.

252:100-17-100. Continuous compliance requirements

(a) 40 CFR 60.2932, 60.2933, 60.2934, and 60.2935 are hereby incorporated by reference, as they exist on December 16, 2005.

252:100-17-101. Monitoring

(a) Except for 2940(b), an OSWI shall comply with 40 CFR 60.2939, 60.2940, 60.2941, 60.2942, 60.2943, 60.2944, and 60.2945, which are hereby incorporated by reference as they exist on December 16, 2005.

(b) The initial evaluation of the CEMS shall be completed within 180 days after the final compliance date in OAC 252:100-17-106(a)

252:100-17-102. Reporting and recordkeeping requirements

(a) 40 CFR 60.2949, 60.2950, 60.2951, 60.2954, 60.2955, 60.2956, 60.2957, 60.2958, 60.2959, 60.2960, 60.2961, and 60.2962 are hereby incorporated by reference as they exist on December 16, 2005.

(b) The owner or operator of an OSWI must also submit a waste management plan as specified in OAC 252:100-17-97.

252:100-17-103. Part 70 permits

The owner or operator of an OSWI that does not meet requirements for exemption as listed in 252:100-17-92 must submit to the Director a complete application for a Part 70 operating permit on or before December 1, 2008.

252:100-17-104. Requirements for temporary-use incinerators and air curtain incinerators used in disaster recovery.

40 CFR 60.2969 is hereby incorporated by reference as it exists on December 16, 2005.

252:100-17-105. Air curtain incinerators that burn only wood waste, clean lumber, and yard waste

(a) 40 CFR 60.2970, 60.2971 except for 60.2971(a), 60.2972, 60.2973 except for 60.2973(a), and 60.2974 are hereby incorporated by reference as they exist on December 16, 2005.

(b) Within 180 days after the final compliance date, the two limitations specified in paragraphs OAC 252:100-17-105(b)(1) and (2) must be met.

(1) The opacity limitation is 10 percent (6 minute Method 9 block 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 252:100-17-105(b) apply at all times, and each malfunction must not exceed 3 hours.

252:100-17-106. Compliance schedules

(a) The final compliance date can be no later than 3 years after the effective date of State plan approval or December 16, 2010, whichever is earlier.

(b) The owner or operator must submit a notification to the Director stating whether final compliance has been achieved, postmarked within 10 business days after the final compliance date.

252:100-17-107. OSWI closure

(a) If the OSWI unit is closed but will be restarted prior to final compliance date as contained in OAC 252:100-17-106(a), the owner or operator shall meet the final compliance date.

(b) If the OSWI unit is closed but will be restarted on or after the final compliance date specified in OAC 252:100-17-106(a), the owner or operator shall complete emission control retrofits and meet the emission limitations and operating limits on the date the OSWI unit restarts operations. An initial performance test must be conducted within 30 days of restarting an OSWI unit.

(c) If the OSWI unit is permanently closed, it must be closed before the final compliance date specified in OAC 252:100-17-106(a) and the owner or operator shall submit a closure notification, including the date of closure, to the Director by the final compliance date.

252:100-17-108. Equations.

Equations to use when calculations are required to comply with this Part are contained in 40 CFR 60.1975, which is hereby, incorporated by reference as it exists on December 16, 2005.