

**Texas Commission of Environmental Quality**  
**Pathological Waste Incinerators**  
**Air Permits by Rule (PBR) Checklist**  
**Title 30 Texas Administrative Code § 106.494**

Check the most appropriate answer and include any additional information in the spaces provided. If additional space is needed, please include an extra page and reference the rule number. The permit by rule (PBR) forms, tables, checklists, and guidance documents are available from the Texas Commission on Environmental Quality (TCEQ), Air Permits Division web site at:  
[www.tceq.texas.gov/permitting/air/nav/air\\_pbr.html](http://www.tceq.texas.gov/permitting/air/nav/air_pbr.html).

This PBR (§ 106.494) requires registration with the commission's Office of Air in Austin before construction begins. The facility can be registered by completing [Form PI-7](#), "Registration for Permits by Rule," or [Form PI-7-CERT](#), "Registration and Certification for Permits by Rule." This checklist should accompany the registration form.

For additional assistance with your application, including resources to help calculate your emissions, please visit the Small Business and Local Government Assistance (SBLGA) webpage at the following link:  
[www.TexasEnviroHelp.org](http://www.TexasEnviroHelp.org)

**Definitions:**

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

- A. **Pathological waste:** (as defined in 25 TAC § 1.132 (relating to Definitions) - Includes, but is not limited to:
  - 1. human materials removed during surgery, labor and delivery, autopsy, or biopsy, including: (i) body parts; (ii) tissues or; (iii) organs; and (iv) bulk blood and body fluids;
  - 2. products of spontaneous or induced human abortions, including body parts, tissues, fetuses, organs, and bulk blood and body fluids, regardless of the period of gestation;
  - 3. laboratory specimens of blood and tissue after completion of laboratory examination; and
  - 4. anatomical remains.
- B. **Human remains:** (as defined in the Texas Health and Safety Code (THSC), § 711.001) - The body of decedent.
- C. **Carcasses:** Dead animals, in whole or part.
- D. **Crematory:** (as defined in the THSC, § 711.001) - A structure containing a furnace used or intended to be used for the cremation of human remains.
- E. **Animal feeding operations:** A lot or facility (other than an aquatic animal feeding facility or veterinary facility) where animals are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.
- F. **Non-commercial incinerator:** An incinerator which does not accept pathological waste or carcasses generated off-site for monetary compensation.
- G. **Stack height:** Elevation of the stack exit above the ground.

Conditions of permit by rule. Crematories and non-commercial incinerators used to dispose of pathological waste and carcasses which meet the following conditions of this section are permitted by rule. Incinerators used in the recovery of materials are not covered by this section.

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Rule	Questions/Descriptions and Response
	What is the make (manufacturer) and model number of the incinerator?  
	Is this authorization request to permit a commercial incinerator that accepts animal carcasses generated off-site for monetary compensation? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
	<i>If "YES," this facility cannot be authorized using a Permit by Rule but must be authorized using a Standard Permit.</i>
	<i>If, "NO," continue to next question.</i>
Rule	Design Requirements
(b)(1)(A)	Is the manufacturer's rated capacity (burn rate) less than 200 pounds per hour (lb/hr)? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
	Indicate the rated capacity: _____ lb/hr
(b)(1)(B)	Is the incinerator a dual-chamber design? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
(b)(1)(C)	Are burners located in each chamber, sized to manufacturer's specifications, and operated as necessary to maintain the minimum required temperature in (1)(D) or (1)(E) at all times? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
(b)(1)(D)	Is the incinerator used at a crematory? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
	<i>If "YES," the facility is not required to meet (b)(1)(D) or (b)(1)(E) Continue to Question (b)(1)(F).</i> <i>If "NO," continue to (b)(1)(D).</i>
(b)(1)(D)	Is the secondary chamber designed to maintain a temperature of at least 1,600 degrees Fahrenheit and a gas residence time of at least a 0.5 second? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
	Indicate the design temperature: _____ °F
	Indicate the gas residence time: _____ seconds
	<i>If "YES," go to Question (b)(1)(F).</i> <i>If "NO," please continue.</i>
	<i>Note: If the incinerator is being used at an operation other than an animal feeding operation, the incinerator must meet the requirements of (b)(1)(D).</i>
(b)(1)(E)	Is the incinerator used at an animal feeding operation? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
	<i>If "YES," and if the incinerator does not meet the design requirements of (1)(D) above, it must meet all the requirements of (1)(E).</i> <i>If "NO," the incinerator must meet the design requirements of (1)(D) above to qualify for this PBR.</i>
(b)(1)(E)	Is the incinerator only used to dispose of carcasses generated on-site? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
(b)(1)(E)	Is the secondary chamber designed to maintain a temperature of at least 1,400 degrees Fahrenheit and a gas residence time of at least a 0.25 second? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>



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<b>Questions/Descriptions and Response</b>	
<b>Rule</b>	<b>Operational Conditions (continued)</b>
(b)(2)(E)	Will the incinerator be used to dispose of only pathological waste and/or carcasses? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
(b)(2)(F)	Will the incinerator be installed and operated in compliance with all the requirements of <a href="#">§ 111.121</a> (relating to Single, Dual, and Multiple-Chamber Incinerators), <a href="#">§ 111.125</a> (relating to Testing Requirements), <a href="#">§ 111.127</a> (relating to Monitoring and Recordkeeping Requirements), and <a href="#">§ 111.129</a> (relating to Operating Requirements). <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>
(b)(2)(G)	Will crematories be used for the sole purpose of cremation of human remains and appropriate containers? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</span>
To be exempt from NSPS BBBB, DDDD, and FFFF place a check that describes what the unit is incinerating:	
<input type="checkbox"/> Hospital/Medical/Infection Waste <input type="checkbox"/> Pathological Waste (including poultry burners and animal carcass incinerators)	
<input type="checkbox"/> Contraband or Prohibited Goods <input type="checkbox"/> National Security Use <input type="checkbox"/> Human Remains	
<b>Other Applicable Rules and Regulation</b>	
Is the facility subject to <a href="#">30 TAC §§ 115.120-129</a> ? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>	
Why or Why Not:	
Is the facility subject to <a href="#">30 TAC Chapter 117</a> ? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>	
Why or Why Not:	
Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart Ce</a> ? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>	
Why or Why Not:	
Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart E</a> ? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>	
Why or Why Not:	

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<b>Questions/Descriptions and Response</b>	
<b>Other Applicable Rules and Regulation (continued)</b>	
Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart Ec?</a>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:	
Is the facility subject to <a href="#">40 CFR Part 63, MACT Subpart EEE?</a>	<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:	

**Record Keeping:** In order to demonstrate compliance with the general and specific requirements of this PBR, sufficient records must be maintained to demonstrate that all requirements are met at all times. The owner or operator shall maintain records to ensure that the maximum operation rate of the incinerator will not exceed 200 pounds per hour. Incinerators shall meet the conditions of [§ 111.121](#) (relating to Single, Dual, and Multiple-Chamber Incinerators), [§ 111.125](#) (relating to Testing Requirements), [§ 111.127](#) (relating to Monitoring and Recordkeeping Requirements), and [§ 111.129](#) (relating to Operating Requirements). The registrant should also become familiar with the additional record keeping requirements in [30 TAC § 106.8](#). The records must be made available immediately upon request to the commission or any air pollution control program having jurisdiction. If you have any question about the type of records that should be maintained, contact the Air Program in the [TCEQ Regional Office](#) for the region in which the site is located.

**Recommended Calculation Method:** In order to demonstrate compliance with this PBR, emission factors for each air contaminant from the EPA Compilation of Air Pollutant Emission Factors (AP-42), Fifth Edition, Volume 1, Chapter 2.3: Medical Waste Incinerators at: [www.epa.gov/ttn/chief/ap42/index.html](http://www.epa.gov/ttn/chief/ap42/index.html) should be used. The registrant may also use the calculation method for waste incinerators as described in the TCEQ Technical Guidance Document for “Combustion Sources,” at: [www.tceq.texas.gov/permitting/air/nav/air\\_combustsources.html](http://www.tceq.texas.gov/permitting/air/nav/air_combustsources.html).