

3745-75-06

**Certification and compliance time schedules.**

[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 paragraph 3745-75-01 (D) of the Administrative Code titled "Incorporation by reference."]

**(A) Certification and permit application requirements.**

Any owner or operator of any HMIWI subject to rule 3745-75-02 of the Administrative Code, shall, as of the effective date of federal approval of this rule, operate pursuant to a permit issued under rule 3745-77-02 of the Administrative Code and by not later than April 15, 2002, either:

- (1) Certify in writing to the director that such source is in full compliance with all requirements of Chapter 3745-75 of the Administrative Code. Such certification shall include: equipment description, Ohio environmental protection agency permit application number (if assigned), and all necessary data (consistent with the appropriate permit application appendices) and calculations (including residence time) which confirm the compliance status. The certification shall also include a detailed plan of the facility that includes the dimensions of all nearby buildings and structures, including doors, windows used for ventilation, and air intakes for the heating and cooling system. This plan shall be reviewed and approved for submission by a registered professional engineer or registered architect. The certification shall also include documentation that an application for a permit to operate such source in accordance with rule 3745-77-02 of the Administrative Code was submitted; or
- (2) Provide documentation of control plan(s) submitted in conformity with paragraph (C)(9) of rule 3745-77-03 of the Administrative Code, and paragraph (B)(2)(a) of this rule if applicable. The plan shall include documentation that an application for a permit to operate such source in accordance with rule 3745-77-02 of the Administrative Code was submitted. The documentation shall also include a detailed plan of the facility that includes the dimensions of all nearby buildings and structures, including doors, windows used for ventilation, and air intakes for the heating and cooling system. This plan shall be reviewed and approved for submission by a registered professional engineer or registered architect. Such documentation shall include a compliance program which will bring the source into full compliance with all of the requirements of this chapter as expeditiously as practicable, but in no event, later than the dates specified in paragraph (B) of this rule, and shall identify all reasonable interim control measures.

**(B) Compliance time schedules.**

- (1) No owner or operator of a HMIWI, which is subject to the requirements of

paragraphs (A), (B), (C), (D), (E), (F), (G), (H), or (I) of rule 3745-75-02 of the Administrative Code and paragraphs (B) and (D) of rule 3745-7-03 of the Administrative Code, shall fail to achieve compliance with said requirements as expeditiously as practicable, but no later than August 15, 2001, except as allowed under paragraph (B)(2) of this rule.

(2) Any owner or operator of a HMIWI, which is subject to the requirements of paragraphs (A), (B), (C), (D), (E), (F), (G), (H), or (I) of rule 3745-75-02 of the Administrative Code and paragraphs (B) and (D) of rule 3745-75-03 of the Administrative Code, may submit to the director evidence of federal approval of an extension of applicable compliance dates granted in accordance with 40 CFR parts 62.14470(b) or 62.14471(b). The evidence must be submitted before the later of thirty days after the adoption of this rule or July 31, 2001. The director shall approve the dates, conditional upon satisfactory fulfillment of the increments of progress already required to be completed. The director will approve or deny any extensions before the later of forty-five days after the adoption of this rule or August 15, 2001. Any units not granted federal extensions before that time shall comply by August 15, 2001. The dates for extensions shall in no case require final compliance later than September 15, 2002. If a unit is granted an extension, the owner or operator must comply with the operator training and qualification requirements of paragraph (N) of rule 3745-75-03 of the Administrative Code as expeditiously as practicable, but no later than August 15, 2001. In addition, the owner or operator must demonstrate that he is taking steps toward compliance with the emission limits in this chapter by completing increments of progress. If an extension has been granted under part 62.14471(b) and the director approves the extension, the dates for extension and increments of progress shall be the dates listed in that approval. If an extension has been granted under part 62.14470(b) and the director approves the extension, the increments of progress shall be the following:

(a) A final control plan must have been submitted to the U. S. EPA by September 15, 2000. The final control plan must, at a minimum, include a description of the air pollution control device(s) or process changes that will be employed for each unit to comply with the emission limits and other requirements of 40 CFR subpart HHH.

(b) Contracts for onsite construction, onsite installation of emission control equipment, or incorporation of process changes must have been awarded by April 15, 2001. A signed copy of the contract(s) must have been submitted to the U. S. EPA and the director by the effective date of this rule.

(c) Onsite construction, onsite installation of emission control equipment, or process changes needed to meet the emission limits as outlined in the final control plan must begin by December 15, 2001.

- (d) Onsite construction, installation of emission control equipment, or process changes must be completed by July 15, 2002.
- (e) Final compliance must be achieved by September 15, 2002. This includes incorporation of all process changes and/or completion of retrofit construction as described in the final control plan, connection of air pollution control equipment or process changes such that the HMIWI is brought on line, and ensuring that all necessary process changes and air pollution control equipment are operating properly.
- (3) Any owner or operator of an HMIWI which is subject to increments of progress approved under paragraph (B)(2) of this rule shall submit notification to the director within ten business days of completing or failing to complete any of the increments of progress. The notification must be signed by the facilities manager.
- (4) The date of the initial performance test required under paragraph (E) of this rule shall not be later than one hundred eighty days after the date of final compliance approved under paragraph (B)(1) or (B)(2) of this rule. The following information shall be submitted within sixty days after the test is conducted and shall be signed by the facilities manager:
- (a) The results of the initial performance test;
- (b) The values for the site-specific operating parameters established pursuant to paragraph (E) of this rule as applicable; and
- (c) The waste management plan required by paragraph (E) of rule 3745-75-05 of the Administrative Code.
- (5) Any owner or operator required to install mechanical feeding equipment due to the provisions of paragraph (V) of rule 3745-75-03 of the Administrative Code shall achieve compliance with paragraph (V) as well as paragraph (F) of rule 3745-75-03 of the Administrative Code as expeditiously as practicable, but not later than the deadlines established in the following schedule:
- (a) Award contracts for process modifications; or, issue orders for the purchase of component parts to accomplish process modification by May 31, 2004;
- (b) Initiate on-site construction or installation of process changes by August 31, 2004;
- (c) Complete on-site construction or installation of process changes by November 15, 2004;

(d) Achieve final compliance by December 15, 2004.

(6) Any owner or operator that chooses not to retrofit mechanical feeding equipment to achieve compliance with paragraph (V) of rule 3745-75-03 of the Administrative Code shall permanently cease operation of the incinerator as expeditiously as practicable, but not later than December 15, 2004.

(7) Any owner or operator of a HMIWI, which is subject to the requirements of paragraphs (A) to (G) of rule 3745-75-04 of the Administrative Code, shall achieve compliance with said requirements as expeditiously as practicable, but not later than August 15, 2001, except as allowed under paragraph (B)(2) of this rule.

(8) Any owner or operator required to install and operate a radioactivity monitor and alarm due to the provisions of paragraph (C) of rule 3745-75-04 of the Administrative Code shall achieve compliance with paragraph (C) of rule 3745-75-04 of the Administrative Code as expeditiously as practicable, but not later than August 31, 2004.

[note: an earlier compliance date for the radioactivity monitor and alarm may pertain under a previous version of this rule for medical/infectious waste incinerators located offsite, or at facilities where radioactive materials are used or are licensed for use by the United States nuclear regulatory commission.]

(C) Any owner or operator of any HMIWI subject to paragraphs (N), (T) or (U) of rule 3745-75-03 of the Administrative Code shall comply with the requirements specified as expeditiously as practicable, but no later than August 15, 2001.

(D) Within thirty days after the installation of the continuous monitoring and recording equipment, the owner or operator shall conduct a performance specification test of such equipment pursuant to division (i) of section 3704.03 of the Revised Code and 40 CFR Part 60, appendix B, performance specification test one. Personnel from the Ohio EPA field office shall be permitted to witness the performance specification test, and two copies of the test results shall be submitted to the Ohio EPA field office within forty-five days after the test is completed.

(E) All owners or operators of HMIWI units shall conduct an initial performance test to establish the values of the operating parameters from paragraph (H) or (I) of rule 3745-75-04 of the Administrative Code, and to determine compliance with applicable emission limits using the procedures listed below. The use of the bypass stack during a performance test shall invalidate the performance test.

(1) All performance tests shall consist of a minimum of three test runs conducted under representative operating conditions.

- (2) The minimum sample time shall be one hour per test run unless otherwise indicated.
- (3) EPA reference method one of appendix A of 40 CFR Part 60 shall be used to select the sampling location and number of traverse points.
- (4) EPA reference method 3 or 3A of appendix A of 40 CFR Part 60 shall be used for gas composition analysis, including measurement of oxygen concentration. EPA reference method 3 or 3A of appendix A of 40 CFR Part 60 shall be used simultaneously with each reference method.
- (5) The pollutant concentrations shall be adjusted to seven per cent oxygen using the following equation:

$$C_{\text{adj}} = (C_{\text{meas}})(20.9 - 7) / (20.9 - \%O_2)$$

where

$C_{\text{meas}}$  = measured concentration on a dry basis;

$\%O_2$  = measured oxygen concentration in the exhaust stream on a dry basis;  
and

$C_{\text{adj}}$  = adjusted concentration.

- (6) EPA reference method five or twenty-nine of appendix A of 40 CFR Part 60 shall be used to measure the particulate matter emissions.
- (7) EPA reference method nine of appendix A of 40 CFR Part 60 shall be used to measure stack opacity.
- (8) EPA reference method 10 or 10B of appendix A of 40 CFR Part 60 shall be used to measure the carbon monoxide emissions.
- (9) EPA reference method twenty-three of appendix A of 40 CFR Part 60 shall be used to measure total dioxin/furan emissions. The minimum sample time shall be four hours per test run. If the affected facility chooses the toxic equivalency standard for dioxin/furan under paragraph (H) of rule 3745-75-02 of the Administrative Code, the following procedure shall be used to determine compliance:
- (a) Measure the concentration of each dioxin/furan tetra- through octa-congener emitted using EPA reference method twenty-three;
- (b) For each dioxin/furan congener measured in accordance with paragraph (E)(9)(a) of this rule, multiply the congener concentration by its

corresponding toxic equivalency factor specified in table two of subpart Ec of 40 CFR Part 60; and

(c) Sum the products calculated in accordance with paragraph (E)(9)(b) of this rule to obtain the total concentration of dioxin/furan emitted in terms of toxic equivalency.

(10) EPA reference method twenty-six of appendix A of 40 CFR Part 60 shall be used to measure hydrogen chloride emissions.

(11) EPA reference method twenty-nine of appendix A of 40 CFR Part 60 shall be used to measure arsenic, beryllium, chromium, nickel, lead, cadmium, and mercury emissions.

(F) All owners or operators of HMIWI units shall conduct periodic performance tests to demonstrate compliance with the requirements in paragraphs (A) to (E), and (K) of rule 3745-75-02 of the Administrative Code, as described below.

(1) The tests for opacity, particulate matter, carbon monoxide, and hydrogen chloride shall be conducted annually (no more than twelve months following the previous performance test) using the applicable procedures and test methods listed in paragraph (E) of this rule. If all three performance tests over a three-year period indicate compliance with the emission limit for particulate matter, carbon monoxide, or hydrogen chloride, the owner or operator may forego a performance test for that pollutant for the subsequent two years. At a minimum, a performance test for particulate matter, carbon monoxide, and hydrogen chloride shall be conducted every third year (no more than thirty-six months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (particulate matter, carbon monoxide, or hydrogen chloride), the owner or operator may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three-year period indicate compliance with the emission limit. The annual test for opacity shall be conducted in any case.

(2) The use of the bypass stack during a performance test shall invalidate the performance test.

(3) The director may require more frequent tests if, in the director's judgment, there may be a violation of any applicable emission standards or there has been a change in the operation that may cause an increase in emissions due to a change in waste streams, infectious waste generators, or other operating conditions.

(4) The director of the Ohio environmental protection agency or his representative

shall be allowed to witness the tests, examine testing equipment, and require the acquisition or submission of data and information necessary to assure that the source operation and testing procedures provide a valid characterization of the emissions from the source and/or performance of the control equipment. The Ohio environmental protection agency shall be notified at least thirty days in advance by the owner or operator. The notice shall specify the date, time, place, source operating parameters, proposed test procedures, and persons conducting the test. Test results shall be submitted to the Ohio EPA no later than thirty days after the completion of the test.

Effective: 03/23/2004

R.C. 119.032 review dates: 03/23/2009

CERTIFIED ELECTRONICALLY

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Certification

03/12/2004

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Date

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