§ 19-0304. Burning of hazardous wastes.

1. Any person applying for a permit to burn hazardous waste pursuant to the department's rules and regulations shall be subject to the requirements of this section.

For the purposes of this section, all burning of hazardous wastes shall be subject to the provisions of this section, including combustion for the recovery of the thermal value of such wastes.

As used in this section, the term "hazardous waste" shall have the same meaning as provided in subdivision three of section 27-0901 of this chapter except that it shall not include wastes classified as hazardous wastes solely because they are ignitable.

2. Prior to the issuance of such permit the commissioner may require the applicant to submit a trial burn plan. The trial burn plan shall include but need not be limited to those items among the following which the commissioner determines to be necessary:

a. An analysis of the waste or mixture of wastes to be burned;

b. An engineering description of the incinerator, process, or combustion installation for which the permit is being sought;

c. A test protocol, including but not limited to the following for each waste type:

(1) identification of waste type,

(2) waste feed rate,

(3) combustion air rate,

(4) combustion chamber temperature,

(5) gas residence time in combustion chamber,

(6) identification of actual and if used, surrogate principal organic hazardous constituents (hereinafter referred to as "POHC") selected from the list in appendix VIII of Part 261 of Title 40 code of Federal Regulations,

(7) feed rate of actual POHC and if used, surrogate POHC,

(8) type and feed rate of auxiliary fuel,
(9) anticipated identification and flow rate of fuel products,
(10) estimated combustion efficiency and POHC destruction and removal efficiency,
(11) methods of waste sampling and analysis,
(12) methods of stack sampling and analysis;

d. Procedures for rapidly stopping waste feed, shutting down the incinerator, process, or combustion installation, and controlling the emissions in the event of an equipment malfunction;

e. Such other information as the commissioner reasonably finds necessary to determine whether approval of the trial burn plan will ensure compliance with applicable performance standards.

3. The commissioner shall approve a trial burn plan if he finds that:

a. The trial burn will not present an imminent hazard to human health or the environment;

b. The trial burn is likely to determine whether the incinerator, process or combustion installation meet applicable performance standards.

If the trial burn plan is not approved by the commissioner, he shall state in writing the reasons for such disapproval to the applicant. If the trial burn plan is approved by the commissioner, the owner/operator shall only be required to perform a trial burn in accordance with the approved trial burn plan. Notwithstanding the foregoing limitation, the department may require a modification of the trial burn plan pursuant to a written finding by the commissioner that such a modification is required to protect the public health or the environment. Stack tests shall be performed according to procedures established by the commissioner to determine waste destruction and removal efficiency. The commissioner may conduct tests to insure that trace levels of toxic air contaminants are within acceptable limits.

4. After any approved trial burn, the applicant shall submit to the commissioner a certification that the trial burn has been carried out in accordance with the trial burn plan. This report shall be made within sixty days of the trial burn. In addition, after each approved trial burn, the applicant must furnish such information and data as required by the commissioner pursuant to the approved trial burn plan.

5. The commissioner must either approve or disapprove the application for an activity that includes the burning of hazardous wastes. If the commissioner approves such application, the permit must specify the operating conditions which must be met in burning such wastes. Such permit must also specify the waste types described in the approved trial burn plan. If it is necessary for the permittee to seek a modification of the permit deemed significant by the department with respect to the burning of hazardous waste or wastes, the commissioner may require a new trial burn plan for the department's review.

6. If the commissioner disapproves such application he must notify the applicant in writing of the reasons for such disapproval.

7. At a minimum, the owner or operator must continuously monitor the combustion temperature, waste feed rate and combustion air rate when burning hazardous wastes or use another system, subject to the approval of the commissioner which provides at least equal assurance of on line efficiency.

The commissioner shall require the owner or operator to periodically inspect the incinerator, process, or combustion installation and associated equipment to ensure that combustion efficiency is maintained. The owner or operator must also inspect the alarm system and emergency shut down controls at least every month, or as required by the commissioner.

8. The commissioner, authorized officers or employees of the department may enter any facility with an incinerator, process, or combustion installation at any reasonable time, after proper notification and identification, to conduct an inspection of the

installation and any records maintained pursuant to the permit.

9. The commissioner may accept a previously conducted stack test in lieu of a trial burn plan and associated stack tests required under this section.