

**Dual Chamber Incinerators  
Air Permits by Rule (PBR) Checklist  
Title 30 Texas Administrative Code § 106.491  
Texas Commission on Environmental Quality**

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](#).

This PBR (§ 106.491) 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](#).

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Questions/Descriptions and Response	
Rule	Applicability
(a)	Is the incinerator a dual-chamber design? <input type="checkbox"/> Yes <input type="checkbox"/> No
(a)	Will this incinerator be used to burn only waste generated on site, or illegal drugs confiscated by federal, state, or local law enforcement agencies? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Note: Incinerators used in the processing or recovery of materials or to dispose of pathological waste as defined in <a href="#">§106.494</a> (relating to Pathological Waste Incinerators), hospital waste, infectious waste, hazardous waste, or radioactive waste are not authorized by this section).</i>	
Rule	Design Requirements
(b)(1)	Is the incinerator equipped with an afterburner automatically controlled to operate with a minimum temperature of 1,400 degrees Fahrenheit? <input type="checkbox"/> Yes <input type="checkbox"/> No
Indicate the temperature: _____ °F	
(b)(1)	Is the incinerator equipped with a continuous exhaust temperature monitor? <input type="checkbox"/> Yes <input type="checkbox"/> No
(b)(1)	Is the incinerator designed and operated with a minimum gas retention time of 0.5 seconds? <input type="checkbox"/> Yes <input type="checkbox"/> No
Indicate the gas retention time: _____ seconds	
What is the manufacturer's rated capacity (burn rate) of the incinerator? _____ lb/hr	
What is the make of the incinerator? _____	
What is the model of the incinerator? _____	

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Questions/Descriptions and Response	
<b>Rule</b>	<b>Design Requirements (continued)</b>
(b)(2)	What types and amounts of waste will be burned? <i>Attach additional sheets if necessary</i>
<b>Type:</b>	<b>Amount</b>
_____	_____
_____	_____
_____	_____
(b)(3)(A)	What is the height of the incinerator stack? _____ feet
(b)(3)(B)	Is there a building within 150 feet of the incinerator?
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If there is a building, indicate height: _____ feet	
Note: <i>The incinerator stack must be at least six feet taller than the highest structure within 150 feet.</i>	
(b)(3)(C)	What is the distance from the incinerator to the nearest property line? _____ feet
(b)(3)(D)	Does the stack have unobstructed vertical discharge when the incinerator is operated?
<input type="checkbox"/> Yes	<input type="checkbox"/> No
Note: <i>Properly installed and maintained spark arrestors are not considered obstructions.</i>	
<b>Rule</b>	<b>Operational Limits</b>
(c)(1)	Which <b><u>one</u></b> of the following categories of waste materials will be the only type of waste burned in the incinerator?
	<input type="checkbox"/> paper, wood, cardboard cartons, rags, combustible floor sweepings, and garbage (solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, and handling and sale of produce and other food products) <b>Answer all questions for § 106.491(c)(1)(A); skip questions regarding § 106.491(c)(1)(B) only.</b>
	<input type="checkbox"/> drugs confiscated by law enforcement, limited to marijuana, cocaine, opiates, and methamphetamines <b>Answer all questions for § 106.491(c)(1)(B); skip questions regarding § 106.491(c)(1)(A) only.</b>
Note: <a href="#">§ 106.491</a> requires that a single incinerator may only burn one of the categories of waste described above. If the incinerator will burn both categories of wastes at the same time, or if it will burn both categories of waste alternately at different times, the incinerator is not in compliance with the requirement of the rule.	

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Rule	Operational Limits (continued)
(c)(1)(A)	Will plastics containing polyvinyl chloride or polyvinyl fluoride be burned?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(A)	Will waste materials contain more than 10% treated papers, plastic, or rubber scraps?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(A)	Will the garbage content exceed 50%?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(A)	Will the moisture content exceed 50%?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(A)	Will noncombustible solids exceed 10% of the total weight?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(B)	Will drugs to be incinerated be limited to only marijuana, cocaine, opiates, and methamphetamines?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(1)(B)	Indicate drug(s) to be burned: <input type="checkbox"/> Marijuana <input type="checkbox"/> Cocaine <input type="checkbox"/> Opiates <input type="checkbox"/> Methamphetamines
(c)(2)(A)	Will the burn rate for cocaine, opiates, and methamphetamines be limited to no more than four pounds per hour (lb/hr) and ten pounds in any eight-hour period?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(2)(A)	Indicate the burn rate: Cocaine: _____ lb/hr Opiates: _____ lb/hr Methamphetamines: _____ lb/hr
(c)(2)(B)	Will the burn rate for marijuana be limited to no more than 500 lbs/hr and will emissions of total inhalable particulate matter (PM <sub>10</sub> ) not exceed 1.0 lb/hr?  <input type="checkbox"/> Yes <input type="checkbox"/> No

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Rule	Operational Limits (continued)
(c)(2)(B)	Indicate the burn rate:  Marijuana: _____ lb/hr
(c)(2)(B)	Will the emissions of total inhalable particulate matter (PM <sub>10</sub> ) from the burning of marijuana exceed 1.0 lb/hr?  <input type="checkbox"/> Yes <input type="checkbox"/> No
	Indicate the PM <sub>10</sub> emission rate:  PM <sub>10</sub> : _____ lb/hr
(c)(3)	What type of fuel is used to operate the incinerator? Check all that apply: <input type="checkbox"/> Sweet Natural Gas <input type="checkbox"/> Liquid Petroleum Gas <input type="checkbox"/> Number 2 fuel oil with less than 0.5% sulfur by weight <input type="checkbox"/> Electric Power
(c)(4)	Will the manufacturer's recommended operating instructions be posted on the incinerator and the incinerator operated in accordance with the instructions and maintained in good working order?  <input type="checkbox"/> Yes <input type="checkbox"/> No
(c)(5)	Will the opacity of the visible emissions exceed 5.0% averaged over any six-minute period as determined by the United States Environmental Protection Agency <a href="#">Test Method 9</a> ?  <input type="checkbox"/> Yes <input type="checkbox"/> No

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Questions/Descriptions and Response	
Rule	Compliance and Administrative Requirements
(d)(1)	<p>Did you provide <a href="#">Form PI-7</a> or <a href="#">Form PI-7-CERT</a> as part of this registration request?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
	<p><input type="checkbox"/> Form PI-7                      <input type="checkbox"/> Form PI-7-CERT</p>
(d)(3)(A)	<p>If the facility processes confiscated drugs, will sampling be provided within 180 days of the start of operation?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><i>Note: Similar facility sampling may be used if documentation is provided, including the model number, burn rate, materials burned, and all relevant operating conditions, that demonstrates the previously sampled incinerator is equivalent to the facility being registered.</i></p>	
<p>Why or Why Not:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	
(d)(3)(B)	<p>Have you provided a description addressing the applicability of <a href="#">40 CFR Part 60, NSPS Subpart CCCC</a>?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p><i>Note: If the federal regulation applies, commercial and industrial solid waste incinerators must demonstrate compliance with the requirements including initial stack sampling, opacity readings, reporting, and record keeping</i></p>	
<p>Why or Why Not:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	
(d)(3)(C)	<p>Upon request of the commission or any local air pollution control program having jurisdiction over the site, will compliance with <a href="#">§ 111.121</a> (relating to Single, Dual, and Multiple-Chamber Incinerators) and <a href="#">§ 111.125</a> (relating to Testing Requirements) be demonstrated?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p>Why or Why Not:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	

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<b>Questions/Descriptions and Response</b>	
<b>Rule Compliance and Administrative Requirements</b>	
(d)(4)	Will the incinerator owner or operator install, calibrate, maintain, and operate a monitoring device that continuously measures and records the temperature of the exhaust gas of the incinerator, in addition to any monitoring required by an appropriate New Source Performance Standard (NSPS) subpart?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
(d)(5)	Will records be kept of the type and amount of waste charged/ burned?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Why or Why Not: _____	
(d)(5)	Will records be kept of the type and amount of fuel usage, including the sulfur content of the fuel if fuel oil is used?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Why or Why Not: _____	
(d)(5)	Will records be kept of the monitoring and testing results?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Why or Why Not: _____	
(d)(5)	Will records be kept of the hours of operation?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Why or Why Not: _____	
(d)(5)	Will records be kept of routine maintenance of abatement systems sufficient to demonstrate each of the rule requirements?
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Why or Why Not: _____	

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<b>Questions/Descriptions and Response</b>	
<b>Rule</b>	<b>Compliance and Administrative Requirements (continued)</b>
(d)(5)	<p>Will records be retained for a minimum rolling two-year period and comply with § 106.8 (relating to Recordkeeping)?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
<p>Why or Why Not:</p> <p>_____</p>	
<b>Other Applicable Rules and Regulations</b>	
<p>Is the facility subject to <a href="#">30 TAC §§ 115.120-129</a>?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p>Why or Why Not:</p> <p>_____</p>	
<p>Is the facility subject to <a href="#">30 TAC §§ 117, Subchapter B</a>?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p>Why or Why Not:</p> <p>_____</p>	
<p>Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart E</a>?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p>Why or Why Not:</p> <p>_____</p>	



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<b>Other Applicable Rules and Regulations (continued)</b>
Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart CCCC</a> ?
<input type="checkbox"/> Yes <input type="checkbox"/> No
Why or Why Not:  _____
Is the facility subject to <a href="#">40 CFR Part 60, NSPS Subpart DDDD</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. Records must include the type and amount of waste charged/burned; type and amount of fuel usage, including sulfur content for fuel oil; monitoring and testing results; hours of operation; and routine maintenance of abatement systems sufficient to demonstrate all requirements are met. 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 or testing requirements, contact the Air Program in the [TCEQ Regional Office](#) for the region in which the site is located.

**Recommended Calculation Methods:** In order to demonstrate compliance with this PBR, the registrant may use the emission factors for each air contaminant from the [EPA Compilation of Air Pollutant Emission Factors \(AP-42\), Fifth Edition, Volume I, Chapter 2: Solid Waste Disposal](#). The registrant may also use the calculation method for dual incinerators as described in the [TCEQ guidance for Combustion Sources](#).