

The Texas Commission on Environmental Quality (TCEQ or commission) proposes an amendment to §330.4.

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULE

A bill from the 77th Legislature, 2001, amended Texas Occupations Code, §801.361, Disposal of Animal Remains. This bill allowed the burning or burying of animal remains if the disposal occurred in a county with population of less than 10,000, the burning or burying occurred on property owned by the veterinarian, and the veterinarian did not charge for disposal. This bill did not allow the burning or burying of medical waste associated with animal remains.

This rulemaking implements Senate Bill (SB) 216, 78th Legislature, 2003. This bill amended Texas Occupations Code, §801.361, and took effect September 1, 2003. Section 801.361 now allows a veterinarian to dispose of animal remains and medical waste associated with the animal by burial or burning if certain conditions are met. The veterinarian must conduct these activities on property owned by the veterinarian that is outside the corporate boundaries of a municipality or within the corporate boundaries of a municipality as a result of an annexation that occurs on or after September 1, 2003. Further, SB 216 stipulates that §801.361 prevails over any other law that authorizes a government entity to prohibit or restrict outdoor burning or abate a public nuisance.

In compliance with House Bill 3061, 78th Legislature, 2003, this rule has been developed in cooperation with and was approved by the Texas Animal Health Commission on December 2, 2003.

The commission simultaneously proposes in this issue of the *Texas Register* the amendment to 30 TAC §111.209, Exception for Disposal Fires.

#### SECTION DISCUSSION

The commission proposes to amend §330.4(c), (g), and (x) in order to conform with current formatting standards. In proposed subsection (c) “MSWLF” will be revised to “MSW landfill facility.” In subsection (g) the titles of §§330.150 - 330.159 are proposed to be listed individually, and the title of the subchapter in which these sections are contained, “Operational Standards for Solid Waste Processing and Experimental Sites” is removed. The proposed amendment to subsection (x) replaces “RCRA” with “The Resource Conservation and Recovery Act.”

The commission proposes to revise §330.4(y) to refer to amended Texas Occupations Code, §801.361. Section 801.361 allows a veterinarian to burn or bury the remains of an animal and medical waste associated with the animal on property owned by the veterinarian without having to seek approval from the TCEQ for this activity. The veterinarian-owned property must now be outside the corporate boundaries of any municipality or within the corporate boundaries of a municipality as a result of an annexation that occurs on or after September 1, 2003. Existing language in §330.4(y) that conflicts with amended Texas Occupations Code §801.361, will be removed. Additionally, new language has been added to §330.4(y) that stipulates that veterinarians who dispose by burning under this section must comply only with §111.209(3). Paragraphs (1) - (9) of this subsection will be removed.

#### FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Jan Washburn, Program Specialist in the Grants and Strategic Planning Section, determined that for the first five-year period the proposed amendment is in effect, there will be no fiscal implications for the agency or any other unit of state government. The amendment implements the legislative directive of SB 216, 78th Legislature, 2003, which took effect September 1, 2003. Current rule language allows veterinarians to burn or bury animal remains under three conditions: 1) the property is owned by the veterinarian; 2) the activity occurs only in counties with a population of less than 10,000; and 3) the veterinarian does not charge for the burning or burial. The proposed rule will allow veterinarians to burn or bury medical waste associated with the remains of an animal, as well. However, this activity must now occur on property that is outside the corporate boundaries of a municipality or within the corporate boundaries of a municipality as a result of an annexation that occurred on or after September 1, 2003, and the veterinarian may now charge for the disposal. Ms. Washburn also determined that there will be no fiscal impact to units of local government as a result of the proposed amendment.

#### PUBLIC BENEFITS AND COSTS

Ms. Washburn determined that for the first five years the proposed amendment is in effect, the anticipated public benefit will be minimal as the amendment will only apply to property outside the corporate boundaries of a municipality. This rule is expected to benefit veterinarians because they may dispose of animals on their own property, which will save them approximately \$25 to \$250 per animal.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

Ms. Washburn determined that there will be no significant fiscal implications to small or micro-businesses as a result of implementation of the proposed amendment for the first five years it is in effect. The proposed amendment will allow veterinarians to dispose of medical waste associated with the animal by burning or burying, which may be a benefit to those businesses. However, the veterinarian's property must now be outside the corporate boundaries of a municipality or within the corporate boundaries of a municipality as a result of an annexation that occurred on or after September 1, 2003. This may exclude some veterinarians in counties of less than 10,000 from burning or burying animals who were previously allowed to burn or bury before SB 216, 78th Legislature, 2003 was enacted.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The commission reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rule does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in the statute. Furthermore, it does not meet any of the four applicability requirements listed in §2001.0225(a).

A “major environmental rule” means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This rulemaking proposes to amend §330.4(y) by removing existing language that conflicts with amended Texas Occupations Code, §801.61, and by adding language that stipulates that veterinarians burning under Texas Occupations Code, §801.361 must comply only with §111.209(3). This proposal does not qualify as a major environmental rule because it does not have as its specific intent the protection of the environment or the reduction of risk to human health from environmental exposure. The specific intent of this amendment is to incorporate the changes made by SB 216 into the municipal solid waste permitting exemption for the disposal of animal remains and associated medical waste by veterinarians.

In addition, a draft regulatory impact assessment is not required because the proposed rule does not meet any of the four applicability requirements listed in Texas Government Code, §2001.0225(a). The proposed rule does not exceed a standard set by federal law because there is no corresponding federal standard. The proposal does not exceed an express requirement of state law because it is in direct response to SB 216, and does not exceed the requirements of this bill. This proposal does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. This proposal does not adopt a rule solely under the general powers of the agency, but rather under specific state law, namely Texas Health and Safety Code, §361.011 and §361.024. The commission invites public comment on the draft regulatory analysis determination.

#### TAKINGS IMPACT ASSESSMENT

The commission performed an assessment of this proposed rule in accordance with Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the proposed rulemaking is to implement SB 216. The proposed rule implements the provisions of SB 216, which modified the requirements applicable to veterinarians who wish to dispose of animal remains and associated medical waste by burying or burning without obtaining a TCEQ permit or registration. The proposed rule will substantially advance this stated purpose by modifying §330.4 to conform to the statute. The proposed rule does not affect real property because it refers to a statute that specifies the conditions under which a veterinarian may dispose of animal remains and associated medical waste without TCEQ authorization. Therefore, the proposed rule will not constitute a taking under Texas Government Code, Chapter 2007.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the rule is neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, nor will it affect any action/authorization identified in §505.11. Therefore, the proposed rule is not subject to the Coastal Management Program.

#### ANNOUNCEMENT OF HEARING

A public hearing on this proposal will be held in Austin on June 24, 2004, at 10:00 a.m. at the Texas Commission on Environmental Quality complex in Building C, Room 131E, located at 12100 Park 35 Circle. The hearing will be structured for the receipt of oral or written comments by interested

persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Comments may be submitted to Patricia Durón, MC 205, Office of Environmental Policy, Analysis, and Assessment, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Project Number 2004-003-330-WS. Comments must be received by 5:00 p.m., June 28, 2004. For further information, please contact Wayne Harry of the Waste Permits Division at (512) 239-6619 or Emily Barrett of the Policy and Regulations Division at (512) 239-3546.

## **SUBCHAPTER A: GENERAL INFORMATION**

### **§330.4**

#### **STATUTORY AUTHORITY**

The amendment is proposed under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission; TWC, §5.102, which establishes the commission's general authority to carry out its jurisdiction; and TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under this code and other laws of this state. The commission also takes this action under Texas Health and Safety Code, §361.011 and §361.024, which provide the commission with the authority to adopt rules necessary to carry out its powers and duties under the Texas Solid Waste Disposal Act.

The proposed amendment implements Texas Occupations Code, §801.361, as amended by SB 216, 78th Legislature, 2003.

#### **§330.4. Permit Required.**

(a) No person may cause, suffer, allow, or permit any activity of storage, processing, removal, or disposal of any municipal solid waste (MSW) unless such activity is authorized by a permit or other authorization from the commission, except as provided for in this section. Permits issued by the Texas Department of Health prior to the effective date of this chapter satisfy the requirements of this subsection. No person may commence physical construction of a new MSW management facility or a

lateral expansion without first having submitted a permit application in accordance with §§330.50 - 330.65 of this title (relating to Permit Procedures) and received a permit from the commission, except as provided for specifically herein.

(b) In accordance with the requirements of subsection (a) of this section, no generator, transporter, owner or operator of a facility, or any other person may cause, suffer, allow, or permit wastes to be stored, processed, or disposed of at an unauthorized facility or in violation of a permit. In the event this requirement is violated, the executive director may seek recourse against not only the person who stored, processed, or disposed of the waste but also against the transporter, owner or operator, or other person who caused, suffered, allowed, or permitted its waste to be stored, processed, or disposed.

(c) A separate permit is not required for the storage or processing of the following types of MSW: grease trap wastes; grit trap wastes; or septage that contains free liquids if the waste is treated/processed at a permitted Type I MSW landfill facility [MSWLF]. Any person who intends to conduct such activity under this subsection shall comply with the notification requirements of §330.8 of this title (relating to Notification Requirements).

(d) A permit is not required for an MSW transfer station facility that is used in the transfer of MSW to a solid waste processing or disposal facility from:

- (1) a municipality with a population of less than 50,000;

(2) a county with a population of less than 85,000;

(3) a facility used in the transfer of MSW that transfers or will transfer 125 tons per day or less; or

(4) a transfer station located within the permitted boundaries of an MSW Type I, Type II, Type III, or Type IV facility as specified in §330.41 of this title (relating to Types of Municipal Solid Waste Sites).

(e) A request for registration for sites or facilities exempted from permits under subsections (c), (d), and (q) of this section must be submitted in a format provided by the executive director and must include all information requested thereon and any additional information considered necessary by the applicant or that may be requested by the executive director.

(f) Facilities must obtain a permit or registration as applicable under subsection (a), (d), or (q) of this section unless otherwise exempted under this chapter, or:

(1) the facility or site is used as:

(A) a citizens' collection station;

(B) a collection and processing point for only nonputrescible source-separated recyclable material, provided that the facility is in compliance with §§328.3 - 328.5 of this title (relating to General Requirements; Limitations on Storage of Recyclable Materials; and Reporting and Recordkeeping Requirements);

(C) a collection and processing point for mulching or composting of only source-separated recyclable material, provided that the facility is in compliance with Chapter 332 of this title (relating to Composting); or

(D) a collection point for parking lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic city-wide cleanup campaigns and cleanup of rights-of-way or roadside parks; or

(2) the site is used for the disposal of soil, dirt, rock, sand, or other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.

(g) A permit amendment is not required to establish a waste-separation/recycling facility established in conjunction with a permitted MSW site, or composting facility at an existing permitted MSW site if owned by the permittee of the existing site. Facilities exempted from a permit amendment under this subsection shall be registered with the executive director in accordance with §330.65 of this title (relating to Registration for Solid Waste Management Facilities). Failure to operate such registered

facilities in accordance with the requirements established in §§330.150 - 330.159 of this title (relating to General; Overloading and Breakdown; Sanitation; Water Pollution Control; Ventilation and Air Pollution Control; Litter Control; Safety; Fire Protection; Employee Sanitation Facilities; and Facility Completion and Closure Procedures [Operational Standards for Solid Waste Processing and Experimental Sites]) may be grounds for the revocation of the registration.

(h) A permit is not required for a site or facility where the only operation is the storage and/or processing of used and scrap tires as provided for in Chapter 328 of this title (relating to Waste Minimization and Recycling). Facilities exempted from a permit under this subsection shall be registered with the executive director in accordance with Chapter 328 of this title. Failure to operate such registered facilities in accordance with the requirements established in Chapter 328 of this title may be grounds for the revocation of the registration.

(i) A permit or registration under this chapter is not required for the operation of an approved treatment process unit (as provided in §330.1004(c)(1) of this title (relating to Generators of Medical Waste)) used only for the treatment of on-site (as defined in §330.1004(f) of this title) generated special waste from health care-related facilities.

(j) A separate permit is not required for a facility to treat petroleum-contaminated soil if the contaminated soil is treated/processed at a permitted solid waste landfill facility. The treated soil shall be disposed of at the facility or may be used as daily cover on the facility. Any person who intends to

conduct such activity under this subsection shall comply with the notification requirements of §330.8 of this title.

(k) A licensed hospital may function as a medical waste collection and transfer facility for generators that generate less than 50 pounds of untreated medical waste per month and that transports its own waste if:

(1) the hospital is located in an incorporated area with a population of less than 25,000 and in a county with a population of less than one million; or

(2) the hospital is located in an unincorporated area that is not within the extraterritorial jurisdiction of a city with a population more than 25,000 or within a county with a population of more than one million. The hospital shall submit a request to the executive director for registration as a medical waste collection station.

(l) A permit is not required for an on-site medical waste incinerator used by a licensed hospital for incineration of only on-site generated medical wastes.

(m) Any change to a condition or term of an issued permit requires a permit amendment in accordance with §305.62 of this title (relating to Amendment) or a permit modification in accordance with §305.70 of this title (relating to Municipal Solid Waste Permit and Registration Modifications). The owner or operator shall submit an amendment or modification application in accordance with the

requirements contained in §§330.50 - 330.65 of this title to address the items covered by the requested change.

(n) For energy and material recovery and gas recovery operations relating to MSW, a registration is required. A permit is not required for an MSW facility-Type IX that recovers gas for beneficial use. Those Type IX facilities that recover gas for beneficial use that are exempt from permitting under this subsection shall be registered with the executive director in accordance with §330.70 of this title (relating to Registration of Facilities that Recover Gas for Beneficial Use). However, exploratory and test operations for feasibility purposes may be conducted after approval of the operation by the executive director.

(o) Submission of a Soil and Liner Evaluation Report [(SLER)] and/or a Flexible Membrane Liner Evaluation Report [(FMLER)] required by §330.206 of this title (relating to Soil and Liner Evaluation Report and Flexible Membrane Liner Evaluation Report) for a liner design which meets all design and operational requirements of §§330.50 - 330.65 of this title and §§330.200 - 330.206 of this title (relating to Groundwater Protection Design and Operation) shall not require a permit amendment or modification.

(p) A permit or registration is not required for the drying of grit trap waste at a car wash facility as long as these wastes are disposed of in compliance with applicable federal, state, and local regulations. Grit trap waste from car wash facilities may be transported for drying purposes to another car wash facility if the facilities have the same owner and if the facilities are located within 50 miles of

each other. This subsection is not intended to preempt or supersede local government regulation of grit trap waste-drying facilities. Drying facilities must comply with Chapter 116 of this title (relating to Control of Air Pollution by Permits for New Construction or Modification) if applicable.

(q) In addition to permit exemptions established in subsection (d) of this section, a permit is not required for any MSW Type V transfer station that meets all of the requirements established by this subsection. Owners and operators of Type V transfer stations that meet the permit exemption requirements of this subsection and wish to exercise the exemption option shall register their operation in accordance with §330.60 of this title (relating to Technical Requirements of an Application for Registration of Solid Waste Facilities (Type V and Type VI)) and §330.65 of this title.

(1) Source-separated recycling/materials recovery. Owners and operators of Type V transfer facilities may register their operations in lieu of permitting them, provided:

(A) the transfer facility recovers 10% or more by weight or weight equivalent of the incoming waste stream for reuse or recycling. Incoming waste that has already been reduced by at least 10% through a source-separation recycling program is not subject to this requirement and may be excluded from this calculation. The applicant shall demonstrate in the registration application the method that will be used to assure the 10% requirement is achieved; or

(B) the transfer facility owner and/or operator also operate(s) one or more source-separation recycling programs in the county where the transfer station is located and those

source-separation recycling programs manage a total weight or weight equivalent or recyclable materials equal to 10% or more by weight or weight equivalent of the incoming waste stream to all transfer stations to which credit is being applied.

(2) Documentation. After the transfer facility operations commence, documentation of recycling or recovery of 10% of waste material from the waste stream must be annually updated and maintained at the transfer facility for records inspection. Failure to maintain the standard of 10% recovery of materials shall be grounds for revocation of the registration.

(3) Distance to a landfill. The transfer facility must demonstrate in the registration application that it will transfer the remaining nonrecyclable waste to a landfill not more than 50 miles from the facility.

(4) Exempt facilities. Transfer facilities exempted from a permit under this subsection shall register with the executive director in accordance with §330.60 and §330.65 of this title and meet the additional design criteria of §330.65(f) of this title.

(5) Revocation. Failure to operate registered facilities in accordance with the requirements established in Subchapter G of this chapter (relating to Operational Standards for Solid Waste Processing and Experimental Sites) may be grounds for revocation of the registration.

(r) A permit is not required for an MSW transfer station that is used only in the transfer of grease trap waste, grit trap waste, septage, or other similar liquid waste if the facility used in the transfer will receive 32,000 gallons per day or less. Liquid waste transfer stations that will receive 32,000 gallons a day or less may operate if they notify the executive director 30 days prior to initiating operations and if the facility is designed and operated in accordance with the requirements of §330.66 of this title (relating to Liquid Waste Transfer Facility Design and Operation). Facilities that will receive over 32,000 gallons per day must apply for a permit. A separate permit or registration is required for the storage, transportation, or handling of used oil mixtures collected from oil/water separators. Any person who intends to conduct such activity shall comply with the regulatory requirements of Chapter 324 of this title (relating to Used Oil Standards).

(s) A permit is not required for an MSW Type V processing facility that processes only grease trap waste, grit trap waste, or septage or a combination of these three liquid wastes if:

(1) the facility can attain a 10% recovery of material for beneficial use from the incoming waste. Recovery of material for beneficial use is considered to be the recovery of fats, oils, greases, and the recovery of food solids for composting, but does not include the recovery of water;

(2) the Type V processing facility is located within the permit boundaries of a commission permitted Type I landfill; or

(3) the Type V processing facility is located at a manned treatment facility permitted under Texas Water Code, Chapter 26 and which is permitted to discharge at least one million gallons per day and which is owned by and operated for the benefit of a political subdivision of this state. Facilities meeting any of these exemptions must obtain a registration by meeting the operational criteria and design criteria established in §330.71 of this title (relating to Registration for Municipal Solid Waste Facilities That Process Grease Trap Waste, Grit Trap Waste, or Septage).

(t) A registration is required for a mobile liquid waste processing facility that processes grease trap waste, grit trap waste, or septage or a combination of these three liquid wastes. Mobile liquid waste processing facilities must obtain a registration by meeting the operational criteria and design criteria established in §330.72 of this title (relating to Registration of Mobile Liquid Waste Processing Units).

(u) A permit is not required for an MSW Type VI facility that demonstrates new management methods for processing or handling grease trap waste, grit trap waste, or septage or a combination of these three liquid wastes. Those facilities meeting this exemption must obtain a registration by meeting the operational criteria and design criteria established in §330.73 of this title (relating to Registration of Demonstration Projects for Liquid Waste Processing Facilities).

(v) A permit, registration, or other authorization is not required for the disposal of litter or other solid waste, generated by an individual, on that individual's own land where:

- (1) the litter or waste is generated on land the individual owns;
- (2) the litter or waste is not generated as a result of an activity related to a commercial purpose;
- (3) the disposal occurs on land the individual owns;
- (4) the disposal is not for a commercial purpose;
- (5) the waste disposed of is not hazardous waste or industrial waste;
- (6) the volume of waste disposed of by the individual does not exceed 2,000 pounds per year;
- (7) the waste disposal method complies with §§111.201 - 111.221 of this title (relating to Outdoor Burning);
- (8) the waste disposal method does not contribute to a nuisance and does not endanger the public health or the environment. Exceeding 2,000 pounds per individual's residence per year is considered to be a nuisance; and

(9) the individual complies with the deed recordation and notification requirements in §330.7 of this title (relating to Deed Recordation) and §330.8 of this title.

(w) A permit or registration is not required for the disposal of animal carcasses from government roadway maintenance where:

(1) either of the following:

(A) the animals were killed on county or municipal roadways and the carcasses are buried on property owned by the entity that is responsible for road maintenance; or

(B) the animals were killed on state highway right-of-way and the carcasses are disposed of by the Texas Department of Transportation by burying the carcasses on state highway right-of-way; and

(2) the waste disposal method does not contribute to a nuisance and does not endanger the public health or the environment; and

(3) the animal carcasses are covered with at least two feet of soil within 24 hours of collection in accordance with §330.136(b)(2) of this title (relating to Disposal of Special Wastes).

(x) A major permit amendment, as defined by §305.62 of this title, is required to reopen a Type I, Type I-AE, Type IV, or Type IV-AE MSW facility permitted by the commission or any of its predecessor or successor agencies that has either stopped accepting waste, or only accepted waste in accordance with an emergency authorization, for a period of five years or longer. The MSW facilities covered by this subsection may not be reopened to accept waste again unless the permittee demonstrates compliance with all applicable current state, federal, and local requirements, including the requirements of The Resource Conservation and Recovery Act [RCRA], Subtitle D and the implementing Texas state regulations. If an MSW facility was subject to a contract of sale on January 1, 2001, the scope of any public hearing held on the permit amendment required by this subsection is limited to land use compatibility, as provided by §330.51(a) of this title (relating to Permit Application for Municipal Solid Waste Facilities) and §330.61 of this title (relating to Land-Use Public Hearing). This subsection does not apply to any MSW facility that has received a permit but never received waste, or that received an approved Subtitle D permit modification before September 1, 2001.

(y) A permit or registration is not required for veterinarians performing activities as authorized by Texas Occupations Code, §801.361, Disposal of Animal Remains. Disposal by burning under this section must comply only with §111.209(3) of this title (relating to Exception for Disposal Fires). [disposal of the remains from an animal that dies in the care of a veterinarian licensed by the Texas State Board of Veterinary Medical Examiners where all of the following occur:]

[ (1) the veterinarian disposes of the remains of an animal and the remains do not include any other type of medical waste;]

[(2) the veterinarian does not charge for the disposal;]

[(3) the disposal is on property owned by the veterinarian;]

[(4) the disposal occurs in a county with a population of less than 10,000;]

[(5) the waste disposal does not contribute to a nuisance and does not endanger the public health or the environment;]

[(6) the veterinarian complies with the deed recordation and notification requirements in §330.7 and §330.8 of this title;]

[(7) the animal carcasses are covered with at least two feet of soil within 24 hours of disposal in accordance with §330.136(b)(2) of this title;]

[(8) uncontrolled access is prevented; and]

[(9) the disposal complies with §111.209 of this title (relating to Exceptions for Disposal Fires).]

(z) A permit by rule is granted for an animal crematory that meets the requirements of §330.75 of this title (relating to Animal Crematory Facility Design and Operational Requirements for Permitting

by Rule). Facilities that do not meet all the requirements of §330.75 of this title require a permit under §330.51 of this title.

(aa) A permit or registration is not required for pet cemeteries. However, a person who intends to operate a pet cemetery shall comply with the requirements of §330.7 of this title and shall ensure that the animal carcasses are covered with at least two feet of soil within a time period that will prevent the generation of nuisance odors or health risks. A pet cemetery is a facility used only for the burial of domesticated animals kept as pets and service animals such as seeing-eye dogs. Animals raised for meat production or used only for animal husbandry are not pets.

