



Maricopa County Air Quality Department
Substantive Policy Statement: SPS-2019-002-Rule 313
Incinerators, Burn-Off Ovens and Crematories
Nighttime Combustion Operations
Issue Date: December 2, 2019

Approved by:

A handwritten signature in blue ink, appearing to read "Philip A. McNeely".

Philip A. McNeely, Director

A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the county and does not impose additional requirements or penalties on regulated parties or include confidential information or rules or ordinances adopted pursuant to Arizona Revised Statutes (A.R.S.) Title 49 (The Environment), Chapter 3 (Air Quality). [A.R.S. §§ 11-1601(8), 49-471(17)]

If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement. [A.R.S. § 41-1033]

An applicant for a license subject to A.R.S. Title 11 (Counties), Chapter 11 (County Regulations), Article 1 (General Provisions) may request a county to clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement affecting the procurement of that license by providing the county with a written request that satisfies the requirements of A.R.S. § 11-1609(A). [A.R.S. § 11-1609]

I. Purpose

This substantive policy statement (SPS) provides an alternative to calibrating and maintaining a continuous opacity monitoring system (COMS) in accordance with EPA Performance Specification #1 and to calibrating a COMS at least once per day when choosing to operate an incinerator, crematory, or burn-off oven other than a parts reclamation unit at night.

II. Applicability

This SPS applies to an owner or operator, who chooses to operate an incinerator, crematory, or burn-off oven other than a parts reclamation unit at night.

III. Statutory Authority

- A. A.R.S. § 49-479 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 479-Rules; Hearing]
- B. A.R.S. § 49-480 [Title 49-The Environment, Chapter 3-Air Quality, Article 3-County Air Pollution Control, Section 480-Permits; Fees]

IV. Divisions Affected

- A. Compliance and Enforcement
- B. Permitting
- C. Travel Reduction Program and Outreach

V. Definitions

The following definitions are of terms used in this SPS and are verbatim from Rule 313 (Incinerators, Burn-Off Ovens and Crematories) revised May 9, 2012. Additional definitions can be found in Rule 313 revised May 9, 2012.

- A. **Burn-Off Oven** - A heating device intended to remove materials such as oils, greases, paints, coatings, rubber, lacquers, and insulation from other materials or parts by combustion or charring. [Rule 313, Section 202]
- B. **Continuous Opacity Monitoring System (COMS)** – The total equipment necessary for the determination of opacity which provides a permanent, uninterrupted record of opacity readings. [Rule 313, Section 204]
- C. **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 September 22, 2004, then it is an existing crematory. [Rule 313, Section 206]
- D. **Incinerator** - Any equipment used for the purpose of reducing the volume and mass by removing combustible matter by direct combustion or the combustion of waste gases from pyrolysis or gasification. Incinerator designs include single chamber and two-chamber. A two-chamber incinerator consists 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. An incinerator does not include devices such as open or screened barrels, drums, or process boilers. [Rule 313, Section 211]
- E. **Nighttime Combustion** - Combustion that occurs after sundown and before the following sunrise. [Rule 313, Section 214]
- F. **Parts Reclamation Unit** - A burn-off oven that combusts only paints, lacquers, and varnishes off of items (e.g., tools and equipment) so that these items can be reconditioned and reused. A burn-off oven used to remove plastic, insulation or rubber from items shall not be considered a parts reclamation unit. [Rule 313, Section 215]

VI. Discussion

Rule 313 (Incinerators, Burn-Off Ovens and Crematories) was originally written in 1988 and revised three times thereafter; the most recent revision occurring in 2012.

Historically, operating an incinerator at night has been prohibited, because it was difficult to determine emissions; however, when Rule 313 was revised in 2004, the rule provided an option for conducting nighttime combustion operations. Nighttime combustion operations can occur as long as an owner or operator complies with the following conditions:

- (1) Operates a COMS at all times during nighttime combustion operations
- (2) Calibrates and maintains the COMS in accordance with EPA Performance Specification #1 (40 CFR Part 60, Appendix B)
- (3) Calibrates the COMS at least once per day
- (4) Has a properly trained (in operation, maintenance and shutdown procedures) COMS operator present at all times during nighttime combustion operations
- (5) Determines visible emissions opacity by a COMS – not by a certified emissions observer

Technology has changed since 2012 and alternatives to calibrating and maintaining a COMS in accordance with EPA Performance Specification #1 and at least once per day are available.

VII. Procedures

The procedures described in (A)-(E) below are alternatives to Rule 313, Sections 304.1(a)(Nighttime Combustion-Incinerator, Crematory, or Burn-Off Oven Other Than a Parts Reclamation Unit) and 507.2. (Compliance Determination-Test Methods).

An owner or operator who chooses to conduct nighttime combustion operations is allowed to do so without complying with Rule 313, Sections 304.1(a) and 507.2, provided the owner or operator notifies the Maricopa County Air Quality Department (MCAQD) of its intentions by email at AQPermits@maricopa.gov and complies with the procedures described in (A)-(E) below.

The procedures described in (A)-(E) below do not exempt an owner or operator from complying with all other applicable requirements of Rule 313 (Incinerators, Burn-Off Ovens and Crematories).

If an owner or operator complies with this SPS, such owner and operator is still obligated to comply with all other applicable requirements of Rule 313.

If the conditions of this SPS are not met, then violations of any applicable sections of Rule 313 can be issued to the permit holder.

If an owner or operator has an Authority to Operate (ATO) under the General Permit for crematories, such owner or operator is already authorized to conduct nighttime combustion operations. However, if such owner or operator chooses to conduct nighttime combustion operations under this SPS, then the owner or operator must notify the MCAQD by email at AQPermits@maricopa.gov that the crematory will be operated at night under this SPS.

If an owner or operator has a Non-Title V permit and chooses to conduct nighttime combustion operations, then the owner or operator must submit to MCAQD a Non-Title V Minor Modification application and a \$200 application fee. The owner or operator may begin operating at night upon submission of the application and the fee.

- A. Instead of calibrating and maintaining a COMS in accordance with EPA Performance Specification #1 [Rule 313, Section 304.1(a)], an owner or operator shall calibrate and maintain a COMS in accordance with manufacturer's specifications.
- B. Instead of calibrating a COMS at least once per day [Rule 313, Section 304.1(a)], an owner or operator shall calibrate a COMS in accordance with manufacturer's specifications.
- C. Instead of locating a COMS 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) [Rule 313, Section 304.1(a)], an owner or operator shall locate a COMS in accordance with manufacturer's specifications.
- D. Instead of making a COMS accessible in order to permit routine maintenance in accordance with the test methods described in Rule 313, Section 507.2 [Rule 313, Section 304.1(a)], an owner or operator shall make a COMS accessible in order to permit routine maintenance in accordance with manufacturer's specifications.
- E. Instead of determining visible emissions by a continuous emission monitor, which is maintained and calibrated in accordance with EPA Performance Specification #1 (40 CFR, Part 60, Appendix B) [Rule 313, Section 507.2], an owner or operator shall determine visible emissions by a continuous emission monitor, which is maintained and calibrated in accordance with manufacturer's specifications.

VIII. References

- A. Maricopa County Air Pollution Control Regulations, Rule 313 (Incinerators, Burn-Off Ovens and Crematories) revised May 9, 2012

IX. Revision History

Version	Date	Description
1.	12-02-2019	Initial version
2.		
3.		