

3745-50-235

**Options for incinerators, cement kilns, lightweight aggregate kilns, solid fuel boilers, liquid fuel boilers and hydrochloric acid production furnaces to minimize emissions from startup, shutdown, and malfunction events.**

(A) Facilities with existing permits

(1) Modifications to permit conditions after documenting compliance with maximum achievable control technology (MACT). The owner or operator of a hazardous waste permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace may request that the director address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options when requesting removal of permit conditions that are no longer applicable according to paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code:

(a) Retain relevant permit conditions. Under this option, the director will:

(i) Retain permit conditions that address releases during startup, shutdown, and malfunction events, including releases from emergency safety vents, as these events are defined in the facility's startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2); and

(ii) Limit applicability of those permit conditions only to when the facility is operating under its startup, shutdown, and malfunction plan.

(b) Revise relevant permit conditions.

(i) Under this option, the director will:

(a) Identify a subset of relevant existing permit requirements, or develop alternative permit requirements, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history.

(b) Retain or add these permit requirements to the permit to apply only when the facility is operating under its startup, shutdown, and malfunction plan.

(ii) Changes that may significantly increase emissions.

- (a) You must notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. You must notify the director of such changes within five days of making such changes. You must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.
- (b) The director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:
- (i) Upon permit renewal, or, if warranted;
- (ii) By modifying the permit under rule 3745-50-51 of the Administrative Code.
- (iii) Remove permit conditions. Under this option:
- (A) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and
- (B) The director will remove permit conditions that are no longer applicable according to paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code.
- (2) Addressing permit conditions upon permit modification or renewal. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the director a "Notification of Compliance" documenting compliance with the standards of 40 CFR Part 63 subpart EEE, may request in the application to modify or renew the permit for the combustion unit that the director control emissions from startup, shutdown, and malfunction events under any of the following options:

(a) "RCRA option A".

(i) Under this option, the director will:

(a) Include, in the permit, conditions that ensure compliance with paragraphs (A) and (C) of rule 3745-57-45 of the Administrative Code or paragraphs (E)(1) and (E)(1)(c) of rule 3745-266-102 of the Administrative Code to minimize emissions of toxic compounds from startup, shutdown, and malfunction events, including releases from emergency safety vents; and

(b) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.; or

(ii) Reserved.

(b) "RCRA option B".

(i) Under this option, the director will:

(a) Include, in the permit conditions, that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan, design, and operating history; and

(b) Specify that these permit requirements apply only when the facility is operating under its startup, shutdown, and malfunction plan.

(ii) Changes that may significantly increase emissions.

(a) You must notify the director in writing of changes to the startup, shutdown, and malfunction plan or changes to the design of the source that may significantly increase emissions of toxic compounds from startup, shutdown, or malfunction events, including releases from emergency safety vents. You must notify the director of such changes within five days of making such changes. You must identify in the notification recommended revisions to permit conditions necessary as a result of the changes to ensure that emissions of toxic compounds are minimized during these events.

(b) The director may revise permit conditions as a result of these changes to ensure that emissions of toxic compounds are minimized during startup, shutdown, or malfunction events, including releases from emergency safety vents either:

(i) Upon permit renewal, or, if warranted;

(ii) By modifying the permit under rule 3745-50-51 of the Administrative Code; or

(c) "CAA" option. Under this option:

(i) The owner or operator must document that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B); and

(ii) The director will omit from the permit conditions that are not applicable under paragraph (B) of rule 3745-57-40 of the Administrative Code and paragraph (B) of rule 3745-266-100 of the Administrative Code.

(B) Facilities subject to interim standards.

(1) Interim standards operations. In compliance with rule 3745-68-40 and paragraph (B) of rule 3745-266-100 of the Administrative Code, the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim standards requirements of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code, may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting a comprehensive performance test and submitting to the director a "Notification of Compliance" documenting compliance with the standards of 40 CFR Part 63 subpart EEE.

(a) "RCRA" option. Under this option, the owner or operator continues to comply with the interim standards emission standards and operating requirements of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code relevant to control of emissions from startup, shutdown, and malfunction events. Those standards and requirements apply only during startup, shutdown, and malfunction events; or

(b) "CAA" option. Under this option, the owner or operator is exempt from the interim standards of Chapters 3745-65 to 3745-69 and 3745-256 or

3745-266 of the Administrative Code relevant to control of emissions of toxic compounds during startup, shutdown, and malfunction events upon submittal of written notification and documentation to the director that the startup, shutdown, and malfunction plan required under 40 CFR 63.1206(c)(2) has been approved by the director under 40 CFR 63.1206(c)(2)(ii)(B).

(2) Operations under a subsequent hazardous waste permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim standards of Chapters 3745-65 to 3745-69 and 3745-256 or 3745-266 of the Administrative Code submits a hazardous waste permit application, the owner or operator may request that the director control emissions from startup, shutdown, and malfunction events under any of the options provided by paragraphs (A)(2)(a), (A)(2)(b), or (A)(2)(c) of this rule.

(C) New units. Hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace units that become subject to hazardous waste permit requirements after the effective date of this rule must control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options:

(1) Comply with the requirements specified in 40 CFR 63.1206(c)(2); or

(2) Request to include in the hazardous waste permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information including the source's startup, shutdown, and malfunction plan and design. The director will specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

[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: 02/16/2009

R.C. 119.032 review dates: 08/25/2012

CERTIFIED ELECTRONICALLY

---

Certification

01/13/2009

---

Date

Promulgated Under: 119.03  
Statutory Authority: 3734.12  
Rule Amplifies: 3734.12