

3745-57-40

Applicability- incinerators.

(A) Rules 3745-57-40 to 3745-57-51 of the Administrative Code apply to owners and operators of hazardous waste incinerators (as defined in rule 3745-50-10 of the Administrative Code), except as rule 3745-54-01 of the Administrative Code provides otherwise.

(B) Integration of the MACT standards.

- (1) Except as provided by paragraphs (B)(2) to ~~(B)(5)~~(B)(4) of this rule, the standards of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code do not apply to a new hazardous waste incineration unit that becomes subject to the hazardous waste permit requirements after ~~the effective date of this amendment~~February 16, 2009; or no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63 subpart EEE, by conducting a comprehensive performance test and submitting to the director a notification of compliance under 40 CFR 63.1207(j) and 40 CFR 63.1210(d), documenting compliance with the requirements of 40 CFR Part 63 subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, hazardous waste permit conditions that were based on the standards of Chapters 3745-54 to 3745-57 and 3745-205 of the Administrative Code will continue to be in effect until they are removed from the permit, unless the permit expressly provides otherwise.
- (2) The MACT standards do not replace the closure requirements of rule 3745-57-51 of the Administrative Code or the applicable requirements of Chapter 3745-54 of the Administrative Code, rules 3745-55-10 to 3745-55-20, or 3745-55-40 to 3745-55-51 of the Administrative Code, or 40 CFR Part 264 subparts BB and CC.
- (3) The particulate matter standard of paragraph (C) of rule 3745-57-43 of the Administrative Code remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 40 CFR 63.1219(e).
- (4) The following requirements remain in effect for startup, shutdown, and malfunction events if ~~you elect~~the owner or operator elects to comply with paragraph (A)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from these events:
 - (a) Paragraph (A) of rule 3745-57-45 of the Administrative Code requiring that an incinerator operate in accordance with operating requirements

specified in the permit; and

- (b) Paragraph (C) of rule 3745-57-45 of the Administrative Code requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

~~(5) The particulate matter standard of paragraph (C) of rule 3745-57-43 of the Administrative Code remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 40 CFR 63.1219(e).~~

- (C) After consideration of the waste analysis included with "Part B" of the permit application, the director in establishing the permit conditions must exempt the applicant from all requirements of rules 3745-57-40 to 3745-57-51 of the Administrative Code except this rule and rules 3745-57-41 and 3745-57-51 of the Administrative Code if:

- (1) The waste to be burned is:

- (a) Listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because it is ignitable ("Hazard Code I"), corrosive ("Hazard Code C"), or both; or
- (b) Listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code solely because it is reactive ("Hazard Code R") for characteristics other than those listed in paragraph (A)(4) and (A)(5) of rule 3745-51-23 of the Administrative Code and will not be burned when other hazardous wastes are present in the combustion zone; or
- (c) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as described by the test for characteristics of hazardous wastes under rules 3745-51-20 to 3745-51-24 of the Administrative Code; or
- (d) A hazardous waste solely because it possesses any of the reactivity characteristics described by paragraphs (A)(1), (A)(2), (A)(3), (A)(6), (A)(7) and (A)(8) of rule 3745-51-23 of the Administrative Code, and will not be burned when other hazardous wastes are present in the combustion zone; and

- (2) The waste analysis shows that the waste contains none of the hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative

Code, which would reasonably be expected to be in the waste.

- (D) If the waste to be burned is one which is described by paragraph (C)(1)(a), (C)(1)(b), (C)(1)(c), or (C)(1)(d) of this rule and contains insignificant concentrations of the hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code, then the director may exempt the applicant from all requirements of rules 3745-57-40 to 3745-57-51 of the Administrative Code except rules 3745-57-41 and 3745-57-51 of the Administrative Code, after consideration of the waste analysis included with "Part B" of the permit application unless the director finds that the waste will pose a threat to human health and the environment when burned in an incinerator.
- (E) The owner or operator of an incinerator may conduct trial burns subject only to the requirements of rule 3745-50-62 of the Administrative Code.

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]~~

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 09/05/2010

R.C. 119.032 review dates: Exempt

CERTIFIED ELECTRONICALLY

Certification

07/23/2010

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 01/07/1983, 08/26/1983 (Emer.), 11/29/1983,
05/29/1985 (Emer.), 08/29/1985, 01/30/1986,
05/28/1987, 02/11/1992, 12/07/2004, 02/16/2009