

**Texas Commission of Environmental Quality
Non-commercial Incinerators and Crematories
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 website at: 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

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:** This term is assigned the meaning as defined in [25 TAC § 1.132](#) (relating to Definitions).
- B. **Human remains:** (as defined in the Texas Health and Safety Code (THSC), [§ 711.001](#)) - The body of decedent.
- C. **Embryonic and fetal tissue remains:** This term is assigned the meaning as defined in THSC, [§697.002](#). The umbilical cord, placenta, gestational sac, blood, or body fluids from the same pregnancy may be disposed of in the same manner as embryonic and fetal tissue remains in accordance with THSC, [§697.004](#).
- D. **Carcasses:** Dead animals, in whole or part.
- E. **Crematory:** A building or structure containing one or more furnaces used, or intended to be used, for the reduction (by burning) of human remains, and/or embryonic and fetal tissue remains to cremated remains.
- F. **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.
- G. **Non-commercial incinerator:** An incinerator which does not accept pathological waste, embryonic and fetal tissue remains, or carcasses generated off-site for monetary compensation.
- H. **Stack height:** Elevation of the stack exit above the ground.

Conditions of permit by rule. Crematories used for the cremation of human remains, embryonic and fetal tissue remains, and appropriate containers which meet the following conditions of this section are permitted by rule. Non-commercial incinerators used to dispose of pathological waste, embryonic and fetal tissue remains, 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 Citation §106.494 Questions/Descriptions and Response		
What is the make (manufacture) of the incinerator?		
What is the model number of the incinerator?		
Is this authorization request to permit a commercial incinerator that accepts animal carcasses generated off-site for monetary compensation?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
<p><i>If "YES," this facility cannot be authorized using a Permit by Rule but must be authorized using a Standard Permit.</i></p> <p><i>If, "NO," continue to next question.</i></p>		
Rule Citation §106.494	Design Requirements	
(b)(1)(A)	Is the manufacturer's rated capacity (burn rate) less than 200 pounds per hour (lb/hr)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	Indicate the rated capacity: _____	lb/hr
(b)(1)(B)	Is the incinerator a dual-chamber design?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(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?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(b)(1)(D)	Is the incinerator used at a crematory?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p><i>If "YES," the facility is not required to meet (b)(1)(D) or (b)(1)(E). Continue to Rule Citation (b)(1)(F).</i></p> <p><i>If "NO," continue to Rule Citation (b)(1)(D).</i></p>		
(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?	<input type="checkbox"/> YES <input type="checkbox"/> NO
	Indicate the design temperature: _____	°F
	Indicate the gas residence time: _____	seconds
<p><i>If "YES," go to Rule Citation (b)(1)(F).</i></p> <p><i>If "NO," please continue.</i></p> <p>Note: <i>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></p>		
(b)(1)(E)	Is the incinerator used at an animal feeding operation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<p><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></p> <p><i>If "NO," the incinerator must meet the design requirements of (1)(D) above to qualify for this PBR.</i></p>		

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Rule Citation §106.494	Design Requirements <i>(continued)</i>	
(b)(1)(E)	Is the incinerator only used to dispose of carcasses generated on-site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(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?	
	Indicate the design temperature:	°F
	Indicate the gas residence time:	seconds
<i>If "NO," the incinerator does not qualify for this PBR.</i>		
(b)(1)(E)	Is the incinerator located at least 700 feet from the nearest property line?	
	Distance to the nearest property line:	feet
<i>If "YES," go to Rule Citation (b)(1)(F).</i>		
<i>If "NO," continue to the next question.</i>		
(b)(1)(E)	If the incinerator is less than 700 feet from the nearest property line, is it located in accordance with Table 494 and the total manufacturer's rated capacity (burn rate) of all incinerators located less than 700 feet from a property line is less than 200 lb/hr	
	Indicate the stack height:	feet
	Total burn rate of all incinerators less than 700 feet from a property line:	lb/hr
Indicate the type of operation:		
<input type="checkbox"/> 24-hour <input type="checkbox"/> Daytime-only (from one hour after sunrise to one hour before sunset)		
(b)(1)(F)	Are there any obstructions to stack flow when the incinerator is operated?	<input type="checkbox"/> YES <input type="checkbox"/> NO
<i>If "YES," the facility does not qualify for this PBR.</i>		
<i>If "NO," continue to Rule Citation (b)(2)(A).</i>		
<i>Note: Rain protection devices designed to automatically open when the incinerator is operated and properly installed and maintained spark arresters are not considered obstructions.</i>		
Rule Citation §106.494	Operational Conditions	
(b)(2)(A)	Did you provide Form PI-7 or Form PI-7-CERT as part of this registration request?	
	<input type="checkbox"/> Form PI-7	<input type="checkbox"/> Form PI-7-CERT
(b)(2)(B)	Will the manufacturer's recommended operating instructions be posted at the unit and will the unit be operated in accordance with the instructions?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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Rule Citation §106.494	Operational Conditions (continued)	
(b)(2)(C)	Will the opacity of the emissions from the incinerator exceed 5.0% averaged over a six-minute period?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(b)(2)(D)	What type of fuel is used to operate the incinerator?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Check all that apply:		
<input type="checkbox"/> sweet natural gas <input type="checkbox"/> liquid petroleum gas <input type="checkbox"/> number 2 fuel oil with ≤ 0.3% sulfur by weight <input type="checkbox"/> electric power		
(b)(2)(E)	Will the incinerator be used to dispose of only pathological waste, embryonic and fetal tissue remains, and/or carcasses, as defined under subsection (a) of this section?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(b)(2)(F)	Will the incinerator be installed and operated in compliance with all the requirements 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).	<input type="checkbox"/> YES <input type="checkbox"/> NO
(b)(2)(G)	Will crematories be used for the sole purpose of cremation of human remains, embryonic and fetal tissue remains, as well as the umbilical cord, placenta, gestational sac, blood, or body fluids in accordance with THSC, §697.004, and appropriate containers?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
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"/> Human Remains <input type="checkbox"/> Embryonic and Fetal Tissue Remains <input type="checkbox"/> Contraband or Prohibited Goods <input type="checkbox"/> National Security Use		
Other Applicable Rules and Regulation		
Is the facility subject to 30 TAC §§ 115.120-129 ?		<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:		
Is the facility subject to 30 TAC Chapter 117 ?		<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:		

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Other Applicable Rules and Regulation (<i>continued</i>)	
Is the facility subject to 40 CFR Part 60, NSPS Subpart Ce?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:	
Is the facility subject to 40 CFR Part 60, NSPS Subpart E?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:	
Is the facility subject to 40 CFR Part 60, NSPS Subpart Ec?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Why or Why Not:	
Is the facility subject to 40 CFR Part 63, MACT Subpart EEE?	<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: <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors> 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.