

## COUNTY NOTICES PURSUANT TO A.R.S. § 49-112

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### NOTICE OF PROPOSED RULEMAKING

#### MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

#### RULE 313

#### PREAMBLE

- 1. Rules Affected Rulemaking Action**  
Rule 313 - Incinerators, Burn-off Ovens, and Crematories Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rule is implementing (specific):**  
Authorizing Statutes: Arizona Revised Statutes (A.R.S.) § 49-112 (A) and § 49-479  
Implementing Statute: Arizona Revised Statutes (A.R.S.) § 49-479
- 3. List of all previous notices addressing this rulemaking:**  
Notice of Rulemaking Docket Opening: 9 A.A.R. 5605, December 26, 2003
- 4. The name and address of department personnel with whom persons may communicate regarding this rulemaking:**  
Name: Patricia P. Nelson or Jo Crumbaker, Air Quality Division  
Address: 1001 N. Central Ave., Suite # 695  
Phoenix, AZ 85004  
Telephone: (602) 506-6709 or (602) 506-6705  
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E-mail: [pnelson@mail.maricopa.gov](mailto:pnelson@mail.maricopa.gov) or [jcrumbak@mail.maricopa.gov](mailto:jcrumbak@mail.maricopa.gov)
- 5. The time which the department will accept written comments and the time and place where oral comments may be made:**  
Formal oral comments may be made at the oral proceeding scheduled for July 1, 2004 at 9:00 a.m. Formal written comments may also be submitted from the date of this publication until close of business day, July 2, 2004. Written comments received during this time and oral comments made during the oral proceeding will be considered formal comments and will be addressed in the Notice of Final Rulemaking.
- 6. An explanation of the rule, including the department's reasons for initiating the rule:**  
Rule 313 is being revised in order to update the rule language to recognize newer technology and to address a petition by a stakeholder to allow burning at night. The revisions will also revise the current Maricopa County particulate standard for incinerators of 0.10 grains per dry square cubic feet (dscf) to reflect the newer, stricter standard that the Arizona Department of Environmental Quality is currently enforcing of 0.08 grains per dscf. The changes to the rule are as follows:  
**Section by Section Explanation of Changes:**

Section 101	This proposed amendment adds text to identify additional units such as burn-off ovens and crematories.
Section 102	This proposed amendment expands the applicability by including a clause that states applicability for burn-off ovens and crematories.
Section 103	This proposed amendment adds an exemptions section which addresses different types of combustion units that are exempt from the rule.
Section 201	This proposed amendment repeals the definition of "combustible refuse" in Section 201 and replaces it with the definition of the term "afterburner" so that the definitions are in correct alphabetical order.
Section 202	This proposed amendment adds a definition of a "burn-off oven."

Section 203	This proposed amendment places the definition of “combustible refuse” in this section instead of in Section 201.
Section 204	This proposed amendment adds a definition of “conditioning period.”
Section 205	This proposed amendment adds a definition of “continuous opacity monitoring system.”
Section 206	This proposed amendment adds a definition of “cremation.”
Section 207	This proposed amendment adds a definition of “crematory.”
Section 208	This proposed amendment adds a definition of “electric induction furnaces.”
Section 209	This proposed amendment places the definition of “flue” in this section instead of in Section 202.
Section 210	This proposed amendment adds a definition of “hospital waste.”
Section 211	This proposed amendment adds a definition of “incineration.”
Section 212	This proposed amendment places the definition of “medical waste” in this Section 212 instead of in Section 204.
Section 213	This proposed amendment adds a definition of “metal salvage operations.”
Section 214	This proposed amendment adds a definition of “multiple chamber starved air incinerator.”
Section 215	This proposed amendment adds a definition of “night burning.”
Section 216	This proposed amendment adds a definition of “operational test period.”
Section 217	This proposed amendment adds a definition of “pathological waste.”
Section 218	This proposed amendment adds a definition of “residence time.”
Section 301	This proposed amendment expands the text to include burn-off ovens and crematories.
Section 301.1	This proposed amendment lists the minimum required temperature and residence time for the afterburner of an incinerator.
Section 301.2	This proposed amendment lists the minimum required temperature and residence time for the afterburner of a burn-off oven
Section 301.3	This proposed amendment lists the minimum required temperature and residence time for the afterburner of a crematory.
Section 301.4	This proposed amendment lists the alternate operating conditions for the afterburner of each individual combustion unit.
Section 301.5	This proposed amendment lists the additional operating conditions for large bodies at crematories.
Section 302	This proposed amendment places the opacity standard in this Section 302 instead of leaving it in Section 308.
Section 303	This proposed amendment lowers the particulate standard to 0.08 grains/dscf instead of the 0.10 grains/dscf in the previous rule.
Section 304	This proposed amendment allows for night burning provided a Continuous Opacity Meter System (COMS) is operating at all times during night burning.
Section 304.1	This proposed amendment lists the times that night burning can be performed.
Section 304.2	This proposed amendment states the specifications that a COMS shall meet before operating.
Section 304.3	This proposed amendment adds text to insure that a qualified operator is present at all times during night burning.
Section 305	This proposed amendment adds text that addresses the requirements for maintenance of air pollution control equipment.
Section 401	This proposed amendment adds text that addresses the compliance schedule for the rule (12 months).
Section 401.1	This proposed amendment adds text to address the compliance time frame for equipment if used in addition to the afterburner.

Section 401.2	This proposed amendment addresses the conditioning and operational time periods that are required before a COMS is operated during night burning.
Section 501	This proposed amendment addresses recordkeeping requirements.
Section 501.1	This proposed amendment addresses the frequency and content of records required for incinerators.
Section 501.2	This proposed amendment addresses the frequency and content of records required for burn-off ovens.
Section 501.3	This proposed amendment addresses the frequency and content of records required for crematories.
Section 501.4a	This proposed amendment addresses the recordkeeping requirements for opacity readings generated by the COMS during night burning.
Section 501.4b	This proposed amendment addresses the recordkeeping requirements for information generated by a COMS when inoperative.
Section 502	This proposed amendment addresses the recordkeeping requirements of a five- year retention period.
Section 503.1	This proposed amendment addresses the test methods required for determining compliance by testing for particulate matter.
Section 503.2	This proposed amendment addresses the test methods required for determining compliance by testing for particulate matter.
Section 504	This proposed amendment incorporates the standard language that the County now uses to address test methods listed in a rule.
Section 504.1	This proposed amendment lists EPA Test Method #1 for testing both sample and velocity traverses in stationary sources.
Section 504.2	This proposed amendment lists EPA Test Method #2 and its submethods for testing stack gas velocity, gas volume and flow rates in stacks.
Section 504.3	This proposed amendment lists EPA Test Method # 3 and its submethods for testing carbon dioxide, excess air, methane, nitrogen and oxygen concentrations.
Section 504.4	This proposed amendment lists EPA Test Method # 4 for determining moisture content in stack gases.
Section 504.5	This proposed amendment lists EPA Test Method # 5 for determining particulate matter emissions form stationary sources.
Section 504.6	This proposed amendment lists EPA Test Method # 6 for testing the opacity of emissions from stationary sources.
Section 504.7	This proposed amendment lists EPA Performance Specification # 1 which contains test specifications of Continuous Emission Monitoring Systems in stationary sources.

**7. Demonstration of compliance with A.R.S. § 49-112:**

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is one of the two serious particulate nonattainment areas in Arizona along with Pinal county. Maricopa County may adopt rules that are more stringent than the State according to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition. Any changes to the Maricopa County Air Pollution Control Regulations that might occur due to Rule 313 revisions will address emission limitations that reduce concentrations of particulates and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Nonattainment area. Reclassification of the Maricopa County Nonattainment Area to “serious” for particulate matter constitutes a peculiar local condition.

The Clean Air Act (CAA) requires that serious particulate matter nonattainment areas demonstrate that best available control technology has been implemented for stationary sources. Most of the proposed revisions to Rule 313 do not change the status of the stated compliance with A.R.S. § 49-112 because the changes are mostly administrative not substantive and clarify rule language and intent. Revising the standard to 0.08 from 0.10 grains/dscf complies with A.R.S. § 49-112 because the change will make the County rule as stringent as the state rule.

**8. A reference to any study that the department proposes to rely on its evaluation of or justification for the proposed**

**rules and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

User Manual: U.S. Environmental Protection Agency's Continuous Emission Monitoring Cost Model, Version 3.0. This document may be found electronically at <http://www.epa.gov/ttnemc01/cem/userman.pdf> or you may obtain a copy at 1001 N. Central Ave. Suite # 695, Phoenix, AZ 85004.

**9. Summary of the economic, small business, and consumer impact:**

The proposed rule contains many changes to rule text. The administrative type changes should cause only a minimal amount of cost daily per stakeholder for the time it takes to perform additional recordkeeping, such as equivalent to one to two hours of labor per week average over a year. The labor cost can be estimated to be from \$16-\$30 per hour depending upon the classification of the employee who performs the recordkeeping.

The most costly change that the rule addresses is the purchase of a Continuous Opacity Monitor System (COMS) for monitoring opacity during night burning. The condition to perform night burning is totally voluntary. In fact, one of the reasons that the County decided to revise this rule is in response to a request by the stakeholders to allow night burning. The cost of a COMS is estimated to be \$25,000 for purchase of the unit including the monitor and an additional initial installation cost of \$10,000-\$25,000. Costs of maintaining the COMS unit per year are estimated to cost 8-10 man hours a week. Training of employees to operate and calibrate the COMS is estimated to cost \$1,800 per employee for travel, accommodations and a two-day training course. This costs information was obtained from an EPA document entitled "User Manual: U.S. Environmental Protection Agency's Continuous Emission Monitoring Cost Model, Version 3.0." Again, the use of a COMS is totally voluntary and would be used by industry to increase production up to a maximum of 33% - 50%; therefore the costs of a COMS would be paid for by the increase in sales from production increases. The period of time for the production profits to pay for the costs of the COMS is dependent upon production rates, market costs of the particular product and other supply and demand factors.

This preliminary economic statement (EIS) was developed to estimate the impact of the proposed rule. This impact statement, comprised of potential costs and benefits, represents an estimate. Maricopa County solicits input from stakeholders that are small businesses and organizations on the administrative and other costs required for compliance with the proposed rulemaking, and any other information relevant to the economic, small business and consumer impact statement.

**10. The name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business and consumer impact statement:**

Name: Patricia P. Nelson or Jo Crumbaker, Air Quality Division  
Address: 1001 N. Central Ave., Suite #695  
Phoenix, AZ 85004  
Telephone: (602) 506-6705 or (602) 506-6705  
Fax: (602) 506-6179  
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**11. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

Oral Proceeding Date: July 1, 2004

Location: Maricopa County Environmental Services Department  
Fifth Floor Conference Room #560  
1001 N. Central Ave.,  
Phoenix, AZ 85004

Nature: Public hearing with the opportunity for formal comments on the record regarding the proposed rules. Call (602) 506-0169 for current information. Please call (602) 506-6443 for special accommodations under the Americans with Disabilities Act.

**12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:**

Not applicable

**13. New incorporations by reference and their location in the rules:**

EPA Performance Specification 1

**Location**

Section 504.7

Specification and Test Procedures For Opacity - Continuous Emission Monitoring Systems In Stationary Sources, 40 CFR, Part 60, Appendix B

**Incorporations by reference updated to 7/1/03:**

**Location**

40 CFR Part 60 Appendix A

Section 504.7

Performance Specification 1

Section 504.7

**14. The full text of the rule follows:**

**REGULATION III - CONTROL OF AIR CONTAMINANTS**

**RULE 313**

**~~INCINERATORS~~ INCINERATORS, BURN-OFF OVENS, AND CREMATORIES**

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Revised 07/13/88

Revised 04/07/93

MARICOPA COUNTY

AIR POLLUTION CONTROL REGULATIONS

REGULATION III - CONTROL OF AIR CONTAMINANTS

RULE 313

~~INCINERATORS~~ INCINERATORS, BURN-OFF OVENS AND CREMATORIES

SECTION 100 - GENERAL

**101** ~~PURPOSE:~~ PURPOSE: To establish standards for incinerators ~~that are used for refuse disposal, burn-off ovens and crematories~~ and to limit particulate emissions from ~~incinerator-burning in these types of units.~~

**102** ~~APPLICABILITY:~~ APPLICABILITY: This rule applies to:

**102.1** ~~All incineration incinerators~~ except the incineration incinerators subject to of hazardous waste as identified under subtitle C of the Resource Conservation and Recovery Act, incineration Rule 317 of the Maricopa County Air Pollution Control Regulations of medical waste or to 40 CFR Part 60, Subpart Ec, 40 CFR Part 60, Subpart CCCC, or 40 CFR Part 60, Subpart DDDD.

**102.2** Burn-off ovens used in metal salvage operations or used to remove non-metallic coatings from metal parts by the application of heat that meet at least one of the following conditions:

**a.** Charge burning capacity of greater than 25lb. per hour; or

**b.** Internal oven volume greater than 1 cubic yard; or

**c.** Fuel burning capacity of primary chamber greater than 200,000 Btu/hr.

**102.3** Crematories.

**103** EXEMPTIONS: The following types of combustion equipment and activities are exempt from this rule:

**103.1** Laboratory ovens;

**103.2** Environmental test chambers;

**103.3** Ovens used in research facilities;

**103.4** Flares;

**103.5** Curing or drying ovens that are operated at temperatures lower than 600 F;

**103.6** Electric induction furnaces; and

**103.7** Burning-off of precleaned items consisting entirely of metal and containing no debris visible to the naked eye.

Precleaning shall be done by flushing with water, solvent and/or mechanical means.

**SECTION 200 - DEFINITIONS:** See Rule 100 (General Provisions and Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule. For the purposes of this rule, the following definitions shall apply:

**201** ~~COMBUSTIBLE REFUSE~~ Any solid or liquid combustible waste material containing carbon in a free or combined state

**201** AFTERBURNER - The heating device associated with an incinerator, burn-off oven or crematory that is designed to provide excess air and heat for complete combustion of the gases in the primary chamber so as to control particulate emissions.

**202** ~~FLUE~~ A duct or passage, such as a stack or chimney, for air contaminants.

**202** BURN-OFF OVEN - A heating device used to remove materials such as oils, greases, paints, coatings, rubber, lacquers, and insulation from other materials or parts by burning or charring.

**203** ~~INCINERATOR~~ Any equipment, machine, device, contrivance or other article and all appurtenances thereof used for the destruction or reduction by burning of combustible refuse or salvage material.

**203** COMBUSTIBLE REFUSE - Any solid or liquid combustible waste material containing carbon in a free or combined state.

**204** ~~MEDICAL WASTE~~ Any non-gaseous waste, including infectious wastes, which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in production or testing of biological agents and substances. Medical waste does not include any wastes identified under subtitle C of the Resource Conservation and Recovery Act (RCRA) as hazardous or as household waste, but includes those pharmaceuticals which are not identified as hazardous by subtitle C of RCRA.

**204** CONDITIONING PERIOD - A period of time (168 hours minimum) during which the COMS is operated without any unscheduled maintenance, repair, or adjustment prior to initiation of the operational test period.

**205** ~~MULTIPLE CHAMBER INCINERATOR~~ Any incinerator consisting of two or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts designed for maximum combustion of the material to be burned.

**205** CONTINUOUS OPACITY MONITORING SYSTEM (COMS) - The total equipment necessary for the determination of opacity of emissions which provides a permanent, uninterrupted record of opacity readings.

**206** CREMATION - The technical process of reducing human or animal remains to bone fragments and ashes in a controlled retort or furnace using heat and/or flame. The reduction takes place through heat and evaporation.

- Cremation shall also include the processing and pulverization of the bone fragments.
- 207** **CREMATORY** - A retort used for the cremation of remains (human or animal), body parts, and associated wrappings. This term may also be used to refer to an establishment wherein these remains are cremated. A crematory may be considered existing or new, dependent upon the date it was constructed. If it was constructed, modified, or commenced operation, including the contractual obligation to undertake and complete an order for a crematory, prior to (date of adoption of this revised rule), then it is an existing crematory.
- 208** **ELECTRIC INDUCTION FURNACE** - A furnace or oven that is used to melt metals by use of electricity as the source of power or an alternating current electric furnace in which primary conductor is coiled and generates by electromagnetic induction a secondary current that develops within the metal charge.
- 209** **FLUE** - A duct or passage, such as a stack or chimney, for air contaminants.
- 210** **HOSPITAL WASTE** - Discards generated at a hospital or clinic, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.
- 211** **INCINERATION** - The process of burning involving the chemical reaction of combustible waste materials with air in which the primary purpose is the destruction and reduction in size and mass of the combustible material.
- 212** **MEDICAL WASTE** - Any non-gaseous waste, including infectious wastes, which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in production or testing of biological agents and substances. Medical waste does not include any wastes identified under subtitle C of the Resource Conservation and Recovery Act (RCRA) as hazardous or as household waste, but includes those pharmaceuticals which are not identified as hazardous by subtitle C of RCRA. It does include cultures and stocks of infectious agents and human pathological waste; human blood and blood products, sharps, needles and broken glass that were in contact with infectious wastes; animal wastes exposed to infectious wastes, isolation wastes and unused sharps, needles and syringes. Medical waste does not include human or animal remains, caskets, containers, clothing or wrappings from crematories. An expanded definition of medical waste is found in 40 CFR 60, Subpart Ec.
- 213** **METAL SALVAGE OPERATIONS** - Any source operation in which combustion or pyrolysis is carried on for the principal purpose, or with the principal result, of recovering metals which are introduced into the operation as essentially pure metals, or alloys thereof, by oxidation of physically intermingled combustible material. Operations in which there is a complete fusion of all such metals are not included in these types of operations such as in an electric induction furnace.
- 214** **MULTIPLE - CHAMBER STARVED - AIR INCINERATOR** - Any incinerator consisting of two or more refractory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts designed for maximum combustion of the material to be burned.
- 214.1** **Primary Chamber** - Initial compartment wherein the majority of waste volume reduction or heat treatment occurs by combustion. Primary chambers are operated at lower temperatures than secondary chambers or afterburners.
- 214.2** **Secondary Chamber** - Compartment which operates at excess air conditions wherein destruction of gas-phase combustion products occurs. Passage ports, ducts, flues, chimneys, or stacks with burners shall not be considered controlled secondary chambers unless the combustion zone exhibits design measures for the retention of the gas stream in the chamber, turbulence or mixing, and the availability of excess air as determined by engineering analysis.
- 215** **NIGHT BURNING** - Burning that occurs after sundown and before the following sunrise.
- 216** **OPERATIONAL TEST PERIOD** - A period of time (168 hours) during which the COMS is expected to operate within the established performance specifications without any unscheduled maintenance, repair or adjustment.
- 217** **PATHOLOGICAL WASTE** - Waste material that consists of only human or animal remains, anatomical parts and/or tissue, the bags/containers used to collect and transport the waste material, and animal bedding (if applicable).
- 218** **RESIDENCE TIME** - The average time that gases spend in a defined space, also known as bulk gas average residence time.

**SECTION 300 - STANDARDS**

- 301** **CONTROLS REQUIRED:** No ~~person~~ owner or operator shall burn any combustible refuse in any incinerator, within Maricopa County ~~except in an approved multiple-chamber incinerator, equipped with auxiliary fuel, or equipment equally effective for the purposes of air control pollution as an approved multiple-chamber incinerator~~ or perform metal salvage operations or remove materials utilizing a burn-off oven, or burn human or animal remains in a crematory except using the following air pollution control equipment:
- 301.1** **Incinerators:** Incinerators shall consist of a multiple-chamber incinerator that shall operate reach at least at a minimum temperature of 1600×F in the secondary chamber or afterburner, with a residence time of at least 1

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second in the secondary chamber or afterburner during the period of combustion in order to destruct the combustion products.

- 301.2** **Burn-Off Ovens:** Burn-off ovens shall consist of an oven with at least two chambers. The secondary compartment or afterburner shall operate at a minimum temperature of at least 1400°F with a residence time of at least 1/2 second during the period of combustion in order to destruct the combustion products.
- 301.3** **Crematories:** Crematories shall consist of an incinerator with at least two chambers. For an existing crematory, the secondary compartment or afterburner shall operate at a minimum temperature of at least 1400°F with a residence time of at least 1 second during the period of combustion in order to destruct the combustion products. For a new crematory, the secondary compartment or afterburner shall operate at a minimum temperature of at least 1600°F with a residence time of at least 1 second during the period of combustion in order to destruct the combustion products. The burner in the primary chamber shall not be ignited until the secondary chamber combustion zone temperature is equal to or greater than 800°F for existing crematories and 1000°F for new crematories.
- 301.4** **Alternate Operating Conditions:** If the manufacturer's optimum design specifications for the minimum temperature or residence time of a secondary chamber or afterburner at existing crematories are different than the temperatures or residence times set forth in Sections 301.1, 301.2 or 301.3 of this rule, the manufacturer's specifications may be used instead, providing that the owner or operator demonstrates compliance according to the test methods listed in Section 504 of this rule.
- 301.5** **Additional Operating Conditions for Cremating Large Bodies:** Alternate operating temperatures and special procedures may be required for the cremating of large bodies (over 300 lbs.) that are different than the temperatures or residence times in the afterburner set forth in Sections 301.1, 301.2, 301.3. These alternate times and temperatures may be used, providing that the owner or operator demonstrates compliance with the test methods listed in Section 504 of this rule.
- 302** ~~**PROHIBITION - NIGHTTIME BURNING:** No incinerator burning shall be conducted between sunset and the following sunrise.~~
- 302** **EMISSIONS STANDARD - OPACITY:** Notwithstanding the provisions of Regulation III, Rule 300 (Visible Emissions), no person shall cause, suffer, or allow the emission into the atmosphere from any incinerator, burn-off oven, or crematory, for an aggregate of more than 30 seconds in any 60 minutes, any air contaminant that exceeds 20 percent opacity.
- 303** ~~**OPERATING EQUIPMENT - PERFORMANCE TESTING:** No person shall burn combustible refuse in any incinerator until it has passed a performance test based on the emission standards in Sections 305 and 306 of this rule.~~
- 303** **EMISSIONS STANDARD- PARTICULATES:** No person shall cause, suffer, allow or permit the emission into the atmosphere from any incinerator, burn-off oven, crematory, particulate matter which exceeds 0.080 grain per cubic foot of dry flue gas at standard conditions adjusted to 7 percent oxygen (O<sub>2</sub>) in the exhaust gases and calculated as if no auxiliary fuel had been used.
- 304** ~~**INCINERATOR USE:** Approval of the use of an incinerator by the Control Officer is not intended to exempt the incinerator, its location or operation from the requirements of any public agency exercising proper jurisdiction.~~
- 304** **NIGHT BURNING:** If an owner or operator chooses to perform burning at night the following conditions shall be met:
- 304.1** No owner or operator of an incinerator, burn-off oven or crematory shall conduct burning after sundown and before sunrise unless a COMS is operating at all times during night burning.
- 304.2** The COMS shall be calibrated and maintained in accordance with EPA Performance Specification # 1 and shall be calibrated at least once per day if night burning is conducted. The COMS shall be located downstream from all particulate control equipment, where condensed water is not present, free of interference from ambient light (applicable only if transmissometer is responsive to ambient light) and accessible in order to permit routine maintenance in accordance with EPA Performance Specification #1.
- 304.3** No night burning shall be conducted until the owner or operator insures that a properly trained operator is present at all times. The operator shall be trained in proper operation and maintenance of the COMS as well as shutdown procedures of the incinerator, crematory or burn-off oven. Therefore if the COMS registers opacity readings that are above the opacity limitations in Section 302 of this rule, then the operator has the authority and capability to shut down the operation
- 305** ~~**LIMITATION - PARTICULATE EMISSIONS:** No person shall cause, suffer, allow or permit the emission into the atmosphere from any incinerator particulate matter which exceeds 0.1 grains per cubic foot (229 milligrams per cubic meter) of dry flue gas at standard conditions adjusted either to 12 percent carbon dioxide in the exhaust gases and calculated as if no auxiliary fuel had been used or to seven percent oxygen (O<sub>2</sub>).~~
- 305** **REQUIREMENTS FOR AIR POLLUTION CONTROL EQUIPMENT:** Any person incinerating or otherwise processing particulate emissions pursuant to this rule shall provide, properly install and maintain in cal-

ibration, in good working order and operation, devices that indicate temperatures, pressures, rates of flow, or other operating conditions necessary to determine if the air pollution control equipment is functioning properly and is properly maintained. Records shall be kept pursuant to Section 501 of this rule that demonstrate that air pollution control equipment meets the overall control standards required by Section 300 of this rule. If the air pollution control equipment consists of additional equipment other than an afterburner, such as a baghouse or venturi scrubber, then an Operation and Maintenance Plan shall be submitted for approval to the Control Officer for each additional control system.

**306** ~~**LIMITATION - VISIBLE EMISSIONS:** Notwithstanding the provisions of Regulation III, Rule 300 (Visible Emissions), no person shall cause, suffer, or allow the emission into the atmosphere from any incinerator for an aggregate of more than 30 seconds in any 60 minutes any air contaminant which is a shade or density darker than 20 percent opacity.~~

#### SECTION 400 - ADMINISTRATIVE REQUIREMENTS

**401** ~~**INFORMATION REQUIRED:** No incinerator shall be constructed, remodeled, installed or used until the following information, and any additional information the Control Officer may require, has been filed with and approved by the Control Officer, and then only in compliance with the requirements of these Regulations.~~

**401** ~~**COMPLIANCE SCHEDULE:** An owner or operator subject to this rule shall meet all applicable provisions of this rule by (insert 12 months after adoption). In addition:~~

**401.1** ~~Plans and specifications describing the capacity, amount and type of combustible refuse to be incinerated, proposed fuel, fire chamber and stack details, location of the incinerator with reference to adjacent premises, and auxiliary fuel controls.~~

**401.1** ~~An owner or operator subject to this rule shall inform the Control Officer of the intention to use any additional equipment to control emissions other than an afterburner by (insert 6 months after the date of adoption of this rule).~~

**401.2** ~~Procedures and equipment used to handle refuse and to charge the incinerator.~~

**401.2** ~~An owner or operator who plans to burn at night shall ensure that the COMS is installed properly according to design specifications, calibrated, and operated for a conditioning period of at least 168 hours minimum and an operational test period of 168 hours before night burning is performed.~~

**401.3** ~~Methods and equipment for preventing the discharge of contaminants into the ambient air.~~

**401.4** ~~Receptacles for storage and means of disposal of residue.~~

#### SECTION 500 - MONITORING AND RECORDS

**501** ~~**RECORDKEEPING:** The owner or operator of any incinerator subject to the provisions of this rule shall on each day of use record the total weight charged and the hours of operation. Recordkeeping requirements shall include the following types of information:~~

**501.1** ~~**Incinerators:** Daily records of the type of material to be incinerated, total weight charged, chamber temperatures (secondary chamber temperature at the time of the ignition of the primary chamber and the secondary chamber operating temperature) and dates and times of the day that the incinerator is operating.~~

**501.2** ~~**Burn-Off Ovens:** Daily records of the type of material to be burned, chamber temperatures (secondary chamber temperature at the time of the ignition of the primary chamber and the secondary compartment operating temperature) and dates and times of the day that the burn-off oven is operating.~~

**501.3** ~~**Crematories:** Daily records of the number of bodies cremated, chamber temperatures (secondary chamber temperature at the time of the ignition of the primary chamber and the secondary compartment operating temperature) and dates and times of the day that the crematory is operating. The owner or operator of an animal crematory shall account for either the weight of the animal charged or the number and type of remains charged. In addition, if a human or animal crematory burns a large body (over 300 lbs.), the approximate weight of the body and the operating conditions shall be noted.~~

**501.4** ~~**Night Burning:** If night burning is conducted, the owner or operator shall:~~

**a.** ~~Maintain a continuous record of opacity readings generated by the COMS. Records shall include all times that the meter is running properly. Records shall also indicate when the instrument is inoperative or has been adjusted or repaired.~~

**b.** ~~The date and time identifying each period during which the COMS was inoperative, except for zero and span checks, and the nature of system repair or adjustment shall be reported. The Control Officer may require proof of COMS performance whenever system repairs or adjustments, other than routine maintenance, have been made.~~

**c.** ~~A file of all data collected by the COMS or as necessary to convert monitoring data to the units of the applicable standard.~~

**501.5** ~~**Alternate Operating Conditions:** An owner or operator shall keep records of alternate temperatures and residence times, as stated in Sections 301.4 and 301.5, if used.~~

**502** ~~**COMPLIANCE DETERMINATION - TEST METHODS:** When more than one test method is permitted for a determination, an exceedance of the limits established in this rule determined by any of the applicable test methods constitutes a violation of this rule.~~

**502.1** ~~For determining total particulate matter, EPA Methods 1 through 5, or their EPA alternates approved by the~~

Control Officer, shall be used. Both carbon dioxide and oxygen measurements shall be obtained simultaneously with each Method 5 run.

**502.2**

Determination of visible emissions compliance shall be made by a certified emissions observer or by a continuous emission monitor which is maintained and calibrated in accordance with EPA Performance Specification #1 (40 CFR, Part 60, Appendix B). The observer shall be qualified as an expert visible emissions evaluator and so certified by the Arizona Department of Environmental Quality or by any other agency that is acceptable to the Control Officer.