

3745-68-40 **Applicability- incinerators.**

(A) Rules 3745-68-40 to 3745-68-52 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 3745-65-01 of the Administrative Code provides otherwise.

(B) Integration of the MACT ~~Standards~~standards.

(1) Except as provided by ~~paragraph~~paragraphs (B)(2) and (B)(3) of this rule, the standards of Chapters 3745-65 to 3745-69 and 3745-256 of the Administrative Code no longer apply when an owner or operator 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 ~~administrator~~director a notification of compliance (~~NIC~~) under 40 CFR 63.1207(j) and 40 CFR 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63; subpart EEE.

(2) The following requirements continue to apply even where the owner or operator has demonstrated compliance with the MACT requirements of 40 CFR Part 63; subpart EEE:

(a) Rule 3745-68-51 of the Administrative Code;

(b) The applicable requirements of Chapter 3745-65 of the Administrative Code and rules 3745-66-10 to 3745-66-21 and 3745-66-40 to 3745-66-48 of the Administrative Code; and

(c) 40 CFR Part 265; subparts BB and CC.

(3) Rule 3745-57-45 of the Administrative Code generally prohibiting burning of hazardous waste during startup and shutdown remains in effect if you elect to comply with paragraph (B)(1)(a) of rule 3745-50-235 of the Administrative Code to minimize emissions of toxic compounds from startup and shutdown.

(C) Owners and operators of incinerators burning hazardous waste are exempt from all requirements of rules 3745-68-40 to 3745-68-52 of the Administrative Code, except rule 3745-68-51 of the Administrative Code, provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in the appendix to rule 3745-51-11 of the Administrative Code, and such documentation is retained at the facility, if the waste to be burned is:

- (1) 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
- (2) 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 paragraphs (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
- (3) A hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under rules 3745-51-20 to 3745-51-24 of the Administrative Code; or
- (4) A hazardous waste solely because it possesses the reactivity characteristic described by paragraph (A)(1), (A)(2), (A)(3), (A)(6), (A)(7), or (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.

[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."]

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Certification

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Date

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