

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

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 that meets the criteria in paragraphs (a)(1) through (3) of this Section.

(1) Any CISWI unit or air curtain incinerator 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) Any incineration~~incineration~~ units that meets the definition of a CISWI unit or an air curtain incinerator as both are 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 incorporated by reference at 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.

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

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

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

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

(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 or air curtain incinerator.

252:100-17-63. Exemptions

Except for required notifications as specified, the following types of individual combustionCISWI units are exempt from the requirements of this Part.

(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 Section 60.2875, if the owner or operator meets the two requirements specified in subparagraphs (1)(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 pathological waste, low level radioactive waste and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(2) **Municipal waste combustion units.** Incineration units that 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); or Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units).

(3) **Medical waste incineration units.** Incineration subject to Part 7 of 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).

(4) **Small power production facilities.** Units that meet the three requirements specified in subparagraphs (4)(A) through (D) of Section.

(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 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).

(5) **Cogeneration facilities.** Units that meet the three requirements specified in subparagraphs (5)(A) through (D) of this Section.

(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 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(w).

(6) **Hazardous waste combustion units.** Incineration units for which the owner or operator is required to get a permit under Section 3005 of the Solid Waste Disposal Act.

(7) **Materials recovery units.** Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

~~(8) **Air curtain incinerators.** Certain air curtain incinerators are exempt from portions of this Part (see 252:100-17-74).~~

~~(8)~~**(9) Sewage treatment plants.** Incineration units regulated under 40 CFR Part 60, Subpart O (Standards of Performance for Sewage Treatment Plants).

~~(9)~~(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).

~~(10)~~(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).

252:100-17-74. Air curtain incinerators

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 and 60.2810 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.